

**Similar Applications in the Same “AGR” Zone on the 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-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)

**Approval Conditions**

- (1) Installation 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.



**Detailed Comment from CTP/UD&L, PlanD**

- (a) Compensatory tree planting for the felled trees should be provided on site. 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) For sustainable tree growth, the proposed tree should have a min. 3m distance from the structure and min. 600mm from the boundary fence. The applicant should revise the tree planting location accordingly.

**Detailed Comment from DFEH**

- (a) 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 re provisioned facilities to FEHD.
- (b) Under the Food Business Regulation, Cap. 132X, no person shall carry on or cause, permit or suffer to be carried on any of the following food businesses, except under and in accordance with a licence granted by the Director under this Regulation – (a) any food factory; (b) any restaurant; (ba) any factory canteen; (c) any siu mei and lo mei shop; (d) any fresh provision shop; (e) any cold store and (f) any composite food shop. In this Regulation, food business means any trade or business for the purpose of which any person engages in the handling of food or food is sold by means of a vending machine. As long as the subject usage of proposed Animal Boarding Establishment does not fall under any one of the above-mentioned food business, a food licence from his department is not required.
- (c) Propoer licence/ permit issued by his department is required if food business or related place of entertainment is involved: (i) For the operation of any types of food business, relevant food licences should also be obtained from FEHD in accordance with the Public Health and Municipal Services Ordinance (Cap. 132); (ii) Any person who desires to keep or use any place of public

entertainment for example a theatre and cinema or a place, building, erection or structure, whether temporary or permanent, on one occasion or more, capable of accommodating the public presenting or carrying on public entertainment within Places of Public entertainment (PPE) Ordinance (Cap. 172) and its subsidiary legislation, such as a concert, opera, ballet, stage performance or other musical, dramatic or theatrical entertainment, cinematograph or laser project display or an amusement ride and mechanical device which is designed for amusement. A Place of Public Entertainment Licence (or Temporary Place of Public Entertainment Licence) should be obtained from FEHD whatever the general public is admitted with or without payment.

- (d) 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.

**Advisory clauses**

- (a) Resolve any land issues relating to the development with the concerned land owner(s) of the Site;
- (b) 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 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;
- (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 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;
- (d) note CHE/NTW, HyD's comments that HyD is/shall not be responsible for the maintenance of any existing vehicular access connecting the Site and Kam Sheung Road. The applicant should be responsible for his own access arrangement. 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 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;

- (f) note CTP, UD&L of PlanD's comment that the compensatory tree planting for the felled trees should be provided on site. The applicant is reminded that all proposed trees should be planted at grade in a pit of min. 1m (wide) x 1m (length) x 1.2m (soil depth) and backfilled with soil mix. For sustainable tree growth, the proposed tree should have a min. 3m distance from the structure and min. 600mm from the boundary fence. The applicant should revise the tree planting location accordingly;
- (g) note DAFC's comments that the subject address does not associate with any licence granted by his department, nor has he 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 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 (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 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 BD should be obtained, otherwise they are unauthorized building works (UBW) under the Building Ordinance (BO). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by 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
- (j) note DFEH's comments that 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. Under the Food Business Regulation, Cap. 132X, no person shall carry on or cause, permit or suffer to be carried on any of the following food businesses, except under and in accordance with a licence granted by the Director under this Regulation – (a) any food factory;

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