

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

**Approved Applications**

	<b><u>Application No.</u></b>	<b><u>Proposed Use(s)</u></b>	<b><u>Date of Consideration (RNTPC)</u></b>	<b><u>Approval Condition(s)</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 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)
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)

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Condition(s)</u>
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/588	Proposed Temporary Animal Boarding Establishment for a Period of 3 Years	16.3.2018	(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	(1), (2), (4), (5), (6), (10),(14), (15), (16)
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)

**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
- (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 kennels
- (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**

	<b><u>Application No.</u></b>	<b><u>Proposed Use(s)</u></b>	<b><u>Date of Consideration (RNTPC)</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) resolve any land issue relating to the development with the concerned owner(s) of the Site;
- (b) the permission is given to the development/use under application. It does not condone any other development/use which are not covered by the application;
- (c) note DLO/YL, LandsD'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 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 structures 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. Such application(s) 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;
- (d) 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. The land status of the local access road should be checked with the Lands Department. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) note CHE/NTW, HyD's comments that his department does not and will not maintain any access (including but not limited to Fung Kat Heung Road) connecting the Site and San Tam Road. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (f) note DEP's comments that the applicant is advised that the facilities should be properly designed and maintained to minimise any potential environmental nuisance, e.g. the mechanical ventilation and air-conditioning system should be located away from adjacent sensitive receivers and the proposed structures for animal boarding establishment should be enclosed with proper soundproofing materials. Moreover, 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. 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". The applicant is also advised to 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" (the COP) to minimize any potential environmental nuisances;

- (g) note DAFC's comment that the Site does not associate with any licence granted by his department, and his department has not received any application regarding this address. 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;
- (h) note CE/MN of DSD's comment that the proposed development should neither obstruct overland flow nor adversely affected any existing natural streams, village drains, ditches and the adjacent areas;
- (i) 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;
- (j) note CE/C of WSD's comments that existing raw water mains will be affected (**Plan A-2** of the RNTPC paper) by the proposed vehicular access to the Site. Existing Waterworks Reserve shall be maintained for WSD. No structure shall be built or materials stored within this Waterworks Reserve. Free access shall be made available at all times for staff of the Director of Water Supplies or their contractor to carry out construction, inspection, operation, maintenance and repair works. 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;
- (k) note CBS/NTW, BD's comments that before any new building works (including containers/ open sheds as temporary buildings) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO). If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BD, they are 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. 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
- (l) note DFEH's comments that if any Food and Environmental Hygiene Department (FEHD)'s facility is affected by the development, FEHD's prior consent must be obtained. Re provisioning of the affected facilities by the project proponent 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. Proper licence / permit issued by FEHD 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, no environmental nuisance should be generated to the surroundings. Also, for any waste generated from the commercial/trading activities, the applicant should handle on their own/at their expenses.

