

Previous s.16 Applications covering the Application Site

Approved Application

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration By RNTPC/TPB</u>	<u>Approval Conditions</u>
1.	A/YL-KTS/131	Temporary open storage of vehicles with ancillary vehicle repairing workshop for a period of 12 months	20.11.1998 [on review]	(1), (2), (3), (4)

Approval Conditions

- (1) Provision of vehicular access arrangement
- (2) Submission and implementation of landscape proposal
- (3) Provision of drainage facilities
- (4) Reinstatement of the Site after the expiry of the planning approval

Rejected Applications

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration By RNTPC/TPB</u>	<u>Rejection Reasons</u>
1.	A/YL-KTS/111	Temporary open storage of vehicles, vehicle parts and vehicle repairing workshop for a period of 12 months	6.3.1998	(1), (2), (3), (4), (5)
2.	A/YL-KTS/365	Proposed temporary open storage of construction materials and machinery, and machinery repair workshop for a period of 3 years	7.4.2006	(3), (6)
3.	A/YL-KTS/484	Temporary cargo handling and forwarding facility for a period of 3 years	16.4.2010 [on review]	(7), (8), (9)
4.	A/YL-KTS/504	Temporary port back-up use and cargo handling station for a period of 3 years	21.1.2011 [on review]	(7), (8)
5.	A/YL-KTS/539	Temporary port back-up use and cargo handling station for a period of 3 years	22.7.2011	(7), (8), (9)

Rejection Reasons

- (1) The proposed development is not compatible with the surrounding rural areas with scattered village houses
- (2) The proposed development does not comply with the Town Planning Board Guidelines for "Open Storage and Port Back-up Uses under section 16 of the Town Planning Ordinance" in that the Site is too small for any meaningful open storage use
- (3) There is no information in the submission to demonstrate that the proposed development will not have adverse environmental/drainage/landscape impacts on the surrounding areas
- (4) There is no proper vehicular access to the Site
- (5) The approval of the application would set an undesirable precedent for other similar applications, the cumulative effect of which would further degrade the environment of the area
- (6) The application did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses in that residential dwellings which were located in the immediate vicinity of the Site would be susceptible to adverse environmental nuisance generated by the development
- (7) the application did not comply with the TPB Guidelines No. 13E in that the development was not compatible with the surrounding land uses which were predominated by residential structures/dwellings, agricultural lands and vacant land.
- (8) The residential dwellings/structures of the site and in the vicinity would be susceptible to adverse environmental nuisance generated by the development
- (9) There was adverse comment from the relevant Government department and objections and concerns from the public on the application.

**Similar Applications within the Same “AGR” Zone on
approved Kam Tin South Outline Zoning Plan**

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration By RNTPC/TPB</u>	<u>Approval Conditions</u>
1.	A/YL-KTS/198	Temporary vehicle repair workshop for 3 years	3.3.2000	(1), (2), (4), (6)
2.	A/YL-KTS/293	Temporary vehicle repair workshop for a period of 3 years	27.6.2003	(4), (5), (6)
3.	A/YL-KTS/336	Temporary vehicles repair workshop and vehicle parts for sales for a period of 3 years	4.3.2005 [revoked on 4.9.2005]	(1), (2), (3), (4), (6),
4.	A/YL-KTS/404	Temporary vehicle repair workshop for a period of 3 years	24.8.2007 [revoked on 24.1.2010]	(2), (4), (5), (6), (7), (8), (9)
5.	A/YL-KTS/483	Temporary open storage of vehicle parts with ancillary workshop for a period of 3 years	18.12.2009	(1), (2), (4), (6), (7), (8), (9), (10)
6.	A/YL-KTS/509	Temporary vehicle repair workshop for a period of 3 years	12.11.2010 [revoked on 12.10.2012]	(2), (4), (5), (6), (7), (8), (9)
7.	A/YL-KTS/515	Renewal of planning approval for temporary “open storage of vehicle parts with ancillary workshop” for a period of 3 years	10.12.2010	(1), (2), (4), (6), (7), (8), (9), (11)
8.	A/YL-KTS/605	Temporary vehicle repair workshop for a period of 3 years	6.9.2013 [revoked on 6.3.2014]	(1), (4), (5), (6), (7), (8), (9), (10), (18)
9.	A/YL-KTS/628	Temporary open storage of vehicle parts with ancillary workshop for a period of 3 years	7.2.2014 [revoked on 7.11.2014]	(1), (2), (4), (6), (7), (8), (9), (12), (13), (14), (15)
10.	A/YL-KTS/687	Temporary open storage of vehicle parts with ancillary workshop for a period of 3 years	8.1.2016	(1), (2), (4), (6), (7), (8), (9), (12), (13), (14), (15)

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11.	A/YL-KTS/743	Temporary vehicle repair workshop for a period of 3 years	8.9.2017	(1), (2), (4), (5), (6), (7), (8), (9), (12), (16), (17)

Approval Conditions

- (1) Submission and/or implementation of landscape and/or tree preservation proposal
- (2) Submission and/or implementation of drainage proposal/ maintenance of existing drainage facilities
- (3) Paving of the Site
- (4) Reinstatement of the site after the expiry of the planning approval
- (5) The landscape plantings/drainage facilities should be maintained at all times during the planning approval period
- (6) If the planning condition is not complied with at any times during the planning approval period, the approval shall cease to have effect and be revoked immediately without further notice
- (7) Restriction on operation hours
- (8) Provision/maintenance of boundary fencing
- (9) Submission and/or implementation of fire service installations proposal
- (10) No heavy vehicles exceeding 24 tonnes were allowed for the operation of the Site
- (11) No heavy goods vehicles exceeding 24 tonnes including container vehicles, as defined in the Road Traffic Ordinance were allowed to enter/exit the site
- (12) No medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, and no vehicle exceeding 7m long, are allowed to be parked/stored on or enter/exit the Site
- (13) No medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, and no vehicle exceeding 7m long, are allowed to be parked/stored on or enter/exit the Site
- (14) Submission of the record of the existing drainage facilities
- (15) Provision of fire extinguisher
- (16) No car washing or print spraying shall be carried out on the Site
- (17) No vehicle is allowed to queue back to or reverse onto/from public road
- (18) Submission of drainage record

Rejected Application

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration By RNTPC/TPB</u>	<u>Rejection Reasons</u>
1.	A/YL-KTS/613	Proposed temporary vehicle repair workshop for a period of 3 years	11.10.2013	(1), (2), (3), (4)

Rejection Reasons

- (1) The applicant failed to demonstrate that the proposed development will not have adverse environmental and drainage impacts on the surrounding areas
- (2) The approval of the application would set an undesirable precedent for other similar applications, the cumulative effect of which would further degrade the rural environment of the area
- (3) the proposed development is not in line with the planning intention of the "AGR" zone



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 Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restrictions 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). 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 structures shall not exceed the relevant airfield height limit within 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 Excepted Building(s) will be considered or allowed. Applications for any of the above will be considered by Lands Department (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 LandsD;
- (c) note CHE/NTW, HyD's comments that his department does not and will not maintain any access connecting the Site and Kam Tin Road. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.
- (d) follow 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 nuisances;
- (e) note CBS/NTW, BD's comments that before any new building works (including containers/open sheds as temporary buildings) 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 Buildings Ordinance (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 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;

- (f) ***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;***
- (g) note DAFC's comments that there are a few ponds to the north east of the Site. The applicant shall be reminded to avoid causing pollution to the ponds. As there are also some trees surrounding the Site, the applicant shall also be advised to avoid causing damages to trees near the Site during operation; and
- (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), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.