

**Similar Applications within the same “Agriculture” zone
on the approved Ting Kok Outline Zoning Plan No. S/NE-TK/19**

Rejected Applications

Application No.	Proposed Development	Date of Consideration	Rejected Reasons
A/NE-TK/629	Temporary Car Park (Private Cars only) for a Period of Three Years	9.2.2018	R1 – R3
A/NE-TK/674	Temporary Car Park (Private Cars only) for a Period of Three Years	22.5.2020 (on review)	R1 – R3
A/NE-TK/689	Temporary Car Park (Private Cars only) for a Period of Three Years	6.11.2020	R1 – R4

Rejection Reasons

- R1 The development is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is 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 is 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 fails to demonstrate in the submission that the development would not result in adverse landscape impact to the area.
- 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.
- R4. The applicant fails to demonstrate in the submission that the proposed car park layout is feasible from traffic engineering point of view.

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 at its east and south as well as the proposed ingress/ egress are on unallocated government land. No trees thereon shall be interfered with unless prior approval is obtained from LandsD. The maintenance and management responsibility of the said government land and any other government land leading to the Site (including a footbridge near Lot No. 685 S.J in D.D. 29) 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 prior approval from LandsD;
 - (iii) the lot owners should submit a short term waiver (STW) application to LandsD if they wish to erect structures on the lots. 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 fee 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 Commissioner for Transport (C for T) that the village access is not under Transport Department (TD)'s management. The land status, management and maintenance responsibilities of the village access should be clarified with the relevant lands and maintenance authorities accordingly in order to avoid potential land disputes;
- (c) 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";
- (d) to note the comments of the Chief Urban Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that 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 to DLO/TP, LandsD for approval;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN,DSD) that:
- (i) there is no existing DSD maintained public drain available for connection in the 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 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 is required to maintain the drainage systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant 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 lot boundary, prior consent and agreement from LandsD and/or relevant lot owners should be sought; and
- (f) 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 his 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.