

Previous Applications covering the Application Site

Approved Applications

No.	Application No.	Proposed Use(s)/Development(s)	Date of Consideration by RNTPC / TPB	Approval Conditions
1	A/YL-KTN/365	Temporary Shop and Services (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/403	Proposed Temporary Shop and Services (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), (12)
3	A/YL-KTN/409	Proposed Temporary Shop and Services (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)
4	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), (8), (9)
5	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)
6	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)
7	A/YL-KTN/547	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	3.2.2017 [Revoked on 3.1.2019]	(1), (3), (4), (5), (8), (9)
8	A/YL-KTN/611	Temporary Shop and Services (Grocery, Metalware Retail Shop and Car Beauty Product) with Ancillary Office for a Period of 3 Years	3.8.2018	(1), (2), (3), (4), (5), (6), (7), (8), (9)

Approval Conditions

- (1) Restriction on operation hours/time
- (2) No reversing of vehicles into/out from the site/queue back to or reverse onto/from public road
- (3) Submission and implementation of landscape and/or tree preservation proposal/maintenance of existing tree and landscaping on site/implementation of the accepted landscape proposal
- (4) Submission and implementation of drainage proposal

- (5) Submission and implementation/provision of fire service installations proposal/fire extinguisher(s)
- (6) No medium or heavy goods vehicles exceeding 5.5 tonnes including container tractors/trailers 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 planning approval if condition is not complied with at any time/by specified date
- (9) Reinstatement of the application 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
- (12) Provision of boundary fencing

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

Approved Application

No.	Application No.	Proposed Use(s)/Development(s)	Date of Consideration by RNTPC / TPB	Approval Conditions
1	A/YL-KTN/572	Temporary Shop and Services (Book Shop) for a Period of 3 Years	8.9.2017	(1), (2), (3), (4)

Approval Conditions

- (1) Restriction on operation hours/time
- (2) Submission and implementation of fire service installations proposal
- (3) Revocation of planning approval if condition is not complied with at any time/by specified date
- (4) Reinstatement of the application site to an amenity area or to the original state

Rejected Application

No.	Application No.	Proposed Use(s)/Development(s)	Date of Consideration by RNTPC / TPB	Rejection Reasons
1	A/YL-KTN/602	Proposed Temporary Shop and Services (Motor Vehicle Showroom) with Storage of Vehicles/Vehicles Parts and Ancillary Offices Use for a Period of 3 Year	28.12.2018 (on review)	(1), (2)

Rejection Reasons

- (1) The development was not in line with the planning intention of the “V” zone
- (2) The scale of the development was excessive and not compatible with the developments in the surrounding area

Detailed Comments of CTP/UD&L, PlanD

- (a) According to the site visit conducted on 15.2.2019, it was observed that there were 2 topped trees and 1 tree stump within the Site. The applicant should closely monitor the topped trees and restore the tree form to a satisfactory condition. The applicant is reminded that the proposed treatment of existing trees and tree felling proposal should be approved by the tree authority.
- (b) The applicant is advised to make reference to the following information/guideline published by the Greening, Landscape & Tree Management Section of Development Bureau, for tree maintenance:
- (i) 護養樹木的簡易圖解 Pictorial Guide for Tree Maintenance
(https://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf); and
 - (ii) 處理樹樁指引 Guideline on Tree Stump Treatment
(https://www.greening.gov.hk/filemanager/content/pdf/tree_care/Guideline_on_Tree_Stump_Treatment_e.pdf).

Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the development at the Site;
- (b) resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (c) the permission is given to the development/use under application. It does not condone any other development/use which are not covered by the application;
- (d) note DLO/YL'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 from 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 STW holder(s) needs 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. 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;
- (e) 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;
- (f) note CHE/NTW, HyD's comments that HyD 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;
- (g) note DEP's comment that the applicant is advised 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 DEP. If septic tank and soakaway system is used, its design and construction should follow the requirements of the Practice Note for

Professional Person (ProPECC) PN 5/93 “Drainage Plans subject to Comment by the Environmental Protection Department”. The applicant is also advised that effluent discharges from the proposed use are subject to control under the Water Pollution Control Ordinance (WPCO). A discharge licence under the WPCO should be obtained before a new discharge is commenced;

- (h) note CTP/UD&L’s comments that there were 2 topped trees and 1 tree stump within the Site. The applicant should closely monitor the topped trees and restore the tree form to a satisfactory condition. The applicant is reminded that the proposed treatment of existing trees and tree felling proposal should be approved by the tree authority. The applicant is advised to make reference to the following information/guideline published by the Greening, Landscape & Tree Management Section of Development Bureau, for tree maintenance: (i) 護養樹木的簡易圖解 Pictorial Guide for Tree Maintenance (https://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf); and (ii) 處理樹樁指引 Guideline on Tree Stump Treatment (https://www.greening.gov.hk/filemanager/content/pdf/tree_care/Guideline_on_Tree_Stump_Treatment_e.pdf);
- (i) note D of FS’ 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 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 (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
- (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 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.