

**Appendix II of
RNTPC Paper No. A/YL-KTS/797**

Previous Applications covering the application site

Approved Application

	Application No.	Proposed Use(s)	Date of Consideration (RNTPC/TPB)	Approval conditions
1.	A/YL-KTS/746	Proposed Temporary Shop and Services (Motor vehicle showroom) for a period of 3 years	27.10.2017	(1) to (11)

Approval Conditions

1. Restriction of operation hours
2. No dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out at the site
3. Restriction of vehicle types
4. Existing fencing shall be maintained
5. No vehicle is allowed to queue back to or reverse onto/from public road
6. No vehicle is allowed to make left turn from public road to the site or right turn from the site to the public road
7. Submission/implementation/maintenance of drainage proposal/facilities
8. Submission/implementation of landscape proposal
9. Submission/provision of fire services installations proposal
10. Revocation of approval if any of the approval condition is not complied within time limit/ during approval period
11. Reinstatement of the site to an amenity area upon the expiry of planning permission

Rejected Applications

	Application No.	Proposed Use(s)	Date of Consideration (RNTPC/TPB)	Rejection Reason(s)
1	A/DPA/YL-KTS/27 ¹	Residential Development (R3)	8.1.1993	(1), (2), (3), (4), (5), (6), (7)
2	A/YL-KTS/149	Temporary open storage of vehicles and vehicle parts for a period of 12 months	21.5.1999 [on review]	(8), (9), (10)
3	A/YL-KTS/223	Proposed Temporary Public Car Park for a period of 3 years	8.9.2000	(11), (12), (13)

¹ The Site was rezoned from "U" zone to "R(C)" zone on Kam Tin South OZP No. S/YL-KTS/1 which was gazetted on 17.6.1994.

Rejection reasons

1. The proposed development may affect the future development of the residential area in the adopted Kam Tin Layout Plan No. L/YL-KT/1E
2. The proposed vehicular access onto Kam Tin Road is not acceptable as it would be in conflict with the road junction opposite the site
3. The proposed car parking facilities are inadequate
4. The proposed building height of 5 storeys is excessive and not in line with the adopted layout plan for the area
5. The submission has not provided information on the design and layout of the scheme and on landscaping proposals
6. The submission has not provided information on drainage facilities
7. The submission has not provided information on the sewage treatment and disposal facilities
8. The proposed development is not in line with the planning intention. There is no strong justification in the submission for a departure from the planning intention, even on a temporary basis
9. The proposed development is not compatible with the surrounding areas
10. The approval of the application would set an undesirable precedent for other similar applications. the cumulative effect of approving such similar applications would result in a general degradation of the environment of the area
11. The vehicular access of the proposed car park would be in conflict with the proposed pedestrian crossing and bus bay under "Kam Tin Bypass" project
12. The vehicular access point being located immediately adjacent to the proposed pedestrian crossing is undesirable from safety point of view
13. There is no information in the submission to demonstrate that these technical issues could be resolved.

Advisory Clauses

- (a) should the applicant fail to comply with the approval conditions resulting in the revocation of the planning permission, sympathetic consideration may not be given by the Committee to any further application;
- (b) prior planning permission should have been obtained before commencing the applied use at the Site;
- (c) note DLO/YL, LandsD's comments that the Site comprises Government Land (GL) and 7 private lots, i.e. various sections and remaining portion of Lot No. 1689 in D.D. 109 which was held under New Grant No. 808 for private residential purposes. No permission is given for occupation of GL (about 195.75m² subject to verification) included in the Site. Any occupation of GL without Government's prior approval is not allowed. The Site is accessible to Kam Tin 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 Site falls within Shek Kong Airfield Height Restriction Area (SKAHRA). The height of the proposed structures shall not exceed the relevant airfield height limit within SKAHRA. The lots owner(s) will need to apply to his office if any structure to be erected or regularize any irregularities on Site, if any. Besides, given the proposed use is temporarily in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Furthermore, the applicant has to either exclude the GL portion from the Site or apply for a direct grant STT for use of the Site. Applications for any of the above will be considered by LandsD acting in the capacity as landlord or lessor at its sole discretion and there is no guarantee that such application 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 that sufficient space within the Site should be provided for maneuvering of vehicles;
- (e) 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;
- (f) to 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 Environmental Protection Department to minimize any potential environmental nuisances;
- (g) note CBS/NTW, BD's comments that for unauthorized building works (UBW) erected on leased land, enforcement action may be taken by 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 Buildings Ordinance (BO). Before any new building works (including containers/open sheds as temporary buildings) 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 m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;

- (h) note CE/MN/DSD's comment that the applicant should implement the drainage facilities on Site in accordance with the agreed drainage proposal. The applicant is required to rectify the drainage system if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage of nuisances caused by a failure of the drainage system. The proposed development would neither obstruct overland flow nor adversely affected any existing natural streams, village drains, ditches and the adjacent areas. The applicant should consult DLO/YL and seek consent from relevant lot owners for any works to be carried out outside his lot boundary before commencement of the drainage works;
- (i) note DAFC's comment that the applicant is advised to implement appropriate measures to avoid causing pollution or disturbance to the adjacent abandoned meander (81CD/11) to the south of the Site; and
- (j) note D of FS's comments that the applicant is advised that the installation/ maintenance/ modification/ repair work of FSI shall be undertaken by an Registered Fire Service Installation Contractor (RFSIC). The RFSIC shall after completion of the installation/maintenance/modification/repair work issue to the person on whose instruction the work was undertaken a certificate (FS 251) and forward a copy of the certificate to the Director of Fire Services. 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.