

Similar Applications in the Same “Agriculture” Zone on the Kam Tin North OZP

Approved Applications

| | <u>Application No.</u> | <u>Proposed Uses</u> | <u>Date of Consideration (RNTPC/TPB)</u> | <u>Approval Conditions</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 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) |
| 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) |

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| 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 [revoked on 28.7.2019] | (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 [revoked on 11.1.2020] | (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/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), (10), (14), (15), (16), (17) |
| 17 | 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) |
| 18 | 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) |
| 19 | A/YL-KTN/616 | Proposed Temporary Animal Boarding Establishment for a Period of 3 Years | 17.8.2018 [revoked on 17.1.2021] | (1), (4), (5), (6), (10), (14), (15), (16) |
| 20 | 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) |
| 21 | A/YL-KTN/623 | Proposed Temporary Animal Boarding Establishment for a Period of 3 Years | 21.9.2018 [revoked on 21.12.2020] | (1), (2), (4), (5), (6), (10), (14), (15), (16) |
| 22 | 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) |
| 23 | 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) |

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| 24 | 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) |
| 25 | 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), (12), (14), (15), (16) |
| 26 | 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) |
| 27 | A/YL-KTN/652 | Renewal of Planning Approval for Temporary Animal Boarding Establishment (Cattery) for a Period of 3 Years | 17.5.2019 | (2), (4), (5), (7), (8), (10), (14), (15), (16), (18) |
| 28 | A/YL-KTN/659 | Proposed Temporary Animal Boarding Establishment for a Period of 3 Years | 16.8.2019 | (2), (4), (5), (6), (7), (10), (14), (15), (16) |
| 29 | A/YL-KTN/669 | Proposed Temporary Animal Boarding Establishment (Cattery) for a Period of 3 Years | 2.8.2019 | (2), (4), (5), (6), (7), (10), (14), (15), (16) |
| 30 | A/YL-KTN/672 | Proposed Temporary Animal Boarding Establishment (Cattery) for a Period of 3 Years | 13.12.2019 | (2), (5), (6), (10), (14), (15), (16) |
| 31 | 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) |
| 32 | A/YL-KTN/723 | Proposed Temporary Animal Boarding Establishment for a Period of 3 Years and Filling of Land | 23.10.2020 | (2), (4), (5), (6), (7), (10), (14), (15), (16) |
| 33 | A/YL-KTN/724 | Temporary Animal Boarding Establishment with Ancillary Facilities for a Period of 3 Years | 23.10.2020 | (2), (4), (5), (6), (10), (14), (15), (16) |
| 34 | A/YL-KTN/713 | Proposed Temporary Animal Boarding Establishment for a Period of 3 Years | 6.11.2020 | (2), (4), (5), (6), (10), (14), (15), (16) |
| 35 | A/YL-KTN/716 | Proposed Temporary Animal Boarding Establishment for a Period of 3 Years and Filling of Land | 20.11.2020 | (2), (4), (5), (6), (10), (14), (15), (16) |
| 36 | A/YL-KTN/730 | Proposed Temporary Animal Boarding Establishment for a Period of 3 Years | 20.11.2020 | (2), (4), (5), (6), (10), (14), (15), (16) |
| 37 | A/YL-KTN/739 | Renewal of Planning Approval for Temporary | 8.1.2021 | (2), (4), (5), (6), (10), (14), (15), |

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| | | Animal Boarding Establishment for a Period of 3 Years | | (16) |
| 38 | A/YL-KTN/740 | Proposed Temporary Animal Boarding Establishment for a Period of 3 Years | 8.1.2021 | (2), (4), (5), (6), (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 / submission of drainage record
- (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 of water supply for fire fighting and / or fire service installations proposal / provision of fire service installations and / or Emergency Vehicular Access
- (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 provided / 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
- (18) Maintenance of existing fire services installations and equipment implemented on the site

Rejected Application

| | <u>Application No.</u> | <u>Proposed Uses</u> | <u>Date of Consideration (RNTPC/TPB)</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's comments that the Site comprises Government Land (GL) and 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. No permission is given for occupation of GL (about 150m² subject to verification) included in the Site. Any occupation of GL without Government's prior approval is not allowed. The lots owners 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. Furthermore, the applicant has to exclude the GL portion from the Site or apply to his office for Short Term Tenancy to occupy the GL. 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 rent 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 the Transport Department. The land status of the local access road should be checked with 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 DEP's comments that the proposed use should not cause environmental nuisance to nearby sensitive receiver. The applicant is advised to (i) properly design and maintain the facilities to minimize any potential environmental nuisance, e.g. the proposed structures for animal boarding establishment should be enclosed with soundproofing materials with provision of 24-hour mechanical ventilation and air-conditional system; (ii) to follow the requirements stipulated in "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Site"; (iii) to provide adequate supporting infrastructure/ facilities for proper collection, treatment and disposal of waste/ wastewater generated from the proposed use. If septic tank and soakaway system will be used in case of unavailability of public sewer, its design, construction and operation should follow the requirements of the Practice Note for Professional Person (ProPECC) PN 5/93 "Drainage Plans subject to Comment by the Environment Protection Department (EPD)" including percolation test; and (iv) it is the obligation of the applicant to meet the statutory requirements under relevant pollution control ordinances;
- (d) note CHE/NTW, HyD's comments that his department 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 nearby public roads and drains;

- (e) note CTP/UD&L, PlanD's comments that the applicant is reminded that approval of the planning application under Town Planning Ordinance does not imply approval of tree preservation/ removal scheme under the Lease. The applicant should seek comments and approval from the relevant authority on the proposed tree works and compensatory planting proposal, where appropriate;
- (f) note CE/MN, DSD's comments on the submitted drainage plan that 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 should be indicated clearly; site photos to demonstrate the presence and existing condition of the said discharge path should be provided since there is no record; the cover levels and invert levels of the proposed u-channels, catchpits/ sand traps should be shown on the drainage plan; cross sections showing the existing and proposed ground levels of the Site with respect to the adjacent areas should be given; the general overland flow pattern is from the northern side passing through the Site to the southern side. The applicant should show that the proposed u-channel has adequate capacity and low enough to intercept the overland flow from area outside the Site; 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; the development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.; and the applicant should consult DLO/YL, LandsD 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;
- (g) note DAFC's comments that under the Public Health (Animals) (Boarding Establishment) Regulations, Cap. 139I, 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. The applicant should be reminded that the establishment and ancillary facilities which is licensed under the Cap. 139I Public Health (Animals) (Boarding Establishment) Regulations must always fulfil the criteria listed in the Regulations. The animals 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;
- (h) 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 if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

- (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 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 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 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. The Site does not abut on a specified street of not less than 4.5 m wide and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage. Any temporary shelters or converted containers for office, storage, washroom or other uses are considered temporary buildings are subject to the control of Part VII of B(P)R. 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 the BO will be carried out at building plan submission stage; and
- (j) note DFEH's comments that 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. Any animal carcass/ parts shall be properly wrapped or bagged before disposal and in accordance with the relevant legislation. Also, for any waste generated from the activities in the premises, the applicant should handle on their own / at their expenses. Proper licence/ permit issue 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 any other relevant legislation for the public and the operation of any business should not cause any obstruction.

