

Previous Application covering the Application Site

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition (s)</u>
1	A/YL-KTN/365	Temporary Shop and Service (Real Estate Agency) for a Period of 3 Years	6.12.2011 [revoked on 6.1.2014]	(1), (2), (3), (4), (5), (8), (9), (11)
2	A/YL-KTN/409	Temporary Shop and Service (Grocery and Metalware Retail Shop) for a Period of 3 Years	19.7.2013 [revoked on 19.1.2014]	(1), (2), (3), (4), (5), (6), (7), (8), (9)
3	A/YL-KTN/430	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	7.2.2014	(1), (3), (5), (8), (9), (10)
4	A/YL-KTN/438	Temporary Shop and Services (Grocery and Metalware Retail Shop) for a Period of 3 Years	25.4.2014 [revoked on 25.7.2014]	(1), (2), (3), (4), (5), (6), (7), (8), (9)

Approval conditions

- (1) Restriction on operation hours/time
- (2) No reversing of vehicles into or out from the site
- (3) Submission and implementation of landscaping and/or tree preservation proposal/maintenance of existing tree and landscape planting on site
- (4) Submission and implementation of drainage proposal
- (5) Submission and implementation/provision of fire service installations proposal
- (6) no medium or heavy goods vehicles exceeding 5.5 tonnes including container tractors/trailers were allowed to be parked/stored on or enter/exit the site
- (7) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities
- (8) Revocation of the planning approval if any of the planning conditions is not complied with by the specified dated or during the planning approval period
- (9) Reinstatement of the site to an amenity area or to the original state
- (10) No parking of vehicle is allowed on the site
- (11) Setting back of the southern boundary

Similar Applications within the same “V” zone on Kam Tin North OZP

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition (s)</u>
1	A/YL-KTN/403	Temporary Shop and Service (Grocery and Metalware Retail Shop) for a Period of 3 Years	5.4.2013 [revoked on 17.5.2013]	(1), (2), (3), (5), (6), (7), (8), (9), (10), (11)
2	A/YL-KTN/417	Proposed Temporary Shop and Services (Pet Grooming and Retail Shop) for a Period of 3 Years	11.10.2013 [revoked on 11.9.2015]	(1),(3), (4), (5), (6), (7), (9)
3	A/YL-KTN/547	Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	3.2.2017	(1), (3), (4), (5), (6), (7)
4	A/YL-KTN/572	Proposed Temporary Shop and Services (Book Shop) for a Period of 3 Years	8.9.2017	(1), (5), (6), (7)

Approval conditions

- (1) Restriction on operation hours/time
- (2) No reversing of vehicles into or out from the site
- (3) Submission and implementation of landscaping and/or tree preservation proposal/implementation of the accepted landscape proposal
- (4) Submission and implementation of drainage proposal
- (5) Submission and implementation of fire service installations proposal
- (6) Revocation of the planning approval if any of the planning conditions is not complied with by the specified dated or during the planning approval period
- (7) Reinstatement of the site to an amenity area or to the original state
- (8) provision of boundary fencing
- (9) no medium or heavy goods vehicles exceeding 5.5 tonnes including container tractors/trailers were allowed to be parked/stored on or enter/exit the site
- (10) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities
- (11) the provision of fire extinguisher(s)

**Detailed Comments from the Chief Engineer/ Mainland North, Drainage
Services Department (CE/MN of DSD)**

Detailed Comments

- (1) The downstream details of drainage discharge should be provided for comment.
- (2) Cross sections showing the existing and proposed ground levels of the captioned site with respect to the adjacent areas should be given.
- (3) Sand trap or provision alike should be provided before the collected runoff is discharged to the public/adjacent lot's drainage facilities.
- (4) Standard details should be provided to indicate the sectional details of the proposed u-channels and catchpits.
- (5) The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.
- (6) The applicant should consult DLO/YL and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works.
- (7) Where walls or hoarding are erected along the site boundary, adequate opening should be provided to intercept the existing overland flow passing through the site.

Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the development 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 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 owner(s) of the lot will need to apply to his offices for modification of the STW conditions 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 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;
- (e) note CHE/NTW, HyD's comments that his department does not and will not maintain any access connecting the Site and Kam Tin 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 Open Storage and Temporary Uses" issued by the EPD;
- (g) note CTP/UD&L of PlanD's comments that the applicant should closely monitor the topped tree and restore the tree form to a satisfactory condition. If tree felling is necessary, a tree felling proposal should be submitted to LandsD for consideration;
- (h) note D of FS's comments that in consideration of the design/nature of the proposed structures, 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 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. Regarding the submitted FSIs proposal, relevant pump and tank of the modified Hose Reel system should be clearly marked on the floor plan;

- (i) note CE/MN of DSD's comments that regarding the submitted drainage proposal, the downstream details of drainage discharge should be provided for comment. Cross sections showing the existing and proposed ground levels of the captioned site with respect to the adjacent areas should be given. Sand trap or provision alike should be provided before the collected runoff is discharged to the public/adjacent lot's drainage facilities. Standard details should be provided to indicate the sectional details of the proposed u-channels and catchpits. The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc. The applicant should consult DLO/YL and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works. Where walls or hoarding are erected along the site boundary, adequate opening should be provided to intercept the existing overland flow passing through the site;
- (j) note CBS/NTW, BD's comments that 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 BD should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO). If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BD, they are UBW under the 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. 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;
- (k) note DFEH's comments that no Food and Environmental Hygiene Department's (FEHD) facilities will be affected and such work and operation shall not cause any environmental nuisance, pest infestation and obstruction to the surrounding. No FEHD services including street cleansing and refuse collection will be affected. For any waste generated from the such activity / operation, the applicant should arrange its disposal properly at her own expenses. Applicant shall handle any trade waste so generated on their own/ at their expenses and shall not dispose to the refuse collation point (YL-168) situated at the government land lot to the immediate south of the Site. Proper licence / permit issued by FEHD is required if there is any catering service / activities regulated by the Director of Food and Environmental Hygiene under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public; and

- (1) note PM/ W, CEDD's comments that the construction and operation of the temporary shop shall not obstruct the construction of roadworks under PWP Item No. 804CL 'Site formation and infrastructure works for development at Kam Tin South, Yuen Long – advance works' in the vicinity of the Site, which is planned for commencement in mid 2018 for completion in end 2021 tentatively. The future contractor and operator of the temporary shop shall coordinate with the contractor of advance works contract of PWP Item No. 804CL for any works in the vicinity.

