

**Previous Application Covering the 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 Conditions</u></b>
1	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  (revoked on 26.4.2020)	(1), (2), (3), (4), (5), (6)

**Approval Conditions**

- (1) Restriction on operation hours/time
- (2) no medium or heavy goods vehicles exceeding 5.5 tonnes are allowed to be parked/stored on or enter/exit the site
- (3) no vehicle is allowed to queue back to or reverse onto/ from public road
- (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



**Similar Applications within the Same “I(D)” Zone or Straddling the Same “I(D)” Zone and the Adjoining “AGR” Zone on the Kam Tin North OZP**

**Approved Applications**

	<b><u>Application No.</u></b>	<b><u>Proposed Use</u></b>	<b><u>Date of Consideration (RNTPC)</u></b>	<b><u>Approval Conditions</u></b>
1	A/YL-KTN/573	Proposed Temporary Shop and Services (Retail Store) for a Period of 3 Years	22.9.2017  (Revoked on 22.2.2020)	(1), (2), (3)
2	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)
3	A/YL-KTN/655	Proposed Temporary Shop and Services (Food Retail Shop) with Ancillary Storage and Office for a Period of 5 Years	17.5.2019	(1), (2), (3), (4), (5), (6)
4	A/YL-KTN/656	Proposed Temporary Shop and Services (Retail of Tail Lift) for a Period of 3 Years	2.8.2019	(1), (2), (3), (4), (5), (6)
5	A/YL-KTN/707	Proposed Temporary Shop and Services (Retail Store) for a Period of 3 Years	29.5.2020	(2), (3)

**Approval Conditions**

- (1) Restriction on operation hours
- (2) Submission and/ or implementation of fire service installations proposal
- (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 or 24 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 drainage proposal and/ or maintain drainage facilities
- (7) Maintenance of the existing trees and vegetation on the site
- (8) No dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the site
- (9) Reinstatement of the application site to amenity area



**Advisory Clauses**

- (a) should the applicant fail to comply with the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given by the Committee to any further application;
- (b) note DLO/YL, LandsD's comments that the Site comprises Government Land (GL), Old Schedule Agricultural Lots (OSALs) and an Old Schedule Mixed Lot. The OSALs, namely Lots Nos. 565 S.A, 796, 797 and 798 in D.D. 107, are 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. For the Old Schedule Mixed Lot No. 640 in D.D.107 (House and Agricultural) held under the BGL, erection of building is allowed. However, should the development involve any rebuilding, application to his office for approval will be required. No permission is given for occupation of GL (about 243m<sup>2</sup> subject to verification) included in the Site. Any occupation of GL without Government's prior approval is not allowed. The lot(s) 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. Furthermore, the applicant has to exclude the GL portion from the Site or apply for 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 rent 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 (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;
- (d) note CHE/NTW, HyD's comments that Fung Kat Heung Road is not maintained by his department. Adequate drainage measures should be provided to prevent surface water running from the Site to nearby public roads and drains. HyD shall not be responsible for the maintenance of any access connecting the Site and San Tam Road.
- (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" to minimise any potential environmental nuisance;
- (f) 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 application. 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 Site under the BO. Before any new buildings works (including containers/ open sheds as temporary buildings, demolition and land filling) are to be carried out on the Site, 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 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. The Site does not abut on a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and

- (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 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.