

Previous Application covering the Application Site

Rejected Application

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Date of Consideration (RNTPC)</u>	<u>Rejection Reasons</u>
1	A/YL-KTN/397	Temporary Back-up Warehouses (Storage of New Electrical Components and Garments in Packed Boxes) for a Period of 3 Years	11.1.2013	(1), (2), (3)

Rejection Reasons

- (1) The proposed development was not in line with the planning intention of the "AGR" and "V" zones. No strong planning justification had been given in the submission to justify for a departure from the planning intentions, even on a temporary basis.
- (2) The proposed development would pose adverse environmental impact on the residential uses located to the north and south and in the vicinity of the site, and would generate adverse landscape and drainage impacts on the surrounding areas.
- (3) The approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the "AGR" and "V" zones. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

**Similar Applications within the same “AGR” zone on the Kam Tin North OZP**

**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 Conditions</u></b>
1	A/YL-KTN/413	Temporary Shop and Services (Plant Showroom) for a Period of 3 Years	6.9.2013 [revoked on 6.1.2014]	(1), (2), (3), (4), (5), (6), (7)
2	A/YL-KTN/446	Temporary Shop and Services (Plant Showroom) for a Period of 3 Years	22.8.2014 [revoked on 22.11.2015]	(1), (2), (3), (4), (5), (6), (7), (8)
3	A/YL-KTN/447	Temporary Shop and Services (Plant Showroom) for a Period of 3 Years	22.8.2014 [revoked on 22.11.2015]	(1), (2), (3), (4), (5), (6), (7), (8)
4	A/YL-KTN/448	Temporary Shop and Services (Plant Showroom) for a Period of 3 Years	17.10.2014 [revoked on 12.1.2016]	(1), (2), (3), (4), (5), (6), (7), (8)
5	A/YL-KTN/540	Temporary Shop and Services (Plant Showroom) for a Period of 3 Years	11.11.2016	(1), (2), (3), (4), (5), (6), (7), (8), (9)
6	A/YL-KTN/541	Proposed Temporary Shop and Services (Plant Showroom) for a Period of 3 Years	12.5.2017	(1), (2), (3), (4), (5), (6), (7), (8), (9)
7	A/YL-KTN/637	Proposed Temporary Shop and Services (Retail of Tail Lift) for a Period of 3 Years	4.1.2019	(1), (2), (3), (4), (5), (6), (7), (9), (10)

**Approval conditions**

- (1) Restriction on operation hours/time
- (2) No medium or heavy goods vehicles exceeding 5.5/24 tonnes including container tractors/trailers were allowed to be parked/stored on or enter/exit the site
- (3) Submission and implementation of landscaping/ tree preservation proposal
- (4) Submission and implementation of drainage proposal
- (5) Submission and implementation of fire service installations proposal
- (6) Revocation of the planning approval if any of the planning conditions is not complied with by the specified dated or during the planning approval period
- (7) Reinstatement of the site to an amenity area or to the original state

- (8) Provision of boundary fencing
- (9) No reversing of vehicle into or out from the site is allowed
- (10) No vehicle is allowed to queue back to or reverse onto/from public road

**Rejected Applications**

	<b><u>Application No.</u></b>	<b><u>Proposed Use</u></b>	<b><u>Date of Consideration (RNTPC / TPB)</u></b>	<b><u>Rejection Reasons</u></b>
1	A/YL-KTN/531	Proposed Temporary Shop and Services (Pet Shop with Ancillary Office and Guard Room) for a Period of 3 Years	29.7.2016	(1), (2)
2	A/YL-KTN/624	Proposed Temporary Shop and Services (Plant Showroom) for a Period of 3 Years	15.2.2019 (on review)	(1), (3)
3	A/YL-KTN/629	Proposed Temporary Shop and Services (Plant Showroom) for a Period of 3 Years	2.11.2018	(1), (3)

**Rejection Reasons**

- (1) The proposed development is not in line with the planning intention of the “AGR” zone. No strong justification has been given in the submission for a departure from the planning intention, even on temporary basis.
- (2) The approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within this part of 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.
- (3) The applicant fails to demonstrate that the proposed development would not generate environmental nuisance on the surrounding areas.

**Similar Applications within the same "I(D)" zone on the Kam Tin North OZP**

**Approved Applications**

	<b><u>Application No.</u></b>	<b><u>Proposed Use</u></b>	<b><u>Date of Consideration (RNTPC)</u></b>	<b><u>Rejection Reasons</u></b>
1	A/YL-KTN/573	Proposed Temporary Shop and Services (Retail Shop) for a Period of 3 Years	22.9.2017	(1), (2), (3)
2	A/YL-KTN/582	Proposed Temporary Shop and Services (Vehicle Parts) and Ancillary Storage and Office for a Period of 3 Years	26.1.2018	(1), (2), (3), (4), (5), (6)
3	A/YL-KTN/607	Proposed Temporary Shop and Services (Food) with Ancillary Storage and Office for a Period of 3 Years	15.6.2018	(1), (2), (3), (4), (5), (6), (7)
4	A/YL-KTN/655	Proposed Temporary Shop and Services (Food Retail Shop) with Ancillary Storage and Office for a Period of 5 Years	17.5.2019	(1), (2), (3), (4), (5), (6),

**Approval Conditions**

- (1) Restriction on operation hours
- (2) Submission and implementation of fire service installations proposal
- (3) If any of the planning conditions is not complied with during the planning approval period/by a specified date, the approval hereby given shall cease to have effect and shall be revoked without further notice
- (4) No medium or heavy goods vehicles exceeding 5.5 or 24 tonnes, including container tractors/trailers are allowed to be parked/stored on or enter/exit the site
- (5) No vehicle is allowed to queue back to or reverse onto/from public road
- (6) Submission and implementation of drainage proposal
- (7) Maintenance of the existing trees and vegetation on the site

**Detailed Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):**

He has the following comments on the drainage proposal submitted:

- (i) The Site is located at Sha Po lowlying area. Please indicate spot levels of the adjacent areas to demonstrate overland runoff from adjacent areas will not flow into/ pass through the Site or runoff from the Site will not flow into/ pass through adjoining sites. Please then review the catchment area accordingly, if appropriate.
- (ii) The invert level of the proposed surface u-channels should be provided.
- (iii) Cross sections showing the existing ground levels of the Site with respect to the adjacent areas should be given.
- (iv) Standard details should be provided to indicate the sectional details of the proposed u-channels and catchpits.
- (v) Connection details to the adjacent channel should be provided.
- (vi) Consideration should be given to provide grating for the surface channels.
- (vii) Noting that the proposed u-channel outside the Site need to pass through about 10 other private lots, the applicant should consult DLO/YL, LandsD and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works.

1-1

Urgent  Return receipt  Sign  Encrypt  Mark Subject Restricted  Expand personal&public groups



Fw: 元朗錦田達吉鄉丈量約份第107約地段第471號、第472號及第473號 臨時商店及服務行業（零售尾板）（為期3年）（申請編號：A/YL-KTN/656）  
12/04/2019 14:40

From: Janice Hiu Fai HO/PLAND/HKSARG  
To: tpbbpd/PLAND/HKSARG@PLAND,  
Reply:

----- Forwarded by Janice Hiu Fai HO/PLAND/HKSARG on 12/04/2019 14:40 -----

From: To KaLun [REDACTED]  
To: <jhfho@pland.gov.hk>  
Cc: [REDACTED]  
Date: 12/04/2019 13:02  
Subject: Re: 元朗錦田達吉鄉丈量約份第107約地段第471號、第472號及第473號 臨時商店及服務行業（零售尾板）（為期3年）（申請編號：A/YL-KTN/656）

What changes have there been since the last objection.

"

A/YL-KTN/397	臨時後勤倉庫(存放封箱新電子零件及成衣) (為期 3 年) Temporary Back-up Warehouses (Storage of New Electrical Components and Garments in Pacl
--------------	--

IF there has not been any fundamental changes since the previous objection affecting the decision,  
So the decision should stay the same.

杜嘉倫KaLun TO  
Yuen Long District Councillor

[REDACTED]



嘉道理農場暨植物園公司  
Kadoorie Farm & Botanic Garden Corporation

The Secretary,  
Town Planning Board,  
15/F, North Point Government Offices,  
333, Java Road, North Point,  
Hong Kong.  
(Email: tpbpd@pland.gov.hk)



By email only

23rd April, 2019.

Dear Sir/ Madam,

**Proposed Temporary Open Storage of Construction Materials for a Period of 3 Years**  
**(A/YL-KTN/654)**  
**&**  
**Temporary Shop and Services (Retail of Tail Lift) for a Period of 3 Years**  
**(A/YL-KTN/656)**

1. We refer to the captioned.
2. These two applications are largely/ entirely within the Agriculture (AGR) zone, but the proposed uses are unlikely to be in line with the planning intention of the AGR zone. The approval of any of these applications would also set a precedent for other similar applications within the AGR zone; we urge the Board to consider the potential cumulative impacts on the AGR zone that would be caused by approving the application(s).
3. We urge the Board to reject both applications in order to safeguard the AGR zone.
4. Thank you for your attention.

Ecological Advisory Programme  
Kadoorie Farm and Botanic Garden

cc. Designing Hong Kong

**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 Scheduled 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 San Tam Road via Government Land (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 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. 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'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. 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;
- (d) note CE/NTW, HyD's comments that his department does not and will not maintain the accesses connecting the Site and San Tam Road. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (e) 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" issued by the EPD;
- (f) note CE/MN, DSD's comments on the drainage proposal submitted: (i) the Site is located at Sha Po lowlying area. Please indicate spot levels of the adjacent areas to demonstrate overland runoff from adjacent areas will not flow into/ pass through the Site or runoff from the Site will not flow into/ pass through adjoining sites. Please then review the catchment area accordingly, if appropriate; (ii) the invert level of the proposed surface u-channels should be provided; (iii) cross sections showing the existing ground levels of the Site with respect to the adjacent areas should be given; (iv) standard details should be provided to indicate the sectional details of the proposed u-channels and catchpits; (v) connection details to the adjacent channel should be provided; (vi) consideration should be given to provide grating for the surface channels; and (vii) noting that the proposed u-channel outside the Site need to pass through about 10 other private lots, the applicant should consult DLO/YL, LandsD and seek consent from the relevant owners for any



drainage works to be carried out outside his lot boundary before commencement of the drainage works;

- (g) note D of FS' comments that in consideration of the design/nature of the proposal, 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;
- (h) note CE/C, WSD's comments that for provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the connection, operation and maintenance of any sub-main within the private lots to WSD's standards; and
- (i) note CBS/NTW, BD's comments that if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of BD, they are unauthorised building works (UBW) under the 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 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 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 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 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.