

**Similar S.16 Applications for Temporary Place of Recreation
within/partly within “Agriculture” Zone in the vicinity of the Application Site
in the Hok Tau Area**

Approved Applications

Application No.	Uses/Development	Date of Consideration	Approval Conditions
A/NE-HT/5*	Temporary Place of Recreation (Barbecue Areas, Play Area, Handicraft Making, Refreshment Kiosk and Fishing Ground) for a Period of 3 Years	9.4.2010	A1 – A12, A15 –A20
A/NE-HT/6*	Renewal of Planning Approval for Temporary Place of Recreation (Barbecue Area, Play Area, Handicraft Making, Refreshment Kiosk and Fishing Ground) for a Period of 3 Years	15.3.2013 (revoked on 9.10.2013)	A1, A2, A3, A4, A7, A8, A9, A10, A11, A12, A13, A14, A19 & A20

Remarks

*: The application nos. A/NE-HT/5 and A/NE-HT/6 involve the same site

Approval Conditions

- A1 The operation hours of the development should be restricted to (i) between 10:00 a.m. and 7:00 p.m. during weekdays; and (ii) between 10:00 a.m. and 10:00 p.m. during weekends and public holidays
- A2 No medium/heavy goods vehicles were allowed to enter the site
- A3 No passenger vehicles with seating capacity exceeding 24 persons were allowed to enter the site
- A4 All the existing vegetation on the site should be maintained
- A5 The submission of proposals on the design of vehicular access, ingress/egress (including proposed traffic signs, road marking, sightline distance), car parking, loading/unloading and manoeuvring spaces
- A6 The implementation of the proposal on vehicular access, ingress/egress (including proposed traffic signs, road marking, sightline distance), car parking, loading/unloading and manoeuvring spaces
- A7 The submission of details for proposed traffic management measures for the site
- A8 The implementation of traffic management measures for the site

- A9 The submission of drainage proposals
- A10 The provision of the drainage facilities
- A11 The submission of proposals for water supplies for fire fighting and fire service installations
- A12 The provision of water supplies for fire fighting and fire service installations
- A13 The submission of tree preservation and landscape proposals
- A14 The implementation of tree preservation and landscape proposals
- A15 The submission of proposals for sewage treatment facilities
- A16 The provision of sewage treatment facilities
- A17 The submission of an action plan to prevent flood pumping gathering grounds from being contaminated by fuel or lubrication oil leaks from vehicles
- A18 The implementation of the action plan to prevent flood pumping gathering grounds from being contaminated by fuel or lubrication oil leaks from vehicles
- A19 Revocation clause
- A20 Reinstatement clause

Detailed Comments of Director of Food and Environmental Hygiene

- (a) if the operator/tenant intends to operate any food business at the premises, relevant food licence/restricted food permit should be obtained from FEHD in accordance with the Public Health and Municipal Services Ordinance (Cap. 132). If the operator intends to operate a restaurant business in the territory, a general restaurant/light refreshment restaurant licence should be obtained. The application for restaurant licence, if acceptable by FEHD, will be referred to relevant Government departments including 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. Under the Food Business Regulation, Cap. 132X, a Food Factory Licence must be obtained from his department for food business which involves the preparation of food for sale for human consumption off the premises before commencement of such business. Besides, a Fresh Provision Shop licence is required for any person who intends to sell fresh, chilled or frozen beef, mutton, pork, reptiles (including live snake), fish (including live fish) and poultry at any premises before commencement of such business. The application for Food Factory Licence / Fresh Provision Shop Licence, if acceptable by FEHD, will be referred to relevant Government departments, such as LandsD 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;
- (b) any person who desires to keep or use any place of public entertainment for example a theatre and cinema or a place, building, erection or structure, whether temporary or permanent, on one occasion or more, capable of accommodating the public presenting or carrying on public entertainment within Places of Public entertainment (PPE) Ordinance (Cap. 172) and its subsidiary legislation, such as a concert, opera, ballet, stage performance or other musical, dramatic or theatrical entertainment, cinematograph or laser projection display or an amusement ride and mechanical device which is designed for amusement. A Place of Public Entertainment Licence (or Temporary Place of Public Entertainment Licence) should be obtained from FEHD whatever the general public is admitted with or without payment;
- (c) no environmental nuisance should be generated to the surroundings in connection with the operation of any commercial/trading activities; and
- (d) any waste generated from the commercial/trading activities is regarded as trade waste, the operator/tenant should handle on their own/at their expenses.

Recommended Advisory Clauses

- (a) to note the comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD) on the following:
 - (i) there are unauthorised structures erected on Lots 1091 RP and 1135 in D.D. 76 without prior approval from his Office. The total build-over area of the structures is larger than the one mentioned in the application. The structures are not acceptable under the lease concerned. His Office reserves rights to take necessary lease enforcement actions against the irregularities; and
 - (ii) should the application be approved, the owners of the lots concerned shall apply to his Office for a Short Term Waiver (STW) to regularise the illegal structures erected on the Site. The application for STW will be considered by Government in its landlord's capacity and there is no guarantee that they will be approved. If the STW is approved, its commencement date would be backdated to the first date of occupation and it will be subject to such terms and conditions to be imposed including payment of waiver fee and administrative fees as considered appropriate by his Office;
- (b) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicants should be reminded to perform good site practice and prevent surface-run off and debris from polluting the stream and the applicants should put up sign(s) to remind visitors not to disturb the stream;
- (c) to note the comments of the Commissioner for Transport that the applicants shall be responsible for the management and maintenance of the traffic signs and road markings within the Site;
- (d) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD) on the following:
 - (i) the section of Hok Tau Road adjacent to the Site is under HyD's purview. It is noted that the applicants have proposed a vehicular access road from Hok Tau Road routing through a portion of unallocated Government land to the Site. As part of the access road is on unallocated Government land which is outside HyD's jurisdiction, the maintenance responsibility of this part of access road should be sorted out with DLO/N, LandsD; and
 - (ii) the applicants are required to apply for an excavation permit to re-construct the run-in/out. Upon termination of the proposed development, the applicants are required to reinstate the run-in/out to its original state at their own cost;
- (e) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department on the following:
 - (i) there is opportunity to provide continuous peripheral tree planting in the landscape proposal for effective screening to the proposed structures and un-vegetated areas;
 - (ii) the applicants should replace the soiled area (indicated as car park, play area, handicraft making and refreshment kiosk) with grass area or grass pavers to prevent

surface erosion in the landscape proposal; and

- (iii) some *Araucaria heterophylla* and *Cinnamomum camphora* within the western area (**Plan A-2**) should be preserved on site;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department on the following:
- (i) the Site is in an area where no public sewerage connection is available;
 - (ii) the applicants are required to identify the potential drainage impacts of the proposed development and demonstrate in their submission with the implementation of necessary mitigation measures so that the proposed development will not cause an unacceptable increase in the risk of flooding in areas upstream of, adjacent to or downstream of the development;
 - (iii) the Site is in the vicinity of an existing streamcourse. The applicants are required to place all the proposed works 3 m away from the top of the bank of the streamcourse. All the proposed works in the vicinity of the streamcourse should not create any adverse drainage impacts both during and after construction. Proposed flooding mitigation measures, if necessary, shall be provided at the resources of the application to his satisfaction; and
 - (iv) the applicants should minimise the possible adverse environmental impacts on the existing streamcourse in the design and during construction;
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department on the following:
- (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 application;
 - (ii) before any new building works (including 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 Buildings 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 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 the above, 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)Rs) respectively; and
 - (v) 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)Rs at the building plan submission stage;

- (h) to note the comments of the Director of Fire Services on the following:
 - (i) emergency vehicular access arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by BD; and
 - (ii) detailed fire safety requirements will be formulated upon receipt of formal submission of the general building plans;
- (i) to note the comments of the Chief Engineer/Construction, Water Supplies Department that for provision of water supply to the development, the applicants may need to extend the inside services to the nearest suitable Government water mains for connection. The applicants 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;
- (j) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department that should the applicants wish to amend the proposed layout, they may be required to conduct a Natural Terrain Hazard Study and to implement the necessary mitigation measures as part of the proposed development;
- (k) to note the comments of the Director of Food and Environmental Hygiene on the following:
 - (i) if the operator/tenant intends to operate any food business at the premises, relevant food licence/restricted food permit should be obtained from FEHD in accordance with the Public Health and Municipal Services Ordinance (Cap. 132). If the operator intends to operate a restaurant business in the territory, a general restaurant/light refreshment restaurant licence should be obtained. The application for restaurant licence, if acceptable by FEHD, will be referred to relevant Government departments including 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. Under the Food Business Regulation, Cap. 132X, a Food Factory Licence must be obtained from his department for food business which involves the preparation of food for sale for human consumption off the premises before commencement of such business. Besides, a Fresh Provision Shop licence is required for any person who intends to sell fresh, chilled or frozen beef, mutton, pork, reptiles (including live snake), fish (including live fish) and poultry at any premises before commencement of such business. The application for Food Factory Licence / Fresh Provision Shop Licence, if acceptable by FEHD, will be referred to relevant Government departments, such as LandsD 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) any person who desires to keep or use any place of public entertainment for example a theatre and cinema or a place, building, erection or structure, whether temporary or permanent, on one occasion or more, capable of accommodating the public presenting

or carrying on public entertainment within Places of Public entertainment (PPE) Ordinance (Cap. 172) and its subsidiary legislation, such as a concert, opera, ballet, stage performance or other musical, dramatic or theatrical entertainment, cinematograph or laser projection display or an amusement ride and mechanical device which is designed for amusement. A Place of Public Entertainment Licence (or Temporary Place of Public Entertainment Licence) should be obtained from FEHD whatever the general public is admitted with or without payment;

- (iii) no environmental nuisance should be generated to the surroundings in connection with the operation of any commercial/trading activities; and
- (iv) any waste generated from the commercial/trading activities is regarded as trade waste, the operator/tenant should handle on their own/at their expenses;

(I) to note the comments of the Director of Environmental Protection on the following:

- (i) to avoid pollution to the streamcourse, apart from the provision of rubbish bins, the applicants should also install silt traps and rubbish traps at suitable intervals at the drainage channels surrounding the site to prevent surface runoff pollution to the streamcourse. The silt traps and rubbish traps should be regularly maintained to ensure proper functioning of these facilities;
- (ii) the design and construction of the septic tank and soakaway system (STS) should follow ProPECC PN5/93, including the requirement of Percolation Test and Minimum Clearance Distance of 30m away from the stream in question, and the STS design, construction and percolation test results shall be duly certified by an Authorized Person (AP);
- (iii) the applicants should comply with all environmental protection/ pollution control ordinances, in particular the Water Pollution Control Ordinance and Waste Disposal Ordinance; and
- (iv) the applicants should follow the environmental mitigation measures as set out in the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection in order to minimise any possible environmental nuisances.