

Previous Applications

Approved Applications

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-TKL/319	Proposed Temporary Dog Club and Plant Nursery for a Period of 3 Years	10.7.2009 (revoked on 10.1.2010)	A1 - A6
A/NE-TKL/336	Proposed Temporary Dog Club (including a Dog Swimming Pool) for a Period of 3 Years	25.6.2010	A3 - A9

Approval Conditions

- A1 The operating hours of the proposed development on the application site should be restricted from 10:00 a.m. to 6:30 p.m.
- A2 The submission of a layout plan showing the car parking, loading/unloading and vehicle manoeuvring spaces and the provision of car parking, loading/unloading and vehicle manoeuvring spaces
- A3 The submission and implementation of drainage proposals
- A4 The submission and implementation of tree preservation and landscaping proposals
- A5 The submission of proposals on and the provision of water supplies for fire fighting and fire service installations
- A6 Revocation clause
- A7 No operation between 6:00 p.m. and 10:00 a.m. was allowed
- A8 No dog caring or boarding services should be carried out on the application site
- A9 The provision of a rectified run-in/out

Rejected Application

Application No.	Proposed Development	Date of Consideration	Rejection Reasons
A/NE-TKL/312	Temporary Animal Boarding Establishment for a Period of 5 Years	19.12.2008	R1 & R2

Rejection Reasons

- R1 The proposed development was not in line with the planning intention of the "Agriculture" zone in the Ta Kwu Ling area which was primarily to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes. It also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong justifications had been provided in the submission for a departure from the planning intention, even on a temporary basis.
- R2 There was insufficient information in the submission to demonstrate that the proposed use would not generate adverse environmental impact in terms of noise, air/odour and water quality pollution on the surrounding areas.

Recommended Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the applied use at the Site;
- (b) to note the comments of the District Lands Officer/North, Lands Department on the following:
 - (i) the lot under application is Old Schedule lot held under the Block Government Lease (demised for agricultural use) without any guaranteed right of vehicular access. The applicant should make its own arrangement, and there is no guarantee that any adjoining Government Land will be allowed for vehicular access of the proposed use;
 - (ii) the existing structures on the Site were erected without approval from her office. The aforesaid structures are not acceptable under the Leases concerned. Her office reserves the right to take enforcement actions against the aforesaid structures;
 - (iii) the applicant should make precautionary measures to restrict the scale of land filling activity so as to ensure no private lots/ Government land adjacent to the Site would be disturbed. Besides, the applicant should also comply with all the relevant requirements imposed by relevant Government departments, if any;
 - (iv) the applicant should be reminded to meet the current health requirements before the concerned sewerage work is implemented; and
 - (v) should the application be approved, the owner of the lot concerned shall apply to her office for a Short Term Waiver (STW) covering all the actual occupation area and structures concerned. The application for STW will be considered by Government in its landlord's capacity and there is no guarantee that it will be approved. If the STW is approved, its commencement date would be backdated to the first date of occupation and it will be subject to such terms and conditions to be imposed including payment of waiver fee and administrative fees as considered appropriate by her office;
- (c) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department on the following:
 - (i) adequate drainage measures should be provided to prevent surface water running from the Site to Ping Che Road;
 - (ii) the ingress and egress to the Site will pass through a strip of unallocated Government land between the Site and Ping Che Road. The applicant is required to sort out the land issues with the relevant land authority; and
 - (iii) should the application be approved, the applicant is required to construct a proper ingress and egress for the Site according to HyD's Standard Drawings and upon termination of the temporary use, the applicant is required to reinstate the ingress and egress to their original state to his satisfaction and at his own cost;

- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department on the following:
- (i) the Site is in an area where public sewer connection is available;
 - (ii) in the drainage proposal submission, the applicant requires assessing and identifying the project's potential drainage impacts and demonstrate in their submission with the implementation of necessary mitigation measures, the project will not cause an unacceptable increase in the risk of flooding in areas upstream of, adjacent to or downstream of the development;
 - (iii) the Site is in the vicinity of an existing streamcourse. The applicant shall be required to place all the proposed works 3m away from the top of the bank of the streamcourse. All the proposed works in the vicinity of the steamcourse should not create any adverse drainage impacts, both during and after construction. Proposed flood mitigation measures if necessary shall be provided at the resources of the applicant to his satisfaction;
 - (iv) the applicant should be reminded to minimise the possible adverse environmental impacts on the existing streamcourse in his design and during construction; and
 - (v) the applicant is reminded that all existing flow paths as well as the run-off falling onto and passing through the Site should be intercepted and disposed of via proper discharge points. The applicant shall also ensure that no works, including any site formation works, shall be carried out as may adversely interfere with the free flow condition of the existing drain, channels and watercourses on or in the vicinity of the Site any time during or after the works;
- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) on the following:
- (i) before any new building works are to be carried out on the Site, the prior approval and consent of the Building Authority should be obtained, otherwise they are unauthorized buildings works (UBW). An Authorized Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the Buildings Ordinance (BO);
 - (ii) for UBW erected on leased land, enforcement action may be taken by the BA 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 application site under the BO;
 - (iii) temporary shelters or converted containers for storage/ washroom/ first-aid room/ site office are considered as temporary buildings, they are subject to control under the Building (Planning) Regulations (B(P)R) Pt. VII;
 - (iv) 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 B(P)R respectively;

- (v) if the Site does not abut 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
 - (vi) formal submission under the BO is required for any proposed new works, including any temporary structures. Detailed comments under the BO will be provided at the building plan submission stage;
- (f) to note the comments of the Director of Fire Services on the following:
- (i) 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 FSD for approval. In addition, the applicant should also be advised on the following points:
 - 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; and
 - (ii) the applicant is reminded that if the proposed structure(s) is required to comply with the BO (Cap. 123), detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;
- (g) to note the comments of the Director of Environmental Protection that the applicant is reminded to provide the following in the relevant submission for his review:
- (i) photos to show implementation of each of the recommended environmental mitigation measures, including those recommended in the subject application (Annex I of the application), ones we recommend below, and final decision of some arrangement below that require provision of further details:-

Odour and Noise

- closure of all doors and any openings at all times to avoid any odour and noise nuisance to nearby Air Sensitive Receivers and Noise Sensitive Receivers. The use of auto-closing doors may be considered;
- technical details of the acoustic panels to demonstrate its noise insulating ability (i.e. at least surface density of 7kg/m^2);
- clarification on whether the access door or any other opening(s) at the enclosed structures will be shielded by acoustic panels, as the noise indoor (e.g. dog barking) will be transmitted out through any opening and cause noise nuisance to nearby NSRs;

Water Quality

- implementation of practices under ProPECC PN 1/94 Construction Site Drainage especially during the filling of land;

- final arrangement of sewage treatment and disposal after exploration of options;
 - implementation of practices under ProPECC PN 5/93 Drainage Plan subject to comment by the Environmental Protection Department, regarding the on-site drainage system (particularly that for light vehicle and private car parking area). Details of STS, if adopted, should also be provided, including:-
 - certification by AP(s) on whether the design, construction, operation and maintenance of the STS comply with ProPECC PN 5/93, in particular the percolation test and minimum clearance distance requirements; and
 - its capacity, which should be sufficient for all wastewater generated on site, including effluent from toilets and pantry (if any), animal bathing, removal of animal urine and excrement, floor washing and general cleaning of boarding area and indoor animal training area;
 - good housekeeping measures to prevent water quality pollution by animal urine/excrement, rubbish etc.; and
- (ii) certification by Authorised Person(s) (APs) that the recommended environmental mitigation measures have been properly implemented;
- (h) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the applicant is reminded of the importance of undertaking proper tree care for existing trees within the Site. Useful information published by the Greening, Landscape & Tree Management Section, Development Bureau on general tree maintenance and tree risk management is available for reference in the following links:
- *Pictorial Guide for Tree Maintenance* (護養樹木的簡易圖解);
http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf
 - *Minimising Tree Risks* (護養樹木 保障安全);
http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Chinese_Leaflet_Big_font_size_v1_2012_03_29.pdf
 - *Pictorial Guide for Tree Maintenance to Reduce Tree Risks*; and
(減低樹木風險的樹木護養簡易圖解):
[http://www.greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk\(eng\).pdf](http://www.greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk(eng).pdf);
- (i) to note the comments of the Director of Food and Environmental Hygiene that the applicant is advised that 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.