

**Appendix II of
RNTPC Paper No. A/YL-KTS/809**

Similar applications within the same “AGR” zone on the Kam Tin South OZP

Approved Applications

| | Application No. | Proposed Use(s) | Date of Consideration (RNTPC/TPB) | Approval Conditions |
|---|------------------------|---|--|---|
| 1 | A/YL-KTS/495 | Temporary Shop and Services (Real Estate Agency) for a period of 3 years | 16.7.2010 (revoked on 16.8.2012) | (1), (2), (3), (5), (6), (7) |
| 2 | A/YL-KTS/513 | Temporary Shop and Services (Real Estate Agency) for a period of 3 years | 10.12.2010 | (1), (2), (3), (5), (6), (7) |
| 3 | A/YL-KTS/619 | Renewal of Planning Approval for Temporary Shop and Services (Real Estate Agency) for a Period of 3 years | 22.11.2013 | (1), (2), (3), (5), (6), (7), (8), (9) |
| 4 | A/YL-KTS/742 | Renewal of Planning Approval for Temporary Animal Boarding Establishment for a Period of 3 years | 21.3.2014 | (1), (2),(4), (5), (6), (7), (8), (9), (10), (11) |
| 5 | A/YL-KTS/497 | Temporary Shop and Services (Real Estate Agency) for a period of 3 years | 30.7.2010 | (1), (2), (3), (5), (6), (7) |
| 6 | A/YL-KTS/608 | Temporary Shop and Services (Real Estate Agency) for a period of 3 years | 11.10.2013 (revoked on 11.4.2014) | (1), (2),(4), (5), (6), (7), (8), (9), (10) |

| | Application No. | Proposed Use(s) | Date of Consideration (RNTPC/TPB) | Approval Conditions |
|---|------------------------|--|--|---|
| 7 | A/YL-KTS/649 | Temporary Shop and Services (Real Estate Agency) for a period of 3 years | 17.10.2014 (revoked on 17.4.2015) | (1), (2),(4), (5), (6), (7), (8), (9), (10) |
| 8 | A/YL-KTS/704 | Temporary Shop and Services (Real Estate Agency) for a period of 3 years | 27.5.2016 (revoked on 27.8.2016) | (1), (2),(4), (5), (6), (7), (8), (9), (10), (11) |
| 9 | A/YL-KTS/729 | Temporary Shop and Services (Real Estate Agency) for a period of 3 years | 17.2.2017 | (1), (2),(4), (5), (6), (7), (8), (9), (10), (11) |

Approval Conditions

1. Restriction on operation hours.
2. Submission and/or implementation/maintenance of landscape and/or tree preservation proposal.
3. Submission of drainage proposal and/or implementation/maintenance of drainage facilities.
4. Maintenance of drainage facilities and submission of drainage facilities record.
5. Submission of fire service installations (FSIs) proposal and/or provision of FSIs.
6. Revocation of the planning approval if the planning conditions are not complied with during the planning approval period or by specified date.
7. Reinstatement of the Site after the expiry of the planning approval.
8. No reversing of vehicles into or out from the Site is allowed at any time during the planning approval period.
9. Submission of a record of existing drainage facilities.
10. No medium or heavy goods vehicles exceeding 5.5 tonnes including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked on or enter/exit the Site at any time.
11. No queuing back of vehicles to public road from the Site is allowed at any time.

Detailed Departmental Comment from CTP/UD&L, PlanD

- (a) The applicant is recommended to step up tree maintenance works to remove broken branch and hanging branch of the trees.
- (b) Please also make reference to the following promulgated by GLTM Section of DEVB, for good horticultural practice:

減低樹木風險的樹木護養簡易圖解

[https://www.greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk\(eng\).pdf](https://www.greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk(eng).pdf)

樹木管理手冊

https://www.greening.gov.hk/filemanager/content/pdf/tree_care/handbook_TM/HTML_to_Full_version.pdf

護養樹木的簡易圖解

https://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf

- (c) The applicant is reminded to seek LandsD's approval for possible tree works prior to commencement of works.



Advisory Clauses

- (a) to resolve any land issues relating to the temporary use with the concerned owner(s) of the Site;
- (b) note DLO/YL, LandsD'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 Sheung Road via Government Land (GL) and 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 Site. The Site falls within the Shek Kong Airfield Height Restriction Area (SKAHRA). The height of the proposed structures shall not exceed relevant airfield height limit within the SKAHRA. The lot 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. No construction of New Territories Excepted 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 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 the Lands Department. 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 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;
- (e) note DEP's comments that if septic tank and soakaway system will be used in case of unavailability of public sewer, its design and construction shall follow the requirement of EPD's Practice Note for Professional Person (ProPECC) PN 5/93 "Drainage Plans subject to Comment by the Environmental Protection Department". Applicant should 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" (COP) issued by EPD to minimise any potential environmental nuisances;

- (f) 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 plan 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 (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (g) note CTP/UD&L of PlanD's comments that the applicant is recommended to step up tree maintenance works to remove broken branch and hanging branch of the trees. Reference should be made to the following promulgated by GLTM Section of DEVB, for good horticultural practice:

減低樹木風險的樹木護養簡易圖解

[https://www.greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk\(eng\).pdf](https://www.greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk(eng).pdf)

樹木管理手冊

https://www.greening.gov.hk/filemanager/content/pdf/tree_care/handbook_TM/HTML_to_Full_version.pdf

護養樹木的簡易圖解

https://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf

The applicant is reminded to seek LandsD's approval for possible tree works prior to commencement of works; and

- (h) note CBS/NTW, BD's comment that Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, prior approval and consent of the BD should be obtained. Otherwise, they are Unauthorized Building Works (UBW). An Authorized Person (AP) should be appointed as the coordinator 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 BD, 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 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 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 Building (Planning) Regulation at the building plan submission stage.