

Previous S.12A Application

Rejected Application

Application No.	Proposed Amendment(s)	Date of Consideration	Rejection Reasons
Z/NE-LYT/2	Request for Amendment to the Draft Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan No. S/NE-LYT/4 from "Recreation" to "Residential (Group B) 1"	2.6.2000	R1 – R3

Rejection Reasons:

- R1 The proposed residential development with a plot ratio of 3 is incompatible with the surrounding rural settings.

- R2 Insufficient information has been provided in the submission to demonstrate that the proposed residential development would not have adverse impact on the proposed Fanling Bypass.

- R3 The approval of the application would set an undesirable precedent for similar applications.

Other Detailed Comments from Government Departments

Comments of CTP/UD&L, PlanD:

- (a) the podium plan (**Drawing Z-4c**) is inadequate to illustrate the Public and Private Open Space, as well as the Landscape Proposal in terms of:
 - (i) indicative greenery provision on both podium and at grade level;
 - (ii) demarcation and calculation of Public and Private Open Space to meet the development parameters and their interface landscape treatment;
 - (iii) if Public Open Space is on podium, a statement to confirm on the future maintenance responsibility by relevant department/ party is necessary;
 - (iv) indicative landscape treatment, spatial arrangement and connection among various proposed recreational facilities on the podium; and
 - (v) indicative plan to demonstrate the universal pedestrian circulation/ access to open space at the podium and/ or at grade level.

Comments of CBS/NTW, BD:

- (a) if the existing structures are erected on leased land without approval of BD 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;
- (b) for UBW erected on leased land, enforcement action may be taken by 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;
- (c) before any new building works are to be carried out on the Site, the prior approval and consent of the BA should be obtained. An Authorized Person (AP) should be appointed as the co-ordinator for the proposed buildings/ building works in accordance with the BO;
- (d) if the Site is not abutting a specified street having a width not less than 4.5m, the development intensity shall be determined by the BA under Building (Planning) Regulation 19(3) at the building plan submission stage; and
- (e) the Site shall be provided with means of obtaining access thereto from a street under Building (Planning) Regulation 5 and emergency vehicular access shall be provided under Regulation 41D.

Comments of CE/C, WSD:

- (a) if diversion is required, existing water mains inside the Site are needed to be diverted outside the Site boundary of the proposed development to lie in Government land. A strip of land of minimum 1.5 m in width should be provided for the diversion of existing water mains. The cost of diversion of existing water mains upon request will have to be borne by the applicant; and the applicant shall submit all the relevant proposal to WSD's consideration and agreement before the works commence; and
- (b) if diversion is not required, the applicant is advised on the following:
 - (i) existing water mains are affected and no development which requires resiting of water mains will be allowed;
 - (ii) details of site formation works shall be submitted to the Director of Water Supplies for approval prior to commencement of works;
 - (iii) no structures shall be built or materials stored within 1.5 m from the centre lines of water mains. Free access shall be made available at all times for staff of the WSD or their contractor to carry out construction, inspection, operation, maintenance and repair works;
 - (iv) no trees or shrubs with penetrating roots may be planted within the Water Works Reserve or in the vicinity of the water mains. No change of existing site condition may be undertaken within the aforesaid area without the prior agreement of the Director of Water Supplies. Rigid root barriers may be required if the clear distance between the proposed tree and the pipe is 2.5 m or less and the barrier must extend below the invert level of the pipe;
 - (v) no planting or obstruction of any kind except turfing shall be permitted within the space of 1.5 m around the cover of any valve or within a distance of 1 m from any hydrant outlet; and
 - (vi) tree planting may be prohibited in the event that the Director of Water Supplies considers that there is any likelihood of damage being caused to water mains.

Comments of DFEH:

- (a) 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;
- (b) if FEHD is requested to take up management responsibility of new public toilets and refuse collection points, FEHD should be separately consulted. Prior consent from FEHD must be obtained and sufficient amount of recurrent cost must be provided to us;

- (c) if provision of cleansing service for new roads, streets, cycle tracks, footpaths, paved areas etc, is required, FEHD should be separately consulted. Prior consent from FEHD must be obtained and sufficient amount of recurrent cost must be provided to us;
- (d) if the captioned project will lead to population increase, sufficient amount of recurrent costs must be provided to FEHD in order to provide various types of environmental hygiene services for increased population, such as inspection to food premises, hawkers control, handling of complaints, etc.;
- (e) proper licence / permit issued by this Department is required if there is any catering service / activities regulated by the 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; and
- (f) 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.

Comments of DEMS:

- (a) the applicant/ consultant/ works contractor shall 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 proposed development and any required minimum set back distance away from them during the design and construction stages of development;
- (b) the applicant/ consultant/ works contractor is required to observe the requirements of the EMSD's "Code of Practice on Avoiding Danger from Gas Pipes" for reference. The Code can be downloaded via the following web-link: [http://www.emsd.gov.hk/filemanager/en/conent_286/cop_gas_pipes\(english\).pdf](http://www.emsd.gov.hk/filemanager/en/conent_286/cop_gas_pipes(english).pdf);
- (c) in conducting the Quantitative Risk Assessment study, the requirement in Section 3.7 "Special Requirements Relevant to LPG Filling Stations or Petrol Filling Station with LPG Filling Facilities" of Chapter 12 "Miscellaneous Planning Standards and Guidelines" of Hong Kong Planning Standards and Guidelines should be observed and followed; and
- (d) 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 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.