

Previous S.16 Application covering the Application Site

Approved Application

	<u>Application No.</u>	<u>Development(s)/Use(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>
1	A/YL-TT/230	Proposed Temporary Animal Boarding Establishment (kennel) with Ancillary Dog Recreational Facilities for a Period of 3 Years	6.3.2009 on review
2	A/YL-TT/308	Temporary Dog Hotel for a Period of 3 Years	9.11.2012
3	A/YL-TT/375	Temporary Dog Hotel for a Period of 3 Years	22.4.2016
4	A/YL-TT/460	Renewal of Planning Approval for Temporary “Dog Hotel” for a Period of 3 Years	12.4.2019

Government Departments' General Comments

1. Land Administration

Comments of the District Lands Officer/Yuen Long, Lands Department:

- No adverse comment on the application.
- No Small House application being approved or under processing within the application site (the Site).
- Advisory comments as detailed in **Appendix IV**.

2. Traffic

Chief Highway Engineer/New Territories West, Highways Department:

- No adverse comment from traffic engineering perspective.
- Advisory comments as detailed in **Appendix IV**.

3. Drainage

Comments of the Chief Engineer/Mainland North of Drainage Services Department:

- No in-principle objection to the application from the public drainage point of view.
- Should the application be approved, conditions should be included to request the applicant to maintain the drainage facilities implemented under Application No. A/YL-TT/460 in good condition at all times and to submit records of the existing drainage facilities on site to the satisfaction of the Director of Drainage Services or of the Town Planning Board.
- Advisory comments as detailed in **Appendix IV**.

4. Fire Safety

Comments of the Director of Fire Services:

- No in-principle objection to the proposal subject to the fire service installations being provided to the Site.
- Advisory comments as detailed in **Appendix IV**.

5. Environment

Comments of the Director of Environmental Protection:

- No objection to the application.

- No environmental complaint concerning the Site has been received in the past three years.
- Advisory comments as detailed in **Appendix IV**.

6. Building Matters

Comments of the Chief Building Surveyor/New Territories West, Buildings Department:

- No objection to the application.
- Advisory comments as detailed in **Appendix IV**.

7. Nature Conservation and Animal Management

Comments of the Director of Agriculture, Fisheries and Conservation:

- No comment on the application from the perspective of nature conservation.
- Advisory comments as detailed in **Appendix IV**.

8. Food and Environmental Hygiene

Comments of the Director of Food and Environmental Hygiene:

- No adverse comment on the application.
- Advisory comments as detailed in **Appendix IV**.

9. District Officer's Comments

Comment of the District Officer (Yuen Long), Home Affairs Department:

His office has not received any comments on the application from the village representatives in the vicinity of the Site.

10. Other Departments

The following departments have no objection to/ no comment on the application:

- Commissioner for Transport;
- Chief Engineer/Construction, Water Supplies Department
- Project Manager (West), Civil Engineering and Development Department;
- Director of Electrical and Mechanical Services; and
- Commissioner of Police.

Recommended Advisory Clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site (the Site);
- (b) prior planning permission should have been obtained before commencing the applied use at the Site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that:
 - (i) the Site comprises Government Land (GL) and 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;
 - (ii) the private lots 24RP, 26RP and 28RP in D.D. 118 are covered by Short Term Waiver (STW) No. 4681, 4682 and 4683 respectively for the purpose of ‘temporary dog hotel’;
 - (iii) the GL (about 58.2m²) portion in the Site is covered by Short Term Tenancy (STT) No. 3076 for the purpose of ‘temporary dog hotel’; and
 - (iv) the STW & STT holder(s) will need to apply to this office for modification of the existing STW(s) and/or STT(s) conditions where appropriate. The application for STW(s) and STT(s) will be considered by the Government in its capacity as a landlord and there is no guarantee that the application will be approved. The STW(s) and STT(s), if approved, will be subject to such terms and conditions including the payment of waiver fee, rent and administrative fee as considered appropriate by LandsD. Besides, given the proposed use is temporary in nature, only erection of temporary structure(s) will be considered;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that:
 - (i) the run-in/out, if required, shall be constructed and maintained by the applicant. The run-in/out shall be removed and the public road shall be reinstated to the satisfaction of HyD upon completion of use of Site; and
 - (ii) adequate drainage measures shall be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (e) to note the comments of the Director of Agriculture, Fisheries and Conservation that:
 - (i) from animal management perspective, the Site has one licensed Animal Boarding Establishment granted by Animal Business Regulatory Section under 139I. The licence is valid for one year from the date it is granted. Licensees are reminded that the licence is to be renewed before its expiry date;
 - (ii) under the Public Health (Animals) (Boarding Establishment) Regulations, Cap. 139I (the Regulations), 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. For clarity of communication discourse, animal shelters for stray/homeless animals (which does not involve providing animal accommodation in return for a fee) is a separate category of keeping of animals, out of the purview of Cap. 139I Boarding Establishment. For animal shelters, Animal Management (Operation) Division should be

contacted for relevant information as applicable; and

- (iii) detailed information and requirement on Animal Boarding Establishment would be provided upon receipt of the licence application;
- (f) to note the comments of the Director of Environmental Protection that:
 - (i) to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspects of Temporary uses and Open Storage Sites” issued by Environmental Protection Department (EPD) to minimize the potential environmental nuisances on the surrounding area;
 - (ii) that all dogs shall be kept inside the enclosed structures with soundproofing materials, 24-hours mechanical ventilation and air conditioning system from 6:30pm to 9:00am daily, as proposed by the applicant;
 - (iii) to implement appropriate pollution control measures outlined in the Professional Persons Environmental Consultative Committee (ProPECC) Practice Notes 2/24 ‘Construction Site Drainage’ to minimise any potential environmental impacts on nearby water bodies during the construction of the project;
 - (iv) 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 1/23 "Drainage Plans subject to Comment by the Environmental Protection Department " including completion of percolation test and certification by Authorized Person;
 - (v) to ensure no public announcement system, portable loudspeaker or any form of audio amplification system and whistle blowing will be used, as committed in applicant’s justifications; and
 - (vi) it is the obligation of the applicant to meet the statutory requirements under relevant pollution control ordinances.
- (g) to note the comments of the Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) that:

based on paragraph 11 of the planning statement enclosed in the application, apparently the applicant would maintain the same drainage facilities as those implemented under previous Planning Application No. A/YL-TT/460. However, it seems that the existing drainage facilities indicated in the layout plan enclosed in the application is not consistent with the drainage layout plan under previous Planning Application No. A/YL-TT/460 (i.e. downstream open/closed drain and discharge point are missing). The applicant is reminded to update the existing drainage facilities in the drawing. Should there be any modification to the existing drainage facilities implemented under previous Planning Application No. A/YL-TT/460, a revised drainage proposal shall be submitted for our further review;

- (h) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that:
 - (i) no Food and Environmental Hygiene Department (FEHD)’s facilities should be affected by the applied use;

- (ii) proper license/permit issued by FEHD is required if there is any food business/catering service/activities regulated by DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public and the operation of any business should not cause any obstruction; and
 - (iii) 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. 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;
- (i) to note the comments of the Director of Fire Services that:
- (i) the relevant layout plans should be incorporated with the proposed fire service installations (FSIs) to the Fire Services Department for approval;
 - (ii) the layout plans for the FSIs should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of the proposed FSIs to be installed should be clearly marked on the layout plans; and
 - (iii) if the proposed structures are required to comply with the Buildings Ordinance (BO) (Cap 123), detailed fire services requirements will be formulated upon receipt of formal submission of general building plans; and
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
- (i) 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;
 - (ii) 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 building plan submission stage;
 - (iii) if the existing structures are erected on leased land without the approval of the BA, they are unauthorised building works (UBWs) under the Building Ordinance (BO) and should not be designated for any proposed use under the captioned application;
 - (iv) before any new building works (including containers/open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on the Site, prior approval and consent of the Building Authority should be obtained, otherwise they are UBWs under the BO. An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with the BO;
 - (v) for UBWs erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with the prevailing enforcement policy against UBWs as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBWs on the Site under the BO;
 - (vi) if the proposed use under application is subject to issue of a license, the applicant should be reminded that 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;

- (vii) any temporary shelters or converted containers for office, storage, washroom or other uses are considered as temporary buildings are subject to the control of Part VII of the B(P)R; and
- (viii) detailed checking under the BO will be carried out at building plan submission stage.