

**Previous Applications covering the Site****Approved Applications**

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Approval Conditions</b>
A/NE-TK/174	Temporary Depositing of Two Containers for Selling of Refreshment, Hiring of Fishing-related Accessories and Storage for a Period of 3 Years	30.4.2004	A1-A4
A/NE-TK/605	Temporary Depositing of Two Containers for Selling of Refreshment, Hiring of Fishing-related Accessories and Storage for a Period of 3 Years	3.3.2017	A1, A3-A7

**Approval conditions**

- A1. The submission and implementation of landscape and tree preservation proposals within specified periods from the date of planning approval.
- A2. The submission and implementation of drainage proposals within specified periods from the date of planning approval.
- A3. Revocation of planning approval for non-compliance with conditions by a specified date/during the planning approval period.
- A4. The reinstatement of the application site to an amenity area upon the expiry of the planning permission.
- A5. No night-time operation between the specified time, as proposed by the applicants, was allowed on the application site during the planning approval period.
- A6. No structure should be erected on the drainage reserve area at any time during the planning approval period.
- A7. The submission and implementation of fire service installations and water supplies for fire fighting proposals within specified periods from the date of planning approval.



**Recommended Advisory Clauses**

- (a) prior planning permission should have been obtained before commencing the applied use at the application site (the Site);
- (b) to note the comments of District Lands Officer, Tai Po (DLO/TP, LandsD) that an unauthorized metal vehicular gate with an ancillary fencing are found extended beyond the southern side of the Site onto the nearby unallocated Government land. Unauthorized structures were found within the Site without prior approval from LandsD. Under such circumstances, the applicants are required to rectify such irregularities as soon as possible. Otherwise, appropriate land control action and tenancy enforcement action will be taken by LandsD in due course;
- (c) to note the comments of the Director of Environmental Protection (DEP) that the applicants should strictly observe the relevant pollution ordinances such as Water Pollution Control Ordinance and Waste Disposal Ordinance to avoid any pollution during the operation of the applied use;
- (d) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that approval of the application does not imply approval of tree works such as pruning, transplanting and felling under lease. Tree removal applications should be submitted direct to DLO for approval;
- (e) to note the comment of the Director of Agriculture, Fisheries and Conservation (DAFC) that trees on Government land within and in the vicinity of the Site should not be affected;
- (f) to note the comments of Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that there is an existing 600mm diameter public stormwater drain. An extent of 3m on each side of this drain pipe measured from its outer edges should be designated as drainage reserve. No structure should be erected on top of any existing drains/manholes within this reserved area. The two containers should not encroach upon the drainage reserve from drainage maintenance viewpoint. Extreme care should be exercised when working in the vicinity of the existing drainage facilities in order not to disturb, interfere with or cause damage to them. Any damage to the existing drainage facilities due to the proposed works shall be made good at the resources and expenses of the applicants to the satisfaction of DSD;
- (g) 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 fire services installations (FSIs) for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and the locations of the proposed FSIs to be installed should be clearly marked on the layout plans; and
  - (ii) if the proposed structure(s) 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;

- (h) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
- (i) if the existing structures are erected on leased land without approval of BD, 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 are to be carried out on the Site, prior approval and consent of the Building Authority (BA) should be obtained unless they are exempted building works or commenced under the simplified requirement under the Minor Works Control System. Otherwise they are Unauthorized Building 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 the BA to effect the 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) any temporary shelters or converted containers for storage or other uses are considered as temporary buildings are subject to the control of Part VII of the Building (Planning) Regulations;
  - (v) the Site shall be provided with means of obtaining access thereto from a street under the Building (Planning) Regulation 5 and emergency vehicular access (EVA) shall be provided under the Building (Planning) Regulation 41D;
  - (vi) 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; and
  - (vii) formal submission under the BO is required for any proposed new works, including any temporary structures. Detailed comments under BO will be provided at the building plan submission stage; and
- (i) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that:
- (i) proper licence / permit issued by Food and Environmental Hygiene Department (FEHD) 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 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 Buildings Department, 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 operators 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 shop or store 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.