

Similar Application in the Same "AGR" Zone on the OZP

Rejected Application

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Rejection Reasons</u>
1	A/YL-KTS/521	Temporary warehouse for storage of exhibition materials for a period of 3 years	27.5.2011 (on review)	(a), (b), (c), (d)

Rejection Reasons

- (a) the development is not in line with the planning intention of the "AGR" zone which is to retain and safeguard good agricultural land for agricultural purposes. This zone is also intended to retain fallow arable land with good potential for rehabilitation. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the development was not compatible with the surrounding areas which were predominantly rural in character;
- (c) the applicant failed to demonstrate that the development would not generate adverse environmental, landscape and/or drainage impacts on the surrounding area; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the "AGR" zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

Detailed Comment from CTP/UD&L, PlanD

- (a) Some of the proposed trees are too close to the temporary structures. For sustainable tree growth, the proposed tree should have a min.3m distance from the structure, min. 600mm from the boundary fence and min. 1m away from any impermeable surface. The planting spacing shall be in 4m internal. The applicant should revise the tree planting location accordingly;
- (b) The applicant should clarify whether the proposed trees will be planted at-grade with free drain bottom. Tree pit of 1m x 1m x 1.2m soil depth should be provided for at-grade tree planting;
- (c) Maneuvering space and vehicular route within the Site should also be shown on plan. For trees to be planted along vehicular access/parking space within the Site, a fence/kerb/bollard at a min. distance of 1m from the tree trunk should be provided between the tree and vehicle to guard against potential physical damages to the trees arising from vehicular movement; and
- (d) Proper tree staking should be provided for newly planted trees. The applicant should make reference to General Planting Practice by GLTM Section, DEVB (https://www.greening.gov.hk/filemanager/content/images/tree_care/Staking_and_Guying_of_Trees_e.jpg).



Advisory clauses

- (a) Resolve any land issues relating to the development with the concerned land owner(s) of the Site;
- (b) prior planning permission should have been obtained before commencing the applied use at the Site;
- (c) 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. No permission is given for the occupation of Government Land (GL) (about 1,058m² subject to verification) included in the Site. Any occupation of the GL without Government's prior approval is not allowed. Part of the Site falls within Burial Ground No. YL/32. The Site is accessible to Kam Ho Road via 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 height limit within 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. Furthermore, the applicant has to either exclude all the GL portion from the Site or apply for a formal approval which excludes the GL portion falling within the burial ground prior to the actual occupation of the GL. Such application(s) 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;
- (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 TD. The land status of the local access road should be checked with 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 Kam Ho Road. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (f) 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 DEP to minimize any potential environmental nuisance;

- (g) note D of FS's 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 plan 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 (Cap.123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (h) note CTP/UD&L, PlanD's comment that some of the proposed trees are too close to the temporary structures. For sustainable tree growth, the proposed tree should have a min. 3m distance from the structure, min. 600mm from the boundary fence and min. 1m away from any impermeable surface. The planting spacing shall be in 4m internal. The applicant should revise the tree planting location accordingly. The applicant should clarify whether the proposed trees will be planted at-grade with free drain bottom. Tree pit of 1m x 1m x 1.2m soil depth should be provided for at-grade tree planting. Maneuvering space and vehicular route within the Site should also be shown on plan. For trees to be planted along vehicular access/parking space within the Site, a fence/kerb/bollard at a min. distance of 1m from the tree trunk should be provided between the tree and vehicle to guard against potential physical damages to the trees arising from vehicular movement. Proper tree staking should be provided for newly planted trees. The applicant should make reference to General Planting Practice by GLTM Section, DEVB (https://www.greening.gov.hk/filemanager/content/images/tree_care/Staking_and_Guying_of_Trees_e.jpg); 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 BD, they are unauthorized 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 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 or 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 should be appointed as the coordinator 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.