

Previous Application Covering the Site

Approved Application

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Conditions</u>
1	A/YL-KTN/573	Proposed Temporary Shop and Services (Retail Shop) for a Period of 3 Years	22.9.2017 [Revoked on 22.2.2020]	(1), (2), (3)

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

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</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Conditions</u>
1	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 26.12.2019]	(1), (2), (3), (4), (5), (6)
2	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)
3	A/YL-KTN/655	Proposed Temporary Shop and Services (Food Retail Shop) with Ancillary Storage and Office for a Period of 5 Years	17.5.2019	(1), (2), (3), (4), (5), (6),
4	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)

*Straddling the same “I(D)” zone and “AGR” zone

Approval Conditions

- (1) Restriction on operation hours/days
- (2) Submission and implementation of fire service installations proposal
- (3) If any of the planning conditions is not complied with during the planning approval period/by a specified date, the approval hereby given shall cease to have effect and shall be revoked without further notice
- (4) No medium or heavy goods vehicles exceeding 5.5 or 24 tonnes, including container tractors/trailers are 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 and maintain drainage facilities
- (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

**Appendix IV of RNTPC
Paper No. A/YL-KTN/707**

Advisory Clauses

- (a) should the applicant fail to comply with the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given by the Committee to any further application;
- (b) note DLO/YL, LandsD's comments that the Premises 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. His site inspections revealed that a single-storey structure is found erected on Lot No. 787 RP and Lot No. 793 in D.D. 107. The structure within the Premises seems to form an integral part of the larger structure. As the structure on Lot Nos. 787 RP and 793 are in breach of the relevant lease conditions, warning letters to the registered owners of the lots were registered in the Land Registry as the breaches had not been purged by the stipulated deadline. Should planning approval be given to the subject planning application, the lot owner 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 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 LandsD;
- (c) note C for T's comments that the Premises is connected to the public road network via a section of a local access road which is not managed by his department. 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;
- (d) note CHE/NTW, HyD's comments that adequate drainage measures should be provided at the premises access to prevent surface water flowing from the Premises to nearby public roads or exclusive road drains. Fung Kat Heung Road is not maintained by his department. His department is not/shall not be responsible for the maintenance of any access connecting the Premises and Castle Peak Road – Tam Mi/ San Tam Road;
- (e) 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" to minimise any potential environmental nuisance;
- (f) note CE/MN, DSD's comments that the applicant should be advised that the proposed development would neither obstruct overland flow nor adversely affect any existing natural streams, village drains, ditches and the adjacent areas;

- (g) 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 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 Premises under the BO. Before any new buildings works (including containers/ open sheds as temporary buildings, demolition and land filling) are to be carried out on the Premises, 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 Premises 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 Premises 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; and
- (h) note D of FS's comments that the installation/ maintenance/ modification/ repair work of FSI 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 BO (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

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