

Similar Applications in the Same “AGR” Zone on the OZP

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Condition(s)</u>
1	A/YL-KTS/480	Proposed animal boarding establishment	18.12.2009 (approved for 3 year) [Revoked on 18.12.2010]	(1), (3), (4), (5), (6), (7)
2	A/YL-KTS/532	Temporary animal boarding establishment for a period of 3 years	15.4.2011	(1), (3), (4), (5), (6), (7)
3	A/YL-KTS/633	Renewal of Planning Approval for temporary animal boarding establishment for a period of 3 years	21.3.2014	(1), (2), (5), (6), (7), (8)
4.	A/YL-KTS/780	Proposed Temporary Animal Boarding Establishment for a Period of 3 Years	4.5.2018	(3), (4), (5), (6), (7), (9), (10), (11), (12)

Approval Conditions

- (1) Installation/maintenance of sound-insulating materials and double-glazing windows
- (2) Maintenance of existing trees and landscape planting on the application site.
- (3) Submission and/or implementation of the landscape and/or tree preservation proposals..
- (4) Submission of drainage proposal and implementation of drainage facilities.
- (5) Submission and implementation of fire service installations (FSIs) proposal.
- (6) Revocation of planning approval if conditions not complied with by a given date/at any time during the approval period.
- (7) Reinstatement of the site to an amenity area upon expiry of the planning permission.
- (8) Maintenance of existing drainage on site and/or submission of drainage record of existing facilities.
- (9) Restriction on operation hours
- (10) All animals shall be kept inside the enclosed structures
- (11) No public announcement system and whistle blowing, as proposed by the applicant, is allowed to be used in the site during the planning approval period
- (12) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning permission



Detailed Comments from DFEH

- (a) If any FEHD's facility is affected by the development, FEHD's prior consent must be obtained. Reprovisioning 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;
- (b) Proper licence / permit issued by his Department is required if there is any food business / catering service / activities regulated by the Director of Food and Environmental Hygiene (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. Under the Food Business Regulation, Cap. 132X, a food business licence is required for the operation of the relevant type of food business listed in the Regulation. Animal boarding establishment itself is not a food business stipulated in Cap.132X. Hence, a mere animal boarding establishment without any food business mentioned in Cap.132X involved does not require a food business licence from FEHD;
- (c) 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.

Detailed Comments from CTP/UD&L, PlanD

- (a) The applicant is reminded that all proposed trees should be planted at grade in a pit of min. 1m(wide) x 1m(length) x 1.2 (soil depth) and backfilled with soil mix.
- (b) Please clarify the proposed planting within the 'landscaping area', i.e. either grassed or with list of proposed species. The applicant is reminded to keep sufficient space clear of vegetation at the base of trees within the 'landscaping area'.

- (c) The applicant shall be reminded the importance of proper tree care. Useful information is available for reference in the Pictorial Guide for Tree Maintenance (http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf) and the Handbook of Tree Management (Chinese Version:https://www.greening.gov.hk/tc/tree_care/Handbook_on_Tree_Management.html) published by the GLTM Section, DEVB.

Advisory clauses

- (a) resolve any land issues relating to the development with the concerned land 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 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 to Kam Sheung 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 the 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 lesser 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;
- (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 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;
- (e) note CHE/NTW, HyD's comments that HyD does not and will not maintain any access connecting the Site and Kam Sheung 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 minimize any potential environmental nuisance, e.g. the mechanical ventilation and air-conditioning (MVAC) system should be located away from adjacent sensitive receivers and the proposed structures for animal boarding establishment should be enclosed with proper soundproofing materials. 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 advised to adopt relevant mitigation measures as set out in the latest "Code of Practice on

Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by DEP to minimise any potential environmental nuisances;

- (g) note CTP, UD&L of PlanD's comment that the applicant is reminded that all proposed trees should be planted at grade in a pit of min. 1m(wide) x 1m(length) x 1.2 (soil depth) and backfilled with soil mix. He should clarify the proposed planting within the 'landscaping area', i.e. either grassed or with list of proposed species. The applicant is reminded to keep sufficient space clear of vegetation at the base of trees within the 'landscaping area'. The applicant shall be reminded the importance of proper tree care. Useful information is available for reference in the Pictorial Guide for Tree Maintenance(http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf) and the Handbook of Tree Management (Chinese Version: https://www.greening.gov.hk/tc/tree_care/Handbook_on_Tree_Management.html) published by the GLTM Section, DEVB;
- (h) 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 plan 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 (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 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 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. 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) under the BO. An Authorized Person (AP) 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; and
- (j) note DFEH's comments that if any 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 his Department is required if there is any food business / catering service / activities regulated by the Director of Food and Environmental Hygiene (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. Under the Food Business Regulation, Cap. 132X, a food business licence is required for the operation of the relevant type of food business listed in the Regulation. Animal boarding establishment itself is not a food business stipulated in Cap.132X. Hence, a mere animal boarding establishment without any food business mentioned in Cap.132X involved does not require a food business licence from FEHD. 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.

