

Previous Application covering the Application Site

Approved Application

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Condition(s)</u>
1	A/YL-KTN/588	Proposed Temporary Animal Boarding Establishment for a Period of 3 Years	16.3.2018 [Revoked on 16.9.2018]	(1), (2), (3), (4), (5), (6), (7), (8), (9), (10)

Approval Conditions:

- (1) Submission / implementation of landscaping / tree preservation proposals
- (2) Submission / implementation/maintenance of drainage proposal/facilities
- (3) Submission/ implementation of fire services installations
- (4) Revocation of planning approval for non-compliance with conditions by a specified date or during the planning approval period.
- (5) Reinstatement of the application site upon expiry of planning permission.
- (6) Restriction on operation time.
- (7) No vehicle is allowed to queue back to or reverse onto/from public road
- (8) No public announcement system, whistle blowing, portable loud speaker, or any form of audio amplification system on the site at any time
- (9) All the dogs/animals shall be kept inside the enclosed kennels at all times
- (10) No vehicle exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site.

Similar Applications in the same "Agriculture" Zone on the Kam Tin North OZP

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Condition(s)</u>
1	A/YL-KTN/232	Animal Boarding Establishment (Kennel and Cattery)	29.7.2005 (on temporary basis for a period of 3 years) [revoked on 29.1.2006]	(1), (2), (4), (5)
2	A/YL-KTN/251	Animal Boarding Establishment and Ancillary Facilities (Kennel and Cattery)	7.7.2006 (on temporary basis for a period of 2 years)	(1), (2), (4), (5), (6)
3	A/YL-KTN/253	Animal Boarding Establishment (Kennel)	4.8.2006 (on temporary basis for a period of 3 years)	(1), (2), (3), (4), (5)
4	A/YL-KTN/304	Animal Boarding Establishment with Ancillary Facilities (Kennel and Cattery)	19.9.2008 (on temporary basis for a period of 3 years) [revoked on 19.3.2010]	(4), (5), (6), (7), (8), (9)
5	A/YL-KTN/308	Temporary Animal Boarding Establishment (Kennel) and Breeding Area for a Period of 3 Years	5.9.2008 [revoked on 5.3.2009]	(1), (4), (6), (7)
6	A/YL-KTN/324	Temporary Animal Boarding Establishment (Kennel) and Breeding Area for Dogs for a Period of 3 Years.	22.5.2009 [revoked on 22.5.2011]	(2), (4), (6), (8)
7	A/YL-KTN/377	Temporary Animal Boarding Establishment with Ancillary Facilities for a period of 5 years (Kennel and Cattery)	30.3.2012 (on temporary basis for a period of 3 years) [revoked on 30.9.2012]	(1), (2), (4), (5), (6), (9)
8	A/YL-KTN/410	Temporary Animal Boarding Establishment with Ancillary Facilities for a period of 5 years (Kennel)	17.1.2014 (on temporary basis for a period of 2 years) [revoked on 17.7.2014]	(1), (2), (4), (5), (6), (9)
9	A/YL-KTN/478	Animal Boarding Establishment (Kennel)	6.11.2015 (on temporary basis for a period of 3 years) [revoked on 6.5.2016]	(1), (2), (4), (5), (6), (10), (11), (12)

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Condition(s)</u>
10	A/YL-KTN/489	Temporary Animal Boarding Establishment with Ancillary Facilities for a period of 3 years	5.2.2016	(1), (2), (4), (5), (6), (9), (10), (13)
11	A/YL-KTN/519	Animal Boarding Establishment (Cattery) for a period of 3 years	24.6.2016	(1), (2), (4), (5), (6), (10), (13)
12	A/YL-KTN/543	Proposed Temporary Animal Boarding Establishment (Cattery) for a Period of 3 Years	23.12.2016 [revoked on 23.12.2017]	(1), (2), (4), (5), (6), (10), (13), (14)
13	A/YL-KTN/556	Proposed Temporary Animal Boarding Establishment (Dog Kennel cum Dog Recreation Centre) for a Period of 3 Years	28.4.2017	(1), (2), (6), (10), (14), (15)
14	A/YL-KTN/562	Proposed Temporary Animal Boarding Establishment for a Period of 3 Years	11.8.2017	(1), (2), (4), (5), (6), (10), (14), (15), (16)
15	A/YL-KTN/577	Proposed Temporary Animal Boarding Establishment for a Period of 3 Years	26.1.2018	(1), (2), (4), (5), (6), (10), (14), (15)
16	A/YL-KTN/590	Proposed Temporary Animal Boarding Establishment for a Period of 3 Years	16.3.2018 [revoked on 16.9.2018]	(1), (2), (4), (5), (6), (10), (14), (15), (16), (17)
17	A/YL-KTN/605	Proposed Temporary Animal Boarding Establishment for a Period of 3 Years	15.6.2018	(1), (2), (4), (5), (6), (10), (14), (15), (16)
18	A/YL-KTN/616	Proposed Temporary Animal Boarding Establishment for a Period of 3 Years	17.8.2018	(1), (4), (5), (6), (10), (14), (15), (16)
19	A/YL-KTN/617	Proposed Temporary Animal Boarding Establishment for a Period of 3 Years	17.8.2018	(1), (2), (4), (5), (6), (10), (14), (15), (16)
20	A/YL-KTN/623	Proposed Temporary Animal Boarding Establishment for a Period of 3 Years	21.9.2018	(1), (2), (4), (5), (6), (10), (14), (15), (16)
21	A/YL-KTN/638	Proposed Temporary Animal Boarding Establishment for a Period of 5 Years	1.2.2019	(2), (4), (5), (6), (8), (10), (14), (15), (16)
22	A/YL-KTN/639	Renewal of Planning Approval for Temporary "Animal Boarding Establishment with Ancillary Facilities" for a Period of 3 Years	1.2.2019	(2), (4), (5), (6), (8), (10), (14), (15), (16)

Approval Conditions:

- (1) Submission / implementation of landscaping / tree preservation proposals / replacement of tree planting.
- (2) Submission / implementation / maintenance of drainage proposal / facilities.
- (3) Provision of a 9-litre water type/3 kg dry powder fire extinguisher
- (4) Revocation of planning approval for non-compliance with conditions by a specified date or during the planning approval period.
- (5) Reinstatement of the application site upon expiry of planning permission.

- (6) Submission/ provision of fire service installations (FSIs) and/or Emergency Vehicular Access (EVA)
- (7) Maintenance of existing drainage facilities
- (8) Maintenance of existing landscape planting/trees
- (9) Submission/implementation of appropriate mitigation measures in order not to cause any disturbance/contamination to the fish ponds nearby
- (10) Restriction on operation time
- (11) No activity that would generate dog barking noise shall be carried out in the outdoor area of the Site.
- (12) The boundary fencing of the Site shall be maintained at all times
- (13) No reversing of vehicles into or out of the Site is allowed at all times
- (14) No queuing back of vehicles to public road from the Site is allowed at any time/no vehicle is allowed to queue back to or reverse onto/from public road
- (15) No public announcement system and whistle blowing at all times/ no public announcement system, whistle blowing, portable loud speaker, or any form of audio amplification system on the site at any time
- (16) All the dogs/animals shall be kept inside the enclosed structures at all time or at specific time
- (17) No vehicle exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site

Rejected Application

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Main Reason(s) for Rejection</u>
1	A/YL-KTN/156	Proposed Small Scale Dog Kennel for a Period of 3 Years	8.11.2002	(1), (2)

Rejection Reasons:

- (1) The proposed development was not in line with the planning intention of the "Agriculture" zone and no strong justification in the submission for a departure from such planning intention, even on a temporary basis.
- (2) No information in the submission to demonstrate that the proposed development would not cause adverse environmental and drainage impacts on the surrounding areas.

Detailed Comments from the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD)

Comments on the submitted drainage proposal:

1. Please elaborate and demonstrate how the sewage and foul water generated from the animal boarding establishment facility would be intercepted and prevented from discharging to the stormwater drainage system.
2. Peripheral surface channels shall be provided along the site boundary to collect the surface runoff accrued on the application site and to intercept the overland flow from the adjacent lands.
3. The ground to the north of the application site is generally higher. Since the overland flow from the adjacent lands shall be probably intercepted, external catchment shall be considered in the calculation.
4. Please indicate clearly the full alignment of the discharge path from the Site all the way down to the ultimate discharge point (e.g. a well-established stream course/public drainage system). The relevant connection details should be provided for comment. In the case that local village drains are involved, DO/YL should be consulted.
5. The gradients and the sizes of the proposed U-channels should be shown on the drainage plan.
6. Consideration should be given to provide grating for the surface channels.
7. The cover levels and invert levels of the proposed u-channels, catchpits/sand traps should be shown on the drainage plan.
8. Where walls or hoarding are erected along the site boundary, adequate opening should be provided to intercept the existing overland flow passing through the Site.
9. The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.
10. The applicant should consult DLO/YL and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works.

Advisory Clauses

- (a) resolve any land issue relating to the development with the concerned owner(s) of the Site;
- (b) note DLO/YL, LandsD's comments that the Site comprises an Old Schedule Agricultural Lots 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. The Site is accessible from Fung Kat Heung Road via Government Land (GL) and private land. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the Site. The Site falls within Shek Kong Airfield Height Restriction Area (SKAHRA). The height of the proposed structure shall not exceed the relevant airfield height limit within SKAHRA. The lot owner(s) will need to apply to his office to permit the structures to be erected or regularize any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Applications for any of the above will be considered by LandsD acting in the capacity as landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by the LandsD;
- (c) note C for T's comments that the Site is connected to the public road network via a section of a local access road which is not managed by TD. The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) note CHE/NTW, HyD's comments that his department does not and will not maintain any access connecting the Site and Fung Kat Heung Road which is not maintained by HyD. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (e) note DEP's comments that the applicant should properly design and maintain the facilities and follow the relevant mitigation measures and requirements in the revised "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" to minimize any potential environmental nuisances. Suitable mitigation measures should also be implemented to minimize potential odour nuisance. Effluent discharges from the proposed use are subject to control under the Water Pollution Control Ordinance (WPCO). A discharge licence under the WPCO shall be obtained before a new discharge is commenced. For the proposed septic tank and soakaway system, its design and construction should follow the requirements of the Practice Note for Professional Person (ProPECC) PN 5/93 "Drainage Plans subject to Comment by the Environmental Protection Department";
- (f) note DAFC's comment that under the current legislation, 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 his department;

- (g) note D of FS's comments that in consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of where the proposed FSI to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (h) note CE/MN, DSD's comments on the submitted drainage proposal: (i) Please elaborate and demonstrate how the sewage and foul water generated from the animal boarding establishment facility would be intercepted and prevented from discharging to the stormwater drainage system. (ii) Peripheral surface channels shall be provided along the site boundary to collect the surface runoff accrued on the application site and to intercept the overland flow from the adjacent lands. (iii) The ground to the north of the application site is generally higher. Since the overland flow from the adjacent lands shall be probably intercepted, external catchment shall be considered in the calculation. (iv) Please indicate clearly the full alignment of the discharge path from the Site all the way down to the ultimate discharge point (e.g. a well-established stream course/public drainage system). The relevant connection details should be provided for comment. In the case that local village drains are involved, DO/YL should be consulted. (v) The gradients and the sizes of the proposed U-channels should be shown on the drainage plan. (vi) Consideration should be given to provide grating for the surface channels. (vii) The cover levels and invert levels of the proposed u-channels, catchpits/sand traps should be shown on the drainage plan. (viii) Where walls or hoarding are erected are laid along the site boundary, adequate opening should be provided to intercept the existing overland flow passing through the Site. (ix) The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc. (x) The applicant should consult DLO/YL and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works;
- (i) note CBS/NTW, BD's comments that if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BD, they are unauthorized building works (UBW) under the BO and should not be designated for any proposed use under the application. For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO. Before any new building works (including containers/ open sheds as temporary buildings and land filling) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and

- (j) note DFEH's comments that no Food and Environmental Hygiene Department (FEHD)'s facilities will be affected and such work and operation shall not cause any environmental nuisance and obstruction to the surrounding. Proper licence/permit issued by his department is required if there is any food business / catering service / activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public and the operation of any business should not cause any obstruction. If the proposal involves any commercial/trading activities, its state should not as to be a nuisance or injurious or dangerous to health and surrounding environment. Also, for any waste generated from the commercial/trading activities, the applicant should arrange its disposal properly at their own expenses. If any FEHD's facility is affected by the development, FEHD's prior consent must be obtained. Reprovisioning of the affected facilities by the applicant up to the satisfaction of FEHD may be required. Besides, the project proponent should provide sufficient amount of additional recurrent cost for management and maintenance of the reprovisioned facilities to FEHD.