

Previous s. 16 Application at the Application Site

Rejected Application

Application No.	Proposed Development	Date of Consideration	Rejection Reasons
A/NE-TK/629	Temporary Car Park (Private Cars only) for a Period of Three Years	9.2.2018	R1 – R3

Rejection Reasons

- R1. The development is not in line with the planning intention of the “Agriculture” (“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 is no strong planning justification in the submission for a departure from the planning intention of “AGR” zone, even on a temporary basis.
- R2. The applicant fails to demonstrate in the submission that the development would not result in adverse landscape impact to the area.
- R3. The approval of the application, even on a temporary basis, would set an undesirable precedent for other similar applications in the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the landscape character of the area.

Recommended Advisory Clauses

- (a) to note the comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) that:
- (i) no structure shall be erected thereon without prior approval from LandsD. As regards the Government land, neither occupation nor works of any kind thereon is allowed without prior approval from LandsD;
 - (ii) no direct grant of Short Term Tenancy (STT) will be considered in respect of the Government land concerned and the applicant is required to exclude such Government land from the application;
 - (iii) the applicant is required to submit Short Term Waiver (STW) applications to LandsD if he wish to erect structures on the private lots. If the STW applications are 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; and
 - (iv) there is no guarantee to the grant of a right of way to the Site or approval of the emergency vehicular access (EVA) thereto;
- (b) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD) that the section of Shan Liu Road adjacent to the Site is under HyD's maintenance purview. However, part of the area between roadside verge of Shan Liu Road and the Site is on unallocated Government land (UGL) which is outside HyD's maintenance purview. The applicant is required to sort out the maintenance responsibility of the above area with LandsD;
- (c) to note the Commissioner of Police (C of P)'s comments that:
- (i) no obstruction shall be caused by the visitor vehicles and no inflicted danger to the vehicles travelling along at the same time; and
 - (ii) the applicant should provide details for the contact persons and telephone number to the residents of that area, so that the residents could reach the organizer in case of any enquiries;
- (d) to note the comments of the Director of Environmental Protection (DEP) that the applicants should follow the relevant mitigation measures and requirements in the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites";
- (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 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 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) there are existing public sewers in the vicinity of 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; and
- (f) to note the comments of the Director of Fire Services (D of FS) that the applicant should submit the relevant layout plans incorporated with the proposed FSIs for his approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of the proposed FSIs to be installed should be clearly marked on the layout plans.