

**Appendix II of RNTPC**  
**Paper No. A/YL-KTS/799**

**Previous s.16 Applications covering the Application Site**

**Approved Applications**

	<b><u>Application No.</u></b>	<b><u>Proposed Uses</u></b>	<b><u>Date of Consideration (RNTPC)</u></b>	<b><u>Approval conditions</u></b>
1	A/YL-KTS/502	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	10.9.2010	(1), (2), (3), (4), (7), (8)
2	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), (5), (6), (7), (8)

**Approval Conditions:**

- (1) Restriction on operation hours
- (2) submission and implementation of landscape/tree preservation proposal
- (3) submission and implementation of drainage facilities/submission of record of the drainage proposal/ existing drainage facilities shall be maintained
- (4) submission and provision of fire service installations proposal
- (5) no medium or heavy goods vehicles exceeding 5.5 tonnes are allowed to be parked/stored or enter/exit the Site
- (6) no queue back or reversing of vehicles into or out from the Site
- (7) Revocation of planning approval if approval condition is not complied with
- (8) Reinstatement of the site to an amenity area



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

Approved Applications

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1.	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
2.	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
3.	A/YL-KTS/758	Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	22.12.2017	1, 5, 7, 8, 9
4.	A/YL-KTS/782	Proposed Temporary Shop and Services (Martial Art Goods Retail Store) for a Period of 3 Years	18.5.2018	1, 5, 7, 8, 9
5.	A/YL-KTS/795	Renewal of Planning Approval for Temporary "Shop and Services (Real Estate Agency)" for a Period of 3 Years	21.9.2018	1, 3, 4, 7, 8, 9, 10

**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 queue back or 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, implementation and maintenance 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
- (10) The existing landscape shall be maintained at all times

**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) resolve any land issue relating to the development with the concerned owner(s) of the Site;
- (d) note DLO/YL, LandsD's comments that the Site comprises an Old Scheduled 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. The Site is accessible from 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 where appropriate. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. 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(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;
- (e) 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 Transport Department (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;
- (f) note CHE/NTW, HyD's comments that his department does not and will not maintain any access connecting the Site and Kam Sheung Road. Adequate measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (g) 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 the Environmental Protection Department to minimize any potential environmental nuisances;
- (h) note CTP/UD&L, PlanD's comment that the applicant is reminded of conducting weed control, observing and following the information below promulgated by the GLTM Section under DEVB: 護 養 樹 木 的 簡 易 圖 解 [https://www.greening.gov.hk/filemanager/content/pdf/tree\\_care/Pictorial\\_Guide\\_for\\_Tree](https://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree)

[Maintenance.pdf](https://www.greening.gov.hk/filemanager/content/pdf/tree_care/Tree_Care_during_Construction_e.pdf); 工 程 期 間 的 樹 木 護 理 : [https://www.greening.gov.hk/filemanager/content/pdf/tree\\_care/Tree\\_Care\\_during\\_Construction\\_e.pdf](https://www.greening.gov.hk/filemanager/content/pdf/tree_care/Tree_Care_during_Construction_e.pdf); and 減 低 樹 木 風 險 的 樹 木 護 養 簡 易 圖 解 [https://www.greening.gov.hk/filemanager/content/pdf/tree\\_care/PictorialGuideforTreeMaintenanceToReduceTreeRisk\(eng\).pdf](https://www.greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideforTreeMaintenanceToReduceTreeRisk(eng).pdf);

- (i) 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 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 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 (not being a New Territories Exempted House) are erected on leased land without approval of the BD, 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 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 works or UBW on the Site under the BO. Before any new building works (including container/open sheds as temporary buildings and land filling) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorized Person (AP) 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 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 Building (Planning) Regulations at the building plan submission stage.