

Previous Applications covering the Application Site

Approved Applications

	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval conditions</u>
1	A/YL-KTS/508	Temporary Open Public Car Park (Including Private Car, Light Goods Vehicle and Medium Goods Vehicle) for a Period of 3 Years	11.3.2011 [on review] [revoked on 16.8.2011]	(1), (4), (5), (6), (7), (10), (11), (12), (13)
2	A/YL-KTS/551	Proposed Temporary Open Private Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years	6.12.2011 [revoked on 6.6.2012]	(2), (3), (4), (5), (6), (7), (8), (10), (11), (12), (13)

Approval Conditions:

- (1) Provision of mitigation measures to minimize any possible nuisance of noise and artificial lighting on the Site.
- (2) Notice should be posted at a prominent location of the Site to indicate that no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/ trailers were allowed to be parked/stored on or enter/exit the Site.
- (3) The proposed development should not be operated on a commercial basis.
- (4) submission and implementation of landscaping and/or tree preservation proposal
- (5) submission and provision of drainage facilities
- (6) submission and provision of fire service installations proposal
- (7) no medium or heavy goods vehicles exceeding 5.5 tonnes including container tractors/trailers are allowed to be parked/stored on or enter/exit the site
- (8) no reversing of vehicles into or out from the site
- (9) maintenance/ submission of a record of the existing drainage facilities
- (10) Revocation of planning approval if conditions not complied with by a given date/at any time during the approval period.
- (11) Reinstatement of the site to an amenity area upon expiry of the planning permission.
- (12) No vehicles without valid licences issued were allowed to be parked/ stored on the Site
- (13) No dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the Site.

### Rejected Applications

	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Date of Consideration (RNTPC)</u>	<u>Rejection Reasons</u>
1	A/YL-KTS/490	Temporary Open Storage of Private Cars for Sale and Display for a Period of 3 Years	11.6.2010	(1), (2), (3), (4)
2	A/YL-KTS/545	Temporary Storage of Vehicles (Private Cars and Light Goods Vehicles) and Vehicle Parts with Vehicle Repairing Workshop for a Period of 3 Years	2.9.2011	(1), (2), (3), (4)
3.	A/YL-KTS/606	Proposed Temporary Vehicle Repair Workshop (Paint Spraying Only) for a Period of 3 Years	6.9.2013	(1), (3), (4)

### Rejection Reasons

- (1) The development was not in line with the planning intention of the "Village Type Development" ("V") zone. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis.
- (2) The development did not comply with the Town Planning Board Guidelines No. 13E for "Application for Open Storage and Port Back-up Uses" in that there was no previous planning approval granted for the site and there were adverse departmental comments and local objections against the development.
- (3) The applicant failed to demonstrate in the submission that the development would not generate adverse environmental, landscape and/or drainage impacts on the surrounding areas.
- (4) The approval of the application would set an undesirable precedent for similar applications within the "V" zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

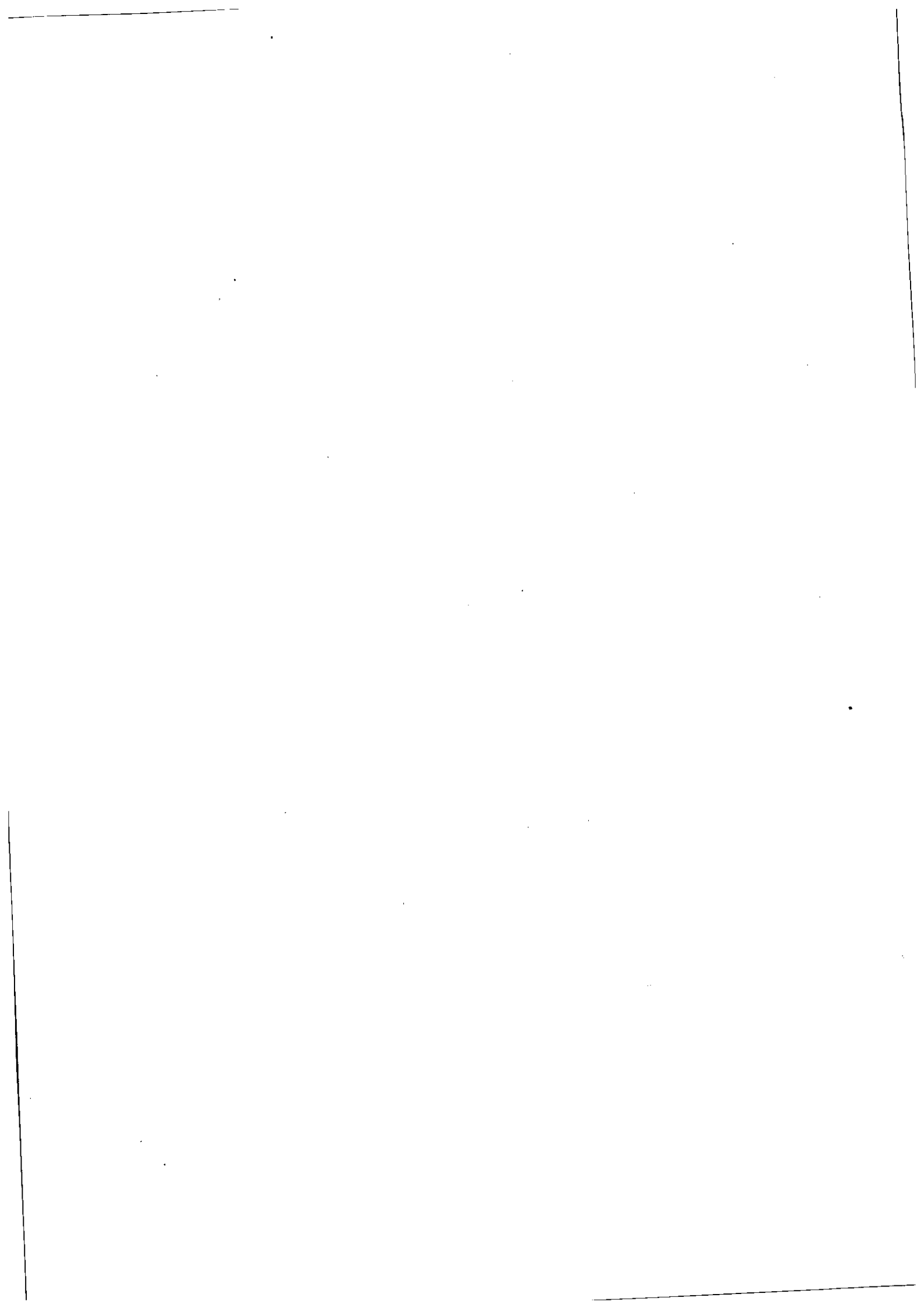
**Similar Applications within the same and adjoining "V" Zone  
on the Kam Tin South OZP**

**Approved Applications**

	<b><u>Application No.</u></b>	<b><u>Proposed Use</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Approval Conditions</u></b>
1	A/YL-KTS/502	Temporary Shop and Services (Real Estate Agency Office) for a Period of 3 Years	10.9.2010	1, 5, 6, 7, 8, 9
2	A/YL-KTS/582	Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	19.10.2012	1, 3, 4, 6, 7, 8, 9
3	A/YL-KTS/648	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	17.10.2014 [Revoked on 17.10.2015]	1, 2, 3, 4, 6, 7, 8, 9
4	A/YL-KTS/676	Renewal of Planning Approval for Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	18.9.2015	1, 3, 4, 6, 7, 8, 9
5.	A/YL-KTS/758	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	22.12.2017	1,4, 7, 8, 9

**Approval Conditions**

- (1) Restriction on operation hour
- (2) No medium or heavy goods vehicles exceeding 5.5 tonnes are allowed to be parked/stored on or enter/exit the site.
- (3) No reserving of vehicles into or out from the site
- (4) The existing drainage facilities on the site should be maintained at all times and the Submission of a record of the existing drainage facilities
- (5) Submission and provision of drainage facilities
- (6) Submission and implementation of landscaping/tree preservation proposal
- (7) Submission and provision of fire service installations proposal
- (8) Revocation of planning approval if approved condition is not complied with by the specified date/ during the planning approval
- (9) Reinstatement of the site upon expiry of planning permission



Advisory Clauses

- (a) resolve any land issue relating to the development with the concerned owners of the Site;
- (b) 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;
- (c) note DLO/YL, LandsD's comments that the Site comprises Old Scheduled Agricultural Lot held under the Block Government Lease which contains the restriction that no structure is allowed to be erected without prior approval of the Government. The Site is accessible to Kam Sheung Road via Government Land (GL). His office provides no maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the Site. The Site falls within Shek Kong Airfield Height Restriction Area (SKAHRA). The height of the proposed structure shall not exceed the relevant airfield height limit within SKAHRA. The STW holder(s) will need to apply to his office for modification of the STW conditions to regularize any irregularities (if any) on site. Such application(s) 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(s) will be approved. If such application(s) 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 the LandsD.
- (d) adopt 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 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 are erected on leased land without the approval of BD (not being a New Territories Exempted House), they are unauthorized 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 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;
- (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; and the location of where the proposed FSIs 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; and

- (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 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.