

**Previous s.16 Applications covering the application site on the Kam Tin North OZP**

**Approved Applications**

	<b><u>Applications No.</u></b>	<b><u>Proposed Use(s)</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Approval Condition(s)</u></b>
1	A/YL-KTN/91	Pond filling for a plant nursery	30.7.1999	(1), (2)
2	A/YL-KTN/604	Proposed Flat, Shop and Services, Eating Place, School, Social Welfare Facility, Public Transport Terminus or Station uses and Minor Relaxation of Plot Ratio and Building Height Restrictions	22.3.2019	(1) to (16)

**Approval Conditions:**

- (1) provision of drainage facilities/ submission and implementation of a drainage proposal
- (2) validity of the planning permission up to a specified date
- (3) the submission and implementation of a revised Master Layout Plan
- (4) the submission of an implementation programme, with phasing proposals to tie in with the completion of both major infrastructural facilities serving the proposed development and the traffic improvement measures
- (5) the submission and implementation of a Landscape Master Plan
- (6) the submission of a consolidated traffic impact assessment
- (7) the design and implementation of road improvement works
- (8) the design and provision of vehicular access, and car parking and loading/ unloading facilities for the proposed development and public transport facilities
- (9) the submission of a sewerage impact assessment and implementation of the sewerage improvement measures
- (10) the submission of a water quality impact assessment prior to the commencement of construction works and implementation of the mitigation measures
- (11) the submission of a noise impact assessment and implementation of the mitigation measures
- (12) the submission of a land contamination assessment and implementation of the land contamination remediation measures identified therein prior to the commencement of construction works
- (13) the submission of a proposal to mitigate ecological impacts and the implementation of the mitigation measures
- (14) the design and provision of water supply for fire fighting and fire service installations
- (15) the design and provision of a Day Care Centre for the Elderly
- (16) the submission and implementation of site formation proposals for a primary school

**Rejected Applications**

	<b><u>Applications No.</u></b>	<b><u>Proposed Use(s)</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Rejection reasons</u></b>
1	A/YL-KTN/163	Temporary open storage of construction materials for a period of 3 years	7.2.2003	(1), (2)
2	A/YL-KTN/295	Temporary Waste Tires Recycling Manufactory for a Period of 3 Years	26.9.2008 (on review)	(2), (3), (4)

**Rejection reasons:**

- (1) The proposed development did not comply with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-Up Uses” in that residential dwellings which were located to its close proximity would be susceptible to adverse environmental nuisances generated by the proposed development.
- (2) There was insufficient information in the submission to demonstrate that the proposed development would not cause adverse traffic, environmental, drainage and landscaping impacts on the surrounding areas.
- (3) the development was not compatible with the surrounding land uses which were predominated by residential structures/village houses and vacant lands
- (4) approval of the application would set an undesirable precedent for similar applications. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area

Similar Application within the same "CDA" zone on the Kam Tin North OZP

Rejected Application

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejected Reason</u>
1	A/YL-KTN/613	Proposed Temporary Public Vehicle Park (Excluding Container Vehicle) for a Period of 5 Years	2.11.2018	(1)

Rejection Reason:

- (1) the applicant fails to demonstrate that the proposed development would not cause adverse traffic impact on the surrounding area.



**Advisory clauses**

- (a) prior planning permission should have been obtained before commencing the development on the application site (the Site);
- (b) resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (c) note DLO/YL, LandsD's comments that the Site comprises Government Land (GL) and various private lots held under New Grant for agricultural purpose. No permission is given for occupation of GL (about 15m<sup>2</sup> subject to verification) included in the Site. Attention is drawn to the fact that any occupation of GL without Government's prior approval is not allowed. The Site is accessible from Castle Peak Road – Tam Mi via GL and private land. 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 SKAHRA. The lot(s) 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. Furthermore, the applicant has to either exclude the GL portion from the Site or apply for a formal approval prior to the actual occupation of the GL. Applications for any of the above will be considered by LandsD acting in the capacity as the 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 LandsD;
- (d) note C for T's comments that the Site is connected to the public road network via a section of a local access road which is not managed by Transport Department (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;
- (e) note CHE/NTW, HyD's comments that HyD does not and will not maintain any access connecting the Site and Castle Peak Road – Tam Mi. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (f) note DAFC's comments that the applicant is advised to adopt appropriate measures to avoid causing disturbance or pollution to the adjacent watercourse;

- (g) follow the relevant mitigation measures and requirement in the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by DEP to minimize any potential environmental nuisances;
- (h) 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 FSIs 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; and
- (i) note CBS/NTW, BD's comments that if the existing structures (not being New Territories Exempted Houses) are erected on leased land without the approval of the BD, they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application. 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. Before any new building works (including containers/open sheds as temporary buildings and land filling) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with 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 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.