

Similar Applications within the Same “I(D)” Zone or Straddling the Same “I(D)” Zone and the Adjoining “AGR” Zone on the Kam Tin North OZP

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Conditions</u>
1	A/YL-KTN/573	Temporary Shop and Services (Plant Showroom) for a Period of 3 Years	22.9.2017 [revoked on 22.2.2020]	(1), (2), (3)
2	A/YL-KTN/582	Proposed Temporary Shop and Services (Vehicle Parts) and Ancillary Storage and Office for a Period of 3 Years	26.1.2018 [revoked on 26.4.2020]	(1), (2), (3), (4), (5), (6)
3	A/YL-KTN/607	Proposed Temporary Shop and Services (Food) with Ancillary Storage and Office for a Period of 3 Years	15.6.2018	(1), (2), (3), (4), (5), (6), (7)
4	A/YL-KTN/655	Temporary Shop and Services (Plant Showroom) for a Period of 3 Years	17.5.2019	(1), (2), (3), (4), (5), (6)
5	A/YL-KTN/656	Temporary Shop and Services (Retail of Tail Lift) for a Period of 3 Years	2.8.2019	(1), (2), (3) (4), (5), (6), (8), (9)
6	A/YL-KTN/707	Proposed Temporary Shop and Services (Retail Shop) for a Period of 3 Years	29.05.2020	(2), (3)
7	A/YL-KTN/727	Proposed Temporary Shop and Services (Vehicle Parts) with Ancillary Storage and Office for a Period of 3 Years	6.11.2020	(1), (2), (3), (5), (6)
8	A/YL-KTN/734	Proposed Temporary Shop and Services (Pet Food) with Ancillary Wholesale Trade for a Period of 5 Years	4.12.2020	(2), (3), (5), (6)

Approval conditions

- (1) Restriction on operation hours/time
- (2) Submission and implementation of fire service installations proposal
- (3) Revocation of the planning approval if any of the planning conditions is not complied with by the specified dated or during the planning approval period
- (4) No medium or heavy goods vehicles exceeding 5.5 or 24 tonnes including container tractors/trailers were allowed to be parked/stored on or enter/exit the site

- (5) No vehicle is allowed to queue back to or reverse onto/from public road
- (6) Submission and implementation of drainage proposal/ Maintenance of the implemented drainage facilities on the site
- (7) Maintenance of the existing trees and vegetation on the Site
- (8) No dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the site
- (9) Reinstatement of the application site to amenity area

Advisory Clauses

- (a) note DLO/YL, LandsD's comments that 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 lots owners will need to apply to his office to permit the structures to be erected or regularize any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Applications for any of the above will be considered by LandsD acting in the capacity as the 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 rent or fee, as may be imposed by the LandsD;
- (b) 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 TD. The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (c) note CHE/NTW, HyD's comments that adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains. Fung Kat Heung Road is not maintained by his department. His department shall not be responsible for the maintenance of any access connecting the Site and San Tam Road;
- (d) follow the relevant mitigation measures and requirements in the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by DEP;
- (e) note CBS/NTW, BD's comments that if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BA, they are unauthorized building works (UBW) under the Buildings Ordinance (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 the prevailing 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. Before any new building works (including containers/open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on the Site, prior approval and consent of the BA should be obtained, otherwise they are UBW. An Authorized Person should be appointed as the co-ordinator 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. The Site does not abut on a

specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage. Any temporary shelters or converted containers for office, storage, washroom or other uses are considered as temporary buildings are subject to the control of Part VII of the Building (Planning) Regulations. Detailed checking under the BO will be carried out at building plan submission stage; and

- (f) note D of FS's comments that in consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the BO (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.