

**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/147	Proposed Temporary Barbecue Site for a Period of 2 Years	22.11.2002 (Approved for 2 years up to 22.11.2004)	A1, A2
A/NE-TK/228	Temporary Barbecue Site for a Period of 3 Years	09.03.2007 (Approved for 2 years up to 09.03.2009) (Revoked on 09.09.2007)	A1, A3 – A7
A/NE-TK/257	Temporary Barbecue Site for a Period of 3 Years	18.07.2008 (Approved for 2 years up to 18.07.2010)	A1 – A3, A5 – A7
A/NE-TK/316	Temporary Barbecue Site for a Period of 3 Years	27.08.2010 (Approved for 2 years up to 27.08.2012) (Revoked on 27.05.2011)	A1, A3, A5, A7 – A9
A/NE-TK/427	Temporary Barbecue Site for a Period of 3 Years	05.04.2013 (Approved for 2 years up to 05.04.2015)	A1, A2, A5 – A7, A9, A10
A/NE-TK/624	Temporary Barbecue Site for a Period of 3 Years	09.02.2018 (Approved for 3 years up to 09.02.2021)	A1, A7, A9 – A12

Approval Conditions

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

- A5. The submission and implementation of drainage proposals within specified periods from the date of planning approval
- A6. The submission and implementation of landscape proposals and/or tree preservation proposal, within specified periods from the date of planning approval
- A7. 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”
- A8. 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
- A9. 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
- 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 Applications

Application No.	Proposed Development	Date of Consideration	Rejection Reasons
A/NE-TK/207	Proposed Temporary Barbecue Site for a Period of 3 Years	21.07.2006	R1 – R2
A/NE-TK/669	Proposed Temporary Place of Recreation, Sports or Culture (Outdoor Electric Go-kart Ground) for a Period of 3 Years	04.10.2019	R2 – R4

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” (“AGR”) zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

- R3. The proposed development was not in line with the planning intention of the “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 was no strong planning justification in the submission for a departure from the planning intention of “AGR” zone, even on a temporary basis.

- R4. The applicant failed to demonstrate that the proposed development would not cause adverse noise impact on the surrounding area.

**Similar Applications within the same “AGR” Zone
on Ting Kok Outline Zoning Plan**

Approved Applications

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-TK/208	Proposed Temporary Barbecue Site and Car Park for a Period of 3 Years	16.06.2006 (Approved for 3 years up to 16.06.2009)	A1 – A5 (Revoked on 16.12.2006)
A/NE-TK/235	Temporary Barbecue Site and Car Park for a period of 3 years	27.07.2007 (Approved for 2 years up to 27.07.2009)	A1 – A5
A/NE-TK/265	Temporary Barbecue Site and Ancillary Carpark for a Period of 3 Years	07.11.2008 (Approved for 2 years up to 07.11.2010)	A1 – A5, A11
A/NE-TK/281	Renewal of Planning Approval for Temporary Barbecue Site and Car Park for a period of 2 years	24.07.2009 (Approved for 2 years up to 27.07.2011)	A1, A8, A10, A16
A/NE-TK/360	Renewal of Planning Approval for Temporary Barbecue Site and Car Park for a period of 2 years	17.06.2011 (Approved for 2 years up to 27.07.2013)	A1, A10, A16
A/NE-TK/456	Renewal of Planning Approval for Temporary Barbecue Site and Car Park for a period of 2 years	19.07.2013 (Approved for 2 years up to 27.07.2015)	A1, A10, A16
A/NE-TK/494	Temporary Barbecue Site and Car Park for a Period of 3 Years	25.04.2014 (Approved for 2 years up to 25.04.2016)	A1, A4, A7, A8, A10, A15 (Revoked on 25.04.2015)
A/NE-TK/565	Temporary Barbecue Site and Car Park for a Period of 3 Years	20.11.2015 (Approved for 2 years up to 20.11.2017)	A1, A5, A8, A9, A10 (Revoked on 20.11.2016)

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-TK/625	Temporary Barbecue Site for a Period of 3 Years	16.03.2018 (Approved for 3 years up to 16.03.2021)	A1, A8, A10, A12 – A14
A/NE-TK/628	Temporary Barbecue Site for a Period of 3 Years	18.05.2018 (Approved for 3 years up to 18.05.2021)	A1, A6, A8, A10, A13 A14
A/NE-TK/661	Temporary Barbecue Site and Car Park for a Period of 3 Years	01.02.2019 (Approved for 3 years up to 01.02.2022)	A1, A4, A8, A10, A13, A14

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/revised 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 and/or loading/unloading facilities, trees and landscape plantings on the site should be maintained at all times during the planning approval period
- A8. The submission and implementation/provision of proposals for water supplies for fire-fighting and fire service installations within specified periods from the date of planning approval
- A9. The existing vehicular access and parking and drainage facilities on the site shall be maintained at all times during the planning approval period
- A10. No night-time operation between the specified time was allowed on the application site during the planning approval period

- A11. No pond filling activities was allowed on the site
- A12. The submission and implementation of parking and loading/unloading proposals within specified periods from the date of planning approval
- A13. The submission of sewerage impact assessment (SIA) and implementation of sewerage facilities within specified periods from the date of planning approval
- A14. The existing trees and/or vegetation and drainage facilities on the site shall be maintained at all times during the planning approval period
- A15. The submission and implementation of water main diversion proposal within specified periods from the date of the planning approval
- A16. The existing vehicular access and parking facilities, the existing drainage facilities, the existing trees and landscape plantings, and the existing fire service installations on the site should be maintained at all times during the planning approval period.

Recommended Advisory Clauses

- (a) to resolve any land issue relating to the development with the concerned owners of the Site;
- (b) to note the comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) that:
 - (i) there is no guarantee of right of way to the Site;
 - (ii) no structure shall be allowed to be erected within the Site without prior approval from LandsD; and
 - (iii) the relevant registered owners of the lots should apply for Short Term Waiver (STW) to regularize the unauthorized structures erected or to be erected on site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion. Nevertheless, there is no guarantee that such approval will be given. If such STW application is approved, it will be subject to such terms and conditions, including among others the payment of fees, as may be imposed by LandsD;
- (c) to note the comments of the Commissioner for Transport (C for T) that:
 - (i) the applicant should provide five coach/heavy goods vehicle parking spaces of 3.5 m x 12 m and 25 private car parking spaces of 2.5 m x 5 m as shown in his submission; and
 - (ii) the village access road is not under TD's management. It is suggested that 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.
- (d) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that:
 - (i) no objection to the application from the landscape planning perspective;
 - (ii) based on aerial photo of 2019, the Site is located in an area of rural coastal plains landscape character surrounded by village houses to its north in an area zoned "V", farmlands and clusters of trees. According to the layout plan, beside a few additional structures (i.e. cold storages, changing room etc.) proposed along the north-eastern boundary of the Site, the proposed layout is generally similar to that under the previous application (No. A/NE-TK/624). Significant adverse landscape impact arising from the same applied use within the Site is not anticipated;
 - (iii) according to record, at least three planning applications (No. A/NE-TK/625, 628 and 661) surrounding the Site within the same "AGR" zone for the applied use were approved by the TPB in 2017 to 2019. The applied use under this application is considered not entirely incompatible with the surrounding environment of the Site;
- (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 drains available for connection in the vicinity of 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 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 existing natural streams, village drains, ditches and the adjacent areas. The applicant is required to maintain the systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant/owner 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 private 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 Buildings Department (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 captioned application;
 - (ii) before any new building works are to be carried out on the application site, prior approval and consent of the Building Authority (BA) should be obtained unless they are exempted building works or commenced under the simplified requirement under the Minor Works Control System. 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;
 - (iii) 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 constructed as an acceptance of any existing building works or UBW on the application site under the BO;
 - (iv) if the proposed use under application is subject to the issue of a licence, please be reminded that any existing structures on the application 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) any temporary shelter or converted containers for storage or other uses are considered as temporary buildings are subject to the control of Part VII of the Building (Planning) Regulations;

- (vi) the site shall be provided with means of obtaining access thereto from a street under the Building (Planning) Regulations 5 and emergency vehicular access shall be provided under the Building (Planning) Regulation 41D;
 - (vii) 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 Building Authority under Building (Planning) Regulation 19(3) at building plan submission stage;
 - (viii) 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.
- (g) to note the comments of the Director of Agriculture, Fisheries and Conservation (DAFC) that the Site is located approximately 30m to the north of Ting Kok Site of Special Scientific Interest (SSSI). The chain-link fence separating the Site and the SSSI and banners reminding the public of nature protection set up in the Site should be maintained to minimise human disturbance to the SSSI; *(pending confirmation)*
- (h) to note the comments of the Director of Fire Services (D of FS) that:
- (i) relevant layout plans incorporated with the proposed FSIs should be submitted to his Department for approvals of which;
 1. the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 2. the location of where the proposed FSI to be installed should be clearly marked on the layout plans;
 - (ii) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.