

Similar Applications within the same "V" zone on the Kam Tin South OZP

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
1	A/YL-KTS/299 [see Remarks]	Proposed electricity substation	10.10.2003	(1), (2)
2	A/YL-KTS/334	Proposed package substation (electricity substation)	28.1.2005	(1), (2), (3), (4)
3	A/YL-KTS/489	Proposed public utility installation (electricity package substation) and excavation of land	9.4.2010	(1), (2)
4.	A/YL-KTS/518	Proposed Utility Installation for Private Project (Electricity Package Substation) and Excavation of Land	23.12.2010	(1), (2), (4)

Approval Conditions

- (1) submission and implementation of landscaping proposals
- (2) permission should cease to have effect on [specified date] unless prior to the said date either the development permitted was commenced or the permission was renewed
- (3) provision of a proper vehicular access and run-in at Kam Sheung Road
- (4) provision of emergency vehicular access, water supply for fire fighting and fire service installations

Remarks

Subsequently, the applicant of Application No. A/YL-KTS/299 applied for review on one of the approval conditions related to landscape aspect. The review application was rejected by the Town Planning Board on 19.3.2004. The condition related to landscape aspect was maintained. The reasons for rejection of the review application were:

- (1) the landscaping condition was necessary to soften the impact of the utility structure on the surrounding areas and provide screening effect
- (2) there was no information to demonstrate that there were problems in seeking additional land for landscaping purpose.

DEP's Detailed Comments

In view of the public concern on noise, air pollution and water pollution, it is the obligation of the applicant to meet all statutory requirements under relevant pollution control ordinances and provide necessary mitigation measures. Any noise sources from the proposed use should comply with the noise standards stipulated in the Hong Kong Planning Standards and Guidelines. The applicant is advised to adopt appropriate pollution control measures/ good practices set out in the following guidance notes with a view to minimize environmental nuisance to nearby sensitive receivers during construction phase: -

- Recommended Pollution Control Clauses for Construction Contracts:

http://www.epd.gov.hk/epd/english/environmentinhk/eia_planning/guide_ref/rpc.html

- ProPECC PN1/94 "Construction Site Drainage":

http://www.epd.gov.hk/epd/sites/default/files/epd/english/resources_pub/publications/files/pn94_1.pdf

- ProPECC PN 2/93 "Noise from Construction Activities – Non-statutory Controls":

http://www.epd.gov.hk/epd/sites/default/files/epd/english/resources_pub/publications/files/pn93_2.pdf



Advisory Clauses

- (a) 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 to Kam Sheung Road via Government Land (GL) and private land. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way. 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 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. 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 LandsD;
- (b) note CHE/MN, NTW/HyD's comment that HyD is not and shall not be responsible for the maintenance of the access road connecting the Site and Kam Sheung Road. Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads or exclusive road drains;
- (c) note DEP's comments in **Appendix III** of this paper;
- (d) note CE/MN, DSD's comments that the applicant should be reminded to maintain all the drainage facilities on Site in good condition and ensure that the proposed development would neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc;
- (e) note CE/C, WSD's comments that for provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (f) note D of FS's comments that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans. The EVA provision in the Site shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under the Building (Planning) Regulation 41D which is administered by the BD;
- (g) note DEMS's comments that in the interest 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 electricity supply lines;

- (h) note D of Health's comments that according to the World Health Organization (WHO), with compliance with the relevant International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines, exposure to extremely low frequency electromagnetic fields, such as those generated by electrical facilities would not pose any significant adverse effects to workers and the public. As such, the project proponent must ensure that the installation complies with the relevant ICNIRP guidelines or other established international standards. WHO also encourages effective and open communication with stakeholders in the planning of new electrical facilities; and

- (i) note CBS/NTW, BD's comments that before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, prior approval and consent of 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 Buildings Ordinance (BO). If the existing structures (not being a NTEH) are erected on leased land without the approval of the BD, they are 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. 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. Detailed checking will be carried out in the building plan submission stage.