

**Appendix II of
RNTPC Paper No. A/YL-KTS/833**

Similar Applications in the same “AGR” zone on the Kam Tin South Outline Zoning Plan

Approved Applications

	Application No.	Proposed Use(s)/Development(s)	Date of Consideration by RNTPC	Approval Conditions
1.	A/YL-KTS/534	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	5.8.2011 [Revoked on 5.5.2013]	(1), (2), (3), (4), (5), (6), (7), (8), (9), (10)
2.	A/YL-KTS/621	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	13.12.2013 [Revoked on 13.3.2014]	(1), (5), (6), (9), (10), (11), (12), (13), (14), (15)
3.	A/YL-KTS/623	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	3.1.2014	(1), (2), (3), (7), (9), (10), (11)
4.	A/YL-KTS/714	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	12.8.2016 [Revoked on 12.11.2016]	(1), (2), (5), (6), (9), (10), (11), (12), (14), (15)
5.	A/YL-KTS/724	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	23.12.2016	(1), (2), (4), (7), (9), (10), (11), (12)
6.	A/YL-KTS/788	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	20.7.2018 [Revoked on 20.10.2018]	(1), (2), (4), (5), (6), (7), (9), (10), (11), (12)

Approval Conditions

- (1) restriction on operation hours
- (2) no vehicle is allowed to queue back to or reverse onto / from public road at any time during the planning approval period
- (3) submission / implementation of landscape / tree preservation proposal
- (4) submission of drainage proposal / implementation of drainage facilities / maintenance of implemented drainage facilities
- (5) submission of a run-in proposal to / from Pat Heung Road

- (6) provision of a run-in at Pat Heung Road
- (7) submission of fire service installations (FSIs) proposal / provision of FSIs / implementation of accepted FSIs proposal
- (8) submission and implementation of proposal for diversion of the fire hydrant and water mains affected by the proposed development
- (9) revocation of the planning approval if the planning conditions are not complied with during the planning approval period or by specified date
- (10) reinstatement of the application site after the expiry of the planning approval
- (11) no medium or heavy goods vehicles exceeding 5.5 tonnes including container tractors/trailers are allowed to be parked / stored on or enter / exit the site at any time during the planning approval period
- (12) the existing trees / landscape plantings on the site shall be maintained at all times during the planning approval period
- (13) the existing drainage facilities on the site shall be maintained at all times during the planning approval period
- (14) submission of a record of existing drainage facilities on the site
- (15) implementation of the accepted FSIs proposal

Advisory clauses

- (a) resolve any land issues relating to the development with the concerned land owner(s) of the Site;
- (b) 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 from Pat Heung 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 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 structure(s) to be erected or regularize any irregularities on site. 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 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 section of a local access road which is not managed by Transport Department. 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 is not / shall not be responsible for the maintenance of any access connecting the Site and Pat Heung Road. Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads or exclusive road drains;
- (e) follow 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 the DEP to minimize any potential impact;
- (f) 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 BA, 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 the prevailing 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, demolition and land filling) are to be carried out on Site, prior approval and consent of the BA 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) Regulations (B(P)R) respectively. The Site does not abut on a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;

- (g) note D of FS' 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 FSI to be installed should be clearly marked on the layout plans. 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; and

- (h) note CE/C, WSD's comments that existing water mains will be affected (**Plan A-2** of this RNTPC paper). A waterworks reserve within 1.5m from the centre line of the water main shall be provided to WSD. No structure shall be built or materials stored within this waterworks reserve. Free access shall be made available at all times for staff of the Director of Water Supplies or their contractor to carry out construction, inspection, operation, maintenance and repair works. No trees or shrubs with penetrating roots may be planted within the Waterworks Reserve or in the vicinity of the water main. The Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the Site.