

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/687

- Applicant** : Ms. Kwok Wa Mui
- Site** : Lots 1750, 1780 (Part), 1840 (Part) and 1845 in D.D. 119, Tai Tong, Yuen Long, New Territories
- Site Area** : 1,570 m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tai Tong Outline Zoning Plan 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-1a**). 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 paved and currently occupied by temporary structures for warehouse and vehicle repair workshop with open storage of vehicles without valid planning permissions (**Plan A-4**).
- 1.2 The Site is accessible via a local track leading from Kiu Hing Road with an ingress/egress point in the west (**Drawing A-1** and **Plan A-2**). According to the applicant, five single-storey structures (5m in height) with a floor area of not more than 810m² are proposed for kennels and cattery purposes with ancillary storage and office uses. Four private car parking spaces will be provided within the Site. The applicant also proposes to regularise the land filling works that had been undertaken at the entire Site (i.e. 1,570m²) 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 vehicular 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 17.12.2024 (Appendix I)
- (b) Supplementary Information (SI) received on 24.12.2024 (Appendix Ia)
- (c) FI received on 17.2.2025 (Appendix Ib)
[accepted and exempted from publication and recounting requirements]

1.4 On 14.2.2025, 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 FIs at **Appendices I to Ib**. They can be summarised as follows:

- (a) the proposal serves as a rescue home for abandoned and stray animals and provides pet boarding services;
- (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 proposal 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/684 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-4)

- 8.1 The Site is:
- (a) largely paved and currently occupied by temporary structures for warehouse and vehicle repair workshop with open storage of vehicles without valid planning permission; and
 - (b) accessible via a local track leading from Kiu Hing Road.
- 8.2 The surrounding areas are predominantly rural in character comprising farmlands, residential dwellings, open storage/storage yards and unused land. The open storage/storage yards in the vicinity are suspected UDs subject to planning enforcement action.

9. Comments from Relevant Government Departments

- 9.1 Apart from the government department as set out in paragraphs 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 Administration

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

- (a) his office has reservation on the planning application since there is/are unauthorized structure(s) and/or uses on Lots 1750 and 1845 in D.D. 119 which are already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/apply for regularization on the lease breaches as demanded by LandsD;
- (b) if the planning application is approved, the lot owner(s) shall apply to LandsD for a Short Term Waiver (STW) to permit the structure(s) erected within the Site. The application(s) for STW will be considered

by LandsD in its capacity as a landlord and there is no guarantee that they will be approved. The STW, if approved, will be subject to such terms and conditions including the payment of waiver fee and administrative fee as considered appropriate to be imposed by LandsD. Besides, given the proposed use is temporary in nature, only erection of temporary structure(s) will be considered; and

- (c) his detailed advisory comments are at **Appendix IV**.

10. Public Comments Received During the Statutory Publication Period

On 27.12.2025, the application was published for public inspection. During the statutory public inspection period, three public comments were received from two individuals and Kadoorie Farm & Botanic Garden Corporation respectively (**Appendix V**) objecting to the application mainly on the grounds that there are some active farmlands in Tai Tong; potential impacts to be caused as the Site falls within the proposed Agricultural Priority Area; the proposed use is not in line with the planning intention of “AGR” zone; the risks of fire and flooding would be increased that pose threat to lives and properties; adverse traffic and road safety impacts would be generated to the surroundings residential areas; and the Site is suspected to be used for brownfield operations.

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 land filling works that had been undertaken at the entire Site (i.e. 1,570m²) 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 predominantly rural in character comprising farmlands, residential dwellings, open storage/storage yards and unused land (**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. Regarding DLO/YL, LandsD’s concern on the unauthorized structure(s) and/or uses at the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 11.5 There are two similar applications within the same “AGR” zones 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 operation, 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

Appendix I

Appendix Ia

Appendix Ib

Application Form with attachment received on 17.12.2024

SI received on 24.12.2024

FI received on 17.2.2025

Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Vehicular 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**