

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTS/1127

- Applicant** : Yau Ming Development Company Limited
- Site** : Lot 1812 S.I ss.1 S.A ss.1 in D.D. 106, Kam Tin South, Yuen Long
- Site Area** : About 240m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/15
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Animal Boarding Establishment 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 (ABE) and associated filling of land for a period of three 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 currently fenced-off, covered by overgrown vegetation and erected with a vacant temporary structure (**Plans A-2 to A-4**).
- 1.2 The Site is accessible from Kam Sheung Road or Pat Heung Road via local tracks (**Plans A-1 to A-3**). According to the applicant, the proposed use involves two single-storey structures with a height of not more than 4m and a total floor area of about 98.75m² for ABE and ancillary office and toilet (**Drawing A-1**). The proposed use will accommodate no more than 50 animals (20 dogs and 30 cats) at a time. The operation hours will be 9:00 a.m. to 7:00 p.m daily including public holidays, with 24-hour animal boarding services. No visitors will be allowed. All animals staying overnight will be kept inside the enclosed structures fitted with soundproof materials, mechanical ventilation and air conditioning systems beyond the operation hours (i.e. 7:00 p.m. to 9:00 a.m.), and two staff members will stay overnight to manage the boarding services. No public announcement system will be used and no quarantine station or lairage for animals will be provided at the Site at all times. Metal or wooden fencing of 2.4m in height will be erected along the

site boundary to minimise potential nuisance to the surrounding areas. An underground septic tank will be provided within the Site¹. One parking space for private car will be provided within the Site and no vehicles exceeding 5.5 tonnes are allowed to enter/park at the Site. Sufficient manoeuvring space will also be provided within the Site to ensure that no vehicle will turn back onto the local access.

1.3 The applicant also applies for filling of land for the entire Site with concrete or asphalt of not more than 0.2m in depth up to a level of +22.4mPD for site formation of structures and vehicular circulation. The site layout plan which also shows the extent of land filling submitted by the applicant is at **Drawing A-1**.

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

- (a) Application Form with attachments and **(Appendix I)** Supplementary Information (SI) received on 22.4.2026 and 24.4.2026 respectively
- (b) Further Information (FI) received on 2.6.2026* **(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 to Ib**. They can be summarised as follows:

- (a) The proposed use is temporary in nature and will not frustrate the long-term planning intention of the “AGR” zone and is not incompatible with the surrounding areas. There are also similar applications within the “AGR” zone of the OZP.
- (b) A member of the applicant holds an exemption from holding an Animal Trader Licence issued by Agriculture, Fisheries and Conservation Department. The proposed use is to provide convalescent space for Trap-Neuter-Return animals, thus large activity space is not required. The applicant will establish and maintain a regular programme to control insects, ectoparasites, birds and mammalian pests, as well as to disinfect the ABE.
- (c) The proposed use will not result in adverse traffic, environmental and drainage impacts on the surrounding areas. The applicant will comply with all environmental protection/pollution control ordinances and strictly follow the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (‘CoP’). In support of the application, the applicant has submitted drainage and fire service installations (FSIs) proposals.

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

The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

¹ It requires excavation of land with an area of 2m² and a depth of 1m.

4. Background

The Site is not subject to any active enforcement action.

5. Previous Application

The Site is not the subject of any previous application.

6. Similar Applications

There are six similar applications (No. A/YL-KTS/906, 953, 992, 1019, 1052 and 1065) covering four sites for temporary ABE with/without eating place and with/without associated filling of land within the same “AGR” zone in the vicinity of the Site in the past five years (including one for renewal of planning permission granted). All applications were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board between 2021 and 2025 each for a period of three years or five years, mainly on the considerations that the temporary approval would not frustrate the long-term planning intention; the proposed/applied use was not incompatible with the surroundings; there was no change in planning circumstances (for renewal application); and the relevant government departments consulted in general had no adverse comment or their concerns could be addressed by relevant approval conditions. Details of the similar applications are summarised in **Appendix II** and their locations are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) accessible from Kam Sheung Road or Pat Heung Road via local tracks; and
- (b) currently fenced-off, covered by overgrown vegetation and erected with a vacant temporary structure.

7.2 The surrounding areas are rural in character comprising mainly fallow agricultural land, ABE (with valid planning permission), scattered residential structures, cultivation land, plant nursery, parking of vehicles, vehicles workshop, warehouse, grassland and vacant land.

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 in **Appendices III and IV** respectively.

10. Public Comments Received During Statutory Publication Period

On 28.4.2026, the application was published for public inspection. During the statutory public inspection period, two public comments were received from the Kadoorie Farm and Botanic Garden Corporation and an individual, both objecting to the application mainly on the grounds that the proposed use is not in line with the planning intention of the “AGR” zone; the application is to pave way for warehouse use; there are active agricultural activities and residential use in the proximity of the Site; and there is concern about the potential conflict with the proposed Agricultural Priority Area (**Appendix V**).

11. Planning Considerations and Assessments

11.1 The application is for proposed temporary ABE and associated filling of land for a period of three years at the Site which is zoned “AGR” (**Plan A-1**). Whilst the proposed use is not 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 and no comment from nature conservation perspective. In view of the above and taking into account the planning assessments below, there is no objection to the proposed use with associated filling of land on a temporary basis for a period of three years.

11.2 The applicant also applies for filling of land for the entire Site with concrete or asphalt of not more than 0.2m in depth for site formation of structures and vehicular circulation. 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 proposed use is considered not incompatible with the surrounding areas which are rural in character comprising mainly fallow agricultural land, ABE, scattered residential structures, cultivation land, plant nursery, parking of vehicles, vehicles workshop, warehouse, grassland and vacant land (**Plan A-2**). 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 proposed use is not entirely incompatible with the landscape setting in the proximity and significant adverse landscape impact arising from the proposed use is not anticipated.

- 11.4 Other concerned government departments consulted, including the Commissioner for Transport, Director of Fire Services, and Director of Food and Environmental Hygiene 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. The applicant will also be advised to follow the 'CoP' issued by the Environmental Protection Department and other relevant environmental guidelines and legislation in order to minimise any potential environmental nuisance caused by the proposed use on the surrounding areas.
- 11.5 There are six approved similar applications within the same "AGR" zone in the vicinity of the Site in the past five years as mentioned in paragraph 6 above. Approving the current application is in line with the Committee's previous decisions.
- 11.6 Regarding the public comments as mentioned in paragraph 10 above, the planning assessments and departmental comments above are relevant. Any unauthorized development on the Site would also be subject to planning enforcement action.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comments mentioned in paragraph 10, 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 5.6.2029. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission of a revised drainage proposal within **6** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 5.12.2026;
- (b) in relation to (a) above, the implementation of the revised drainage proposal within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 5.3.2027;
- (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 5.12.2026;

- (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 5.3.2027;
- (f) 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;
- (g) if any of the above planning condition (a), (b), (d) and (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
- (h) 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 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

- Appendix I** Application Form with Attachments and SI received on 22.4.2026 and 24.4.2026 respectively
- Appendix Ia** FI received on 2.6.2026

Appendix II	Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photo

**PLANNING DEPARTMENT
JUNE 2026**