

**Previous s.16 Applications covering the Application Site**

**Approved Application**

<b><u>Application No.</u></b>	<b><u>Proposed Use(s)</u></b>	<b><u>Date of Consideration (RNTPC)</u></b>	<b><u>Approval Condition(s)</u></b>
A/YL-KTN/584	Proposed Temporary Public Car Park (Excluding Container Vehicle) for a Period of 5 Years	9.2.2018 [revoked on 19.7.2018]	(1), (2), (3), (4), (5), (6), (7), (8), (9), (10)

**Approval Conditions:**

- (1) No dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities are allowed on the site
- (2) No medium and heavy goods vehicles exceeding 5.5 tonnes are allowed to be parked/stored on or enter/exit the Site
- (3) No vehicles without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations are allowed to be parked/stored on the site
- (4) Notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicles exceeding 5.5 tonnes 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 landscape proposal
- (7) Submission and implementation of drainage proposal
- (8) Submission and implementation of fire service installations proposal
- (9) Revocation of approval if any planning conditions are not complied with during planning approval or by specified dates
- (10) Reinstatement of the application site to an amenity area

### Rejected Application

<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Main Reason(s) for Rejection</u>
A/YL-KTN/113	Temporary Open Storage of Engineering Materials for a Period of 3 Years	16.6.2000	(1), (2), (3)

#### Rejection Reasons:

- (1) The proposed development is not in line with the planning intention of the "Village Type Development" zone which is to designate both existing recognized villages and areas of land considered suitable for village expansion. No justification has been given in the submission for a departure from the planning intention, even on a temporary basis.
- (2) The development is not compatible with the village settlements of Cheung Kong Tsuen and Tai Kong Po Tsuen to its east.
- (3) The approval of the application would set an undesirable precedent for other similar applications in the area. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

**Similar Application in the same “V” Zone  
on Kam Tin North Outline Zoning Plan**

**Approved Application**

	<b><u>Application No.</u></b>	<b><u>Proposed Use</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Approval Conditions</u></b>
1.	A/YL-KTN/612	Proposed Temporary Public Car Park (Excluding Container Vehicle) for a Period of 5 Years	2.11.2018	(1), (2), (3), (4), (5), (6), (7), (8), (9)

**Approval Conditions:**

- (1) No dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities are allowed on the site
- (2) No medium and heavy goods vehicles exceeding 5.5 tonnes are allowed to be parked/stored on or enter/exit the Site
- (3) No vehicles without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations are allowed to be parked/stored on the site
- (4) Notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicles exceeding 5.5 tonnes 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 landscape/ tree preservation proposals
- (7) Submission and implementation of drainage proposal
- (8) Submission and implementation of fire service installations proposal
- (9) Revocation of approval if any planning conditions are not complied with during planning approval or by specified dates



**Advisory Clauses**

- (a) resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (b) 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 Site is accessible from Kong Tai 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 lot owner(s) will need to apply to his office to permit the structures to be erected or regularize any irregularities on-site, if any. Besides, given the proposed use is temporary 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. 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;
- (c) 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. 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;
- (d) note CHE/NTW, HyD's comments that his department does not and will not maintain any access connecting the Site and Chi Ho Road. Kong Tai Road is not maintained by his department. The applicant should be responsible for his own access arrangement. Adequate drainage measures should be provided to prevent surface water running from the Site to nearby public roads and drains;
- (e) 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;
- (f) 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, prior approval and consent of the BD should be obtained, otherwise, they are unauthorized building works (UBW) under the Buildings Ordinance (BO). An Authorized Person should be appointed as the co-ordinator for the proposed building works in

accordance with the BO. 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 4.5 m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;

- (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 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; and
- (h) note CE/C, WSD's comments that existing water mains will be affected (**Plan A-2** of the RNTPC paper). A waterworks reserve within 1.5 metres from the centerline of the water mains shall be provided to WSD. No structure shall be built or materials stored within the waterworks reserve. Free access shall be made available at all times for staff of the Director of Water Supplies or their contractor to carry out construction, inspection, operation, maintenance and repair works. No trees or shrubs with penetrating roots may be planted within the Waterworks Reserve or in the vicinity of the water main shown on the **Plan A-2** of the RNTPC paper. Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the Site.