

RNTPC Paper No. A/YL-KTN/968  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 22.12.2023

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**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-KTN/968**

- Applicant** : Mr. LAW Tung Lam represented by TANG Lok San
- Site** : Lot 1022 RP (Part) in D.D. 109, Kam Tin North, Yuen Long, New Territories
- Site Area** : About 1,076.3m<sup>2</sup>
- Land Status** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/11 (currently in force)  
  
Draft Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/10  
(at the time of submission)  
[No change to the zoning of the application site on the OZP]
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Animal Boarding Establishment for a Period of 5 Years and Filling of Land

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary animal boarding establishment for a period of five years and filling of land. The Site is zoned “AGR” on the Kam Tin North OZP (**Plan A-1**). According to the Notes of the OZP, ‘Animal Boarding Establishment’ is a Column 2 use in the “AGR” zone which requires planning permission from the Town Planning Board (the Board). Filling of land within the “AGR” zone also requires planning permission from the Board. The Site is fenced off, partly paved for parking of vehicles and erected with a few temporary structures and largely vacant (**Plans A-2 to A-4**).
- 1.2 According to the applicant, the proposed use involves three one-storey structures (building height of not more than 4.5m) with a total floor area of about 180m<sup>2</sup> for animal boarding establishment, and ancillary staff lounge and storage uses (**Drawing A-1**). The applicant also applies for regularisation of filling of land by concrete at a depth of about 0.2m (from +9.1mPD to +9.3mPD) for part of the Site (about 654.7m<sup>2</sup> or 60.8%) for site formation of

the structures and vehicle circulation. Septic tank and soakaway system are proposed to be installed from not less than 15m from Kam Tin River.

- 1.3 The applicant states that the operation hours are from 8:00 a.m. to 6:00 p.m. (except overnight animal boarding) daily including public holidays. The animal boarding establishment will accommodate no more than 20 dogs and other animals will not be allowed. 2 to 3 staff members will be stationed at the Site to support the operation of the animal boarding establishment. Not more than 6 dogs with dog masks will be allowed outdoor at the same time during the operation hours. All dogs will be kept inside the enclosed structures built with sound proofing materials and 24-hour mechanical ventilation and air conditioning systems after the operation hours. No public announcement system, whistle blowing or any form of audio amplification system will be used at the Site. 1 private car parking space and 1 loading/unloading space for light goods vehicle will be provided within the Site. Besides, septic tank and soakaway system are proposed for treatment of wastewater generated from animal boarding. The Site is accessible from Kong Tai Road via a local track (**Plans A-2 and A-3**). The site layout plan and land filling plan submitted by the applicant are at **Drawings A-1 and A-2**.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application form with attachments received on 2.11.2023 **(Appendix I)**
  - (b) Further information (FI) received on 11.12.2023 & 12.12.2023\* **(Appendix Ia)**
  - (c) FI received on 15.12.2023\* **(Appendix Ib)**  
*\*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, attachments and FIs in **Appendices I to Ib**. They can be summarised as follows:

- (a) The application is on a temporary basis and its approval would not jeopardise the long term planning intention of the “AGR” zone. The proposed use is not incompatible with the surrounding environment. There were similar applications approved.
- (b) The proposed use is to meet the demand for animal boarding establishment.
- (c) No land filling work will be conducted in the proposed tree protection zones and dog function area. The applicant undertakes to reinstate the Site to its original state when the development is discontinued.
- (d) The proposed use will not induce adverse environmental, traffic and drainage impacts on the surrounding areas. Septic tank and soakaway system would be provided within the Site to handle wastewater generated from animal boarding

at the Site. Besides, no chemical cleaning product will be used outdoors to protect the soil and downstream ecology.

**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 notice and sending notification letter to the Kam Tin Rural Committee by registered mail. 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.

**5. Previous Application**

There is no previous application at the Site.

**6. Similar Applications**

6.1 There are 31 similar applications for temporary animal boarding establishment (16 of which with filling of land) within the same “AGR” zone in the vicinity of the Site in the past five years. All applications were approved with conditions by the Rural and New Town Planning Committee (the Committee) between January 2018 and October 2023 mainly on the considerations that temporary approval would not frustrate the long-term planning intention; the development was not incompatible with the surrounding land uses; and relevant departments consulted in general had no adverse comment on the application and/or or their concerns could be addressed by relevant approval conditions. The planning permissions for 11 of them were revoked subsequently due to non-compliance with approval conditions.

6.2 Details of the similar applications are summarised in **Appendix II** and the 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) fenced off and largely vacant, partly paved for parking of vehicles and erected with a few temporary structures; and
- (b) accessible from Kong Tai Road via a local track.

- 7.2 The surrounding areas are rural in character mainly intermixed with vacant land, grassland, cultivated agricultural land, storage yards, open storage of construction materials and residential structures/dwellings. To the further north is an animal boarding establishment with valid planning permission under application No. A/YL-KTN/861.

## **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, 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 comments 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.

## **10. Public Comment Received During Statutory Publication Period (Appendix V)**

The application was published for public inspection. During the statutory public inspection period, one public comment from an individual was received objecting to the application mainly on the ground that the proposed use would have adverse traffic impact.

## **11. Planning Considerations and Assessments**

- 11.1 The application is for proposed temporary animal boarding establishment for a period of five years and filling of land at the Site zoned “AGR” (**Plan A-1**). The planning intention of the “AGR” zone is primarily to retain and safeguard good 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. The proposed use is not in line with the planning intention of the “AGR” zone. The Director of Agriculture, Fisheries and Conservation considers that the Site can be rehabilitated for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc., though whether there will be agricultural activities on specific site will hinge on a lot of factors. Taking into account the planning assessments below, the proposed use on a temporary basis of five years could be tolerated.

- 11.2 Filling of land within “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 DSD (CE/MN of DSD) and the Director of Environmental Protection (DEP) have no adverse comment from drainage and environmental perspectives. An approval condition requiring the reinstatement of the Site to an amenity area is recommended should the Committee decide to approve the application.
- 11.3 The proposed use is considered not incompatible with the surrounding land uses which are rural in character intermixed with animal boarding establishment, vacant land, grassland, cultivated agricultural land, storage yards, open storage and residential structures/dwellings. The Chief Town Planner/Urban Design and Landscape of the Planning Department considers that significant adverse landscape impact arising from the proposed use is not anticipated and has no objection to the application from landscape planning perspective.
- 11.4 Other relevant departments consulted, including the Commissioner for Transport, DEP, CE/MN of DSD and the Director of Fire Services, have no objection to or no adverse comment on the application. To address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 12.2 below. The applicant will also be advised to follow the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by EPD to minimise any possible environmental nuisance, and the relevant Practice Note for Professional Person PN 1/23 on “Drainage Plans subject to Comment by EPD” including completion of percolation test and certification by Authorised Person if septic tank and soakaway system will be used.
- 11.5 There are 31 approved similar applications for temporary animal boarding establishment with/without filling of land within the same “AGR” zone in the vicinity of the Site in the past five years as stated in paragraph 6.1 above. Approving the current application is in line with the Committee’s previous decisions.
- 11.6 Regarding the public comment mentioned in paragraph 10, the departmental comments and planning assessments above are relevant.

## **12. Planning Department’s Views**

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comment in paragraph 10 above, the Planning Department 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 5 years until 22.12.2028. The following approval conditions and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no operation between 6:00 p.m. and 8:00 a.m. (except overnight animal boarding), as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) all animals shall be kept inside the enclosed structures on the site from 6:00 p.m. and 8:00 a.m., as proposed by the applicant, during the planning approval period;
- (c) no public announcement system, whistle blowing, portable loudspeaker or any form of audio amplification system is allowed to be used on the site, as proposed by the applicant, during the planning approval period;
- (d) 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 22.6.2024;
- (e) in relation to (d) 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 22.9.2024;
- (f) in relation to (e) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (g) 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 22.6.2024;
- (h) in relation to (g) 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 22.9.2024;
- (i) if any of the above planning condition (a), (b), (c) or (f) 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;
- (j) if any of the above planning condition (d), (e), (g) or (h) 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
- (k) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

### Advisory clauses

The recommended advisory clauses are attached in **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 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. It is also intended 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**

<b>Appendix I</b>	Application form with attachments received on 2.11.2023
<b>Appendix Ia</b>	FI received on 11.12.2023 & 12.12.2023
<b>Appendix Ib</b>	FI received on 15.12.2023
<b>Appendix II</b>	Similar applications
<b>Appendix III</b>	Government departments' general comments
<b>Appendix IV</b>	Recommended advisory clauses
<b>Appendix V</b>	Public comment
<b>Drawing A-1</b>	Site layout plan
<b>Drawing A-2</b>	Land filling plan
<b>Plan A-1</b>	Location plan with similar applications

<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial photo
<b>Plan A-4</b>	Site photos

**PLANNING DEPARTMENT  
DECEMBER 2023**