

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/1177

<u>Applicant</u>	: High-Quality Gardening Limited represented by Goldrich Planners and Surveyors Limited
<u>Site</u>	: Lots 1493 (Part) and 1500 (Part) in D.D. 107 and Adjoining Government Land (GL), Kam Tin, Yuen Long
<u>Site Area</u>	: About 1,381m ² (including 479m ² of GL (about 35%))
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/11
<u>Zoning</u>	: “Agriculture” (“AGR”)
<u>Application</u>	: 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-1a**). According to the Notes of the OZP for the “AGR” zone, ‘Animal Boarding Establishment’, which is a Column 2 use, and filling of land in the “AGR” zone require planning permission from the Town Planning Board (the Board). The Site is currently hard-paved, fenced-off and occupied by temporary structures for the applied use without valid planning permission, and adjoining an existing animal boarding establishment to its immediate east with valid planning permission under application No. A/YL-KTN/1058 (**Plans A-1a, A-2 and A-4**).
- 1.2 The Site is accessible from Shui Mei Road via a local track (**Plans A-1a, A-2 and A-3**). According to the applicant, the applied use involves 17 structures of not more than two storeys, heights of not more than 8m and a total floor area of about 748m² for dog kennels, store rooms, open sheds, toilet, water tanks, ancillary office, storage, canopy and rooftop seating area (**Drawing A-1**). The applicant also applies for regularisation of filling of land for the entire Site with concrete of not more than 0.2m in depth (to a level of not more than 4.2mPD) for site formation (**Drawing A-2**). One loading/unloading (L/UL) space for light goods vehicle (LGV) is provided at the Site (**Drawing A-1**). The applied use will

accommodate not more than 15 dogs, and all dogs will be kept inside the enclosed dog kennel structure built with soundproofing materials and equipped with mechanical ventilation and air conditioning systems during operation hours. 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. The operation hours are between 9:00 a.m. and 7:00 p.m. daily (except the 24 hours animal boarding services). Plans showing the site layout and land filling area submitted by the applicant are on **Drawings A-1** and **A-2** respectively.

- 1.3 Majority of the Site forms part of four previous applications (No. A/YL-KTN/232, 251, 304 and 377), with minor portions falling within the boundaries of four other applications (No. A/YL-KTN/410, 489, 639 and 724) (**Plan A-1b**) (details at paragraph 5 below). All these eight applications for the same use but submitted by different applicants, involving larger sites covering the area to the east of the Site, were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board between 2005 and 2020¹. Except for applications No. A/YL-KTN/251 and 489 (which already lapsed in 2008 and 2019 respectively), other six planning permissions were revoked between 2006 and 2023 due to non-compliance with approval conditions related to submission and/or implementation of drainage and/or fire service installations (FSIs) proposals; and submission of records of the implemented drainage facilities. While the area to the east of the Site is currently used as temporary animal boarding establishment with valid planning permission under application No. A/YL-KTN/1058 (**Plan A-2**), the current application mainly covers the residual area of this animal boarding establishment cluster.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 8.10.2025 (**Appendix I**)
 - (b) Further Information (FI) received on 14.11.2025[#] (**Appendix Ia**)
 - (c) FI received on 18.11.2025[#] (**Appendix Ib**)
 - (d) FI received on 5.12.2025[#] (**Appendix Ic**)
 - (e) FI received on 8.12.2025[#] (**Appendix Id**)
 - (f) FI received on 24.2.2026[#] (**Appendix Ie**)
 - (g) FI received on 2.4.2026* (**Appendix If**)
 - (h) FI received on 14.5.2026* (**Appendix Ig**)
 - (i) FI received on 28.5.2026[#] (**Appendix Ih**)
 - (j) FI received on 17.6.2026* (**Appendix Ii**)

* accepted and exempted from publication and recounting requirements

[#] accepted but not exempted from publication and recounting requirements

¹ Application No. A/YL-KTN/377, being the approved application covering the largest area of this animal boarding establishment cluster, has an area of 6,680m² which comprises 18 single-storey structures (not more than 4.4m in height) with a total floor area of about 2,103m² and nine parking spaces (**Plan A-1b**). Application No. A/YL-KTN/724, being the last previously approved application, has an area of about 5,670m² which comprises 18 single-storey structures (not more than 5.2m in height) with a total floor area of about 1,859m² and two parking spaces (**Plan A-1b**).

- 1.5 On 6.2.2026 and 17.4.2026, the Committee agreed to defer making a decision on the application for two months each as requested by the applicant.

2. Justifications from the Applicant

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

- (a) the applied use can meet the large demand for animal boarding services in the area. The Site is involved in eight previously approved applications for the same applied use and there were approved similar applications in the vicinity. The temporary use under the application would not frustrate the long-term planning intention of the “AGR” zone. The applied use is not incompatible with the surrounding land uses and adverse impacts generated from the applied use are not anticipated;
- (b) the applied regularisation of filling of land is to meet the operational needs and no further filling will be involved. The applied use will generate infrequent trips. Adverse impacts are not anticipated; and
- (c) in support of the application, the applicant has submitted an as-built drainage proposal with records of the implemented drainage facilities and a FSI proposal with a set of Certificates of FSI 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 by registered mail. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the ‘Owner’s Consent/Notification’ Requirements’ are not applicable.

4. Background

The Site is subject to an active planning enforcement case (No. E/YL-KTN/683) against unauthorized development (UD) involving use for Place for Animal Boarding Establishment (**Plan A-2**). Enforcement Notice was issued on 4.12.2024 requiring discontinuation of the UD. Recent site inspections revealed that the UD was discontinued.

5. Previous Applications

The Site is involved in eight previous applications covering larger areas for the same use submitted by different applicants as mentioned in paragraph 1.3 above (including three with permissions granted on temporary basis instead of permanent permission sought; and five seeking temporary approval including one renewal of temporary approval

granted). All these applications were approved with conditions by the Committee between 2005 and 2020 mainly on the considerations that the applied use on a temporary basis would not frustrate the long-term planning intention or could be tolerated; the applied use was not incompatible with the surrounding land uses; and the relevant government departments consulted generally had no adverse comments or their concerns and public comments could be addressed by approval conditions. Except for applications No. A/YL-KTN/251 and 489, the other six planning permissions were subsequently revoked between 2005 and 2023 due to non-compliance with the approval conditions related to submission and/or implementation of drainage and/or FSIs proposals; and submission of records of the implemented drainage facilities. Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1b**.

6. **Similar Applications**

There are 20 similar applications for temporary animal boarding establishment with associated filling of land (two also involving temporary place of recreation, sports or culture; and one with filling of pond) 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 2026 mainly on the similar considerations as stated in paragraph 5.1 above. Details of the similar applications are summarised at **Appendix II** and their locations are shown on **Plan A-1a**.

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

7.1 The Site is:

- (a) currently hard-paved, fenced-off and occupied by temporary structures for the applied use without valid planning permission;
- (b) adjoining an existing animal boarding establishment to its immediate east with valid planning permission under application No. A/YL-KTN/1058 (**Plan A-2**); and
- (c) accessible from Shui Mei 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) abutting the eastern boundary of the Site, animal boarding establishment cum place of recreation, sports or culture to the west and northeast (with valid planning permissions), warehouse (with valid planning permission) parking of vehicles, residential structures, grassland, vacant land and ponds. To the further south across Shui Mei Road is a nullah. About 80m to the southeast and south is a cluster of village houses of Shui Mei within the “Village Type Development” zone.

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

- 9.1 Apart from the government department as set out in paragraph 9.2 below, other 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.
- 9.2 The following government department has adverse comments on the application:

Land Administration

Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) he has adverse comments on the application;
- (b) the Site comprises GL and Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government;
- (c) Lot No. 1493 in D.D. 107 is covered by Short Term Waiver No. 4004 for the purpose of “Temporary Animal Boarding Establishment with Ancillary Facilities”;
- (d) no permission is given for occupation of 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);
- (e) LandsD has reservation on the current application since there is/are unauthorized structure(s) and/or uses on Lot No. 1500 in D.D. 107 within the Site which is/are already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/apply for regularisation on the lease breaches as demanded by LandsD; and
- (f) advisory comments are at **Appendix IV**.

10. Public Comment Received During Statutory Publication Periods

On 17.10.2025, 28.11.2025, 16.12.2025, 10.3.2026 and 5.6.2026, the application and FIs were published for public inspection. During the statutory public inspection periods, a public comment was received from an individual objecting to the application mainly on the grounds that the Site is subject to active planning enforcement action and may involve unlawful occupation of GL; the approval conditions under the previously applications were not complied with; and the genuine use of the Site is doubtful (**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-1a**). Whilst the applied 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 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 (CE/MN of DSD) 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 While the area to the east of the Site is currently used as temporary animal boarding establishment with valid planning permission under application No. A/YL-KTN/1058 (**Plan A-2**), the current application mainly covers the residual area of this animal boarding establishment cluster. Besides, there are two other sites to the west and northeast of the Site involving animal boarding establishment use (**Plans A-1a** and **A-2**). The applied use is considered not incompatible with the surrounding areas which are rural in character with an intermix of animal boarding establishments (or cum place of recreation, sports or culture), warehouse, parking of vehicles, residential structures, grassland, vacant land and ponds. 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 incompatible with the surrounding landscape character and significant adverse landscape impact on the landscape resources 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. Regarding DLO/YL, LandsD's concerns on the unauthorized structure(s) and/or uses on the concerned lot within the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.

- 11.5 The Site is the subject of eight approved previous applications for the same use and of which six planning permissions were revoked due to non-compliance with approval conditions as detailed in paragraph 5 above. Although these applications were not submitted by the applicant, in support of the current application, the applicant has submitted an as-built drainage proposal with records of existing drainage facilities and FSIs proposal with the records of the implemented FSIs, which are considered acceptable by CE/MN of DSD and D of FS respectively. Besides, there are 20 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 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 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 24.7.2031. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (b) if the above planning condition (a) 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; and
- (c) 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 8.10.2025
Appendix Ia	FI received on 14.11.2025
Appendix Ib	FI received on 18.11.2025
Appendix Ic	FI received on 5.12.2025
Appendix Id	FI received on 8.12.2025
Appendix Ie	FI received on 24.2.2026
Appendix If	FI received on 2.4.2026
Appendix Ig	FI received on 14.5.2026
Appendix Ih	FI received on 28.5.2026
Appendix Ii	FI received on 17.6.2026
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-1a	Location plan
Plan A-1b	Previous application plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
JULY 2026**