

Previous Application Covering the Site

Rejected Application

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Rejection Reason(s)</u>
1	A/YL-KTS/815	Proposed Temporary Shop and Services (Convenience Store with Ancillary Office) for a Period of 5 Years	8.3.2019	(a) to (b)

Rejection Reasons

- (a) the proposed development is not in line with the planning intention of the “Residential (Group A)” zone which is primarily for medium-density residential developments. No strong planning justification has been given in the submission for departure from the planning intention, even on a temporary basis.
- (b) the site is located within an area planned for public housing development with target completion in 2025. Approval of the application for a period of 5 years would be in conflict with the implementation of the public housing development.



Advisory Clauses

- (a) note PM(W), CEDD's comments that the Site is in conflict with the boundary of project "Site Formation and Infrastructure Works for Public Housing Developments at Kam Tin South, Yuen Long – Phase 1" with works planned to commence in mid-2021;
- (b) note DLO/YL, LandsD's comments that the Site comprises an Old Schedule Agricultural Lot 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 proposed structure(s) of the planning application is for "workers resting room" use. According to the established practice, application of Short Term Wavier and etc. of structures for domestic/residential uses (including workers resting room use) on private agricultural land will not be entertained. Hence, even if the Board approves the application, his office will not consider to approve/ regularize any structure(s) erected/to be erected on the lot for domestic/residential uses. The lot owner(s) will need to apply to his office to effect the proposal (except the structure(s) for "workers resting room" use) 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. 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(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by the LandsD. The lot concerned falls within the resumption project, namely "PWP Item No. B776CL Site Formation and Infrastructure Works for Public Housing Developments at Kam Tin South, Yuen Long" and the lot will be resumed soon;
- (c) note CES/Railway Development, LandsD that the Site falls within Railway Development Strategy 2014 (RDS 2014) Northern Link (NOL) and Kwu Tung Station Limit of Area of Influence (AOI). The proposed development should not pose obstacles to the implementation of the NOL project;
- (d) note CE/RD 2-2, RDO, HyD's comments that the Site falls within the AOI of the proposed NOL, which might be required to be vacated at the time of construction for the NOL and subject to nuisance, e.g. noise and vibration of the proposed NOL. The applicant is reminded to note the surrounding condition in respect of nuisance taking into account the future construction, operation and maintenance of NOL;
- (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 DEP;
- (f) note CBS/NTW, BD's comments that before any new building works (including containers/open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on the Site, prior approval and consent of the Building Authority should be obtained, otherwise they are unauthorized building works (UBW) under the Buildings Ordinance (BO). The development intensity of the separated sites shall be considered separately. An Authorized Person 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 the prevailing 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 two sites shall be considered as two separate sites and 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. The two sites do not abut on a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at building plan submission stage. Any temporary shelters or converted containers for office, storage, washroom or other uses are considered as temporary buildings are subject to the control of Part VII of the B(P)R. Detailed checking under the BO will be carried out at building plan submission stage; and

- (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 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 BO (Cap.123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.