

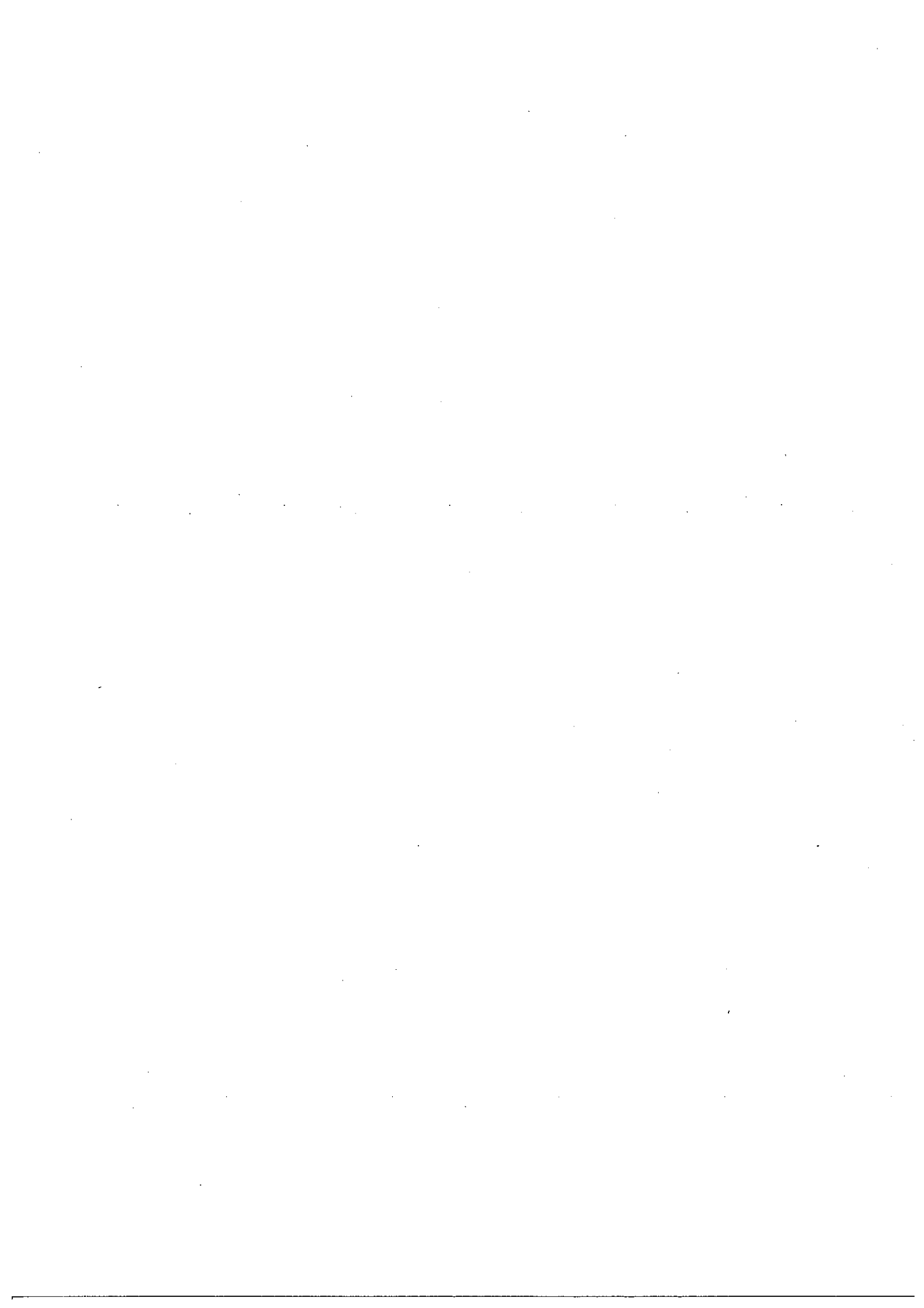
Previous Application Covering the Site

Approved Application

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Condition(s)</u>
1	A/YL-KTS/790	Proposed Temporary Animal Boarding Establishment for a Period of 3 Years	3.8.2018	(a) to (i)

Approval Conditions

- (a) Restriction on operation hours
- (b) all animals shall be kept inside the enclosed structure during specific hours
- (c) no public announcement system, portable loudspeaker or any form of amplification system, and whistle blowing is allowed to be used on the Site during the planning approval period
- (d) no medium or heavy goods vehicles 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 at any time during the planning approval period
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period
- (f) Submission and implementation of drainage proposal/maintenance of drainage facilities
- (g) Submission and implementation of fire services installations proposal
- (h) Submission and implementation of landscape proposal
- (i) Reinstatement of the application site upon expiry of the planning permission



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

Approved Application for Animal Boarding Establishment

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Condition(s)</u>
1	A/YL-KTS/791	Proposed Temporary Animal Boarding Establishment for a Period of 5 Years	3.8.2018	(a) to (g)

Approval Conditions

- (a) All animals shall be kept inside the enclosed structure during specific hours
- (b) No public announcement system, portable loudspeaker or any form of amplification system, and whistle blowing is allowed to be used on the Site during the planning approval period
- (c) No vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period
- (d) Submission and implementation of drainage proposal/maintenance of drainage facilities
- (e) Submission and implementation of fire services installations proposal
- (f) Submission and implementation of landscape proposal
- (g) Reinstatement of the application site upon expiry of the planning permission

Approved Application for Filling of Land

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Condition(s)</u>
1	A/YL-KTS/857	Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 5 Years and Filling of Land	9.10.2020	(a) to (f)

Approval Conditions

- (a) Restriction on operation hours
- (b) No public announcement system, portable loudspeaker or any form of audio amplification system is allowed to be used on the site at any time during the planning approval period
- (c) Existing drainage facilities on the site shall be maintained at all times
- (d) Submission of a record of the existing drainage facilities on site
- (e) Implementation of the accepted fire services installation proposal
- (f) Reinstatement of the application site upon expiry of the planning permission

Rejected Application for Filling of Land

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Rejection Reasons</u>
1	A/YL-KTS/624	Proposed Temporary Filling of Pond and Filling of Land for Temporary Open Storage of Recycled Vehicles and Metal Scaffolding/Machinery for Construction for a Period of 3 Years	6.6.2014 [on review]	(a) to (d)

Rejection Reasons

- (a) the development is not in line with the planning intention of the "AGR" zone which is to retain and safeguard good agricultural land for agricultural purposes. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis,
- (b) the application does not comply with the TPB PG-No. 13E in that the development is not compatible with the surrounding land uses which are predominantly rural in character; there is no previous approval granted at the site; and there are adverse departmental comments and public objections against the application,
- (c) the applicant fails to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas,
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within this part of the "AGR" zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

Detailed Comments of CE/MN of DSD on the submitted drainage proposal

- (a) While it is noted that the current application involves filling of land, the applicant should advise the extent of filling and whether the flow direction as shown in Figure 3.2 of the Drainage Plan Design Report submitted for previous application would be affected.
- (b) The applicant should confirm the formation level of the Site as it is noted that there are inconsistencies between the Drainage Layout Plan, the survey plan, and the Layout and Landscape Plan and Site Section provided in the submission.
- (c) According to his record, a 255mm surface channel was proposed at the western side of the Site in previous application while he noted that it is missing in the Drainage Layout Plan in the current application. The applicant should advise why surface channel is not provided at the western side of the Site.
- (d) The development should neither obstruct overland flow nor adversely affect existing natural stream, village drains, ditches and the adjacent areas, etc.
- (e) The applicant should consult DO/YL and seek consent from relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works.



Advisory Clauses

- (a) 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. 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;
- (b) note CHE/NTW, HyD's comments that HyD shall not be responsible for the maintenance of any access connecting the Site and Kam Tin Road. Adequate drainage measures should be provided to prevent surface water running from the Site to nearby public roads and drains;
- (c) note DAFC's comments that carrying on a business of providing food and accommodation for animals in return for a fee or other money consideration requires a licence from his department in accordance with the Public Health (Animals) (Boarding Establishment) Regulations Cap. 139I. Setting up and running of a shelter for stray animals does not require a licence or any approval from his department. However, the conditions in which animals are kept must meet the minimum requirements of the Prevention of Cruelty to Animals Ordinance (Cap. 169) and its subsidiary regulations. Furthermore, the rehoming of animals in exchange for an adoption or rehoming fee may require a licence or exemption from this department in accordance with the Public Health (Animals and Birds) (Trading and Breeding) Regulations, Cap. 139B. In brief, the applicant shall apply for a licence if she/ he wants to sell any animal or run animal boarding business;
- (d) note DEP's comment that the applicant is advised to (i) properly design and maintain the facilities to minimize any potential environmental nuisance, e.g. the proposed structure for animal boarding establishment should be enclosed with soundproofing materials with provision of 24-hour mechanical ventilation and air-conditional system; (ii) to follow the requirements stipulated in "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Site"; (iii) to provide adequate supporting infrastructure / facilities for proper collection, treatment and disposal of waste / wastewater generated from the proposed use. If septic tank and soakaway system will be used in case of unavailability of public sewer, its design and construction shall follow the requirements of EPD's Practice Note for Professional Person (ProPECC) PN 5/93 "Drainage Plans subject to Comment by the Environmental Protection Department" including percolation test; and (iv) it is the obligation of the applicant to meet the statutory requirements under relevant pollution control ordinances;
- (e) note CTP/UD&L, PlanD's comments that the applicant is reminded that approval of the application under the Town Planning Ordinance does not imply approval of tree preservation/removal scheme under the Lease. The applicant should seek comments and approval from the relevant authority on the proposed tree works and compensatory planting proposal, where appropriate;
- (f) 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 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) note DFEH's comments that if the proposal involves any commercial/trading activities, there should be no encroachment on the public place and no environmental nuisance should be generated to the surroundings. Its state should not be a nuisance or injurious or dangerous to health and surrounding environment. Also, for any waste generated from the activities in the premises, the applicant should handle on their own / at their expenses. Any animal carcass/ parts shall be properly wrapped or bagged before disposal;
- (h) 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 the Building Authority, they are unauthorized building works (UBW) under the Buildings Ordinance (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 the prevailing 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, demolition and land filling) are to be carried out on the Site, prior approval and consent of the BA should be obtained, otherwise they are UBW. 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. The Site does not abut on a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;
- (i) note CE/MN, DSD's comments on the submitted drainage proposal that (i) while it is noted that the current application involves filling of land, the applicant should advise the extent of filling and whether the flow direction as shown in Figure 3.2 of the Drainage Plan Design Report submitted for previous application would be affected; (ii) the applicant should confirm the formation level of the Site as it is noted that there are inconsistencies between the Drainage Layout Plan, the survey plan, and the Layout and Landscape Plan and Site Section provided in the submission; (iii) according to his record, a 255mm surface channel was proposed at the western side of the Site in previous application while he noted that it is missing in the Drainage Layout Plan in the current application. The applicant should advise why surface channel is not provided at the western side of the Site; (iv) the development should neither obstruct overland flow nor adversely affect existing natural stream, village drains, ditches and the adjacent areas, etc.; and (v) the applicant should consult DO/YL and seek consent from relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works; and
- (j) note CE/C, WSD's comments that existing Waterworks Reserve and a DN600 water main as shown on Plan A-2 of this RNTPC paper will be affected. No structure shall be built or materials stored within this waterworks reserve or 3m from the centerline of this DN600

water main. Free access shall be made available at all times for staff of the Director of Water Supplies or their contractor to carry out construction, inspection, operation, maintenance and repair works. No trees or shrubs with penetrating roots may be planted within the Waterworks Reserve or in the vicinity of the water main shown on Plan A-2 of this RNTPC paper. Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the Site.

