

**Similar Applications
within the Same "Recreation" Zone
on the Approved Ting Kok Outline Zoning Plan No. S/NE-TK/19**

Approved Applications

Application No.	Proposed Development	Date of Consideration (RNTPC)	Approval Conditions
A/NE-TK/403	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	5.10.2012 (Approved for 3 years up to 5.10.2015)	A1 – A5
A/NE-TK/442	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	19.7.2013 (Approved for 3 years up to 19.7.2016)	A1-A7 (Revoked on 19.7.2015)
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 (Approved for 3 years up to 2.8.2016)	A1-A5, A11-A12 (Revoked on 2.2.2015)
A/NE-TK/549	Proposed Temporary Shop and Services (Real Estate Agency and Convenient Store) for a Period of 3 Years	3.7.2015 (Approved for 3 years up to 3.7.2018)	A1, A3-A5, A8, A11, A13
A/NE-TK/564	Temporary Shop and Services(Real Estate Agency)for a Period of 3 Years	20.11.2015 (Approved for 3 years up to 20.11.2018)	A1,A3,A4,A5,A8
A/NE-TK/592	Proposed Temporary Shop and Services (Fresh Provision Supplier) for a Period of 3 Years	30.9.2016 (Approved for 3 years up to 30.9.2019)	A1,A3,A4 (Revoked on 30.3.2017)
A/NE-TK/614	Proposed Temporary Shop and Services (Fresh Provision Supplier) for a Period of 3 Years	14.7.2017 (Approved for 3 years up to 14.7.2020)	A1, A3,A4
A/NE-TK/639	Renewal of Planning Approval for Temporary "Shop and Services (Real Estate Agency and Convenient Store)" for a Period of 3 Years	15.6.2018 (Approved for 3 years up to 3.7.2021)	A1, A4-A5, A8-A10

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 proposals 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 3.5m 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.
- A9. The submission and implementation of a tree preservation and landscape proposal within specified periods from the date of renewed planning approval.
- A10. The submission and implementation of a fire service installations proposal within specified periods from the date of renewed planning approval.
- A11. The provision of car-parking facilities and loading/unloading spaces for the applied use within a specified period from the date of planning approval.
- A12. The implementation of landscape proposal as submitted under the application within a specified period from the date of planning approval.
- A13. The existing trees and landscape planting on the application site should be properly maintained at all times during the planning approval period.

Rejected Application

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

Rejection Reasons

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

Recommended Advisory Clauses

- (a) the planning permission is given to the uses under application. It does not condone any other development/uses which currently exists on the Site and not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/uses not covered by the planning permission;
- (b) to resolve any land issue relating to the development with the concerned owner of the application site (the Site);
- (c) 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 lot concerned or approval of Emergency Vehicular Access (EVA) thereto;
 - (ii) the applicant is required to obtain a written consent or else from the registered owner of the Site before implementation of the applicant's proposal;
 - (iii) if the planning application is approved by the Town Planning Board (the Board), the site owner has to apply for Short Term Waiver (STW) for the proposed structure. However, there is no guarantee at this stage that the STW application would be approved. 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 Lands including the payment of fees as considered appropriate; and
 - (iv) the dimensions of the structures and other details submitted by the applicant have not been verified and the applicant is required to demonstrate the dimensions and calculation of the structures area when the STW application is submitted;
- (d) to note the comments of the Director of Fire Services (D of FS) that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;
- (e) to note the comments of the Director of Environmental Protection (DEP) that the relevant mitigation measures and requirements in the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' should be followed;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that :
 - (i) if any 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 current application;
 - (ii) before any new building works (including any containers/open sheds as temporary buildings) 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 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 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;
 - (iv) in connection with (ii) above, the Site shall be provided with means of obtaining access thereto from a street under the Building (Planning) Regulation 5 and emergency vehicular access shall be provided under the Building (Planning) Regulation 5 and 41D; and
 - (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.
- (g) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that:
- (i) proper licence / permit issued by the Food and Environmental Hygiene Department (FEHD) is required if there is any food business / catering service / activities regulated by DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislations for the public. Under the Food Business Regulation (Cap. 132X), a food business licence is required for the operation of the relevant type of food business listed in the Regulation. For any premises intended to be used for food business (e.g. a restaurant, a food factory, a fresh provision shop), a food business licence from the FEHD in accordance with the Public Health and Municipal Services Ordinance (Cap. 132) shall be obtained. The application for licence, if acceptable by the FEHD, will be referred to relevant government departments such as the BD, Fire Services Department and Planning Department for comment. 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;
 - (ii) depending on the mode of operation, generally there are several types of food business licence/permits that the operator of a store may apply for under the Food Business Regulation :
 - (1) if food is sold to customers for consumption on the premises, a restaurant licence should be obtained;
 - (2) if food is only prepared for sale for consumption off the premises, a food factory licence should be obtained;
 - (3) if fresh, chilled or frozen meat is sold, a fresh provision shop licence should be obtained; and
 - (4) if milk, frozen confections, non-bottled drinks, cut fruit etc. are to be sold, relevant restricted food permits should be obtained; and

- (iii) the operator of related shop or store should take measures to prevent the existence of nuisance such as noise nuisance, pest nuisance and accumulation of refuse at the site. The refuse generated by the proposed use are regarded as trade refuse. The management or owner of the Site is responsible for its removal and disposal at their expenses. The operation of any business should not cause any obstruction or environmental nuisance in the vicinity;
- (h) to note the comments of the Chief Engineering/Construction, Water Supplies Department's (CE/C, WSD) that for provision of water supply to the proposed use, 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
- (i) 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 stormwater drain available for connection in the vicinity of the proposed use. The proposed use should have its own stormwater collection and discharge system to cater for the runoff generated within the Site and overland flow from the surrounding of the Site. Any existing flow path affected should be re-provided. The proposed use should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas. The applicant/owner should maintain such systems properly and rectify the systems if found to be inadequate or ineffective during operation. The applicant/owner should also be liable for and indemnify claims and demands arising out of damage or nuisance caused by failure of the systems. Furthermore, the systems will not be managed nor maintained by DSD;
 - (ii) there is no existing DSD's public sewers in the vicinity of the Site; and
 - (iii) the applicant should take all precautionary measures to prevent any disturbance, damage, and pollution from the proposed use to any parts of the existing drainage facilities in the vicinity of the Site. In the event of any damage to the existing drainage facilities, the applicant should be responsible for the cost of all necessary repair works, compensation and any other consequences arising therefrom. For works to be undertaken outside the lot boundary, prior consent and agreement from DLO/TP and/or relevant private lot owners should be sought.

