

**Similar Application within “AGR” Zone on
the Kam Tin South Outline Zoning Plan**

Rejected Application

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration By RNTPC/TPB</u>	<u>Approval Conditions</u>
1.	A/YL-KTS/778	Proposed Religious Institution (Mosque With Ancillary Facilities) and School	6.7.2018	(1), (2), (3)

Rejection Reasons

- (1) The proposed development not in line with planning intention. There is no strong planning justification in the submission for a departure from the planning intention.
- (2) The applicant fail to demonstrate the proposed development would not generate adverse landscape impact on, nor be subject to environmental noise impact from, the surrounding areas.
- (3) Approval of the application would set an undesirable precedent for other similar uses to proliferate into the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

Advisory Clauses

- (a) note DLO/YL, LandsD's comments that the Site has an area of 688m² quoted by the applicant which should be subject to further verification and survey. In case of any discrepancy in site areas found, the respective proposed development parameters will have to be revised accordingly. The Site is accessible from Kam Po Road off Pat Heung Road via some Government land with a right of access through Lot No. 203 RP in D.D. 106 to which owners' consent have been obtained (as advised by the applicant). However, there is no guarantee the right of way over Government land and/or private lots to the Site would be given. The lot owner has to apply to LandsD for a lease modification/ land exchange. However, there is no guarantee that the lease modification/ land exchange application will be approved. Such application, if received by the LandsD, will be considered by the LandsD acting in the capacity as a landlord at its sole discretion. In the event any such application is approved, it would be subject to such terms and conditions, including, among other, the payment of premium and administrative fee as may be imposed by the LandsD. Noting that the proposed new 450mm diameter underground concrete pipe "D3" in the Drainage Impact Assessment may fall outside the Site and upon Government land, such proposal should be subject to separate application to relevant departments. However, there is no guarantee that such application can be approved; and if approved, shall be subject to terms and conditions (including payment of fees etc.) as such department thinks fit. The proposed planting at the Site should be subject to separate application to be submitted for formal approval (if required) upon implementation of the development proposal;
- (b) note C for T's comments that the local access between Kam Po Road and the Site is not managed by his department;
- (c) note CE/RD2-2, RDO, HyD's comments that the Site falls within the area of influence (AOI) for the proposed Northern Link (NOL), which is recommended railway scheme under the RDS-2014. Although the programme and the alignment of the proposed NOL are still under review, those areas within the AOI may be required to be vacated at the time for the construction of the proposed NOL and nuisance, such as noise and vibration of the proposed NOL. The applicant should be satisfied with the surrounding condition of nuisance taking into account the future construction, operation and maintenance of the proposed NOL;
- (d) note CHE/NTW, HyD's comments that adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/ drain. HyD shall not be responsible for the maintenance of any access connecting the Site and Kam Po Road;
- (e) note DAFC's comment that the applicant is advised to adopt good site practices to avoid causing pollution or disturbance to the adjacent watercourse during construction and operation;
- (f) note DEP's comment that effluent discharge from the proposed use is subject to control under the Water Pollution Control Ordinance. If septic tank and soak away system will be used, its design and construction should follow the requirements of Environmental

Protection Department (EPD) Practice Notes for Professional Persons (ProPECC PN) 5/93
“Drainage Plans subject to Comment by the EPD”;

- (g) note CE/MN, DSD’s comments on the submitted Drainage Impact Assessment that while fence wall is proposed to prevent inflow and outflow of rain water from and to the neighbor’s lands as shown in section 2.3 of the DIA, it appears that the original path of the overland flow would be obstructed by the fence wall. The design of the wall (i.e. provide openings along the fence wall etc.) should be reviewed such that the overland flow from adjacent area would not be obstructed by the development. The applicant is 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 adjacent areas, etc.;
- (h) 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 (B(P)R) 41D which is administered by the BD;
- (i) note SHA’s comments that should the applicant wish to apply for concessionary land premium for the development at later stage, he will consider the case along prevailing policy and established procedures; and
- (j) note CBS/NTW, BD’s comments the Site does not abut on any existing specified street and the development intensity of the Site shall be determined by the Building Authority under Regulation 19(3) of B(P)R at building plan submission stage. The Site shall be provided with means of obtaining access thereto from a street under the B(P)R 5 and EVA shall be provided for all the buildings to be erected on the Site in accordance with requirements under B(P)R 41D. For features to be excluded from the calculation of the total GFA, it shall be subject to compliance with the requirement 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 comment under the BO will be provided during the plan submission stage.