

Previous S.16 Applications covering the application site

Approved Applications

	<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-KTN/419	Proposed Temporary Open Storage of Construction Materials (Excluding Cement/Sand/Chemical Products/Dangerous Goods) for a Period of 2 Years	13.12.2013 (permission was revoked on 24.1.2014)	1, 2, 3, 4, 6, 7, 8, 9, 10, 11
2.	A/YL-KTN/451	Proposed Temporary Shop and Services (Real Estate Agency and Financial Institution) with Ancillary Staff Canteen for a Period of 3 Years	17.10.2014 (permission was revoked on 17.11.2016)	1, 2, 3, 4, 5, 7, 8, 9, 10, 11

Approval Conditions

1. Restriction on operation hours
2. No medium or heavy goods vehicles exceeding 5.5 tonnes as defined in the Road Traffic Ordinance or container trailers/tractors are allowed
3. No vehicle dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities should be carried out
4. Provision of boundary fencing
5. Submission and implementation of the landscaping proposal
6. Implementation of the approved landscape proposal
7. Submission and implementation of drainage proposal
8. Provision of fire extinguisher(s) with a valid fire certificate (FS 251)
9. Submission and implementation of fire service installations proposal
10. If the planning condition is not complied with at all time during the approval period/by specified date, the approval shall cease to have effect and be revoked without further notice
11. Upon expiry of the planning permission, the reinstatement of the site to an amenity area

**Detailed Comments from the Chief Town Planner/Urban Design and Landscape,
Planning Department (CTP/UD&L, PlanD)**

Detailed Comments

1. The information as shown on the landscape plan does not reflect the actual site condition. Please amend the plan accordingly.
2. It is noted that 2 dead trees are found within the Site (to the east of structure B and along the west boundary) during the site inspection. Compensatory tree planting for the dead trees should be provided on site and should be plant in a 1m x 1m tree pit with free drain bottom. The applicant is also reminded to stop up and provide tree maintenance to existing trees on site.
3. Construction materials are observed in the planting area during the site visit. The applicant is urged to clear all the stored materials in the planting area to avoid damages to existing landscape.

Advisory clauses

- (a) should the applicant fail to comply with the approval conditions resulting in the revocation of the planning permission, sympathetic consideration may not be given by the Committee to any further application;
- (b) resolve any land issues relating to the development with the concerned owners of the Site;
- (c) the permission is given to the development/use under application. It does not condone any other development/use which are not covered by the application;
- (d) note DLO/YL, LandsD's comments the Site comprises Old Schedule Agricultural Lots 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 San Tam Road through Government Land (GL) only. LandsD provides no maintenance work for the GL involved and does not guarantee any right-of-way. The STT/STW holder will need to apply to his offices for modification of the STT/STW conditions if there is any irregularity on site. Besides, the lot owner of the lot without STW will need to apply to his offices for permitting the structures to be erected or regularize any irregularities on site. Such application will be considered by LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application 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;
- (e) note C for T's comments that the Site is connected to the public road network via a section of a local access road which is not managed by Transport Department. The land status of the local access road should be clarified with the LandsD by the applicant. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) note CHE/NTW, HyD's comments that his department does not and will not maintain any access connecting the Site and San Tam Road. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (g) note CE/RD, 1-1, RDO, HyD comments that the applicant should be reminded that the Site falls within the administrative route protection boundary of the proposed Northern Link ("NOL"). Although the programme and the alignment of the proposed NOL are still under review, those areas within the administrative route protection boundary may be required to be vacated at the time for the construction of the proposed NOL;
- (h) note DEP's comments the applicant should be advised that effluent discharges from the proposed use are subject to control under the Water Pollution Control Ordinance (WPCO). A discharge licence under the WPCO should be obtained before a new discharge is commenced. It is the obligation of the applicant to meet all statutory requirements under

relevant pollution control ordinances and provide necessary mitigation measures. The applicant is advised to follow the relevant mitigation measures and requirements in the latest "Code of Practice on Handling the Environmental Aspects of Open Storage and Temporary Uses" issued by the DEP;

- (i) note CTP/UD&L of PlanD's comments that the landscape planting on the Site should be maintained at all times during the planning approval and the information as shown on the landscape plan does not reflect the actual site condition. The plan should be amended accordingly. It is noted that 2 dead trees are found within the Site (to the east of structure B and along the west boundary) during the site inspection. Compensatory tree planting for the dead trees should be provided on site and should be plant in a 1m x 1m tree pit with free drain bottom. The applicant is also reminded to stop up and provide tree maintenance to existing trees on site. Construction materials are observed in the planting area during the site visit. The applicant is urged to clear all the stored materials in the planting area to avoid damages to existing landscape;
- (j) note DAFC's comments the applicant is advised to adopt necessary measures to avoid damages to the trees nearby, and avoid disturbance and pollution to the watercourse along the northern boundary as far as practicable. The applicant should also be advised to avoid any polluted discharge, disturbance and encroachment into the abutting "CA" zone to the east of the Site;
- (k) note D of FS's comments that the applicant should be advised that the installation/ maintenance/ modification/ repair work of FSIs shall be undertaken by a Registered Fire Service Installation Contractor (RFSIC). The RFSIC shall after completion of the installation/ maintenance/ modification/ repair work issue to the person on whose instruction the work was undertaken a certificate (FS 251) and forward a copy of the certificate to him. 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;
- (l) 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, the prior approval and consent of the Building Authority should be obtained. Otherwise, they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with 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. For UBW erected on leased land, enforcement action may be taken by 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, their permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;
- (m) 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. 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 them. 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 them. Proper licence / permit issued by FEHD is required if there is any food business / 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. In accordance with Section 4 of Food Business Regulation, Cap.132X, the expression 'food business' means any trade or business for the purpose of which any person engages in the handling of food or food is sold by means of a vending machine but does not include any canteen in work place (other than a factory canteen referred to in section 31) for the use exclusively of the persons employed in the work place. A staff canteen that exclusively use by the staff members of that working place does not require a food business licence from his offices. 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; and

- (n) note DEMS's comments that in the interests 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 the electricity supply lines.

