

Previous s.16 Applications covering the Application Site

Rejected Application

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration By RNTPC/TPB</u>	<u>Approval Conditions</u>
1.	A/YL-KTS/398	Proposed Temporary Animal Boarding Establishment for a Period of 5 Years	27.7.2007	R1, R2 & R4
2.	A/YL-KTS/471	Proposed Two New Territories Exempted Houses	7.8.2009	R1, R2 & R5
3..	A/YL-KTS/526	Proposed Temporary Barbecue Spot for a Period of 3 Years	4.3.2011	R1, R6, R7 & R8

Rejected Reasons

- R1. The proposed development was not in line with the planning intention of the "Agriculture" ("AGR") zone, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.
- R2. The proposed development was not compatible with the adjacent large-scale residential development which would be susceptible to potential adverse environmental nuisances.
- R3. The proposed development was incompatible with the surrounding area comprising open storage yards and warehouses uses, and would be subject to adverse environmental impact. It should also affect the planting sites established as mitigation measures under the drainage project.
- R4. There was insufficient information in the submission to demonstrate that the proposed development would not have adverse environmental, drainage and archaeological impacts on the surrounding areas.
- R5. The approval of the application would set an undesirable precedent for similar application within 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.

- R6. The proposed development, which would attract visitors and group activities, was incompatible with the tranquil character of the adjacent low-rise residential development;
- R7. the proposed development, which would attract visitors and group activities, was incompatible with the tranquil character of the adjacent low-rise residential development;
- R8. the applicant failed to demonstrate in the submission that the development would not generate adverse environmental and traffic impacts on the surrounding areas and there were adverse departmental comments

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 Old Schedule Agricultural Lots 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 Kam Shui South Road via Government Land (GL). 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 Site falls within Shek Kong Airfield Height Restriction Area (SKAHRA). The height of the proposed structure shall not exceed the relevant airfield height limit within the SKAHRA. 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, TD's comments that the Site is connected to the public road network via a section of local access road which is not managed by TD. 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. Should the access arrangement at Kam Shui South Road be changed due to other reasons that is not related to traffic, the applicant should provide justification and submit the proposal to this department to demonstrate that the revised arrangement complies with relevant traffic requirements.
- (d) note CHE/NTW, HyD's comments that if the access arrangement is agreed by TD, the applicant should construct a run in/out at the access point at Kam Shui South Road in accordance with the latest version of Highways Standard Drawing No. H113 and H114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. The detailed design of the run-in/out proposal should be submitted his department for agreement before commencement of any works. The applicant shall be responsible for any modification of existing street furniture and footpath, if any, for the proposed run-in/out. The modification shall be completed at the applicant's own cost to the satisfaction of TD and HyD. If lowering/diversion of street lighting cable is necessary, the applicant should liaise with the Lighting Division of his department. The detailed proposal for the modification work should be submitted to TD and HyD for agreement prior to implementation. Excavation Permit should be obtained from his office prior to commencement of excavation works on public roads and footpaths maintained by his office. His department is/shall not be responsible for the maintenance of any access

connecting the Site and Kam Shui South Road. 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;

- (e) note DEP's comments that the applicant is advised to 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" to minimise any potential environmental nuisance. Adequate supporting infrastructure/ facilities should be provided for proper collection, treatment and disposal of waste/ wastewater generated from the proposed use. If septic tank and soak away system will be used, its design and construction should follow the requirement of EPD's Practice Note for Professional Persons (ProPECC PN) 5/93 "Drainage Plans subject to Comment by the Environmental Protection Department";
- (f) note D of FS's comments that in consideration of the design/nature of the proposal, fire service installations (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;
- (g) note CBS/NTW, BD's comments that before any new building works (including containers/open sheds as temporary buildings, demolition and land filling) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise, they are Unauthorized Building Works (UBW) under the Buildings Ordinance (BO). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO. 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. 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 4.5 m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and
- (h) note DFEH's comments that if the proposal involves any commercial/trading activities, its state should not as to be a nuisance or injurious or dangerous to health and surrounding environment. Also, for any waste generated from the commercial/trading activities, the applicant should handle on their own/at their expenses.
- (i) note DLCS's comment that the proposed run in/out connecting to Kam Shui South Road encroaches onto the planting areas with trees and shrubs under his department's maintenance. The applicant should conduct a tree survey and submit a Tree Preservation and Removal Proposal to relevant government department for approval according to DEVB TC(W) No. 7/2015.