

**Appendix II of RNTPC
Paper No. A/YL-KTN/647B**

Previous Applications covering the Application Site

Approved Applications

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval conditions</u>
1	A/YL-KTN/58	Addition of six structures in an existing open storage ground for vehicles and vehicles parts	3.4.1998	-
2	A/YL-KTN/64	Storage of vehicles	3.7.1998 (for 3 years)	(1), (2), (3), (4)
3	A/YL-KTN/67	Proposed open storage of vehicles, construction machinery and machinery parts	11.9.1998 (for 3 years)	(1), (2), (3), (4)
4	A/YL-KTN/72	Proposed addition of three structures for office use and a toilet in an existing open storage ground for vehicles and vehicles parts	30.10.1998	(5)
5	A/YL-KTN/158	Temporary open storage of vehicles, construction machinery and spare parts for a period of 3 years	8.11.2002	(1), (2), (4), (6)
6	A/YL-KTN/234	Proposed addition of covered structure on an existing open storage ground for vehicles and vehicle parts with ancillary facilities	29.7.2005	(2), (5)
7	A/YL-KTN/401	Temporary public vehicle park (for private cars only) for a period of 3 years	15.3.2013	(1), (2), (4), (6), (7), (8), (9), (10), (11), (12), (13), (14)
8	A/YL-KTN/501	Proposed Residential Development (Flats)	28.4.2017	(15), (16), (17), (18), (19), (20), (21), (22)

Approval conditions:

- (1) submission and implementation of landscaping/tree preservation proposals
- (2) submission of drainage proposal and/or provision of drainage facilities
- (3) setting back of the site
- (4) reinstatement of the site to an amenity area
- (5) the permission shall cease to have on a specified date unless prior to the said date either the development permitted is commenced or the permission is renewed.
- (6) revocation of the planning permission if the planning condition is not complied with by a specified date or during the planning approval period
- (7) no vehicles without valid licences issued under the Traffic Regulations are allowed to be parked/stored on the site
- (8) no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit the site
- (9) a notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit the site
- (10) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the site
- (11) no reversing of vehicles into or out from the site is allowed
- (12) submission and implementation of fire service installations proposal
- (13) submission and implementation of parking layout plan
- (14) submission and implementation of run-in/out proposal
- (15) submission and implementation of a landscape master plan and tree preservation proposals
- (16) submission of a revised Traffic Impact Assessment (TIA) and the design and implementation of the road improvement measures as proposed in the revised TIA
- (17) (design and provision of vehicular access and car parking and loading/unloading facilities for the proposed development
- (18) submission of an updated Sewerage Impact Assessment for connections to the public sewers and implementation of the sewerage improvement measures identified therein
- (19) submission of an updated Noise Impact Assessment and the implementation of mitigation measures identified therein
- (20) submission of a revised Hazard Assessment and the implementation of mitigation measures identified therein
- (21) implementation of the accepted drainage proposal
- (22) design and provision of water supply for fire fighting and fire service installations

Similar Applications for residential development within the “R(E)” zone
on the Kam Tin North OZP

Approved Applications

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval conditions</u>
1	A/YL-KTN/488	Proposed residential development	27.5.2016	(1), (2), (3), (4), (5), (6), (7), (8), (9)
2	A/YL-KTN/567	Proposed flats	4.5.2018	(1), (5), (7), (8), (9), (10), (11), (12), (13), (14), (15)

Approval Conditions

- (1) provision of buffer area from the “CA(1)” zone to the west of the site
- (2) design and provision of boundary fencing along the western site boundary adjoining the West Rail reconstructed wetland
- (3) provision of setback of the development from Kam Tai Road to the north of the site
- (4) provision of road improvement works, vehicular access, car parking and loading/unloading facilities
- (5) submission of a revised noise impact assessment and the implementation of mitigation measures identified therein
- (6) submission of a revised traffic impact assessment and implementation of the mitigation measures
- (7) submission and implementation of landscape master plan and tree preservation proposal
- (8) submission of a revised drainage impact assessment and implementation of mitigation measures
- (9) design and provision of water supply for fire fighting and fire service installations
- (10) submission of a proposal to prevent or mitigate off-site impacts to the “CA(1)” zone to the west of the site and implementation of preventive/ mitigation measures
- (11) submission of a consolidated Traffic Impact Assessment
- (12) design and implementation of road junction improvement works as proposed by the applicant
- (13) design and provision of vehicular access and car parking and loading/unloading facilities for the proposed development
- (14) submission of an updated sewerage impact assessment for connections to the public sewers and implementation of the sewerage improvement measures identified therein
- (15) submission of an Hazard Assessment and the implementation of the risk mitigation measures identified therein

Advisory Clauses

- (a) the approval of the application does not imply that the proposed building design elements could fulfil the requirements under the Sustainable Building Design guidelines and the relevant requirements under the lease, and that the proposed GFA concession for the proposed development will be approved/granted by the BA. The applicant should approach the BD and the LandsD direct to obtain the necessary approval. If the building design elements and the GFA concession are not approved/granted by the BA and the Lands Authority and major change to the current scheme are required, a fresh planning application to the Board may be required;
- (b) note DLO/YL, LandsD's comments that the Site comprises various private lots which, by the terms of the lease under which they are held, are demised as agricultural ground and adjoining Government land (GL), particularly Short Term Tenancy No. 1640, all in D.D. 103. Based on the application site boundary in the planning statement, the Site has an area of about 16,245m² (including 2,387m² GL) quoted by the applicant which should be subject to further verification and survey. In case of any discrepancy in the areas found, the respective proposed development parameters will have to be revised accordingly. The proposed site access from/to Kam Tin Road falls partly within the area shown coloured brown hatched black on the Tenancy Plan for Short Term Tenancy No. 1640 maintained by the Tenant. The Site is subject to Shek Kong Airfield Height Restriction. According to the SIA, there is a proposed sewer to be constructed under the Brown Area of the adjacent private Lot No. 2099 in D.D. 109 (i.e. "Riva"). The proposed run-in/out for the proposed ROW also located on the Brown Area of Riva. According to the Conditions of Exchange which the Lot No. 2099 in D.D. 109 is held, a non-exclusive right of way (ROW) upon the Brown Area has been granted to Riva. The feasibility of the proposed sewer under and run-in/out on the Brown Area of the adjacent Lot No. 2099 in D.D. 109 would be considered upon formal land exchange application. As advised by the applicant, they would be willing to take up the management and maintenance of the proposed ROW for D.D. 103 Lot 265 BRP. It is considered that the management and maintenance responsibilities of the concerned ROW and run-in/out would be considered upon formal land exchange application. The application has also stated that the land status of Ying Ho Road may be subject to changes after hand over of Brown Area from owner of Riva to the Government. The possession of the said Brown Area would not be redelivered to the Government unless and until Transport Department and Highways Department agreed to take up the future management and maintenance. The applicant has to apply for a land exchange/lease modification to implement the planning scheme if approved by the Board. However, there is no guarantee that the land exchange/lease modification proposal including the grant of the additional GL will be acceded to. Such application will be dealt with by his department acting in the capacity as the landlord at his discretion, and if it is approved under such discretion, the approval would be subject to such terms and conditions including amongst others, the payment of premium and administrative fee as may be imposed by his department. The proposed tree felling/transplanting/ tree compensatory as stated in the applicant's submission submitted by the applicant

should be subject to separate application to be submitted for formal approval upon implementation of the development proposal;

- (c) note CHE/NTW, HyD's comments that if the proposed run-in/out are agreed by the Transport Department (TD), the applicant should construct a run in/out at each of the access points at Kam Tin Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. If any traffic improvement works on Kam Tin Road are required due to the proposed development (e.g. signalization/widening of pedestrian crossing, construction of lay-by), they should be implemented by the applicant at his own expenses to the satisfaction of TD and HyD. The proposed ROW and proposed run-in/out in the applicant's submission are not and will not be maintained by his office. The adjacent noise barrier No. NB57 shall not be affected. Should there be any modification of the existing planters and provision of Type II railings, the design should be submitted for his comment. Adequate drainage measures should be provided to prevent surface water running from the Site to nearby public roads and drains;
- (d) note CTP/UD&L, PlanD's comments that the applicant is reminded to obtain approval from the relevant authority on the proposed tree felling prior to commencement of works;
- (e) note CE/MN, DSD's comments that the drainage facilities shall be properly maintained and the development should neither obstruct overland flow nor adversely affect existing stream course, natural streams, village drains, ditches and the adjacent areas. The applicant should consult DLO/YL, LandsD and seek consent from the relevant owners for any works to be carried out outside his lot boundary before commencement of the works;
- (f) note CE/C, WSD's comments that existing water mains will be affected (**Plan A-2** of the RNTPC paper). The cost of any necessary diversion shall be borne by the developer. In case it is not feasible to diver the affected water mains, a waterworks reserve within 1.5m from the centreline of the water mains shall be provided to WSD. No structure shall be built or materials stored within this waterworks reserve. Free access shall be made available at all time for staff of the Director of Water Supplies or their contractor to carry out construction, inspection, operation, maintenance and repair works. No trees or shrubs with penetrating roots may be planted within the Waterworks Reserve or in the vicinity of the water mains shown on **Plan A-2** of the RNTPC paper. Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the Site;
- (g) note CBS/NTW, BD's comments that having considered the Site abuts Kam Tin Road which is not less than 4.5m wide, it could be considered as a Class A site under Regulation 18(A) of the Building (Planning) Regulation (B(P)R). The permissible site coverage and plot ratio of a development with building height over 43m but not exceeding 49m is 37% and 5.9 for a Class A site respectively. A right of way will be

granted for the Lot 265 S.B RP in D.D. 103 for direct access to Kam Tin Road, that piece of land should be excluded from the site area calculation under B(P)R 23 (2)(a). The Site as well as the Lot 265 S.B RP in D.D. 103 shall be provided with means of obtaining access thereto from a street under the B(P)R 5 and emergency vehicular access shall be provided for all the buildings to be erected on the site in accordance with the requirements under the B(P)R 41D. The number of accessible parking spaces designated for the use of persons with a disability should be provided in accordance with the requirements as stipulated in the division 3 of chapter 4 in Barrier Free Access 2008. Disregarding carparking spaces from GFA calculation under the Buildings Ordinance (BO) will be considered on the basis of the criteria set out in PNAP APP-2 during building plan submission stage. For features to be excluded from the calculation of the total GFA, it shall be subject to compliance with the requirements laid down in the relevant JPNs and PNAPs including APP-151 as appropriate. If the applicant applies for the GFA concession, Building Set Back, Building Separation and Site Coverage of Greenery as required under PNAP APP-152 also apply. Detailed checking will be carried out during building plan submission stage;

- (h) note S for Security's comments that the applicant should take into consideration the noise and safety of aircraft flying to the proposed development, which is in proximity to Shek Kong Airfield;
- (i) note D of FS's comments that detailed fire service requirements will be formulated upon receipt of formal submission of general building plans. The emergency vehicular access (EVA) provision in the Site shall comply with Section 6, Part D of the "Code of Practice for Fire Safety in Building 2011 under the B(P)R 41(D) which is administered by the BD; and
- (j) note DEMS's comments that in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the "Code of Practice on Working near Electricity Supply Lines" established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

