

**Similar Applications within the same “V” zone
on the Ting Kok Outline Zoning Plan**

Approved Applications

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-TK/637	Temporary Private Car Park for a Period of Three Years	6.7.2018	A1 – A3
A/NE-TK/650	Temporary Private Car Park for a Period of Three Years	19.10.2018	A1 – A3

Approval Conditions

- A1. No vehicles without valid licences issued under the Road Traffic (Regulation and Licensing of Vehicles) Regulations were allowed to be parked/stored on the site.
- A2. No medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance were allowed to be parked/stored on or enter/exit the site.
- A3. No dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities should be carried out at the site.

Rejected Application

Application No.	Proposed Development	Date of Consideration	Rejection Reasons
A/NE-TK/636	Temporary Vehicle Park (Private Car and Light Goods Vehicle) for a Period of Three Years	6.4.2018	R1 – R3

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 justification in the submission for a departure from the planning intention of “AGR” zone, even on a temporary basis.
- R2. The applicant failed to demonstrate in the submission that the development would not result in adverse landscape and traffic impacts.
- R3. The approval of the application, even on a temporary basis, would set an undesirable precedent for other similar applications in the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the landscape character of the area.

Recommended Advisory Clauses

- (a) to note the comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) that:
- (i) no structure shall be erected on the Site without prior approval from LandsD;
 - (ii) the village road leading to the Site to the east, and the proposed ingress/egress are on unallocated government land. The maintenance and management responsibility of the said government land should be sorted out with the relevant government departments, prior to making use of them for proposed vehicular access purpose. Moreover, neither occupation nor works of any kind thereon is allowed without the prior approval from LandsD;
 - (iii) the lot owner should submit a short term waiver (STW) application to LandsD if he wishes to erect structures on the lot. If the STW application is approved by LandsD acting in the capacity as landlord at its sole discretion, such approval will be subject to such terms and conditions as may be imposed by LandsD including the payment of waiver fee and administrative fees as considered appropriate; and
 - (iv) there is no guarantee to the grant of a right of way to the Site or approval of emergency vehicular access thereto;
- (b) to note the comments of the Director of Environmental Protection (DEP) that the applicant should 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”;
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN,DSD) that:
- (i) while there are DSD’s public stormwater drains in this area, the applicant should have his own stormwater collection and discharge system to cater for the runoff generated within the Site and overland flow from the surrounding of the Site. Any existing flow path affected should be re-provided. The applicant should neither obstruct overland flow nor adversely affect the existing natural streams, village drains, ditches and the adjacent areas. The applicant should maintain the drainage systems properly and rectify/modify the nearby existing/original drainage systems if they are found to be inadequate or ineffective to accommodate the additional runoff arisen from the development of the Site. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure or ineffectiveness of the modified drainage systems caused by his works; and
 - (ii) for works to be undertaken outside the lot boundary, prior consent and agreement from LandsD and/or relevant lot owners should be sought; and

- (d) to note the comments of the Director of Fire Services (D of FS) that the applicant should submit relevant layout plans incorporated with the proposed fire services installations (FSIs) for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and the locations of the proposed FSIs to be installed should be clearly marked on the layout plans.