

**Similar s.16 Applications within the same “AGR” Zone of the Site
in the past five years**

Approved Applications

No.	Application No.	Use(s)/Development(s)	Date of Consideration (RNTPC)
1.	A/YL-KTS/978	Renewal of Planning Approval for Temporary Animal Boarding Establishment (Dog Kennel) for a Period of 3 Years	22.12.2023
2.	A/YL-KTS/991	Proposed Temporary Animal Boarding Establishment with Ancillary Facilities for a Period of 3 Years and Filling of Land	24.5.2024 [Revoked on 24.11.2025]
3.	A/YL-KTS/1128	Proposed Temporary Animal Boarding Establishment for a Period of 5 Years and Associated Filling of Land	11.4.2025 [Revoked on 11.4.2026]
4.	A/YL-KTS/1043	Proposed Temporary Animal Boarding Establishment with Ancillary Facilities for a Period of 5 Years and Associated Filling of Land	24.1.2025

Government Departments' General Comments

1. Land Administration

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

- no adverse comment on the application;
- the application site (the Site) comprises Old Schedule Agricultural Lot(s) 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; and
- advisory comments are at **Appendix IV**.

2. 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 (HyD):

- no in-principle objection to the application from highways maintenance point of view; and
- advisory comments are at **Appendix IV**.

3. Agriculture, Nature Conservation and Animal Management

Comments of the Director of Agriculture, Fisheries and Conservation:

- no comment on the application from nature conservation perspective;
- no strong view against the application from agricultural perspective;
- there is no licensed/application for animal boarding premises granted/under processing by Animal Business Regulatory Section under the relevant public health regulations in relation to animals¹ (i.e. Cap139B, Cap139F, Cap139I and Cap139J) at the Site; and
- advisory comments are at **Appendix IV**.

¹ Including Public Health (Animals and Birds) (Trading and Breeding) Regulations (Cap 139B), Public Health (Animals and Birds) (Exhibitions) Regulations (Cap 139F), Public Health (Animals) (Boarding Establishment) Regulations (Cap 139I) and Public Health (Animals) (Riding Establishment) Regulations (Cap 139J).

4. **Environment**

Comments of the Director of Environmental Protection:

- no objection to the application from environmental planning perspective;
- there was no environmental complaint concerning the Site received in the past three years; and
- advisory comments are at **Appendix IV**.

5. **Drainage**

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

- no objection in principle to the application from the public drainage point of view;
- should the application be approved, approval conditions should be stipulated requiring the submission of a drainage proposal and the implementation and maintenance of the proposed drainage facilities to the Director of Drainage Services' or the Town Planning Board's satisfaction; and
- advisory comments are at **Appendix IV**.

6. **Fire Safety**

Comments of the Director of Fire Services:

- no objection in principle to the application subject to the fire service installations and water supplies for firefighting being provided to his or the Town Planning Board's satisfaction; and
- advisory comments are at **Appendix IV**.

7. **Landscape**

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

- no adverse comment to the application from landscape planning perspective;
- based on the aerial photo (**Plan A-3**), the Site was situated in an area of miscellaneous rural fringe and settled valley landscape characters comprising village houses, open storage sites/warehouses, Tsing Long Highway, vacant land and tree clusters. A vegetated slope is located to the west of the Site. The proposed use is considered not incompatible with the landscape setting in the proximity;
- with reference to the aerial photo (**Plan A-3**) and site photos (**Plan A-4**), the Site is largely covered with wild plants. A temporary structure and one tree of common species (*Macaranga tanarius* 血桐) in poor condition were found near the eastern site boundary. The applicant proposed to fell the existing tree as indicated on the **Drawing A-1**;

- in view of the above, significant adverse landscape impact arising from proposed use is not anticipated; and
- advisory comments are at **Appendix IV**.

8. **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 structure at the Site; and
- advisory comments are at **Appendix IV**.

9. **Other Departments**

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

- Chief Engineer/Construction, Water Supplies Department;
- Chief Engineer/Railway Development 1-1, HyD;
- Project Manager (West), Civil Engineering and Development Department;
- Director of Food and Environmental Hygiene;
- Director of Electrical and Mechanical Services; and
- Commissioner of Police.

Recommended Advisory Clauses

- (a) to resolve any land issues relating to the proposed use with the concerned owner(s) and/or occupant(s) of the application site (the Site);
- (b) the permission is given to the use and/or structures under the application. It does not condone any other use and/or structures which currently occur on the Site but not covered by the application. Immediate action should be taken to discontinue such uses and remove such structures not covered by the permission;
- (c) 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;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the lot owner(s) shall apply to his office for a Short Term Waiver(s) (STWs) to permit the structure(s) erected within the private lot(s). The application for STWs will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The application, if approved, will be subject to such terms and conditions including the payment of waiver fee and administrative fee as considered appropriate by LandsD. Besides, given the proposed 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 Transport Department. The land status of the local access road should be checked with the 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) HyD shall not be responsible for the maintenance of the proposed access connecting the Site and Kam Ho Road, including the local tracks; and
 - (ii) 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 Chief Engineer/Mainland North, Drainage Services Department that:
 - (i) all existing drains/watercourse should be maintained and the overland flow from adjacent lands should not be affected; and

- (ii) for any change of existing ground level and associated works proposed by the applicant that could affect adjacent land and cause other impacts and/or other issues to public, the applicant shall submit technical assessment(s) in other aspect(s) and seek comment from relevant government departments as necessary;
- (h) to note the comments of the Chief Engineer/Construction, Water Supplies Department (WSD) that for provision of water supply to the proposed use, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matters (such as private lots) associated with the provision of water supply and shall be responsible for construction, operation and maintenance of the inside service within the private lots to WSD's standards;
- (i) to note the comments of the Director of Fire Services that:
 - (i) the applicant shall submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to the Fire Services Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of proposed FSIs to be installed should be clearly marked on the layout plans; and
 - (ii) if the proposed 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 Director of Environmental Protection that:
 - (i) if dogs are to be boarded at the Site during operation hours (i.e. between 9:00 a.m. to 7:00 p.m.), they should be kept within the proposed structures. These structures should be enclosed with soundproofing materials and equipped with 24-hour mechanical ventilation and air-conditioning systems, so that the dogs do not need to rely on open windows for ventilation. The ventilation system should be properly designed to minimise noise impacts and should face away from sensitive receivers in the vicinity;
 - (ii) the applicant shall ensure no public announcement system, whistle blowing, portable loud speaker, or any form of audio amplification system would be used at the Site;
 - (iii) the applicant shall follow the revised 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites';
 - (iv) the applicant shall follow the relevant guidelines and requirements in relevant Professional Persons Environmental Consultative Committee Practice Notes (ProPECC PNs), in particular the ProPECC PN 1/23 'Drainage Plans subject to Comment by the Environmental Protection Department';
 - (v) the applicant shall provide adequate supporting infrastructure/facilities for proper collection, treatment and disposal of waste/wastewater generated from the proposed use; and
 - (vi) the applicant shall meet the statutory requirements under relevant environmental legislation;

- (k) to note the comments of the Director of Agriculture, Fisheries and Conservation that:
 - (i) the applicant shall adopt appropriate measures to avoid polluting or disturbing the wooded “Conservation Area” zone located to the west of the Site; and
 - (ii) 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 his department. Detailed information and requirement on Animal Boarding Establishment will be provided by the Agriculture, Fisheries and Conservation Department when the applicant submits licence application. The applicant is advised to note that the setting up and running of an Animal Shelters for stray/homeless animals (which does not involve providing animal accommodation in return for a fee) is out of the purview of Cap. 139I, and further advice should be sought from Animal Management (Operation) Division for relevant information as applicable;
- (l) 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 such as pruning, transplanting and felling. Application for any tree works should be submitted to relevant departments for approval;
- (m) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that:
 - (i) no Food and Environmental Hygiene Department’s (FEHD’s) facilities shall be affected;
 - (ii) proper licence/permit issued by FEHD is required if there is/are any food business/catering service/activities regulated by DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public and the operation of any business should not cause any obstruction; and
 - (iii) if the proposal involves any commercial/trading activities, there should be no encroachment on the public place and no environmental nuisance should be generated to the surroundings. Its state should not be a nuisance or injurious or dangerous to health and surround environment. Any animal carcass/parts shall be properly wrapped or bagged before disposal and in accordance with the relevant legislation. Also, for any waste generated from the activities in the proposed use, the applicant should handle on their own/at their expenses;
- (n) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that:
 - (i) it is noted that five structures and associated filling of land are proposed 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 unauthorised building works (UBW) under the BO. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the 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 on a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at building plan submission stage;
 - (iv) if the existing structure (not being a New Territories Exempted House) is erected on leased land without the approval of the BA, they are UBW under the BO and should not be designated for any proposed use under the 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 the BO;
 - (vi) 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 the B(P)R;
 - (vii) if the proposed 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; and
 - (viii) detailed checking under the BO will be carried out at building plan submission stage;
- (o) to note the comments of the Director of Electrical and Mechanical Services that in the interests of public safety and ensuring the continuity of electricity supply, the applicant/ parties concerned with planning, designing, organising and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines; and
- (p) to note the comments of the Commissioner of Police that the proposed use shall not cause traffic congestion or flooding.

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主旨: A/YL-KTS/1146 DD 113 Ma On Kong ABE
附件: Liber Report ABE.pdf

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A/YL-KTS/1146

Various Lots in D.D. 113, Ma On Kong, Kam Tin South

Site area: About 1,652sq.m

Zoning: "Agriculture"

Applied use: Animal Boarding Establishment / 4 Vehicle Parking / **Filling of Land / 5 Years**

Dear TPB Members,

Strong Objections. No previous history of approvals and location is alongside 'CA'. Not Cat 2.

This is obviously ANOTHER FAKE ABE application to grease the wheels to open up the area to brownfield. The applicant intends to fill in the entire site.

Note the lack of detail, no planning statement, details of water supply to wash animals, provision of hygiene facilities for staff, drainage, etc. No need to bother with the finer detail when ABE is not the plan.

Members have a duty to take into consideration the track history of ABE's, 95% are eventually revoked. There is no justification to approve the plan as there is reasonable assumption that this is a fake application.

Attached is a media report on the practice.

The application should be rejected.

Mary Mulvihill

Release Date: June XX, 2024

【十室狗空：香港動物寄養所用地問題研究】

Unoccupied Shelters: A Study of the Land Issue of Animal Boarding Establishment in Hong Kong

1. Research direction:

- **The increasing demand for animal boarding**

With more people keeping pets and society paying more attention to the welfare of stray cats and dogs, there has been a growing demand for animal boarding. In recent years, the number of animal boarding facilities providing accommodation and food for stray cats and dogs has been increasing.

In general, those who intend to operate an animal boarding establishment must submit a planning application to the Town Planning Board (TPB) under section 16 of the Town Planning Ordinance to obtain a temporary permit for a period of three to five years.

- **Many approved animal shelters did not operate after approval**

There has been a surge in planning applications involving animal boarding establishment (ABE), but groups concerned with stray cats and dogs have found that in recent years, more and more ABEs have been approved by the Town Planning Board, but they have not actually carried out animal boarding business, but have been operating various brownfield operations, some of which involved illegal development

Due to the prevalence of the situation, it cannot be ruled out that some people may use the application for animal boarding to obtain convenience for other unrelated businesses. The most common of these is the use of the accompanying landfilling permit (leveling the land with sand, mud or concrete) to "legally" destroy agricultural land in order to increase the "development potential" of the relevant land.

- **Research Objectives:**

- This research aims to comprehensively investigate the planning applications for temporary animal boarding establishments received by the Town Planning Board (TPB) in recent years. This includes examining their planning content, overall trends, the TPB's approval process, the actual land use of approved applications, and so on. The research seeks to explore the suspicion that some individuals are using the guise of animal boarding to "destroy first,

develop later" on agricultural land, or to take advantage of policy loopholes to continue their originally unpermitted brownfield uses.

- These inappropriate applications for ABE are one of the many types of suspected abuse of the planning application system that have occurred in the New Territories countryside in recent years. The TPB is suspected of approving applications in the New Territories countryside with lax standards, and relevant government departments also lack effective supervision. As a result, they have contributed to the rapid spread of brownfields in rural areas, leading to a sharp deterioration of the rural environment. This research highlights how this "new planning black hole" is affecting land development and regulatory systems in the New Territories, as well as its specific impacts, and then explores policy solutions.

2. Methodology :

2.1 Research Scope and Methods :

- **Time Frame**

The research covers planning applications for "temporary animal boarding establishments" approved by the Town Planning Board (TPB) on various land use zones as defined in the Town Planning Ordinance. Since the latest available satellite imagery was taken in February 2024, this research encompasses approved applications within a 5-year period from February 2019 to January 31, 2024.

- **Identifying Operational Status**

Researchers then utilized historical satellite imagery and street view images provided by Google Map/Google Earth, analyzed relevant planning documents and meeting minutes provided by the TPB, conducted field investigations and aerial photography to determine whether the application sites were actually operating as ABE (hereinafter referred to as "clearly operational ABEs") or suspected of engaging in other purposes (hereinafter referred to as "suspected non-operational ABEs").

However, approved planning applications for temporary ABE usually come with certain conditions, requiring the applicant to submit and implement proposals (including tree protection, drainage, fire protection devices, etc.) within 6 to 9 months from the date of granting the planning permission. Therefore, in practice, approved temporary ABE usually do not operate immediately, and those who fail to meet these conditions will have their applications invalidated.

For the sake of rigor, this research, when determining whether an ABE is in operation, will reasonably exclude those that are still in the preparation period (i.e., within 9 months of approval), that is, applications approved in the last 9 months of the above 5-year period (focusing only on the period from February 1, 2019 to April 30,

2023), and take stock of the applications for temporary ABEs that were approved on any land use zone during this period and are currently valid.

- **Reviewing Planning Documents and Conducting Land Record Searches**

In the case of suspected non-operational ABEs (usually brownfields or wasteland), the research team will further investigate the planning history and approval process of the relevant applications, and analyze their ownership through company and land record searches to gain an in-depth understanding of these suspected non-operational ABEs. The aim is to analyze why these suspected non-operational ABEs have not been effectively prevented from spreading in rural areas in recent years, and the problems they have caused. Finally, the research will examine the rigor of the TPB's approval process for ABE applications and the performance of enforcement.

2.2 Criteria for Judgment and Classification :

- **The following are the characteristics that "clearly operational ABEs" usually possess:**

1. Obvious traces of animal boarding, such as direct observation of animal facilities (e.g., fences, cages, and cats and dogs);



(Application No. A/YL-KTN/822, photo taken on 29/05/2024)

2. Reasonable signage or promotional materials can be observed outside the site;



(Application No. A/YL-KTN/811, photo taken in 03/2023)

3. The name, website introduction/social media page or contact information of the animal boarding facility can be traced through public maps;

4. The TPB documents and photos at the time of application show signs of animal boarding, such as the presence of animals.

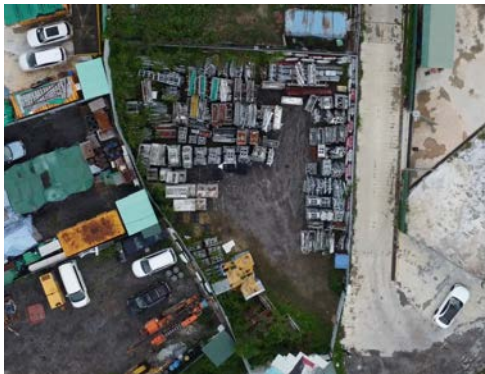
- **The following are the characteristics that "suspected non-operational ABEs" usually possess:**

1. It is obvious that there are no structures or covered open spaces, and no cats, dogs or related boarding facilities can be seen within the entire application area;



(Application No. A/YL-TT/573, photo taken on 29/05/2024)

2. Items placed in the space are obviously unrelated to animal boarding, such as construction materials, dump trucks, and a large number of vehicles;



(Application No. A/YL-KTN/814, photo taken on 19/04/2024)

3. The applicant is an engineering company or has a construction background ;

4. The applicant's previous application for brownfield operation (such as warehousing, open storage) at the same site was rejected ;

5. After a short application for animal boarding, the applicant is applying for brownfield operation (such as warehousing, open storage).

- **Unable to determine:**

If the authenticity cannot be determined from the above criteria, and the current use of the land cannot be identified even after field investigation, it is considered "unable to determine". This type of case is usually because the site is covered by sealed structures and the interior cannot be seen, but there are no obvious traces of animal boarding, reasonable signage or promotional materials, etc. on the exterior.



(Application No. A/YL-KTN/885, photo taken on 29/05/2024)

3. Research Findings:

3.1 Number and Trends of Temporary ABE Approvals

- **Increasing Trend in the Past Decade**

The research found that the number of applications for temporary ABE has been on an upward trend in the past 10 years, especially after 2021. Excluding applications withdrawn by the applicants themselves, there have been over 30 applications each year. As shown in Table 1, the approval rate for temporary ABE applications is quite high.

Table 1: TPB Rural and New Town Planning Committee's Review of Temporary ABE Planning Applications in the Past 10 Years

Year	TPB Granted Temporary Permit	TPB Rejected Application	Total Number
2015	5	0	5
2016	9	0	9
2017	2	4	6
2018	14	2	16
2019	16	3	19
2020	7	5	12
2021	34	3	37
2022	33	0	33
2023	33	1	34
2024	4*	0*	4*
Total	157	18	175

* Number as of April 30, 2024.

- **90% of Applications Approved** : After focusing on the data of applications in the past 5 years, that is, from February 1, 2019 to January 31, 2024, it is found that there are a total of 95 applications for temporary permits and 11 applications that were rejected/disagreed, with a ratio of almost 9:1 (see Figure 2), meaning that 9 out of every 10 applications were approved.
- **Focus on Analyzing Currently Valid Applications** : It is worth noting that 35 (37%) of the approved "ABEs" applications were subsequently revoked by the TPB, mainly due to the applicant's failure to meet the conditions attached to the application within the time limit. These are not currently valid applications and therefore will not be included in the analysis in the later part of this research. This research focuses only on the analysis of 60 currently valid applications.

Figure 2: Number of ABE Applications in the Past 5 Years

Application Case	Number of Applications
Applications for Temporary Permit	95
Approved and Currently Valid Applications	60
Applications Approved and Subsequently Revoked	35
Rejected/Disagreed Applications	11
Total	106

3.2 Planning Use Zones and Geographical Distribution of Approved and Valid ABE Applications

- **80% of Approved Applications are Located in "Agriculture" Zones** : Among the 60 approved and currently valid applications focused on in this research, 10 of them, or less than 20%, are distributed in different use zones, including "Recreation", "Residential (Group D)", "Village Type Development", "Conservation Area", "Green Belt", and "Government, Institution or Community" land. The remaining 50, or more than 80% of the cases, are concentrated in the "Agriculture" (AGR) zone, so the approval of temporary ABE applications has the greatest impact on agricultural land.

Zoning	Currently Valid Temporary	Proportion
Agriculture	50	83%
Non-agriculture	10	17%
Recreation	4	/

Residential (Group D)	2	/
Village Type Development	1	/
Conservation Area	1	/
Green Belt	1	/
Government, Institution or Community	1	/
Total	60	100%

* According to the Notes of the Outline Zoning Plan, "animal boarding establishment" is a Column 2 use in the "Agriculture", "Green Belt", "Government, Institution or Community", and "Recreation" zones, meaning that the use must first be applied for from the Town Planning Board and may be permitted with or without conditions; whereas "animal boarding establishment" is not a Column 1 or Column 2 use in the "Conservation Area", "Residential (Group D)", and "Village Type Development" zones. However, temporary "animal boarding establishment" use (not exceeding three years) in any land use within the Rural Outline Zoning Plan may be permitted through a Town Planning application.

- **Among the agricultural zones, 80% of approved applications are concentrated in Kam Tin** : Focusing on the above 50 "Agriculture" zone applications, nearly 80% are concentrated in Kam Tin North and Kam Tin South, with the rest distributed in Tai Tong, Ta Kwu Ling, Ha Tsuen fringe, Man Uk Pin, Kwu Tung South, and Kau Lung Hang.

District	Number of Applications	Proportion
Kam Tin North	32	64%
Kam Tin South	7	14%
Other (including Tai Tong, Man Uk Pin and Ha Tsuen fringe, etc.)	11	22%
Total	50	100 %

3.3 Number and Proportion of Clearly Operational/Suspected Non-Operational ABEs

- **More than Half of Approved Cases are "Suspected Non-Operational ABEs"** : Overall, out of the 60 currently valid planning permits, only 19 (32%) can be identified as "clearly operational ABEs", while 31 are "suspected non-operational ABEs",

accounting for more than half of the total, and the latter occupies a total of 41,776.7 square meters, equivalent to the size of about 6 standard football fields; 10 applications are "unable to determine".

- **"Suspected Non-Operational ABEs" are All Located in "Agriculture" Zones** : All 31 "suspected non-operational ABEs" are located in "Agriculture" zones, accounting for more than 60% of the valid applications in "Agriculture" zones.

As mentioned earlier, applications for temporary ABE are usually accompanied by landfilling applications, which can permanently damage agricultural land. If, after the application is approved, these ABEs are only filled with soil but not operated, it highlights the fact that the approval of these applications has actually accelerated the destruction of agricultural land and the spread of brownfields. The specific problems caused by the prevalence of "suspected non-operational ABEs" will be discussed in detail later in this report.

- **In contrast, most ABE application outside the "Agriculture" zone are clearly operational** : Almost all of the approved applications located in "non-'Agriculture' zones" can be clearly identified as operating ABEs. Except for 1 case in Kwu Tung South's "Recreation" land, which is unable to be determined, the rest of the applications can identify the names of the operating organizations.

This reflects that the non-operation of temporary ABE after approval does not seem to be an isolated incident, but a phenomenon that tends to occur in "Agriculture" zones, which can potentially pose a serious threat to agricultural land.

3.4 Distribution of "Suspected Non-Operational ABEs"

- **Most are Located in Kam Tin North**: Of the 31 "suspected non-operational ABEs", 20 are located in Kam Tin North (65%). For detailed distribution, please refer to the table below :

District	Suspected Non-operational Cases	Proportion
Kam Tin North	20	65%
Kam Tin south	5	16%
Tai Tong	3	10%
Kwu Tung South	1	3%
Ha Tsuen fringe	1	3%
Man Uk Pin	1	3%

Total	31	100 %
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- 2019-2024 Approved Temporary ABE Distribution Map
<https://www.google.com/maps/d/u/0/edit?mid=1XJVv-qTtPL4IKRnMpU3b9ZtjB719qQU>

3.5 Actual Use

- Among the 31 cases identified as "suspected non-operational ABE", all were previously agricultural land, later destroyed into brownfields. 14 of them are currently empty lots without structures or with only roofs, of which 10 are empty lots without structures, and 4 are empty lots with roofs, as shown in the following pictures:



Concrete land without structures (Application No. A/YL-TT/573, photo taken on 29/05/2024)



Muddy land without structures (Application No. A/YL-KTS/877, photo taken on 29/05/2024)



Sandy land without structures (Application No. A/YL-TT/584, photo taken on 29/05/2024)



Concrete land with roof (Application No. A/YL-KTS/906, photo taken on 29/05/2024)

- The remaining 12 are filled with miscellaneous items unrelated to animal boarding, such as cars, glass and metal, construction equipment, or dump trucks, and no traces of animal boarding have been found, as shown in the following pictures:



Application area filled with cars (Application No. A/YL-KTN/870, photo taken on 29/05/2024)



Application area filled with glass and metal (Application No. A/YL-KTN/814, photo taken on 19/04/2024)



Application area filled with plastic fences (Application No. A/YL-KTN/889, photo taken on 29/05/2024)



Application area with a cement mixer truck (Application No. A/YL-KTN/775, photo taken on 29/05/2024)



The application area is a caravan campsite, labeled as a "self-service breakfast" space by the campsite operator (Application No. A/YL-KTN/695, photo taken on 29/05/2024)

- The remaining 5 "suspected non-operational ABEs" applications also have various reasons that can reasonably lead to the judgment that these applications are not operating ABEs, but are being used for purposes such as warehousing and open storage. For example :
 1. The applicant is a construction or engineering contractor;
 2. After being rejected for brownfield operations such as warehousing and open storage by the same applicant, they reapply as an ABE, and the appearance of the structures on the land is no different from before ;
 3. After the application for ABE is approved, another application for brownfield operation at the same place is submitted within a short period of time .
- Detailed case information and reasons for judgment for the above 31 "suspected non-operational" application sites can be found in the attached application summary list .

3.6 Summary

- **Promoting Brownfield Expansion and Rural Environmental Degradation:** : The research found that the number of applications and approvals for "ABEs" in the New Territories has increased significantly in the past 5 years, and the approval rate is very high. Through in-depth observation and analysis, it was also found that nearly half of the applicants are not actually operating ABEs, but are operating brownfield operations that are not originally allowed, or are simply wasteland. This is not only a matter of suspected abuse of policy, but also promotes the spread of brownfields in various parts of the New Territories, encroaching on the limited agricultural land and degrading the rural landscape of Hong Kong.
- **Two Key Issues** : After analyzing the above 31 "suspected non-operational" cases, the researchers further discussed two key issues in the next chapter:

(1) The problem of suspected abuse is obvious and seems to be worsening. The government cannot be unaware of this. What role does the Town Planning Board,

which is responsible for approving relevant applications, and the Planning Department, which formulates urban planning policies, play in the whole process?

(2) Who is suspected of using the loopholes of temporary ABEs to engage in brownfield operations? How do they utilize the loopholes allowed by policy to engage in brownfield operations?

The remaining chapters will delve into this phenomenon and try to find answers to these two questions by analyzing cases, and allow the society to find policy solutions.

4. Phenomenon Analysis :

4.1 Connected "Brownfield Operation Zones" in Kam Tin North:

- **Connected "Suspected Non-Operational ABEs"** : The research also found that 13 of the suspected non-operational ABEs in Kam Tin North are connected (see table below), meaning they share boundaries or a common road.

Table: Connected "Suspected Non-Operational ABE" cases

Location	Relevant Application Numbers	Satellite Image	Aerial Photo	Area (sq. m)
Fung Kat Heung	A/YL-KTN/814 、 A/YL-KTN/752 、 A/YL-KTN/775 、 A/YL-KTN/769 、 A/YL-KTN/771 、 A/YL-KTN/815	 (Taken in 02/2024)	 (Taken on 19/04/2024)	4,025
Tai Kong Po South	A/YL-KTN/798 、 A/YK-KTN/798 、 A/YL-KTN/889 、 A/YL-KTN/865 (位於四季名園以北的治河路)	 (Taken in 02/2024)	 (Taken on 19/04/2024)	8,485.1
Sha Po Tsuen Southeast	A/YL-KTN/869 、 A/YL-KTN/870 、 A/YL-KTN/871	 (Taken in 02/2024)	 (Taken on 29/05/2024)	11,750.8

- **"Coincidentally" Applying for ABEs and Not Operating** : Although the applicants for the above sites are different, they coincidentally applied for connected land for "ABEs", and they also coincidentally did not operate "ABEs" after the applications were approved. Among all the currently clearly operational ABEs, none involve connected land, let alone such concentrated locations. °
- **Numerous Precedents May Lead to Concentration of Suspected Non-Operational ABEs in Kam Tin North** : In addition, ABE applications in Kam Tin North often cite other approved cases in their application documents, suggesting that the TPB should approve relevant applications according to the same principles, using past cases to rationalize subsequent applications. This may make relevant applications easier to be approved, and it is also one of the reasons why applications in Kam Tin North are becoming increasingly concentrated.
- **"Suspected Non-Operational ABEs" Become an Extension of Brownfields**
 - **ABEs Adjacent to Brownfields with Heavy Machinery Operation** : In Kam Tin North, in addition to some "suspected non-operational" ABEs being connected, some applications are adjacent to a large number of brownfield operations, especially the "suspected non-operational" ABEs in Fung Kat Heung, as shown in Figure Y below. The surrounding environment of some ABEs is brownfield operation, which not only causes pollution, but the operation of heavy machinery also poses certain risks to animals.



Figure: Brownfield operation next to A/YL-KTN/851. A large number of excavators are in operation, which may pose a danger to animals.

- **Connected to Brownfield Operation Areas, Suspected to Provide Larger Space for Operation:** Through Google satellite images and aerial photography, it can be observed that these sites are currently either leveled ground or used to store construction materials and vehicles. With the sites connected, these areas are also larger than other individual applications, making it more convenient for them to actually carry out suspected illegal brownfield operations.

- **Field Investigation Reveals Active Brownfield Operations:** The researchers also conducted field investigations on the above sites and found that there are obvious traces of dump truck and crane activities within the site area in Fung Kat Heung, and there are no signs of boarding animals. There is no sufficient evidence to show that the operators have plans to transform the site into an ABE. The land use is no different from the adjacent brownfield, which shows that these "ABEs" are actually an extension of the brownfield in operation.
- **Granting Planning Permission for ABEs is Unreasonable:** Based on common sense, the TPB should not grant planning permission for these places to be used as ABEs in terms of environment and safety.

Relevant Application Numbers: Fung Kat Heung: A/YL-KTN/771, 769, 775, 752, 814, 815; Tai Kong Po Tsuen South: A/YL-KTN/779, 798, 856, 889; Sha Po Tsuen Southeast: A/YL-KTN/869, 870, 871

4.2 2 Multiple Engineering Companies Applying for ABEs:

- **The Nature of ABE Operations:** Generally, there are two types of operators behind ABEs: one is a privately owned company that operates for commercial purposes, providing pet hotels for pets to stay for a short period of time. However, from an operational perspective, these pet hotels are mostly located in urban areas with convenient transportation, rather than in the depths of brownfields in the New Territories. The second is charitable organizations that rescue stray cats and dogs, seeking relatively cheap land in the New Territories countryside to operate ABEs. Therefore, it is reasonable to assume that private companies operating for commercial purposes would not flock to areas with concentrated brownfields in the New Territories to operate ABEs.
- **Engineering Companies Applying for ABEs:** The researchers further examined the TPB documents and found that among the above-mentioned group of application sites in Fung Kat Heung, 3 applicants are engineering companies, and field investigations found that the actual use is consistent with the company's business: including Good Time Union Metal Works Company Limited (A/YL-KTN/769), Hung Chun Contractor Limited (A/YL-KTN/771), and Tsun Sing Engineering Limited (A/YL-KTN/815). This further confirms that their applications are not related to animal boarding, and they are unlikely to have the business or experience of boarding animals. It is unknown whether the TPB has reviewed the applicant's background before approval.

In addition to the above 3 companies, the relevant application sites of another 2 engineering companies, namely Treasure Gold Construction Engineering Limited (A/YL-KTN/839) and Creation Prospect Construction Engineering Limited (A/YL-KTN/851), also show no signs of boarding animals.

- **Engineering Companies Suspected of Using ABEs as a "Springboard" for Brownfield Operations:** Good Time Union Metal Works Company Limited

(A/YL-KTN/769) and Hung Chun Contractor Limited (A/YL-KTN/771), after their ABE applications (along with landfilling applications) were approved, have reapplied in recent years in the name of the company for brownfield operations such as warehousing and open storage on the same land, and have been approved. It is suspected that they have only been using ABEs as a springboard for brownfield operations. As for why they immediately applied for other uses, see 4.3 for detailed discussion.

- **Only a Small Proportion of Applicants are Animal-Related Organizations :** Among the 50 applications in the "Agriculture" zone, 14 were submitted by companies or organizations, 5 were clearly animal protection organizations or animal-related institutions, 4 were investment or development companies, and the remaining 5 applicants were engineering companies, similar in number to animal protection or animal-related institutions.

Relevant Application Numbers: A/YL-KTN/769, 771, 815, 839, 851

4.3. Applying for Brownfield Operation Use Immediately After Approval as ABE :

- **Using ABE Applications to "Cool Down" :** In all cases, 15 of them applied for brownfield operation use such as warehousing and open storage within 1 to 2 years after being approved as ABE land. Among them, 10 applicants are even the same person or organization as the one who applied for ABE in the past, which may reflect that the above-mentioned brownfield operation is their ultimate goal. As of May 31, 2024, 12 cases have been approved by the TPB, and the latest actual use of all cases is brownfield operation.
- **First Applying for Brownfield Operation and Being Rejected, Then Applying for ABE and Being Approved, and Then Successfully Switching to Brownfield Operation:** There are also cases where the applicant applied for ABE (along with landfilling, which actually further damaged the land) only after the application for brownfield operation was rejected, and then applied for other brownfield operation uses within a short period of time, such as A/YL-KTS/869, and there are even successful cases such as A/NE-MUP/166, as detailed in the analysis of Case 2 below, which raises questions about why ABEs can lower the approval threshold.
- **Relaxing Brownfield Planning Applications Exacerbates the Problem :**
 - **Happened After Relaxing Brownfield Approval Standards :** The researchers found that these approved "cooling down" applications are concentrated in certain areas, such as Fung Kat Heung.

Coincidentally, these places were originally classified as "Category 3 areas" according to the TPB's Guidelines Note 13G "For Open Storage And Port Back-up Uses"¹ (hereinafter referred to as "Planning Guidelines No. 13G"),

¹ The Town Planning Board's "Planning Guidelines No. 13G" (full name: Guidelines No. 13G for Application for Open Storage (OS) and Port Back-up (PBU) Uses under Section 16 of the Town

meaning that brownfield uses such as open storage applications would not be "favorably considered". However, in April 2023, they were reclassified as "Category 2 areas", meaning that if there are no adverse departmental comments and local objections", etc., the relevant applications will be granted temporary planning permission for up to 3 years.

After the government relaxed the relevant restrictions, the places that were originally not allowed to apply for open storage were lifted, and the relevant people switched to applying for open storage use, and "abandoned" the already approved ABE applications.

Case 2 in Section 5.2 of the research report will further explore how the government's relaxation of "Planning Guidelines No. 13G" has turned ABE applications into a "springboard" for brownfield operations.

- **The Timing of Applications Raises Suspicions about the Underlying Motives** : Even when these engineering companies obtained the ABE permits, the relevant restrictions had not yet been lifted. After the restrictions were lifted, these engineering companies immediately switched to applying for other brownfield uses, further confirming their true intentions. Their initial applications for ABEs may have been just because they believed it was a rare channel for approval, but they had no intention of operating ABEs.
- Related Case:

Engineering Company	First Application (ABE)		Second Application (Other Brownfield Use)
Good Time Union Metal Works Company Limited	Application No.: A/YL-KTN/769* Application for "Temporary ABE for a Period of 5 Years and Filling of Land" in	In April 2023, the Town Planning Board reclassified the locations of these two ABE applications from Category 3	Application No.: A/YL-KTN/996 Application for "Temporary Warehouse (excluding Dangerous Goods Godown) with

Planning Ordinance") aims to control the excessive spread of brownfields.

Planning Guidelines No. 13G divides rural areas into four categories (Category 1 to 4), detailing the criteria for assessing planning applications for open storage/port back-up uses. In the guidance, Category 1 areas are defined by the Planning Department as suitable for brownfield uses such as open storage. In terms of criteria, Category 2 areas are stricter than Category 1, but more relaxed than Category 3 areas; the TPB usually does not favorably consider applications for open storage, etc. in Category 3 areas.

In mid-2023, the TPB reclassified some Category 3 areas to Category 2 areas to "cope with the brownfield operations that need to be relocated due to large-scale development in the New Territories in the coming years". This effectively makes it easier for planning applications for open storage operations that were originally non-compliant in these areas to be approved.

	Agriculture Zone Approval Date: 09/07/2021 (At that time, the location belonged to Category 3 of "Planning Guidance No. 13G)	areas to Category 2 areas, making it easier to approve planning applications for open storage operations that were originally non-compliant.	Ancillary Facilities for a Period of 3 Years and Associated Filling of Land" in Agriculture Zone Application Date: 21/02/2024
Hung Chun Contractor Limited	Application No.: A/YL-KTN/771* Application for "Temporary ABE for a Period of 5 Years and Filling of Land" in Agriculture Zone Approval Date: 09/07/2021 (At that time, the location belonged to Category 3 of "Planning Guidance No. 13G)		Application No.: A/YL-KTN/993 Application for "Temporary Warehouse (excluding Dangerous Goods Godown) with Ancillary Facilities for a Period of 3 Years and Associated Filling of Land" in Agriculture Zone Application Date: 07/02/2024

4.4. "Temporary" Landfilling Applications Become "Permanent"

- Temporary Landfilling Applications:** Of the 50 temporary ABE applications on "Agriculture" zones covered by this research, 37 of them included temporary landfilling applications. Among them, 23 were identified as "suspected non-operational ABE" (62%), and almost all of the 13 applications suspected of being involved in "brownfield operation zones", except for 1 in Tai Kong Po South, have landfilling requirements. Many applicants stated in their applications that they would reinstate the land after the permitted period (usually three years).
- Nature and Purpose of Landfilling:** Landfilling will damage agricultural land. According to the TPB documents, Master Schedule of Notes (Agriculture), for land in the Agriculture zone, if it involves filling (part of) the land with materials unsuitable for cultivation, such as gravel, asphalt and cement, or with topsoil exceeding 1.2 meters

in thickness, it must be approved by the TPB. Landfilling means that these "Agriculture" zoned lands may face irreversible damage.

The application (A/YL-KTN/814 and 815) also revealed that the applicant stated that the purpose of landfilling is to level the land to erect structures for ABEs, like "the land filling areas within the Sites are for site formation of structures and circulation space for meeting the operational need of the proposed dog kennels". However, in many "suspected non-operational" cases, only landfilling is seen but no structures for ABEs are seen.

- **TPB's Reasons for Approving Landfilling:** In all approved cases involving landfilling, the Planning Department stated that even if the ABE (and landfilling) does not comply with the planning intention of the Agriculture zone, the application is approved because the scale of the application site is not large (but the cumulative impact of a large number of connected applications in "brownfield operation zones" is not considered), and because the application is temporary and will not endanger the long-term planning of the "Agriculture" zone. However, once farmland is filled with soil, it will be extremely difficult to restore.
- **"Cooling Down" Applications Continue Temporary Status:** However, the research found that 7 applications with landfilling requirements successfully reapplied for brownfield operation use after being approved as ABE land, such as A/YL-KTS/869. This means that the previous requirement for land restoration for ABE use has been superseded by the new application and does not need to be restored. The original "intention" of approval based on the belief that the application was temporary and would not damage the long-term planning of the Agriculture zone has been changed by subsequent brownfield operation applications.
- **Landfilling "Done Deal" Becomes a Reason for Brownfield Application:** There are successful cases of first applying for temporary ABEs together with landfilling (A/YL-KTN/769), and in the subsequent brownfield application A/YL-KTN/996 (for temporary warehouse), it is even specifically stated that "the land has been disturbed for no active agricultural use" as a reason to support the approval of the application. This shows that temporary landfilling activities can be used to rationalize further brownfield operations. This also reflects that the ABE applications in these cases may only be for "cooling down" to facilitate landfilling and destruction on agricultural land, which is conducive to subsequent applications for brownfield use.

Relevant Application Numbers: A/YL-KTN/769, A/YL-KTN/996

4.5. Planning Department "Overrules Objections" to Approve Applications with AFCD Reservations

4.6 Effectiveness of TPB's Gatekeeping in Doubt:

- **TPB Member Questioned Suspicious Planning History of Application Site:** In addition to the aforementioned approved applications that are still valid, the researchers also reviewed TPB documents for some cases where approval was granted and later revoked. In one application (A/NE-FTA/205) in an area with concentrated brownfields, a committee member noticed that part of the site had been involved in a rejected application, both involving the same applicant, proposing to set up a temporary warehouse and open storage of containers, which was rejected by the TPB on the grounds of "not conforming to the planning intention of the Agriculture zone".

The committee member clearly stated that the application may be used as a warehouse instead of an ABE, and urged government departments to monitor and enforce the law as appropriate². The application was approved at that time. According to satellite images, the site was still used for the previously rejected warehouse and open storage purposes after the application was approved, and the permit was revoked two years later due to failure to meet conditions such as setting up boundary fences, drainage facilities, and fire protection devices, which was not related to the illegal use of the land.

- **But Suspicious Applications Still Approved:** The reality is that the applicant was able to "enjoy" a two-year window period to continue engaging in non-compliant land use through the approval of the ABE until the permit was revoked. From the results, it seems that the Planning Department did not effectively enforce the law, and it also reflects that the TPB's gatekeeping function is in doubt.

[Image] + sequence of events

Relevant Application Numbers: A/NE-FTA/195 / A/NE-FTA/205

4.6 Summary

After analyzing the above phenomena, it is quite obvious that temporary ABE applications are being used as a "cooling down" period and actually turned into brownfield operations that were originally not allowed. There are many doubts, whether it is the applicant's background, "track record", reasons for application, current land status, etc. This is not only observed by the researchers, but also noticed by TPB members after reviewing the documents, which has become a common phenomenon.

Specifically, how are temporary ABEs being abused? Who benefits the most? Why does the government seem to allow this phenomenon? What are the policy causes behind this phenomenon? The researchers will explain this in detail through the following two case studies.

5. Case Studies:

² https://www.tpb.gov.hk/tc/meetings/RNTPC/Minutes/m678rnt_c.pdf

The following two case studies illustrate how applicants have used animal boarding applications to achieve brownfield operations, and how the abuse of the application process has led to brownfield sprawl. The roles of the Town Planning Board (TPB) and the Planning Department (PlanD) are also critical.

5.1 Case 1: Animal Boarding Establishment Turned Car Storage Facility

Background Information on the Site in Question

Location: Shui Mei Road, southeast of Sha Po Village, Kam Tin North, zoned as Agricultural (AGR)

- Location: Shui Mei Road, southeast of Sha Po Village, Kam Tin North, zoned as Agricultural (AGR)

Relevant Planning Application Numbers:

- Phase 1 (Illegal Filling and Destruction of Agricultural Land): A/YL-KTN/228 (Withdrawn), A/YL-KTN/774 (Withdrawn)
- Phase 2 (Successful Application for Animal Boarding House and Filling): A/YL-KTN/869, A/YL-KTN/870, A/YL-KTN/871 (Animal Boarding House Application, Approved)
- Phase 3 (Application for Temporary Warehouse Approved): A/YL-KTN/951, A/YL-KTN/953

Current Situation:

Satellite imagery shows that the site has been converted into a vehicle storage facility, storing about 300 similar-looking cars, suspected of being goods for sale. In the most recent site visit on May 29th, over 500 cars were parked on the site.

In the southeast of Sha Po Village, Kam Tin North, there is a giant site of over 1 hectare formed by combining three animal boarding applications. This case study analyzes how the applicant successfully "legally" destroyed the original farmland and turned it into a "car storage facility" by using the Animal Boarding Establishment applications, through a detailed comparison and integration of planning documents, satellite images over the years, and field visits.

**Note: Illegal landfilling had already occurred at the time and was not approved at the time.*

Phase	Time	Relevant Case Number	Relevant Events
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Phase 1: Destruction of Farmland	2018-2019	/	The relevant lots were still active farmland before 2019, and gradually became abandoned during 2019.  2018.9  2020.3
	Feb-October 2020		Satellite images show that illegal dumping began, and became very obvious by October of that year.  2020.10
	August 2020	A/YL-KTN/228 (Withdrawn before approval)	An application was submitted to the Town Planning Board for a temporary leisure farm (and 3-year temporary filling) with high demand during the pandemic, but was later withdrawn (application number A/YL-KTN/228). *Note: Illegal filling had already occurred at that time and was not approved at that time.
	October 2020		The Planning Department issued an Enforcement Notice and a Reinstatement Notice, respectively requiring the cessation of unauthorized development (i.e., dumping) and the restoration of the land to its original state.

	約2021年 6月	A/YL-KTN/774 (Withdrawn before approval)	An application was submitted to the Town Planning Board, proposing filling on agricultural grounds, but was later withdrawn (application number A/YL-KTN/774).
	2022年3 月 – 10月		In March 2022, the Planning Department accepted that the land had been "restored to its original state," but the former farmland had been destroyed and turned into a piece of bare land. It is worth noting that the farmland had never received planning permission but had been illegally destroyed.  2022.3 Satellite images from October 2022 show that some vegetation has grown back on the bare land due to abandonment. 
Phase 2: Successful Application for ABE	29 November 2022	A/YL-KTN/869, A/YL-KTN/870, A/YL-KTN/871	The Town Planning Board received applications from three individuals surnamed Tang for temporary ABEs on three adjacent plots of land.

and Filling	13 January 2023	A/YL-KTN/869, A/YL-KTN/870, A/YL-KTN/871	The Town Planning Board approved the temporary ABEs, granting permission for filling works for the first time.
	March 2023	/	Two months later, satellite images showed that the vegetation that had grown half a year ago had been refilled, indicating that the filling works approved by the Town Planning Board had commenced, but no structures related to animal boarding houses were seen.  2023.3
Phase 3: Application for Temporary Warehouse Approved	22 August 2023	A/YL-KTN/951, A/YL-KTN/953	The Town Planning Board received an application for a temporary warehouse from Excel Link Development Limited, covering the three animal boarding house sites mentioned above. An additional application was made for another adjacent plot of land for temporary warehouse use, totaling 2.5 hectares.
	Oct 2023		Google Street View images show that some parts of the site have been used to store a large number of cars for sale, i.e., for warehouse purposes. It is worth noting that at this time, the temporary warehouse application had not been approved, only the temporary animal boarding house application was still valid, but there was still no sign of any animal

			boarding house. Some parts of the land had already been paved with concrete, suspected of unauthorized development again. 
	8 December 2023	A/YL-KTN/951, A/YL-KTN/953	Both applications for the relevant locations were approved for temporary warehouses.
	February 2024	/	Satellite imagery shows that the remaining land has been completely paved with concrete, and the site has been turned into a "vehicle storage facility," storing about 300 similar-looking cars, suspected of being goods for sale.

- **Three-Phase Destructive Development: The entire land was destroyed in three phases:**

- **Phase 1 - Illegal Destruction First:**

Before 2019, the land was active farmland, but it was abandoned in a short period and unauthorized filling began in early 2020. During the illegal filling, an application was submitted for a temporary leisure farm with filling, which was later withdrawn.

- According to land registry records, the Planning Department issued an enforcement notice and a reinstatement notice to the landowner/occupier in October 2020, requiring them to stop the unauthorized development and restore the land to its original state, respectively. These two "orders" were not lifted until March 2022.

However, the so-called restoration of the land only resulted in a small amount of vegetation, and the farmland had been initially destroyed.

- **Phase 2 - Application for Animal Boarding House and Formal Filling:**

After the previous unauthorized development case was "closed," the relevant parties submitted three applications for temporary animal boarding houses on adjacent lots in November 2022, along with filling applications, which were approved in January 2023. Satellite images from two months later (March 2023) show that a large area of land had been quickly filled, but there were no structures for animal boarding houses.

- **Phase 3 - "Legal" Development:**

Just five months after the filling was approved through the animal boarding house application (August 2023), Excel Link Development Limited consolidated the three lots and submitted another application for a temporary warehouse and filling, which had nothing to do with animal boarding. In addition to this application, the company also applied for another adjacent plot of land for temporary warehouse use. The two applications cover over 2.5 hectares, 2.5 times larger than the previous animal boarding house site.

Before the application was approved, some parts of the land had already been paved with concrete and used for unauthorized warehouse purposes (storing new cars).

- **Approval of the ABEs was a key step in the brownfield conversion of farmland:**

- **First "Legal" Filling:**

The approval of the filling application associated with the animal boarding house (Phase 2) was key to the subsequent conversion of farmland into a car warehouse. This is because it was the first approved filling application, meaning that the filling and destruction of farmland could be "legally" retained. Previous filling activities were illegal and had to be cleared and restored, so obtaining permission for the first time was crucial for subsequent destruction.

- **Planning Department: Approval Due to Temporary Nature of Application "Will Not Affect Long-Term Planning of Farmland":**

However, according to the application documents prepared by the Planning Department, the reason the application was approved was that the Planning Department believed that even if the animal boarding house did not comply with the planning intention of the "Agriculture" zone, it was only a "temporary" application. They were confident that the applicant would restore the site after the three or five-year period and would not affect the long-term agricultural planning of the land.

retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. Whilst the developments at each of the Sites are not in line with the planning intention of the "AGR" zone, the Director of Agriculture Fisheries and Conservation has no comment on the applications from the agriculture development perspective. It is considered that approval of the applications on a temporary basis would not frustrate the long term planning

- **Applicant Used Concrete Filling to "Stabilize and Consolidate" structures of the ABEs:**

The key point is that the associated filling application was also approved. This is because the applicant stated that filling was necessary to "stabilize and consolidate" the structures of the ABE. To "reassure" the Town Planning Board, the applicant also stated that the paving materials would be broken up and removed after the temporary application expired, and would not have a long-term impact on the land.

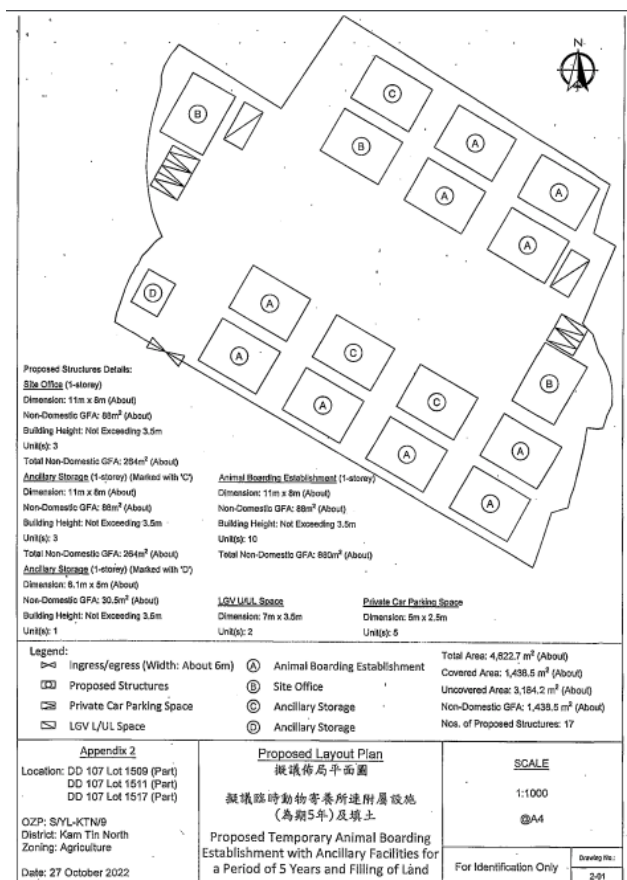
➤ 申請地點計劃採用混凝土作平整物料，厚度不超過 0.3 米，並會跟隨現時地形進行平整，不會改變地形，申請期限結束後會將混凝土打碎並運走。

- **No Structures Built After Filling:**

However, after the application was approved, the promises regarding animal boarding and farmland protection were not fulfilled. According to the applicant's plan for the animal boarding house, the site would be able to accommodate no more than 155 dogs, and 5 to 8 employees would be hired to operate the boarding house, which would also offer pet grooming services. The applicant also planned to construct 45 structures on the site to serve as animal boarding facilities, offices, and

auxiliary storage space. However, none of these facilities appeared throughout the entire development process.

For the entire ABE application, only the part on filling was realised. A few months later, rows of new cars appeared on the concrete, and at this time, the relevant parties had already submitted another "temporary warehouse" application, clearly indicating that they had no intention of continuing to operate the animal boarding house. It can be seen that the animal boarding house was only a transitional measure, used for legal filling, and a key step in turning farmland into brownfield land.



- **Deliberately using more destructive concrete for landfilling:**

- The use of concrete for landfilling is highly controversial, with many environmental groups expressing concerns. Kadoorie Farm is worried that paving the soil with concrete will pollute the original soil, making it difficult to resume farming conditions. The Hong Kong Bird Watching Society also pointed out that this landfilling practice will cause direct loss of arable land and encourage "destroy first, develop later."

Seven months later, a temporary warehouse application was submitted and

approved. The previous promises of "crushing and removing the paving materials" and "ensuring the soil is suitable for farming" (see Figure X) never happened. The newly approved temporary warehouse application also allows landfilling, rendering the previous "promises" meaningless. The farmland with potential for restoration, as indicated by the Agriculture, Fisheries and Conservation Department (see Figure Y), has been completely destroyed.

本人會在申請期完結後將鋪地的物料打碎並運走，不會為該地造成長遠影響，及定會確保泥土是適合耕種，防止影響本申請地點及附近的土壤。

Figure X(871)

- the Sites are zoned "Agriculture" ("AGR") and are abandoned or vacant. The agricultural activities are active in the vicinity and agricultural infrastructures such as road access and water source are also available. The Sites 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.

Figure Y

• **Suspected group handling of planning applications: :**

In this case, the applicants for the three temporary animal shelters (A/YL-KTN/869, A/YL-KTN/870, A/YL-KTN/871) are three individuals with the surname Tang, suspected to be indigenous inhabitants of Yuen Long.

Researchers found that there are at least four other temporary ABE applications in Kam Tin North, submitted and approved by individuals with the same names as these three Tang individuals. These applications show no obvious signs of operating ABEs (see table below):

Temporary ABE Application Number	Approval Date	Status
A/YL-KTN/757	April 30, 2021	Unable to determine
A/YL-KTN/836	June 24, 2022	Unable to determine
A/YL-KTN/854	January 13, 2023	Unable to determine
A/YL-KTN/856	September 23, 2022	Suspected non-operational ABE

In addition, there are 8 other types of planning applications, also submitted and approved by these 3 individuals with the same name and surname of Deng, also located in Kam Tin North, involving hobby farms, open storage, temporary eating place, and temporary warehouses. The above-mentioned individuals are suspected to be brownfield operators of group operations, rather than professional animal boarding operators:

Temporary ABE Application Number	Approval Date	Status
A/YL-KTN/802	May 6, 2022	Temporary Hobby Farm
A/YL-KTN/853	Withdrawn by applicant	Temporary Hobby Farm
A/YL-KTN/962	December 8, 2023	Temporary Open Storage (Brownfield)
A/YL-KTN/796	December 24, 2021	Temporary Public Vehicle Park (Brownfield)
A/YL-KTN/831	Withdrawn by applicant	Temporary Eating Place
A/YL-KTN/940	August 25, 2023	Temporary Warehouse (Brownfield)
A/YL-KTN/970	April 19, 2024 (Deferred)	Temporary Warehouse (Brownfield)
A/YL-KTN/976	April 19, 2024 (Deferred)	Temporary Warehouse (Brownfield)

Later in the third stage, the temporary warehouse application A/YL-KTN/951, which replaced the ABE, was submitted by a company called Excel Link Development Limited. According to the company record search, the director of the company is also surnamed Tang, with the same name as the vice chairman of the Ha Tsuen Rural Committee. This shows that the second stage animal boarding facility and the third stage temporary warehouse application may have been applied for by the same group of people with rural backgrounds.

5.2. Case 1: Logistic Center

Background information of the involved case

Location : Near 52 Sha Tau Kok Road (Wo Hang Section), planned as "Agriculture" zone (AGR)

Relevant planning application numbers:

- Phase 1 (Used as a warehouse and applied for temporary shop use but rejected) : A/NE-MUP/154 (Rejected)
- Phase 2 (Successful application for ABE and landfilling) : A/NE-MUP/166 (Approved)

- Phase 3 (After the government relaxed the brownfield operation application for the relevant lot, it was changed to apply for a temporary logistics center) :
A/NE-MUP/193

Current status:

[Image]

In the vicinity of Man Uk Pin Village near Sha Tau Kok, there is a suspected non-operational case. Similar to Case 1, this site has gone through three stages: (1) involved in illegal development and subject to enforcement action by the Planning Department, (2) obtained legal permission for landfilling and erection of structures through an approved animal boarding application, and (3) did not operate as an ABE, but instead applied for and was granted permission to operate as a logistics center.

Unlike Case 1, where the government ignored illegal development and the obvious use of an animal boarding application as a "cooling-off" period, this case is more serious and involves the government actively relaxing planning restrictions, effectively allowing the applicant to use the name of an ABE to "legally" engage in brownfield operations. This case focuses on the role of government departments in this process.

Phase	Timeline	Relevant Case Number	Relevant Events
Phase 1: Used as a warehouse and applied for temporary shop use but rejected Before 2010	Before 2010	/	A giant warehouse already exists on site  (June 2009)
	2010 – 2021	/	Google Street View images from 2010-2022 show that the warehouse on site has been actively operating



(April 2011



(January

2017)



(

August 2019)



(July

			2022)
	January 22, 2021	A/NE-MUP/154	"Good Kind Investment Limited" applied for the site to be used as a temporary shop and services. Planning documents show that the Planning Department did not recommend approval of the proposed use as temporary shop and services do not comply with the planning of the agricultural zone; in addition, some Town Planning Board members were concerned about illegal development on the site, and finally the Town Planning Board rejected the application.
Phase 2: Successful application for ABE and landfilling	March 5, 2022	A/NE-MUP/166	More than a year later, <u>the same company</u> applied for a temporary ABE.
	June-September 2022	A/NE-MUP/166	The Town Planning Board met twice to consider the application, but the applicant twice applied for and was granted a deferral of the review.
	October 2022	/	The Planning Department issued an Enforcement Notice and a reinstatement notice requiring the cessation of illegal development and the "reinstatement" of the land to its original state, respectively
	January 13, 2023	A/NE-MUP/166	The Town Planning Board approved the temporary ABE. There is no evidence to show that any Town Planning Board member questioned why the illegal development had not been dealt with in any of the three meetings. The application was eventually approved.
	January-September 2023		Google Street View images show that the site was still used as a warehouse during this period and that <u>the warehouse was not demolished and new structures were not erected as planned in the temporary ABE application.</u>
Phase 3: (After the government relaxed the brownfield operation application for the relevant lot, it	April 14, 2023	/	The Town Planning Board revised the "Planning Applications for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance" (Planning Guidelines No. 13G), relaxing the use restrictions for the site and accepting planning applications for open storage and port back-up uses.



- **Immediately submitted another logistics center application:** In August 2023, the same applicant submitted a temporary logistics center application, further demonstrating that "Good Kind Investment Limited" had no intention of operating an ABE.
- **Related to the government's active relaxation of brownfield land use:**

- **The logistics center application coincides with the government's relaxation of planning restrictions:**

It is worth noting that "Good Kind Investment Limited" submitted a new temporary logistics center application only 9 months after the ABE was approved, which coincides with the government's relaxation of brownfield land use applications in April 2023.

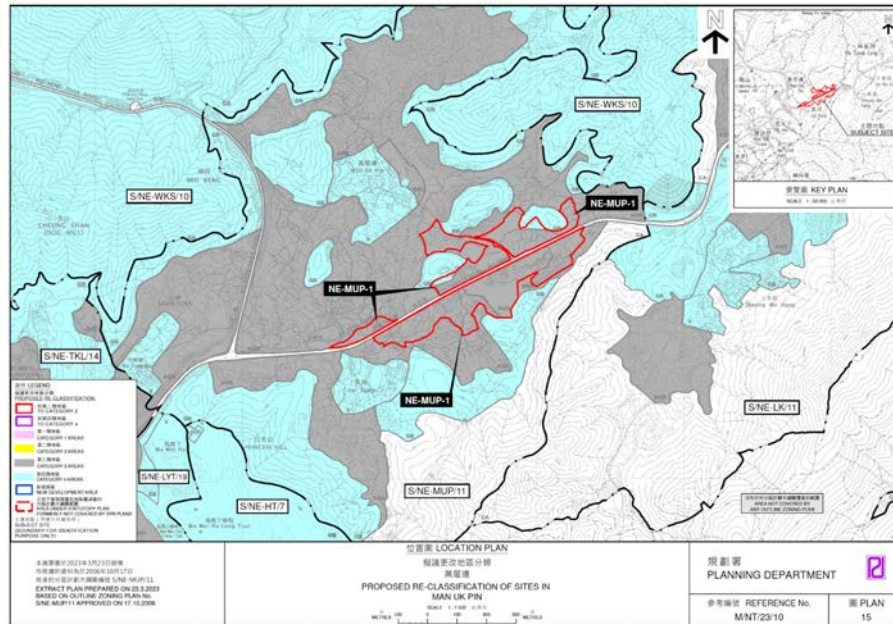
- **The site falls within the relaxed brownfield application area:**

Generally, due to pollution and other reasons, agricultural zones do not necessarily allow the operation of brownfield uses such as logistics centers.

The site has always been restricted by the Town Planning Board's "Planning Guideline No. 13G" to control the excessive spread of brownfield sites, i.e., it has always been located in "Category 3 Areas" - where the Town Planning Board usually does not favorably consider logistics center applications.

In April 2023, at the suggestion of the Planning Department, some areas in the New Territories were reclassified from "Category 3 Areas" to "Category 2 Areas", meaning that if government departments have no negative comments or nearby residents do not object, temporary planning permission for up to 3 years can be obtained to operate a logistics center. The site in question was

selected to be reclassified as a "Category 2 Area" (see the red box in the image below).



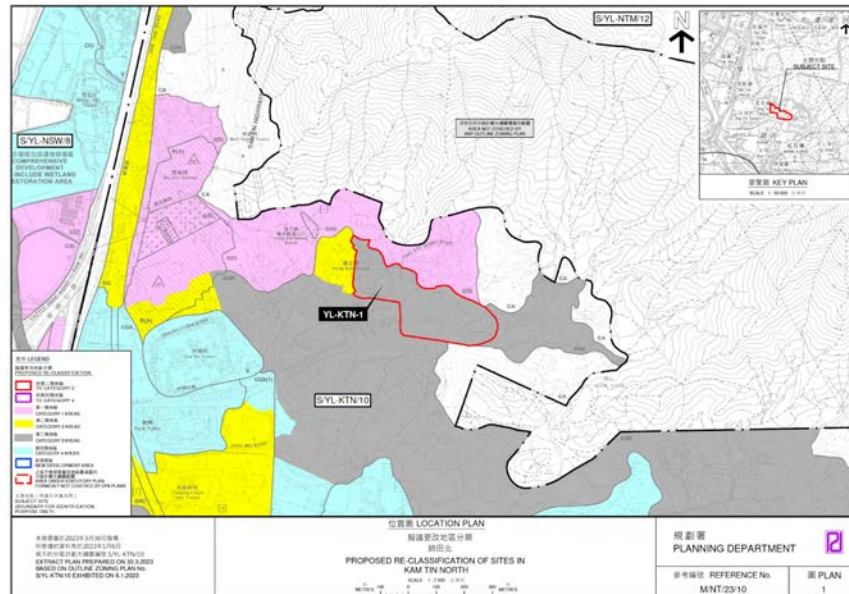
- **The Planning Department deliberately relaxed brownfield restrictions on land previously permitted for ABE:**

Researchers reviewed Town Planning Board documents and found that the government, when selecting which land to reclassify as "Category 2 Areas" to facilitate brownfield expansion, would give priority to land with previous temporary ABE applications, effectively rewarding those who had no intention of operating animal boarding facilities in the past and allowing them to directly apply for brownfield operations. This also explains why "Good Kind Investment Limited" was able to "change course" and apply for a logistics center just 9 months after the animal boarding application was approved.

4.2 We propose to adjust the classification criteria for Category 2 areas to include the following sites under Category 2 for OS/PBU uses, subject to resolution of departments' concerns on technical requirements:

- sites adjoining or close to brownfield clusters classified under Category 1 or 2;
- ecologically non-sensitive areas that are vacant formed land, unused land covered by weeds/vegetation or fallow agricultural land, with a few intermixing with scattered/small scale farmland;
- sites predominantly/partly occupied by OS/PBU uses or other brownfield operations, some of which are "existing uses" or covered by planning permission and a few cases are subject to planning enforcement action; and
- sites covered by planning permission for temporary uses other than brownfield operations (e.g. **animal boarding establishments**, pet parks, hobby farms, etc.).

The researcher further discovered that this is not an isolated case. As mentioned in Section 4.3 of the research report, several ABE planning applications in Fung Kat Heung also switched to applying for temporary warehouses after Planning Guideline No. 13G and were approved. The relevant lots also fall under the areas where Planning Guideline No. 13G was relaxed (see the image below, the red box area, currently in "Category 2 Areas").



5.3. Summary:

The synthesis of the two cases shows that both the Planning Department and the Town Planning Board are suspected of not properly fulfilling their gatekeeping roles in formulating planning restriction plans and approving ABE applications:

- Neglecting the history of illegal development at the application site:** The above cases show that ABE applications are often accompanied by illegal development such as illegal landfilling and erection of illegal structures, which are typical "destroy first, develop later" brownfield development paths. If an ABE application is accompanied by these signs, it should be treated with caution, but after reviewing the relevant planning documents, it seems that the Planning Department did not specifically remind the Town Planning Board members that these applications should be handled with more care.
- Neglecting the possibility that the high approval rate of animal boarding applications may be exploited for "cooling off" :** Some applicants have repeatedly changed the application purpose to "break through" and operate non-agricultural uses on agricultural land, but many have been rejected due to various regulatory restrictions. Data shows that among the available applications, ABE applications have a very high approval rate, making them an ideal way to "break through". However, the Planning Department has not taken a more cautious approach to avoid the use of ABE as a "cooling off" period to legitimize land damage.

- **Ignoring applicants who do not act in accordance with plans or commitments:** There is no evidence that the Planning Department has actively followed up on whether applicants have acted in accordance with the commitments in their applications (such as erecting structures, landscaping, etc.) after the ABE applications have been approved, resulting in many cases where applicants only carry out landfilling without operating ABEs, without any consequences.
- **Ignoring the suspicious background of some applicants:** Some applicants have very suspicious backgrounds, such as having no experience in animal boarding, being engineering companies, repeatedly changing the application purpose at the same location to try to break through, and some applicants also have a large number of applications for various brownfield operations at other locations, indicating that the real purpose of the application may be to "cool off", but there is no indication that the Planning Department has conducted special screening of these cases, or emphasized the suspicious background of the applicants in documents/meetings for the Town Planning Board members to consider.
- **Encouraging the "transition" of non-operational ABEs to other brownfield uses:** What is worse, the government relaxed the restrictions on brownfield applications in mid-2023, allowing sites that have successfully applied for ABEs to be "transformed" into brownfield operations.

5.4. Recent trends: Streamlined approval process, expanding planning loopholes

It can be seen that a considerable number of planning applications for ABEs have not been operated after approval, or even used for other brownfield purposes, indicating that in addition to the importance of continuous monitoring after approval, the quality of the Town Planning Board's approval before approval is also crucial. The in-depth study of individual cases in this study shows that as long as the land development history and the background of the applicants involved in the cases are carefully explored, it is not difficult to find that some ABE applications have potential problems of abuse, which are worthy of further investigation or rejection of the applications.

This study has clearly pointed out that the Town Planning Board's rigor in reviewing planning applications in the past is questionable (or not only in the handling of ABE applications). What is worrying is that the Town Planning Board's gatekeeping system seems to be further disintegrating recently :

- **No longer reviewing temporary animal boarding applications independently: :** The researcher found that from August 2022 to February 2023, the Town Planning Board introduced a "Streamlining Arrangement" for various planning applications, including animal boarding applications, logistics center applications, etc³.

If the Planning Department considers a case to be "not complex" and meets certain

³ Since February 2013, the Town Planning Board has introduced a "Streamlining Arrangement" for temporary animal boarding planning applications, which means that each project does not need to be reviewed independently. .

conditions⁴, it will be discussed in a bundled manner in the form of a list (see the image below), and will no longer be reviewed independently.

A3-1

Annex 3

**Minutes of 738th Rural and New Town Planning Committee
(held on 15.3.2024)**

Cases for Streamlining Arrangement

(a) Applications approved on a temporary basis for a period of 3 years until 15.3.2027

Item No.	Application No.	Planning Application
13	A/NE-SSH/153	Temporary Private Car Park (Private Cars and Light Goods Vehicles) in "Village Type Development" Zone, Lots 449 S.F, 449 RP, 450 RP (Part), 450 S.B (Part), 464, 465 (Part), 466 S.A (Part), 466 S.B ss.1, 467, 524 (Part) and 528 (Part) in D.D. 209, Shap Sz Heung, Tai Po
14	A/NE-SSH/154	Proposed Temporary Private Car Park (Private Cars Only) in "Village Type Development" Zone, Lot 462 in D.D. 209, Kei Ling Ha San Wai, Shap Sz Heung, Tai Po
21	A/NE-LYT/813	Proposed Temporary Private Car Park (Private Car and Light Goods Vehicle Only) in "Village Type Development" Zone, Taxlot Lot 1766 RP (Part) in D.D. 83, Tsz Tong Tsuen, Lung Yeuk Tau, Fanling
26	A/NE-MUP/193	Proposed Temporary Logistics Centre and Associated Filling of Land in "Agriculture" Zone, Lots 25 (Part), 26 (Part) and 27 in DD. 38, Lots 802 (Part), 804 (Part), 806, 807, 808, 809, 811, 812, 813, 823 S.B RP, 824 S.B RP, 825, 826, 827, 828 S.B RP in D.D. 46 and Adjoining Government Land, Sha Tau Kok
27	A/NE-MUP/199	Proposed Temporary Shop and Services (Real Estate Agency) and Filling of Land in "Agriculture" Zone, Lot 755 RP in D.D. 46, Ta Kwu Ling
30	A/NE-TKL/745	Proposed Temporary Open Storage of Construction Machinery and Construction Materials in "Agriculture" Zone, Lots 175 and 176 in D.D. 84, Ta Kwu Ling
31	A/NE-TKL/746	Proposed Temporary Open Storage of Construction Material and Machinery with Ancillary Facilities and Associated Filling of Land in "Agriculture" Zone, Lots 645 (Part), 647, 650 S.A, 650 S.B (Part), 651 (Part), 653 (Part) and 654 (Part) in D.D. 82, Ta Kwu Ling
33	A/NE-TKLN/75	Proposed Temporary Public Vehicle Park (Excluding Container Vehicle) and Shop and Services in "Village Type Development" and "Recreation" Zones, Lots 388 S.A, 388 S.B, 388 RP (Part) and 390 RP (Part) in D.D. 78 and Adjoining Government Land, Tsung Yuen Ha, Ta Kwu Ling North
34	A/NE-TKLN/77	Proposed Temporary Logistic Centre, Warehouse (Excluding Dangerous Goods Godown) and Container Vehicle Park with Ancillary Facilities in "Recreation" Zone, Various Lots in D.D. 78 and 82 and Adjoining Government Land, Lin Ma Hang Road, Ta Kwu Ling North
35	A/NE-TKLN/80	Proposed Temporary Public Vehicle Park (Private Car Only) and Associated Filling of Land in "Agriculture" and "Village Type Development" Zones, Lot 389 RP, 395 S.A, 395 RP, 396 S.A, 396 RP and 398 RP in D.D. 78, Ta Kwu Ling North

- **65% of applications were processed in a streamlined manner:** From February 17, 2023 onwards⁵, the Town Planning Board received a total of 42 temporary animal boarding planning applications in the New Territories, of which 27 were processed in a "streamlined" manner, accounting for 64%.
- **Bundled approval in list form, discussion quality plummeted:** Analysis and comparison of the Town Planning Board's methods of handling temporary ABE planning applications before and after streamlining revealed that after streamlining, the Planning Department no longer verbally explained the background, rationale, departmental opinions, and results of public comments of individual applications to the members. It even only listed (after September 2023) which applications were processed in a streamlined manner, and then voted in a bundled manner. Although the members should have received individual project planning documents before the meeting, this arrangement greatly reduced the members' attention to the details of individual cases and also reduced the opportunity for specific discussion of individual applications, let alone discovering the facts and doubts of individual cases in the discussion process.

None of the 27 "streamlined" temporary ABE planning applications mentioned above were questioned by any member, and all were approved, including a "suspected

⁴ The condition is that if the Planning Department considers the application to be "not complex", the temporary use can be "tolerated", not in a conservation area such as a green belt (but agricultural land is not defined as a conservation area), and other relevant government departments have no strong objections, then the application will be processed under the streamlined procedure.

⁵ The effective date for allowing "temporary animal boarding facilities" to be processed under the streamlined procedure.

non-operational" case (A/YL-KTN/889) found in this study, located in Kam Tin North, Yuen Long.

- **"Missed" application, ABE turned into open storage yard** : A closer look at the planning documents of A/YL-KTN/889 reveals several points worthy of discussion by the members, but under the new arrangement, the officials did not introduce the project, only stating that "the relevant application was selected for streamlining arrangement", after which no meaningful discussion took place and the application was approved at "light speed":
 - **Involved in illegal development:** The relevant lot was involved in illegal development in 2022 (case number A/YL-KTN/622), and the case was still pending at the time of approval (i.e., March 17, 2023). The relevant departments indicated the need for continuous monitoring, but if the application is approved, would it not reward the past illegal development?
 - **Public questioned the possibility of open storage:** A/YL-KTN/889 involved a temporary landfilling application, but comparing Google Earth satellite images from October 2022 to March 2023, the relevant land was extensively damaged by mud dumping during that period, which may have occurred before the application was approved on March 17, 2023. If this is true, it would be premature development. Reviewing the public comments, [some members of the public questioned that](#) there had been large-scale open storage planning applications at the relevant location (A/YL-KTN/544, A/YL-KTN/549, A/YL-KTN/603, the applications were later withdrawn), and suspected that the real intention of the ABE application was landfilling, and that open storage operations would eventually be carried out. There is no evidence that the Planning Department has answered these questions or taken the initiative to clarify them to the Town Planning Board members.
 - **Approved without introduction by officials:** [The minutes](#) of the Town Planning Board meeting on March 17, 2023 show that under the streamlined procedure, no official introduced the project, only recording that the Planning Department did not object to the application, and there was no indication that any member raised any questions, only recording that the Town Planning Board approved the application after "discussion". The document shows that it cannot be ruled out that the members approved the case as a general case according to the Planning Department's "streamlined" arrangement without fully understanding the suspicious details of the application case.
 - **Field visits show that the relevant lots are used for open storage:** In a field visit on May 30, 2024, it was found that the application lots were used for open storage, with building materials and plastic fences, etc. (see the image below), and there was no valid open storage planning application for the lots.
 - This shows that under the "streamlined" procedure, some applications may be "overlooked", leading to a decline in the quality of planning review.



○

- **Quality discussions before "streamlining":** The previously discussed cases show that reviewing applications item by item is conducive to quality discussion. In planning application A/NE-FTA/205 (handled before the streamlining procedure took effect), some members questioned that the application might be used as a warehouse instead of an ABE, and that the ABE application involved a sealed structure, making it difficult to see the internal conditions, and requested that if the application was approved, the Planning Department must closely monitor it. The members present also agreed to convey their views to the Planning Department.

If applications are bundled together instead of being discussed individually, or if there is no introduction by officials, it may be more difficult for members to identify suspicious aspects of individual cases, increasing the chance of wrongly approving non-operational ABEs.

- **The "streamlining" procedure is not limited to ABEs, and the planning loopholes may be getting bigger and bigger:** The researcher also found that the "streamlining" procedure is not only applicable to temporary ABE applications, but

also to brownfield operation applications that usually involve landfilling, such as hobby farms, vehicle parks, and logistics centers.

For example, the temporary ABE with landfilling application A/NE-MUP/166 (Case 2) mentioned above was transformed into a temporary logistics center application A/NE-MUP/193 one year after its approval, after the Town Planning Board relaxed the threshold for brownfield operation applications. Even though the lot involved illegal development and illegal land occupation, it was approved without a briefing by officials and sufficient discussion by the members, let alone discovering that the applicant was suspected of using the name of an animal boarding facility to actually operate a logistics center (according to Google Map Street View, the lot was operated under the name of "warehouse" and "logistics" from 2021 to 2023). This further shows that under the new arrangement, the quality of the Town Planning Board's discussion is greatly affected, and the Town Planning Board can increase the number of planning applications that can be streamlined as needed, so that more potentially problematic planning applications can be approved with almost zero briefing and discussion, and the planning loopholes may be getting bigger and bigger.

Policy discussion and recommendations :

- **To improve the quality of the Town Planning Board's approval:**

In view of the extremely high approval rate of temporary ABEs, it is necessary to improve the quality of the Planning Department/Town Planning Board's approval to prevent it from being used as a "cooling off" application :

- Scrutinize the background of the applicant, such as whether they have reliable animal boarding experience. If not, or if the background is a brownfield operator, the Planning Department should require the applicant to submit more information on the animal boarding operation plan or require a specific operation plan to clarify whether the applicant has the intention and ability to operate an ABE.
- Since this study found that many connected ABE applications are suspected to be non-operational, the Planning Department/Town Planning Board should also take the same cautious attitude towards such applications.
- The Town Planning Board should carefully consider ABE applications located in brownfield operation areas. Since this study found that many animal boarding applications located in brownfield operation areas are actually just extensions of brownfield sites, the Town Planning Board should also take the same cautious attitude towards such applications.
- For planning applications that have involved different types of land use in a short period of time (e.g., first applying for a temporary ABE, but then applying for a temporary warehouse in a short period of time), stricter scrutiny

should be applied to prevent these "indecisive" applicants from using temporary ABE applications to "cool off".

- Many non-operational cases involve a history of "destroy first, develop later", where the Planning Department may have issued enforcement notices and/or reinstatement notices. Many brownfield sites are also generated in the same way, so temporary ABE applications involving sites with illegal development, regardless of whether the illegal development is "closed" or not, should be carefully considered by the Town Planning Board.
- The suitability of the location for animal boarding should be carefully considered from the perspective of animal boarding needs. The researcher's field visits to many application sites found that the surrounding areas were dusty and there were dangerous heavy machinery operations, which were not suitable for stray cats and dogs. The documents prepared by the Planning Department often ignore how the actual land use of the surrounding environment will affect animal boarding services.

In fact, the Town Planning Board, when reviewing animal boarding planning applications, often focuses more on *the impact of ABEs on the surrounding environment, and less on how the surrounding environment affects animal boarding facilities.*

- The phenomenon analysis section and the two cases in this study show that many so-called temporary landfilling applications will actually be covered by new temporary landfilling applications (usually concrete, which is extremely destructive to farmland), and do not need to be restored according to the applicant's "commitment", in order to achieve long-term or even permanent damage. The study found that the first approved landfilling permit is usually accompanied by a more easily approved animal boarding planning application. Therefore, the Town Planning Board must be wary of the potential permanent damage caused by temporary animal boarding applications together with "temporary" landfilling applications.
- Concrete landfilling is difficult to restore, and the damage to farmland is long-term. The Town Planning Board should not easily approve temporary ABE planning applications involving the use of concrete landfilling.

Overall, the approval of temporary animal boarding applications located in or near brownfield areas should be "tight rather than loose".

- **Stop the streamlined approval arrangement immediately**

Allowing temporary ABE planning applications to be approved under the streamlined procedure has caused great harm to the quality of approval and should be stopped immediately to prevent the approval system from "accelerating and failing" in the name of "speeding up and improving efficiency".

If the Planning Department still recommends that suspicious temporary ABE planning applications be approved in a "bundled" manner, then the above tightening of the approval recommendations cannot be implemented.

- **For the Planning Department's monitoring and enforcement standards :**

In terms of planning applications, the Planning Department's main work is to formulate planning policies, conduct preliminary review of planning applications, coordinate the views of various departments, monitor actual land use and enforce illegal development, etc. Therefore, it also has a certain role to play in preventing the abuse of temporary ABEs :

- After the Town Planning Board grants planning permission, it is necessary to closely monitor whether the applicant has implemented the approved planning application according to the plan and commitments, such as not deviating too much from the construction of structures shown in the application drawings, and sending personnel to monitor whether there are animal boarding activities from time to time, otherwise it should immediately recommend that the Town Planning Board revoke the planning permission and recommend that the relevant location be blacklisted and prohibited from submitting new planning applications again within a certain period of time.
- There are where planning permission was suspected to be obtained before the land was restored to its original state, effectively resulting in no consequences for the illegal development. It is recommended that the Planning Department prohibit any new planning applications for land that is still involved in illegal development in order to increase the cost of illegal development.
- The Town Planning Board and the Planning Department should review and withdraw the decision to amend Planning Guideline No. 13G in mid-2023, especially the relaxation of other brownfield operation planning applications on sites where ABE has been approved, in order to prevent encouraging applicants to further create more space for relaxing the criteria for brownfield applications through more ABE applications.

- **Making good use of abandoned village schools and vacant government land to accommodate new ABEs**

This study shows that under the current Town Planning Board policy, applying for ABEs on private land through applicants will lead to abuse problems. If we want to plug the loopholes, it will inevitably involve tightening the overall criteria for handling temporary ABE planning applications, which may make it difficult for those who really want to operate ABEs.

In order to facilitate the latter to operate real ABEs, formulating policies to make good use of existing idle government land can alleviate the side effects brought about by the above tightening measures. Under the premise of complying with planning

guidelines, the research should open up the policy space of abandoned village schools that are not too remote and vacant government land to help people who really want to operate ABEs to find suitable land for operation.

In fact, the government also has existing policies to make good use of vacant government land. The Development Bureau allocated 1 billion in 2019 to launch the "Funding Scheme to Support the Use of Vacant Government Sites by Non-government Organisations". A non-governmental organization used the funding and a piece of land in Ko Po San Tsuen, Kam Tin, to set up an animal rescue center, setting a precedent for using idle government land in rural areas for animal boarding related purposes.

In addition, the Planning Department has recently been reviewing 259 vacant school sites across the territory, of which 52 sites can be used by non-governmental organizations or social enterprises for short-term purposes before their long-term use is finalized. Most of them are located in rural areas and have been zoned as "Government, Institution or Community" uses, which are much more in line with the land use and planning intentions of the animal boarding facilities than "Agriculture" zones. It is recommended that the government should seriously review the school sites in the list to see if they have the potential to be converted into ABEs.

Appendix 1: List of Suspected Non-Operational ABEs

26 suspected non-operational animal boarding applications with current status of empty land or objects placed in the space unrelated to the business

Application Number	Satellite Image	Aerial Photo/Field Visit Photo	Reason for Judgement
A/YL-KTN/752	KTN752_sate.PNG (Date taken: 02/2024)	KTN752_ft.PNG (Date taken: 19/04/2024)	Empty land with no structures
A/YL-KTN/771	KTN771_sate.PNG (Date taken: 02/2024)	KTN771_ft.PNG (Date taken: 19/04/2024)	Empty land with no structures
A/YL-KTN/775	KTN775_sate.PNG (Date taken: 02/2024)	KTN775_ft.PNG (Date taken: 19/04/2024)	Empty land with no structures
A/YL-KTN/807	KTN807_sate.PNG (Date taken: 02/2024)	KTN807_ft.PNG (Date taken: 29/05/2024)	Empty land with no structures
A/YL-KTN/809	KTN809_sate.PNG (Date taken: 02/2024)	KTN809_ft.PNG (Date taken: 29/05/2024)	Empty land with no structures
A/YL-KTN/815	KTN815_sate.PNG (Date taken: 02/2024)	KTN815_ft.PNG (Date taken: 19/04/2024)	Empty land with no structures
A/YL-KTS/877	KTS877_sate.PNG (Date taken: 02/2024)	KTS877_ft.PNG (Date taken: 29/05/2024)	Empty land with no structures
A/YL-KTS/891	KTS891_sate.PNG (Date taken: 02/2024)	KTS891_ft.PNG (Date taken: 29/05/2024)	Empty land with no structures

A/YL-TT/582	TT582_sate.PNG (Date taken: 02/2024)	TT582_ft.PNG (Date taken: 29/05/2024)	Empty land with no structures
A/YL-TT/584	TT584_sate.PNG (Date taken: 02/2024)	TT584_ft.PNG (Date taken: 29/05/2024)	Empty land with no structures
A/YL-KTN/755	KTN755_sate.PNG (Date taken: 02/2024)	KTN755_ft.PNG (Date taken: 29/05/2024)	Empty land with a cover
A/YL-KTN/797	KTN797_sate.PNG (Date taken: 02/2024)	KTN797_ft.PNG (Date taken: 29/05/2024)	Empty land with a cover
A/YL-KTS/906	KTS906_sate.PNG (Date taken: 02/2024)	KTS906_ft.PNG (Date taken: 29/05/2024)	Empty land with a cover
A/YL-TT/573	TT573_sate.PNG (Date taken: 02/2024)	TT573_ft.PNG (Date taken: 29/05/2024)	Empty land with a cover
A/YL-KTN/779	KTN779_sate.PNG (Date taken: 02/2024)	KTN779_ft.PNG (Date taken: 29/05/2024)	Objects placed in the space are not related to animal boarding
A/YL-KTN/798	KTN798_sate.PNG (Date taken: 02/2024)	KTN798_ft.PNG (Date taken: 29/05/2024)	Objects placed in the space are not related to animal boarding
A/YL-KTS/940	KTS940_sate.PNG (Date taken: 02/2024)	KTS940_ft.PNG (Date taken: 29/05/2024)	Objects placed in the space are not related to animal boarding
A/YL-KTN/695	KTN695_sate.PNG (Date taken: 02/2024)	KTN695_ft.PNG (Date taken: 29/05/2024)	Objects placed in the space are not related to animal boarding
A/YL-KTN/814	KTN814_sate.PNG (Date taken: 02/2024)	KTN814_ft.PNG (Date taken: 19/04/2024)	Objects placed in the space are not related to animal boarding
A/YL-KTN/856	KTN856_sate.PNG (Date taken: 02/2024)	KTN856_ft.PNG (Date taken: 29/05/2024)	Objects placed in the space are not related to animal boarding
A/YL-KTN/869	KTN869_sate.PNG (Date taken: 02/2024)	KTN869_ft.PNG (Date taken: 29/05/2024)	Objects placed in the space are not related to animal boarding
A/YL-KTN/870	KTN870_sate.PNG (Date taken: 02/2024)	KTN870_ft.PNG (Date taken: 29/05/2024)	Objects placed in the space are not related to animal boarding
A/YL-KTN/871	KTN871_sate.PNG (Date taken: 02/2024)	KTN871_ft.PNG (Date taken: 29/05/2024)	Objects placed in the space are not related to animal boarding

A/YL-KTN/889	KTN889_sate.PNG (Date taken: 02/2024)	KTN889_ft.PNG (Date taken: 29/05/2024)	Objects placed in the space are not related to animal boarding
A/NE-KTS/508	KTS508_sate.PNG (Date taken: 02/2024)	KTS508_ft.PNG (Date taken: 29/05/2024)	Objects placed in the space are not related to animal boarding
A/YL-HTF/1128	HTF1128_sate.PNG (Date taken: 02/2024)	HTF1128_ft.PNG (Date taken: 29/05/2024)	Objects placed in the space are not related to animal boarding

Another 5 animal boarding applications that can be identified as suspected non-operational

Application Number	Satellite Image	Aerial Photo/Field Visit Photo	Reason for Judgement
A/YL-KTN/769	KTN769_sate.PNG (Date taken: 02/2024)	KTN769_ft.PNG (Date taken: 19/04/2024)	Applicant is an engineering or construction firm
A/YL-KTN/839	KTN839_sate.PNG (Date taken: 02/2024)	/	Applicant is an engineering or construction firm
A/YL-KTN/851	KTN851_sate.PNG (Date taken: 02/2024)	KTN851_ft.PNG (Date taken: 19/04/2024)	Applicant is an engineering or construction firm
A/NE-MUP/166	MUP166_sate.PNG (Date taken: 02/2024)	MUP166_ft.PNG (Date taken: 29/05/2024)	Previous brownfield use application was rejected, reapplied after approval for ABE, both applicants are the same investment company
A/YL-KTS/869	KTS869_sate.PNG (Date taken: 02/2024)	KTS869_ft.PNG (Date taken: 29/05/2024)	Previous brownfield use application was rejected, reapplied after approval for ABE, both applicants are the same investment company

致城市規劃委員會秘書：

專人送遞或郵遞：香港北角渣甸道 333 號北角政府合署 15 樓

傳真：2877 0245 或 2522 8426

電郵：tpbpd@pland.gov.hk

2

To : Secretary, Town Planning Board

By hand or post : 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong

By Fax : 2877 0245 or 2522 8426

By e-mail : tpbpd@pland.gov.hk

有關的規劃申請編號 The application no. to which the comment relates

A/YL-KTS/1146

意見詳情 (如有需要，請另頁說明)

Details of the Comment (use separate sheet if necessary)

本人簡柳文為華寧酒村居民代表，本人極力反對以上申請，原因本村太多同類型申請，大多數都是以宵夜所為名轉頭佔用了食地，此類申請本村已批一條很多個沒有一個真正做宵夜所，希望貴處不給予批准。

「提意見人」姓名/名稱 Name of person/company making this comment

簽署 Signature 簡柳文

日期 Date 12-8-2026