

Previous s.16 Applications covering the Application Site

Approved Applications

No.	Application No.	Proposed Development	Date of Consideration by RNTPC	Approval Conditions
1.	A/YL-PH/292	Temporary Open Storage of New Private Cars and Vehicle Parts for a Period of 12 Months	27.8.1999	(1), (2), (5)
2.	A/YL-PH/336	Temporary Open Storage of New Private Cars and Vehicle Parts Prior to Sale for a Period of 2 Years	11.8.2000 [Revoked on 11.5.2001]	(1), (2), (3), (4), (5)
3.	A/YL-PH/391	Temporary Open Storage of New Private Cars and Vehicle Parts Prior to Sale for a Period of 3 Years	15.3.2002	(2), (4), (5)
4.	A/YL-PH/498	Temporary Open Storage of New Private Cars and Vehicles Parts Prior to Sale for a Period of 3 Years	29.7.2005	(4), (5), (6), (7), (8), (9), (10)
5	A/YL-PH/595	Temporary Open Storage of Vehicles (Private Cars and Light Goods Vehicles) Prior to Sale for a Period of 3 Years	18.9.2009 [Revoked on 18.9.2011]	(1), (4), (5), (6), (7), (9), (11), (12),(14)
6	A/YL-PH/631	Proposed Temporary Open Storage of Vehicles (Private Vehicles and Vans) for Sale with Ancillary Office for a Period of 3 Years	16.12.2011	(1), (2), (4), (5), (6), (7), (9), (11), (12), (13), (14), (15)
7	A/YL-PH/714	Temporary Open Storage of Vehicles for Sale (Private Cars and Light Goods Vehicles) with Ancillary Office for a Period of 3 Years	17.4.2015 [revoked on 17.10.2015]	(2), (4), (6), (7), (8), (11), (12), (13), (14), (15)

Approval Conditions

- (1) Submission and/or implementation of landscape proposals within specified time limit.
- (2) Submission and/or implementation of drainage facilities or submission of drainage record within specified time limit.
- (3) Provision of vehicular access arrangement within specified time limit.
- (4) If the planning condition was not complied with during the planning approval period/was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.
- (5) Reinstatement of the application site to an amenity area upon expiry of the planning permission.
- (6) No workshop, repairing, maintenance, dismantling activities and storage of dismantled vehicles

and waste materials were allowed on site.

- (7) Restriction on operation hours.
- (8) The landscape planting at the site should be maintained at all times, and dead trees replaced, during the planning approval period.
- (9) The drainage facilities at the site should be maintained at all times during the planning approval period.
- (10) The provision of a 9-litre water type/3kg dry powder fire extinguisher in the site office within specified time limit.
- (11) Submission and implementation of fire service installations proposal and or provision of fire extinguishers.
- (12) No heavy goods vehicles (i.e. exceeding 24 tonnes) as defined in the Road Traffic Ordinance or container trailers/tractors were allowed to be parked/stored on the site
- (13) no reversing of vehicles into or out from the site was allowed at any time
- (14) no storage of dismantled vehicles and waste materials was allowed on the site
- (15) the existing run-in should be maintained at all times

**Appendix IV of RNTPC
Paper No. A/YL-PH/815**

Advisory Clauses

- (a) resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (b) note DLO/YL, LandsD's comments 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 Kam Tin 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. A site inspection found that unauthorized structures are erected on the lot and they are being used for domestic purposes. However, according to the existing policy, application for regularization by way of Short Term Wavier etc. of unauthorized structures for domestic use (including the staff resting place) on private agricultural land will not be entertained. His office will take follow up lease enforcement actions in respect of the lot. Hence, even if the Town Planning Board approves this application, his office will not consider to regularize any structures for domestic use of the lot;
- (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 (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 his department is / shall not be responsible for the maintenance of any access connecting the Site and Kam Tin 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) adopt the relevant mitigation measures and requirements in the latest "Code of Practice on Handling the Environmental Aspect of Temporary Uses and Open Storage Sites" issued by the DEP to minimise any potential impact;
- (f) note DAFC's comments that the Site does not associate with any licence granted by his department, nor have they received any application regarding the Site. Should the application be approved, the applicant is reminded to obtain a valid licence from his department, if the applicant wants to sell any animal, run animal boarding business, or exhibit any animal in return for a fee. The applicant is also reminded that the dogs kept should be properly licensed as in accordance with Cap. 421 Rabies Ordinance, and is reminded to observe Cap. 169 Prevention of Cruelty to Animals Ordinance at all times;
- (g) note D of FS's comments that the installation/maintenance/ modification/repair work of fire service installations shall be undertaken by a Registered Fire Service Installation Contractor (RFSIC). The RFSIC shall after completion of the

installation/maintenance/ modification/repair work issue to the person on whose instruction the work was undertaken a certificate (FS 251) and forward a copy of the certificate to the D of FS. 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;

- (h) note DFEH's comments that if any Food and Environmental Hygiene Department (FEHD)'s facility is affected by the development, FEHD's prior consent must be obtained. Re provisioning of the affected facilities by the applicant up to the satisfaction of FEHD may be required. Besides, the applicant should provide sufficient amount of additional recurrent cost for management and maintenance of the re provisioned facilities to FEHD. Proper licence / permit issued by his department is required if there is any food business / catering service / activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public and the operation of any business should not cause any obstruction. If the proposal involves any commercial/trading activities, no environmental nuisance should be generated to the surroundings. Also, for any waste generated from the commercial/trading activities, the applicant should handle on their own/at their expenses; and
- (i) 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 BD, 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 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) are to be carried out on the Site, the prior approval and consent of the BD 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. 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. 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.