

Appendix II of RNTPC
Paper No. A/YL-KTS/788

Previous Applications Covering the Application Site

Approved Applications

	Application No.	Proposed Use(s)/Development(s)	Date of Consideration by RNTPC	Approval Conditions
1.	A/YL-KTS/534	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	5.8.2011 [Revoked on 5.5.2013]	(1), (2), (3), (4), (5), (6), (7), (8), (9), (10)
2.	A/YL-KTS/621	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	13.12.2013 [Revoked on 13.3.2014]	(1), (5), (6), (9), (10), (11), (12), (13), (14), (15)
3.	A/YL-KTS/714	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	12.8.2016 [Revoked on 12.11.2016]	(1), (2), (5), (6), (9), (10), (11), (12), (14), (15)

Approval Conditions

- (1) restriction on operation hours
- (2) no vehicular reversing in or out from the site to Pat Heung Road is allowed during the planning approval period
- (3) implementation of accepted landscape proposal
- (4) submission of drainage proposal and implementation of drainage facilities
- (5) submission of a run-in proposal to / from Pat Heung Road
- (6) provision of a run-in at Pat Heung Road
- (7) submission of fire service installations (FSIs) proposal and provision of FSIs
- (8) submission and implementation of proposal for diversion of the fire hydrant and water mains affected by the proposed development
- (9) revocation of the planning approval if the planning conditions are not complied with during the planning approval period or by specified date
- (10) reinstatement of the application site after the expiry of the planning approval
- (11) 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 at any time during the planning approval period
- (12) the existing trees and landscape plantings on the site shall be maintained at all times during the planning approval period
- (13) the existing drainage facilities on the site shall be maintained at all times during the planning approval period
- (14) submission of a record of existing drainage facilities on the site
- (15) implementation of the accepted FSIs proposal

Similar Application in the nearby "AGR" Zone on the Kam Tin South Outline Zoning Plan

Approved Application

	Application No.	Proposed Use(s)/Development(s)	Date of Consideration by RNTPC	Approval Conditions
1.	A/YL-KTS/623	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	3.1.2014	(1), (2), (3), (5), (7), (8), (9)
2.	A/YL-KTS/724	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	23.12.2016	(1), (2), (3), (4), (6), (7), (8), (9)

Approval Conditions

- (1) restriction on operation hours
- (2) no medium or heavy goods vehicles exceeding 5.5 tonnes are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period
- (3) no reversing of vehicles into or out from the Site
- (4) existing trees on the Site shall be maintained at healthy condition at all times during planning approval period
- (5) submission and implementation of landscape and tree preservation proposals
- (6) submission of drainage proposal and implementation of drainage facilities
- (7) submission of fire service installations (FSIs) proposal and provision of FSIs
- (8) revocation of the planning approval if the planning conditions are not complied with during the planning approval period or by specified date
- (9) reinstatement of the application site after the expiry of the planning approval



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) prior planning permission should have been obtained before commencing the applied use at the Site;
- (c) note DLO/YL, LandsD's comments that the Site comprises Old Scheduled Agricultural Lots held under Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. Lot No. 221 in D.D. 106 within the Site is covered by a Short Term Waiver (STW) No. 3908 to permit structures erected thereon for the purpose of "temporary shop and services (real estate agency)". The Site is accessible to Pat Heung 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 if there is any irregularities on site. The owner(s) of the lot without STW will need to apply to his office to permit the structures to be erected or regularize any irregularities 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) 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 LandsD. Moreover, consents from relevant lands and maintenance authorities on using the road for accessing the Site should be sought;
- (e) note CHE/NTW, HyD's comments that if the proposed run-in is agreed by TD, the applicant should construct a run in at the access point at Pat Heung Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. His department does not and will not maintain any access connecting the Site and Pat Heung Road. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (f) note DEP's comments that it is the obligation of the applicant to meet the statutory requirements under relevant pollution control ordinances and provide necessary mitigation measures to prevent polluting the pond adjacent to the Site. If septic tank and soakaway system will be used, its design and construction shall follow the

requirement of EPD's Practice Note for Professional Person (ProPECC) PN5/93 "Drainage Plans subject to Comment by the Environmental Protection Department". The applicant is advised to 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;

- (g) note DAFC's comments that applicant should take appropriate measures to avoid causing any pollution or interference to the nearby fish pond;
- (h) note CE/MN, DSD's comments that for the proposed vehicular access using the existing crossing at the nullah, the applicant shall ensure the existing crossing is of structural adequacy to serve the purpose and the nullah would not be adversely affected by the crossing. The existing crossing was not constructed by DSD and the applicant shall be responsible for maintenance of this crossing at the nullah. The nullah should be reinstated by the applicant the run-in is removed. The revised drainage proposal should also address the above issues;
- (i) note D of FS's comments that the applicant is advised that the installation/maintenance/ modification/repair work of fire service installation (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 the Director of Fire Services. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
- (j) note CBS/NTW, BD's comments that if the existing structures are erected on leased land without approval of the BD (not being a New Territories Exempted House), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any use under application. 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 (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the 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 wide, its permitted development intensity shall be determined under the Regulation 19(3) of the B(P)R at the building plan submission stage.