

Previous s.16 Application covering the Application Site

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-KTN/574	Proposed Temporary Shop and Services (Wheelchair Accessible Vehicles Showroom) for a Period of 3 Years	22.9.2017	(1), (2), (3), (4), (5), (6), (7), (8)

Approval Conditions

- (1) Restriction on operation hours.
- (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 dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities are allowed on the Site.
- (4) No vehicle is allowed to queue back to or reverse onto/from public road.
- (5) Submission and implementation of drainage proposal.
- (6) Submission and provision of fire service installations proposal.
- (7) Revocation of planning permission if planning conditions not complied with during the planning approval period/by the specified time limit.
- (8) Reinstatement of the Site upon expiry of the planning approval.

**Similar Applications within the same “V” Zone on
the Kam Tin North Outline Zoning Plan**

Approved Applications

	<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-KTN/372	Proposed Shop and Services (Retail Shop)	24.2.2012 (approved for 3 years) [Revoked on 24.11.2012]	(1), (2), (3), (4), (5)
2.	A/YL-KTN/408	Proposed Temporary Shop and Services (Real Estate Agency and Convenient Store) for a Period of 3 Years	2.8.2013	(1), (2), (3), (4), (5)
3.	A/YL-KTN/537	Temporary Shop and Services (Real Estate Agency, Pet Station, Bicycle Sales Store and Convenience Store) for a Period of 3 Years	14.10.2016 [Revoked on 14.1.2017]	(1), (2), (3), (4), (5), (6), (7), (8)
4.	A/YL-KTN/606	Temporary Shop and Services and Eating Place (Outside Seating Accommodation of a Restaurant) with Ancillary Parking Spaces for a Period of 3 Years	15.6.2018	(1), (2), (3), (4), (5), (6), (7), (9), (10)

Approval Conditions

- (1) Restriction on operation hours.
- (2) Submission and/or implementation/provision and/or maintenance of drainage proposal.
- (3) Submission and provision of fire service installations proposal.
- (4) Revocation of planning permission if planning conditions not complied with during the planning approval period/by the specified time limit.
- (5) Reinstatement of the Site to an amenity area upon expiry of the planning approval.
- (6) No medium or heavy goods vehicles exceeding 5.5 tonnes are allowed to be parked/stored on or enter/exit the Site.
- (7) No vehicle is allowed to queue back to or reverse onto/from public road.
- (8) Submission of existing drainage records.
- (9) Submission and implementation of run-in/out proposal.
- (10) All existing trees and landscape plantings on the site shall be maintained.

Advisory Clauses

- (a) note DLO/YL, LandsD's comments that the Site comprises 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 STW owner(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. Applications for any of the above will be considered by LandsD acting in the capacity of 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 LandsD;
- (b) 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;
- (c) note CHE/NTW, HyD's comments that his department shall not be responsible for the maintenance for any access connecting the Site and Kam Tai Road. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (d) 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 DEP; and
- (e) 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 4.5 wide, its permitted development intensity shall be determined under the Regulation 19(3) of the B(P)R at the building plan submission stage.