

**Previous Applications covering the Application Site
on Ting Kok Outline Zoning Plan**

Approved Applications

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-TK/265	Temporary Barbecue Site and Ancillary Carpark for a Period of 3 Years	07.11.2008 (Approved for 2 years up to 07.11.2010)	A1-A7

Approval Conditions

- A1. No night-time operation after specified time
- A2. No pond filling activities was allowed on the site
- A3. The submission and implementation of vehicular access and parking proposals
- A4. The submission and implementation of drainage proposals
- A5. The submission and implementation of landscape and tree preservation proposal
- A6. Revocation clause
- A7. Reinstatement clause

Rejected Application

Application No.	Proposed Development	Date of Consideration	Rejection Reasons
A/NE-TK/542	Proposed Filling of land up to 1.6m for Permitted agricultural use	27.3.2015	R1 – R4

Rejection Reasons

- R1. The development was not in line with the planning intention of the "Agriculture" ("AGR") zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justifications for land filling of 1.6m high for agricultural purpose.
- R2. The land filling falls partly within an area shown as 'Road' on the Outline Zoning Plan and would affect the future road works.
- R3. The applicant failed to demonstrate that the filling of land would not cause adverse drainage, landscape and geotechnical impacts on the surrounding area.
- R4. The approval of the application would set an undesirable precedent for other similar applications within the "AGR" zone. The cumulative impact of approving such applications would result in a general degradation of the environment of the area.

Similar Applications in the “AGR” Zone in the vicinity of the Site

Approved Applications

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-TK/321	Proposed Temporary Hobby Farm (Organic Farm and Fresh Provision Shop) for a Period of 5 Years	29.10.2010 (Approved for 3 years up to 29.10.2013)	A1 – A5
A/NE-TK/553	Proposed Temporary Hobby Farm, Shop and Services (Retail Shop) cum Site Formation for a Period of 3 Years	7.8.2015	A1 – A6
A/NE-TK/640	Renewal of Planning Approval for Temporary Hobby Farm, Shop and Services (Retail Shop) cum Land Filling for a Concrete Platform (10 cm in Depth) for a Period of Three Years	15.6.2018	A1, A4, A5, A7 - A9

Approval Conditions

- A1. Restriction on operation days and times as proposed by the applicant
- A2. The submission and implementation of drainage proposal/ maintenance of existing drainage facilities
- A3. The submission and implementation of fire service installations (FSI) proposal
- A4. Revocation clause
- A5. Reinstatement clause
- A6. The submission and implementation of landscape proposal
- A7. Maintenance of existing trees and vegetation
- A8. Maintenance of existing drainage facilities
- A9. Provision of FSI and water supplies for fire-fighting

Detailed Departmental Comments

Detailed comments from Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) on the submitted drainage impact assessment:

- (a) Since it appears that the proposed drainage facilities are not village drainage as described in Section 6.6.1 of Stormwater Drainage Manual (SDM) (Fifth Edition, January 2018), please review the design return period to be adopted.
- (b) The formation level of the site should not be higher than the adjacent Ting Kok Road and footpath.
- (c) The storm constants should follow Table 3a of SDM (Fifth Edition, January 2018).
- (d) The adopted storm duration of 240 mins appear to be on unreasonably high side, please review the calculations.
- (e) The rainfall should be increased by 10.4% according to Table 28 of SDM (Fifth Edition, January 2018).
- (f) Reduction in flow area should be taken into account in accordance with Section 9.3 of SDM (Fifth Edition, January 2018) for the U-channel design.
- (g) The proposed cover and invert levels of catchpit CP28 are missing.
- (h) There is no fall between catchpits CP18 and CP 19 (i.e. the invert levels are both +6.189mPD). Please review.
- (i) Please justify the use of runoff coefficient of 0.25 for unpaved area.

Recommended Advisory Clauses

- (a) to note the comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) that:
- (i) the private lots are held under the Block Government Lease demised for agricultural purpose, no structure shall be erected thereon without the prior approval from LandsD. As regard to the Government land, neither occupation nor works of any kind thereon is allowed without the prior approval from LandsD;
 - (ii) the proposed vehicular access to the application site will fall on a strip of Government land between Ting Kok Road and the subject lots of the site. As a result, a number of trees growing on the said Government land may be affected. As such, no trees shall be interfered with unless prior approval is obtained from her office. The maintenance and management responsibility of the said Government land should be sorted out with the relevant Government departments, prior to make use of its proposed vehicular access purpose. Furthermore, neither occupation nor works of any kind thereon is allowed on the Government land without prior approval from LandsD.
 - (iii) recent inspection revealed that unauthorized structures were erected on the Site. The applicant is required to clear any existing structures on the Site immediately unless they are covered by valid approval. Otherwise, appropriate enforcement action will be taken in due course;
 - (iv) should the TPB approve the application on the lots, the lots owners are required to submit an application for (i) Short Term Waiver (“STW”) to LandsD if they wish to erect structures or have hard paving on the private lots for site formation of the proposed structures; and (ii) Short Term Tenancy (STT) if they wish to include the Government land which is land-locked by Lot No.s 610,611, 634-636, 639, 1278 in D.D.17 for hobby farm use. However, there is no guarantee at this stage that the STW application would be approved. If the STW and STT applications are approved by LandsD acting in the capacity as landlord at its sole discretion, such approval will be subject to such terms and conditions as maybe imposed by LandsD including the payment of waiver fee/ STT rental and administrative fee as considered appropriate; and
 - (v) there is no guarantee to the grant of a right of way to the Site or approval of the EVA thereto;
- (b) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD) that:
- (i) the section of Ting Kok Road adjacent to the subject lot is under HyD’s maintenance purview. However, part of the area between Ting Kok Road and the subject lot is on unallocated government land which is outside HD’s maintenance purview. If vehicle access to the subject lot is approved, the applicant is required to sort out the maintenance responsibility of the area with DLO/TP; and

- (ii) the applicant is required to construct a proper run-in/out according to the latest HyD Standard Drawing Nos. 113C and 114B and reinstate the run-in/out to its original state upon expiry of the approval. As the run-in/out will affect the beam barriers, design details of the run-in/out should be submitted for TD and his consideration;
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):
- (i) while there are DSD's public stormwater drains in this area, the proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the Site and overland flow from surrounding of the Site, e.g. surface channel of sufficient size along the perimeter of the Site; sufficient openings should be provided at the bottom of the boundary wall/fence to allow surface runoff to pass through the Site if any boundary wall/fence are to be erected. Any existing flow path affected should be re-provided. The proposed development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas. The applicant/owner is required to maintain such drainage systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant/owner shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems; and
 - (ii) for works to be undertaken outside the Site, prior consent and agreement from DLO/TP and/or relevant private lot owners should be sought;
- (d) to note the comments of the Director of Environmental Protection (DEP) that the applicant is advised to follow the relevant mitigation measures and requirements in the "Revised Code of Practice on Handling Environmental Aspects of Open Storage and other Temporary Uses" to minimize any potential environmental nuisance;
- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department:
- (i) any temporary shelters or converted containers for storage or washroom or workshop or other uses are considered as temporary buildings are subject to the control of Part VII of the Building (Planning) Regulations;
 - (ii) 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;
 - (iii) 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; and
 - (iv) formal submission under the BO is required for any proposed new works, including any temporary structures. Detailed comments under BO will be provided at the building plan submission stage;
- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that the approval of the application does not imply

approval of tree works such as pruning, transplanting and felling under lease. Tree removal applications should be submitted direct to LandsD for approval;

- (g) to note the comments of the Director of Fire Services (D of FS):
 - (i) the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his satisfaction;
 - (ii) the applicant should be advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy and the location of where the proposed FSIs to be installed should be clearly marked on the layout plans; and
 - (iii) if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap.123), detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.

- (h) to note the comments of the Director of Food and Environmental Hygiene (DFEH):
 - (i) that the operator of hobby farm should take measure to prevent the existence of nuisance such as noise nuisance, pest nuisance and accumulation of refuse at the Site. The refuse generated are regarded as trade refuse. The management or owner of the Site is responsible for its removal and disposal at their expenses. The operation of any business should not cause any obstruction or environmental nuisance in the vicinity;
 - (ii) in accordance with Section 4 of Food Business Regulation, Cap. 132X, the expression “food business” means, any trade or business for the purpose of which any person engages in the handling of food or food is sold by means of a vending machine but it does not include any canteen in work place for the use exclusively of the persons employed in the work place. If the said canteen provided foods to the outsiders with payment, a food business licence is required; and
 - (iii) the operation of the eating place must not cause any environmental nuisance to the surrounding. The refuse generated by the proposed eating place are regarded as trade refuse. The management or owner of the site is responsible for its removal and disposal at their expenses. The operation of any business should not cause any obstruction or environmental nuisance in the vicinity.

- (i) to note the comments of Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):
 - (i) existing water mains are inside the proposed lot and will be affected. The applicant is required to either divert or protect the water mains found on site;
 - (ii) if diversion is required, existing water mains inside the proposed lot are needed to be diverted outside the site boundary of the proposed development to lie in Government land. A strip of land of minimum 1.5m in width should be provided for the diversion of existing water mains. The cost of diversion of existing water mains upon request will have to be borne by the grantee/applicant; and the applicant shall submit all the relevant proposal to WSD for consideration and agreement before the works commence;

(iii) if diversion is not required, the following conditions shall apply:

- (1) existing water mains are affected and no development which requires resiting of water mains will be allowed;
- (2) details of site formation works shall be submitted to the Director of Water Supplies (DWS) for approval prior to commencement of works;
- (3) no structures shall be built or materials stored within 1.5m from the centre line(s) of water main(s). Free access shall be made available at all times for staff of DSW or their contractor to carry out construction, inspection, operation, maintenance and repair works;
- (4) no trees or shrubs with penetrating roots may be planted in the vicinity of the water main(s). No change of existing site condition may be undertaken within the aforesaid area without the prior agreement of DWS. Rigid root barriers may be required if the clear distance between the proposed tree and the pipe is 2.5m or less, and the barrier must extend below the invert level of the pipe;
- (5) no planting or obstruction of any kind except turfing shall be permitted within the space of 1.5m around the cover of any valve or within a distance of 1m from any hydrant outlet; and
- (6) tree planting may be prohibited in the event that DWS considers that there is any likelihood of damage being caused to water mains.