

**Previous S.16 Applications**

**Approved Applications**

<b>Application No.</b>	<b>Uses/ Development</b>	<b>Date of Consideration</b>	<b>Approval Conditions</b>
A/NE-PK/82	Proposed House (New Territories Exempted House – Small House)	15.7.2016	A1, A2, A3 & A4
A/NE-PK/83	Proposed House (New Territories Exempted House – Small House)	15.7.2016	A1, A2, A3 & A4
A/NE-PK/84	Proposed House (New Territories Exempted House – Small House)	15.7.2016	A1, A2, A3 & A4
A/NE-PK/85	Proposed House (New Territories Exempted House – Small House)	30.9.2016	A1, A2, A3 & A4
A/NE-PK/86	Proposed House (New Territories Exempted House – Small House)	30.9.2016	A1, A2, A3 & A4

**Approval Conditions:**

- A1        The provision of septic tank
- A2        The submission and implementation of drainage proposal
- A3        The submission and implementation of landscape proposal
- A4        The commencement clause

**Rejected Application**

<b>Application No.</b>	<b>Uses/ Development</b>	<b>Date of Consideration</b>	<b>Rejection Reasons</b>
A/NE-PK/114	Temporary Private Car Park (Private Car and Light Goods Vehicle) for a Period of 3 Years	26.5.2017	R1 – R3

**Rejection Reasons**

- R1 The temporary private car park under application was not in line with the planning intention of the “Agriculture” (“AGR”) zone in the Ping Kong area 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, even on a temporary basis.
- R2 The applicant failed to demonstrate in the submission that the development would not result in adverse landscape impact on the surrounding areas.
- R3 The approval of the application would set an undesirable precedent for similar applications within the same “AGR” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

**Similar S.16 Applications for Temporary Private Car Park  
within/partly within “Agriculture” zone in the vicinity of the Application Site  
in the Ping Kong Area**

**Rejected Application**

<b>Application No.</b>	<b>Uses/ Development</b>	<b>Date of Consideration</b>	<b>Rejection Reasons</b>
A/NE-PK/129	Temporary Private Car Park (Private Car and Light Goods Vehicle) for a Period of 2 Years	3.8.2018	R1 – R3

**Rejection Reasons**

- R1 The temporary private car park under application was not in line with the planning intention of the “AGR” zone in the Ping Kong area 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, even on a temporary basis.
- R2 The applicant failed to demonstrate in the submission that the development would not result in adverse landscape impact on the surrounding areas.
- R3 The approval of the application would set an undesirable precedent for similar applications within the same “AGR” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

**Recommended Advisory Clauses**

- (a) prior planning permission should have been obtained before commencing the applied use at the Site.
- (b) to note the comments of the District Lands Officer/North, Lands Department as follows:
  - (i) the applicant should make his own arrangement for acquiring access. The Government shall accept no responsibility in such arrangements;
  - (ii) an unauthorized structure is found within the Site without prior approval from his office. The structure is not acceptable under the Lease concerned and his office reserves the right to take necessary lease enforcement actions against the structure; and
  - (iii) if the planning application is approved, the owners of the lots concerned have to apply to his office for a Short Term Waiver (STW) for any erected structure(s). The application for STW will be considered by Government in its landlord's capacity and there is no guarantee that it will be approved. If the STW is approved, its commencement date would be backdated to the first date of occupation and it will be subject to such terms and conditions to be imposed including payment of waiver fee and administrative fees as considered appropriate by his office.
- (c) to follow the environmental mitigation measures as set out in the latest "Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses" issued by the Director of Environmental Protection in order to minimize any possible environmental nuisances;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department as follows:
  - (i) the Site is in an area where no public sewerage connection is available; and
  - (ii) the Site is located within the flood pumping gathering ground;
- (e) to note the comments of the Chief Engineer/Construction, Water Supplies Department that an existing water mains will be affected by the development (**Plan A-2**). The applicant shall bear the cost of any necessary diversion works affected by the development. In case it is not feasible to divert the affected water mains, a waterworks reserve within 1.5 m from the centreline of the water main shall be provided. No structure shall be erected over this waterworks reserve and such area shall not be used for storage purposes; and
- (f) to note the comments of Director of Agriculture, Fisheries and Conservation that proper measures should be implemented to avoid the ditch running along the western boundary of the Site from having any possible negative effect on irrigation supply and drainage to the active agricultural activities in the vicinity.