

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/799

- Applicant** : 鄭邦權 represented by 海願規劃發展公司
- Site** : Various Lots in D.D. 116 and Adjoining Government Land (GL), Yuen Long
- Site Area** : 1,974 m² (about) (including GL of about 94m² or 4.8% of the Site)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/20
- Zonings** : “Agriculture” (“AGR”) (about 1,946m² or 98.6%)
“Village Type Development” (“V”) (about 28m² or 1.4%)¹
- Application** : Proposed Temporary Animal Boarding Establishment and Associated Filling of Land for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary animal boarding establishment and associated filling of land for a period of three years at the application site (the Site) falling within the “AGR” zone on the OZP (**Plan A-1**). According to the Notes of the OZP for “AGR” zone, ‘Animal Boarding Establishment’, which is a Column 2 use, and filling of land require planning permission from the Town Planning Board (the Board). The Site, comprises two portions (i.e. southern and northern portions), is currently fenced off, largely vacant and partly hard paved with the southern portion partly occupied by temporary structures (**Plans A-3 and A-4**).
- 1.2 The Site is accessible from Yau Shin Street via a local track with an ingress/egress point at the north of the northern portion, which is connected to the southern portion, via the local track. (**Drawing A-1 and Plan A-2**). According to the applicant, a single-storey temporary structure of about 6m high with a floor area of about 50m² for reception and washroom uses, and two private car parking spaces (5m x 2.5m)

¹ A very minor portion of the Site falls within an area zoned “V”, which would be considered as minor boundary adjustment in accordance with the covering Notes of the OZP, and is not included in the planning assessment of the current application.

will be provided at the northern portion. Two single-storey temporary structures of about 6m high with a total floor area of about 436m² for animal boarding establishment, and three loading/unloading (L/UL) spaces for light goods vehicle (7m x 3.5m) are proposed at the southern portion.

- 1.3 The applicant also seeks permission for filling of land for an area of about 1,946m² (i.e. about 98.6% of the Site), including (i) to fill part of the southern portion (about 730m² or 37% of the Site) and (ii) to regularise the land filling which has already been undertaken at the remaining parts of the Site (about 1,216m² or 61.6% of the Site) with concrete in depth of about 0.2m for erection of temporary structures, circulation space and provision of parking and L/UL spaces (**Drawing A-2**).
- 1.4 According to the applicant, the animal boarding establishment will accommodate about 13 cats and dogs. All animals will be kept inside the enclosed structures with soundproofing materials, 24-hour mechanical ventilation and air-conditioning system. No public announcement system, whistle blowing or portable loudspeaker will be used at the Site. The operation hours are from 7:00 a.m. to 9:00 p.m. daily, including Sundays and public holidays. No staff member will stay overnight at the Site. No more than two visitors are allowed at the Site at one time and reservation will be required. Plans showing the site layout with vehicular access and land filling area submitted by the applicant are at **Drawings A-1** and **A-2** respectively.
- 1.5 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with attachments received on 23.7.2026 (**Appendix I**)
 - (b) Supplementary Information (SI) received on 29.7.2026 (**Appendix Ia**)
 - (c) Further Information (FI) received on 31.8.2026* (**Appendix Ib**)
 - (d) FI received on 4.9.2026* (**Appendix Ic**)
[*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, SI and FI at **Appendices I** to **Ib**. They can be summarised as follows:

- (a) the proposed use could better utilise land resources;
- (b) the proposal is temporary in nature and would not jeopardise the long-term planning intention of the “AGR” zone;
- (c) the proposed use is not incompatible with the surrounding areas;
- (d) adequate mitigation measures will be provided by the applicant to mitigate any adverse impacts arising from the proposed use to the surrounding areas; and

- (e) no adverse traffic and environmental impacts are anticipated.

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

The applicant is not a “current land owner” but 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 posting site notices and sending notice to the Shap Pat Heung Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

Part of the Site is subject to planning enforcement action (No. E/YL-TT/766) against unauthorized developments (UDs) involving storage use (including deposit of containers) and use for place for parking of vehicles with Enforcement Notice (EN) issued on 10.11.2025 (**Plan A-2**). Subsequently, Compliance Notice for EN was issued on 17.6.2026 upon discontinuance of the UD. Reinstatement Notice (RN) was also issued on 18.6.2026 requiring reinstatement of the concerned land areas by 18.9.2026. If the RN is not complied with, prosecution action would be considered.

5. Previous Application

There is no previous application concerning the Site.

6. Similar Application

There is a similar application (No. A/YL-TT/670) for temporary animal boarding establishment with ancillary facilities and associated filling of land within the same “AGR” zone in the past five years. It was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board for a period of five years in 2024 mainly on considerations that the proposed use would not jeopardise the planning intention of the “AGR” zone; being not incompatible with the surrounding uses; and the departmental concerns could be addressed by implementation of approval conditions. Details of this similar application are summarised at **Appendix II** and its location is shown on **Plan A-1**.

7. Planning Intention

- 7.1 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.
- 7.2 According to the Explanatory Statement of the OZP, permission from the Board is required for filling of land within the “AGR” zone as such activity may cause adverse drainage and environmental impacts on the adjacent areas.

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

8.1 The Site:

- (a) comprises two portions which are currently fenced off, largely vacant and partly hard paved with the southern part partly occupied by temporary structures; and
- (b) is accessible from Yau Shin Street via a local track.

8.2 The surrounding areas are predominantly rural in character comprising residential dwellings intermixed with parking of vehicles, open storage/storage yards and vacant/unused land.

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 are provided in **Appendices III** and **IV** respectively.

9.2 The following government department has adverse comments on the application:

Land Administrative

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

- (a) the Site comprises GL and Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government;
- (b) no permission is given for occupation of GL (about 94 m²) included in the Site. Any occupation of GL without Government's prior approval is an offence under Cap.28;
- (c) his office has reservation on the planning application since there is/are unauthorized structure(s) and/or uses on Lots 101, 103, 104 S.A and 141 in D.D. 116 which is/are already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/apply for regularisation on the lease breaches as demanded by LandsD; and
- (d) if the planning application is approved, the lot owner(s) shall apply to LandsD for Short Term Waiver (STW) and Short Term Tenancy (STT) to permit the structure(s). The application(s) for STW and STT will be considered by the Government in its capacity as a landlord and there is no guarantee that the application(s) will be approved. The STW and STT, if approved, will be subject to such terms and conditions including

the payment of waiver fee, rent and administrative fee as considered appropriate by LandsD. Besides, given that the proposal is temporary in nature, only erection of temporary structure(s) will be considered.

10. Public Comments Received During the Statutory Publication Period

On 31.7.2026, the application was published for public inspection. During the statutory public inspection period, six public comments were received from Kadoorie Farm & Botanic Garden Corporation and five individuals (**Appendix V**) objecting to the application on the grounds that (i) the proposed use will generate adverse traffic impact, environmental nuisance, noise and safety concerns to the nearby residents, (ii) the proposed use is suspected to be a fake animal boarding establishment, and (iii) the proposal is not in line with the policy intention as part of the Site falls within the Agricultural Priority Area.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary animal boarding establishment and associated filling of land for a period of three years at the Site zoned “AGR” on the OZP. While the proposed use is not in line with the planning intention of the “AGR” zone, the Director of Agriculture, Fisheries and Conservation (DAFC) has no strong view against the application from agricultural perspective. Taking into account the planning assessments below, there is no objection to the proposed use at the Site on a temporary basis of three years.
- 11.2 The applicant also seeks permission for filling of land for an area of about 1,946 m² (i.e. about 98.6% of the Site) with concrete of a depth of not more than 0.2m. Filling of land within “AGR” zone requires planning permission as it may cause adverse drainage and environmental impacts on the adjacent 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 perspectives respectively. As the Site is zoned “AGR”, an approval condition requiring the reinstatement of the Site upon expiry of the planning permission so as to uphold the planning intention of the “AGR” zone and restore the greenery of the area is recommended should the Committee decide to approve the application.
- 11.3 The proposed use is considered not incompatible with the surrounding areas which are predominantly rural in character comprising residential dwellings, parking of vehicles, open storage/storage yards and vacant/unused land (**Plan A-2**). The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective.
- 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/no adverse comments on the application from traffic, fire safety and environmental hygiene aspects respectively. Should the application be approved, relevant approval conditions are recommended in paragraph 12.2 below to address the technical requirements of the concerned government

departments. The applicant will also be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise potential environmental nuisances on the surrounding areas. Regarding DLO/YL, LandsD’s concerns on the unauthorized structure(s) and/or uses on the Site, the applicant will be advised to liaise with LandsD on the land administration matters should the Committee approve the application.

- 11.5 One similar application was approved by the Committee in the past five years. Approval of the current application is in line with the Committee’s previous decision.
- 11.6 Regarding the public comments as summarised in paragraph 10 above, the planning considerations and assessments in paragraphs 11.1 to 11.5 above are relevant and any UD on the Site would be subject to planning enforcement action.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments detailed in paragraph 10 above, PlanD has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of three years until 11.9.2029. 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 at the Site should 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) or (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 fill materials and hard paving 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 "Agriculture" 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
Appendix Ia	SI received on 29.7.2026
Appendix Ib	FI received on 31.8.2026
Appendix Ic	FI received on 4.9.2026
Appendix II	Similar Application
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Site Layout Plan
Drawing A-2	Land Filling Plan

Plan A-1	Location Plan with Similar Application
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2026**