

Previous Application

Rejected Application

Application No.	Uses/Developments	Date of Consideration	Rejection Reasons
A/DPA/NE-KTN/37	Low density residential development including club house and ancillary facilities	15.7.1994	R1 – R7

Rejection Reasons:

- R1 The proposed development is not in line with the planning intention for the area on the approved Kwu Tung North Development Permission Area Plan which is to encourage in-situ reconstruction of the structures with permanent materials with a view to improving the current situation and local environment
- R2 The proposed development is incompatible with the industrial/storage uses in the vicinity and will result in industrial/residential interface problems particularly with respect to air and noise pollution
- R3 The proposal will aggravate the traffic congestion of the strategic road network and will have undesirable effects on Castle Peak Road which is substandard
- R4 The traffic impact assessment is not satisfactory in that it has not addressed the traffic impact on the strategic road network, the local roads and some critical junctions, and the traffic problems associated with the residential development in a predominantly industrial area
- R5 The proposed car parking provision is inadequate
- R6 The drainage impact assessment is not acceptable and a more detailed drainage impact assessment is required to demonstrate that there will be no adverse impact on the development and the adjacent areas
- R7 The master landscape plan is not acceptable as the provision of landscaping is inadequate with respect to the scale of the proposed development and the adjacent land uses

Advisory clauses

- (a) prior planning permission should have been obtained before commencing the applied use at the Site;
- (b) the permission is given to the use/development under application. It does not condone any other use/development which currently exists on the Site but not covered by the application. The applicant should be requested to take immediate action to discontinue such use/development not covered by the permission;
- (c) to note the comments of the District Lands Officer/North, Lands Department as follows:
 - (i) there are unauthorized structures erected on Lots No. 736 RP, 738 RP and 739 RP and the adjoining Government land within the Site without prior approval from his office. It is also noted that the total built-over area and the numbers of the aforesaid structures do not tally with the one mentioned in the planning application. The aforesaid structures are not acceptable under the Leases concerned and his office reserves the right to take necessary lease enforcement and land control actions against the aforesaid structures;
 - (ii) unauthorized occupation of the Government land adjoining the Site is detected. The applicant should cease occupation of the said portion of the Government land with demolition of the gate and hoarding. His office reserves the right to take necessary land control actions against the irregularities. Meanwhile, applicant should make her own arrangement for acquiring access. The Government shall accept no responsibility in such arrangement;
 - (iii) the owners of the lots concerned shall apply to his office for a Short Term Waiver (STW) and Short Term Tenancy (STT) covering all the actual occupation area. The application for STW and STT will be considered by the 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;
- (d) to follow the relevant mitigation measures and requirements in the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' (CoP) issued by the Director of Environmental Protection;
- (e) to note the comments of the Commissioner for Transport that the Site connects Castle Peak Road – Kwu Tung via a local village track, which is not managed by his department. The applicant should check the land status of the access with the lands authority, and clarify its management and maintenance responsibilities with the relevant lands and maintenance authorities accordingly;
- (f) to note the advice of the Chief Engineer/Mainland North, Drainage Services Department that the general requirements of the drainage proposal are the follows:

- (i) surface channels with grating covers should be provided along the site boundary;
- (ii) a drainage plan should be provided clearly showing the size, levels and routes of the proposed drainage. The details (invert level, gradient, general sections etc.) of the proposed drain/surface channel, catchpits and the discharge structure shall be provided;
- (iii) the cover levels of proposed channels should be flush with the existing adjoining ground level;
- (iv) a catchpit with covers should be provided where there is a change of direction of the channel/drain. The details of the catchpit (CEDD Standard Drawing No. 2405) shall be provided;
- (v) catchpits with sand trap shall be provided at the outlets of the proposed drainage system. The details of the catchpit with sand trap (CEDD Standard Drawing No. 2406) should be provided;
- (vi) the applicant should check and ensure that the existing drainage downstream to which the proposed connection will be made have adequate capacity and satisfactory condition to cater for the additional discharge from the Site. The applicant should also ensure that the flow from the Site will not overload the existing drainage system;
- (vii) where walls are erected or kerbs are laid along the boundary of the same, peripheral channels should be provided on both sides of the walls or kerbs, and/or adequate openings should be provided at the walls/kerbs to allow existing overland flow passing through the Site to be intercepted by the drainage system of the Site with details to be agreed by DSD, unless justified not necessary;
- (viii) if the existing drainage facilities to which the applicant proposed to discharge the storm water from the Site are not maintained by DSD, the applicant should identify the owners of the existing drainage facilities to which the proposed connection will be made and obtain consent from the owners prior to commencement of proposed works;
- (ix) all existing flow paths as well as the run-off falling onto or passing through the Site should be intercepted and disposed of via proper discharge points. The applicant shall also ensure that no works, including any site formation works, shall be carried out as may adversely interfere with the free flow condition of the existing drains, channels and watercourses on or in the vicinity of the Site any time during or after the works;
- (x) the proposed drainage works, whether within or outside the site boundary, should be constructed and maintained properly by the applicant who should also rectify the system if it is found to be inadequate or ineffective during operation, all at his/her own expense;
- (xi) for works to be undertaken outside the lot boundary, the applicant should obtain

prior consent and agreement from DLO/N and/or relevant private lot owners;

- (xii) the applicant shall make good all the adjacent affected areas upon the completion of the drainage works;
 - (xiii) the applicant shall allow all time free access for the Government and its agent to conduct site inspection on the his completed drainage works;
 - (xiv) the applicant and the successive lot owners shall allow connections from the adjacent lots to the completed drainage works on Government land when so required;
 - (xv) clear photos should be submitted showing the current conditions of the existing drainage from the proposed discharge point(s) to the downstream and the existing drainage/flowpath around the Site;
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) as follows:
- (i) if the existing structures are erected on leased land without approval of Buildings Department (BD) (not being a New Territories Exempted House), they are unauthorized under the Building Ordinance (BO) and should not be designated for any approved use under the application;
 - (ii) before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, the prior approval and consent of the BD should be obtained, otherwise they are unauthorized Building Works (UBW). An Authorized Person (AP) should be appointed as the coordinator 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) in connection with (ii) above, the Site shall be provided with means of obtaining access thereto from a street and EVA in accordance with Regulations 5 and 41D of the Building(Planning) Regulations respectively;
- (h) to note the comments of the Director of Fire Services that Emergency Vehicular Access (EVA) arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by BD. Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans; and
- (i) to note the comments of the Chief Engineer/Construction, Water Supplies Department that the applicant may need to extend his/her inside services to the nearest suitable Government water mains for connection for provision of water supply to the development. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the

construction, operation and maintenance of the inside services within the private lots to WSD's standards.