

**Similar Application within the Same “I(D)” Zone on  
the Approved Kam Tin North Outline Zoning Plan**

**Approved Application**

	<b><u>Application No.</u></b>	<b><u>Proposed Use(s)/Development(s)</u></b>	<b><u>Date of Consideration By RNTPC/TPB</u></b>	<b><u>Rejection Reason</u></b>
1	A/YL-KTN/573	Proposed Temporary Shop and Services (Retail Shop) for a Period of 3 Years	22.9.2017	(1), (2), (3)
2	A/YL-KTN/582	Proposed Temporary Shop and Services (Vehicle Parts) and Ancillary Storage and Office for a Period of 3 Years	26.1.2018	(1), (2), (3), (4), (5), (6)
3	A/YL-KTN/607	Proposed Temporary Shop and Services (Food) with Ancillary Storage and Office for a Period of 3 Years	15.6.2018	(1), (2), (3), (4), (5), (6), (7)

**Approval Conditions**

- (1) Restriction on operation hours
- (2) The submission and implementation of fire service installations proposals
- (3) If any of the planning conditions is not complied with during the planning approval period/by a specified date, the approval hereby given shall cease to have effect and shall be revoked without further notice
- (4) No medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers 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 a drainage proposal
- (7) Maintenance of the existing trees and vegetation on the site



**Advisory Clauses**

- (a) resolve any land issue relating to the development with the concerned owner(s) of the Site;
- (b) note DLO/YL, LandsD's comments that the Site comprises an Old Schedule Agricultural Lot (OSAL) (i.e. Lot No. 570 in D.D. 107) held under the Block Government Lease and a New Grant Agricultural Lot (NGAL) (i.e. Lot No. 571 RP in D.D. 107) held under Tai Po New Grant No. 5927. The OSAL contains the restriction that no structures are allowed to be erected without the prior approval of the Government. The NGAL contains the restriction on user for agricultural purpose. No permission is given for occupation of GL (about 94 m<sup>2</sup> subject to verification) included in the Site. Any occupation of GL without Government's prior approval is not allowed. The Site is accessible from Fung Kat Heung 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 STW holder(s) will need to apply to his office for modification of the STW conditions where appropriate. The owner(s) of the lot(s) without STW 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 erection of temporary structure(s) will be considered. No construction of New Territories Excepted 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 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 his department. 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;
- (d) note CHE/NTW, HyD's comments that his department does not and will not maintain any access (including Fung Kat Heung Road) connecting the Site and San Tam Road. Adequate drainage measures should be provided to prevent surface water running from the Site to the 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 the DEP to minimize any potential environmental nuisance;
- (f) note CTP/UD&L, PlanD's comments that the applicant is reminded to seek approval from the relevant tree authority prior to commencement of works for the anticipated tree felling;

- (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. 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;
- (h) 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). 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; and
- (i) note DAFC's comments that the applicant is advised to adopt appropriate measures to avoid causing disturbance or pollution to the Lam Tsuen Country Park to the north of the Site.