

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/1257

<u>Applicant</u>	: Mr. TANG Wai Ip represented by Mr. TANG Lok San
<u>Site</u>	: Lots 1065 RP (Part), 1079 (Part), 1080 RP (Part) and 1082 (Part) in D.D. 109, Kam Tin North, Yuen Long
<u>Site Area</u>	: About 1,142m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/11
<u>Zoning</u>	: “Agriculture” (“AGR”)
<u>Application</u>	: Proposed Temporary Animal Boarding Establishment with Ancillary Facilities and Associated Filling of Land for a Period of Five Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary animal boarding establishment with ancillary facilities and associated filling of land for a period of five years at the application site (the Site), which falls within an area zoned “AGR” on the OZP (**Plan A-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 require planning permission from the Town Planning Board (the Board). The Site is currently fenced-off, hard-paved and largely vacant (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from Kong Tai Road via a local track (**Plans A-1 to A-4**). According to the applicant, the proposed use involves four single-storey structures with height of not more than 5m and a total floor area of about 484m² for animal boarding establishments, ancillary storage room and site office (**Drawing A-1**). Two parking spaces for private car and one loading/unloading space for light goods vehicle will be provided at the Site. The applicant also applies for regularisation of filling of land for the entire Site with concrete of not more than 0.2m in depth (to a level of not more than 10.6mPD) for site formation, dog outdoor activity area and vehicular circulation (**Drawing A-2**). Prior bookings are required for visiting the Site. The proposed use will accommodate not more than 20 dogs, and all dogs will be kept inside the structures during sensitive hours (i.e. between 6:00 p.m. and 9:00 a.m.). The structures will be built with soundproofing materials and equipped with 24-hour air conditioning and

ventilation systems. No whistle blowing or any form of audio amplification system will be used at the Site at all times. Peripheral solid metal fencing of 2.4m in height is erected along the site boundary on all sides to minimise environmental nuisance to the surrounding area. The operation hours will be between 9:00 a.m. and 6:00 p.m. daily, except for overnight animal boarding services, including Sundays and public holidays. Plans showing the site layout and land filling area submitted by the applicant are on **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 received on 8.7.2026 (**Appendix I**) and 13.7.2026
- (b) Further Information (FI) received on 11.8.2026[^] (**Appendix Ia**)
[^] accepted but not 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**, and can be summarised as follows:

- (a) the proposed use is intended to serve the nearby locals. The temporary nature of the proposed use would not jeopardise the long-term planning intention of the “AGR” zone. The proposed use is not incompatible with the surrounding areas and there are similar applications approved within the same “AGR” zone;
- (b) the applicant will follow the relevant environmental protection and pollution control ordinances. Sufficient space will be provided for vehicles to manoeuvre smoothly within the Site and the proposed use will generate infrequent trips. Adverse environmental and traffic impacts are not anticipated. In support of the current application, the applicant has submitted a drainage proposal; and
- (c) the applicant will proceed with the boarding establishment licence application with the Agriculture, Fisheries and Conservation Department for the proposed use, upon the approval of the current application.

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

The applicant is not a ‘current land owner’ but has complied with the requirement as set out in the Town Planning Board Guidelines on Satisfying the ‘Owner’s Consent/Notification’ Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by posting site notice and sending notice to the Pat Heung Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

The Site was the subject of a planning enforcement case (No. E/YL-KTN/759) against unauthorized development (UD) involving storage use and use for place for parking of vehicles (**Plan A-2**). Enforcement Notice was issued on 24.4.2026 requiring discontinuation of the UD. Site inspection on 29.7.2026 revealed that the Site was vacant.

5. **Previous Application**

There is no previous application involving the Site.

6. **Similar Applications**

- 6.1 There are 21 similar applications for temporary animal boarding establishment (including two renewals for planning approval granted; and 19 with filling of land and/or pond) within the same “AGR” zone in the vicinity of the Site in the past five years. All these applications were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board between 2021 and 2025 mainly on the considerations that the proposed/applied use on a temporary basis would not frustrate the long-term planning intention of the “AGR” zone or could be tolerated; the proposed/applied use was not incompatible with the surrounding areas; and the relevant government departments consulted generally had no adverse comments or their concerns and public comments, if any, 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**.
- 6.2 A similar application No. A/YL-KTN/1279 for temporary animal boarding establishment within the same “AGR” zone will be considered at the same meeting (**Plan A-1**).

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

7.1 The Site is:

- (a) currently fenced-off, hard-paved and largely vacant;
- (b) accessible from Kong Tai Road via a local track; and
- (c) largely within the Tai Kong Po Site of Archaeological Interest (**Plans A-1 and A-2**).

7.2 The surrounding areas are rural in character with an intermix of open storage/storage yards, residential dwellings, hobby farm, animal boarding establishment, parking of vehicles, grassland, active/fallow farmland and vacant land. To the east of the Site is the Kam Tin River (**Plan A-2**).

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

All government 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 at **Appendices III** and **IV** respectively.

10. Public Comments Received During Statutory Publication Periods

On 17.7.2026 and 14.8.2026, the application was published for public inspection. During the statutory public inspection periods, six public comments were received from Kadoorie Farm & Botanic Garden Corporation and individuals (including two from the same individual), all objecting to the application mainly on the grounds that the proposed use is not in line with the planning intention of the “AGR” zone; “destroy first, build later” practice should not be encouraged; the genuine intention of the application is for brownfield operation; there are alarming dog attacking incidents recently; suspected unauthorized development is involved at the Site; and there would be adverse traffic, drainage, sewerage and environmental impacts on the surrounding areas (**Appendix V**).

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary animal boarding establishment with ancillary facilities and regularisation of the associated filling of land for a period of five years at the Site zoned “AGR” (**Plan A-1**). While 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. Taking into account the above and 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 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 planning perspectives respectively. As the Site is zoned “AGR”, an approval condition requiring the reinstatement of the Site upon expiry of the planning permission so as to uphold the planning

intention of the “AGR” zone and restore the greenery of the area is recommended should the Committee decide to approve the application.

- 11.3 The proposed use is considered not incompatible with the surrounding areas which are rural in character with an intermix of open storage/storage yards, residential dwellings, hobby farm, animal boarding establishment, parking of vehicles, grassland, active/fallow farmland, vacant land and a river. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective and considers that the proposed use is not incompatible with the landscape setting in the proximity and significant adverse landscape impact arising from the proposed use is not anticipated.
- 11.4 Other relevant 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, relevant approval conditions are recommended in paragraph 12.2 below. In particular, as the Site falls within the Tai Kong Po Site of Archaeological Interest, the Executive Secretary (Antiquities and Monuments) 2, Antiquities and Monuments Office, Development Bureau has no in-principle objection to the application from archaeological and built heritage conservation perspective, subject to imposition of approval conditions requiring the submission and implementation of drainage proposal to his satisfaction. It is also recommended to advise the applicant to follow the revised ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ to minimise any potential environmental nuisance caused by the proposed use. 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 There are 21 approved similar applications for the same use with/without associated filling of land and/or pond in the vicinity of the Site in the past five years as mentioned in paragraph 6.1 above. Approving the current application is in line with the Committee’s previous decisions.
- 11.6 Regarding the public comments as mentioned in paragraph 10, the departmental comments and planning assessments above are relevant. Moreover, 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 mentioned in paragraph 10 above, PlanD has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of five years until 9.10.2031. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the submission of a revised drainage proposal within **6** months from the date of planning approval to the satisfaction of the Director of Drainage Services and the Executive Secretary (Antiquities and Monuments) 2 of Antiquities and Monuments Office or of the Town Planning Board by 9.4.2027;
- (b) in relation to (a) above, the implementation of the revised drainage proposal within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services and the Executive Secretary (Antiquities and Monuments) 2 of Antiquities and Monuments Office or of the Town Planning Board by 9.7.2027;
- (c) in relation to (b) above, the implemented drainage facilities 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 9.4.2027;
- (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 9.7.2027;
- (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 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 8.7.2026 and 13.7.2026
Appendix Ia	FI received on 11.8.2026
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	Land filling plan
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
OCTOBER 2026**