

**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/228	Temporary Barbecue Site for a Period of 3 Years	9.3.2007 (Approved for 2 years up to 9.3.2009) (Revoked on 9.9.2007)	A1 – A6
A/NE-TK/257	Temporary Barbecue Site for a Period of 3 Years	18.7.2008 (Approved for 2 years up to 18.7.2010)	A1, A2 A4 – A6, A9
A/NE-TK/316	Temporary Barbecue Site for a Period of 3 Years	27.8.2010 (Approved for 2 years up to 27.8.2012) (Revoked on 27.5.2011)	A1, A2, A4, A6 – A8
A/NE-TK/427	Temporary Barbecue Site for a Period of 3 Years	5.4.2013 (Approved for 2 years up to 5.4.2015)	A1, A4 – A6, A8 – A10
A/NE-TK/624	Temporary Barbecue Site for a Period of 3 Years	9.2.2018	A1, A6, A8, A10 – A12

Approval Conditions

- A1. Upon expiry of the planning permission, reinstatement of the application site to an amenity area
- A2. No night-time operation after specified time was allowed on the site during the planning approval period
- A3. The submission and implementation of vehicular access and parking proposals within specified periods from the date of planning approval
- A4. The submission and implementation of drainage proposals within specified periods from the date of planning approval
- A5. The submission and implementation of landscape proposals and/or tree preservation proposal, within specified periods from the date of planning approval

- A6. The provision of precautionary/protective measures within a specified period from the date of planning approval to ensure no adverse impacts on the nearby “Coastal Protection Area” zone and Ting Kok “Site of Special Scientific Interest”
- A7. The existing vehicular access, parking, loading/unloading, trees and landscape plantings on the site should be maintained at all times during the planning approval period
- A8. The submission and implementation of proposals for water supplies for fire-fighting and fire service installations within specified periods from the date of planning approval
- A9. The submission and implementation of vehicular access and parking and loading/unloading proposals within specified periods from the date of planning approval
- A10. No night-time operation between the specified time was allowed on the application site during the planning approval period
- A11. The existing trees and vegetation and drainage facilities on the site should be maintained at all times during the planning approval period
- A12. The submission and implementation of parking, loading/unloading and pedestrian access proposals within specified periods from the date of planning approval

Rejected Application

Application No.	Proposed Development	Date of Consideration	Rejection Reasons
A/NE-TK/207	Proposed Temporary Barbecue Site for a Period of 3 Years	21.7.2006	R1 - R2

Rejection Reasons

- R1. There was insufficient information in the submission to demonstrate that the development would not cause adverse impact on the mangrove habitat in the Ting Kok Site of Special Scientific Interest to the south of the application site
- R2. The approval of the application would set an undesirable precedent for other similar applications within the “Agriculture” 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) shorter compliance periods on the approval conditions are imposed in view of the shorter approval period granted for the application;
- (b) 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 lots without prior approval from LandsD;
 - (ii) the applicant should submit a short term waiver (STW) application to LandsD for any structure(s) erected/to be erected on the Site. 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 and administrative fees as considered appropriate;
 - (iii) there is no guarantee to the grant of a right of way to the Site or approval of the emergency vehicular access (EVA) thereto; and
 - (iv) the applicant is required to clear any existing structures on the Site immediately unless they are covered by valid approval. Otherwise, appropriate lease enforcement action will be taken in due course;
- (c) to note the comments of the Commissioner for Transport (C for T) that the applicant should seek comments from relevant departments and permit for the operation of the proposed development if necessary;
- (d) to note the comments of the Director of Environmental Protection (DEP) that:
 - (i) if there is any “*race*” or “*rac*ing” element involved during the operation of the go-kart facilities, the subject facilities might constitute a Designated Project (DP) under Item O.4 of the Environmental Impact Assessment Ordinance (EIAO) (i.e. motor racing circuit). Any person who construct and/or operate a DP without an Environmental Permit would commit an offence under section 26(1) of the EIAO;
 - (ii) the applicant should conduct appropriate noise impact assessment to demonstrate that the proposed development will meet relevant noise standards stipulated in the Hong Kong Planning Standards and Guidelines. The applicant shall also clarify if there will be other noisy plant/equipment (e.g. public address system) to be installed in the Site and, if affirmative, they shall be addressed in the noise assessment as well. The noise impact assessment should include the following essential information:
 - (1) noise source strength such as sound power levels of the two types of crazy cart to be used (under operation mode);
 - (2) maximum number of the two types of carts operated for any 30-minute period;

- (3) noise impacts at nearby noise sensitive receivers; and
 - (4) any noise mitigation measures proposed; and
 - (iii) DEP's technical advices on environmental issues related to the planning application shall not be deemed in any way as to pre-empt, preclude or prejudice decisions to be made under the EIAO (if a DP is identified);
- (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, 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 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;
 - (ii) public sewers are not available near the Site; and
 - (iii) for works to be undertaken outside the lot boundary, prior consent and agreement from LandsD and/or relevant lot owners should be sought;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
- (i) if the existing structures are erected on leased land without approval of the BD (not being a New Territories Exempted House), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application;
 - (ii) before any new building works (including temporary structures) are to be carried out on the Site, the prior approval and consent of the Building Authority should be obtained or the building works are minor works that are carried out under the simplified requirement under the Minors Works Control System, otherwise they are Unauthorized Building Works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO;

- (iii) 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;
 - (iv) if the proposed development under the application is subject to the issue of a licence, the applicant should be reminded that any existing structures on the Site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority;
 - (v) formal submission under the BO is required for any proposed new works including any temporary structures; and
 - (vi) in connection with (v) above, the Site shall be provided with means of obtaining access thereto from a street under the Building (Planning) Regulation (B(P)R) 5 and EVA shall be provided under B(P)R 41D. If the Site is not abut on a specified street having a width not less than 4.5m, the development intensity shall be determined by the Building Authority under B(P)R 19(3) at the building plan submission stage;
- (g) to note the comments of the Director of Agriculture, Fisheries and Conservation (DAFC) that the Site is located approximately 40m to the north of Ting Kok Site of Special Scientific Interest (SSSI). Chain-link fence separating the Site and the SSSI should be in place, and banners reminding the public of nature protection should be set up to minimise human disturbance to the SSSI;
- (h) to note the comments of the Director of Fire Services (D of FS) that:
- (i) the applicant should submit 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; and
 - (ii) if the proposed structure(s) is required to comply with the BO (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (i) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that for provision of water supply to the proposed development, the applicant may need to extend the inside services to the nearest suitable Government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and

- (j) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that:
 - (i) a Place of Public Entertainment (PPE) Licence must be obtained from DFEH for keeping or using (a) so much of any place, building, erection or structure, whether temporary or permanent, capable of accommodating the public; and (b) any vessel, in or on which a public entertainment is presented or carried on whether on one occasion or more. A temporary PPE Licence must be obtained from DFEH if a public entertainment event will take place on a temporary basis;
 - (ii) the application for licence will be referred to relevant Government departments for comments. If there is no objection from the departments concerned, a letter of requirements will be issued to the applicant for compliance and the licence will be issued upon compliance of all the requirements; and
 - (iii) the operator of the Site should take measures to prevent the existence of nuisance such as smoke nuisance, noise nuisance, pest nuisance and accumulation of refuse at the Site. Private refuse collector should be deployed for clearance and disposal of refuse generated from the Site.