

**Appendix II of
RNTPC Paper No. A/YL-KTS/830A**

Previous Applications Covering the Application Site

Approved Applications

	Application No.	Proposed Use(s)	Date of Consideration (RNTPC)	Rejection Reasons
1.	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 [revoked on 9.3.2019]	(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11)
2.	A/YL-KTS/812	Temporary Shop and Services with Ancillary Facilities for a Period of 5 Years	22.2.2019	(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/or 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/ maintain existing trees on the site
- (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.

Appendix III of
RNTPC Paper No. A/YL-KTS/830A

Similar Application within the same "R(C)" Zone

	Application No.	Proposed Use(s)	Date of Consideration (RNTPC)
1.	A/YL-KTS/827	Proposed temporary shop and services and eating place for a period of 5 years	Deferred on 6.9.2019

Advisory Clauses

- (a) resolve any land issue relating to the development with the concerned owner(s) of the Site;
- (b) note DLO/YL, LandsD's comments that the Premises is located within Lot No. 341 in D.D. 109 which is 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 Premises is accessible from Kam Po 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 Premises. The Premises 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;
- (c) note C for T's comments that the Premises 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;
- (d) note CHE/NTW, HyD's comments that HyD does not and will not maintain any access connecting the Premises and Kam Sheung Road. Adequate drainage measures should be provided to prevent surface water running from the Premises to nearby public roads or road and drains;
- (e) note CE/RD2-2, RDO, HyD's comment that the Premises falls within the area of influence ("AOI") for the proposed Northern Link (NOL), which is a recommended railway scheme under the Railway Development Strategy 2014 (RDS-2014). Although the programme and the alignment of the proposed NOL are still under review, those areas within the AOI may be required to be vacated at the time for the construction of the NOL and subject to nuisance, such as noise and vibration of the proposed NOL. The applicant should be satisfied with the surrounding condition of nuisance taking into account the future construction, operation and maintenance of NOL;
- (f) note DEP's comment that the applicant is advised to properly design and maintain adequate mechanical ventilation and necessary pollution control measures to avoid accumulation of aerial emissions and minimize potential noise and odour nuisance to the public and people living nearby. To minimize noise impact, oily fume and cooking odour emissions from the restaurant, the applicant should make reference to Environmental Protection Department (EPD)'s Pamphlet "Control of Oily Fume and Cooking Odour from

Restaurant and Food Business” available from EPD’s website and prohibit use of public announcement system, portable loudspeakers or any form of audio amplification system. The applicant is also advised 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” to minimize any potential environmental nuisances. All wastewater collected from kitchen, including that from basins, sinks and floor drains, should be discharged via a grease trap in accordance with the requirement of EPD’s Practice Note for Professional Person (ProPECC) PN 5/93 “Drainage Plans subject to Comment by Environment Protection Department”. It is reminded that effluent discharges from the proposed use are subject to control under Water Pollution Control Ordinance (WPCO). A discharge license under the WPCO shall be obtained before a new discharge is commenced;

- (g) note CE/MN, DSD’s comments that the applicant should be reminded to provide his own drainage facilities to collect the runoff generated from the Premises or passing through the Premises, 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. Also, the applicant should consult DLO/YL and seek consent from the relevant owners for any works to be carried out outside his lot boundary before commencement of the drainage works;
- (h) 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) or application for license for the eating place is required, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans or referral from relevant licensing authority respectively;
- (i) note CBS/NTW, BD’s comments that before any new building works (including containers/open sheds as temporary buildings, demolition and land filling) 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 BO. An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO). 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. 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. If the proposed use under application is subject to issue of a license, the applicant should be reminded that any existing structures on the site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority; and

- (j) 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. 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. For any waste generated from such activity/operation, the applicant should arrange disposal properly at her own expenses.

