

**Previous s.16 Applications covering the Application site**

**Approved Applications**

|   | <b><u>Application No.</u></b> | <b><u>Proposed Use(s)</u></b>  | <b><u>Date of Consideration (RNTPC)</u></b> | <b><u>Approval Condition(s)</u></b> |
|---|-------------------------------|--|---|-------------------------------------|
| 1 | A/YL-PH/305                   | Temporary Open Storage of New Private Cars, Vehicle Parts and Construction Materials for a Period of 3 Years | 22.10.1999<br><br>[revoked on 22.7.2000]    | (1), (2), (3), (4), (5), (6)        |

**Approval Conditions**

- (1) the application site should only be used for open storage of new private cars, vehicle parts and construction materials without any workshop activities
- (2) submission and implementation of landscaping proposals
- (3) provision of drainage facilities
- (4) provision of fencing and paving of the Site
- (5) revocation of planning approval if any of the above approval conditions (2) to (4) are not complied with by the specified date
- (6) reinstatement of the application site to an amenity area upon expiry of planning permission

**Rejected Applications**

|   | <b><u>Application No.</u></b> | <b><u>Proposed Use(s)</u></b>                       | <b><u>Date of Consideration (RNTPC)</u></b> | <b><u>Rejection Reason(s)</u></b> |
|---|-------------------------------|---|---|-----------------------------------|
| 1 | A/DPA/YL-PH/20                | Open Storage of Motor Vehicles and Ancillary Office | 20.9.1993                                   | (1), (2), (3), (4)                |
| 2 | A/YL-PH/12                    | Development of 20 New Territories Exempted Houses   | 11.4.1995                                   | (5), (6), (7), (8), (9)           |

**Rejection Reasons**

- (1) The development is not in line with the planning intention of the area which is to encourage existing temporary structures to be reconstructed with permanent material in-situ with a view to upgrading the environment;
- (2) The development will adversely affect a major watermain and no protection measures to safeguard it from being damaged have been proposed in the submission
- (3) No information on vehicular access arrangement and carparking layout has been included in the submission
- (4) No landscaping proposals have been included in the submission.

- (5) The proposed development is not in line with the planning intention of the "Residential (Group D)" zone which is to improve and upgrade the existing domestic accommodations and to allow very low-rise and low density residential development within the zoned area
- (6) The development intensity of the proposed development with a plot ratio of 1.07, a site coverage of 35.71% and a building height of 3 storeys is excessive
- (7) No measures have been included in the submission to mitigate the noise and visual impacts from the surrounding open storages and car wrecking yards on the development
- (8) The proposed development is unacceptable as part of the site encroached upon the 10m wide waterworks reserve. The proposed vehicular access is in conflict with the existing pumping house
- (9) Insufficient information about and no mitigation measures against the prevailing traffic noise impacts on the proposed development have been included in the submission

**Advisory Clauses**

- (a) note DLO/YL, LandsD's comments that the Site comprises Lot Nos. 101 s.F RP, 101 s.G, 101 s.H, 101 s.I and 101 s.J in D.D. 111. Lot Nos. 101 s.F RP, 101 s.G and 101 s.I in D.D. 111 are old schedule agricultural lots held under Block Government Lease and no structure is allowed to be erected without the prior approval of the Government. For Lot Nos. 101 s.H and 101 s.J in D.D. 111, they are old schedule agricultural lots held under Block Government Lease and both subject to Building Licence for erection of a 3-storey house of not exceeding 25 feet in height and with built-over area not exceeding 700 sq. ft. The ownership particulars of the lots forming the Site have to be examined in detail at the land exchange application stage, if applied. The Site is subject to a maximum height ranging from 129mPD to 135.6mPD under the relevant plan for Shek Kong Airfield Height Restriction. The Site has an area of about 2,912.8m<sup>2</sup>, of which the actual site area, site boundaries, lease details, etc. are subject to verification upon receipt of land exchange application, if any. The proposed site access from / to Fan Kam Road requires to pass through government land. There is no guarantee for the grant of additional land for the proposed access outside the boundary of the Site. The applicants should be reminded that land exchange would be required to implement the proposal. Upon receipt of the land exchange application, LandsD will consider the application in its private capacity as landlord and there is no guarantee that the land exchange, including but not limited to the grant of any additional government land and right of way to the proposed lot (if any), for the proposed development will be approved. The land exchange, if approved, would be subject to such terms and conditions, including, among other things, payment of premium and other applicable fees, to be imposed by the LandsD at its sole discretion. The proposed tree felling / tree compensation as stated in the application should be subject to separate application to be submitted for formal approval upon implementation of the development proposal;
- (b) note CHE/NTW, HyD's comments that adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads or exclusive road drains. HyD is not / shall not be responsible for the maintenance of any access connecting the Site and Fan Kam Road;
- (c) note the DEP's comments that if septic tank and soakaway systems 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 5/93 "Drainage Plans subject to Comment by the Environmental Protection Department". The design drawings and calculations including the soil percolation test results and

minimum clearance requirements etc. should be certified by an Authorized Person and submitted to the Building Authority for approval during the drainage plan submission stage. The applicants are also advised to adopt appropriate pollution control measures / good practices set out in “Recommended Pollution Control Clauses for Construction Contracts” and “ProPECC PN 1/94 Construction Site Drainage” with a view to preventing polluting the watercourse adjacent to the Site during the construction period. It is the obligation of the applicants to meet all statutory requirements under relevant pollution control ordinances and provide necessary mitigation measures;

- (d) note the CE/MN, DSD’s comments that the drainage proposal as required under the approval condition should consider how the overland flow at the west of the Site could be maintained across the Site, and include measure(s) to show how the flow paths of overland flow from and / or across the Site and local ditch located within the subject lots could be intercepted and disposed of properly without inducing adverse drainage impact to both the surrounding areas and the Site. The detailed drainage proposal should also demonstrate how the existing drainage system, to which the proposed connection will be made, has the spare capacity to cater for the additional discharge from the proposed development;
- (e) note the D of FS’s comments that detailed fire services requirements will be formulated upon receipt of formal submission of general building plans. The Emergency Vehicular Access provision at 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 the Buildings Department;
- (f) note CBS/NTW, BD’s comments that the Site does not abut on any existing specified street and the development intensity of the Site shall be determined by the Building Authority under Regulation 19(3) of Building (Planning) Regulations (B(P)R) at building plan submission stage. The Site shall be provided with means of obtaining access thereto from a street under the B(P)R 5 and emergency vehicular access shall be provided for all the buildings to be erected on the Site in accordance with the requirements under the B(P)R 41D. For features applied to be excluded from the calculation of the total gross floor area, it shall be subject to compliance with the requirements laid down in the relevant Joint Practice Notes and Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP). For example, the requirements of building setback, building separation and site coverage of greenery as stipulated in PNAP APP-152. Detailed comments under the BO will be provided at building plan submission stage;

- (g) note CA/CMD2, ArchSD's comments that the applicants are advised to consider a balanced cut and fill design to reduce burden to public fill;
  
- (h) note CE/C, WSD's comments that the design and construction of vehicular access across the existing 48" Dongjiang Water Main (DJ Main) shall not restrict regular inspection, maintenance and emergency repairing works by the Director of Water Supplies (D of WS) or their contractor. The applicants shall, before carrying out any works across the DJ Main, submit the proposals for such work in writing to the D of WS for approval in all respects, and shall not carry out any work whatsoever until the D of WS has given written approval to such work, and shall comply with any requirement of the D of WS in respect of the said work. The applicant is required to submit a detailed proposal of the run-in / out arrangement, demonstrating that the structural safety of the DJ Main will not be adversely affected. The D of WS shall not be liable to the applicants in respect of any loss, damage, nuisance or disturbance whatever and howsoever caused to or suffered by the applicants arising out of or incidental to the bursting or leakage of the public water mains, within or in the close vicinity of the Site, and no claim shall be made against the D of WS by the applicants in respect of any loss, damage, nuisance or disturbance; and
  
- (i) note DFEH's comments that no environmental nuisance should be generated to the surroundings. Also, for any waste generated from the operations and works, the applicants should arrange its disposal properly at their own expenses.