

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/622	Proposed Temporary Tso Tong Car Park for a Period of 3 Years	13.12.2013 [revoked on 13.6.2014]	(1), (2), (3), (4), (5), (7), (8), (9), (10), (11)
2.	A/YL-KTS/689	Temporary Car Park (Private Cars and Light Goods Vehicle) for a Period of 3 Years	8.1.2016	(1), (2), (3), (4), (5), (6), (7), (8), (10)

Approval Conditions

- (1) Restriction on operation hours.
- (2) No vehicles without valid licenses issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations are allowed to be parked/stored on the Site.
- (3) No medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the Site.
- (4) No dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities.
- (5) Notice should be posted at a prominent location of the Site to indicate that no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the Site.
- (6) No reversing of vehicles into or out from the Site is allowed.
- (7) Submission and implementation of drainage proposal.
- (8) Submission and implementation of landscape proposal.
- (9) Submission and implementation of FSIs proposal
- (10) Revocation of the planning approval if the planning conditions are not complied with during the planning approval period or by specified date.
- (11) Reinstatement of the Site after the expiry of the planning approval.

**Similar Application within the Same “R(C)” Zone on
the Approved Kam Tin South Outline Zoning Plan**

Rejected Application

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration By RNTPC/TPB</u>	<u>Rejection Reason</u>
1.	A/YL-KTS/223	Proposed Temporary Public Car Park for a Period of 3 Years	8.9.2000	(1)

Rejection Reason

- (1) The vehicular access of the proposed car park would be in conflict with the proposed pedestrian crossing and bus bay under the “Kam Tin Bypass” project which was scheduled for commencement in early 2001. The vehicular access point being located immediately adjacent to the proposed pedestrian crossing was also undesirable from safety point of view. There was no information in the submission to demonstrate that these technical issues can be satisfactorily resolved.

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Advisory Clauses

- (a) resolve any land issue relating to the development with the concerned owner(s) of the Site;
- (b) prior planning permission should have been obtained before commencing the applied use at the Site;
- (c) 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 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 the Shek Kong Airfield Height Restriction Area (SKAHRA). The lot owner(s) will need to apply to his office if any structure is to be erected on Site. Such application(s) will be considered by LandsD acting in the capacity of the landlord 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 LandsD;
- (d) 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 (TD). 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;
- (e) note CHE/NTW, HyD's comments that his department does not and will not maintain any access connecting the Site and Kam Tin Road. The applicant should be responsible for his own access arrangement. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (f) 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;
- (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 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;
- (h) 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 Site, prior approval and consent of 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 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. 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; and

- (i) note CE/C, WSD's comments that existing water mains will be affected as shown on **Plan A-2** of the RNTPC paper. The cost of any necessary diversion shall be borne by the developer. In case it is not feasible to divert the water mains, a waterworks reserve within 1.5 metres from the centerline of the water mains 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 shown on **Plan A-2** of the RNTPC paper. 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.