

Previous Applications Covering the Application Site

Approved Applications

	Application No.	Proposed Use(s)	Date of Consideration (RNTPC)	Rejection Reasons
1.	A/YL-KTS/721	Proposed Temporary Shop and Services (Real Estate Agency, Pet Salon, Bicycle Retail Store and Convenience Store) for a Period of 3 Years	3.2.2017 [revoked on 3.8.2017]	(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11)
2.	A/YL-KTS/737	Proposed Temporary Shop and Services (Real Estate Agency, Interior Design Office, Bicycle Retail Store, Chinese Medical Clinic, Convenience Store, Retail Store, Supermarket, Courier Service Counter, Pet Salon, Pet Clinic and ancillary management office) for a Period of 3 Years	9.6.2017	(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11)

Approval Conditions

- (1) Restriction on operation hours
- (2) No medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site
- (3) No vehicles is allowed to queue back to or reverse onto/from public road at any time
- (4) Submission and implementation of a modification work proposal of the existing public footpath and associated street furniture at the proposed entrance to the east of the Site
- (5) Submission and implementation of drainage proposal
- (6) Maintenance of drainage facilities on site
- (7) Submission and implementation of landscape proposal
- (8) Submission and implementation of fire service installations proposal
- (9) Revocation of planning approval if condition is not complied with at any time/by specified date
- (10) Reinstatement of the Site after the expiry of the planning approval
- (11) Reinstatement of the existing public footpath and associated street furniture at the proposed entrance to the east of the Site should be at the applicant own cost

Rejected Applications

	Application No.	Proposed Use(s)	Date of Consideration (RNTPC)	Rejection Reasons
1.	A/YL-KTS/607	Proposed Temporary Public Vehicle Park (excluding container vehicles) for a Period of 3 Years	22.11.2013	(1), (2), (3), (4)
2.	A/YL-KTS/662	Proposed Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years	27.3.2015	(1), (2), (3), (4)
3.	A/YL-KTS/711	Proposed Temporary Public Vehicle Park (excluding container vehicles) for a Period of 3 Years	29.7.2016	(1), (3), (4)

Rejection Reasons

- (1) The proposed development was not in line with the planning intention of the "R(C)" zone which was intended primarily for low-rise, low-density residential developments. There was no strong justification in the submission for a departure from such planning intention, even on a temporary basis.
- (2) The proposed development was not compatible with the surrounding land uses which were predominated by residential developments or structures/dwellings.
- (3) The applicant failed to demonstrate that the proposed development would not cause adverse environmental, landscape and/or traffic impacts on the surrounding area.
- (4) The approval of the application, even on a temporary basis, would set an undesirable precedent for similar uses to penetrate into the "R(C)" zone. The cumulative effect of approving such similar application would result in a general degradation of the environment of the area.

Similar Application within the Same “R(C)” Zone on
approved Kam Tin South Outline Zoning Plan

Approved Application

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration By RNTPC/TPB</u>	<u>Approval Conditions</u>
1	A/YL-KTS/736	Temporary Shop and Services (Car Beauty Product) for a Period of 3 Years	26.5.2017 [revoked on 26.11.2017]	(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11)

Approval Conditions

- (1) Restriction on operation hours
- (2) No dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the Site
- (3) Maintenance of existing boundary fence on the Site
- (4) No medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site
- (5) No vehicles is allowed to queue back to or reverse onto/from public road at any time
- (6) Submission and implementation of tree preservation and landscape proposal
- (7) Submission and implementation of drainage proposal
- (8) Maintenance of existing drainage facilities
- (9) Submission and implementation of fire service installations proposal
- (10) Revocation of planning approval if condition is not complied with at any time/by specified date
- (11) Reinstatement of the Site after the expiry of the planning approval

Advisory Clauses

- (a) resolve any land issue relating to the development with the concerned owner(s) of the Site;
- (b) 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;
- (c) note DLO/YL, LandsD's comments that the Site comprises 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 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 the 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 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;
- (d) 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 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. The modification of the existing public footpath and associated street furniture abutting the proposed entrance at the eastern boundary of the Site should be at the applicant's own cost;
- (e) note CHE/NTW, HyD's comments that HyD does not and will not maintain any access connecting the Site and Kam Sheung Road. Adequate drainage measures should be provided to prevent surface water running from the Site to nearby public roads or road and drains. The modification work of the public footpath and associated street furniture for the entrance at the eastern boundary of the Site should be completed at the applicant's own cost;
- (f) note DEP's comment that the applicant should minimize any noise from the proposed use and should not cause any environmental nuisance to nearby sensitive receivers, and follow 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 nuisances;
- (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 Buildings Ordinance (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 if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of BD, they are 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 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. Before any new building works (including containers/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 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. 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 B(P)R at the building plan submission stage; and
- (i) note DFEH's comments that no Food and Environmental Hygiene Department(FEHD)'s facilities will be affected and such work and operation shall not cause any environmental nuisance, pest infestation and obstruction to the surrounding. For any waste generated from such work/operation, the applicant should arrange disposal properly at her own expenses. Proper licence/permit issued by FEHD is required if there is any catering service/ activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public.