

**Appendix II of RNTPC  
Paper No. A/YL-KTN/739**

**Previous s.16 Applications covering the Application Site**

**Approved Application**

	<b><u>Application No.</u></b>	<b><u>Proposed Use</u></b>	<b><u>Date of Consideration (RNTPC)</u></b>	<b><u>Approval Condition(s)</u></b>
1	A/YL-KTN/577	Proposed Temporary Animal Boarding Establishment for a Period of 3 Years	26.1.2018	1, 2, 3, 4, 5, 6, 7, 8

**Approval Conditions:**

1. Restriction of operation hours
2. all animals shall be kept inside the enclosed kennel and cattery after operation hour
3. no public announcement system, whistle blowing, portable amplification system, or any form of audio amplification system
4. no vehicle is allowed to queue back to or reverse onto/from public road
5. submission/ implementation of landscape proposal
6. submission/ implementation of drainage proposal
7. submission/ implementation of fire service installations proposal
8. Revocation of planning permission if the approval conditions are not complied during the approval period or by specific date
9. Reinstatement of the site

**Rejected Application**

	<b><u>Application No.</u></b>	<b><u>Proposed Use</u></b>	<b><u>Date of Consideration (RNTPC)</u></b>	<b><u>Rejection Reasons</u></b>
1	A/YL-KTN/551	Temporary Open Storage of Construction Materials and Machinery for a Period of 3 Years	9.6.2017	1, 2, 3, 4

**Rejection Reasons:**

1. The development is not in line with the planning intention of the "Agriculture" ("AGR") zone which is to retain and safeguard good agricultural land for agricultural purposes. This zone is also intended to retain fallow arable land with good potential for rehabilitation. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.

2. The application does not comply with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that there is no previous approval granted at the Site and there are adverse departmental comments on the application.
3. The applicant fails to demonstrate that the development would not generate adverse environmental and landscape impacts on the surrounding areas.
4. The approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the "AGR" zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

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

**Approved Applications**

	<b><u>Application No.</u></b>	<b><u>Proposed Uses</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Approval Conditions</u></b>
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	5.2.2016	(1), (2), (4), (5), (6), (9), (10),

		with Ancillary Facilities for a Period of 3 Years		(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 [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/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	22.2.2019	(2), (4), (5), (6), (10), (14), (15),

		a Period of 3 Years		(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)
30	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)
31	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)
32	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)
33	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)
34	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)
35	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)

### **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**

	<b><u>Application No.</u></b>	<b><u>Proposed Uses</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Main Reason(s) for Rejection</u></b>
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 an Old Schedule Agricultural Lot 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 lot owner(s) will need to apply to his office to permit the structure(s) 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 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 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 Transport Department (TD). 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 CHE/NTW, HyD's comments that adequate drainage measures should be provided to prevent surface water running from the Site to nearby public roads and drains. His department is not/shall not be responsible for the maintenance of any access connecting the Site and part of Kong Tai Road;
- (d) 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;
- (e) note DEP's comments that 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;

- (f) note CE/MN, DSD's comments that the applicant should inform relevant department if the drainage arrangement has been changed;
- (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 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 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 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 4.5 m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and
- (h) 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.