

**Previous S.16 Applications**

**Rejected Applications**

<b>Application No.</b>	<b>Uses/ Development</b>	<b>Date of Consideration</b>	<b>Rejection Reasons</b>
A/DPA/NE-LYT/71	Private Lorry Park and Ancillary Car-repairing Workshop	12.8.1994 (on review)	R1 – R6
A/NE-LYT/314	Temporary Open Parking and Storage of Container Trailers, Lorries, Excavators and Construction Materials for a Period of 3 Years	9.12.2005	R7

**Rejection Reasons:**

- R1        The proposed development was not in line with the planning intention for the area in that it had not been demonstrated in the submission that the proposed development would have insignificant adverse impacts on the environment, traffic and drainage of the area
- R2        The proposed development was not compatible with the surrounding land uses which were largely rural in character
- R3        The proposed vehicular access to the application site was substandard and some mature trees along Sha Tau Kok Road would be affected if the required sight-line distance was to be provided
- R4        No proposals on noise and dust mitigation measures had been included in the submission
- R5        There were insufficient information on the provision of drainage facilities in the submission
- R6        No landscaping proposals had been included in the submission
- R7        The development under application did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses in that no previous

planning approval had been given to the application site and there were no technical assessments/proposals submitted to demonstrate that the development would not generate adverse traffic, drainage and environmental impacts on the surrounding areas

**Detailed Comments of Director of Environmental Protection**

Air Aspect

- (a) The applicant should provide information regarding the locations of the air sensitive receivers (ASRs) in the vicinity and the details of housekeeping / management from odour perspective in the Planning Statement where appropriate in order to support that good hygiene conditions are maintained and unacceptable odour impact imposed on nearby ASRs could be avoided in the operational phase of the proposal.

Water and Sewerage Aspects

- (b) It is noted that there is a public sewer along the Sha Tau Kok Road which is about 20 – 30 m from the site boundary. As such, the applicant should evaluate the feasibility for the connection to the available public sewer for sewage disposal of the proposed use. Only when the sewerage connection has been shown to be not feasible should the applicant propose to use a septic tank and soakaway system (STS). If it is found to be technically feasible to connect to the public sewer, then the applicant should provide a detailed assessment on sewerage infrastructures (SIA) to demonstrate that the proposed use would not cause adverse sewerage impact. However, if connection to public sewerage is shown to be infeasible, then the use of STS may be considered, subjected to the following:
- (i) the STS system should be designed and constructed by following the requirements of the Practice Note for Professional Person (ProPECC) PN5/93 “Drainage Plans subject to Comment by the Environmental Protection Department”, and must be duly certified by an Authorized Person (AP). The applicant should be advised that the location of the TST shown in the current application does not meet the minimum clearance distance of 15 m from a watercourse; and
  - (ii) the total volume of wastewater flow from on-site toilet (if any), dog bathing (if any), removal of dog urine and excrement, floor washing and general cleaning of the boarding areas as well as the indoor dog training area etc. inside a building or covered area should be estimated in the design of the STS capacity. Note that it is unacceptable to discharge any foul flows from buildings or covered areas to storm drains according to ProPECC PN5/93.
- (c) It is noted that there will be an outdoor training area. Any dog waste in outdoor area may pollute the storm/surface runoff and subsequently the adjacent watercourse. Good housekeeping is necessary to remove dog faeces from the outdoor area as frequently as possible. Storm/surface runoff from the outdoor area cannot be discharged to the public sewer or STS system in accordance with ProPECC PN5/93. In addition, the applicant should also provide and maintain sediment/rubbish traps such as screens, sand /silt traps or similar facilities in the storm drains to prevent any suspended solids or refuse from entering the nearby watercourse during rainstorms.

Noise Aspect

- (d) A more detailed noise mitigation plan which is suitable for the daily operation of the proposed

establishment should be provided to demonstrate the environmental acceptability of the application. It is suggested that a noise mitigation plan shall at least contain the following information:

- (i) a more detailed layout plan demonstrating planning efforts in avoidance of noise impacts from the kennel to the nearby noise sensitive receivers (NSRs), such as maximising the distance of kennel to the NSRs and screening of the kennel from NSRs by other structures and boundary wall (if any) etc.;
- (ii) technical details of the material and height of the boundary wall (if any) with regard to its noise reduction effectiveness;
- (iii) any acoustic material (with their technical details indicating the noise reduction effectiveness) to be applied on the kennel and indoor training field, and there it is going to be installed (e.g. on the walls, ceiling, doors, etc.) to justify the avoidance of noise impacts from the kennel and indoor training field;
- (iv) a clarification on whether any room of the kennel and indoor training field will rely on any openable window/door for ventilation. If yes, noise arising from inside the kennel (e.g. dog barking and whistling, etc.) will transmit out through the window/door openings and cause noise problems to the nearby NSR. The applicant shall thus supplement further information to demonstrate how such noise will be mitigated;
- (v) types and locations of ventilation fans and/or air-conditioning units that would be used for the building structures (if any). In this regard, the applicant shall note that sizable ventilation fans and air-conditioning unit may also be a source of noise concern to the nearby NSRs;
- (vi) further information to demonstrate how noise (e.g. dog barking and whistling etc.) arising from the dogs in outdoor areas, such as in the outdoor training field, will be mitigated; and
- (vii) confirmation on whether there will be 24-hour staff to manage the dogs and handle any complaints.

**Recommended Advisory Clauses**

- (a) to note the comments of the District Lands Office/North, Lands Department on the following:
- (i) the occupation boundary and application boundary of the Site does not tally. Apart from the application lot, Lots 1027 and 1028 RP in D.D.83 are also being occupied; and
  - (ii) according to the proposal submitted by the applicant, structures will be erected within the Site. If the planning application is approved, the applicant shall apply to his office for a Short Term Waiver (STW) to cover the proposed structures on site. 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, it will be subject to such terms and conditions to be imposed including payment of waiver fee and administrative fee as considered appropriate by his office;
- (b) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that the road branching from Sha Tau Kok Road to the Site is not maintained by his office;
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the Site is in an area where no public sewerage connection is available;
- (d) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department on the following:
- (i) the landscape proposal should be a scaled drawing;
  - (ii) the proposed preserved trees indicated on the submitted landscape proposal are *Leucaena leucocephala* 銀合歡. They are weed trees and should be removed and replaced with tree planting;
  - (iii) the species of proposed tree planting should be provided;
  - (iv) all tree pits should have proper planter edge with 1m (L) x 1m (W) x 1.2m (D) in size and backfilled with proper planting soil; and
  - (v) the drainage alignment should be indicated on the landscape proposal and a clearance distance of 600mm away from tree planting should be provided;
- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) on the following:
- (i) if any existing structures are erected on leased land without approval of the BD (not being a New Territories Exempted House), they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under this application;

- (ii) before any new building works (including temporary buildings/structures and containers etc.) are to be carried out on the Site, the prior approval and consent of the BD should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
  - (iii) if the proposed use under application is subject to the issue of a licence, any existing structures on the Site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority;
  - (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 Building (Planning) Regulations (B(P)Rs) respectively; and
  - (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)Rs at the building plan submission stage;
- (f) to note the comments of the Director of Fire Services that detailed fire services requirements will be formulated upon receipt of formal submission of general building plans. In addition, the arrangement of emergency vehicular access shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Building 2011 which is administered by the Buildings Department;
- (g) to note the comments of the Chief Engineer/Construction, Water Services Department (WSD) that for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable Government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standard;
- (h) to note the comments of the Director of Agriculture, Fisheries and Conservation on the following:
- (i) under the current legislation, any person who provides food and accommodation for animals in return for a fee paid by the animal owner must apply for a Boarding Establishment Licence from his department; and
  - (ii) the applicant is reminded to implement good site practice so as not to pollute the nullah nearby;
- (i) to note the comments of the Director of Food and Environmental Hygiene on the following:
- (i) the operation of the subject animal boarding establishment should not cause any sanitary nuisance;
  - (ii) neither accumulation of waste nor water that may lead to breeding of mosquitoes shall be allowed on the Site; and

- (iii) the applicant shall be responsible for the prompt removal and disposal of any waste at their own expenses, and carry out adequate measures to prevent breeding of mosquitoes and other pest at the Site; and
- (j) to note the comments of Director of Environmental Protection (DEP) appended in **Appendix III** and to follow the environmental 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 the DEP in order to minimise any possible environmental nuisances.