

**Appendix II of
RNTPC Paper No. A/YL-KTS/778A**

Previous Applications Covering the Application Site

Approved Application

	Application No.	Proposed Use(s)	Date of Consideration (RNTPC)	Approval Conditions
1	A/DPA/YL-KTS/32	Open Storage of Vehicles	21.5.1993 [for a period of 3 years]	(a) to (d)

Approval Conditions

- (a) Submission and implementation of landscape proposal
- (b) Provision of ingress/egress points and widening of the village road
- (c) Provision of stormwater drainage facilities
- (d) Provision of sewage treatment and effluent disposal facilities

Rejected Applications

	Application No.	Proposed Use(s)	Date of Consideration (RNTPC)	Rejection Reasons
1	A/YL-KTS/53	Temporary Open Storage of Vehicles for 12 months	12.7.1996	(a) to (c)
2	A/YL-KTS/153	Temporary Open Storage of Construction Vehicles & Machinery for 12 Months	5.2.1999	(a) to (d)
3	A/YL-KTS/250	Temporary open storage of new and old private cars for 3 years	7.7.2001	(a), (b), (c), (e), (f), (g)
4	A/YL-KTS/276	Proposed Temporary Storage of Vehicles for a period of 3 years	28.6.2002	(a), (b), (c), (e), (g)
5	A/YL-KTS/307	Temporary Open Storage of escalator Spare Parts for a Period of 3 Years	9.1.2004	(a), (b), (c), (e), (g)
6	A/YL-KTS/358	Temporary Outdoor Car Showroom for a Period of 3 Years	23.12.2005	(a), (b), (c), (e), (g)

Rejection Reasons

- (a) Not in line with the planning intention of the "AGR" zone
- (b) No strong planning justification in the submission for a departure from the planning intention
- (c) Approval of the application would set an undesirable precedent for other similar uses in the same zone and the cumulative effect of approving such applications would result in a general degradation of the rural environment of the area
- (d) The proposed development is not compatible with the surrounding rural area
- (e) The proposed development does not comply with the TPB Guidelines for Application for Open Storage and Port Back-up Uses" in that residential dwellings locate to its immediate west would be susceptible to adverse environmental nuisances generated by the proposed development
- (f) no information to demonstrate why suitable sites within areas zoned "Industrial (Group D)" and "Open Storage" in the Kam Tin, Pat Heung and Shek Kong areas cannot be made available for the proposed development
- (g) The applicant failed to demonstrate that the proposed development would not generate adverse environmental, drainage and/or landscape impacts on the surrounding areas

Advisory Clauses

- (a) note DLO/YL, LandsD's comments that the Site comprises Lot No. 1542 RP (Portion) in D.D. 106 which, by terms of the lease under which it is held, is demised as agricultural ground. The area and status of the lot under application have to be verified at the land exchange stage if any land exchange is applied for by the applicant to the LandsD. The Site falls within an area affected by the Shek Kong Airfield Height Restriction. No building or structure (including addition or fittings) shall exceed the height limit stipulated under the relevant plan. The applicant has to apply to LandsD for a land exchange to effect the proposed development. Such application will be considered by the LandsD acting in its capacity as a landlord at its sole discretion and there is no guarantee that the land exchange for proposed development will be approved. In the event that the land exchange application is approved, it would be subject to such terms and conditions, including, among other things, the payment of premium and administrative fee, as may be imposed by the LandsD at its sole discretion;
- (b) note CHE/NTW, HyD's comments that HyD does not and will not maintain any access connecting the Site and Kam Sheung Road. The applicant should be responsible for his own access arrangement. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (c) note DEP's comment that no public announcement system, portable loudspeaker or any form of amplification system, and whistle blowing, as proposed by the applicant, is allowed to be used on the Site;
- (d) 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, prior approval and consent of the BD should be obtained, otherwise, they are unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO). If the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of his department, they are unauthorized under the BO and should not be designated for any approved use under the application. 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 4.5 m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;
- (e) note CE/MN, DSD's comments that 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.;

- (f) note D of FS's comments that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority. 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 B(P)R 41D which is administered by the BD;
- (g) 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 mentioned application should approval 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. There is an LPG filling station at Kam Sheung Road adjacent to the Site. For any proposed development with a substantial increase of population adjacent to the LPG filling station, the developer should conduct a quantitative risk assessment taking into account the final design and layout of the proposed development to substantiate that the risk levels meet the government risk guidelines of the Hong Kong Planning Standards and Guidelines;
- (h) note S for Education that for school registration procedures, registration of school is granted in accordance with the stipulated requirements under the Education Ordinance (Cap.279) and relevant Guidelines. Permission from the Board and the LandsD should be obtained in respect of the proposed school premises, in addition, the premises should be suitable for school use in terms of fire safety and building safety as confirmed by the Fire Services Department and the BD respectively. The applicant should also submit the documentary proof of the right to use the premises, Occupation Permit (for premises designed and constructed as a school), the proposed curriculum, courses and fees information, etc. for his consideration;
- (i) note S for Home Affairs that should the applicant wish to apply for concessionary land premium for the development at later stage, HAB would need the applicant to provide a detailed proposal about the facilities to be set up, their mode of operation and usage etc. for further consideration. Under the prevailing policy, HAB would only consider giving policy support for concessionary premium to land grant cases relating to religious facilities by bona fide religious and charitable organizations under section 88 of the Inland Revenue Ordinance; and
- (j) note DO(YL), HAD's comment that the existing access with covered channel is maintained by HAD. The applicant is reminded to exercise extreme care when working in the vicinity of any existing HAD's facility in order not to block, interfere with or cause damage to them. Any damage to the existing HAD's facility due to the proposed development, the applicant should repair the facility to HAD's satisfaction at his own cost.