

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

**Approved Application**

Application No.	Proposed Development	Date of Consideration	Rejected Reasons
A/NE-TK/457	Proposed Temporary Shop and Services (Pet Supplies Shop and Ancillary Veterinarian Clinic) for a Period of 3 Years	2.8.2013 (Revoked on 2.2.2015)	A1-A7
A/NE-TK/549	Proposed Temporary Shop and Services (Real Estate Agency and Convenience Store) for a Period of 3 Years	3.7.2015	A1, A3-A6, A8,A9
A/NE-TK/639	Renewal of Planning Approval for Temporary Shop and Services (Real Estate Agency and Convenience Store) for a Period of 3 Years	15.6.2018 (Revoked on 4.4.2019)	A1, A3-A5, A7,A8

- A1. No night-time operation between the specified time, as proposed by the applicant, was allowed on the application site during the planning approval period.
- A2. The submission and implementation of drainage proposal within specified periods from the date of planning approval .
- A3. The submission and implementation of fire service installations and water supplies for fire-fighting proposal within specified periods from the date of planning approval.
- A4. Revocation of planning approval for non-compliance with conditions by a specified date/during the planning approval period.
- A5. The reinstatement of the application site upon the expiry of the planning permission.
- A6. The provision of car-parking facilities and loading/unloading spaces for the applied use within a specified period from the date of planning approval.
- A7. The implementation of landscape proposal as submitted under the application within a specified period from the date of planning approval.
- A8. The existing drainage facilities on the application site should be properly maintained at all times during the planning approval period.

- A9. The existing trees and landscape planting on the application site should be properly maintained at all times during the planning approval period.

**Similar Applications within the Same “Recreation” Zone  
on the Ting Kok Outline Zoning Plan**

**Approved Applications**

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Approval Conditions</b>
A/NE-TK/403	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	5.10.2012	A1 – A5
A/NE-TK/442	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	19.7.2013 (Revoked on 19.7.2015)	A1-A7
A/NE-TK/564	Temporary Shop and Services(Real Estate Agency)for a Period of 3 Years	20.11.2015	A1,A3-A5,A8
A/NE-TK/592	Proposed Temporary Shop and Services (Fresh Provision Supplier) for a Period of 3 Years	30.9.2016 (Revoked on 30.3.2017)	A1,A3,A4
A/NE-TK/614	Proposed Temporary Shop and Services (Fresh Provision Supplier) for a Period of 3 Years	14.7.2017	A1, A3,A4
A/NE-TK/652	Proposed Temporary Shop and Services (Store) for a Period of 3 Years	19.10.2018	A1-A4
A/NE-TK/655	Renewal of Planning Approval for Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	16.11.2018	A1,A3,A4,A8
A/NE-TK/666	Proposed Temporary Shop and Services (Grocery Store) for a Period of 3 Years	2.8.2019	A1-A4,A6

**Approval Conditions**

- A1. No night-time operation between the specified time, as proposed by the applicant, was allowed on the application site during the planning approval period.
- A2. The submission and implementation of drainage proposal within specified periods from the date of planning approval .
- A3. The submission and implementation of fire service installations and water supplies for fire-fighting proposal within specified periods from the date of planning approval.

- A4. Revocation of planning approval for non-compliance with conditions by a specified date/during the planning approval period.
- A5. The reinstatement of the application site upon the expiry of the planning permission.
- A6. The proposed development should maintain a clearance of specified height from the top of the embankment of the existing natural stream course during the planning approval period.
- A7. The submission and implementation of landscape proposal within specified periods from the date of planning approval.
- A8. The existing drainage facilities on the application site should be properly maintained at all times during the planning approval period.

**Rejected Application**

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Rejection Reasons</b>
A/NE-TK/523	Proposed Temporary Eating Place (Restaurant) and Shop and Services (Convenience Store) for a Period of 5 Years	31.10.2014	R1,R2

**Rejection Reasons**

- R1. The planning intention of the "Recreation" ("REC") zone was intended primarily for recreational developments for the use of the general public. It encouraged the development of active and/or passive recreation and tourism/eco-tourism. The applicant failed to demonstrate that the proposed development is in compliance with the planning intention of the "REC" zone.
- R2. The applicant failed to demonstrate that the proposed development would not have adverse environmental and landscape impacts on the surrounding areas.

**Recommended Advisory Clauses**

- (a) the permission is only given to the applied use. It does not condone any other uses which currently exist on the application site (the Site) but not covered by the application;
- (b) shorter compliance periods are imposed in order to closely monitor the progress of compliance with approval conditions. If there is further non-compliance with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given to any further application;
- (c) to note the comments of District Lands Office/Tai Po of Lands Department (DLO/TP, LandsD) that:
  - (i) the Site consists of a private lot (Lot 1615 RP in D.D. 17) which is held under the Block Government Lease demised for agricultural purpose. No structure shall be erected on the lot without prior approval from LandsD;
  - (ii) the Site is partly covered by a proposed Short Term Waiver (STW) No. 785 for the purpose of “a temporary shop and services (Real Estate Agency and Convenience Store)”. The proposed STW is for a fixed term from 4.7.2014 to 31.3.2017 and thereafter quarterly. The total built-over-area (BOA) permitted is about 119m<sup>2</sup> with height of structures not exceeding 4.75m;
  - (iii) a recent site inspection revealed that the BOA of the Site conforms to that permitted under the STW, except that a movable canopy straddling on the Site, the adjoining Government land and Lot 1617 RP in D.D. 17 was found. The applicant is therefore required to clear any existing structure not covered by the STW or encroaching onto the Government land immediately. Otherwise, appropriate enforcement action will be taken in due course; and
  - (iv) there is no guarantee to the grant of a right of way to the Site or approval of Emergency Vehicular Access (EVA) thereto;
- (d) to note the comments of Commissioner for Transport (C for T) that the applicant should seek comments from the maintenance responsibility parties for the approaching road if necessary;
- (e) to note the comments of the Director of Environmental Protection (DEP) that the applicant advised to follow the latest “Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses” issued by DEP;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:
  - (i) the applicant 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 shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems;

- (ii) for works to be undertaken outside the Site, prior consent and agreement from DLO/TP, LandsD and/or relevant private lot owners should be sought;
  - (iii) public sewerage connection is available in the vicinity of the Site. Environmental Protection Department should be consulted regarding the sewerage treatment/disposal aspects of the proposed development; and
  - (iv) the applicant should be reminded to follow the established procedures and requirements for connecting sewers from the Site to the public sewerage system. A connection proposal should be submitted to DSD via DLO/TP, LandsD for approval beforehand. Moreover, the sewerage connection will be subject to DSD's technical audit, for which an audit fee will be charged;
- (g) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that for the provision of water supply to the 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 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;
- (h) to note the comments of the Director of Fire Services (D of FS) that the applicant is advised that the installation/ maintenance/ modification/ repair work of fire service installations (FSIs) shall be undertaken by an Registered Fire Service Installation Contractor (RFSIC). The RFSIC shall after completion of the installation/ maintenance/ modification/ repair work issue to the person on whose instruction the work was undertaken a certificate (FS 251) and forward a copy of the certificate to D of FS;
- (i) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that:
- (i) should there be any revision to the accepted landscape proposal, prior approval for the revised landscape proposal would have to be obtained before implementation of the landscape works; and
  - (ii) referring to the approval condition of previous application (No. A/NE-TK/549), the applicant is required to maintain nine existing *Ficus microcarpa* (細葉榕) within the Site during approval period. However, only seven trees are recorded during the site visit. The applicant should seek comments from the administrative party on tree replacement;
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that the applicant should note the followings related to the Building Ordinance (BO):
- (i) before any new building works are to be carried out on the Site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the BO;
  - (ii) for UBW erected on leased land, enforcement action may be taken by the BA 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;

- (iii) any temporary shelters or converted containers for storage/washroom/first-aid room/site office or other uses are considered as temporary buildings are subject to the control of Part VII of the Building (Planning) Regulations;
  - (iv) the Site shall be provided with means of obtaining access thereto from a street under the Building (Planning) Regulation 5 and emergency vehicular access (EVA) shall be provided under the Building (Planning) Regulation 41D;
  - (v) if the Site is not abutting on a specified street having a width not less than 4.5m, the development intensity shall be determined by the BA under Building (Planning) Regulation 19(3) at building plan submission stage; and
  - (vi) 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; and
- (k) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that proper licence/permit issued by the Food and Environmental Hygiene Department (FEHD) is required if food business is involved. For the operation of any types of food business, relevant food licences or permits should also be obtained from FEHD in accordance with the Public Health and Municipal Services Ordinance (Cap. 132).