

Previous Applications covering the Application Site

Approved Applications

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1	A/YL-KTS/158	Temporary public car park for 12 months	12.3.1999	(1), (2), (3), (4), (5)
2	A/YL-KTS/384*	Temporary public car park (private vehicle and lorries) for 3 years	12.1.2007 on review	(3), (4), (5), (6), (7), (8), (9), (10), (11), (12)
3	A/YL-KTS/492	Temporary public car park (private cars and lorries) for 3 years	11.6.2010 (revoked on 28.9.2010)	(5), (6), (7), (8), (9), (12), (13), (14), (15), (16), (17),
4	A/YL-KTS/519	Temporary public car park (private vehicles) for 3 years	14.1.2011 (revoked on 14.12.2011)	(4), (5), (6), (7), (8), (9), (12), (13), (14), (16), (17), (18),
5	A/YL-KTS/553	Temporary public car park (private vehicles) for 3 years	6.1.2012	(4), (5), (6), (7), (8), (9), (12), (13), (16), (17), (18), (19)
6	A/YL-KTS/660	Temporary public car park (private vehicles) for 3 years	6.2.2015	(5), (6), (7), (8), (9), (12), (13), (14), (15), (16), (17)

\*Subsequently, Application No. A/YL-KTS/384-1 for minor amendments to the approved scheme No. A/YL-KTS/384 was approved with conditions by the RNTPC on 27.7.2007.

Approval Conditions:

1. no commencement of the proposed development before the provision of vehicular access arrangement
2. the setting back of the site to avoid encroaching onto the scheme boundary of the West Rail Project
3. the submission and implementation of landscaping proposals
4. the submission and/or provision of drainage facilities
5. reinstatement of the site upon expiry of planning permission
6. no medium or heavy good vehicles (i.e. exceeding 5.5 tonnes)
7. no vehicle dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities

8. no right turning vehicle from the access road to Kam Ho Road
9. no vehicle exceeding 7m long was allowed to enter the site through Kam Ho Road
10. submission and implementation of run-in proposal
11. provision of fire extinguisher in site office
12. approval should cease to have effect and should be revoked immediately without further notice if planning condition not complied with during planning approval/by specified date
13. no vehicle without valid licences issued under the Traffic Regulations are allowed to be parked on the site
14. maintenance of all existing trees and landscape plantings within the site
15. maintenance of existing drainage facilities
16. provision and/or maintained of the boundary fencing
17. submission and implementation of fire service installations proposal
18. maintenance of at least 60 metres visibility without any physical obstruction at the egress point of the existing access road to Kam Ho Road
19. post of a notice at a prominent location of the site to indicate that no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the site

#### Rejected Applications

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Date of Consideration (RNTPC)</u>	<u>Reasons for Rejection</u>
1	A/YL-KTS/241	Temporary public car park for 3 years	2.2.2001	(1), (2)
2	A/YL-KTS/246	Temporary public car park for 3 years	4.5.2001	(1), (2)
3	A/YL-KTS/284	Temporary public car park for 3 years	8.11.2002	(2), (3)
4	A/YL-KTS/514	Temporary concrete batching plant for 2 years	15.4.2011	(4), (5), (6), (7)

#### Rejections Reasons:

1. the site would become inaccessible after the permanent closure of the existing access road of the car park
2. there was no information in the submission to demonstrate that the vehicular access problem could be satisfactorily resolved
3. there was no information in the submission to demonstrate that the development would not cause adverse drainage impact on the surrounding area
4. the development was not in line with the planning intention
5. the development was not compatible with the rural setting of the area
6. the development would generate adverse environmental, traffic, landscape and drainage impacts and there were adverse departmental comments
7. approval of the application would set an undesirable precedent

Similar Application within the Same "AGR" Zone on  
Kam Tin South Outline Zoning Plan

Rejected Application

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Date of Consideration (TPB)</u>	<u>Reasons for Rejection</u>
1	A/YL-KTS/367	Temporary public car park for private vehicles for 3 years	13.10.2006 on review	(1), (2), (3), (4)

Rejection Reasons:

1. the development was not in line with the planning intention of the "AGR" zone
2. the development was not compatible with the surroundings as there are residential dwellings located to its close proximity which would be susceptible to adverse environmental nuisance generated by the development
3. there was no information in the submission to demonstrate the development would not generate adverse landscape, traffic and drainage impacts on the surrounding areas
4. the approval of the application would set an undesirable precedent for similar use in the same "AGR" zone



**Advisory clauses**

- (a) prior planning permission should have been obtained before commencing the applied use at the Site;
- (b) resolve any land issue relating to the development with the concerned owner(s) of the Site;
- (c) note DLO/YL, LandsD's comments that the Site comprises 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. The Site is accessible to Kam Ho 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. The owner(s) of the lot without STW will need to apply to his office to permit the structures to be erected or regularize 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 that the Site is connected to the public road network via a section of a local access road which is not managed by TD. The land status of the local access road should be checked with LandsD. 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 HyD does not and will not maintain any access connecting the Site and Kam Ho 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 to minimize 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 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 (Cap.123), 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 are erected on leased land without approval of the BD (not being New Territories Exempted Houses), they are unauthorized under the BO and should not be designated for any use under the application. Before any new building works (including containers / open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of the Building Authority should be obtained. Otherwise, they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA 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. 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 sites do not abut on a specified street of not less than 4.5m wide, their permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.