

Previous Applications covering the Site

Approved Applications

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approved Conditions</u>
1	A/YL-PH/282	Temporary open storage of machinery for a period of 12 months	16.7.1999	(1), (2), (3)
2	A/YL-PH/543	Temporary dog training ground and dog swimming and recreational centre for a period of 3 years	24.8.2007 (Revoked on 24.12.2009)	(1), (2), (3), (4), (5), (6), (7), (8)
3	A/YL-PH/614	Temporary dog training ground and dog swimming and recreational centre for a period of 3 years	29.10.2010	(1), (2), (3), (4), (5), (8)
4	A/YL-PH/675	Temporary dog training ground and dog swimming and recreational centre for a period of 3 years	22.11.2013	(1), (2), (3), (4), (5), (8)
5	A/YL-PH/735	Temporary dog training ground and dog swimming and recreational centre for a period of 3 years	14.10.2016	(1), (2), (3), (4), (5), (8)

Approval Conditions:

- (1) The submission and implementation of landscaping proposals/maintenance of trees and landscape plants
- (2) The submission and implementation of drainage proposals/facilities/submission of condition records of the existing drainage facilities/maintenance of existing drainage facilities on the site
- (3) Reinstatement of the site to an amenity area after the expiry of the planning approval
- (4) Restriction on operation hours/No night time operation was allowed on the site
- (5) The submission and implementation/provision of fire services installations

proposals

- (6) The submission and implementation of run-in/out proposals
- (7) The submission and implementation of contamination control measures proposals
- (8) If the planning conditions were not complied with during the planning approval period/if any of the planning conditions was not complied with by the specified date, the approval hereby given should cease to have effect and should be revoked immediately without further notice.

Rejected Applications

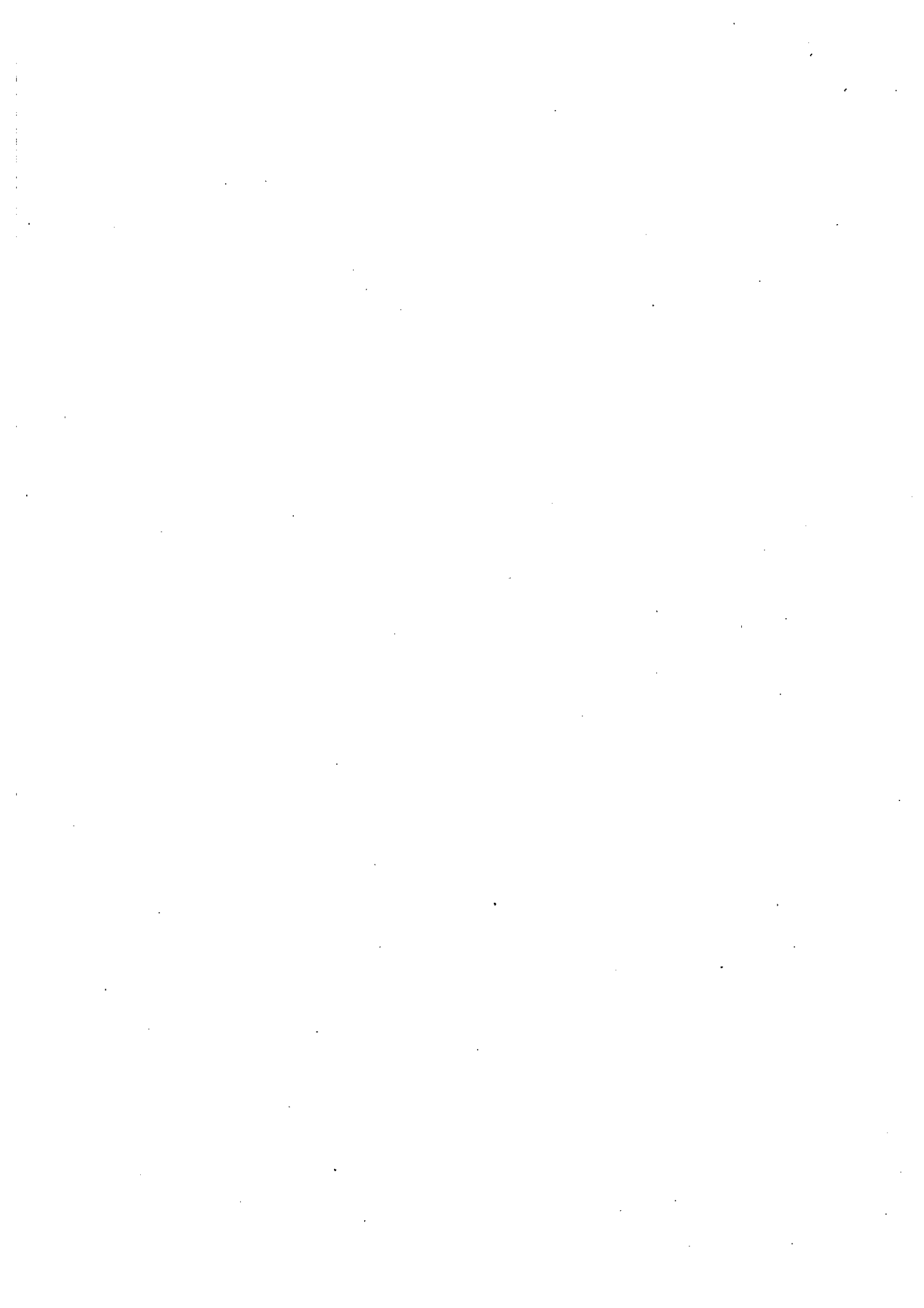
	<u>Application No.</u>	<u>Proposed Use</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approved Conditions</u>
1	A/DPA/YL-PH/16	Temporary workshop for welding of mild steel pipe	18.6.1993	(1), (2), (3), (4)
2	A/YL-PH/6	Temporary steel fabrication yard and open storage of steel materials for 12 months	16.12.1994	(1), (3), (5), (6), (8), (9), (10)
3	A/YL-PH/390	Temporary open storage of vehicles and vehicle parts for a period of 3 years	1.3.2002	(1), (2), (11)
4	A/YL-PH/399	Temporary open storage of vehicles and vehicle parts for a period of 3 years	20.9.2002 on review	(1), (2)
5	A/YL-PH/431	Temporary open storage of vehicles and vehicle parts for a period of 12 months	27.6.2003	(1), (2)
6.	A/YL-PH/469	Temporary open storage of construction materials for a period of 3 years	17.9.2004 on review	(2), (11), (12)
7	A/YL-PH/484	Temporary open storage of construction materials for a period of 3 years	20.5.2005 on review	(2), (11), (12)

Rejection Reasons:

- (1) The development was not in line with the planning intention and no strong justification had been given for a departure from the planning intention even

A/YL-PH/786

- on a temporary basis
- (2) There was no/insufficient information in the submission to demonstrate that the development would not have adverse environmental'/drainage/visual/traffic impacts on the surrounding areas
 - (3) The development was not compatible with the surrounding area
 - (4) The site coverage and building height of the development were excessive and insufficient justifications were included in the submissions
 - (5) Approval of the application would set an undesirable precedent for other similar applications
 - (6) The scale of operation of the proposed development was excessive in the area of rural character
 - (7) The vehicular access to the development would affect the adjacent bus lay-by and there was insufficient information in the submission to demonstrate that the development would not cause adverse traffic impact on the area
 - (8) The width, gradient and access point of the proposed vehicular access were substandard
 - (9) The proposed development would cause air pollution problem to the surrounding areas and no mitigation measures had been proposed
 - (10) No detailed landscaping proposals had been included in the submission
 - (11) The development did not comply with the TPB Guidelines in that there were adverse departmental comments/the development was not compatible with the nearby residential dwellings
 - (12) No submission had been made for compliance with the approval condition under the previous approval



Similar Applications within the subject "R(D)" Zone on the Pat Heung OZP

Approved Applications

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Condition(s)</u>
1	A/YL-PH/441	Temporary Kennel, Cattery and Dog Training Centre for a Period of 3 Years	7.11.2003	(1), (2), (3), (4), (5)
2	A/YL-PH/528	Renewal of Planning Approval for "Temporary Kennel, Cattery and Dog Training Centre" Use for a Period of 3 Years	20.10.2006	(1), (4), (5), (6), (7), (8), (9)
3	A/YL-PH/594	Renewal of Planning Approval for "Temporary Kennel, Cattery and Dog Training Centre" Use for a Period of 3 Years	18.9.2009	(1), (4), (5), (6), (7), (9)
4	A/YL-PH/647	Renewal of Planning Approval for "Temporary Kennel, Cattery and Dog Training Centre" Use for a Period of 3 Years	7.9.2012	(1), (4), (5), (6), (7), (9)
5	A/YL-PH/721	Temporary Dogs and Cats Boarding Establishment and Dog Training Centre for a period of 3 years	18.12.2015	(1), (3), (4), (5), (6), (9), (10), (11), (12)

Approval Conditions:

1. the provision of 24-hour mechanical ventilation and insulation wall for the kennel
2. the submission and implementation of landscaping proposals
3. the submission and implementation of drainage proposal/submission of the records of the existing drainage facilities
4. if the planning condition is not complied with during the approval period/by specified date, the approval should cease to have effect and be revoked without further notice
5. reinstatement of the application site after the expiry of the planning approval
6. the existing drainage facilities on the application site should be maintained at all times during the planning approval period
7. the existing trees and landscape planting within the site should be maintained at all times

during the planning approval period

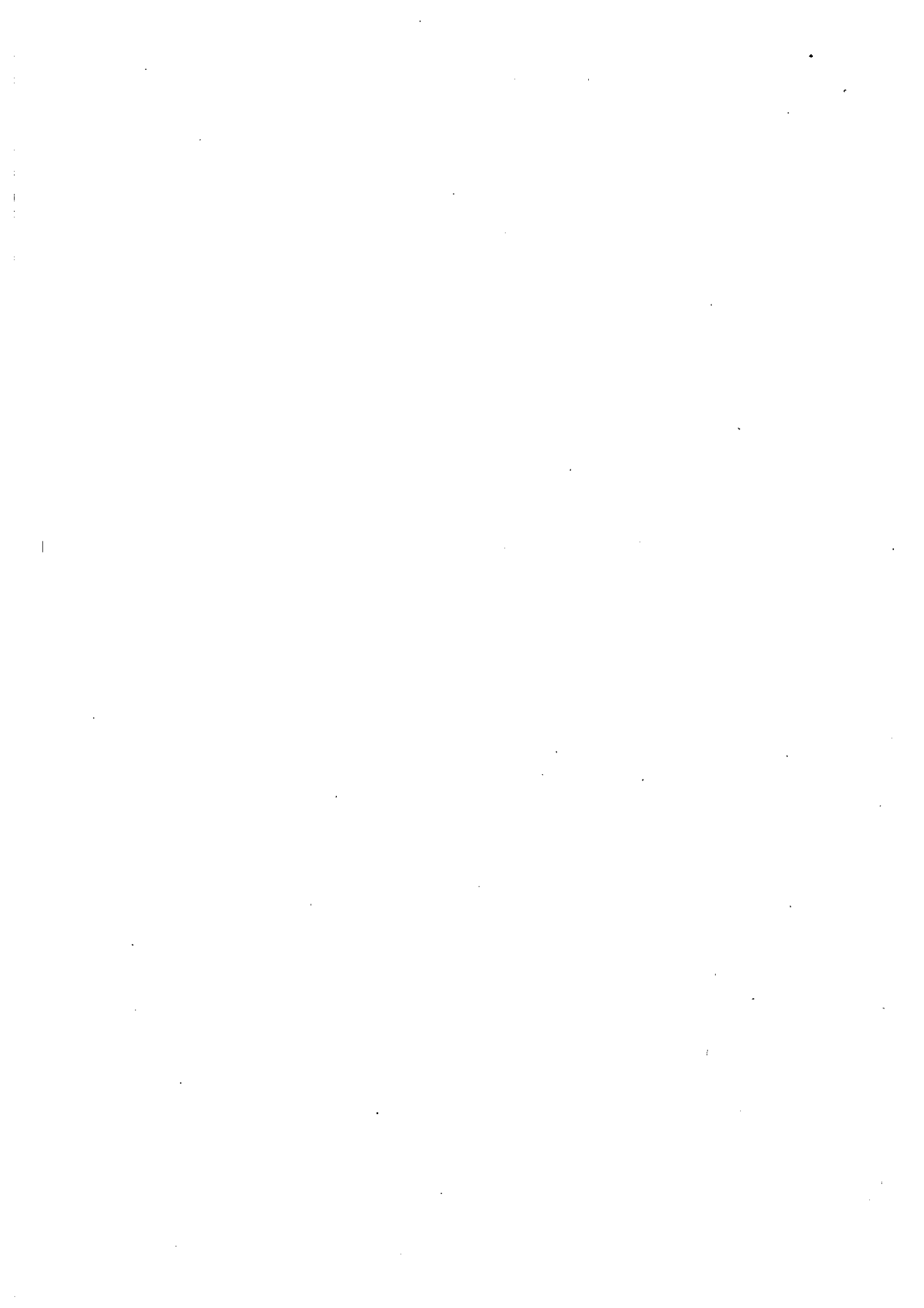
8. the replacement of dead trees or missing trees on the application site
9. the submission and/or implementation/provision of fire service installations proposal
10. dogs should be kept inside the enclosed kennel at night on the site at all times
11. no reversing of vehicles into or out of the site is allowed at any time
12. submission and implementation of tree preservation proposal

**Detailed Comments from the Chief Town Planner/Urban Design and Landscape,
Planning Department (CTP/UD&L, PlanD)**

Detailed Comments

- (1) Referring to the landscaping trees planted under the previous application, one at the southern part of the Site and four along the northern boundary are found missing during the site visit. The applicant is reminded that replacement should be provided for any missing trees during the approval period.

- (2) Noting the roof structure along the northern boundary covering the landscaping trees, applicant is reminded that minimum 3m clearance should be maintained between trees and structures to facilitate healthy growth of trees.



Advisory Clauses

- (a) resolve any land issues relating to the development with the concerned owners of the Site;
- (b) note DLO/YL, LandsD's comments the Site comprises Government Land (GL) and 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 Fan Kam Road via Private Land and 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 STT holder(s) will need to apply to his office for modification of the STW/STT conditions if where appropriate. The owner(s) of the lots without STW will need to apply to his office to permit the structure(s) to be erected or regularize any irregularities on site. Such application(s) 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 premium or fee, as may be imposed by the 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 Transport Department (TD). 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 his department does not and will not maintain any access connecting the Site and Fan Kam Road. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (e) 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 24-hour mechanical ventilation and air-conditioning system should be located away from adjacent sensitive receivers and the structures for animal boarding establishment should be enclosed with proper soundproofing materials. Noise generating activities such as the use of public announcement system and whistle blowing should be avoided with a view to safeguard nearby sensitive receivers from any potential environmental nuisance caused by the operation. The applicant should be reminded that it is his obligation to meet all statutory requirements under relevant pollution control ordinances and provide necessary mitigation measures. The applicant should also be 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" to minimize any potential environmental nuisances. The applicant should comply with the requirements under the Water Pollution Control Ordinance if there is any effluent discharge from the applied use and provide necessary mitigation measures to prevent polluting the watercourse adjacent to the Site;

- (f) note CTP/UD&L of PlanD's comments that referring the landscaping trees planted under the previous application, one at the southern part of the Site and four along the northern boundary are found missing during the site visit. The applicant is reminded that replacement should be provided for any missing trees during the approval period. Noting the roof structure along the northern boundary is covering the landscaping trees, applicant is reminded that minimum 3m clearance should be maintained between trees and structures to facilitate healthy growth trees;
- (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. The applicant should adopt appropriate measures to avoid polluting or disturbing the watercourse abutting the southeast boundary of the Site during operation;
- (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 plans 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 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 re provisioned 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; and
- (j) 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.

