

Previous Application Covering the Application Site

Approved Applications

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Date of Consideration by RNTPC</u>	<u>Approval Condition(s)</u>
1	A/YL-KTN/350	Proposed temporary lard boiling factory for a period of 5 years	10.12.2010	(1), (2), (3), (5), (6)
2	A/YL-KTN/493	Temporary lard boiling factory (offensive trades) for a Period of 5 Years	18.12.2015 [revoked on 18.6.2016]	(1), (2), (4), (3), (5), (6), (7), (8)

Approval Conditions:

- (1) Restriction on delivery time and operation time/hours
- (2) Submission and implementation of landscape and tree preservation proposals
- (3) Submission of drainage proposals/ drainage record, and/or provision of drainage facilities, and/or maintain the existing drainage facilities/
- (4) Submission and implementation of a cumulative air quality impact assessment
- (5) Submission and implementation of emergency vehicular access, water supplies for fire fighting and/or fire services installations proposals
- (6) Revocation of the approval if the planning conditions was not complied with during the approval period or by specified date
- (7) no lard boiling operation shall commence at the site until the required licences under the relevant pollution control ordinances have been obtained from the Director of Environmental Protection
- (8) no vehicles are allowed to be reversing into or out of the site

**Similar Applications for Shop and Services
within the Same “I(D)” Zone on the Kam Tin North Outline Zoning Plan**

Approved Applications

	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1	A/YL-KTN/573	Proposed Temporary Shop and Services (Retail Shop) for a Period of 3 Years	22.9.2017	(1), (2), (3)
2	A/YL-KTN/582	Proposed Temporary Shop and Services (Vehicle Parts) and Ancillary Storage and Office for a Period of 3 Years	26.1.2018	(1), (2), (3), (4), (5), (6)

Approval Conditions

- (1) Restriction on operation hours
- (2) The submission and implementation of fire service installations proposals
- (3) If any of the planning conditions is not complied with during the planning approval period/by a specified date, the approval hereby given shall cease to have effect and shall be revoked without further notice.
- (4) 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
- (5) no vehicle is allowed to queue back to or reverse onto/from public road
- (6) submission and implementation of a drainage proposal

Advisory Clauses

- (a) resolve any land issues relating to the development with the concerned owner of the Site;
- (b) 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;
- (c) note DLO/YL, LandsD's comments that Lot 573 in D.D. 107 is held under Tai Po New Grant No. 5927 for agricultural purpose and the remaining portion of the Site comprises Government Land (GL) and Old Scheduled 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. The Site is accessible to Fung Kat Heung Road via 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 STW and STT holder(s) will need to apply to his office for modification of the STW/STT 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 C for T's comments 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 Lands Department. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) note CHE/NTW, HyD's comments that his department is not and shall not be responsible for the maintenance of Fung Kat Heung Road. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (f) 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 CTP/UD&L, PlanD's comments that the applicant is reminded to make reference to Proper Tree Maintenance by Landscape and Tree Management Section of Development Bureau
([http:// www.greening.gov.hk/en/tree_care/tree_maintenance.html](http://www.greening.gov.hk/en/tree_care/tree_maintenance.html));

- (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 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. 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; and
- (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. If the proposed structure(s) is required to comply with the BO (Cap. 123), detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.