

Previous Application covering the Application Site

Rejected Application

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Date of Consideration</u> <u>(RNTPC)</u>	<u>Rejection</u> <u>Reasons</u>
1	A/YL-KTN/397	Temporary Back-up Warehouses (Storage of New Electrical Components and Garments in Packed Boxes) for a Period of 3 Years	11.1.2013	(1), (2), (3)

Rejection Reasons

- (1) The proposed development was not in line with the planning intention of the "AGR" and "V" zones. No strong planning justification had been given in the submission to justify for a departure from the planning intentions, even on a temporary basis.
- (2) The proposed development would pose adverse environmental impact on the residential uses located to the north and south and in the vicinity of the site, and would generate adverse landscape and drainage impacts on the surrounding areas.
- (3) The approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the "AGR" and "V" zones. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

Similar Applications within the same “AGR” zone on the Kam Tin North OZP

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Conditions</u>
1	A/YL-KTN/413	Temporary Shop and Services (Plant Showroom) for a Period of 3 Years	6.9.2013 [revoked on 6.1.2014]	(1), (2), (3), (4), (5), (6), (7)
2	A/YL-KTN/446	Temporary Shop and Services (Plant Showroom) for a Period of 3 Years	22.8.2014 [revoked on 22.11.2015]	(1), (2), (3), (4), (5), (6), (7), (8)
3	A/YL-KTN/447	Temporary Shop and Services (Plant Showroom) for a Period of 3 Years	22.8.2014 [revoked on 22.11.2015]	(1), (2), (3), (4), (5), (6), (7), (8)
4	A/YL-KTN/448	Temporary Shop and Services (Plant Showroom) for a Period of 3 Years	17.10.2014 [revoked on 12.1.2016]	(1), (2), (3), (4), (5), (6), (7), (8)
5	A/YL-KTN/540	Temporary Shop and Services (Plant Showroom) for a Period of 3 Years	11.11.2016	(1), (2), (3), (4), (5), (6), (7), (8), (9)
6	A/YL-KTN/541	Proposed Temporary Shop and Services (Plant Showroom) for a Period of 3 Years	12.5.2017	(1), (2), (3), (4), (5), (6), (7), (8), (9)

Approval conditions

- (1) Restriction on operation hours/time
- (2) No medium or heavy goods vehicles exceeding 5.5/24 tonnes including container tractors/trailers were allowed to be parked/stored on or enter/exit the site
- (3) Submission and implementation of landscaping/ tree preservation proposal
- (4) Submission and implementation of drainage proposal
- (5) Submission and implementation of fire service installations proposal
- (6) Revocation of the planning approval if any of the planning conditions is not complied with by the specified dated or during the planning approval period
- (7) Reinstatement of the site to an amenity area or to the original state
- (8) Provision of boundary fencing
- (9) No reversing of vehicle into or out from the site is allowed

Rejected Applications

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Date of Consideration (RNTPC)</u>	<u>Rejection Reasons</u>
1	A/YL-KTN/531	Proposed Temporary Shop and Services (Pet Shop with Ancillary Office and Guard Room) for a Period of 3 Years	29.7.2016	(1), (2)
2	A/YL-KTN/624	Proposed Temporary Shop and Services (Plant Showroom) for a Period of 3 Years	19.10.2018	(1), (3)
3	A/YL-KTN/629	Proposed Temporary Shop and Services (Plant Showroom) for a Period of 3 Years	2.11.2018	(1), (3)

Rejection Reasons

- (1) The proposed development is not in line with the planning intention of the “AGR” zone. No strong justification has been given in the submission for a departure from the planning intention, even on temporary basis.
- (2) 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 the encroachment of good agricultural land, causing a general degradation of the rural environment of the area.
- (3) The applicant fails to demonstrate that the proposed development would not generate environmental nuisance on the surrounding areas.

Detailed Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

He has the following comments on the drainage proposal submitted:

- (i) The invert level of the proposed surface u-channels should be provided.
- (ii) Cross sections showing the existing ground levels of the Site with respect to the adjacent areas should be given. The u-channels should be low enough to collect the overland flow from the adjacent lowlying area.
- (iii) As mentioned in Section 2.5.2 of the supplementary statement, the peripheral channels will intercept the stormwater passing through the Site. Therefore, the catchment of the peripheral channel in Annex 1 of the supplementary statement should be reviewed to include the overland flow from the adjacent area.
- (iv) Standard details should be provided to indicate the sectional details of the proposed u-channels and catchpits.
- (v) Consideration should be given to provide grating for the surface channels.
- (vi) The applicant should consult LandsD and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works.

Advisory Clauses

- (a) resolve any land issue relating to the development with other concerned owner(s) of the Site;
- (b) note DLO/YL, LandsD's comments that the Site comprises an Old Scheduled Agricultural Lot 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 from San Tam Road via Government Land (GL) and private land. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the Site. The lot owner(s) will need to apply to his office to permit the structures to be erected or regularize any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Applications for any of the above will be considered by LandsD acting in the capacity as landlord or lessor 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 the 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 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;
- (d) note CE/NTW, HyD's comments that his department does not and will not maintain the accesses connecting the Site and San Tam 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) 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 the EPD;
- (f) note DAFC's comments that the applicant should adopt necessary measures to prevent/minimize pollution to the watercourse from sewage (if any) and polluted run-off generated from the Site;
- (g) note CE/MN, DSD's comments on the drainage proposal submitted: (i) the invert level of the proposed surface u-channels should be provided; (ii) cross sections showing the existing ground levels of the Site with respect to the adjacent areas should be given. The u-channels should be low enough to collect the overland flow from the adjacent lowlying area; (iii) as mentioned in Section 2.5.2 of the supplementary statement, the peripheral channels will intercept the stormwater passing through the Site. Therefore, the catchment of the peripheral channel in Annex 1 of the supplementary statement should be reviewed to include the overland flow from the adjacent area; (iv) standard details should be provided to indicate

the sectional details of the proposed u-channels and catchpits; (v) consideration should be given to provide grating for the surface channels; and (vi) the applicant should consult LandsD and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works;

- (h) note D of FS' 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 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 (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (i) note CE/C, WSD's comments that for provision of water supply to the development, the applicant may need to extend his/her 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 connection, operation and maintenance of any sub-main within the private lots to WSD's standards; and
- (j) 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 BD, they are unauthorised building works (UBW) under the 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 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 BO. Before any new building works (including containers/open sheds as temporary buildings and land filling) are to be carried out on the Site, prior approval and consent of BD 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 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.