

Appendix II of RNTPC
Paper No. A/YL-KTS/841

Previous s.16 Applications covering the Application Site

Approved Applications

	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval conditions</u>
1	A/YL-KTS/546	Temporary Shop and Services (Real Estate Agency Office) for a Period of 3 Years	2.9.2011	(1), (2), (3), (4), (9), (10)
2	A/YL-KTS/650	Temporary Shop and Services (Real Estate Agency Office) for a Period of 3 Years	17.10.2014	(1), (2), (4), (5), (6), (7), (8), (9), (10)

Approval Conditions:

- (1) no night-time operation between 9:00 p.m. and 9:00 a.m.
- (2) submission / implementation of landscaping / tree preservation proposal
- (3) submission / provision of drainage facilities
- (4) submission / provision of fire service installations
- (5) no medium or heavy goods vehicles exceeding 5.5 tonnes
- (6) no reversing of vehicles into or out from the Site
- (7) maintenance of existing drainage facilities
- (8) submission of a record of existing drainage facilities
- (9) revocation of the planning approval if any condition is not complied with during the approval period / by the specified date
- (10) reinstatement of the Site to an amenity area

Rejected Application

	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Date of Consideration (RNTPC)</u>	<u>Rejection Reasons</u>
1	A/YL-KTS/242	Proposed Temporary Open Storage Of Scrap Metal And Vehicles For Disposal, Car Breaking And Stripping For A Period Of 3 Years	16.2.2001	(1), (2), (3)

Rejection Reasons:

- (1) the proposed development is not in line with the planning intention of the "Village Type Development" zone which is to designate both existing recognized villages and areas of land considered suitable for village expansion. There is no justification in the submission for a departure from the planning intention, even on a temporary basis
- (2) the proposed development is not compatible with the village settlements of Yuen Kong Tsuen to its east and the nearby village houses
- (3) the approval of the application would set an undesirable precedent for other similar uses to proliferate in the area. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

**Appendix III of RNTPC
Paper No. A/YL-KTS/841**

Similar Applications within the "V" Zone on the Kam Tin South OZP

Approved Applications

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1	A/YL-KTS/513	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	10.12.2010	(1), (5), (6), (7), (10), (11)
2	A/YL-KTS/542	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	5.8.2011 [revoked on 5.5.2012]	(1), (2), (3), (5), (6), (7), (10), (11)
3	A/YL-KTS/619	Renewal of Planning Approval for Temporary "Shop and Services (Real Estate Agency)" for a Period of 3 Years	22.11.2013	(1), (4), (5), (7), (8), (10), (11)
4	A/YL-KTS/651	Temporary "Shop and Services (Real Estate Agency)" for a Period of 3 Years	16.1.2015 [revoked on 16.7.2016]	(1), (6), (7), (8), (9), (10), (11)
5	A/YL-KTS/742	Temporary "Shop and Services (Real Estate Agency)" for a Period of 3 Years	23.6.2017	(1), (4), (5), (7), (8), (9), (10), (11)

Approval Conditions

- (1) no night-time operation
- (2) no vehicular access abutting Kam Sheung Road
- (3) no parking of vehicles was allowed on the site at any time
- (4) no vehicle is allowed to queue back to or reverse onto / from public road
- (5) the existing drainage facilities on the site should be maintained at all times and the submission of a record of the existing drainage facilities
- (6) submission / provision of drainage facilities

- (7) submission / implementation of tree preservation / landscaping proposal
- (8) the submission / provision of fire service installations proposal
- (9) no medium or heavy goods vehicles exceeding 5.5 tonnes
- (10) revocation of the planning approval if any approval condition is not complied with during the approval period / by the specified date
- (11) reinstatement of the Site to an amenity area

Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the development on the Site;
- (b) note DLO/YL, LandsD's comments that the Site comprises Government Land (GL) and 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. No permission is given for occupation of GL (about 9m² subject to verification) included in the Site. Any occupation of GL without the Government's prior approval is not allowed. The STW holder(s) will need to apply to his office for modification of the STW conditions where appropriate. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Furthermore, the applicant has to either exclude the GL portion from the Site or apply for a direct grant STT for use of the Site. 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 rent or fee, as may be imposed by 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 the Transport Department. The land status of the local access road should be checked with 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 HyD is not / shall not be responsible for the maintenance of any access connecting the Site and Kam Sheung 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 drain;
- (e) 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" issued by the DEP to minimize any potential environmental nuisance;
- (f) note CE/MN, DSD's comments that the applicant should implement the drainage facilities on site in accordance with the agreed drainage proposal. The applicant is required to rectify the drainage system if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify claims and demands arising out of drainage or nuisance caused by a failure of the drainage system. The development should neither obstruct overland flow nor adversely affect any existing natural streams, village drains, ditches and the adjacent areas. The applicant should consult DLO/YL and seek consent from relevant lot owners for any works to be carried out outside his lot boundary before commencement of the drainage works;
- (g) 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 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. 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;

- (h) note CBS/NTW, BD's comments that if the existing structures are erected on leased land without approval of the BD, they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any use under application. Before any new building works (including store rooms, kitchens, offices, toilets and open sheds as temporary buildings) are to be carried out on the Site, prior approval and consent of the Building Authority (BA) should be obtained. Otherwise, they are Unauthorized Building Works (UBW). 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 BA 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 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 Building (Planning) Regulation at the building plan submission stage; and
- (i) note PM/W, CEDD's comments that the Site has interface with CEDD Contact No. YL/2017/01 – Site Formation and Infrastructure Works for Development in Kam Tin, Yuen Long – Advance Works. The applicant shall liaise with his office for coordination before commencement of any works in the area, if any.