

**Previous Application covering the Site**

**Rejected Application**

<b><u>No.</u></b>	<b><u>Application No.</u></b>	<b><u>Proposed Uses</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Rejection Reasons</u></b>
1.	A/YL-MP/54	Temporary Open Storage of Timber and Plywood for 12 Months	16.7.1999 Rejected by RNTPC	1-4

**Rejection Reasons**

1. The proposed development is not in line with the planning intention of the "Open Space" zone.
2. The development is not compatible with the land uses of the surrounding areas.
3. The development does not comply with the revised Town Planning Board Guidelines for Applications for Development within Deep Bay Area.
4. The approval of the application would set an undesirable precedent for other similar applications.



**Similar Applications within "O" zone  
on the Approved Mai Po & Fairview Park OZP No. S/YL-MP/6**

**Approved s.16 Applications**

	<u>Application No.</u>	<u>Development/Use</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1.	A/YL-MP/22	Restaurant	8.8.1997 Approved by RNTPC for 5 Years	2-4
2.	A/YL-MP/125*	Temporary Restaurant for a period of 3 Years	19.12.2003 Approved by RNTPC for 3 Years (revoked on 19.1.2006)	2-4
3.	A/YL-MP/153*	Temporary Restaurant for a period of 3 Years	15.9.2006 Approved by RNTPC for 3 Years (revoked on 15.6.2008)	2-4 & 7
4.	A/YL-MP/171	Temporary Restaurant for a period of 3 Years	7.11.2008 Approved by RNTPC for 3 Years	2-4 & 7
5.	A/YL-MP/194	Renewal of Planning Approval for Temporary Restaurant under Application No. A/YL-MP/171 for a Period of 3 Years	23.9.2011 Approved by RNTPC (3 years)	1-3, 5, 6, 8-10
6.	A/YL-MP/237	Renewal of Planning Permission for Temporary Restaurant for a Period of 3 Years	26.9.2014 Approved by RNTPC (3 years)	1-6, 8-11
7.	A/YL-MP/265	Renewal of Planning Approval for Temporary Restaurant for a Period of 3 Years	27.10.2017 Approved by RNTPC (3 years)	1-6, 8-11

\* denotes permission revoked

**Approval Conditions**

- (1) No heavy vehicles (including container vehicles and lorries)/medium or heavy goods vehicles (i.e. exceeding 5.5 tonnes) as defined in the Road Traffic Ordinance or container trailers/tractors were allowed to be parked on the site.
- (2) The submission and implementation of landscape and tree preservation proposals.

- (3) The submission of drainage proposal and/or provision of drainage facilities proposed/The maintenance of existing drainage facilities on the site at all times during the planning approval period and/or the submission of photographic records of the existing drainage facilities on the site.
- (4) The submission/implementation/provision of emergency vehicular access/water supplies for fire-fighting and fire service installations (proposals).
- (5) Revocation clause.
- (6) Reinstatement clause.
- (7) The submission of a proper run-in proposal and provision of a proper run-in for the site.
- (8) No night time operation.
- (9) No vehicle without valid licence issued under the Road Traffic Ordinance was allowed to be parked/ stored on the site at any time during the planning approval period.
- (10) The paving and boundary fencing on the site should be maintained at all times during the planning approval period.
- (11) the existing trees and vegetation within the site should be maintained at all times during the planning approval period

**Rejected s.16 Application**

	<b><u>Application No.</u></b>	<b><u>Development/Use</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Approval Conditions</u></b>
1.	A/YL-MP/10	Restaurant	20.9.1996	1-4

**Rejection Reasons**

- (1) Not in line with the planning intention of "O" zone
- (2) Adversely affect the development of the area for open space use
- (3) Insufficient information to demonstrate that the development will have insignificant impact on the environment, ecology, drainage, sewerage and traffic in the area including the Mai Po Nature Reserve and Inner Deep Bay
- (4) Setting undesirable precedent for similar applications

11/11/11

**Detailed Comments of CE/MN, DSD**

He has the following comments on the drainage proposal:

- (a) He notes in the application form that there is about 0.1m in depth land filling in an area of 707m<sup>2</sup>. The applicant should show on plan the exact extent and discuss the drainage impact as a result.
- (b) The gradient of u-channel should be indicated on plan.
- (c) Cross sections showing the existing ground levels of the Site with respect to the adjacent areas should be given. The level of the channel should be lower than the adjacent ground in order to collect the overland flow.
- (d) The general gradients of overland flow within and outside the Site should be indicated on plan.
- (e) Catchpits or alike should be provided at the point with change of directions.
- (f) The applicant should indicate clearly the full alignment of the discharge path from the Site all the way down to the ultimate discharge point (e.g. a well-established stream course/public drainage system).
- (g) Further to (f) above, since there is no record of the said discharge path, the applicant should provide site photos to demonstrate its presence and existing condition.
- (h) The cover levels and invert levels of the proposed u-channels, catchpits/sand traps should be shown on the drainage plan.
- (i) In the calculation to justify the size of the u-channel adopted, the applicant should show layout of the catchment area with spot levels for justification.
- (j) The calculation should also demonstrate the existing drainage system to which the proposed connection will be made has the spare capacity to cater for the additional discharge from the proposed development.
- (k) If the proposed stormwater drainage facilities would be connected to any existing drainage facilities, the applicant shall seek consent from the relevant owners or parties who are responsible for the maintenance of such existing facilities. The applicant shall check and ensure that the proposed drainage works and their downstream drainage systems have the adequate capacity and are in good conditions to accommodate the surface runoff collected from the Site and its upstream catchments. The applicant shall effect any subsequent upgrading of these proposed works and the downstream drainage systems whenever necessary.
- (l) It is understood that underground DN300 pipe across Castle Peak Road – Mai Po is proposed to discharge the runoff. However, there is an existing DN300 drainage pipe along the same road section and from his drainage record its cover may not be sufficient for your pipe to pass through. The applicant should clarify with cross section and invert and cover levels about the interface details.
- (m) Where walls or hoarding are erected are laid along the site boundary, adequate opening should be provided to intercept the existing overland flow passing through the Site.
- (n) The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.
- (o) The applicant should consult DLO/YL, LandsD and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works.





**Recommended Advisory Clauses**

- (a) to note DLO/YL, LandsDs' comments that the lot owner will need to apply to his office to permit the structures to be erected or regularize any irregularity on site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Applications for any of the above will be considered by the LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by the LandsD;
- (b) to note CHE/NTW, HyD's comments that HyD is not/shall not be responsible for the maintenance of any access connecting the Site and Castle Peak Road – Mai Po. Presumably, the relevant departments will provide their comments, if any. If the proposed run-in/out is agreed by TD, the applicant should provide the run-in/out at Castle Peak Road- Mai Po in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. There is a narrow strip of unallocated Government land between Lot 2933 in D.D. 104 and the footpath of Castle Peak Road – Mai Po. The run-in/out should be solely within the footpath and kerb side of that section of Castle Peak Road. Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads or exclusive road drains;
- (c) to note DAFC's comments that the applicant is advised to limit the noisy construction works to the Site and implement measures to control the site run-off during the construction works;
- (d) to note D of FS' comments that in consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. In addition, the applicant should also be advised that (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and (ii) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123) or application for licence for the subject eating place is required, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans or referral from relevant licensing authority respectively;
- (e) to note CBS/NTW, BD's comments that there are existing structures at the Site with no record of approval by the Building Authority (BA). BD is not in a position to offer comments on their suitability for the use related to the application. If the existing structures are erected on leased land without approval of the BD (not being New Territories Exempted Houses), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including temporary buildings) are to be carried out on the Site, prior approval and consent of the BA should be obtained, otherwise they are Unauthorized Building Works (UBW). An AP should be appointed as the co-ordinator for the proposed building works in accordance with the BO. 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. If the proposed use under application is subject to the issue of a licence, any existing structures on the 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. The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;

- (f) to note CE/MN, DSD's comments on the drainage proposal in **Appendix IV**;
- (g) to note DFEH's comments that proper licence/ permit issued by his Department is required if there is any food business/ catering service/ activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation and the operation of any business should not cause any obstruction to the public. A restaurant licensee/licence applicant should take notice of the main licensing criteria for outside seating accommodation (OSA), covering matters such as legal right to use the land concerned, planning, building safety, fire safety and traffic requirements, etc.. When the applicant wishes to use an OSA for alfresco dining, he is required to obtain approval, among others, from the DFEH before commencement. If the proposal involves any commercial/trading activities, its state should not as to be a nuisance or injurious or dangerous to health and surrounding environment. Also, for any waste generated from the commercial/ trading activities, the applicant should handling on their own/ at their expenses; and
- (h) the applicant is advised to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" to minimize potential environmental impacts on the surrounding areas.