

Previous s.16 Applications covering the Site

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition (s)</u>
1	A/DPA/YL-KTN/1	Proposed Temporary Office & Storage for Glove for 3 years	20.9.1991	(1), (2), (3), (4), (5), (6), (7)
2	A/YL-KTN/558	Temporary Warehouse (Storage of Pet Supplies and Gardening Goods) with Ancillary Office for a Period of 3 Years	9.6.2017 (revoked on 9.12.2017)	(4), (9), (10), (11), (12), (13), (14), (15)

Approval Conditions

- (1) No containerisation boxes may be deposited within the application site for storage or other purposes.
- (2) Provision of vehicular access, three car parking spaces and one loading/unloading bay.
- (3) Provision of fencing and landscaping.
- (4) Submission of drainage proposal/Provision of drainage facilities.
- (5) Provision of sewage treatment/disposal facilities.
- (6) Provision of a paved footpath of 1.5m wide along the northern boundaries of Lot Nos. 3841B, 3842A, 3843A and 3847A leading to Kai Kung Shan.
- (7) The planning permission shall cease to have effect on 20 September 1993 unless prior to the said date either the development hereby permitted is commenced or this permission is renewed.
- (8) Restriction on operation hours.
- (9) No medium or heavy goods vehicles or container trailers/tractors.
- (10) No dismantling, maintenance, modification, repairing, cleansing, paint spraying or other workshop activities.
- (11) No vehicle is allowed to queue back to or reverse into/from public road.
- (12) Maintenance of existing tree and landscape planting on site.
- (13) Submission and provision of fire service installations proposal.
- (14) Revocation of the planning approval if any of the planning conditions is not complied with by the specified dated or during the planning approval period.
- (15) Reinstatement of the site to an amenity area/ condition which is suitable for agricultural uses/ original state prior to the temporary open storage use.

Rejected Application

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration</u> <u>(RNTPC/TPB)</u>	<u>Approval</u> <u>Condition (s)</u>
1	A/YL-KTN/2	Proposed Temporary Storage of Glove and Office Use	24.3.1995 (on review) 12.04.1996 (dismissed on appeal)	(1), (2), (3)

Rejection Reasons:

- (1) The proposed development is not in line with the " R (D)" zone and no strong justification has been provided to merit a departure from the planning intention.
- (2) The proposed development is not compatible with the immediate surrounding area which is mainly residential in character.
- (3) No measures are proposed to mitigate the impact of the proposed development on the surrounding developments.

**Similar Application with the same “OU(Railway Reserve)” and “CDA” zones
On the Kam Tin North OZP**

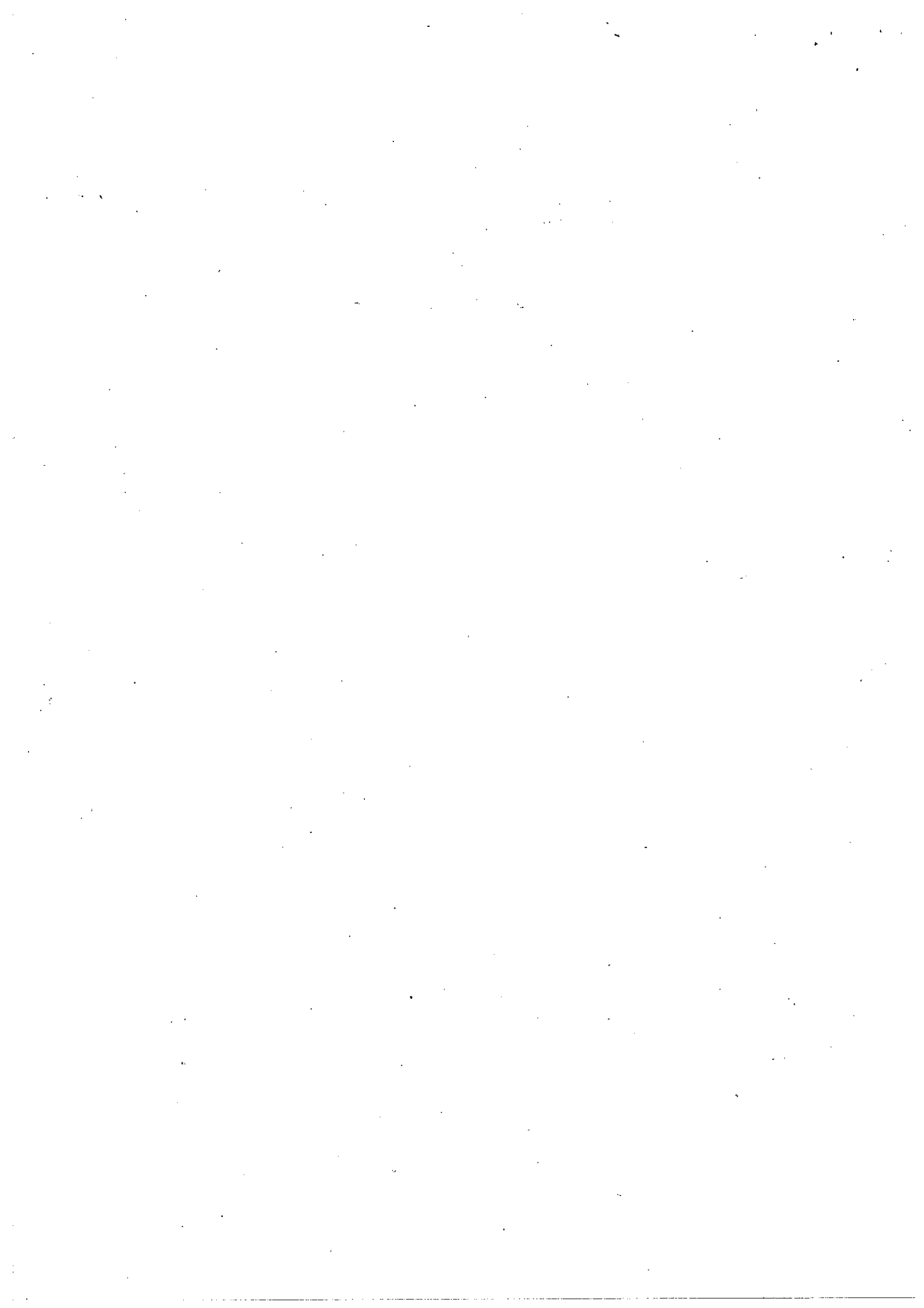
Approved Application

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Condition(s)</u>
1	A/YL-KTN/288*	Proposed temporary warehouse for furniture and accessories for a period of 3 years	1.2.2008 (for 1 year) [revoked on 1.5.2008]	1, 2, 3, 4, 5, 6, 7, 8

* The application site falls within the “OU(Railway Reserve)” zone and “Industrial (Group D)” zone.

Approval Conditions:

1. Submission and implementation of landscaping proposals
2. Submission and/or provision of drainage facilities/proposals
3. No heavy vehicle over, i.e. over 24 tonnes
4. No vehicle dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities
5. Restriction on operation time
6. Submission and implementation of emergency vehicular access, water supply for fire fighting and fire service installations proposals
7. Revocation of planning approval if any of the relevant planning conditions was not complied with during the planning approval period or by the specified date
8. Provision of boundary fencing



Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the development at the Site;
- (b) resolve any land issues relating to the development with the concerned owners of the site;
- (c) 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;
- (d) liaise with the villagers on any issue relating to access to the graves;
- (e) note DLO/YL of 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 to San Tam Road through Government Land (GL) only. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way. The lot owners will need to apply to his office to permit the structures to be erected or regularize any irregularity on site. Besides, the applicant has to either exclude the GL from the Site or apply for a formal approval prior to the actual occupation of the GL. Furthermore, the STW holder will need to apply to his offices for modification of the STW conditions if there is any irregularity on site. Such application will be considered by the LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application 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;
- (f) note CES/RD, LandsD's comments that the Site falls within "RDS 2014 Northern Link and Kwu Tung Station Limit of Area of Influence" and partially falls within "RDS 2014 Northern Link and Kwu Tung Station Administrative Route Protection Boundary". The development should not pose obstacles to the acquisition of land for the implementation of the NOL project;
- (g) note TD'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 clarified with the LandsD by the applicant. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (h) note CHE/NTW, HyD's comments that his department does not and will not maintain any access connecting the Site and San Tam Road. Adequate drainage measures should

be provided to prevent surface water running from the Site to the nearby public roads and drains;

- (i) note CE/RD1-1, RDO, HyD comments that the Site falls within the administrative route protection boundary for the proposed NOL. Although the programme and the alignment of the proposed NOL are still under review, those areas within the administrative route protection boundary may be required to be vacated at the time for the construction of the NOL. The applicant shall be reminded of the above when planning its land use application;
- (j) follow the relevant mitigation measures and requirements in the latest "Code of Practice on Handling the Environmental Aspects of Open Storage and Temporary Uses" issued by the DEP;
- (k) 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 applicant should be advised that 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 BO (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (l) note DEMS's 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; and
- (m) note CBS/NTW, BD's comments that if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the Building Department, they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any 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 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 (B(P)R) 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 B(P)R at the building plan submission stage.

