

**Previous Applications covering the Application Site**

**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-KTS/165	Proposed Restaurant	30.4.1999	(3), (4), (6), (7), (10)
2	A/YL-KTS/386	Temporary Vegetable Collection Station for a Period of 3 Years	20.10.2006	(1), (3), (4), (8), (9)
3	A/YL-KTS/568	Temporary Vegetable Collection Station for a Period of 3 Years	7.9.2012	(1), (2), (3), (5), (8), (9)
4	A/YL-KTS/671	Renewal of Planning Approval for Temporary Vegetable Collection Station for a Period of 3 Years	21.8.2015 [revoked on 8.3.2016]	(1), (2), (3), (5), (8), (9)

**Approval Conditions**

- (1) Restriction on operation hours
- (2) Restriction of the type of vehicles to be parked/stored on or enter/exit the site
- (3) Submission and implementation of drainage proposal and/or maintenance/submission of a record of the existing drainage facilities
- (4) Provision of emergency vehicular access, water supply for fire fighting and fire service installations
- (5) Provision and/or implementation of fire service installations proposal
- (6) Submission and implementation of landscaping proposal
- (7) Provision of vehicular access arrangement and the design of the layout of the car park
- (8) Revocation if the planning condition was not complied with during the planning approval period or by the specified date
- (9) Reinstatement of the site to an amenity area
- (10) Cessation of the planning permission unless the permitted development was commenced or the permission was renewed

## Rejected Applications

	<u>Application No.</u>	<u>Proposed Use/ Development</u>	<u>Date of Consideration (TPB)</u>	<u>Main Reasons for Rejection</u>
1	A/DPA/YL-KTS/89*	Storage and workshop of vehicles	15.7.1994	(1), (2), (3), (4), (5), (6)
2	A/YL-KTS/177	Temporary Open Storage of Construction Materials for 12 Months	10.9.1999	(1), (2), (7)

*\*Under the zoning of "Unspecified Use" on the Kam Tin South DPA Plan.*

### Rejection Reasons:

- (1) The proposed development was not in line with the planning intention which was to encourage in-situ reconstruction of temporary structures with permanent materials/ not in line with the planning intention of "V" zone
- (2) The development was not compatible with the village settlements in the vicinity
- (3) Excessive site coverage and no justifications for such development intensity
- (4) Access fronting Kam Sheung Road was not desirable which was very close to the run-in of a vegetable market
- (5) The development would jeopardize the implementation of Shek Wu Tong Access Road Upgrading Project
- (6) No landscaping proposals to address the visual impact
- (7) The approval of the application would set an undesirable precedent for other similar applications in the area

**Advisory Clauses**

- (a) should the applicant fail to comply with the approval conditions resulting in the revocation of the planning permission, sympathetic consideration may not be given by the Committee to any further application;
- (b) prior planning permission should have been obtained before commencing the applied use at the Site;
- (c) 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 to Shek Tin 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 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 comment 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;
- (e) 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;
- (f) to 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 to minimize any potential nuisances;
- (g) note CE/MN, DSD's comment that the applicant should provide his own drainage facilities to collect the runoff generated from the Site or passing through the Site, and discharge the runoff collected to a proper discharge point. The development should not obstruct overland flow or cause any adverse drainage impact to the adjacent areas and existing drainage facilities. The applicant should consult DLO/YL and seek consent from relevant owners

for any works to be carried out outside his lot boundary before commencement of the drainage works;

- (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 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 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 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) Regulation 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) Regulation at the building plan submission stage;
- (i) 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 BO (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
- (j) note DFEH's comments that no 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 the such activity/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.