

Previous s.16 Application Covering the Site

Approved Application

<u>Application No.</u>	<u>Proposed Use</u>	<u>Date of Consideration by RNTPC</u>	<u>Approval Condition(s)</u>
1. 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), (3), (4), (5), (6), (7), (8)

Approval Conditions

- (1) Restriction on operation time
- (2) All the dogs / animals shall be kept inside the enclosed structures at all time or at specific time
- (3) 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
- (4) no vehicle is allowed to queue back to or reverse onto/from public road at any time
- (5) Submission / implementation of landscaping / tree preservation proposals / replacement of tree planting
- (6) Submission / implementation / maintenance of drainage proposal / facilities / submission of drainage record
- (7) Submission / implementation of water supply for fire fighting and / or fire service installations proposal / provision of fire service installations and / or Emergency Vehicular Access
- (8) Reinstatement of the application site upon expiry of planning permission



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)
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	28.4.2017 [revoked on 28.7.2019]	(1), (2), (6), (10), (14), (15)

		Kennel cum Dog Recreation Centre) for a Period of 3 Years		
14	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)
15	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)
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 3 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)
23	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)
24	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)
25	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)
26	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)
27	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)
28	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)
29	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)

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) should the applicant fail to comply with the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given by the Committee to any further application;
- (b) note DLO/YL, LandsD's comments that the Site comprises 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 STW holder(s) will need to apply to his office for modification of the STW conditions where appropriate. The owner(s) of the lot(s) 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 proposed 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 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 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 his department. 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 adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads or exclusive road drains. Fung Kat Heung Road is not maintained by his department. His department is not/shall not be responsible for the maintenance of any access connecting the Site and San Tam Road;
- (e) note DEP's comments that the applicant is reminded to observe / note (i) the requirement stipulated in "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Site"; and (ii) effluent discharges from the Site 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 ProPECC PN 5/93 "Drainage Plans subject to Comment by the EPD";
- (f) note CTP/UD&L, PlanD's comments that the applicant is reminded that any proposed tree felling shall be approved by the relevant tree authority as necessary prior to commencement of 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 also 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. Also, 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 should the application be approved;
- (h) note D of FS's comments that the installation/ maintenance/ modification/ repair work of FSI shall be undertaken by a Registered Fire Service Installation Contractor (RFSIC). The RFSIC shall after completion of the installation/ maintenance/ modification/ repair work issue to the person on whose instruction the work was undertaken a certificate (FS 251) and forward a copy of the certificate to him. 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;
- (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 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 buildings works (including containers/ open sheds as temporary buildings, demolition and land filling) 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. 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;
- (j) note CE/C, WSD's comments that existing water mains as shown in Plan A-2 of the RNTPC paper will be affected. The applicant shall bear the cost of any necessary diversion works affected by the proposed development. In case it is not feasible to divert the affected water mains within the Site, a waterworks reserve with 1.5 metres from the centerline of the water main shown on Plan A-2 of the RNTPC paper shall be provided to WSD. No structure shall be erected over this Waterworks Reserve and such area shall not be used for storage purposes. The Water Authority (WA) and his officers

and contractors, his and their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the WA may require or authorize. Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the Site; and

- (k) 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 if 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.

