

**Previous s. 16 Applications at the Application Site**

**Rejected Applications**

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Rejection Reasons</b>
A/NE-TK/629	Temporary Car Park (Private Cars only) for a Period of Three Years	9.2.2018	R1 – R3
A/NE-TK/674	Temporary Car Park (Private Cars only) for a Period of Three Years	22/05/2020 (on review)	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;
  - (ii) the two proposed ingress/egress are on unallocated Government land. As such, no trees thereon shall be interfered with unless prior approval is obtained from LandsD. Also, the maintenance and management responsibility of the said Government land should be sorted out with the relevant Government departments, prior to making use of them for proposed vehicular access purpose. Neither occupation nor works of any kind thereon is allowed without the prior approval from LandsD;
  - (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 application site (the Site) or approval of the emergency vehicular access (EVA) thereto;
- (b) to note the comments of the Commissioner for Transport (C for T) that:
  - (i) for the village access road, it is not under Transport Department's management. 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; and
  - (ii) sufficient space within the application site should be provided for manoeuvring of vehicles;
- (c) 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";
- (d) 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
- (e) to note the comments of the Director of Fire Services (D of FS) that:
- (i) the applicant should submit 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; and
  - (ii) if there is any proposed structure(s) which is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.