

**Previous Applications Covering the Application Site**

**Rejected Applications**

	<b><u>Application No.</u></b>	<b><u>Proposed Use</u></b>	<b><u>Date of Consideration (RNTPC)</u></b>	<b><u>Main Reason(s) for Rejection</u></b>
1	A/YL-KTN/397	Temporary Back-up Warehouses (Storage of new Electrical Components and Garments in Parked Boxes) for a Period of 3 Years	11.1.2013	(1), (2) and (3)
2	A/YL-KTN/523	Temporary Open Storage of Brand New Vehicle (Private Cars) for a Period of 3 Years	30.9.2016	(1), (3), (4) and (5)

**Rejection Reasons:**

- (1) The proposed development was not in line with the planning intention of the "AGR" zone and "V" zones. No strong planning justification had been given in the submission to justify for a departure from the planning intentions, even on a temporary basis;
- (2) The proposed development would pose adverse environmental impact and would generate adverse landscape and drainage impacts on the surrounding areas;
- (3) The approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the "AGR" and/ or "V" zones. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area;
- (4) The application does not comply with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that the development is not compatible with the surrounding land uses, there is no previous approval granted at the site and there are adverse departmental comments and public objections against the application;
- (5) The applicant fails to demonstrate that the development would not generate adverse traffic, drainage and landscape impacts on the surrounding areas.



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

**Approved Applications**

	<b><u>Application No.</u></b>	<b><u>Proposed Use(s)</u></b>	<b><u>Date of Consideration (RNTPC)</u></b>	<b><u>Approval Conditions</u></b>
1	A/YL-KTN/413	Temporary Shop and Services (Plant Showroom) for a Period of 3 Years	6.9.2013	(1), (2), (3), (4), (5), (6), (7)
2	A/YL-KTN/446	Temporary Shop and Services (Plant Showroom) for a Period of 3 Years	22.8.2014 [revoked on 22.11.2015]	(1), (2), (3), (4), (5), (6), (7), (8)
3	A/YL-KTN/447	Temporary Shop and Services (Plant Showroom) for a Period of 3 Years	22.8.2014 [revoked on 22.11.2015]	(1), (2), (3), (4), (5), (6), (7), (8)
4	A/YL-KTN/448	Temporary Shop and Services (Plant Showroom) for a Period of 3 Years	26.9.2014 [revoked on 26.12.2015]	(1), (2), (3), (4), (5), (6), (7), (8)
5	A/YL-KTN/540	Temporary Shop and Services (Plant Showroom) for a Period of 3 Years	11.11.2016	(1), (2), (3), (4), (5), (6), (7), (8), (9)
6	A/YL-KTN/541	Proposed Temporary Shop and Services (Plant Showroom) for a Period of 3 Years	12.5.2017	(1), (2), (3), (4), (5), (6), (7), (8), (9)
7	A/YL-KTN/637	Proposed Temporary Shop and Services (Retail of Tail Lift) for a Period of 3 Years	4.1.2019	(1), (2), (3), (4), (5), (6), (7), (10), (11)
8	A/YL-KTN/656	Temporary Shop and Services (Retail of Tail Lift) for a Period of 3 Years	2.8.2019	(1), (2), (4), (5), (6), (7), (10), (11)
9	A/YL-KTN/699	Renewal of Planning Approval for Temporary Shop and Services (Plant Showroom) for a Period of 3 Years	24.4.2020	(1), (2), (4), (5), (6), (7), (8), (10),

**Approval conditions**

- (1) Restriction on operation hours
- (2) No medium or heavy goods vehicles exceeding 5.5/24 tonnes including container tractors/trailers were allowed to be parked/stored on or enter/exit the site
- (3) Submission and implementation of landscaping/ tree preservation proposal
- (4) Submission and implementation of drainage proposal/submission of record of existing drainage facilities/ maintenance of existing drainage facilities
- (5) Submission and implementation of fire service installations proposal/maintenance of existing fire service installations
- (6) 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
- (7) Reinstatement of the site to an amenity area or to the original state
- (8) Provision/maintenance of boundary fencing
- (9) No reversing of vehicle into or out from the site is allowed
- (10) No vehicle is allowed to queue back to or reverse onto/from public road
- (11) No dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the site at any time during the planning approval period

**Rejected Applications**

	<b><u>Application No.</u></b>	<b><u>Proposed Use</u></b>	<b><u>Date of Consideration (RNTPC / TPB)</u></b>	<b><u>Rejection Reasons</u></b>
1	A/YL-KTN/531	Proposed Temporary Shop and Services (Pet Shop with Ancillary Office and Guard Room) for a Period of 3 Years	29.7.2016	(1), (2)
2	A/YL-KTN/624	Proposed Temporary Shop and Services (Plant Showroom) for a Period of 3 Years	15.2.2019 (on review)	(1), (3)
3	A/YL-KTN/629	Proposed Temporary Shop and Services (Plant Showroom) for a Period of 3 Years	2.11.2018	(1), (3)

**Rejection Reasons**

- (1) The proposed development is not in line with the planning intention of the “AGR” zone. No strong justification has been given in the submission for a departure from the planning intention, even on temporary basis.
- (2) The approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within this part of the “AGR” zone. The cumulative effect of approving such applications would result in the encroachment of good agricultural land, causing a general degradation of the rural environment of the area.
- (3) The applicant fails to demonstrate that the proposed development would not generate environmental nuisance on the surrounding areas.

**Advisory Clauses**

- (a) note DLO/YL, LandsD's comments that the Site comprises 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 Site is accessible to San Tam 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 lot(s) owner(s) will need to apply to his offices 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.
- (b) 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;
- (c) note CE/NTW, HyD's comments that his department is/shall not be responsible for the maintenance of any access connecting the Site and San Tam Road. Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to the nearby public roads or exclusive road drains;
- (d) 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 EPD;
- (e) 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 FSI 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; and
- (f) 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, the prior approval and consent of the Building Authority should be obtained, otherwise they are unauthorized building works (UBW) under the BO. An Authorized Person 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 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. 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.