

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/684

- Applicant** : Ms. Kwok Wa Mui
- Site** : Lot 1751 in D.D. 119, Tai Tong, Yuen Long, New Territories
- Site Area** : 590 m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/20
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Animal Boarding Establishment with Ancillary Facilities for a Period of 5 Years and Associated Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary animal boarding establishment with ancillary facilities for a period of five years and associated filling of land at the application site (the Site) zoned “AGR” 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 is largely paved and vacant (**Plan A-4**).
- 1.2 The Site is accessible via a local track leading from Kiu Hing Road with an ingress/egress point at the west (**Drawing A-1 and Plan A-2**). According to the applicant, six single-storey temporary structures (5m in height) with a total floor area of not more than 420m² are proposed for animal boarding establishment and ancillary storage and office uses. A lawn area of about 80 m² is proposed for dog playground. The applicant also proposes to regularise the filling of land undertaken at the Site (i.e. 510m² or about 86% of the Site) with concrete of a depth of not more than 0.15m. The animal boarding establishment will accommodate about 20 animals (including dogs and cats). All dogs will be kept inside the enclosed structures with soundproofing materials, ventilation system and air-conditioning system. No public announcement system, whistle blowing or portable loudspeaker will be used at the Site. The operation hours are from 9:00 a.m. to 6:00 p.m. daily

including Sundays and public holidays. Plans showing the access, layout and land filling area submitted by the applicant are at **Drawings A-1 to A-3** respectively.

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

- (a) Application Form with attachments received on 5.12.2024 (**Appendix I**)
- (b) Supplementary Information (SI) received on 11.12.2024 (**Appendix Ia**)
- (c) Further Information (FI) received on 17.2.2025* (**Appendix Ib**)
- (d) FI received on 18.3.2025* (**Appendix Ic**)
**accepted and exempted from publication and recounting requirements*

1.4 On 24.1.2025, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months as requested by the applicant.

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 Ic**. They can be summarised as follows:

- (a) the proposed use would provide temporary shelters for abandoned and stray dogs and cats;
- (b) all kennels will be enclosed with sound-proofing materials, equipped with mechanical ventilation and air-conditioning, and kept in sanitary conditions. No significant environment nuisance is expected to be arisen from the proposed use;
- (c) no vegetation clearance and tree felling will be carried out at the Site. The proposed use will not create significant adverse visual and landscape impacts to the surrounding areas;
- (d) all animals will be staying in the kennels during sensitive hours to avoid any potential noise nuisance to nearby sensitive receivers; and
- (e) similar applications have been approved by the Committee. The proposed use is temporary in nature and would not jeopardise the long-term planning intention of the “AGR” zone.

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 the notice to the Shap Pat Heung

Rural Committee by registered post. Detailed information would be deposited at the meeting for Members' inspection.

4. Background

The Site is the subject of two active planning enforcement action against unauthorized filling of land (enforcement case no. E/YL-TT/700) and unauthorized development (UD) involving storage use (including deposit of containers) and use for place for parking of vehicles (enforcement case no. E/YL-TT/718) (**Plan A-2**). For enforcement case no. E/YL-TT/700, Reinstatement Notice (RN) was issued on 6.11.2023 requiring the concerned parties to remove the leftover materials and to grass the land by 6.2.2024. The notice recipients were prosecuted in late 2024 due to non-compliance with the RN. As the Site has not yet been reinstated, second round prosecution is being considered. For enforcement case no. E/YL-TT/718, Enforcement Notice (EN) was issued on 21.5.2024 requiring discontinuation of the UD. However, the latest site inspection conducted in October 2024 revealed that the UD still continued upon expiry of the EN. Prosecution action against non-compliance of EN is being considered.

5. Previous Application

The Site is the subject of a previous application (No. A/YL-TT/629) for proposed temporary warehouse and open storage uses for a period of three years and associated filling of land, which was rejected by the Committee in 2024. Considerations of the rejected application are not relevant to the current application which involves a different use. Details of the previous application are at **Appendix II** and its location is shown on **Plan A-1b**.

6. Similar Applications

- 6.1 There are two similar applications (No. A/YL-TT/666 and 699) for temporary animal boarding establishment with associated filling of land for a period of three or five years within the same "AGR" zone on the OZP in the past five years, which were approved with conditions by the Committee in 2025 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 imposing relevant approval conditions. Details of these similar applications are summarised at **Appendix II** and their locations are shown on **Plan A-1a**.
- 6.2 For Members' information, application No. A/YL-TT/687 for temporary animal boarding establishment with ancillary facilities for a period of five years and associated filling of land within the subject "AGR" zone will be considered by the Committee at the same meeting (**Plan A-1a**).

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-1a to A-4b)

- 8.1 The Site is:

- (a) largely paved and vacant; and
- (b) accessible via a local track leading from Kiu Hing Road.

- 8.2 The surrounding areas are rural in nature predominantly occupied by farmlands, storage/open storage yards, warehouse and village houses. Some of these uses are suspected UD's subject to planning enforcement action.

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

10. Public Comments Received During the Statutory Publication Period

On 13.12.2024, the application was published for public inspection. During the statutory public inspection period, two public comments were received (**Appendix V**). One individual objects to the application on the grounds that the Site is the subject of a previously rejected application and it is a fake animal boarding establishment application for brownfield use whereas the other public comment from Kadoorie Farm & Botanic Garden Corporation provides views that there are some active farmlands in Tai Tong and the proposed use is not in line with the planning intention of “AGR” zone.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary animal boarding establishment for a period of five years and associated filling of land at the Site zoned “AGR” on the OZP. 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 against the application from agricultural perspective. Taking into account the planning assessments below, there is no objection to the proposed use on a temporary basis of five years.
- 11.2 The applicant also proposes to regularise the filling of land undertaken at the Site (i.e. 510m² or about 86% of the Site) with concrete of a depth of not more than 0.15m. 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 Environment 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 rural in nature predominantly occupied by farmlands, storage/open storage yards, warehouse and village houses (**Plan A-2**). The Chief Town Planner/Urban Design and Landscape of Planning Department has no 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 comment on the application from traffic, fire safety and environmental hygiene aspects respectively. DAFC also has no comment on the application from nature conservation perspective. 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.
- 11.5 There are two similar applications within the same “AGR” zone on the OZP approved by the Committee in 2025 as detailed in paragraph 6.1 above. Approval of the current application is in line with the Committee’s previous decisions.
- 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. Regarding the concern on using the Site for brownfield operations, 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, 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 five years until 11.4.2030. 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 11.10.2025;
- (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 11.1.2026;
- (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 11.10.2025;
- (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 11.1.2026;
- (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 application site, including the removal of the fill materials and hard paving and grassing of the application 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 such 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

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| Appendix I | Application Form with Attachments received on 5.12.2024 |
| Appendix Ia | SI received on 11.12.2024 |
| Appendix Ib | FI received on 17.2.2025 |
| Appendix Ic | FI received on 18.3.2025 |
| Appendix II | Previous and Similar Applications |
| Appendix III | Government Departments' General Comments |
| Appendix IV | Recommended Advisory Clauses |
| Appendix V | Public Comments |
| Drawing A-1 | Access Plan |
| Drawing A-2 | Layout Plan |
| Drawing A-3 | Land Filling Plan |
| Plan A-1a | Location Plan with Similar Applications |
| Plan A-1b | Previous Application Plan |
| Plan A-2 | Site Plan |
| Plan A-3 | Aerial Photo |
| Plan A-4 | Site Photos |

**PLANNING DEPARTMENT
APRIL 2025**