

Previous s.16 Application covering the Application Site

Rejected Application

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Condition(s)</u>
1	A/YL-SK/219	Proposed House (New Territories Exempted House – Small House)	25.11.2016	(1), (2), (3)
2	A/YL-SK/230	Proposed House (New Territories Exempted House – Small House)	24.11.2017	(1), (2), (3)

Rejection Reasons

- (1) the proposed development is not in line with the planning intention of the “Agriculture” (“AGR”) zone. No strong planning justification has been given in the submission to justify for a departure from the planning intention, even on a temporary basis
- (2) the application does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the proposed Small House footprint falls entirely outside the village ‘environs’ of any recognised village and the “Village Type Development” (“V”) zone. Land is still available within the “V” zone of Sheung Tsuen where land is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructure and services. There is no exceptional circumstance to justify approval of the application
- (3) the approval of the application 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



Similar s.16 Application within the same "AGR" zone

Approved Application

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Condition(s)</u>
1	A/YL-SK/235	Proposed Temporary Place of Recreational, Sports or Culture (Hobby Farm) for a Period of 3 Years	4.5.2018	(1), (2), (3), (4), (5), (6), (7)

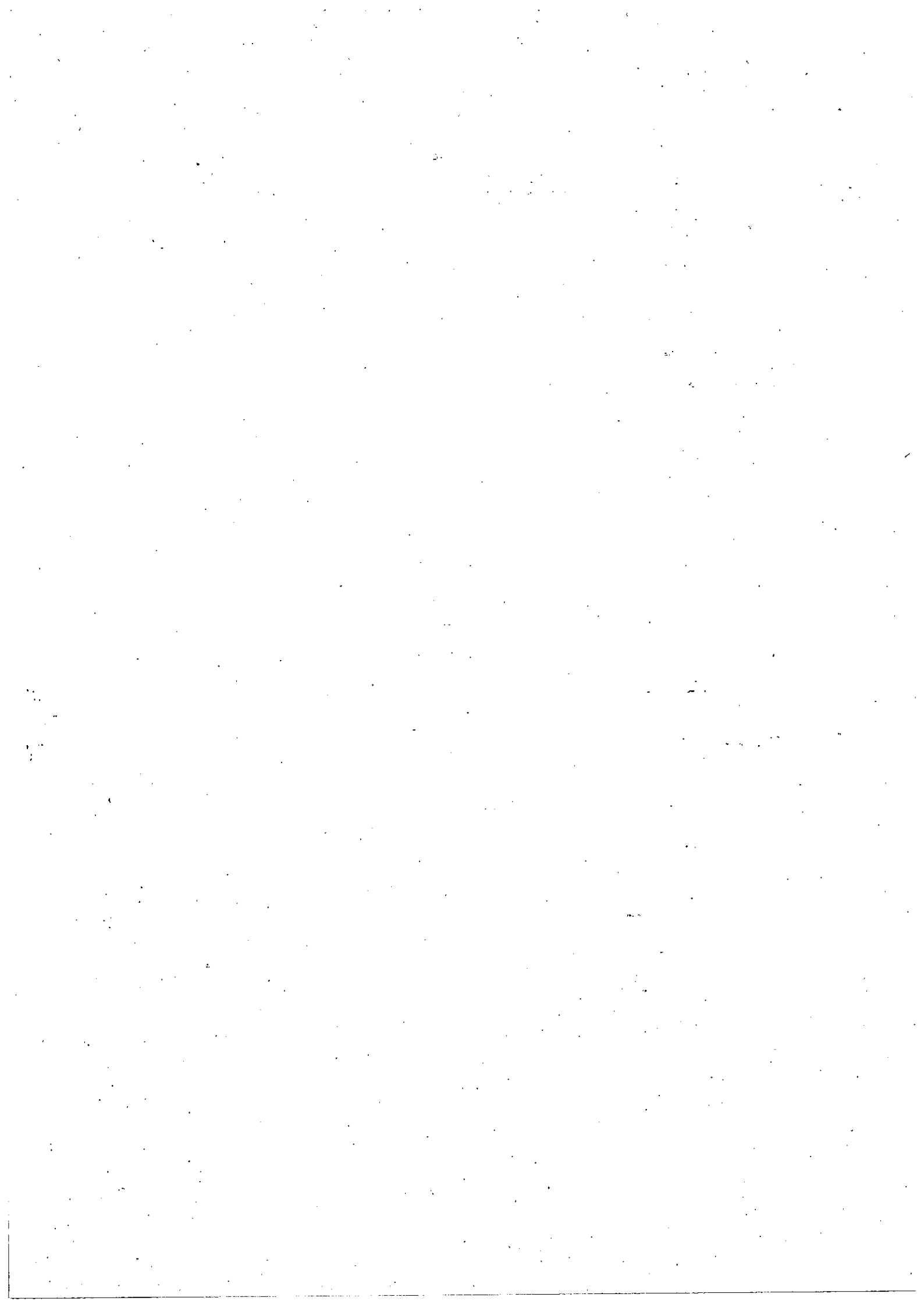
Approval Conditions

- (1) Restriction of operation hours;
- (2) No public announcement system, portable loudspeaker or any form of audio amplification system is allowed to be used on the site;
- (3) The submission and implementation of landscape and/or tree preservation proposal;
- (4) The submission and implementation of drainage proposal, and maintain the drainage facilities in good condition at all times;
- (5) The submission and provision of fire services installation proposal;
- (6) Revocation of planning approval if conditions not complied with by a given date/at any time during the approval period.
- (7) Reinstatement of the site to an amenity area upon expiry of the planning permission.



Detailed comment of CTP/UD&L, PlanD

- (a) Drainage provision (if any) shall be indicated on plan. Applicant is reminded that min. 1 m clearance should be provided between the tree and drainage channel.
- (b) Proposed trees should be planted in at-grade planting area with min. 1m(W) x 1m(L) x 1.2m (soil depth excluding drainage layer) with proper edge and support with tree stakes for the healthy establishment of the trees.
- (c) Typical Section showing the edge treatment along site boundary should be provided.
- (d) Noting western part of the Site is indicated as landscape area, landscape layout and planting details (e.g. species, size, quantity, spacing etc.) should be provided.
- (e) Please clarify any level difference between "soiled ground" and landscape area/ farm area. If no, kerbs should be erected to avoid soil spills over to the hard paved area along the edge of "soil ground".
- (f) Noting that existing trees outside the northern boundary are near to the proposed site entrance, applicant is reminded to take the existing trees into consideration during the design of the site entrance to avoid any potential impact on the existing trees.



Appendix VI of RNTPC
Paper No. A/YL-SK/244A

Advisory Clauses

- (a) resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (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 Site is accessible from Kam Sheung Road via Government Land (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 airfield height limit within the 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, 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 Buildings will be considered or allowed. Applications of 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 comment that the applicant is reminded that sufficient space within the Site should be provided for manoeuvring of vehicles. 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 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 CHE/NTW, HyD's comment that the applicant should provide a run in/out at the access point 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 existing adjacent pavement. His department does not and will not maintain any access connecting the Site and Nam Hing West Road. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (e) note DEP's comments that the applicant is advised to follow the relevant mitigation measures and requirements in the revised "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by DEP to minimize any potential environmental nuisance. Adequate supporting infrastructure/facilities should be provided for proper collection, treatment and disposal of waste/wastewater generated from the proposed use. If septic tank and soakaway system will be used in case of unavailability of public sewer, its design and construction shall follow the requirements of Environmental Protection Department (EPD)'s Practice Note for Professional Person (ProPECC) PN 5/93 "Drainage Plans subject to

Comment by the EPD". It is the obligation of the applicant to meet the statutory requirements under relevant pollution control ordinances and provide necessary mitigation measures;

- (f) note CTP/UD&L, PlanD's comments that drainage provision (if any) shall be indicated on plan. Applicant is reminded that min. 1 m clearance should be provided between the tree and drainage channel. Proposed trees should be planted in at-grade planting area with min. 1m(W) x 1m(L) x 1.2m (soil depth excluding drainage layer) with proper edge and support with tree stakes for the healthy establishment of the trees. Typical Section showing the edge treatment along site boundary should be provided. Noting western part of the Site is indicated as landscape area, landscape layout and planting details (e.g. species, size, quantity, spacing etc.) should be provided. Please clarify any level difference between "soiled ground" and landscape area/ farm area. If no, kerbs should be erected to avoid soil spills over to the hard paved area along the edge of "soil ground". Noting that existing trees outside the northern boundary are near to the proposed site entrance, applicant is reminded to take the existing trees into consideration during the design of the site entrance to avoid any potential impact on the existing trees;
- (g) note DFEH's comments that if any FEHD's facility is affected by the development, FEHD's prior consent must be obtained. Reprovisioning of the affected facilities by the project proponent up to the satisfaction of FEHD may be required. Besides, the project proponent should provide sufficient amount of additional recurrent cost for management and maintenance of the reprovisioned facilities to FEHD. Proper licence permit issued by his department is required if there is any food business/catering service/activities regulated by the Director of Food and Environmental Hygiene (DFEH) under the Public Health and Municipal Services Ordinance (Cap.132) and other relevant legislation for the public and the operation of any business should not cause any obstruction. If the proposal involves any commercial/trading activities, no environmental nuisance should be generated to the surroundings. Also, for any waste generated from the commercial/trading activities, the applicant should handle on their own/at their expenses;
- (h) note CBS/NTW, BD's comments that if the existing structures are erected on leased land without approval of his department (not being a New Territories Exempted House), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, the prior approval and consent of the BD should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person (AP) 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 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. 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;

- (i) note D of FS's comments that in consideration of the design/nature of the proposal, the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations (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 (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and

- (j) note DLCS's comments that there are some trees located near the proposed egress/ingress of the Site. Every possible effort should be made to preserve existing tree as far as possible and minimize the adverse impact to them. Should any trees be inevitably affected, the project proponent should submit a Tree Preservation and Removal Proposal (TPRP) with full justifications to LandsD for approval in accordance with DEVB TC(W) No. 7/2015.

