

Previous Applications covering the Application Site

Approved Applications

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Conditions</u>
1	A/YL-PH/345	Temporary Open Storage of Private Cars and Lorries for 3 Years	27.10.2000 (Approved for 2 Years)	(1), (2), (3), (4)
2	A/YL-PH/443	Temporary Open Storage of Private Cars and Lorries for 3 Years	19.9.2003	(1), (2), (4), (5), (6)
3	A/YL-PH/535	Temporary Open Storage of Private Cars and Vans for 3 Years	2.2.2007	(1), (2), (4), (5), (6), (7), (8), (9), (10)
4	A/YL-PH/603	Renewal of Planning Approval for "Temporary Open Storage of Private Cars and Lorries" for 3 Years	29.1.2010	(1), (2), (4), (5), (6), (7), (8), (10)
5	A/YL-PH/658	Renewal of Planning Approval for "Temporary Open Storage of Private Cars and Lorries" for 3 Years	25.1.2013 (Revoked on 29.7.2013)	(1), (2), (4), (5), (6), (7), (8), (10), (11)
6	A/YL-PH/680	Temporary Open Storage of Private Cars and Lorries" for 3 Years	13.12.2013 (Revoked on 13.11.2015)	(1), (2), (4), (5), (6), (7), (8), (9), (10), (11)
7	A/YL-PH/724	Temporary Open Storage of Private Cars and Lorries" for 3 Years	22.1.2016 (Revoked on 22.12.2017)	(1), (2), (4), (5), (6), (7), (8), (9), (10), (11)

Approval Conditions

- (1) The submission and implementation of tree preservation/ landscaping proposals/maintenance of landscape planting
- (2) The submission of drainage proposals/existing drainage record and provision/maintenance of drainage facilities
- (3) The provision of fencing of the application site
- (4) If any of the specified planning conditions was not complied with at any time/by the specified date, the approval given should cease to have effect and should on the same date be revoked without further notice
- (5) Reinstatement of the site to an amenity area
- (6) No vehicle repairing, maintenance, dismantling and workshop activities were allowed on the site
- (7) No medium/heavy vehicles were allowed for the operation of the site
- (8) Restriction on operation hours

- (9) Submission and implementation of run-in/out proposals
- (10) The submission and implementation of fire service installation proposal/provision of fire extinguisher
- (11) No reversing of vehicles into or out from the site

Rejected Application

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejection Reason(s)</u>
1	A/YL-PH/770	Temporary Open Storage of Private Cars and Lorries for a Period of 3 Years	16.3.2018	(1), (2)

Rejection Reasons

- (1) The development is not in line with the planning intention of the “AGR” zone which is to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong justification has been given in the submission for a departure from the planning intention, even on temporary basis
- (2) Previous planning permissions granted were revoked due to non-compliance with approval conditions. Approval of the application with repeated non-compliances would set an undesirable precedent for other similar planning applications for temporary uses which are also subject to the requirement to comply with the approval conditions, thus nullifying statutory planning control.

Advisory Clauses

- (a) 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;
- (b) resolve any land issues relating to the development with the concerned owners of the Site;
- (c) note DLO/YL, LandsD's comments that the Site comprises 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 Site is accessible to Kam Tin 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. 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 CHE/NTW, HyD's comments that adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (e) note DAFC's comments that the applicant avoid damages to the mature roadside trees on the northern boundary of the Site along Kam Tin Road during operation;
- (f) adopt environmental mitigation measures as set out in the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by EPD to alleviate any potential environmental nuisance;
- (g) 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 plan 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), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
- (h) 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 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 building works or UBW on the Site under the BO. Before any new building works (including containers / open sheds as temporary buildings and land filling) are to be carried out on 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 (B(P)R) respectively. If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.