

Previous s.16 Applications Covering the Site

Approved Applications

	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Date of Consideration by RNTPC/TPB</u>	<u>Approval Conditions</u>
1	A/YL-KTS/36*	Temporary Open Storage of Motor Vehicles	20.10.1995 (approved for 3 years)	(1), (2), (3), (6), (13)
2	A/YL-KTS/193*	Temporary Open Storage of Motor Vehicles for a Period of 3 Years	28.1.2000 [revoked on 28.10.2000]	(1), (3), (4), (5)
3	A/YL-KTS/253*	Temporary Bus Chassis and Coach Park with Ancillary Office for a Period of 3 Years	9.11.2001 (approved on review for 1 year) [revoked on 9.2.2002]	(1), (2), (4), (5), (7), (9)
4	A/YL-KTS/275*	Temporary Parking of Bus Chassis and New Coach with Ancillary Office for a Period of 3 Years	28.6.2002 (approved for 2 years) [revoked on 28.9.2003]	(1), (2), (4), (5), (7), (10)
5	A/YL-KTS/322*	Temporary Parking of Bus Chassis and New Coach with Ancillary Parts Assembly for a Period of 3 Years	15.10.2004	(2), (4), (7), (8), (11), (12)
6	A/YL-KTS/340 *	Temporary Open Storage of New Coaches and New Vehicle Parts for a Period of 3 Years	18.3.2005	(1), (2), (4), (5), (19)
7	A/YL-KTS/406	Renewal of Planning Approval for Temporary Parking of Bus Chassis and New Coach with Ancillary Parts Assembly for a Period of 3 Years	12.10.2007 [revoked on 12.10.2008]	(4), (5), (7), (8), (12), (11), (14), (15)
8	A/YL-KTS/416	Renewal of Planning Approval for Temporary Open Storage of New Coaches and New Vehicle Parts Use under Application No. A/YL-KTS/340 for a Period of 3 Years	7.3.2008 [revoked on 7.3.2009]	(4), (5), (7), (8), (12), (14)
9	A/YL-KTS/462	Temporary Parking of Bus Chassis and New Coach with Ancillary Parts Assembly for a Period of 3 Years	27.3.2009	(1), (4), (5), (7), (8), (10), (11), (12), (14)
10	A/YL-KTS/470	Temporary Open Storage of New Coaches and New Vehicle Parts for a Period of 3 Years	7.8.2009 [revoked on 7.2.2010]	(2), (4), (5), (7), (8), (11), (12), (14)

	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Date of Consideration by RNTPC/TPB</u>	<u>Approval Conditions</u>
11	A/YL-KTS/479	Temporary Open Storage of New Coaches and New Vehicle Parts with Ancillary Workshop for a Period of 3 Years	4.12.2009 [revoked on 4.10.2010]	(2), (4), (5), (7), (8), (11), (12),
12	A/YL-KTS/562	Temporary Parking of Bus Chassis and New Coach with Ancillary Parts Assembly for a Period of 3 Years	17.18.2012 (approved on review for 1 year) [revoked on 17.2.2013]	(1), (2), (4), (5), (7), (8), (11), (12), (14), (16), (17)
13	A/YL-KTS/569	Temporary Open Storage of New Coaches and New Vehicle Parts with Ancillary Workshop for a Period of 3 Years	16.11.2012 (Approved on review for 1 year) [revoked on 16.2.2013]	(4), (5), (7), (8), (11), (12), (14), (16), (17),
14	A/YL-KTS/718	Proposed Temporary Shop and Services (Motor Vehicles Showroom) for a Period of 3 Years	23.12.2016	(1), (2), (4), (5), (11), (12), (14), (16)

**Under "Undetermined" zone on the Kam Tin South OZP. The zoning of the Site was amended to "OU(RU)" on the draft Kam Tin South OZP No. S/YL-KTS/10 which was gazetted on 22.9.2006.*

Approval Conditions

- (1) Submission and/or implantation of landscaping and/or tree preservation proposals
- (2) Submission and/or provision of drainage facilities
- (3) Restriction on stacking height
- (4) Revocation of planning approval if condition is not complied with at any time/by specified date
- (5) Reinstatement of the application site after the expiry of the planning approval
- (6) Vehicular access arrangement
- (7) No vehicle maintenance, dismantling, assembling, repairing or paint-spraying activities
- (8) Submission of fire service installations proposals and/or provision/implementation of fire service installations/ provision of fire extinguisher
- (9) Submission and/or provision of environmental mitigation measures
- (10) Painting or Maintenance of boundary fencing
- (11) Maintenance of landscape planting and/or drainage facilities
- (12) Restriction on operation hours
- (13) No deposit of containers and container vehicles be allowed within the Site except for the delivery or removal of the stored vehicles as proposed by the applicant
- (14) No heavy vehicle, i.e. exceeding 24 tonnes be allowed
- (15) Submission of a six-monthly tree monitoring report during the approval period
- (16) No reversing of vehicles into or out from the Site be allowed/ no vehicle is allowed to queue back to or reverse onto/from public road
- (17) Submission of a record of the existing drainage facilities
- (18) Maintenance of the proper vehicle access/run-in between the Site and the public road
- (19) Provision of emergency vehicular access

Rejected Applications

	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Date of Consideration</u>	<u>Rejection Reasons</u>
1	A/YL-KTS/308*	Temporary Parking of Bus Chassis and New Coach with Ancillary Office for a Period of 3 Years	30.1.2004	(1), (2)
2	A/YL-KTS/317*	Temporary Bus Chassis and Coach Workshop with Ancillary Parking and Office for a Period of 3 Years	25.6.2004	(1), (2)
3	A/YL-KTS/525	Temporary Open Storage of New Coaches and New Vehicle Parts with Ancillary Workshop for a Period of 3 Years	2.9.2011	(3), (4)
4	A/YL-KTS/616	Temporary Open Storage of New Coaches and New Vehicle Parts with Ancillary Workshop for a Period of 1 Year	22.11.2013 [rejected on review 5.9.2014]	(3), (4), (5)

**Under "Undetermined" zone on the Kam Tin South OZP. The zoning of the Site was amended to "OU(RU)" on the draft Kam Tin South OZP No. S/YL-KTS/10 which was gazetted on 22.9.2006.*

Rejection Reasons

- (1) The development was incompatible with the surrounding areas.
- (2) There was insufficient information to demonstrate the development would not cause adverse environmental and/or drainage impacts on the surrounding areas.
- (3) Non-conforming and undesirable industrial-related uses such as the open storage use at the application site within the "OU(RU)" zone should be gradually phased out to help achieve the implementation of the planning intention to upgrade the environmental quality of the area. The surrounding land uses in the vicinity were predominated by residential structures/dwellings/ development, agricultural land and vacant/unused land. There had been material change in planning circumstances upon approval of a proposed residential development to the immediate northeast of the site which would act as a catalyst to realise the planning intention. The continuation of the temporary open storage use at the site would jeopardize the planning intention of the "OU(RU)" zone.
- (4) the development did not comply with the TPB PG-No. 13E in that the applicant failed to demonstrate the genuine efforts in complying with the approval conditions of the previous planning applications/ there were adverse departmental comments and public objections against the application, the development would generate adverse environmental impacts on the surroundings
- (5) the surrounding land uses in the vicinity are mainly existing or planned residential structures/dwellings/development, and agricultural land. The development is not compatible with the existing and future residential land uses in the vicinity.

**Appendix III of
RNTPC Paper No. A/YL-KTS/851**

**Similar Application within the Same “OU(RU)” Zone on
approved Kam Tin South Outline Zoning Plan**

Approved Application

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration By RNTPC/TPB</u>	<u>Approval Conditions</u>
1	A/YL-KTS/734	Proposed temporary shop and services (motor vehicles showroom) for a period of 3 years	11.8.2017 [revoked on 11.9.2019]	(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11)

Approval Conditions

- (1) No dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities to be carried out on site
- (2) Restriction on operation hours/time
- (3) Maintenance of existing boundary fence
- (4) No medium or heavy vehicles exceeding 5.5 tonnes or container trailers/tractors are allowed for the operation of the Site
- (5) No vehicles is allowed to queue back to or reverse onto/from public road at any time
- (6) Submission and implementation of tree preservation proposal
- (7) Submission and implementation of drainage proposal
- (8) Maintenance of implemented drainage facilities
- (9) Submission and implementation of fire service installations proposal
- (10) Revocation of planning approval if condition is not complied with at any time/by specified date
- (11) Reinstatement of the site after the expiry of the planning approval

Advisory clauses

- (a) prior approval should have been obtained before commencement of the development at the Site;
- (b) note DLO/YL, LandsD's comments that the Site comprises Government land (GL) and Old Schedule Agricultural Lots 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. No permission is given for occupation of GL (about 53m² subject to verification) included in the Site. Any occupation of GL without Government's prior approval is not allowed. 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. Application 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 LandsD. Moreover, the applicant should either exclude the GL or apply to his office for Short Term Tenancy to cover the GL portion;
- (c) note CHE/NTW, HyD's comments that HyD shall not be responsible for the maintenance of any access connecting the Site and Kam Sheung Road. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (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 to minimize any potential environmental nuisances;
- (e) note CTP/UD&L, PlanD's comments that the applicant is reminded that approval of the planning application under Town Planning Ordinance does not imply approval of tree preservation/removal scheme under the Lease. The applicant should seek comments and approval from the relevant authority on the proposed tree works and compensatory planting proposal, where appropriate;
- (f) note D of FS's comments that in consideration of the design/nature of the proposal, fire service installations (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 Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and

- (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 BD, they are unauthorized building works (UBW) 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 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 BA 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 and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.