

Appendix II of  
RNTPC Paper No. A/YL-KTS/705D

Previous s.16 Applications Covering the Application Site

Rejected Applications

	Application No.	Proposed Use(s)	Date of Consideration (RNTPC)	Rejection reasons
1.	A/YL-KTS/113*	Proposed commercial and residential development (with a total plot ratio of 8)	20.3.1998	(a), (b), (c), (d)
2.	A/YL-KTS/237*	Proposed residential development (with a plot ratio of 0.4)	16.3.2001	(b), (d)
3.	A/YL-KTS/278*	Proposed residential development (with a plot ratio of 1)	25.4.2003	(a), (b), (d), (e)
4.	A/YL-KTS/590	Proposed houses (with a plot ratio of 0.4)	8.5.2015	(f), (g), (h)

\* The application was submitted under the then "Undetermined" zone on the Kam Tin South OZP

Rejection Reasons:

- (a) The intensity of the proposed development was excessive and the development was out of character / incompatible with the surrounding areas.
- (b) There was insufficient information to demonstrate that the proposed development would not create adverse impacts on the surrounding areas or would not affect by the nearby developments.
- (c) The proposed development would pose constraints on the implementation of government project.
- (d) The proposed development would jeopardize the land-use review of the Kam Tin area or set an undesirable precedent for other similar applications in the area.
- (e) There was no strong justification in the submission for the inclusion of some publicly accessible landscaped area of the drainage channel project into the proposed development.
- (f) The planning intention of the "Comprehensive Development Area" ("CDA") was for comprehensive development of the whole site. The development proposal mainly focused on one private lot within the site without any specific proposal for the remaining area. The applicant failed to put forward a comprehensive development proposal for the "CDA" zone.
- (g) The applicant failed to demonstrate the environmental acceptability of the proposed development, and that the proposed measures were adequate to mitigate the air quality and noise impacts from the nearby uses. The proposed development would be susceptible to adverse environmental impact.
- (h) The proposed development would generate adverse traffic, visual, landscape, drainage and sewerage impacts on the surrounding areas as no relevant technical assessment has been submitted to address such technical concerns.

Detailed comments of the Director of Environmental Protection (DEP):

Revised EA (amended pages Sept 2017) – Noise Perspective

RtoC Item 4 and s.4.6.2

1. His previous comment remains valid in view that only the worst affected noise sensitive facades at the proposed development are assessed. The applicant should review and ensure all the windows that can be opened for ventilation at the proposed residential development are assigned with assessment points. The relevant section of the report should be updated accordingly.

RtoC Item 5 and s.4.6.3

2. The RtoC indicated that TD has no further comment on the traffic impact assessment report (including traffic forecast for road traffic noise impact assessment). For clarity, the applicant should incorporate such statement with supporting document in the report.

RtoC Item 6 and s.4.6.5

3. Confirmation from BD and PlanD regarding the acceptability/ practicability of single aspect building/ fixed glazing design from visual and ventilation perspective should be incorporated into the report.

RtoC Item 7 and s.4.6.5

4. While it is indicated that only fixed glazing without maintenance window will be adopted, the applicant/ developer(s) should critically review the need of any maintenance window at the future NIA report submission stage and advise the mechanism to notify the future occupants about the implementation of the proposed noise mitigation measures including fixed glazing.

RtoC Item 8(iii) and (viii)

5. His previous comments have not been properly addressed. The applicant should double check and revise as appropriate.

Detailed comments from the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD)

1. The proposed raw water mains will be affected. (Plan A-2). A Waterworks Reserve within 3 metres from the centerline of the water mains shall be provided to WSD. No structure shall be erected over this Waterworks Reserve and such area shall not be used for storage or car-parking purpose. For details of alignment of the proposed water mains, please consult E/Design(3) of Design Division of his Department.
2. The Water Authority and his officer and contractors, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of construction, inspection, operation, maintenance and repair works and all other services across, through or under it which the Water Authority may require or authorize.
3. 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.
4. 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.
5. The proposed junction improvement at Kam Ho Road/ Kam Sheung Road Station Access Road (F) falls within the consultation zone of Au Tau Water Treatment Works, which is a Potentially Hazardous Installations.

**Advisory Clauses**

- (a) the approved Master Layout Plan, together with the set of approval conditions, will be certified by the Chairman of the Town Planning Board and deposited in the Land Registry in accordance with section 4A(3) of the Ordinance. Efforts should be made to incorporate the relevant approval conditions into a revised Master Layout Plan for deposition in the Land Registry as soon as possible;
- (b) the approval of the application does not imply that the proposed building design elements could fulfill the requirements under the Sustainable Building Design Guidelines and the relevant requirements under the lease, and that the proposed gross floor area (GFA) concession for the proposed development will be approved/granted by the Building Authority. The applicant should approach the Buildings Department and the Lands Department direct to obtain the necessary approval. If the building design elements and the GFA concession are not approved/granted by the Building Authority and the Lands Authority and major changes to the current scheme are required, a fresh planning application to the Board may be required;
- (c) consult the owner of Lot 547 RP (Part) in D.D. 106 on the proposed development within the Site;
- (d) note the comments of DLO/YL, LandsD that Lot 2160 RP is a “Building and Garden” lot held under New Grant No. 369, subject to, among other terms and conditions, various General and Special Conditions in Government Notification No. 364 of 1934 as amended by Government Notification No. 50 of 1940, including but not limited to the restrictions on provision of open space, number of storeys, and building height. The extent of “building entitlement” requires verification at the appropriate stage, particularly in view of the status of Lot 2160 RP, being a “Building and Garden” lot, and various development conditions governing the lot. The actual site area, land status and land holding details of the lot under application have to be verified at the land exchange/lease modification stage if land exchange/lease modification is applied for by the applicant to LandsD. Lot 547 RP is a private lot which by the terms of the Block Government Lease under which it is held, is demised as agricultural ground. If Portion 3 will be carried out independently, the actual site area, land status and land holding details of Lot 547 RP (Part) under application have to be considered separately from those of Lot 2160 RP and have to be verified at the land exchange stage if land exchange is applied for by the applicant to LandsD. It should be noted that any transfer of “development right” from Lot 2160RP to Lot 547RP will not be accepted under the lease conditions. If the planning permission is granted and the developments in Portion 1 and the other Portions will be implemented separately, the applicant has to apply to LandsD for separate land exchange/lease modification to effect the proposed developments. Such

applications will be considered by LandsD acting in its capacity as a landlord at its sole discretion and there is no guarantee that the separate land exchange/lease modification for the proposed developments, including the grant of any additional GL if any, will be approved. In the event that the land exchange/lease modification applications are approved, it would be subject to such terms and conditions, including, among other things, the payment of premiums and administrative fees, as may be imposed by LandsD as its sole discretion. In addition, the proposed road junction improvement works encroaches onto land of various statuses, including but not limited to the land vested for West Rail. He is not prepared to recommend invoking the relevant Ordinance for resumption of any private lots or creation of any rights for implementation of the proposed private development. The Site is subject to Shek Kong Airfield Height Restriction;

- (e) note the comments of DEP on the submitted EA as detailed in **Appendix III** of the RNTPC Paper;
- (f) note the comments of DAFC that the applicant should be advised to avoid encroaching onto the meander and to adopt necessary measures to prevent causing pollution to it during construction and operation;
- (g) note the comments of CE/NTW, HyD that the road widening work at Kam Wui Road shall be subject to the agreement from Transport Department (TD) and shall be implemented by the applicant at his own cost. All the public road/footpath, exclusive road drain, street furniture etc. to be handed over to his office for future maintenance shall be designed and constructed in accordance with the prevailing highways standards, road notes, guidelines, etc. His department will consider to take up future maintenance responsibility of road/footpath at Kam Wui Road to be formed by the applicant, subject to the condition that TD will take up their management responsibility; and it is traffic-related, i.e. any verge/land such as greenery area, leisure facility etc. will not be taken up by HyD. A highway retaining wall No. 6NE-C/R38 will be affected by the proposed development. All proposed works on such retaining wall shall be forwarded to his office for comment and the maintenance responsibility shall be reviewed. All the existing facilities/ features to be remained on and in the immediate vicinity to the retaining wall should be kept/ upgraded to the acceptance to his office;
- (h) note the comments of CTP/UD&L, PlanD that the proposed housing layout is congested with limited opportunity for amenity space. Many of the houses front onto either the driveway or parking lots. Some of the houses in Portion 1 are awkwardly positioned to the adjoining ones, resulting in wedge-shaped building gaps between them. The applicant should endeavour to improve the proposed design and disposition of houses to provide better amenity for future residents;
- (i) note the comments of CBS/NTW, BD that in case DLO/YL decides not to issue the certifications of exemption for any building works under Section 4

or 5 of Cap 121 and/or the site formation works and/or drainage works associated for the NTEH development, such works will require prior approval and consent under the BO. In the circumstance, an Authorized Person (AP) should be appointed as the coordinator for the proposed works. The applicant may approach DLO/YL or seek AP's advice for details;

- (j) note the comments of D of FS that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans. Emergency vehicle access provision in the Site shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under the Building (Planning) Regulation 41D which is administered by BD. (d) The applicant should observe the "New Territories Exempted Houses – A Guide to Fire Safety Requirements" as administered by LandsD;
- (k) note the comments of DEMS that in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the concerned site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the "Code of Practice on Working near Electricity Supply Lines" established under the Regulation when carrying out works in the vicinity of the electricity supply lines;
- (l) note the comments of CE/C, WSD at **Appendix IV** of the RNTPC Paper; and
- (m) note the comments of DLCS that for the existing facilities and vegetation being managed/ maintained by her department that are likely affected, prior approval from her department should be obtained. If any roadside landscape planting are proposed to be handed over to her department for horticultural maintenance in accordance with DEVB TC(W) No. 6/2015, further consultation with her department is required.

