

**Previous Applications Covering the Application Site**

**Approved Applications**

	Application No.	Proposed Use(s)	Date of Consideration (RNTPC)	Approval Conditions
1.	A/YL-KTS/497	Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	30.7.2010	(a), (g), (h), (i), (j), (k), (l), (m), (n)
2.	A/YL-KTS/608	Temporary Shop and Services (Real Estate Agency) For a Period of 3 Years	11.10.2013 [revoked on 11.4.2014]	(a), (b), (c), (e), (f), (i), (j), (k), (l), (m), (n)
3.	A/YL-KTS/649	Proposed Temporary Shop and Services (Real Estate Agency) For a Period of 3 Years	17.10.2014 [revoked on 17.4.2015]	(a), (b), (c), (e), (f), (i), (j), (l), (m), (n)
4.	A/YL-KTS/704	Temporary Shop and Services (Real Estate Agency) For a Period of 3 Years	27.5.2016 [revoked on 27.8.2016]	(a), (b), (c), (d), (e), (f), (j), (l), (m), (n)
5.	A/YL-KTS/729	Temporary Shop and Services (Real Estate Agency) for a period of 3 years	17.2.2017	(a), (b), (c), (e), (f), (i), (j), (l), (m), (n)

**Approval Conditions**

- (a) Restriction on operation hours.
- (b) No medium or heavy goods vehicles exceeding 5.5 tonnes including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/ stored on or enter/exit the site at any time during the planning approval period
- (c) No reversing of vehicles into or out from the site is allowed at any time during the planning approval period.
- (d) No queuing back of vehicles to public road from the site is allowed at any time during the planning approval period.

- (e) The existing drainage facilities on the Site shall be maintained at all times during the planning approval period.
- (f) The submission of a record of existing drainage facilities on the site.
- (g) The submission of drainage proposal
- (h) The implementation of drainage facilities
- (i) The submission of the landscaping and tree preservation proposal.
- (j) The implementation of the accepted landscaping and tree preservation proposal.
- (k) The submission of a fire service installations proposal.
- (l) The implementation of the accepted fire service installations proposal/ provision of fire service installations.
- (m) Upon expiry of the planning permission, the reinstatement of the site to an amenity area.
- (n) Revocation of the planning approval if the planning conditions are not complied with during the planning approval period or by specified date

**Rejected Application**

	Application No.	Proposed Use(s)/ Development(s)	Date of Consideration (RNTPC)	Rejection Reasons
1.	A/YL-KTS/604	Proposed Temporary Private Garden ancillary to Temporary Real Estate Agency for a period of 3 years	19.7.2013	(a),(b),(c)

**Rejection Reasons**

- (a) The proposed development was not in line with the planning intention of the "Agriculture" ("AGR") and the "Residential (Group C) 1" ("R(C)1") zones. No strong justification has been given in the submission for a departure from the planning intentions, even on a temporary basis.
- (b) The applicant failed to demonstrate the need of the proposed development for operation of the adjoining real estate agency office.
- (c) The approval of the application in isolation would set an undesirable precedent for similar applications within the "AGR" or "R(C)1" zones.

Similar applications within the same “AGR” zone on the Kam Tin South OZP

Approved Applications

	Application No.	Proposed Use(s)	Date of Consideration (RNTPC/TPB)	Approval Conditions
1	A/YL-KTS/513	Temporary Shop and Services (Real Estate Agency) for a period of 3 years	10.12.2010	(1), (2), (3), (5), (6), (7)
2	A/YL-KTS/619	Renewal of Planning Approval for Temporary Shop and Services (Real Estate Agency) for a Period of 3 years	22.11.2013	(1), (2), (3), (5), (6), (7), (8), (9)
3	A/YL-KTS/742	Renewal of Planning Approval for Temporary Animal Boarding Establishment for a Period of 3 years	23.6.2017	(1), (2),(4), (5), (6), (7), (8), (9), (10), (11)
4	A/YL-KTS/495	Temporary Shop and Services (Real Estate Agency) for a period of 3 years	16.7.2010 [revoked on 16.8.2012]	(1), (2), (3), (5), (6), (7)
5	A/YL-KTS/809	Proposed Temporary Shop and Services (Real Estate Agency) for a period of 3 years	4.1.2019	(1), (2), (3), (5), (6), (7), (10), (11)

Approval Conditions

1. Restriction on operation hours.
2. Submission and/or implementation/maintenance of landscape and/or tree preservation proposal.

3. Submission of drainage proposal and/or implementation/maintenance of drainage facilities.
4. Maintenance of drainage facilities and submission of drainage facilities record.
5. Submission of fire service installations (FSIs) proposal and/or provision of FSIs.
6. Revocation of the planning approval if the planning conditions are not complied with during the planning approval period or by specified date.
7. Reinstatement of the Site after the expiry of the planning approval.
8. No reversing of vehicles into or out from the Site is allowed at any time during the planning approval period.
9. Submission of a record of existing drainage facilities.
10. No medium or heavy goods vehicles exceeding 5.5 tonnes including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked on or enter/exit the Site at any time.
11. No queuing back of vehicles to public road from the Site is allowed at any time.

**Advisory Clauses**

- (a) prior planning permission should have been obtained before continuing with the applied use at the Site;
- (b) note DLO/YL, LandsD's comments that the Site comprises Government Land (GL) and 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. The STW/STT holder(s) will need to apply to his office for modification of the STW/STT 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. 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 rent or fee, as may be imposed by the LandsD;
- (c) 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. 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 HyD is not/shall not be responsible for the maintenance of any access connecting the Site and Kam Sheung Road. Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads or exclusive road drains;
- (e) 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" to minimise any potential environmental nuisances;
- (f) note CTP/UD&L, PlanD's comments that the landscape plantings within the Site should be properly maintained at all times;
- (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 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 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 Site under the BO. Before any new building works (including containers/open sheds as temporary buildings, demolition 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 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 (B(P)R) respectively. 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; and

- (h) 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 FSI 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.