

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/NE-TK/851**

- Applicant** : Kelly Animals Shelter Co. Ltd. represented by Honest Land Surveys Company
- Site** : Various Lots in D.D. 17, Ting Kok, Tai Po
- Site Area** : About 2,278m<sup>2</sup>
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/19
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Animal Boarding Establishment with Ancillary Facilities and Associated Filling of Land for a Period of Three Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary animal boarding establishment with ancillary facilities and associated filling of land for a period of three years at the application site (the Site) falling within an area zoned “AGR” on the OZP (**Plan A-1**). According to the Notes of the OZP for the “AGR” zone, ‘Animal Boarding Establishment’ which is a Column 2 use and filling of land require planning permission from the Town Planning Board (the Board). The Site is currently largely vacant and covered with wild grass (**Plan A-4**).
- 1.2 The Site is accessible via a local track leading to Ting Kok Road (**Plan A-2**). According to the applicant, the proposed use comprises 37 single-storey container-converted structures (about 6.06m (L) x 2.44m (W) each) of not more than 2.9m in height, providing a total floor area of about 547.6m<sup>2</sup>. Among which, 31 structures are for enclosed animal kennels comprising 167 cubicles, and the remaining six structures are for ancillary staff rest room/quarter, meeting room, storage rooms and washroom (**Drawing A-1**). While an exclusive access road of about 5m wide ramping down from the local track at the east (about +8.8mPD) to the Site (about +7.0mPD to +7.5mPD) is proposed (**Drawing A-2**), one private car parking space (5m (L) x 2.5m (W)) and one loading/unloading (L/UL) space for light goods vehicle (7m (L) x 3.5m (W)) will be provided near the proposed ingress/egress at the eastern portion of the Site (**Drawing A-1**). The Site will be fenced off (except for the proposed access road), and the operation hours of the proposed use will be between 9:00 a.m. and 8:00 p.m. daily (except for overnight

animal boarding service). The proposed use is anticipated to accommodate a maximum of 180 dogs and 10 cats which will be abandoned/stray animals. All animal kennels are enclosed and equipped with soundproofing materials and 24-hour mechanical ventilation and air-conditioning systems. Any outdoor activities for dogs within the Site will be under the supervision of staff/owners, whereas all dogs will be kept within enclosed kennels from 6:00 p.m. to 9:00 a.m.. No public announcement system and whistle blowing will be allowed at the Site. Two staff will work at the Site during day time and one staff will stay overnight to take care of the animals. Advanced booking will be required to access the Site, and a maximum of four visitors per day are anticipated. The layout plan submitted by the applicant is shown in **Drawing A-1**.

- 1.3 The applicant also applies for proposed filling of land at the entire Site with concrete of about 0.2m to 0.3m in depth for site formation of structures, pedestrian/vehicle circulation and parking/L/UL spaces. The land filling plan submitted by the applicant is shown in **Drawing A-2**. In addition, drainage and sewerage facilities on site are proposed to connect with public drains and sewers along Ting Kok Road.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 5.1.2026 (**Appendix I**)
  - (b) Supplementary Information (SI) received on 14.1.2026 (**Appendix Ia**)
  - (c) Further Information (FI) received on 30.1.2026 and 2.2.2026\* (**Appendix Ib**)
  - (d) FI received on 4.2.2026# (**Appendix Ic**)
  - (e) FI received on 4.3.2026\* (**Appendix Id**)

# *accepted but not exempted from publication and recounting requirements*

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## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Application Form, SI and FIs at **Appendices I to Id**, as summarised below:

- (a) being a charitable institution under Section 88 of the Inland Revenue Ordinance (Cap. 112), the applicant has been striving to rescue and shelter abandoned/stray animals, as well as to promote the positive value of respecting life and caring for animals to the public since 2008. The applicant would, as far as capable, accept abandoned/stray animals regardless of their age and health conditions. For animals that are not subsequently adopted, the applicant would continue to take care of them until their death;
- (b) the applicant was previously requested by the land owner to vacate the site at Lau Fau Shan, and therefore its operation was moved to San Tin. However, the current site at San Tin falls within a private lot to be resumed by the Government for the San Tin Technopole Phase 2 development. As such, an alternative site is required to continue the operation;

- (c) the proposed use with some distance from residential dwellings will not be incompatible with the surrounding areas comprising abandoned agricultural land and cycling tracks, and the proposed use in temporary nature will not affect the long-term planning intention of the “AGR” zone;
- (d) the open area at the northeastern portion of the Site (i.e. between Containers A and C as shown in **Drawing A-1**) will be used for dog-walking, and the existing containers encroaching onto the Site will be removed during site formation stage;
- (e) the applicant is committed to comply with the requirements under ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (COP) and relevant Professional Persons Environmental Consultative Committee Practice Notes, and to obtain permission as required under the Water Pollution Control Ordinance for sewage discharge before operation; and
- (f) hygiene of animal kennels will be properly maintained by provision of facilities for discharging additional water and handling leftovers of animal food, dead bodies and used blankets; regular clearance of animal excrements through disposal outside the Site by staff; monitoring of any other birds and mammals entering the Site; and pest control.

**3. Compliance with the “Owner’s Consent/Notification” Requirements**

The applicant is not a “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by obtaining consent from the “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

**4. Background**

The Site is currently not subject to any active planning enforcement action.

**5. Previous Application**

The Site is not the subject of any previous application.

**6. Similar Application**

There is no similar application for the same use within the same “AGR” zone in the vicinity of the Site in the past five years.

**7. The Site and Its Surrounding Areas (Plans A-1 to A-4)**

7.1 The Site is:

- (a) currently largely vacant and covered with wild grass; and
  - (b) accessible via a local track leading to Ting Kok Road.
- 7.2 The surrounding areas are predominantly rural in character comprising vacant/unused land, active/fallow agricultural land, vegetated areas, village houses, plant nursery, storage and temporary structures. To its northeast is the village proper of Lo Tsz Tin (**Plan A-1**). To the immediate south are roadside trees along Ting Kok Road (**Plan A-4**).

## **8. Planning Intention**

- 8.1 The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.
- 8.2 According to the Explanatory Statement of the OZP, as filling of land within the “AGR” zone may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities.

## **9. Comments from Relevant Government Departments**

All government departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided at **Appendices II** and **III** respectively.

## **10. Public Comments Received During Statutory Publication Periods**

- 10.1 On 16.1.2026 and 13.2.2026, the application and FI submitted by the applicant were published for public inspection. During the statutory public inspection periods, a total of 493 public comments were received (**Appendix IV**).
- 10.2 Among which, 437 comments from individuals support the application mainly on the following grounds:
- (a) the proposed use is not incompatible with the surrounding areas, whereas the applicant is advised to conform with the conditions and requirements required by relevant government departments. Given that the applicant would reinstate the Site after the expiry of planning permission, irreversible impact would not be caused;
  - (b) the applicant is a charity striving to promote animal care, with fruitful experiences in running animal accommodation for many years. While relocation of the current operation is urgently required, the Site could provide a suitable location to accommodate abandoned/stray animals. Private operation of animal accommodation would help lessen the burden of the Agriculture, Fisheries and Conservation Department; and

- (c) animal rights and welfare should be protected, and the proposed use could serve educational purpose for promoting the values of lives, respecting and loving animals and encouraging the responsibilities of animal care. While there is a lack of spaces for animals and their owners in Hong Kong, reference could be made to other cities in the Mainland in terms of maintaining animal-friendly environments.

10.3 56 comments from individuals and village representatives<sup>1</sup> object to the application mainly on the following grounds:

- (a) the proposed use is not in line with the planning intention of the “AGR” zone, and it is unlikely to operate for three years only. While agricultural land should not be altered for other uses, approval of the application would set an undesirable precedent for similar applications in the future, causing irreversible damage on the greenery environment and changing actual use of the land;
- (b) the Site near Ting Kok Road is not suitable for the proposed use, as noise from human and vehicles would pose stress on dogs within enclosed structures. Sites planned for industrial purpose with adequate supporting facilities should be considered instead;
- (c) the proposed use is incompatible with the quiet and green/natural rural environment comprising low-density developments and recreational spots, and containers at the Site would induce adverse visual and landscape impacts. Public enjoyment of local recreational spots (e.g. Lung Mei Beach (**Plan A-1**)) would be compromised. In addition, there is clearance of trees and vegetation without approval, and filling of land at the entire Site is suspected to allow parking and brownfield operation. Technical assessments in visual, air quality and ventilation aspects have not been provided;
- (d) noise from dogs would cause nuisance to nearby local residents (especially during night time), and local hygiene would also be affected due to smell from animals and their excrements and pests from animal food. Waste generated by the proposed use would overburden refuse collection point(s). While drainage and sewerage would be overloaded and polluted, absence of waste collection and disposal system would lead to environmental issues. The actual impacts of the proposed use would be difficult to be managed; and
- (e) adverse traffic impacts and road safety concerns would be caused in the view of increased traffic flows, and the local access road(s) would be used to facilitate its operation. Escape of animals from the Site in case of opened/damaged fencing would lead to traffic collision and safety hazards to pedestrians and cyclists. Moreover, large-scale animal facilities should follow evacuation, fire safety and emergency vehicular access requirements to handle accidents.

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<sup>1</sup> Among which, three comments are under three letters with six, 20 and 36 signatures respectively.

## 11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary animal boarding establishment with ancillary facilities and associated filling of land for a period of three years at the Site which is zoned “AGR” on the OZP (**Plan A-1**). While the proposed use is not entirely in line with the planning intention of the “AGR” zone, the Director of Agriculture, Fisheries and Conservation (DAFC) has no strong view on the application from agricultural perspective. Taking into account the above and the planning assessments below, there is no objection to the proposed use with associated filling of land on temporary basis of three years.
- 11.2 The application involves filling of land at the entire Site with concrete of about 0.2m to 0.3m in depth for site formation of structures, pedestrian/vehicle circulation and parking/L/UL spaces. Filling of land within the “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the adjacent areas. In this regard, the Chief Engineer/Mainland North of Drainage Services Department and Director of Environmental Protection have no objection to or no adverse comment on the application from public drainage and environmental planning perspectives respectively. As the Site is zoned “AGR”, an approval condition requiring the reinstatement of the Site upon expiry of the planning permission so as to uphold the planning intention of the “AGR” zone and restore the greenery of the area is recommended should the Rural and New Town Planning Committee (the Committee) of the Board decide to approve the application.
- 11.3 The Site is currently largely vacant and covered with wild grass (**Plan A-4**). The proposed use is not incompatible with the surrounding areas which are predominantly rural in character comprising vacant/unused land, fallow/active agricultural land, vegetated areas, village houses, plant nursery, storage and temporary structures (**Plans A-2 and A-3**). The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective and advises that significant adverse landscape impact arising from the proposed use is not anticipated.
- 11.4 Other concerned government departments consulted including the Commissioner for Transport, Chief Engineer/Construction of Water Supplies Department, Director of Fire Services and Director of Food and Environmental Hygiene have no objection to or no adverse comment on the application from traffic, water supply, fire safety and environmental hygiene aspects respectively. To address the technical requirements of the concerned government departments, relevant approval conditions and advisory clauses are recommended in paragraph 12.2 below and **Appendix III** respectively. Should the application be approved, the applicant will be advised to follow the relevant mitigation measures and requirements in the COP and to meet the statutory requirements under relevant pollution control ordinances. The applicant will also be advised that, under the Public Health (Animals) (Boarding Establishment) Regulations (Cap. 139I), any person who provides food and accommodation for animals in return for a fee paid by the owner must apply for a Boarding Establishment Licence from DAFC.

- 11.5 Regarding the public comments as detailed in paragraph 10 above, the government departments' comments and planning assessments above are relevant.

## **12. Planning Department's Views**

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10 above, PlanD has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of three years until 27.3.2029. The following approval conditions and advisory clauses are suggested for Members' reference:

### Approval Conditions

- (a) the submission of a revised drainage proposal before the commencement of any operation and land filling works to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (b) in relation to (a) above, the implementation of the revised drainage proposal before the commencement of any operation and land filling works to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (c) in relation to (b) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (d) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 27.9.2026;
- (e) in relation to (d) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 27.12.2026;
- (f) if any of the above planning condition (a) or (b) is not complied with before the commencement of any operation and land filling works, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (g) if the above planning condition (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (h) if any of the above planning condition (d) or (e) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and

- (i) upon the expiry of the planning permission, the reinstatement of the Site, including the removal of fill materials and hard paving, and grassing of the Site to the satisfaction of the Director of Planning or of the Town Planning Board.

### Advisory Clauses

The Recommended Advisory Clauses are at **Appendix III**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the proposed use with associated filling of land is not in line with the planning intention of the "AGR" zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.

## **13. Decision Sought**

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

## **14. Attachments**

<b>Appendix I</b>	Application Form with attachments received on 5.1.2026
<b>Appendix Ia</b>	SI received on 14.1.2026
<b>Appendix Ib</b>	FI received on 30.1.2026 and 2.2.2026
<b>Appendix Ic</b>	FI received on 4.2.2026
<b>Appendix Id</b>	FI received on 4.3.2026
<b>Appendix II</b>	Government Departments' General Comments
<b>Appendix III</b>	Recommended Advisory Clauses
<b>Appendix IV</b>	Public Comments
<b>Drawing A-1</b>	Layout Plan submitted by the Applicant
<b>Drawing A-2</b>	Land Filling Plan submitted by the Applicant
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
MARCH 2026**