

**Appendix II of
RNTPC Paper No. A/YL-SK/228A**

Previous Applications Covering the Application Site

Approved Applications

	Application No.	Proposed Use(s)	Date of Consideration by the RNTPC/TPB	Approval Conditions
1.	A/YL-SK/37	Public Car/Lorry Park (about 15 parking spaces)	14.2.1997 (approved on a temporary basis for a period of 5 years up to 14.2.2002)	(a), (b), (c)
2.	A/YL-SK/81	Temporary Open Storage of New Private Cars Prior to Sale for a Period of 12 Months	16.7.1999 (approved on a temporary basis for a period of 12 months up to 16.7.2000)	(d), (e), (f)
3.	A/YL-SK/92	Temporary Open Storage of New Private Cars and Vehicle Parts for a Period of 3 Years	13.10.2000 (approved on a temporary basis for a period of 2 years up to 13.10.2002)	(a), (e), (f), (g), (h)
4.	A/YL-SK/110	Temporary Open Storage of New Private Cars Prior to Sale for a Period of 3 Years	23.5.2003 [on review] (approved on a temporary basis for a period of 12 months up to 23.5.2004)	(f), (h), (i), (j), (k)
5.	A/YL-SK/127	Temporary Open Storage of New Private Cars and Light Goods Vehicles Prior to Sale for a Period of 3 Years	18.11.2005 [on review] (approved on a temporary basis for a period of 12 months up to 18.11.2006)	(f), (h), (i), (j), (k), (l), (m), (n), (o)
6.	A/YL-SK/155	Proposed Public Vehicle Park (Excluding Container Vehicle)	12.2.2010 (approved on a temporary basis for a period of 3 years up to 12.2.2013) [revoked on 12.11.2010]	(f), (h), (o), (m), (n), (p), (q), (r), (s), (t), (u), (v), (w), (x)

	Application No.	Proposed Use(s)	Date of Consideration by the RNTPC/TPB	Approval Conditions
7.	A/YL-SK/177	Proposed Temporary Public Vehicle Park (excluding container vehicle) for a Period of 3 Years	7.12.2012 (approved on a temporary basis for a period of 3 years up to 7.12.2015)	(f), (h), (l), (m), (n), (o), (p), (q), (r), (s), (t), (w), (x), (y), (z), (aa)
8	A/YL-SK/212	Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles (Not Exceeding 5.5 Tonnes) and Ancillary Car Beauty Services for a Period of 3 Years	4.3.2016 (approved on a temporary basis for a period of 3 years up to 4.3.2019) [revoked on 4.6.2017]	(n), (p), (q), (r), (s), (t), (y), (z), (ab), (ac), (ad)

Approval Conditions

- (a) The submission and implementation of landscaping proposals.
- (b) The provision of stormwater drainage facilities.
- (c) The permission shall cease to have effect on a specified date unless prior to the said date either the development hereby permitted is commenced or this permission is renewed.
- (d) The submission and implementation of landscaping proposals, including a tree preservation scheme.
- ~~(e) The provision of drainage facilities.~~
- (f) Upon the expiry of the planning permission, the reinstatement of the application site to an amenity area.
- (g) The fencing of the application site.
- (h) If any of the time-limited planning conditions is not complied by a specific date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.
- (i) No heavy vehicles (including container vehicles and lorries) were allowed to be parked / stored on the site.
- (j) No vehicle repairing and dismantling activities were allowed on site.
- (k) The landscape planting and drainage facilities on the site should be maintained at all time during the approval period.
- (l) Restriction on the operation hours of the applied use.
- (m) The submission of fire services installations proposals.
- (n) The provision of fire services installations.
- (o) If any of the specific planning conditions was not complied with at any time during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice.
- (p) No vehicles without valid licences issued under the Traffic Regulations were allowed to be parked/stored at the application site at any time during the planning approval period.
- (q) No more than 43/45 private cars/light goods vehicles were allowed to be parked on the application site at any time during the planning approval period.

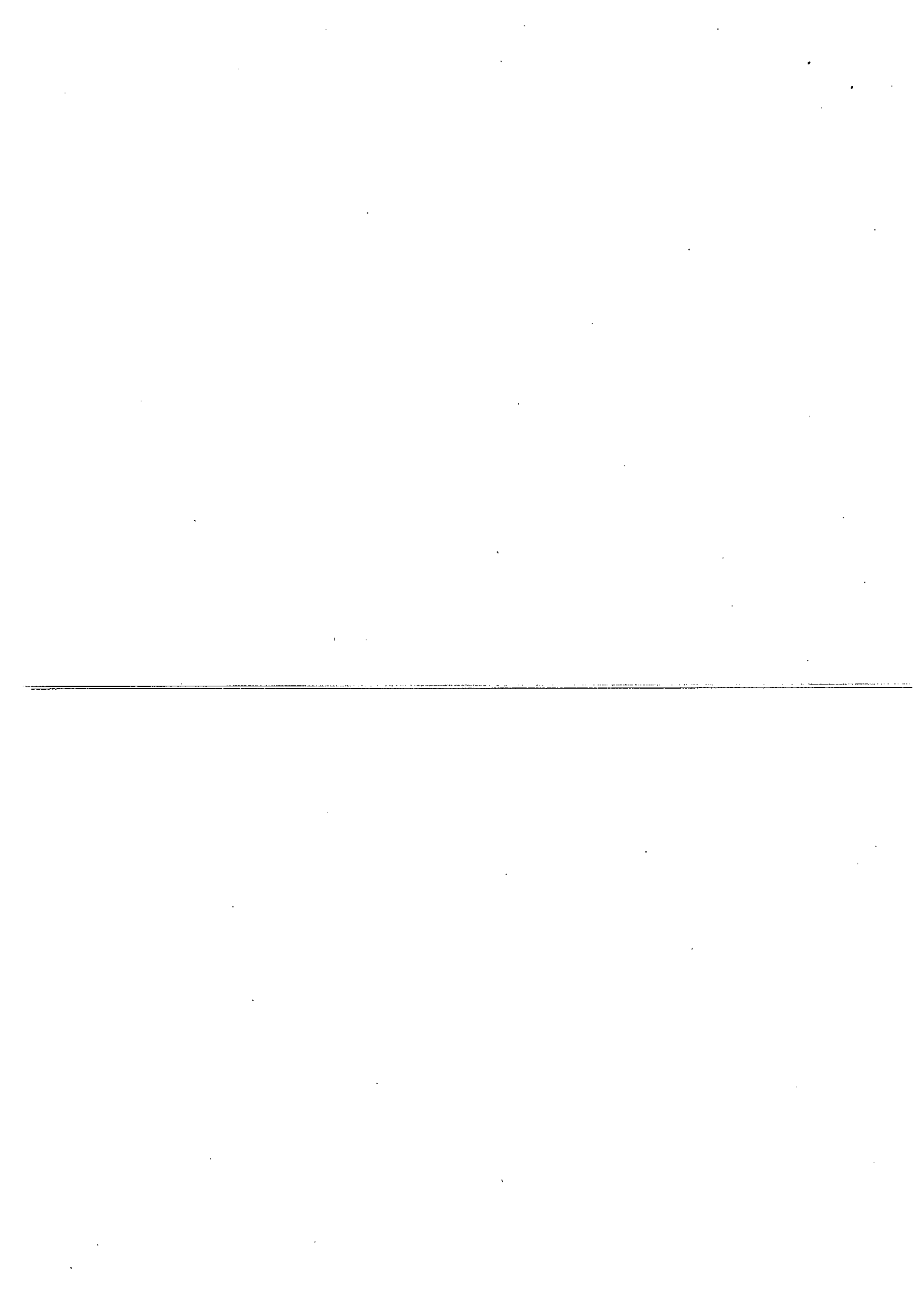
- (r) No medium or heavy goods vehicles (i.e. exceeding 5.5 tonnes) as defined in the Road Traffic Ordinance, coaches or container trailers/tractors were allowed to be parked/stored on the application site at any time during the planning approval period.
- (s) No vehicle dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities should be carried out on the application site at any time during the planning approval period.
- (t) The existing boundary fence on the application site should be maintained at all times during the planning approval period.
- (u) The submission of landscape and/or tree preservation proposal.
- (v) The implementation of landscape and/or tree preservation proposal.
- (w) The submission of drainage proposal.
- (x) The implementation of drainage facilities.
- (y) Vehicles were not allowed to reverse into or out of the site at any time during the planning approval period.
- (z) The implementation of the approved tree preservation proposal.
- (aa) The provision of fire extinguisher(s) together with a valid fire certificate (FS 251).
- (ab) No operation between 7:00 p.m. and 9:00 p.m., as proposed by the applicant, is allowed on the site during the planning approval period.
- (ac) A notice should be posted at a prominent location of the site to indicate that no medium or heavy vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance and coaches are allowed to be parked/stored on or enter/exit the site at any time during planning approval period.
- (ad) The implementation and maintenance of the agreed drainage proposal.

Rejected Application

	Application No.	Proposed Use(s)	Date of Consideration by the TPB	Rejection Reasons
1.	A/YL-SK/149	Temporary Open Storage of New Private Cars and Light Goods Vehicles Prior to Sale for a Period of 3 Years	12.6.2009 [on review]	(a), (b)

Rejection Reasons

- (a) The continuous occupation of the site for the applied temporary open storage use was not in line with the planning intention of the "Village Type Development" zone which was to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone was primarily intended for development of Small Houses by indigenous villagers. No strong justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis.
- (b) The continuation of the use on the site did not comply with the Town Planning Board Guidelines No. 13E in that the site fell within Category 4 areas, the intention of which was to encourage the phasing out of the non-conforming uses, and that there was adverse departmental comment on the application.



Detailed Comments of CE/MN of DSD and CTP/UD&L of PlanD

1. Comments of CE/MN of DSD:

- (a) The gradients and the dimension of the proposed u-channels should be shown on the drainage plan.
- (b) Provision of u-channel along eastern boundary at Kam Tin Road should be considered.
- (c) The invert levels of the proposed catchpits should be shown on the drainage plan for reference.
- (d) The proposal should indicate how the runoff (the flow direction) within the site would be discharged to the proposed u-channel.
- (e) The existing drainage facilities, to which the stormwater of the development from the Site would discharge, should be indicated on plan. The relevant connection details should be provided for comment.
- (f) The existing drainage facilities, to which the stormwater of the development from the Site would discharge, are not maintained by this office. The applicant should identify the owner of the existing drainage facilities to which the proposed connection will be made and obtain consent from the owner prior to commencement of the proposal works. In the case that it is a local village drains, DO/YL should be consulted.
- (g) The applicant should check and ensure the hydraulic capacity of the existing drainage facilities would not be adversely affected by the proposed development.
- (h) The location and details of the proposed hoarding/peripheral wall should be shown on the proposed drainage plan.
- (i) Cross sections showing the existing and proposed ground levels of the Site with respect to the adjacent areas should be given.
- (j) Standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit.
- (k) Sand trap or provision alike should be provided before the collected runoff is discharged to the public drainage facilities.
- (l) The development should neither obstruct overland flow nor adversely affect

existing nature streams, village drains, ditches and the adjacent areas, etc.

- (m) The applicant should consult DLO/YL, and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works.

2. Comments of CTP/UD&L of PlanD:

- (a) It is observed that a large open wound was observed at the lower trunk of *Bombax ceiba* (木棉) at the eastern corner. The applicant should closely monitor the tree condition and hire an arborist or competent person to provide proper tree maintenance measures to the tree.
- (b) Large physical objects were embedded into the trunks of *Ficus microcarpa* (細葉榕) along the northern boundary of the Site. The applicant is reminded that no material or park vehicles should be stored within 1m of the tree trunks and branches to prevent damages by stored materials, compaction of soil by heavy materials and contamination of soil from stored chemicals.
- (c) It is observed that the Ficus tree at the north of the entrance is planted in a small pit hole. For sustainable tree growth, the applicant should enlarge the tree pit to the size of min. 1m(W) x 1m(L) x 1.2m(soil depth).
- (d) The applicant should take into account the proposed drainage with the ~~distribution of existing trees. A 1m horizontal clearance should be kept~~ between the tree and drainage channel or any paved surface. Drainage layout and surface treatment should be submitted for consideration.
- (e) For trees next to vehicular access, a fence/kerb/bollard should be placed at a min. distance of 1m between the tree trunk and vehicle i.e. car display area to guard against potential physical damages to the trees arising from vehicular movement.
- (f) The applicant should refer to the below document on tree preservation:
 - Pictorial Guide for Tree Maintenance (護養樹木的簡易圖解)
 (www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf) promulgated by the DEVB.)

Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the development use at the Site;
- (b) the permission is given to the development under application. It does not condone any other development which currently exists on the Site but not covered by the application. The applicant should be requested to take immediate action to discontinue such development not covered by the permission;
- (c) resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (d) note DLO/YL, LandsD's comments that the Site comprises an 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 to Kam Tin Road via Government Land (GL). His office provides no maintenance work for the GL involved and do not guarantee any right-of-way. The Site falls within Shek Kong Airfield Height Restriction Area (SKAHRA). The height of the proposed structures shall not exceed the relevant airfield height limit within SKAHRA. The lot owner(s) needs to apply to his office if any structures to be erected on site. Such application(s) will be considered by LandsD acting in the capacity as landlord 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 of fee, as may be imposed by LandsD;
- (e) adopt the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by EPD to minimize any potential environmental nuisances. The applicant should be reminded that it is the obligation of the applicant to meet all the statutory requirements under the Water Pollution Control Ordinance and provide necessary mitigation measures to prevent polluting the natural stream;
- (f) note CTP/UD&L, PlanD's comments at **Appendix III** of this RNTPC paper;
- (g) note CE/MN, DSD's comments at **Appendix III** of this RNTPC paper;
- (h) note DAFC's comments that the Site is adjacent to a watercourse. The applicant is advised to adopt necessary measures to avoid causing disturbance or pollution to this watercourse during operation;
- (i) 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) under the Buildings Ordinance (BO). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO. 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 (B(P)R) respectively. If the Site does not abut on a specified street of not less than 4.5 wide, its permitted development intensity shall be determined under the Regulation 19(3) of the B(P)R at the building plan submission;

- (j) note D of FS's comments that in consideration of the design/ nature of the proposal, fire services 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 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 (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
- (k) note DEMS' comments that in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, ~~organizing and supervising any activity near the underground cable or overhead line~~ under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the "Code of Practice on Working near Electricity Supply Lines" established under the Regulation when carrying out works in the vicinity of the electricity supply lines.