

Previous Applications

Approved Applications

Application No.	Uses/Developments	Date of Consideration	Approval Conditions
A/NE-KTN/162	Temporary Shop and Services (Real Estate Agency and Showroom) and Office for a Period of 3 Years	21.12.2012	1 – 7
A/KTN/21	Temporary Shop and Services (Real Estate Agency and Showrooms) and Office for a Period of 3 Years	22.1.2016	1 – 7

Approval Conditions

- 1 No night time operation between 8:00 p.m. and 9:00 a.m.
- 2 No workshop activities
- 3 To maintain the existing 2.5m corrugated-sheets fencing
- 4 No medium/heavy goods vehicles exceeding 5.5 tonnes are allowed to enter the Site
- 5 The submission of a drainage proposal/ The implementation of the drainage proposal/ To maintain the existing drainage facilities properly and rectify those facilities if it is found inadequate/ineffective/ The submission of conditional record of the existing drainage facilities
- 6 The submission of fire service installations proposals and water supplies for fire fighting / The implementation of fire service installations proposals and water supplies for fire fighting
- 7 The submission of tree preservation and landscape proposals / The implementation of tree preservation and landscape proposals

Rejected Applications

Application No.	Uses/Developments	Date of Consideration	Rejection Reasons
A/NE-KTN/59	Temporary Car Repair Workshop and Ancillary Office Use for a Period of 12 Months	11.9.1998	R1 – R3
A/NE-KTN/65	Temporary Open Lorry Park for 12 Months	14.5.1999	R1 – R3

Rejection Reasons

- R1 The Site falls within an area zoned "Agriculture". There is no strong justification in the submission for a departure from the planning intention
- R2 There is no information in the submission to demonstrate that the development would not have adverse environmental, traffic and drainage impacts on the surrounding areas
- R3 The approval of the application would set an undesirable precedent for other similar applications. The cumulative impact of approving such applications would lead to a general degradation of the environment of the area

Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the applied use at the Site;
- (b) to note the comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD) as follows:
 - (i) the application site comprises a private lot, namely Lot No. 540 RP (part) in D.D. 92, and adjoining Government land. The lot is an Old Schedule lot held under the Block Government Lease (demised for agricultural use) without any guarantee of right of access, and covered by Short Term Waiver (STW) No. 1466 for the purposes of plant nursery, agricultural activities and ancillary office, storeroom, guard room and showroom. Meanwhile, the applicant should make his/her own arrangement for acquiring access. The Government should accept no responsibility in such arrangement. According to land search record, the applicant is the current registered owner of the Lot;
 - (ii) the actual occupation boundary does not tally with the planning application boundary;
 - (iii) unauthorized structures were erected on the Lot and the adjoining Government land without prior approval from his office;
 - (iv) the total built-over areas of the aforesaid structures is larger than the one mentioned in the planning parameters and the maximum permitted site coverage stipulated in STW No. 1466;
 - (v) the aforesaid structures are not acceptable under the Lease and STW No. 1466 concerned and his office reserves the right to take necessary enforcement actions against the irregularities;
 - (vi) an application for modification of STW No. 1466 had been received by his office. The application for modification of STW will be considered by the Government in its landlord's capacity and there is no guarantee that it will be approved. The owner of the lot concerned should apply to his office a Short Term Tenancy (STT) to cover all the actual occupation area. If the STW/STT are approved, their commencement date would be backdated to the first date of occupation and they would be subject to such terms and conditions to be imposed including payment of waiver fee/rent and administrative fees as considered appropriate by his office;
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department

(CE/MN, DSD) that the cycle track project being implemented along the south side of the Site might have impact on the drainage in the vicinity, and general requirements in the drainage submission are as follows:

- (i) surface channels with grating covers should be provided along the Site boundary unless justified not necessary;
- (ii) a drainage plan should be provided clearly showing the size, levels and routes of the proposed drainage. The details (invert level, gradient, general sections etc.) of the proposed drain/ surface channel, catchpits and the discharge structure shall be provided;
- (iii) the cover levels of proposed channels should be flush with the existing adjoining ground level;
- (iv) a catchpit with covers should be provided where there is a change of direction of the channel/ drain. The details of the catchpit (CEDD Standard Drawing No. 2405) shall be provided;
- (v) catchpits with sand trap shall be provided at the outlets of the proposed drainage system. The details of the catchpit with sand trap (CEDD Standard Drawing No. 2406) should be provided;
- (vi) the applicant should check and ensure that the existing drainage downstream to which the proposed connection will be made have adequate capacity and satisfactory condition to cater for the additional discharge from the Site. He should also ensure that the flow from the Site will not overload the existing drainage system;
- (vii) the applicant is reminded that where walls are erected or kerbs are laid along the boundary of the same, peripheral channels should be provided on both sides of the walls or kerbs, and/ or adequate openings should be provided at the walls/ kerbs to allow existing overland flow passing through the Site to be intercepted by the drainage system of the Site with details to be agreed by DSD, unless justified not necessary;
- (viii) if the existing drainage facilities to which the applicant proposed to discharge the storm water from the Site are not maintained by DSD, the applicant should identify the owners of the existing drainage facilities to which the proposed connection will be made and obtain consent from the owners prior to commencement of proposed works;
- (ix) the applicant is reminded that all existing flow paths as well as the run-off falling onto or passing through the Site should be intercepted and disposed of via proper discharge points. The applicant shall also ensure that no works, including any site formation works shall be carried out as may adversely interfere with the free flow condition of the existing drains, channels and watercourses on or in the vicinity of the Site any time during or after the works;

- (x) the proposed drainage works, whether within or outside the site-boundary, should be constructed and maintained properly by the applicant who should also rectify the system if it is found to be inadequate or ineffective during operation, all at his/ her own expense;
 - (xi) for works to be undertaken outside the lot boundary, the applicant should obtain prior consent and agreement from DLO/N and/ or relevant private lot owners;
 - (xii) the applicant should make good all the adjacent affected areas upon the completion of the drainage works;
 - (xiii) the applicant shall allow all time free access for the Government and its agent to conduct site inspection on his completed drainage works;
 - (xiv) the applicant and the successive lot owners shall allow connections from the adjacent lots to the completed drainage works on Government Land when so required; and
 - (xv) photos should be submitted clearly showing the current conditions of the existing drainage from the proposed discharge point(s) to the downstream and the existing drainage/ flowpath around the Site. The locations of the camera and the direction of each photo should also be indicated on the drainage plan.
- (d) to note the comments of the Director of Environmental Protection (DEP) that the applicant is advised to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimize the potential environmental impacts on the adjacent area;
- (e) to note the comments of the Commissioner for Transport (C for T) that the local track leading to the Site is not managed by his department. The land status, management and maintenance responsibility of the local track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of the Chief Highway Engineer/NT East, Highways Department (CHE/NTE, HyD) that there is an unallocated government land (UGL) which is not maintained by his department between the ingress/egress of the Site and Castle Peak Road – Kwu Tung. If the applicant is required to gain access from this UGL to the Site, he/she should sort out the access issue with the lands authority;
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) as follows:
- (i) if the existing structures are erected on leased land without approval of Buildings Department (BD) (not being a New Territories Exempted House), they are unauthorized under the Building Ordinance (BO) and should not be designated for any

approved use under the application;

- (ii) 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 Building Authority (BA) should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the BO;
 - (iii) for UBW erected on leased land, enforcement action may be taken by the BA 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;
 - (iv) in connection with (i) above, the Site shall be provided with means of obtaining access thereto from a street under the Building (Planning) Regulation 5 and emergency vehicular access (EVA) shall be provided under the Building (Planning) Regulation 41D;
 - (v) if the Site is not abutting on a specified street having a width not less than 4.5 m, the development intensity shall be determined by the Building Authority under Building (Planning) Regulation 19(3) at building plan submission stage; and
 - (vi) detail comments will be given at building plan submission stage
- (h) to note the comments of the Director of Fire Services (D of FS) that EVA arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administrated by Buildings Department. Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;
- (i) to note the comments of the Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) that the applicant is required to step up tree maintenance to remove dead trees and provide replacement planting to restore the landscape quality. The applicant is recommended to observe the following, which was promulgated by GLTM Section of DEVB, for good horticultural maintenance practice:
- (i) 樹木修剪的一般指引:
https://www.greening.gov.hk/filemanager/content/pdf/tree_care/guideline_c.pdf;
 - (ii) 護養樹木的簡易圖解:
http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf;
 - (iii) 工程期間的樹木護理:
http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Tree_Care_during_Construction_e.pdf; and

(iv) 減低樹木風險的樹木護養簡易圖解:
[https://www.greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk\(eng\).pdf](https://www.greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk(eng).pdf)

(j) to note the comments of the Director of Electrical and Mechanical Services (DEMS) as follows:

(i) there is a high pressure underground town gas transmission pipeline (running along Castle Peak Road, Kwu Tung section) in vicinity of the Site;

(ii) the project proponent/consultant/works contractor shall therefore liaise with the Hong Kong and China Gas Company Limited in respect of the exact locations of existing or planned gas pipes/gas installations in the vicinity of the Site and any required minimum set back distance away from them during the design and construction stages of the proposed development; and

(iii) the project proponent/consultant/works contractor is required to observe the Electrical and Mechanical Services Department's requirements on the "Avoidance of Damage to Gas Pipes 2nd Edition" for reference. The webpage address is:
[https://www.emsd.gov.hk/filemanager/en/content_286/CoP_gas_pipes_2nd_\(Eng\).pdf](https://www.emsd.gov.hk/filemanager/en/content_286/CoP_gas_pipes_2nd_(Eng).pdf)

