

Previous Application

Approved Application

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/TP/619	Proposed Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of Three Years	17.2.2017 (approved for 3 years, valid until 17.2.2020) [revoked on 17.2.2018]	A1 – A3

Approved Conditions

- A1. Restriction on operation hours (7:00 a.m. to 6:30 p.m. only).
- A2. The submission and implementation of fire service installations and water supplies for fire fighting proposal.
- A3. Reinstatement of the application site upon expiry of the planning permission.

Recommended Advisory Clauses

- (a) shorter compliance periods are imposed in order to closely monitor the progress of compliance with approval conditions. Should the applicant fail to comply with any of the approval conditions again resulting in the revocation of planning permission, sympathetic consideration would not be given to any further application;
- (b) to note the comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) that the applicant should apply for an Outside Seating Accommodation (OSA) licence from Food and Environmental Hygiene Department (FEHD) in addition to the short term tenancy (STT) if planning application is approved by the Town Planning Board;
- (c) to note the comments of the Director of Food and Environmental Hygiene that should the restaurant licensee wish to include an OSA into his licensed premises, he is required to apply to FEHD. If the application of OSA is acceptable for further processing, FEHD will refer it to relevant departments. A Letter of Requirements on the application would be issued if no objection is raised by the departments concerned;
- (d) to note the comments of the Director of Fire Services that:
 - (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 Buildings Department; and
 - (ii) detailed fire safety requirements will be formulated upon receipt of formal application via Licensing Authority;
- (e) to note the comments of the Commissioner for Transport (C for T) that although the village access connecting to the Site is not under Transport Department's management, the applicant is reminded that no blockage to the village access should be caused by the temporary eating place;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that ***Environmental Protection Department should be consulted regarding the sewage treatment/disposal aspects of the proposed development;***
 - ~~(i) there is no public drain maintained by DSD in the vicinity of the Site. The proposed development should have its own stormwater collection and discharge systems to cater for the runoff generated within the Site and overland flow from other areas surrounding the Site;~~
 - ~~(ii) the proposed development is located on unpaved ground and will increase the impervious area, resulting in a change of the flow pattern and an increase of the surface runoff and thus the flooding risk in the area. The applicant should take this into account when preparing the drainage proposal. The applicant/owner is also required to maintain such systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant/owner shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems;~~

- ~~(iii) the applicant should design the drainage proposal based on the actual site conditions for DSD's comment/agreement. DSD would not assist on the drainage proposal. In the design, the applicant should consider the workability, the impact to the surrounding environment and seek comments from other concerned parties/departments if necessary. She should make sure no adverse impact will be caused to the area due to the proposed works. The existing natural streams, village drains, ditches and the adjacent areas should not be adversely affected;~~
- ~~(iv) the Site is within an area where connections to existing sewerage networks are available in the vicinity. Should the applicant choose to connect her proposed drainage systems to DSD's networks, she should furnish DSD with her connection proposals for agreement; and~~
- ~~(v) should the applicant choose to dispose of sewage of the proposed development through other means, views and comments from EPD should be sought;~~
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
 - (i) all existing building works erected on unleased government land (i.e. before the grant of a STT) do not come under the control of the Buildings Ordinance (BO), and are not unauthorised for the purpose of the BO. The granting of the STT should not be construed as an acceptance of any existing building works or UBW on site under the BO;
 - (ii) before any new building works, including alterations and additions works, are carried out on land held under STT, prior approval and consent from the Building Authority (BA) should be obtained, otherwise they are unauthorized building works (UBW). An Authorised Person (AP) should be appointed to coordinate all new building works in accordance with the BO; and
 - (iii) for UBW erected on land held under STT, enforcement action may be taken by the BA to effect the removal of the UBW in accordance with the policy for control of UBW in the future; and
- (h) to note the comments of the Director of Environmental Protection that the requirement stipulated in para. 5(ii) of the ProPECC PN5/93 regarding the connection of drainage outlets to foul sewers applies to the proposed OSA.