

Previous s.16 Application covering the Application Site

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1	A/YL-KTN/27	Temporary open storage of vehicles and vehicles parts with retail activities for a period of 12 months	15.8.1997 (on review)	(1), (2), (3)
2	A/YL-KTN/50	Temporary open storage of motor vehicle parts for a period of 12 months	16.1.1998	(1), (2), (3)
3	A/YL-KTN/70	Temporary open storage of vehicle and spare parts for a period of 12 months	25.9.1998	(1), (3)
4	A/YL-KTN/110	Temporary open storage of vehicles for sale for a period of 3 years	31.3.2000	(1), (3), (4)
5	A/YL-KTN/125	Temporary open storage of vehicles and vehicle parts with trading activities for a period of 3 years	10.11.2000	(1), (2), (3), (4)
6	A/YL-KTN/184	Temporary open storage of vehicles and vehicle parts with trading activities & vehicle workshop for a period of 3 years	9.1.2004 (approved for 1 year)	(1), (2), (3), (4)
7	A/YL-KTN/185	Temporary open storage of vehicles for sale for a period of 3 years	30.1.2004 (approved for 12 months)	(1), (2), (3), (4)
8	A/YL-KTN/207	Temporary open storage of vehicles and vehicle parts with trading activities for a period of 3 years	3.12.2004 (approved for 1 year) [revoked on 3.9.2005]	(1), (2), (3), (4), (5)
9	A/YL-KTN/208	Temporary open storage of vehicles and vehicle parts for sale for a period of 3 years	3.12.2004 (approved for 1 year)	(1), (2), (3), (4)

Approval conditions

- (1) The provision and implementation of landscaping proposals or maintain the existing landscape plantings
- (2) The provision and/or implementation of drainage facilities or maintain the existing drainage facilities

- (3) Reinstatement of the site to an amenity area upon expiry of the planning permission
- (4) Revocation of planning conditions if the planning conditions are not complied with during the approval period or by specified date
- (5) Provision of a run-in/run-out to the application site

Rejected Applications

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Main Reason(s) for Rejection</u>
1	A/YL-KTN/28	Temporary open storage of vehicle parts with retail activities for a period of 12 months	18.4.1997	(1), (2), (3)
2	A/YL-KTN/244	Temporary open storage of vehicles for sale for a period of 3 years	3.3.2006	(4), (5)
3	A/YL-KTN/245	Temporary open storage of vehicles and vehicle parts for a period of 3 years	3.3.2006	(4), (5)

Rejection Reasons:

- (1) The proposed development is not in line with the planning intention of the "Village Type Development" zone which is to demarcate both existing recognized villages and areas of land considered suitable for village expansion. There is no strong justification to merit a departure from this planning intention even on a temporary basis;
- (2) The proposed development is not compatible with the nearby village settlements of Wing Lung Wai.
- (3) Approval of the application will set an undesirable precedent for other similar applications, the cumulative effect of which will further degrade the environment in the area.
- (4) The development did not comply with the Town Planning Board Guidelines for "Application for Open Storage and Port Back-up Uses" as there was insufficient information in the submission to demonstrate that the development would not cause adverse environmental impact on the surrounding areas.
- (5) The continual occupation of the site for temporary open storage use was not in line with the planning intention of the "V" zone which was to designate both existing and recognized villages and areas of land considered suitable for village expansion. There was insufficient information in the submission to demonstrate that relocation to alternative sites could not be made.

**Similar Applications within the same “V” zone on
Kam Tin North OZP**

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/YL-KTN/365	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	6.12.2011 [revoked on 6.1.2014]	(1), (2), (3), (4), (5), (6), (7), (8),
2	A/YL-KTN/403	Temporary Shop and Services (Grocery and Metalware Retail Shop) for a Period of 3 Years	5.4.2013 [revoked on 17.5.2013]	(1), (2), (4), (6), (7), (8), (9), (10), (11), (13)
3	A/YL-KTN/409	Proposed Temporary Shop and Services (Grocery and Metalware Retail Shop) for a Period of 3 Years	19.7.2013 [revoked on 19.1.2014]	(1), (2), (4), (5), (6), (7), (8), (10), (11)
4	A/YL-KTN/417	Temporary Shop and Services (pet grooming and retail shop) for a Period of 3 Years	11.10.2013 [revoked on 11.9.2015]	(1), (4), (5), (6), (7), (8), (9), (10), (11), (13),
5	A/YL-KTN/430	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	7.2.2014	(1), (4), (6), (7), (8), (12)
6	A/YL-KTN/438	Proposed Temporary Shop and Services (Grocery and Metalware Retail shop) for a Period of 3 Years	25.4.2014 [revoked on 25.7.2014]	(1), (2), (4), (5), (6), (7), (8), (11), (14)
7	A/YL-KTN/547	Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	3.2.2017	(1), (4), (5), (6), (7), (8)
8	A/YL-KTN/572	Proposed Temporary Shop and Services (Book Shop) for a Period of 3 Years	8.9.2017	(1), (6), (7), (8)
9	A/YL-KTN/611	Temporary Shop and Services (Grocery, Metalware Retail Shop and Car Beauty Product) with Ancillary Office for a Period of 3 Years	3.8.2018	(1), (2), (4), (5), (6), (7), (8), (10), (11)

Approval conditions

- (1) Restriction on operation hours/time
- (2) No reversing of vehicles into or out from the site
- (3) Setting back of the southern boundary
- (4) Submission and/or implementation of landscaping proposal / maintenance of existing landscape plantings
- (5) Submission and implementation of drainage proposal
- (6) Submission and implementation of fire service installations proposal
- (7) 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
- (8) Reinstatement of the site to an amenity area or to the original state
- (9) provision of fire extinguisher(s)
- (10) no medium or heavy goods vehicles exceeding 5.5 tonnes including container tractors/trailers were allowed to be parked/stored on or enter/exit the site
- (11) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities
- (12) no parking of vehicle
- (13) provision of boundary fencing
- (14) no medium or heavy goods vehicles exceeding 3.3 tonnes including container tractors/trailers were allowed to be parked/stored on or enter/exit the site

Advisory clauses

- (a) prior planning permission should have been obtained before commencing the development;
- (b) note DLO/YL, LandsD's comments that the Site comprises Government land (GL) and Old Scheduled 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 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 STW and STT holder(s) will need to apply to his office for modification of the STW/STT conditions if there is any irregularities on site. Such application(s) will be considered by LandsD acting in the capacity as the landlord or lessor 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 or fee, as may be imposed by the LandsD;
- (c) note C for T's comments that the Site is connected to the public road network via a piece of land which is not managed by Transport Department. The land status of that piece of land should be checked with the LandsD. Moreover, the management and maintenance responsibilities of that piece of land should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) note CHE/NTW, HyD's comments that there is a strip of unallocated government land between the Site and the footpath of Kam Tin Road which is not and will not be maintained by his department. Adequate drainage measures should be provided to prevent surface water running from the Site to nearby public roads/drains;
- (e) adopt the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by DEP to minimize any potential environmental nuisances;
- (f) note D of FS's comments that in consideration of the design/nature of the proposal, fire service 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 (BO)

(Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

- (g) note CBS/NTW, BD's comments that if the existing structures are erected on leased land without approval of the BD (not being a New Territories Exempted House), they are unauthorized under the BO and should not be designated for any approved use under the planning application. 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 stage; and
- (h) 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.