

Previous Applications

Rejected Applications

Application No.	Uses/Developments	Date of Consideration	Rejection Reasons
A/NE-KTS/164	Temporary Open Storage of Construction Materials and Containers for a Period of 3 Years	11.10.2002	R1 & R2
A/NE-KTS/178	Proposed Residential Development with Ancillary Recreational Leisure Facilities	26.11.2004 (on review)	R1 & R3
A/NE-KTS/221	Proposed Recreation and Leisure Facilities with Ancillary Low-rise Residential Development	15.12.2006	R1 & R3

Note: The application sites were zoned "Recreation" ("REC") when the applications were considered by the Committee.

**Rejection Reasons**

- R1 Not in line with the planning intention of the "REC" zone
- R2 No information in the submission to demonstrate no adverse environmental, traffic, drainage and landscape impacts on the surrounding areas
- R3 Setting an undesirable precedent



**Similar Applications within “CDA” Zones  
on the Kwu Tung South Outline Zoning Plan**

**Approved Applications**

Application No.	Uses/Developments	Date of Consideration	Approval Conditions
A/NE-KTS/75*	Comprehensive Residential and Recreational Development	19.6.1998	A1 to A9 & A16
A/NE-KTS/220*	Proposed Comprehensive Residential Development	25.11.2005	A1, A2, A6, A8, A11, A12 & A16
A/NE-KTS/267*	Proposed Comprehensive Residential Development	19.12.2008	A1, A2, A8, A11 to A16
A/NE-KTS/364	Proposed Houses	22.5.2015	A1, A2, A6 to A10, A15 & A16

\* cover the same “CDA” site

**Approval Conditions**

- A1 The submission and/or implementation of a revised Master Layout Plan
- A2 The design and provision of vehicular ingress/egress/access road, parking spaces and/or loading/unloading facilities
- A3 The submission of a revised traffic impact assessment and implementation of the traffic improvement measures
- A4 The provision of non-building area
- A5 The improvement of the existing van track
- A6 The submission of (revised) drainage impact assessment and/or implementation of drainage improvement/ mitigation measures/ drainage proposal
- A7 The submission and implementation of sewage disposal facilities
- A8 The submission and implementation of landscaping proposals/landscape master plan and tree preservation proposals

- A9 The submission and implementation of tree felling and planting proposals/proposal of compensatory planting areas
- A10 The design and provision of the connection from the proposed development to the public sewerage system
- A11 The submission of the implementation programme
- A12 The implementation of the accepted noise mitigation measures
- A13 The submission of a revised Sewerage Impact Assessment
- A14 The design and provision of drainage facilities
- A15 The submission/design and provision of water supplies for fire-fighting and fire service installations
- A16 Commencement Clause

**Advisory Clauses**

- (a) the approval of the application does not imply that the proposed building design elements could fulfil 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 (BA). 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 BA and the Lands Authority and major changes to the current scheme are required, a fresh planning application to the Board may be required.
- (b) to note the comments of the District Lands Officer/North, Lands Department as follows:
- (i) regarding the proposed set-back area for future road widening, Transport Department (TD) and Highways Department's (HyD) agreement on taking over the set-back area as public road should be secured in the planning stage;
  - (ii) regarding the 'right-of-way' (ROW), it is noted that the applicant has proposed to provide an undertaking to the Government such that they would manage and maintain the ROW prior to its surrender to the Government if demanded. Subject to TD's agreement on taking over the ROW, his office is not in the position to consider the applicant's proposed undertaking at this stage subject to the details of the undertaking to be provided as well as the decision of the approving authority. Notwithstanding this, he observes that (i) there is no guarantee under the applicant's undertaking proposal that the ROW will be maintained by the applicant/developer in the long run for there is a possibility that the company may dissolve/wind-up for one reason or the other rendering the undertaking unenforceable, and (ii) as LandsD has no expertise on road matters, it should be clarified whether Government departments' agreement/ involvement (including TD and HyD) has been obtained for the approval/monitoring of the proposed roadworks on the ROW and possible enforcement of the undertaking;
  - (iii) in this connection, the applicant should liaise with TD/HyD and, if necessary, provide further measures/proposals to address the issue of the management and maintenance of the ROW;
  - (iv) subject to TD's agreement on taking over the ROW, District Officer (North), Home Affairs Department should be consulted as to whether they would take over the ROW (which appears to be a rural access road);
  - (v) there are structures erected on the various lots under application. His office reserves the right to take appropriate lease enforcement action against these structures; and

- (vi) the lot owner shall apply to his department for a land exchange. Such application will be considered by his department acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions as considered appropriate including but not limited to the revision of site boundary, the payment of premium and administrative fee. There is no guarantee that any Government land involved will be granted.
- (c) to note the comments of the Commissioner for Transport that the local track leading to the application site is not managed by his department. The land status, management and maintenance responsibilities of the local track should be clarified with the relevant lands and maintenance authorities accordingly.
- (d) to note the comments of the Director of Environmental Protection on the Sewerage Impact Assessment as follows:
  - (i) in Appendix F, it seems that the selected filtration rate (i.e.  $48\text{m}^3/\text{m}^2/\text{hr}$ ) is in high side, the applicant shall provide reference information to support that;
  - (ii) for clarity, the applicant shall provide the Backwash Flow Rate in  $\text{m}^3/\text{m}^2/\text{hr}$ ; and
  - (iii) the swimming pool backwash flow is an instantaneous flow (or peak) and in a very short duration, so it can be omitted in Appendix C. However, it is suggested to include "Peak flow" in L/s for swimming backwash estimation.
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department on the Drainage Impact Assessment (DIA) that an area at the north of the application site, e.g. the Goodwood Park, is missing from catchment plan and the calculation.
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) as follows:
  - (i) presumably the application site abuts on a specified street of not less than 4.5m wide, and as such, the development intensity shall not exceed the permissible as stipulated under the First Schedule of the Building (Planning) Regulations (B(P)R). If the application site is not abutting on a specified street prescribed in B(P)R 18A, the development intensity shall be determined by the BA under B(P)R 19(3) at building plan submission stage;
  - (ii) the application site shall be provided with emergency vehicular access (EVA) not less than 7.3m for all roads and in accordance with the B(P)R 41D;
  - (iii) the applicant is advised to appoint an Authorised Person/Registered Structural Engineer/Registered Geotechnical Engineer and submit the plans to the BA for approval in accordance with the Buildings Ordinance (BO). His comment under the BO is hereby reserved;

- (iv) sustainable building design requirements and pre-requisites under the Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-151 and 152 would be applicable to the proposed development if GFA concessions are claimed; and
  - (v) detailed comments will be given at the building plan submission stage.
- (g) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant shall avoid causing any impacts to the watercourse located to the north-east of the application site, in particular during the construction stage of the proposed development. The applicant shall also avoid causing damages to trees on Government land in proximity to the application site.
- (h) to note the comments of the Director of Fire Services that 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.
- (i) to note the comments of the Chief Engineer/Construction, Water Supplies Department as follows:
- i. the applicant is required to either divert or protect the water mains found on the application site;
  - ii. if diversion is required, existing water mains inside the proposed lots are needed to be diverted outside the site boundary of the proposed development to lie in Government land. A strip of land of minimum 1.5m in width should be provided for the diversion of existing water mains. The cost of diversion of existing water mains upon request will have to be borne by the grantee/applicant; and the applicant shall submit all relevant proposal to his department for consideration and agreement before the works commence; and
  - iii. if diversion is not required, the applicant should follow the following conditions:
    - (1) existing water mains are affected as indicated on the site plan and no development which requires resiting of water mains will be allowed;
    - (2) details of site formation works shall be submitted to the Director of Water Supplies (DWS) for approval prior to commencement of works;
    - (3) no structures shall be built or materials stored within 1.5 metres from the centre line(s) of water mains. Free access shall be made available at all times for staff of DWS or their contractor to carry out construction, inspection, operation, maintenance and repair works;
    - (4) no trees or shrubs with penetrating roots may be planted within the Water Works

Reserve or in the vicinity of the water mains. No change of existing site condition may be undertaken within the aforesaid area without the prior agreement of DWS. Rigid root barriers may be required if the clear distance between the proposed tree and pipe is 2.5m or less, and the barrier must extend below the invert level of the pipe;

- (5) no planting or obstruction of any kind except turfing shall be permitted within the space of 1.5m around the cover of any valve or within a distance of 1m from any hydrant outlet; and
- (6) tree planting may be prohibited in the event that DWS considers that there is any likelihood of damage being caused to water mains.