

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/1223

- Applicant** : Mr TANG Wai Ip represented by Mr TANG Wing Yat Tommy
- Site** : Lot 1344 in D.D 107, Kam Tin North, Yuen Long
- Site Area** : About 1,520m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/11
- Zoning** : “Agriculture” (“AGR”)
- Application** : Temporary Animal Boarding Establishment with Ancillary Facilities and Associated Filling of Land for a Period of Five Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary animal boarding establishment with ancillary facilities and associated filling of land for a period of five years at the application site (the Site), which falls 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 mostly hard-paved with a minor portion covered by trees, and partly occupied by temporary structures for the applied use without valid planning permission (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from Fung Kat Heung Road via a local track (**Plans A-1 to A-3**). According to the applicant, the applied use involves eight single-storey structures with heights of not more than 3.5m and a total floor area of about 558.5m² for animal boarding establishment, site office, staff lounge and electric meter room (**Drawing A-1**). The applicant also applies for regularisation of filling of land for about 1,483.4m² (about 97.6% of the Site) with concrete of not more than 0.3m in depth (to a level of about 23.5mPD) for site formation and vehicular circulation (**Drawing A-2**). The remaining unpaved area of about 36.6m² (about 2.4% of the Site) are currently used as landscape area for eight existing trees which will be retained under the current application. Four parking spaces for private car and one loading/unloading space for light goods vehicle are provided at the Site. The applied use will accommodate not more than 50 dogs, and all dogs will be kept inside the enclosed boarding structures built with

soundproofing materials and equipped with mechanical ventilation and air conditioning systems. A 2.5m high solid wall is erected along the boundary of the Site. No public announcement system, portable loud speaker or any form of audio amplification system will be used and no domestic use will be involved at the Site at all times. A maximum of four staffs will be deployed at the Site during the operation hours to support the operation. The applied use operates from 9:00 a.m. to 6:00. p.m. daily except for overnight animal boarding services, including Sundays and public holidays. Plans showing the site layout and land filling area submitted by the applicant are on **Drawings A-1** and **A-2** respectively.

1.3 The Site is the subject of two previous applications (details at paragraph 5 below), including the last application No. A/YL-KTN/757 for the same use submitted by the same applicant as the current application which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2021, and the planning permission lapsed on 30.4.2026. Compared with the last application, the current application is the same in terms of layout and development parameters, but with regularisation of filling of land.

1.4 In support of the application, the applicant has submitted the following documents:

- (a) Application Form with attachments received on 30.3.2026 (**Appendix I**) and 9.4.2026
- (b) Further Information (FI) received on 15.5.2026* (**Appendix Ia**)

** accepted and exempted from publication and recounting requirements*

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form and FI at **Appendices I** and **Ia**, and can be summarised as follows:

- (a) the applied use is intended to provide animal boarding services to serve the nearby locals. The temporary nature of the applied use would not jeopardise the long-term planning intention of the “AGR” zone. The applied use is compatible with the surrounding areas;
- (b) the applied regularisation of filling of land is to meet the operational needs. The applied use will generate infrequent trips. Adverse impacts arising from the applied use are not anticipated; and
- (c) the approval conditions under the previous application had been complied with. In support of the current application, the applicant has submitted records of existing drainage facilities, fire service installations (FSIs) proposal, and a set of Certificates of Fire Service Installation and Equipment (FS 251) for the implemented FSIs.

3. Compliance with the ‘Owner’s Consent/Notification’ Requirements

The applicant is not a ‘current land owner’ but has complied with the requirement 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 posting site notice and sending notice to the Kam Tin Rural Committee. 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. Subject to collection of sufficient evidence, appropriate enforcement action under the Town Planning Ordinance will be undertaken.

5. Previous Applications

The Site is the subject of two previous applications (No. A/YL-KTN/623 and 757) for the same use submitted by the same applicant as the current application. The two applications were approved with conditions by the Committee for a period of three years in 2018 and for a period of five years in 2021 respectively, mainly on the considerations that the proposed/applied use on a temporary basis would not jeopardise the long-term planning intention of the "AGR" zone; the proposed/applied use was not incompatible with the surrounding areas; and the relevant government departments consulted generally had no adverse comments or the concerns could be addressed by approval conditions. The planning permission under application No. A/YL-KTN/623 was revoked in 2020 due to non-compliance with approval conditions and that under application No. A/YL-KTN/757 lapsed on 30.4.2026. Compared with the last application No. A/YL-KTN/757, the current application is the same in terms of layout and development parameters, but with regularisation of filling of land. Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

6. Similar Applications

6.1 There are 25 similar applications for temporary animal boarding establishment (including 24 with filling of land; and one also involves place of recreation, sports or culture) within the same "AGR" zone in the vicinity of the Site in the past five years. All these applications were approved with conditions by the Committee between 2021 and 2025 mainly on the similar considerations as mentioned in paragraph 5 above. Details of the similar applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

6.2 A similar application (No. A/YL-KTN/1164) for temporary place of recreation, sports or culture and animal boarding establishment with filling of land within the same "AGR" zone will be considered at the same meeting.

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

7.1 The Site is:

- (a) mostly hard-paved with a minor portion covered by trees, and partly occupied by temporary structures for the applied use without valid planning permission; and
 - (b) accessible from Fung Kat Heung Road via a local track.
- 7.2 The surrounding areas are rural in character with an intermix of animal boarding establishment (with valid planning permission), open storage/storage yards, parking of vehicles, scattered residential structures, woodland and vacant land to the southwest within the same “AGR” zone of the Site. To the east/southeast across a watercourse are woodland and burial grounds within a “Conservation Area” (“CA”), and to the northwest across a local track are mainly woodland and a monastery within another “CA” zone. Lam Tsuen Country Park is in the northeast.

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 for the “AGR” zone, as filling of land 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, if any, are provided at **Appendices III and IV** respectively.

10. Public Comment Received During Statutory Publication Period

On 10.4.2026, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual raising queries on the status of the approval conditions under the previous application and the validity of the submitted Certificates of FSI and Equipment (FS 251) (**Appendix V**).

11. Planning Considerations and Assessments

- 11.1 The application is for temporary animal boarding establishment with ancillary facilities and associated filling of land for a period of five years at the Site zoned “AGR” (**Plan A-1**). Whilst the applied use is not entirely in line with the planning intention of the “AGR” zone, the Director of Agriculture, Fisheries and Conservation 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 applied use with associated filling of land on a temporary basis of five years.

- 11.2 Filling of land in the “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the surrounding areas. In this regard, the Chief Engineer/Mainland North of Drainage Services Department and Director of Environmental Protection have no objection to the application from 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 Committee decide to approve the application.
- 11.3 The applied use is considered not incompatible with the surrounding areas which are rural in character with an intermix of animal boarding establishment, open storage/storage yards, parking of vehicles, scattered residential structures, a monastery, woodland and vacant land as well as Tai Lam Country Park. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective and considers that the applied use is not entirely incompatible with the landscape setting in the vicinity and significant adverse landscape impact arising from the applied use is not anticipated.
- 11.4 Other relevant government departments consulted, including the Commissioner for Transport and Director of Fire Services, have no objection to or no adverse comment on the application. To address the technical requirements of concerned departments, appropriate approval conditions are recommended in paragraph 12.2 below. It is also recommended to advise the applicant to follow the revised ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ to minimise any potential environmental nuisance caused by the applied use.
- 11.5 As mentioned in paragraph 5 above, the Site is the subject of two approved previous applications (No. A/YL-KTN/623 and 757) for the same use submitted by the same applicant as the current application. For the last application (No. A/YL-KTN/757), all approval conditions had been complied with and the planning permission lapsed on 30.4.2026. Besides, there are 25 approved similar applications within the same “AGR” zone in the vicinity of the Site in the past five years as mentioned in paragraph 6.1 above. Approving the current application is in line with the Committee’s previous decisions.
- 11.6 Regarding the public comment as mentioned in paragraph 10, the departmental comments and planning assessments above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comment 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 five years until 22.5.2031. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission of a revised record of the existing drainage facilities within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 22.8.2026;
- (b) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (c) the submission of a revised 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 22.11.2026;
- (d) in relation to (c) above, the implementation of the revised 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 22.2.2027;
- (e) if the above planning condition (b) 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;
- (f) if any of the above planning condition (a), (c) or (d) 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
- (g) upon expiry of the planning permission, the reinstatement of the site, including the removal of hard paving and fill materials 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 IV**.

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

the applied 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

Appendix I	Application Form with attachments received on 30.3.2026 and 9.4.2026
Appendix Ia	FI received on 15.5.2026
Appendix II	Previous and similar applications
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Appendix V	Public Comment
Drawing A-1	Site layout plan
Drawing A-2	Land filling plan
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
MAY 2026**