

**Appendix II of RNTPC  
Paper No. A/YL-KTS/801**

**Previous Applications covering the Application Site**

**Approved Applications**

<b>Application No.</b>	<b>Proposed Use(s)/ Development(s)</b>	<b>Date of Consideration By RNTPC</b>	<b>Approval Conditions</b>
A/YL-KTS/166	Public car park	28.5.1999 (for 3 years)	(1), (2), (3) & (4)
A/YL-KTS/481	Temporary public vehicle park (excluding container vehicle) for a period of 5 years	18.12.2009 (for 3 years)  [revoked on 18.3.2011]	(1), (2), (3), (5), (6), (7), (8), (9), (10)
A/YL-KTS/549	Temporary public vehicle park (excluding container vehicle) for a period of 5 years	4.11.2011 (for 3 years)	(1), (2), (3), (5), (6), (7), (8), (9), (10), (11)

**Approval Conditions:**

- (1) No vehicles without valid licences issued under the Traffic Regulations were allowed to be parked/stored on the site.
- (2) Submission and/or implementation of landscaping proposals.
- (3) Submission and/or implementation of drainage proposal/facilities.
- (4) Planning permission should cease unless prior to the said date either the development hereby permitted was commenced or this permission was renewed.
- (5) No medium or heavy goods vehicles exceeding 5.5 tonnes as defined in Road Traffic Ordinance or container vehicles were allowed to be parked/stored on the site.
- (6) No vehicle dismantling, maintenance, repairing, cleansing, paint-spraying or other workshop activities should be carried out at the site.
- (7) Provision of/maintenance of existing/ mitigation measures to minimize any possible nuisance of noise and artificial lighting on the site to the residents nearby.
- (8) Submission and implementation of fire service installations proposal.
- (9) Revocation if the planning conditions were not complied with during the planning approval period or by a specified time.
- (10) Reinstatement of the site to an amenity area.

### Rejected Application

	Application No.	Proposed Use(s)	Date of Consideration (RNTPC/TPB)	Main Reasons for Rejection
1	A/YL-KTS/366	Temporary warehouse, workshop and office for a period of 2 years	11.8.2006 on review	(1), (2), (3)

#### Rejection reasons

- (1) The development was not in line with the planning intention of the "V" zone. There was insufficient information in the submission to demonstrate that relocation to alternative sites could not be made.
- (2) The development was not compatible with residential dwellings which located adjacent to the application site and would be susceptible to adverse environmental nuisance generated by the development on site.
- (3) There was insufficient information in the submission to demonstrate that the development would not cause adverse environmental and drainage impacts on the surrounding areas.

Appendix III of RNTPC  
Paper No. A/YL-KTS/801

Similar Applications with the same "V" zone on the Kam Tin South OZP

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval conditions</u>
1	A/YL-KTS/508	Temporary open public car park (including private car, light goods vehicle and medium goods vehicle) for a period of 3 years	11.3.2011 (on review) [revoked on 16.8.2011]	(1), (2), (3), (4), (5), (6), (7), (8), (9)
2	A/YL-KTS/524	Proposed temporary private car park (private vehicles and light goods vehicles) for a period of 3 years	18.2.2011	(1), (2), (3), (5), (6), (7), (8), (9), (10), (11)
3	A/YL-KTS/551	Proposed Temporary Open Private Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years	6.12.2011 [revoked on 6.6.2012]	(1), (2), (3), (5), (6), (7), (8), (9), (11), (12), (13)
4	A/YL-KTS/574	Proposed Temporary Open Private Vehicle Park (Private Car and Light Goods Vehicle) for a Period of 3 Years	24.8.2012 [revoked on 23.11.2012]	(1), (2), (3), (5), (6), (7), (8), (9), (12), (13), (14), (15)

Approval conditions

- (1) No vehicle without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations are allowed to be parked/stored on the site.
- (2) No medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site.
- (3) No dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the site.
- (4) Provision of mitigation measures to minimize any possible nuisance of noise and artificial lighting on the site to the residents nearby.
- (5) Submission and implementation of landscaping proposal.
- (6) Submission and implementation of drainage proposal.
- (7) Submission of fire service installations proposal and/or implementation of fire service installations proposal.
- (8) Revocation if the planning conditions are not complied with during the planning approval period or by a specified time.
- (9) Reinstatement of the site to an amenity area.
- (10) The proposed development should not be operated on commercial basis.

- (11) Maintenance of boundary fencing.
- (12) No reversing of vehicles into or out from the public road.
- (13) A notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, is allowed to be parked/stored on or enter/exit the Site
- (14) Restriction on operation hours.
- (15) A proper vehicular access/run-in between the site and the public road should be maintained.

Advisory Clauses

- (a) resolve any land issues relating to the access to the development with the concerned land owners;
- (b) prior planning permission should have been obtained before commencing the applied use at 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, LandsD's comments that the Site comprises an Old Scheduled Agricultural Lot held under 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 Po Tei 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) will need 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 the landlord or lessor at its sole discretion and there is no guarantee that such application(s) 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 of 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 responsibility of the local access road should be clarified with the relevant lands and maintenance authorized accordingly;
- (f) note CHE/NTW, HyD's comments that the proposed access arrangement of the Site via Po Tei Road is not maintained by his department. His department does not and will not maintain any access connecting the Site and Kam Sheung Road. 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 the nearby public roads and drains;
- (g) 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;
- (h) note D of FS's comments that in consideration of the design/nature of the proposal, fire service installations (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;

- (i) note CBS/NTW, BD's comments that if the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of the BD, they are unauthorized building works (UBW) under the Buildings Ordinance (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 works or UBW on the Site under the BO. Before any new building works (including container/open sheds as temporary buildings and land filling) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorized Person (AP) 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 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 Building (Planning) Regulations at the building plan submission stage; and
- (j) note AMO, DEVB's comments that the applicant should ensure that (i) any works in relation to the vehicle park and (ii) the daily operation of the vehicle park shall not cause any adverse impacts to the Ancestral Hall. The walls of the Tang Lung Yau Wan Tsuen Um Ancestral Hall should not bear any loading or be used to any forms for structural or temporary support.