

Previous s.16 Application covering the Application Site

Rejected Application

<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Main Reason(s) for Rejection</u>
A/YL-KTN/331	Filling of pond for organic farming	18.9.2009	(1), (2)

Rejection Reasons:

- (1) The site had been filled by construction waste, which was not conducive to the organic farming use.
- (2) The development would cause adverse drainage impact on the surrounding areas and no drainage proposal or mitigation measure(s) was provided in the submission to demonstrate that the development would not cause adverse drainage impact.



**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)
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)

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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 [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	(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	(1), (2), (4), (5), (6), (10), (14), (15), (16)
22	A/YL-KTN/638	Proposed Temporary Animal Boarding Establishment for a Period of 5 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)
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	(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)

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/ provision of fire service installations (FSIs) and/or Emergency Vehicular Access (EVA)
- (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**

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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 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 Site is accessible from Kong Tai Road via Government Land (GL). 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 structure 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, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. 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;
- (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 currently, only the section of Kong Tai Road of about 30m abutting Chi Ho Road is maintained by HyD. HyD shall not be responsible for the maintenance of any access connecting the Site and the section of Kong Tai Road being maintained by HyD. Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to the nearby public roads/drains;
- (d) note DEP's comments that the applicant is 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". Moreover, effluent discharges from the proposed use are subject to control under the Water Pollution Control Ordinance (WPCO) and a discharge licence under the WPCO should be obtained before a new discharge is commenced. If septic tank and soakaway system will be used, its design and construction should follow the requirements of the EPD's Practice Note for Professional Persons (ProPECC PN) 5/93 "Drainage Plans subject to Comment by the EPD";
- (e) note DAFC's comments that the applicant is reminded that 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. 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. Moreover, the applicant shall be advised that a valid licence must be obtained from his department if he or she is intending to sell an animal and exhibit any animal in return for a fee. The applicant is also reminded to observe Cap. 169 Prevention of Cruelty to Animals Ordinance at all times;

- (f) note DFS'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. The location of where the proposed FSIs 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;
- (g) to 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 (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO. If the existing structures (not being 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
- (h) note DFEH's comments that if the proposal involves any commercial/trading activities, its state should not as to be a nuisance or injurious or dangerous to health and surrounding environment. Also, for any waste generated from the commercial/trading activities, the applicant should handle on their own/at their expenses. Any animal carcass/ parts shall be properly wrapped or bagged before disposal.