

Previous s.16 Applications covering the Application Site

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	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	7.7.2006 (on temporary basis for a period of 2 years)	(1), (2), (3), (4), (5)
3	A/YL-KTN/304	Animal Boarding Establishment with Ancillary Facilities	19.9.2008 (on temporary basis for a period of 3 years) [revoked on 19.3.2010]	(3), (4), (5), (6), (7), (8)
4	A/YL-KTN/377	Animal Boarding Establishment with Ancillary Facilities for a period of 5 years	30.3.2012 (on temporary basis for a period of 3 years) [revoked on 30.9.2012]	(1), (2), (3), (4), (5), (8)
5	A/YL-KTN/410	Animal Boarding Establishment with Ancillary Facilities for a period of 5 years	17.1.2014 (on temporary basis for a period of 2 years) [revoked on 17.7.2014]	(1), (2), (3), (4), (5), (8)
6	A/YL-KTN/489	Animal Boarding Establishment with Ancillary Facilities for a period of 3 years	5.2.2016	(1), (2), (3), (4), (5), (8), (9), (10)
7	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	(3), (4), (6), (7), (8), (9), (10), (11), (12)

Approval Conditions

- (1) Submission / implementation of landscape / tree preservation proposal.
- (2) Submission / implementation of drainage proposal / facilities.
- (3) Submission / implementation of fire service installations proposal / provision of fire service 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) Maintenance of existing trees and landscape planting on the site.
- (7) Maintenance of existing drainage facilities.
- (8) Submission and implementation of appropriate mitigation measures in order not to cause any disturbance/contamination to the fish ponds nearby.

- (9) Restriction on operation time
- (10) No reversing of vehicles into or out of the site is allowed at any time during the planning approval period.
- (11) All dog shall be kept inside the enclosed animal boarding establishments on the site between 7:00 p.m. and 9:00 a.m., as proposed by the applicant, at all times during the planning approval period.
- (12) No public announcement system, portable loud speaker, or any form of audio amplification system, and whistle blowing, is allowed to be used on the site at any time during the planning approval period.

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/253	Animal Boarding Establishment (Kennel)	4.8.2006 (on temporary basis for a period of 3 years)	(1), (2), (3), (4), (5)
2	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)
3	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)
4	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)
5	A/YL-KTN/519	Animal Boarding Establishment (Cattery) for a period of 3 years	24.6.2016	(1), (2), (4), (5), (6), (10), (13)
6	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)
7	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)
8	A/YL-KTN/562	Proposed Temporary Animal Boarding Establishment for a Period of 3 Years	11.8.2017 [revoked on 11.1.2020]	(1), (2), (4), (5), (6), (10), (14), (15), (16)
9	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)
10	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), (4), (5), (6), (9), (10), (14), (15), (16)
11	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)
12	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)
13	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)

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Condition(s)</u>
14	A/YL-KTN/617	Proposed Temporary Animal Boarding Establishment for a Period of 3 Years	17.8.2018 [revoked on 17.7.2020]	(1), (2), (4), (5), (6), (10),(14), (15), (16)
15	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)
16	A/YL-KTN/638	Proposed Temporary Animal Boarding Establishment for a Period of 3 Years	1.2.2019	(2), (4), (5), (6), (8), (10), (14), (15), (16)
17	A/YL-KTN/642	Proposed Temporary Animal Boarding Establishment for a Period of 3 Years	22.2.2019	(2), (4), (5), (6), (10), (14), (15), (16)
18	A/YL-KTN/645	Proposed Temporary Animal Boarding Establishment for a Period of 3 Years	12.4.2019 [revoked on 12.10.2019]	(2), (4), (5), (6), (10), (14), (15), (16), (17)
19	A/YL-KTN/651	Proposed Temporary Animal Boarding Establishment for a Period of 5 Years	17.5.2019	(2), (4), (5), (6), (10), (14), (15), (16)
20	A/YL-KTN/652	Renewal of Planning Approval for Temporary "Animal Boarding Establishment (Cattery)" for a Period of 3 Years	17.5.2019	(4), (5), (6), (7), (8), (10), (14), (15), (16), (18), (19)
21	A/YL-KTN/659	Proposed Temporary Animal Boarding Establishment for a Period of 3 Years	16.8.2019	(2), (4), (5), (6), (10), (14), (15), (16)
22	A/YL-KTN/669	Proposed Temporary Animal Boarding Establishment (Cattery) for a Period of 3 Years	2.8.2019	(2), (4), (5), (6), (10), (14), (15), (16), (18)
23	A/YL-KTN/672	Proposed Temporary Animal Boarding Establishment (Cattery) for a Period of 3 Years	13.12.2019	(2), (4), (5), (6), (10), (14), (15), (16)
24	A/YL-KTN/695	Temporary Animal Boarding Establishment for a Period of 5 Years	15.5.2020	(2), (4), (5), (6), (10), (14), (15), (16), (18)

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 / implementation / provision of fire service installations (FSIs) and/or Emergency Vehicular Access (EVA) and/or water supply for fire fighting and fire service installation proposals
- (7) Maintenance of existing drainage facilities
- (8) Maintenance of existing landscape planting
- (9) 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

- (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 kennels at all time or at specific time
- (17) Provision of boundary fencing
- (18) Submission of record of the existing drainage facility
- (19) Maintenance of existing fire service installations

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.

Advisory Clauses

- (a) note DLO/YL, LandsD's comments that the Site comprises Government Land, House Lot Block and Old Schedule Agricultural Lots (OSALs) 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 STW/STT holder(s) will need to apply to his office for modification of the STW/STT conditions where appropriate. The owner(s) of the OSALs without STW 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 applied use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Applications for any of the above will be considered by LandsD acting in the capacity as the landlord or lessor at its sole discretion and there is no guarantee that such application(s) 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;
- (b) 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 Transport Department (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;
- (c) note CHE/NTW, HyD's comments that HyD shall not be responsible for the maintenance of any access connecting the Site and Chi Ho Road. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (d) note DEP's comments that the applicant should properly design and maintain the facilities, e.g. the kennels should be enclosed with proper soundproofing materials and provided with 24-hour mechanical ventilation and air-conditioning (MVAC) system, 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 nuisance. Suitable mitigation measures should also be implemented to minimize potential odour nuisance. Effluent discharges from the applied 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. If septic tank and soakaway system is proposed, 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";

- (e) note DAFC's comment that the establishment and ancillary facilities which is licensed under Cap. 139I Public Health (Animals) (Boarding Establishment) Regulations must always fulfil the criteria listed in the Regulations. On the other hand, the dogs kept by the applicant should also be properly licensed as in accordance with Cap.421 Rabies Ordinance and he is reminded to observe Cap. 169 Prevention of Cruelty to Animals Ordinance at all times;
- (f) note D of FS' 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. The location of where the proposed FSI to be installed should be clearly marked on the layout plans. The applicant is reminded that 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;
- (g) 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 BA, 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 the prevailing 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, demolition and land filling, etc) are to be carried out on the Site, prior approval and consent of the BA should be obtained, otherwise they are UBW. An Authorized Person should be appointed as the coordinator 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. The Site does not abut on a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage. If the proposed use under application is subject to issue of a license, the applicant should be reminded that any existing structures on the Site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority. Detailed checking under BO will be carried out at building plan submission stage; and
- (h) note DFEH's comments that proper licence/permit issued by his department is required if there is any food business/catering service/activities regulated by 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, there should be no encroachment on the public place and no environmental nuisance should be generated to the surroundings.

Its state should not be a nuisance or injurious or dangerous to health and surrounding environment. Also, for any waste generated from the activities in the premises, the applicant should handle on their own / at their expenses. Any animal carcass/ parts shall be properly wrapped or bagged before disposal.

