

Previous s.16 Applications covering the Application Site (the Site)

Approved Applications

	Application No.	Use/Development	Date of Consideration
1.	A/YL-KTN/232	Animal Boarding Establishment	29.7.2005 (on temporary basis for a period of 3 years) [revoked on 29.1.2006]
2.	A/YL-KTN/251	Animal Boarding Establishment and Ancillary Facilities	7.7.2006 (on temporary basis for a period of 2 years)
3.	A/YL-KTN/304	Animal Boarding Establishment with Ancillary Facilities	19.9.2008 (on temporary basis for a period of 3 years) [revoked on 6.8.2022]
4.	A/YL-KTN/377	Temporary Animal Boarding Establishment with Ancillary Facilities for a period of Five Years	30.3.2012 [revoked on 30.9.2012]
5.	A/YL-KTN/410	Temporary Animal Boarding Establishment with Ancillary Facilities for a Period of Five Years	17.1.2014 [revoked on 17.7.2014]
6.	A/YL-KTN/489	Temporary Animal Boarding Establishment with Ancillary Facilities for a Period of Three Years	5.2.2016
7.	A/YL-KTN/639	Renewal of Planning Approval for Temporary Animal Boarding Establishment with Ancillary Facilities for a Period of Three Years	1.2.2019 [revoked on 6.5.2021]
8.	A/YL-KTN/724	Temporary Animal Boarding Establishment with Ancillary Facilities for a Period of Three Years	23.10.2020 [revoked on 23.3.2023]

Similar s.16 Applications within the Same “Agriculture” Zone in the Vicinity of the Site in the Past Five Years

Approved Applications

	Application No.	Use/Development	Date of Consideration
1.	A/YL-KTN/763	Temporary Animal Boarding Establishment for a Period of Five Years and Filling of Land	10.9.2021 [revoked on 10.3.2023]
2.	A/YL-KTN/781	Temporary Animal Boarding Establishment for a Period of Three Years and Filling of Land	10.9.2021 [revoked on 10.3.2023]
3.	A/YL-KTN/789	Proposed Temporary Animal Boarding Establishment for a Period of Five Years and Filling of Land	24.12.2021 [revoked on 24.3.2024]
4.	A/YL-KTN/807	Proposed Temporary Animal Boarding Establishment for a Period of Five Years and Filling of Land	28.1.2022 [revoked on 28.4.2024]
5.	A/YL-KTN/811	Temporary Animal Boarding Establishment for a Period of Three Years and Filling of Land	3.2.2023 [revoked on 3.8.2024]
6.	A/YL-KTN/814	Proposed Temporary Animal Boarding Establishment for a Period of Five Years and Filling of Land	3.2.2023 [revoked on 3.11.2024]
7.	A/YL-KTN/815	Proposed Temporary Animal Boarding Establishment for a Period of Five Years and Filling of Land	18.2.2022 [revoked on 18.5.2024]
8.	A/YL-KTN/822	Proposed Temporary Animal Boarding Establishment (Dog Training Ground) with Ancillary Facilities for a Period of Three Years and Filling of Land	23.9.2022 [revoked on 23.9.2023]
9.	A/YL-KTN/845	Proposed Temporary Animal Boarding Establishment (Cattery) for a Period of Three Years and Filling of Land	12.8.2022
10.	A/YL-KTN/851	Proposed Temporary Animal Boarding Establishment for a Period of Five Years and Filling of Land	9.9.2022 [revoked on 9.6.2025]
11.	A/YL-KTN/854	Proposed Temporary Animal Boarding Establishment for a Period of Five Years and Filling of Land	13.1.2023 [revoked on 13.10.2024]
12.	A/YL-KTN/869	Proposed Temporary Animal Boarding Establishment with Ancillary Facilities for a Period of Five Years and Filling of Land	13.1.2023 [revoked on 13.1.2024]
13.	A/YL-KTN/870	Proposed Temporary Animal Boarding Establishment with Ancillary Facilities for a Period of Five Years and Filling of Land	13.1.2023 [revoked on 13.1.2024]

	Application No.	Use/Development	Date of Consideration
14.	A/YL-KTN/871	Proposed Temporary Animal Boarding Establishment with Ancillary Facilities for a Period of Five Years and Filling of Land	13.1.2023 [revoked on 13.1.2024]
15.	A/YL-KTN/903	Proposed Temporary Animal Boarding Establishment with Ancillary Facilities for a Period of Five Years and Filling of Land	19.5.2023 [revoked on 19.5.2024]
16.	A/YL-KTN/908	Proposed Temporary Animal Boarding Establishment with Ancillary Facilities for a Period of Five Years and Filling of Land	9.6.2023 [revoked on 9.12.2023]
17.	A/YL-KTN/916	Temporary Animal Boarding Establishment (Dog Training Ground) with Ancillary Facilities for a Period of Five Years and Filling of Land	23.6.2023 [revoked on 23.3.2024]
18.	A/YL-KTN/1058	Temporary Animal Boarding Establishment with Ancillary Facilities for a Period of Five Years and Associated Filling of Land	6.6.2025
19.	A/YL-KTN/1074	Temporary Place of Recreation, Sports or Culture and Animal Boarding Establishment with Ancillary Facilities for a Period of Three Years and Associated Filling of Land	15.8.2025
20.	A/YL-KTN/1164	Temporary Place of Recreation, Sports or Culture and Animal Boarding Establishment with Ancillary Facilities and Associated Filling of Land and Pond for a Period of Three Years	22.5.2026

Government Departments' General Comments

1. Traffic

Comments of the Commissioner for Transport:

- no adverse comment on the application from traffic engineering perspective; and
- advisory comments are at **Appendix IV**.

Comments of the Chief Highway Engineer/New Territories West, Highways Department:

- no in-principle objection to the application from highways maintenance point of view;
- according to the applicant, no parking space and one loading/unloading space will be provided at the Site; and
- advisory comments are at **Appendix IV**.

2. Drainage

Comments of the Chief Engineer/Mainland North, Drainage Services Department:

- no in-principle objection to the application from drainage point of view;
- the submitted records of the existing drainage facilities are considered acceptable;
- should the application be approved, approval condition should be stipulated the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period; and
- advisory comments are at **Appendix IV**.

3. Environment

Comments of the Director of Environmental Protection:

- no objection to the application from environmental planning perspective;
- based on the applicant's submission, the applied use would not cause traffic of heavy vehicle and dusty operation. According to his review, there are residential structures within 100m from the boundary of the application site (the Site);
- there was no environmental complaint received against the Site in the past three years; and
- advisory comments are at **Appendix IV**.

4. **Fire Safety**

Comments of the Director of Fire Services:

- no in-principle objection to the application;
- the submitted fire service installations (FSIs) proposal and the implementation of FSIs on the Site are considered acceptable; and
- advisory comments are at **Appendix IV**.

5. **Landscape Aspect**

Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department:

- no adverse comment on the application from landscape planning perspective;
- based on the aerial photo, the Site is located in an area of rural inland plains landscape character comprising village houses, temporary structures, vacant land, farmland, ponds and scattered tree groups. The applied use is not incompatible with the surrounding landscape character;
- according to the site photos, the Site is hard-paved. Based on the applicant's submission, four existing trees of common species are identified in the southern and eastern portions of the Site, and no tree felling would be involved. Significant adverse landscape impact on the landscape resources within the Site is not anticipated; and
- advisory comments are at **Appendix IV**.

6. **Agriculture and Nature Conservation**

Comments of the Director of Agriculture, Fisheries and Conservation:

- no strong view on the application from agricultural perspective;
- the Site falls within the "Agriculture" zone and is generally vacant with some structures. Agricultural infrastructures such as road access and water source are available in the area. The Site can be rehabilitated for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc. though whether there will be agricultural activities on a specific site will hinge on a lot of factors;
- the Site has no licence/permit granted by this department under Public Health (Animals) (Boarding Establishment) Regulations (Cap. 139I) (or others related but limited to Cap. 139);
- no comment on the application from nature conservation perspective; and
- advisory comments are at **Appendix IV**.

7. **Building Matters**

Comments of the Chief Building Surveyor/New Territories West, Buildings Department:

- no objection to the application;
- there is no record of approval granted by the Building Authority for the existing structures at the Site, and thus he is not in a position to offer comments on their suitability for the use applied in the application; and
- advisory comments are at **Appendix IV**.

8. **District Officer's Comments**

Comments of the District Officer (Yuen Long), Home Affairs Department:

- his office has not received any comment from the locals and he has no comment on the application.

9. **Other Departments**

The following government departments have no objection to/no comment on the application and their advisory comments, if any, are at **Appendix IV**:

- Project Manager (West), Civil Engineering and Development Department;
- Chief Engineer/Construction, Water Supplies Department; and
- Director of Electrical and Mechanical Services.

Recommended Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the development on the application site (the Site);
- (b) failure to reinstate the Site as required under the relevant approval condition upon expiry of the planning permission might constitute an unauthorized development under the Town Planning Ordinance and be subject to enforcement and prosecution actions;
- (c) to resolve any land issues relating to the applied use with the concerned owner(s) and/or occupant(s);
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that:
 - (i) no permission is given for occupation of Government land (GL) (about 479m² as mentioned in the Application Form) included in the Site. Any occupation of GL without Government's prior approval is an offence under the Land (Miscellaneous Provisions) Ordinance (Cap. 28); and
 - (ii) the Short Term Waiver (STW) holder(s) will need to apply to his office for modification of the STW conditions where appropriate and the lot owner(s) shall apply to this office for a STW and Short Term Tenancy (STT) to permit the structure(s) erected within Lot No. 1500 in D.D. 107 and the occupation of the GL. The application(s) for STW and STT will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The STW and STT, if approved, will be subject to such terms and conditions including the payment of waiver fee, rent and administrative fee as considered appropriate by LandsD. Besides, given the applied use is temporary in nature, only erection of temporary structure(s) will be considered;
- (e) to note the comments of the Commissioner for Transport that:
 - (i) the Site is connected to the public road network via a section of a local access road which is not managed by the Transport Department. The land status of the local access road should be checked with LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
 - (ii) sufficient manoeuvring space shall be provided within the Site; and
 - (iii) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that:
 - (i) Shui Mei Road is not maintained by HyD. HyD shall not be responsible for the maintenance of the proposed access connecting the Site, i.e. Shui Mei Road and the local access road;

- (ii) the applicant shall note that the application is approved on the understanding that there is and will be no vehicular access to/from the Site; and
- (iii) adequate drainage measures shall be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (g) to note the comments of the the Chief Engineer/Mainland North, Drainage Services Department that:
 - (i) the applicant shall maintain all the drainage facilities on Site in good condition and carry out sufficient clearance work to remove any leaves and debris in the proposed and existing drainage facilities under the application;
 - (ii) the applied use shall neither obstruct overland flow nor adversely affected any existing natural streams, village drains, ditches and the adjacent areas;
 - (iii) the applicant shall rectify the drainage system if it is found to be inadequate or ineffective during operation. The applicant shall also be liable for and indemnify claims and demands arising out of damage or nuisance caused by a failure of the drainage system;
 - (iv) the applicant shall ensure that the drainage facilities are adequate to collect, convey and discharge the surface runoff accrued on the Site and the overland flow intercepted from the adjacent lands. Also, the applicant shall ensure that the existing facilities to be discharged to have sufficient capacity to cater for any additional flow generated due to the applied use;
 - (v) it is noted that land filling works is applied under the application. Proper surface channels should be provided at the lower level / platform and wall toe to collect the overland flow to/ from adjacent areas; and
 - (vi) the applicant shall be liable for any adverse drainage impact due to his/her applied use;
- (h) to note the comments of the Director of Environmental Protection that:
 - (i) the applicant shall ensure all dogs will be kept inside the proposed dog kennels on the Site during non-operation hours (i.e. between 7:00 p.m. and 9:00 a.m.);
 - (ii) the applicant shall ensure the dog kennels are enclosed with soundproofing materials with the provision of 24-hour mechanical ventilation and air-conditioning system, such that the dogs would not rely on open window for ventilation. The ventilation system should be properly designed to minimise noise impacts and facing away from sensitive receivers in the vicinity;
 - (iii) the applicant shall ensure no public announcement system, whistle blowing or any form of audio amplification system is allowed to be used on the Site;
 - (iv) the applicant shall follow the revised 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites';
 - (v) the applicant shall follow the relevant guidelines and requirements in relevant Professional Persons Environmental Consultative Committee Practice Notes

(ProPECCPNs), in particular the ProPECCPN 1/23 ‘Drainage Plans subject to Comment by the Environmental Protection Department’;

- (vi) the applicant shall provide adequate supporting infrastructure/facilities for proper collection, treatment and disposal of waste/wastewater generated from the applied use; and
- (vii) the applicant shall meet the statutory requirements under relevant environmental legislation, particularly the Waste Disposal Ordinance (Cap. 354) and Water Pollution Control Ordinance (Cap. 358);
- (i) to note the comments of the Director of Fire Services that if the applied structures are required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire services requirements will be formulated upon receipt of formal submission of general building plans;
- (j) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that approval of the application does not imply approval of tree works, if any, such as pruning, transplanting and felling. The applicant shall seek comments and approval of any proposed tree works from the relevant department prior to the commencement of the works;
- (k) to note the comments of the Director of Agriculture, Fisheries and Conservation Department that:
 - (i) under the Public Health (Animals) (Boarding Establishment) Regulations (Cap. 139I) (the Regulations), 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 his department. The applicant shall also be reminded that the establishment and ancillary facilities which is licensed under the Regulations must always fulfill the criteria listed in the Regulations; and
 - (ii) the dogs kept by the applicant shall also be properly licensed as in accordance with the Rabies Ordinance (Cap. 421) and the applicant shall observe the Prevention of Cruelty to Animals Ordinance (Cap. 169) at all times; and
- (l) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that:
 - (i) it is noted that 17 structures and associated filling of land are applied in the application. Before any new building works (including containers/open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on the Site, prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are unauthorized building works (UBW) under BO. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with BO;
 - (ii) the Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) regulations (B(P)R) respectively;
 - (iii) the Site does not abut a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of B(P)R at

building plan submission stage;

- (iv) if the existing structure is erected on leased land without the approval of BA, they are UBW under BO and should not be designated for any applied use under the captioned application;
- (v) for UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with the prevailing enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under BO;
- (vi) if the applied use under the application is subject to issue of a license, the applicant should be reminded that any existing structures on the Site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority;
- (vii) any temporary shelters or converted containers for office, storage, washroom or other uses are considered as temporary buildings are subject to the control of Part VII of B(P)R; and
- (viii) detailed checking under BO will be carried out at building plan submission stage.

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tpbpd/PLAND

寄件者: [REDACTED]
寄件日期: 2025年11月02日星期日 3:08
收件者: tpbpd/PLAND
主旨: A/YL-KTN/1177 DD 107 Shui Nei Road, KAM TIN ABE
類別: Internet Email

Dear TPB Members,

1061 withdrawn. Back again.

15 dogs to be housed on almost 1,400sq.mts. This in a city where families live in 80sq.ft rooms. It is mind boggling that members never question the real intention when the purported facility is so obviously a front for other operations,

Previous objections relevant and upheld.

Mary Mulvihill

From: [REDACTED]
To: tpbpd <tpbpd@pland.gov.hk>
Date: Friday, 27 June 2025 2:28 AM HKT
Subject: A/YL-KTN/1061 DD 107 Shui Nei Road, KAM TIN ABE

A/YL-KTN/1061

Lots 1493 (Part) and 1500 (Part) in D.D.107 and Adjoining Government Land, Kam Tin

Site area: About 1,381sq.m Includes Government Land of about 479sq.m

Zoning: "Agriculture"

Applied use: Animal Boarding Establishment / **5 Years / Filling of Land**

Dear TPB Members,

Related application 1058 approved 6 June. Daniel the Dog

Whole site to be filled in but 49 existing trees to be retained???. 30 dogs **180sq.mts PER DOG!!!!**

Site already hard paved.

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Site subject to enforcement action but to date UD's not removed. History of revocation of approvals.

Lands objected but despite this application was streamlined and members raised no questions.

One third of the site is Government Land.

This application has similar issues. Will members again fail to fulfil their duty to assess the issues, the application has had four deferments indicating negative views on the part of a number of government departments.

Mary Mulvihill

From: [REDACTED]
To: tpbpd <tpbpd@pland.gov.hk>
Date: Wednesday, 5 March 2025 2:28 AM HKT
Subject: Re: A/YL-KTN/1061 and A/YL-KTN/1058 Shui Nei Road

Dear TPB Members,

Re offloading outside the site. Is this on Government Land? Has it been paved over without approval? Why would there not be space to offload within the site of almost 1,400sq.mts?

Why so many storerooms on the site? How much food, etc is required to feed the 'dogs'? Members should check the plans.

What experience does High-Quality Gardening have in animal husbandry? When it looks dodgy, it is dodgy.

Mary Mulvihill

From: [REDACTED]
To: tpbpd <tpbpd@pland.gov.hk>; ceo <ceo@ceo.gov.hk>
Date: Friday, 8 November 2024 2:09 AM HKT
Subject: A/YL-KTN/1061 and A/YL-KTN/1058 Shui Nei Road

Dear TPB Members

987 withdrawn and back as 1061

990 withdrawn and back as 1058

Previous objections relevant and upheld for both.

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There were multiple media reports exposing the collusion between brownfield operators and govt depts with regard to the blatant lies and misrepresentations used to push through approval for applications like this.

This can no longer be tolerated.

NO MORE **FAKE** ABE APPLICATIONS ARE JUSTIFIED.

Mary Mulvihill

From: [REDACTED]
To: tpbpd <tpbpd@pland.gov.hk>; ceo <ceo@ceo.gov.hk>
Date: Thursday, 29 February 2024 3:07 AM HKT
Subject: A/YL-KTN/987 and A/YL-KTN/990 Shui Nei Road

A/YL-KTN/987 Daniel Dog

Lots 1493 (Part) and 1500 (Part) in D.D.107 and Adjoining Government Land, Kam Tin

Site area: About 1,381sq.m Includes Government Land of about 479sq.m

Zoning: "Agriculture"

Applied use: Animal Boarding Establishment / 2 Vehicle Parking / **5 Years / Filling of Land**

A/YL-KTN/990 Happy Park Recreation Centre

Lots 1486 (Part), 1489 (Part), 1493 (Part) and House Lot Block (Part) in D.D.107 and Adjoining Government Land, Kam Tin

Site area: About 5,440sq.m Includes Government Land of about 1,853sq.m

Zoning: "Agriculture"

Applied use: Animal Boarding Establishment / 2 Vehicle Parking / **5 Years / Filling of Land**

Dear TPB Members,

These two applications should be considered together as they are adjacent lots and 990 was fully part of 724 while 987 partially.

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THIS ABE HAS AN APPALLING RECORD OF FAILURE TO COMPLY WITH CONDITIONS. IT WAS REVOKED BACK IN 2006 AND SUBSEQUENTLY THROUGHTOUT THE FOLLOWING TWO DECADES FAILED TO FULFILL CONDITIONS.

Application 724 was revoked March last year for failure to fulfil FIRE AND DRAINAGE CONDITIONS.

These are two issues that can have a significant impact on both workers and local residents should there be a fire or heavy downpour.

Both sites have significant amounts of government land.

It is absolutely appalling that Fire, Drainage and Lands depts have allowed this operation to continue.

It is time that the Chief Executive takes issue with government depts that are tolerating failure to fulfil conditions and putting the community at risks.

We are bombarded with propaganda about law and order but clearly this is applicable only to certain groups in the community while operators like this are not only tolerated but encouraged by the ease with which they can have their applications renewed for decades.

Note that the applications are for 5 YEARS effectively granting the operators a further two and a half years to carry on before any action is taken.

In addition Happy Park is a club not an animal boarding. What activities are actually being carried out and does it have the requisite licences and permits?

Both applications should be rejected. The public is shocked by the extent of abuse of government land that goes unchecked.

Mary Mulvihill

From: [REDACTED]

To: "tpbpd" <tpbpd@pland.gov.hk>

Sent: Thursday, October 1, 2020 3:27:10 AM

Subject: A/YL-KTN/724 DD 107 Kam Tin Shui Mei Tsuen

A/YL-KTN/724

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Lots 1486 (Part), 1489 (Part), 1493 (Part) and House Lot Block (Part) in D.D.107 and Adjoining Government Land, Kam Tin

Site area : About 5,670sq.m Includes Government Land of about 1,860sq.m

Zoning : "Agriculture"

Applied use : Animal Boarding Establishment / 2 Vehicle Parking

Dear TPB Members,

I note from the RNTPC Paper No. A/YL-KTN/639

The temporary animal boarding establishment is for dogs only (about **20 numbers**)

Almost 2,000sq.m of the site is GOVERNMENT LAND.

So **280sqmts for each dog** of which 93sq.mts is government land. This in a city where families are living in units of **100 SQUARE FEET**

This tax payer strongly objects to so much public land given to housing animals. There must be a better use for this land.

Has Lands Dept even considered alternative uses? How about some of the prefab transitional housing? The site is beside a road.

Unfortunately people are no longer allowed to go out on the streets and protest misuse of public assets but TPB members should question such inefficient use of scarce land resources.

Members must also consider the recent Audit Commission Report :

The Audit Commission has slammed the Lands Department for failing to oversee short-term tenancies of government land in Hong Kong, saying 82 per cent of such plots had not changed hands **after being allocated to tenants for more than seven years without any formal justification.**

Mary Mulvihill