

Previous s. 16 application covering the Site

Approved Application

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-PK/80	Temporary Animal Boarding Establishment and Ancillary Facilities for a Period of 3 Years	12.8.2016	A1 – A8

Approval Conditions

- A1. No operation between 6:00 p.m. and 10:00 a.m., as proposed by the applicant, was allowed
- A2. To maintain the existing boundary fence on the site
- A3. To maintain the existing vegetation including trees, shrub and lawn on the site
- A4. The submission and implementation of proposals for water supplies for fire fighting and fire service installations
- A5. The submission of a drainage proposal
- A6. The provision of drainage facilities
- A7. Revocation clause
- A8. Reinstatement clause

Recommended Advisory Clauses

- (a) to note the comments of DLO/N, LandsD as follows:
- (i) the Site comprises private lots and the adjoining Government land. The lots are Old Schedule lots held under the Block Government Lease (demised for agriculture use) without any guarantee of right of vehicular access. The applicant should make its own arrangement for acquiring access. The Government shall accept no responsibility in such arrangement and there is no guarantee that any adjoining Government land will be allowed for the vehicular access of the applied use;
 - (ii) the existing structures on the application lots were erected without approval from his office and are not acceptable under the Lease concerned. His office reserves the right to take lease enforcement actions against them;
 - (iii) the Government Land adjoining to the application lots are fenced off and occupied by the applicant without approval from his office. His office reserves the right to take necessary land control actions against the irregularities; and
 - (iv) if the planning application is approved, his office will continue to process the Short Term Waiver (STW) and Short Term Tenancy (STT). The applications for STW/STT will be considered by Government in its landlord's capacity and there is no guarantee that they will be approved. If the STW/STT are approved, their commencement date would be backdated to the first date of occupation and they will be subject to such terms and conditions to be imposed including payment of waiver fee/rent and administrative fees as considered appropriate by his office;
- (b) to note the comments of DAFC as follows:
- (i) a channelized watercourse is adjacent to the Site, good site practice should be implemented in order not to pollute the watercourse nearby; and
 - (ii) a valid Boarding Establishment Licence is being held under the address (Lot 3265 S.A. in D.D. 91, No. 52 On Po Village, Sheung Shui, New Territories) in the planning application. The licence will expire on 1.9.2019. The applicant shall obtain a new Boarding Establishment Licence from his department before the current one expires in order to continue his business. The applicant should also be reminded that the development falls under Public Health (Animals) (Boarding Establishment) Regulations (Cap. 139I) and must thus fulfil the criteria listed in the Regulations. The dogs kept by the applicant should also be properly licensed in accordance with the Rabies Ordinance (Cap. 421), and the applicant is reminded to observe the Prevention of Cruelty to Animals Ordinance (Cap. 169) at all times;
- (c) to note the comments of DEP that the applicant shall be reminded that it is the applicant's responsibility to ensure proper and full implementation of all precautionary and mitigation measures including regular maintenance of the existing septic tank to keep it in good operating condition in view of its long service time;

- (d) to note the comments of CE/MN, DSD that the applicant shall ensure that rain water falling onto and overland flow / surface runoff from adjoining sites which enter the subject site and shall be collected by a drainage system and conveyed to a proper discharge point(s). The applicant shall maintain such system properly and rectify the system if it is found to be inadequate or ineffective during operation at his own cost. The development and its drainage facilities shall not obstruct the flow of existing drainage facilities. The applicant shall be liable for and shall indemnify Government against claims and demands arising out of damage or nuisance caused by failure of the system;
- (e) to note the comments of DFEH that the applied use should not cause any environmental nuisance and/or hygienic problems while operating the business;
- (f) to note the comments of CBS/NTW, BD as follows:
 - (i) if any existing structure are erected on leased land without approval of the BD, 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 excavation, underground structure, container/open shed as temporary buildings, 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 should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
 - (iii) 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;
 - (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 respectively; and
 - (v) 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 Building (Planning) Regulations at the building plan submission stage.