

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/1279

<u>Applicant</u>	: Mr. LAW Tung Lam represented by Mr. TANG Lok San
<u>Site</u>	: Lot 1022 RP (Part) in D.D. 109, Kam Tin North, Yuen Long
<u>Site Area</u>	: About 1,076.3m 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, partly hard-paved, partly covered by vegetation and trees and erected with some temporary structures (**Plans A-2 to A-4**).
- 1.2 The Site is accessible from Kong Tai Road via local tracks (**Plans A-1 to A-4**). According to the applicant, the proposed use involves five single-storey structures with height of not more than 4.5m and a total floor area of about 180m² for animal boarding establishment, ancillary site office, as well as storage rooms with canopy above (**Drawing A-1**). One parking space 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 about 654.7m² (about 60.8%) of the Site with concrete of not more than 0.2m in depth (to a level of not more than 10.8mPD) for site formation and vehicular circulation (**Drawing A-2**). All existing trees within the Site will be retained. Prior bookings are required for visiting the Site. The proposed use will accommodate not more than 10 dogs, and all dogs will be kept inside the enclosed structure during sensitive hours (i.e. between 6:00 p.m. and 9:00 a.m.) and the said structure 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 and no medium or heavy goods vehicles exceeding 5.5 tonnes are allowed to enter/exit the Site at all times. Peripheral fencing of 2.5m in height is erected along the site boundary on all sides to minimise environmental nuisance to the surrounding areas. 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, land filling area and tree survey submitted by the applicant are on **Drawings A-1 to A-3** respectively.

- 1.3 The Site is the subject of a previous application No. A/YL-KTN/968 for the same use with associated filling of land submitted by the same applicant as the current application (details set out in paragraph 5 below). The previous application was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2023 and the planning permission was subsequently revoked in June 2026 due to non-compliance with approval conditions. Compared with the previous application, the current application is the same in terms of site area/boundary and major development parameters.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 18.8.2026 (**Appendix I**) and 19.8.2026
 - (b) Further Information (FI) received on 25.9.2026* (**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**, and can be summarised as follows:

- (a) the proposed use is intended to serve the nearby locals. Approval of the application on a temporary basis would not jeopardise the long-term planning intention of the “AGR” zone. The proposed use is not incompatible with the surrounding areas and there were similar applications approved within the same “AGR” zone;
- (b) the applicant will strictly follow the relevant environmental protection and pollution control ordinances (e.g. Water Pollution Control Ordinance, Air Pollution Control Ordinance and Noise Control Ordinance). Sufficient space will be provided for vehicles to manoeuvre smoothly within the Site. The proposed use will not create significant nuisance to the surrounding areas. In support of the current application, the applicant has submitted drainage and fire service installations (FSIs) proposals, as well as a tree survey;
- (c) the applicant will proceed with the boarding establishment licence application with the relevant department for the proposed use, upon approval of the current application; and
- (d) regarding the Lands Department (LandsD)’s concerns on lease breaches, the

applicant will take appropriate follow-up and rectification actions including submission of Short Term Waiver application upon 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 is currently not subject to any active planning enforcement action. Subject to collection of sufficient evidence, appropriate enforcement action under the Town Planning Ordinance would be undertaken.

5. Previous Application

The Site is the subject of a previous application No. A/YL-KTN/968 for the same use with associated filling of land submitted by the same applicant as the current application. The previous application was approved with conditions by the Committee in 2023, mainly on the considerations that the proposed use on a temporary basis could be tolerated; the proposed use was not incompatible with the surrounding areas; and the relevant government departments consulted generally had no adverse comment or their concerns and public comments could be addressed by approval conditions. The planning permission was subsequently revoked in June 2026 due to non-compliance with approval conditions related to implementation of drainage and FSIs proposals. Compared with the previous application, the proposal under the current application remains unchanged as mentioned in paragraph 1.3 above. Details of the previous application are summarised at **Appendix II** and its location is shown on **Plan A-1**.

6. Similar Applications

6.1 There are 20 similar applications for temporary animal boarding establishment (including two renewals for planning approval granted; and 18 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 Committee between 2021 and 2025 mainly on the similar considerations as mentioned in paragraph 5 above. 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/1257 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, partly hard-paved, partly covered by vegetation and trees and erected with some temporary structures; and
- (b) accessible from Kong Tai Road via local tracks.

7.2 The surrounding areas are rural in character with an intermix of open storage/storage yards, hobby farm, animal boarding establishment, parking of vehicles, residential structures, grassland, active/fallow farmland, woodland and vacant land. To the west 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

9.1 Apart from the government departments 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 at **Appendices III** and **IV** respectively.

9.2 The following government departments have adverse comment on / does not support the application:

Land Administration

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

- (a) has adverse comment on the application;
- (b) the Site comprises Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government;
- (c) LandsD has reservation on the application since there is/are unauthorized structure(s) on Lot No. 1022 RP in D.D. 109 (**Plan A-2**) 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) advisory comments are at **Appendix IV**.

Agriculture and Nature Conservation

9.2.2 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) does not support the application from agricultural perspective;
- (b) the Site is zoned “AGR” and is generally vacant with some temporary structures and farming activities. The agricultural activities are active in the vicinity and agricultural infrastructures such as road access and water source are also available. The Site can be rehabilitated for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc.;
- (c) the Site has no application/licenced premises granted by Animal Business Regulatory Section under 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);
- (d) no comment on the application from nature conservation perspective; and
- (e) advisory comments are at **Appendix IV**.

10. **Public Comments Received During Statutory Publication Period**

On 25.8.2026, the application was published for public inspection. During the statutory public inspection period, three public comments were received from individuals, 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; suspected unauthorized development is involved at the Site; the approval conditions under the previous application were not complied with; there have been media reports on the smuggling of prohibited breeds of dogs into the territory for dog fighting and other purposes; 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 and DAFC does

not support the application from agricultural perspective, 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 adjacent areas. In this regard, the Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) and Director of Environmental Protection have no objection to the application from drainage and environmental planning perspectives respectively. As the Site is zoned “AGR”, an approval condition requiring the reinstatement of the Site upon expiry of the planning permission so as to uphold the planning intention of the “AGR” zone and restore the greenery of the area is recommended should the Committee decide to approve the application.
- 11.3 The proposed use is considered not incompatible with the surrounding areas which are rural in character with an intermix of open storage/storage yards, hobby farm, animal boarding establishment, parking of vehicles, residential structures, grassland, active/fallow farmland, woodland, vacant land and a river. According to the applicant, all existing trees within the Site, in particular the six *Aquilaria sinensis* (土沉香) (**Drawing A-3**), will be retained in-situ. In this regard, 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 (D of FS) 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. 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. Regarding DLO/YL, LandsD’s concern on the unauthorized structure(s) on the concerned lot of the Site, the applicant will be advised to liaise with LandsD on these land administration matters.
- 11.5 The Site is the subject of an approved previous application No. A/YL-KTN/968 for the same use with associated filling of land submitted by the same applicant as the current application as mentioned in paragraph 5 above. Whilst the planning permission under the previous application was revoked in June 2026 due to non-compliance with approval conditions related to implementation of drainage and FSIs proposals, in support of the current application, the applicant has submitted drainage and FSIs proposals which are considered acceptable by CE/MN, DSD and D of FS respectively. In this regard, sympathetic consideration may be given to the current application. Should the application be

approved by the Committee, the applicant will be advised that should he fail to comply with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given to any further application.

- 11.6 There are 20 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.
- 11.7 Regarding the public comments as mentioned in paragraph 10, the departmental comments and planning assessments above are relevant. Moreover, any unauthorized development 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 implementation of the accepted 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 9.7.2027;
- (b) in relation to (a) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (c) the implementation of the accepted 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;
- (d) if the above planning condition (b) 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;
- (e) if any of the above planning condition (a) or (c) 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
- (f) 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 18.8.2026 and 19.8.2026
Appendix Ia	FI received on 25.9.2026
Appendix II	Previous and 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
Drawing A-3	Tree survey 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**