

Similar Applications within the Same “AGR” zone on the Kam Tin North OZP

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Conditions</u>
1	A/YL-KTN/413	Temporary Shop and Services (Plant Showroom) for a Period of 3 Years	6.9.2013	(1), (2), (3), (4), (5), (6), (7)
2	A/YL-KTN/446	Temporary Shop and Services (Plant Showroom) for a Period of 3 Years	22.8.2014 [revoked on 22.11.2015]	(1), (2), (3), (4), (5), (6), (7), (8)
3	A/YL-KTN/447	Temporary Shop and Services (Plant Showroom) for a Period of 3 Years	22.8.2014 [revoked on 22.11.2015]	(1), (2), (3), (4), (5), (6), (7), (8)
4	A/YL-KTN/448	Temporary Shop and Services (Plant Showroom) for a Period of 3 Years	17.10.2014 [revoked on 12.1.2016]	(1), (2), (3), (4), (5), (6), (7), (8)
5	A/YL-KTN/540	Temporary Shop and Services (Plant Showroom) for a Period of 3 Years	11.11.2016	(1), (2), (3), (4), (5), (6), (7), (8), (9)
6	A/YL-KTN/541	Proposed Temporary Shop and Services (Plant Showroom) for a Period of 3 Years	12.5.2017	(1), (2), (3), (4), (5), (6), (7), (8), (9)
7	A/YL-KTN/637	Proposed Temporary Shop and Services (Retail of Tail Lift) for a Period of 3 Years	4.1.2019	(1), (2), (3), (4), (5), (6), (7), (9), (10)
8	A/YL-KTN/656*	Proposed Temporary Shop and Services (Retail of Tail Lift) for a Period of 3 Years	2.8.2019	(1), (2), (4), (5), (6), (7), (9), (10), (11)
9	A/YL-KTN/699	Renewal of Planning Approval for Temporary Shop and Services (Plant Showroom) for a Period of 3 Years	24.4.2020	(1), (2), (4), (5), (6), (7), (10)

* Straddled the adjacent “I(D)” zone on the OZP

Approval conditions

- (1) Restriction on operation hours/time
- (2) No medium or heavy goods vehicles exceeding 5.5/24 tonnes including container tractors/trailers were allowed to be parked/stored on or enter/exit the site
- (3) Submission and implementation of landscaping/ tree preservation proposal
- (4) Submission and implementation of drainage proposal/ Maintenance of the implemented drainage facilities on the site
- (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 reversing of vehicle into or out from the site is allowed
- (10) No vehicle is allowed to queue back to or reverse onto/from public road
- (11) No dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the site

Rejected Applications

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Date of Consideration (RNTPC / TPB)</u>	<u>Rejection Reasons</u>
1	A/YL-KTN/531	Proposed Temporary Shop and Services (Pet Shop with Ancillary Office and Guard Room) for a Period of 3 Years	29.7.2016	(1), (2)
2	A/YL-KTN/624	Proposed Temporary Shop and Services (Plant Showroom) for a Period of 3 Years	15.2.2019 (on review)	(1), (3)
3	A/YL-KTN/629	Proposed Temporary Shop and Services (Plant Showroom) for a Period of 3 Years	2.11.2018	(1), (3)

Rejection Reasons

- (1) The proposed development is not in line with the planning intention of the “AGR” zone. No strong justification has been given in the submission for a departure from the planning intention, even on temporary basis.
- (2) The approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within this part of the “AGR” zone. The cumulative effect of approving such applications would result in the encroachment of good agricultural land, causing a general degradation of the rural environment of the area.

- (3) The applicant fails to demonstrate that the proposed development would not generate environmental nuisance on the surrounding areas.



Appendix V of RNTPC
Paper Nos. A/YL-KTN/678D, 688C and 689C

Advisory Clauses

- (a) for Application Nos. A/YL-KTN/678 and 689, prior planning permission should have been obtained before commencing the development(s) on the Sites;
- (b) note DLO/YL, LandsD's comments that the Sites comprise 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 Sites are accessible from San Tam Road via Government Land (GL) and/or private land. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the Sites. The lot(s) owner(s) will need to apply to his office to permit the structures to be erected or regularize any irregularities on the Sites, if any. Besides, given the proposed uses are 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 Sites are 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 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 CE/NTW, HyD's comments that HyD is not/shall not be responsible for the maintenance of any access connecting the Site and San Tam Road. Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads or exclusive road 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 CE/MN, DSD's comments that the applicants of Application Nos. A/YL-KTN/688 and 689 are requested to submit an updated drainage plan showing the details of the drains within the Sites provided for the subject development;
- (g) note D of FS' comments that in consideration of the design/nature of the proposals, FSIs are anticipated to be required. Therefore, the applicants are 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 applicants are 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

- (h) note CBS/NTW, BD's comments that if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BA, they are unauthorized building works (UBW) under the BO and should not be designated for any proposed use under the applications. For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with the prevailing 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 Sites under the BO. Before any new building works (including containers/open sheds as temporary buildings, demolition and land filling) are to be carried out on the Sites, prior approval and consent of the BA should be obtained, otherwise they are UBW. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. The Sites 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 and their permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.