

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTS/1146

- Applicant** : Mr. 楊海壽 represented by Glister Engineering Consultants Company
- Site** : Lots 393 (Part), 394 (Part), 399, 400 S.A, 400 RP, 401 and 403 in D.D. 113, Ma On Kong, Kam Tin South, Yuen Long
- Site Area** : About 1,652 m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/15
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Animal Boarding Establishment and Associated Filling of Land for a Period of Five Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary animal boarding establishment (ABE) and associated filling of land for a period of five years at the application site (the Site), which falls within an area zoned “AGR” on the OZP (**Plan A-1**). According to the Notes of the OZP for the “AGR” zone, ‘Animal Boarding Establishment’, which is a Column 2 use, and filling of land in the “AGR” zone require planning permission from the Town Planning Board (the Board). The Site is currently mainly covered by vegetation, with a tree and a temporary structure (**Plans A-2 to A-4**).
- 1.2 The Site is accessible from Kam Ho Road via a local track (**Plans A-1 to A-3**). According to the applicant, the proposed use involves five single-storey structures with a height of not more than 4m and a total floor area of about 365.5m² for dog kennels, dog bathing facilities, ancillary office and toilet. An uncovered area of about 748m² will be used as outdoor activity area for dogs, while the remaining uncovered area of about 538.5m² will be used for provision of four parking spaces for private car and manoeuvring space to ensure that no vehicle will turn back onto the local access (**Drawing A-1**). No vehicles exceeding 5.5 tonnes are allowed to enter or be parked at the Site at all times. One existing tree of common species within the Site will be felled (**Drawing A-1**). The proposed use will accommodate not more than 30 dogs at a time. The operation hours will be from 9:00 a.m. to 7:00 p.m. daily including public holidays. No overnight animal boarding services will

be provided and prior bookings are required for visiting the Site. All animals will be kept inside the enclosed structures fitted with soundproofing materials, 24-hour mechanical ventilation and 24-hour air conditioning systems. No public announcement system, whistle blowing, portable loud speaker or any form of audio amplification system will be used and no animal quarantine facilities will be provided at the Site at all times. A corrugated metal fencing of 2m in height will be erected along the site boundary to minimise potential nuisance to the surrounding areas. The applicant also applies for proposed filling of land for the entire site with concrete of not more than 0.15m in depth up to a level of +34.95mPD for site formation and circulation area. The site layout plan with the tree location indicated and land filling plan submitted by the applicant are at **Drawings A-1 and A-2** respectively.

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

- (a) Application Form with attachments and Supplementary (**Appendix I**) Information (SI) received on 23.7.2026 and 30.7.2026 respectively
- (b) Further Information (FI) received on 2.9.2026* (**Appendix Ia**)

** accepted and exempted from publication and recounting requirements*

2. **Justifications from the Applicant**

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

- (a) The proposed use could bring daytime pet recreation and bathing activities to local pet owners and residents in Pat Heung and Kam Tin areas.
- (b) The proposed use is temporary in nature and will not frustrate the long-term planning intention of the “AGR” zone. It is not incompatible with the surrounding areas and there are also similar applications within the same “AGR” zone approved in the vicinity of the Site.
- (c) The proposed use would not induce adverse traffic, environmental, fire safety and drainage impacts on the surrounding areas. The applicant will strictly follow the revised ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (‘CoP’) issued by the Environmental Protection Department (EPD) and the relevant environmental protection/pollution control ordinances to minimise potential nuisance to the surrounding areas.

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

The applicant is one of the “current land owners” and has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by obtaining consents of “current land owners”. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is not subject to any active planning enforcement action.

5. Previous Application

The Site is not the subject of any previous application.

6. Similar Applications

There are four similar applications (No. A/YL-KTS/978, 991, 1038 and 1043) for temporary ABE with associated filling of land within the same “AGR” zone in the vicinity of the Site in the past five years (including one for renewal of planning permission granted). All applications were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board between 2023 and 2025 each for a period of three or five years, mainly on the considerations that the temporary approval would not frustrate the long-term planning intention; the proposed/applied use was not incompatible with the surroundings; there was no change in planning circumstances (for renewal application); and the relevant government departments consulted generally had no adverse comment or their concerns could be addressed by approval conditions. Details of the similar applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) accessible from Kam Ho Road via a local track; and
- (b) currently mainly covered by vegetation with a tree and a temporary structure.

7.2 The surrounding areas are rural in character with an intermix of a pigsty farm, warehouses, open storage yards, woodland, grassland, graves and vacant land. To the west is the Tsing Long Highway and to the further northeast and east are the village clusters of Ma On Kong and Ho Pui.

8. Planning Intention

8.1 The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

8.2 According to the Explanatory Statement of the OZP for the “AGR” zone, as filling of land may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities.

9. Comments from Relevant Government Departments

9.1 Apart from the government department as set out in paragraph 9.2 below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses, if any, are provided in **Appendices III and IV** respectively.

9.2 The following government department has specific comment on the application:

9.2.1 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

- (a) no comment on the application; and
- (b) his office has received one adverse comment from the Resident Representative (RR) of Ma On Kong Tsuen¹.

10. Public Comments Received During Statutory Publication Period

On 31.7.2026, the application was published for public inspection. During the statutory public inspection period, two public comments were received from the RR of Ma On Kong Tsuen and an individual objecting to the application mainly on the grounds that the application and other similar applications approved for ABE in the vicinity are to pave way for brownfield operation; and the application lacks operation details of the proposed ABE (**Appendix V**).

11. Planning Considerations and Assessments

11.1 The application is for proposed temporary ABE and associated filling of land for a period of five years at the Site zoned “AGR” (**Plan A-1**). Whilst the proposed use is not entirely in line with the planning intention of the “AGR” zone, the Director of Agriculture, Fisheries and Conservation (DAFC) has no strong view on the application from agricultural perspective. In view of the above and taking into account the planning assessments below, there is no objection to the proposed use with associated filling of land on a temporary basis for a period of five years.

11.2 Filling of land in the “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the surrounding areas. In this regard, the Chief Engineer/Mainland North of Drainage Services Department and Director of Environmental Protection have no objection to the application from drainage and environmental planning perspectives respectively. As the Site is zoned “AGR”, an approval condition requiring the reinstatement of the Site upon expiry of the planning permission so as to uphold the planning intention of the “AGR” zone and restore the greenery of the area is recommended should the Committee decide to approve the application.

¹ The same submission (**Appendix V**) was received by the Board during the statutory public inspection period of the application and the views are summarised in paragraph 10.

- 11.3 The proposed use is considered not incompatible with the surrounding areas which are rural in character with an intermix of a pigsty farm, warehouses, open storage yards, woodland, grassland, graves, Tsing Long Highway and vacant land (**Plans A-1 and A-2**). The Chief Town Planner/Urban Design and Landscape (CTP/UD&L) of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective and considers that the proposed use is not incompatible with the landscape setting in the proximity. While noting that the applicant proposes to fell the existing tree near the eastern boundary of the Site, CTP/UD&L advises that it is common species (*Macaranga tanarius* 血桐) in poor condition and significant adverse landscape impact arising from the proposed use is not anticipated.
- 11.4 Other concerned government departments consulted, including the Commissioner for Transport, Director of Fire Services and Director of Food and Environmental Hygiene have no objection to or no adverse comment on the application. To address the technical requirements of concerned departments, appropriate approval conditions are recommended in paragraph 12.2 below. Should the application be approved by the Committee, the applicant will be advised to follow the 'CoP' issued by the EPD and other relevant environmental guidelines and legislation in order to minimise any potential environmental nuisance caused by the proposed use on the surrounding areas. The applicant will also be advised that 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 DAFC.
- 11.5 Regarding the local views conveyed by DO(YL), HAD and public comments as mentioned in paragraphs 9.2.1 and 10 above respectively, the planning assessments and departmental comments above are relevant. Besides, any unauthorized development(s)/use(s) at the Site would be subject to planning enforcement action.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comments mentioned in paragraphs 9.2.1 and 10 above, PlanD has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of five years until 11.9.2031. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission of a drainage proposal within **6** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 11.3.2027;
- (b) in relation to (a) above, the implementation of the drainage proposal within **9** months from the date of planning approval to the satisfaction of the

Director of Drainage Services or of the Town Planning Board by 11.6.2027;

- (c) in relation to (b) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (d) the submission of a fire service installations proposal within **6** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 11.3.2027;
- (e) in relation to (d) above, the implementation of the fire service installations proposal within **9** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 11.6.2027;
- (f) if the above planning condition (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (g) if any of the above planning condition (a), (b), (d) and (e) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (h) upon expiry of the planning permission, the reinstatement of the site, including the removal of hard paving and fill materials, and grassing of the site to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory clauses

The recommended advisory clauses are at **Appendix IV**.

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

the proposed use with associated filling of land is not in line with the planning intention of the "AGR" zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.

- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

14. Attachments

Appendix I	Application Form with attachments received on 23.7.2026 and SI received on 30.7.2026
Appendix Ia	FI received on 2.9.2026
Appendix II	Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Site Layout Plan
Drawing A-2	Lang Filling Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photo

**PLANNING DEPARTMENT
SEPTEMBER 2026**