

RNTPC Paper No. A/NE-TKLN/6A  
 For Consideration by the  
 Rural and New Town Planning  
 Committee on 28.7.2017

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/NE-TKLN/6**

<b><u>Applicant</u></b>	: Mr. WONG Cheung Hon
<b><u>Site</u></b>	: Lot 387 S.B RP (Part) in D.D. 78, Tsung Yuen Ha, Ta Kwu Ling, New Territories
<b><u>Site Area</u></b>	: 270.5m <sup>2</sup> (about)
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Approved Ta Kwu Ling North Outline Zoning Plan (OZP) No. S/NE-TKLN/2
<b><u>Zonings</u></b>	: “Recreation” (“REC”) (231.8m <sup>2</sup> and 85.7% of the Site); and “Green Belt” (“GB”) (38.7m <sup>2</sup> and 14.3% of the Site)
<b><u>Application</u></b>	: Temporary Retail Shop, Canteen and Ancillary Office for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary retail shop, canteen and ancillary office for a period of three years at the application site (the Site). The Site falls within an area largely zoned “REC” with minor portion zoned “GB” on the approved Ta Kwu Ling North OZP No. S/NE-TKLN/2 (**Plan A-1**). According to the Notes of the OZP, ‘Shop and Services’ and ‘Eating Place’ are Column 2 uses under the “REC” zone requiring planning permission from the Town Planning Board (the Board). However, there is no provision for such uses within “GB” zone and temporary uses not exceeding a period of three years within “GB” zone require planning permission from the Board notwithstanding that the uses are not provided for in terms of the Plan. The Site is currently used for the retail shop and canteen uses without valid planning permission.
- 1.2 The Site is accessible via Lin Ma Hang Road in the south. There are seven single-storey structures of 3.5m in height, with a total floor area of about 255.8m<sup>2</sup>, within the Site. Five structures are used for retail shop (floor area of about 15.9m<sup>2</sup>), canteen (floor area of about 136.8m<sup>2</sup>), kitchen (floor area of about 51.3m<sup>2</sup>) and office (floor area of about 14.6m<sup>2</sup>) and toilet (floor area of about 8.0m<sup>2</sup>) and two structures are used for storerooms (floor area of about 14.6m<sup>2</sup> each). The canteen can provide catering services to about 100 workers in 10 to 12 medium size tables. No car parking and loading / unloading space is provided within the Site. The operation hours of the development are from 8:00 a.m. to 5:00 p.m. from Mondays to Fridays and no operation on Saturdays, Sundays and public holidays. The site layout plan submitted by the applicant is at **Drawing A-1**.

1.3 In support of the application, the applicant has submitted the following documents:

- |     |   |                    |
|-----|---|--------------------|
| (a) | Application form with attachments received on 27.2.2017                             | <b>Appendix I</b>  |
| (b) | Letter dated 24.3.2017 requesting for deferment of consideration of the application | <b>Appendix Ia</b> |
| (c) | Further information received on 6.6.2017  | <b>Appendix Ib</b> |
| (d) | Further information received on 19.7.2017   | <b>Appendix Ic</b> |

1.4 At the request of the applicant (**Appendix Ia**), the Rural and New Town Planning Committee (the Committee) of the Board agreed on 7.4.2017 to defer making a decision on the application for two months pending the preparation of further information to address the departmental comments. The applicant submitted further information on 6.6.2017 (**Appendix Ib**) and 19.7.2017 (**Appendix Ic**) and the application is re-scheduled for consideration by the Committee on 28.7.2017.

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in part 9 of the Application Form and further information in **Appendices I** and **Ib**. They can be summarised as follows:

- (a) the Site falls within an area zoned “GB” and “REC” on the OZP. Owing to the previous land resumption exercises, the Site becomes an island lot rendering it difficult for development;
- (b) the Site is surrounded by a number of government projects including the Liantang/Heung Yuen Wai Boundary Control Point (LT/HYW BCP), Lin Ma Hang Road widening and the cross-boundary bridges. Given its remote location and close proximity to the works areas of these government projects, the Site is an ideal place for providing catering service and retail shop for the large number of construction workers on a temporary basis;
- (c) the sewage water generated from temporary development would be diverted to a septic tank and soakaway system built in accordance with the standard of village type house within the Site and the septic tank system would be maintained regularly;
- (d) the development is mainly to serve the staff and workers from the nearby LT/HYW BCP construction site which is within walking distance. As such, no car parking space and loading/unloading space is provided within the Site. The development would unlikely to have significant traffic impact on the surrounding area; and
- (e) the development under application is temporary in nature for three years and the operation hours of the development are restricted from 8:00 a.m. to 5:00 p.m. during weekdays only and no operation on Saturdays, Sundays and public holidays.

## **3. Compliance with the “Owner’s Consent/Notification” Requirements**

The applicant is not the “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by obtaining the consent from the concerned land owners. Detailed information would be deposited at the meeting for Members’ inspection.

#### **4. Background**

According to the Chief Town Planner/Central Enforcement and Prosecution, Planning Department (CTP/CEP, PlanD), site inspection revealed that the Site is used for eating place/canteen, real estate agency office and retail use. CTP/CEP, PlanD is currently investigating the Site to see if the condition on the Site constitutes “Unauthorised Development” under the Town Planning Ordinance; and if so, enforcement action will be taken subject to sufficient evidence collected.

#### **5. Town Planning Board Guidelines**

The Town Planning Board Guidelines No. 10 (TPB PG-No. 10) for ‘Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance’ is relevant to this application. The relevant assessment criteria are summarized as below:

- (a) there is a general presumption against development (other than redevelopment) in a “GB” zone;
- (b) an application for new development in a “GB” zone will only be considered in exceptional circumstances and must be justified with very strong planning grounds. The scale and intensity of the proposed development including the plot ratio, site coverage and building height should be compatible with the character of surrounding areas;
- (c) the design and layout of any proposed development should be compatible with the surrounding area. The development should not involve extensive clearance of existing natural vegetation, affect the existing natural landscape, or cause any adverse visual impact on the surrounding environment;
- (d) the vehicular access road and parking provision proposed should be appropriate to the scale of the development and comply with relevant standards. Access and parking should not adversely affect existing trees or other natural landscape features. Tree preservation and landscaping proposals should be provided;
- (e) the proposed development should not overstrain the capacity of existing and planned infrastructure such as sewerage, roads and water supply. It should not adversely affect drainage or aggravate flooding in the area;
- (f) the proposed development must comply with the development controls and restrictions of areas designated as water gathering grounds;
- (g) the proposed development should not overstrain the overall provision of Government, institution and community facilities in the general area; and
- (h) the proposed development should not be susceptible to adverse environmental effects from pollution sources nearby such as traffic noise, unless adequate mitigating measures are provided, and it should not itself be the source of pollution.

#### **6. Previous Application**

There is no previous application for the Site.

## **7. Similar Application**

- 7.1 There is one similar application (No. A/NE-TKLN/4) for temporary canteen and ancillary office for a period of three years within the “GB” zone in the Ta Kwu Ling North area. The application was approved with condition by the Committee on 4.9.2016 on the grounds that the development could provide catering services to meet the needs of the construction workers; the development was not incompatible with the surrounding environment; the development was not expected to generate significant adverse water quality, traffic and landscape impacts on the surrounding areas; and there was no adverse departmental comments.
- 7.2 Details of the similar application are at **Appendix II** and its location is shown on **Plan A-1**.

## **8. The Site and Its Surrounding Areas (Plans A-1 and A-2, aerial photo on Plan A-3 and site photos on Plans A-4a and A-4b)**

- 8.1 The Site is:
- (a) formed, occupied by a structure and being used as canteen and retail shop; and
  - (b) accessible from Lin Ma Hang Road to its south.
- 8.2 The surrounding areas have the following characteristics:
- (a) the Site is situated at a boundary location and mainly surrounded by the works areas / construction sites of a number of major government projects (**Plans A-2 and A-3**);
  - (b) to the west of the Site is a temporary structure used as canteen and office purpose, and the works area for the LT/HYW BCP which is scheduled for completion in end 2018;
  - (c) to the immediate north is an area for parking of vehicles across which is the works site for the LT/HYW BCP; and
  - (d) to the east are vacant land and fallow agricultural land whereas to the south is the Lin Ma Hang Road across which is a car park, some fallow agricultural land, an open storage of construction materials and the Tsung Yuen Ha Village.

## **9. Planning Intentions**

- 9.1 The planning intention of the “REC” zone in the Ta Kwu Ling North area is primarily for low-density recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the low-density recreational developments may be permitted subject to planning permission.
- 9.2 The planning intention of the “GB” zone in the Ta Kwu Ling North area is primarily for defining the limits of urban and sub-urban development areas by natural features and to

contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone.

## **10. Comments from Relevant Government Departments**

10.1 The following Government departments have been consulted and their views on the application are summarised as follows:

### **Land Administration**

10.1.1 Comments of the District Lands Officer/North, Lands Department (DLO/N, Lands D):

- (a) the Site comprises a private lot which is an Old Schedule lot held under the Block Government Lease (demised for agricultural use) without any guaranteed right of vehicular access;
- (b) the actual occupation area is larger than the Site. Portion of the adjoining Government land is being illegally occupied by the applicant. Moreover, there are unauthorised structures erected on Lot No. 387 S.B RP in D.D. 78 and the adjoining Government land without prior approval from his office. It is also noted that the total built-over area of the aforesaid structure is larger than that mentioned in the planning application. The structures are not acceptable under the Lease concerned. His office reserves the right to take necessary lease enforcement and land control actions against the irregularities and the illegal occupation of Government land; and
- (c) if the planning application is approved, the owner(s) of the lot concerned shall apply to his office for a Short Term Waiver (STW) for the Site. The application for STW will be considered by Government in its landlord's capacity and there is no guarantee that it will be approved. If the STW is approved, the commencement date will 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 fee as considered appropriate by his office.

### **Traffic**

10.1.2 Comments of the Commissioner for Transport (C for T):

- (a) in view of the recent traffic condition at Ping Che Road and Sha Tau Kok Road, the applicant shall carry out a traffic impact assessment of the application upon Sha Tau Kok Road and road network of Sheung Shui/Fanling district; advise the number of car parking spaces and loading/unloading spaces to be provided and demonstrate the satisfactory manoeuvring of vehicles entering and exiting the Site, preferably using the swept path analysis; and advise and justify the adequacy of parking spaces to be provided in the Site by advising the number of vehicles visiting the Site;
- (b) having reviewed the FI submitted (**Appendix Ib**), she maintains her view that the applicant should carry out traffic impact assessment upon Sha Tau

Kok Road and road network of Sheung Shui/Fanling district based on the operation and traffic arrangement details of the application; and justify that no provision of parking and loading/unloading space to be provided in the Site; and

- (c) unless the applicant could satisfactorily address her comments, she cannot render support to the application from the traffic engineering perspective.

10.1.3 Comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD):

the Site would be affected by the preliminary design scheme of PWP Item No. 854TH “Widening of Eastern Section of Lin Ma Hang Road between Tsung Yuen Ha and Lin Ma Hang”. However, the commencement date can only be determined upon completion of the environmental impact assessment and relevant statutory procedure. Since the development under application is on a temporary basis for a period of three years up to mid-2020, he considers that the impact on the programme for the road widening project is not significant. In this connection, he has no adverse comment on the application from project perspective.

**Environment**

10.1.4 Comments of the Director of Environmental Protection (DEP):

- (a) the application is for development of a temporary retail shop and canteen with ancillary office. Wastewater generated from the kitchen, toilet or other processes within the premises might be discharged into the nearby waterbodies and cause serious water quality impact if it is not properly treated and disposed of;
- (b) the applicant stated in the further information (**Appendix Ib**) that the septic tank and soakaway system were built in accordance with the standards for village type houses. However, he considers that the capacity of the system might not suit the purpose of the subject uses;
- (c) the further information (**Appendix Ib**) submitted has not fully addressed his concern on the potential water quality impact caused by the temporary canteen, including the nature and amount of wastewater to be generated from the proposed development, detailed design of the septic tank and soakaway system, and detailed information on the method of treatment and disposal of the wastewater generated from the kitchen of the temporary canteen are not included;
- (d) that said, he would not object to the application on a temporary basis provided that an approval condition requiring the submission and implementation of the design of septic tank and soakaway system and/or other wastewater treatment facilities for the temporary canteen is included; and
- (e) there was no record of environmental complaint for the Site for the past three years.

### **Landscape Aspect**

#### 10.1.5 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) she has no objection to the application from the landscape planning point of view;
- (b) according to the latest aerial photo of 2015, the Site was situated in an area of disturbed rural landscape character which was dominated by the works area for LT/HYW BCP and widening of Lin Ma Hang Road while the remaining areas are mostly natural and fallow farmland. Only few scattered village clusters are in this area. These massive works areas have currently transformed the area from rural landscape character to a disturbed/on-going development landscape which will be subsequently converted into a built-up area of institutional landscape character. Thus the proposed development is not entirely incompatible with the current surrounding environment;
- (c) her recent site visit revealed that the Site is currently hard paved and is occupied by temporary structures and being in use as temporary retail shop and canteen. A permitted temporary use as canteen is located at its west. Significant adverse impact on landscape resource arising from the proposed development is not anticipated; and
- (d) should the Board decide to approve the application, the approval condition on landscape works is not practicable and therefore not recommended in the permission.

### **Drainage**

#### 10.1.6 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) he has no objection to the application from the public drainage viewpoint;
- (b) should the application be approved, a condition should be included to request the applicant to submit and implement a drainage proposal for the Site to ensure that it will not cause adverse drainage impact to the adjacent area; and
- (c) the Site is in an area where no public sewerage connection is available.

### **Building Matters**

#### 10.1.7 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) there is no record of approval by the Building Authority for the buildings/structures existing at the Site and BD is not in a position to offer comments on their suitability for the use related to the application;
- (b) if the existing structures are erected on leased land without approval of the 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;

- (c) before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, prior approval and consent from BD should be obtained, otherwise they are Unauthorized Building works (UBW). An authorized person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
- (d) for UBW erected on leased land, enforcement action may be taken by the BD 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;
- (e) if the proposed use under application is subject to the issue of a license, the applicant should be reminded that 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;
- (f) in connection with (c) above, the Site should be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulation 5 and 41D of the Building (Planning) Regulations (B(P)Rs); and
- (g) if the Site does not abut a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under B(P)Rs 19(3) at the building plan submission stage.

### **Nature Conservation**

#### **10.1.8 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):**

as the Site is disturbed and paved, she has no comment on the application from the nature conservation point of view.

### **Fire Safety**

#### **10.1.9 Comments of the Director of Fire Services (D of FS):**

- (a) he has no in-principle objection to the application subject to fire service installations and water supplies for fire-fighting being provided to the satisfaction of his department;
- (b) emergency vehicular access arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by the BD; and
- (c) detailed fire services requirements will be formulated upon receipt of formal submission of general building plans.



**Project Interface**

10.1.10 Comments of the Project Manager (New Territories East), Civil Engineering and Development Department (PM(NTE), CEDD):

- (a) he has no comment on the application from project interface point of view; and
- (b) the LT/HYW BCP project including the widening of part of the Lin Ma Hang Road, is scheduled for completion by end 2018.

**Food and Environmental Hygiene**

10.1.11 Comments of the Director of Food and Environmental Hygiene (DFEH):

- (a) he has no objection to the application provided that relevant food licence/restricted food permit would be obtained if food business is involved;
- (b) according to his office record, no food licence/permit has been granted to the Site;
- (c) if food business is involved, the operation of any eating place should be under a food licence issued by the Food and Environmental Hygiene Department (FEHD). If the operator intends to operate a restaurant business in the territory, a general restaurant/light refreshment restaurant licence should be obtained from FEHD in accordance with the Public Health and Municipal Services Ordinance (Cap. 132); and
- (d) the operation of the temporary canteen must not cause any environmental nuisance to the surroundings.

**District Officer's Comments**

10.1.12 Comments of the District Officer (North), Home Affairs Department (DO(N), HAD):

he has consulted the locals regarding the application. The Vice-Chairman of Ta Kwu Ling District Rural Committee and one of the two Indigenous Inhabitant Representatives (IIRs) of Tsung Yuen Ha support the development as it could provide catering service for the construction workers. The incumbent North District Council member, the remaining one IIR of Tsung Yuen Ha and the Resident Representative (RR) of Tsung Yuen Ha have no comment on the application.

10.2 The following Government departments have no objection/no comment on the application:

- (a) Commissioner of Police (C of P); and
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD)

## **11. Public Comments Received During Statutory Publication Period**

On 7.3.2017, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 28.3.2017, four public comments were received (**Appendix III**). A North District Council member and the Chairman of Sheung Shui District Rural Committee have no comment on the application. The remaining two public comments from World Wide Fund for Nature Hong Kong and an individual raise objection to/concerns on the application mainly on the grounds of not in line with the planning intentions of “REC” and “GB” zones; clearing of vegetation prior to the submission of application; not complying with the Town Planning Board Guidelines No. 10 for Application for Development within “GB” zone; no information on the treatment of effluent; and setting of an undesirable precedent.

## **12. Planning Considerations and Assessments**

- 12.1 The temporary retail shop, canteen and ancillary office under application is not in line with the planning intention of the “REC” zone which is primarily for low-density recreational developments for the use of the general public and encourages the development of active and/or passive recreation and tourism/eco-tourism. It is also not in line with the planning intention of “GB” zone which is primarily for defining the limits of urban and sub-urban development areas as well as to provide passive recreational outlets and there is a general presumption against development within this zone (**Plan A-1**). The applicant has not provided any strong planning justifications in the submission to merit a departure from the planning intentions of “REC” and “GB” zones, even on a temporary basis.
- 12.2 The Site is located adjacent to Lin Ma Hang Road in the south and surrounded by the works areas of various government projects (**Plans A-2 and A-3**). The development is not incompatible with the surrounding environment and significant adverse impact on the landscape resource arising from the development is not anticipated. In this regard, CTP/UD&L, PlanD has no objection to the application from the landscape planning perspective.
- 12.3 C for T does not support the application as the applicant has not submitted a traffic impact assessment upon Sha Tau Kok Road and road network of Sheung Shui/Fanling district based on the operation and traffic arrangement details of the development under application and has not provided information to justify that no provision of parking and loading/unloading space to be provided in the Site. In this regard, the applicant has failed to demonstrate in the submission that there is no adverse traffic impact arising from the development. According to CHE/NTE, HyD, the Site would be affected by the “Widening of Eastern Section of Lin Ma Hang Road between Tsung Yuen Ha and Lin Ma Hang”. However, the commencement date of the project is yet to be fixed and the development under application is on a temporary basis up to mid-2020, he considers that the impact on the programme for the road widening project is not significant. As such, he has no adverse comment on the application from project perspective. Other relevant Government departments consulted, including D of FS, CE/C of WSD and CE/MN of DSD, have no adverse comment on or no objection to the application.
- 12.4 Regarding DEP’s concern on potential water quality impact on the surrounding area, wastewater generated from the kitchen and toilet within the premises might be discharged into the nearby waterbodies and cause serious water quality impact.

Although the applicant stated in the further information (**Appendix Ib**) that the septic tank and soakaway system were built in accordance with the standards for village type houses, DEP considers that the capacity might not suit the purpose of the subject use. Nevertheless, he would not object to the application on a temporary basis provided that an approval condition requiring the submission and implementation of the design of septic tank and soakaway system and/or other wastewater treatment facilities for the temporary canteen would be imposed.

- 12.5 The Site is not subject of any previous planning application, whereas one similar application for temporary canteen and ancillary offices (No. A/NE-TKLN/4) was approved with condition on the grounds that the development could provide catering services to meet the needs of the construction workers; the development was not incompatible with the surrounding environment; the development was not expected to generate significant adverse water quality and landscape impacts on the surrounding areas; and there is no adverse comment from Government departments including TD. However, for the subject application, there is adverse departmental comment from TD on the traffic impact arising from the development. The planning circumstance of the subject application is different from the similar approved application.
- 12.6 Regarding the adverse public comments mainly on the grounds of not in line with the planning intentions of “REC” and “GB” zones; clearing of vegetation prior to the submission of application; not complying with the Town Planning Board Guidelines No. 10 for Application for Development within “GB” zone; no information on the treatment of effluent; and setting of an undesirable precedent, Government departments’ comments and the planning assessment above are relevant.

### **13. Planning Department’s Views**

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11, the Planning Department does not support the application for the following reasons:
- (a) the development is not in line with the planning intention of the “REC” which is primarily for low-density recreational developments for the use of the general public and encourages the development of active and/or passive recreation and tourism/eco-tourism. It is also not in line with the planning intention of “GB” zone which is primarily for defining the limits of urban and sub-urban development areas as well as to provide passive recreational outlets and there is a general presumption against development within this zone. There is no strong planning justification provided in the submission to justify a departure from the planning intentions, even on a temporary basis; and
  - (b) the applicant fails to demonstrate in the submission that the development would have no adverse traffic impact on the surrounding areas.
- 13.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 3 years until 28.7.2020. The following conditions of approval and advisory clauses are suggested for Members’ reference:

Approval Conditions

- (a) no operation between 5:00 p.m. and 8:00 a.m. on weekdays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Saturdays, Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **28.1.2018**;
- (d) in relation to (c) above, the provision of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **28.4.2018**;
- (e) the submission of proposals for fire service installations and water supplies for fire-fighting within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **28.1.2018**;
- (f) in relation to (e) above, the implementation of proposals for fire service installations and water supplies for fire-fighting and within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **28.4.2018**;
- (g) the submission of the design of septic tank and soakaway system and/or other wastewater treatment facilities within 6 months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the Town Planning Board by **28.1.2018**;
- (h) in relation to (g) above, the provision of septic tank and soakaway system and/or other wastewater treatment facilities within 9 months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the Town Planning Board by **28.4.2018**;
- (i) the submission of a traffic impact assessment within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by **28.1.2018**;
- (j) in relation to (i) above, the implementation of traffic improvement measures identified therein within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by **28.4.2018**;
- (k) if any of the above planning conditions (a) or (b) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (l) if any of the above planning conditions (c), (d), (e), (f), (g), (h), (i) or (j) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and

- (m) upon the expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

#### Advisory Clauses

The recommended advisory clauses are attached at **Appendix IV**.

### **14. Decision Sought**

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the permission.
- 14.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

### **15 Attachments**

<b>Appendix I</b>	Application Form with attachments received on 27.2.2017
<b>Appendix Ia</b>	Letter dated 24.3.2017 requesting for deferment of consideration of the application
<b>Appendix Ib</b>	Further information received on 6.6.2017
<b>Appendix Ic</b>	Further information received on 19.7.2017
<b>Appendix II</b>	Similar s.16 Application within the “REC” and “GB” Zones on the approved Ta Kwu Ling North Outline Zoning Plan No. S/NE-TKLN/2
<b>Appendix III</b>	Public Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Site Layout Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
JULY 2017**

**Similar S.16 Application for Retail Shop or Canteen within/partly within  
the “Green Belt” and/or “Recreation” zone  
in the vicinity of the Application Site  
in the Ta Kwu Ling North Area**

**Approved Applications**

<b><u>Application No.</u></b>	<b><u>Uses/ Development</u></b>	<b><u>Date of Consideration</u></b>	<b><u>Approval Conditions</u></b>
A/NE-TKLN/4	Temporary Canteen and Ancillary Office for a Period of 3 Years	14.9.2016	A1 - A10

**Approval Conditions:**

- A1 No operation between 3:00 p.m. and 7:00 a.m. on weekdays was allowed
- A2 No operation on Saturdays, Sundays and public holidays was allowed
- A3 The maintenance of the existing boundary fencing on the site at all times
- A4 The submission of drainage proposal
- A5 The provision of drainage facilities
- A6 The submission and the implementation of proposals for water supplies for fire-fighting and fire service installations
- A7 The submission and the implementation of landscape proposal
- A8 The submission of design and the provision of septic tank and soakaway system and/or other wastewater treatment facilities
- A9 Revocation clause
- A10 Reinstatement clause

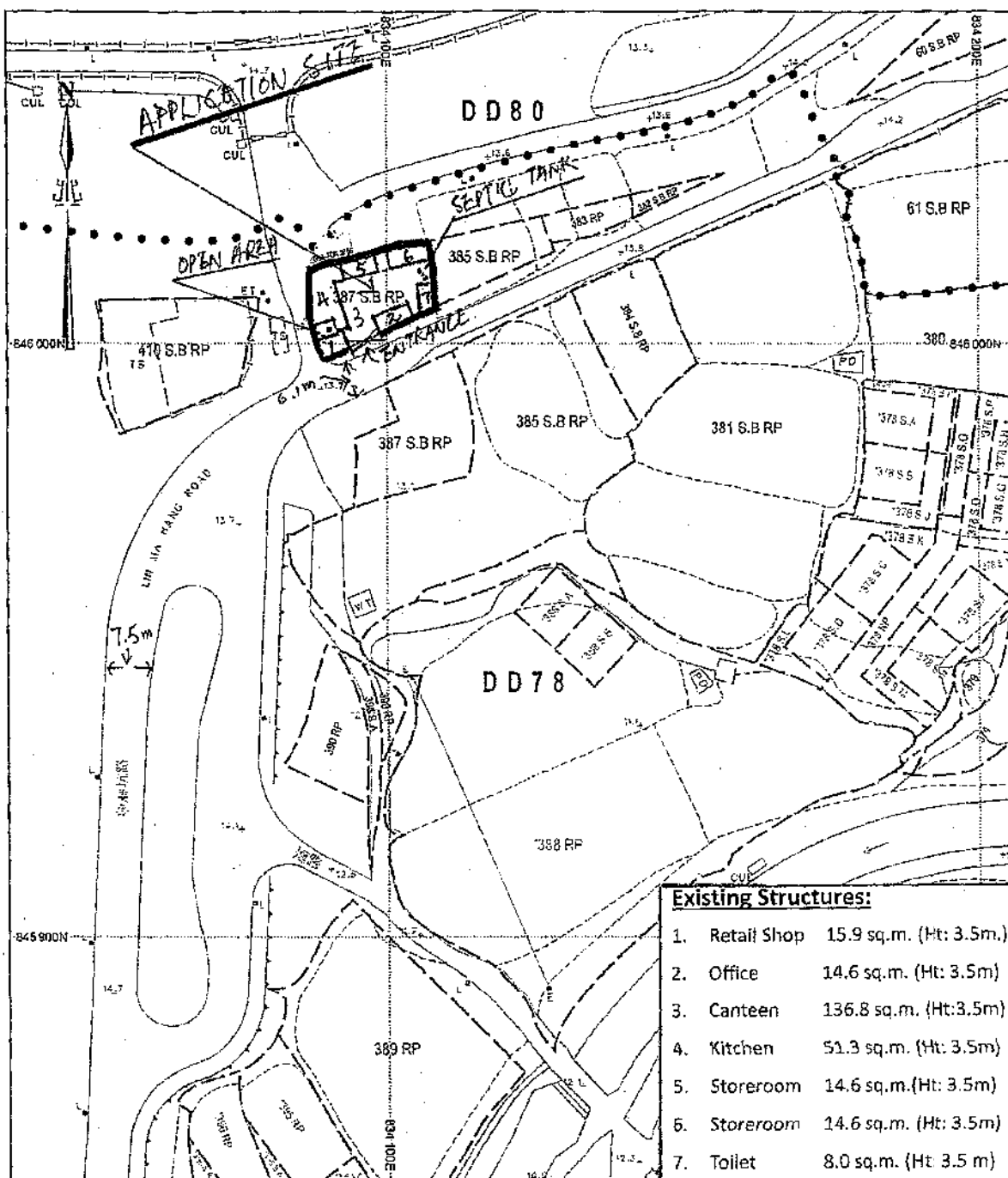
**Recommended Advisory Clauses**

- (a) prior planning permission should have been obtained before commencing the applied use at the Site;
- (b) to note the comments of DLO/N, LandsD as follows:
  - (i) the Site comprises a private lot which is an Old Schedule lot held under the Block Government Lease (demised for agricultural use) without any guaranteed right of vehicular access;
  - (ii) the actual occupation area is larger than the Site. Portion of the adjoining Government land is being illegally occupied by the applicant. Moreover, there are unauthorised structures erected on Lot No. 387 S.B RP in D.D. 78 and the adjoining Government land without prior approval from his office. It is also noted that the total built-over area of the aforesaid structure is larger than the one mentioned in the planning application. The structures are not acceptable under the Lease concerned. His office reserves the right to take necessary lease enforcement and land control actions against their regularities and the illegal occupation of Government land; and
  - (iii) the owner(s) of the lot concerned shall apply to his office for a Short Term Waiver (STW). The application for STW will be considered by Government in its landlord's capacity and there is no guarantee that it will be approved. If the STW is approved, the commencement date will 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 fee as considered appropriate by his office;
- (c) to note the comments of D of FS as follows:
  - (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 the BD; and
  - (ii) detailed fire services requirements will be formulated upon receipt of formal submission of general building plans;
- (d) to note the comments of CE/MN, DSD that the Site is in an area where no public sewerage connection is available;
- (e) to note the comments of CBS/NTW, BD as follows:
  - (i) if the existing structures are erected on leased land without approval of the 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, prior approval and consent from BD should be obtained, otherwise they are Unauthorized Building works (UBW). An authorised person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO;

- (iii) for UBW erected on leased land, enforcement action may be taken by the BD 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) if the proposed use under application is subject to the issue of a license, the applicant should be reminded that 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;
  - (v) in connection with (ii) above, the Site should be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulation 5 and 41D of the Building (Planning) Regulations (B(P)Rs); and
  - (vi) if the Site does not abut a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under B(P)Rs 19(3) at the building plan submission stage;
- (f) to note the comments of DFEH as follows:
- (i) the operation of any eating place should be under a food licence issued by the FEHD. If the operator intends to operate a restaurant business in the territory, a general restaurant/light refreshment restaurant licence should be obtained from FEHD in accordance with the Public Health and Municipal Services Ordinance (Cap. 132); and
  - (ii) the operation of the temporary canteen must not cause any environmental nuisance to the surroundings; and
- (g) to note the advice of DEP that septic tank and soakaway system is an acceptable means for collection, treatment and disposal of the sewage provided that its design and construction follow the requirements of the ProPECC PN 5/93 "Drainage Plans subject to comment by the environmental Protection Department" and duly certified by an Authorized Person.



## 地段索引圖 LOT INDEX PLAN



地政總署測繪處 Survey and Mapping Office, Lands Department

比例尺 SCALE 1:1000

metres 10 0 10 20 30 40 50 metres



Locality : NORTH

Lot Index Plan No. : YL0089102016

District Survey Office : Yuen Long

Date : 04-Oct-2016

Reference No. : 3-NW-50

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© Copyright reserved - Hong Kong SAR Government  
SMO-P01 20161004113159 10**免責聲明**

本圖則乃地段索引圖的複本，顯示地段界線的大概位置，包括根據政府撥地、臨時政府撥地、短期租約及政府土地租用牌照而臨時佔用土地的位置。臨時佔用土地的情況可經通知而終止，因此應向有關的分區地政專員核證。本圖則所示的資料必須經過實地測量予以核實。當有更佳或新的地界證據時，地段索引圖可能會被修訂而無須事先通知。

**Disclaimer**

This plan is a copy of the lot index plan showing the approximate location of lot boundaries, including the temporary occupation of land under Government Land Allocations, Temporary Government Land Allocations, Short Term Tenancies and Government Land Licences. The temporary occupation of land may be created or terminated at short notice and should be confirmed with the District Lands Officer. The information shown on this plan **MUST** be verified by field survey. The lot index plan may be revised without prior notification as better or new boundary evidence becomes available.

參考編號

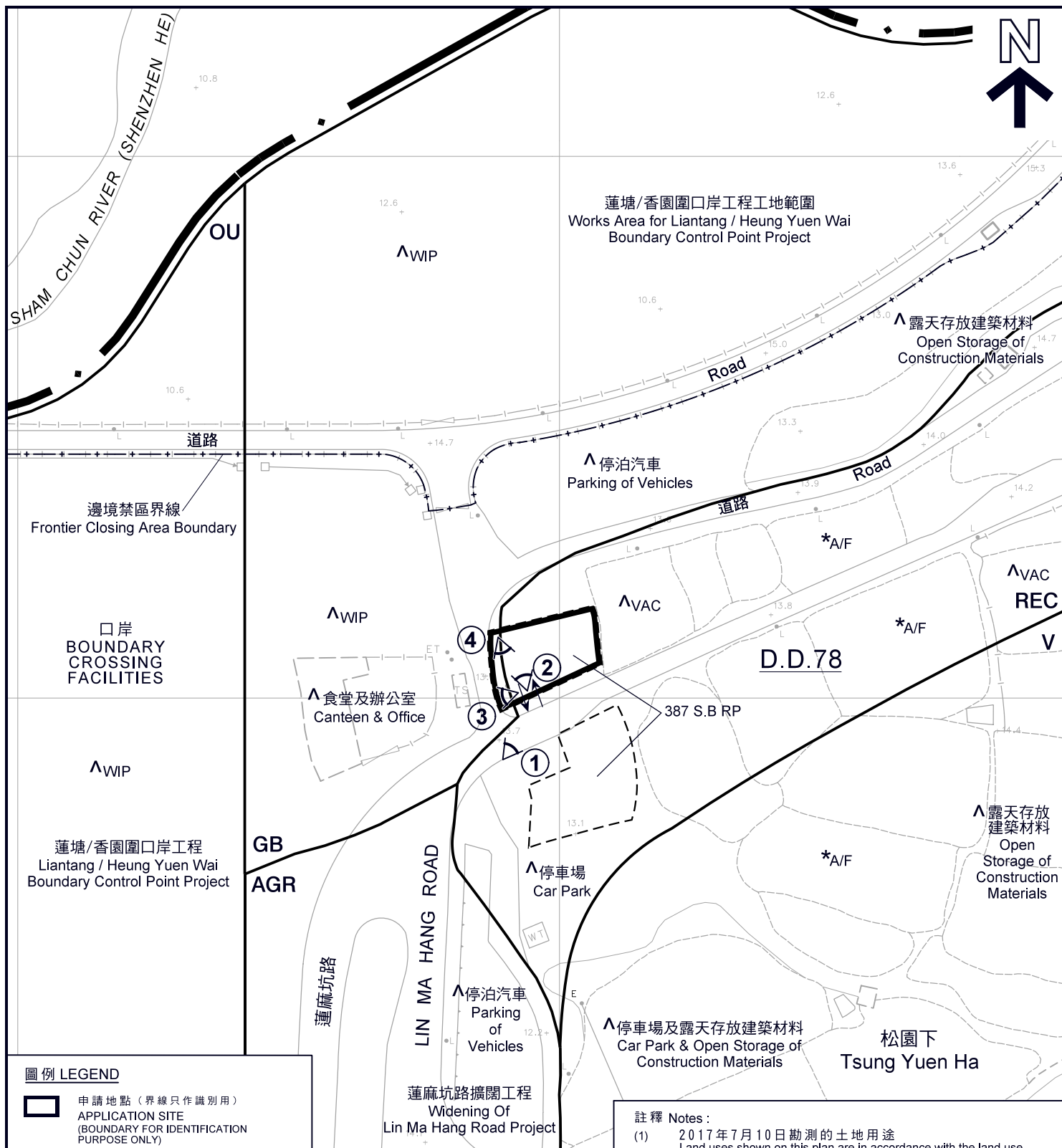
REFERENCE No. A/NE-TKLN/6

繪圖 DRAWING A-1

(來源 附件 I)

(Source : Appendix I)





#### 圖例 LEGEND

- 申請地點** (界線只作識別用)  
APPLICATION SITE  
(BOUNDARY FOR IDENTIFICATION  
PURPOSE ONLY)
- AGR** 農業  
AGRICULTURE
- GB** 綠化地帶  
GREEN BELT
- OU** 其他指定用途  
OTHER SPECIFIED USES
- REC** 康樂  
RECREATION
- V** 鄉村式發展  
VILLAGE TYPE DEVELOPMENT

- A/F** 休耕農地  
FALLOW AGRICULTURAL LAND
- VAC** 空置  
VACANT
- WIP** 工程在進行中  
WORK IN PROGRESS
- 入口 / 出口**  
INGRESS / EGRESS
- 實地照片的觀景點**  
VIEWING POINT OF SITE PHOTO

#### 註釋 Notes :

- (1) 2017年7月10日勘測的土地用途  
Land uses shown on this plan are in accordance with the land use survey conducted by the Planning Department on 10.7.2017
- (2) 土地用途跟2010年7月30日、31日及8月1日勘測的土地用途一致  
Indicates that the use is the same as that revealed by the land use survey conducted by the Planning Department on 30, 31.7.2010 & 1.8.2010
- (3) 土地用途跟2010年7月30日、31日及8月1日勘測的土地用途有別  
Indicates that the use is different from that revealed by the land use survey conducted by the Planning Department on 30, 31.7.2010 & 1.8.2010

#### 平面圖 SITE PLAN

臨時零售商店、食堂及附屬寫字樓 (為期3年)  
新界打鼓嶺松園下丈量約份第78約  
地段第387號B分段餘段(部分)

TEMPORARY RETAIL SHOP, CANTEEN AND ANCILLARY OFFICE  
FOR A PERIOD OF 3 YEARS  
LOT 387 S.B RP (PART) IN D.D. 78, TSUNG YUEN HA,  
TA KWU LING, N.T.

SCALE 1 : 1 000 比例尺

米 20 0 20 40 米  
METRES

#### 規劃署

PLANNING  
DEPARTMENT



參考編號  
REFERENCE No.

A/NE-TKLN/6

圖 PLAN  
A-2

本摘要圖於2017年7月13日擬備，  
所根據的資料為測量圖編號  
3-NW-8D  
EXTRACT PLAN PREPARED ON 13.7.2017  
BASED ON SURVEY SHEET No  
3-NW-8D





#### 圖例 LEGEND



申請地點（界線只作識別用）  
APPLICATION SITE  
(BOUNDARY FOR IDENTIFICATION  
PURPOSE ONLY)

本摘要圖於2017年7月13日擬備，  
所根據的資料為地政總署  
於2015年12月18日拍得的航攝照片  
編號CS61774R  
EXTRACT PLAN PREPARED ON 13.7.2017  
BASED ON AERIAL PHOTO No. CS61774R  
TAKEN ON 18.12.2015 BY  
LANDS DEPARTMENT

#### 航攝照片 AERIAL PHOTO

臨時零售商店、食堂及附屬寫字樓（為期3年）  
新界打鼓嶺松園下丈量約份第78約  
地段第387號B分段餘段（部分）  
TEMPORARY RETAIL SHOP, CANTEEN AND ANCILLARY OFFICE  
FOR A PERIOD OF 3 YEARS  
LOT 387 S.B RP (PART) IN D.D. 78, TSUNG YUEN HA,  
TA KWU LING, N.T.

規劃署  
PLANNING  
DEPARTMENT



參考編號  
REFERENCE No.  
A/NE-TKLN/6

圖 PLAN  
A-3



申請地點  
APPLICATION SITE



申請地點  
APPLICATION SITE

實地照片 SITE PHOTOS

本圖於2017年7月13日擬備，所根據的資料為攝於2017年7月10日的實地照片  
PLAN PREPARED ON 13.7.2017 BASED ON SITE PHOTOS TAKEN ON 10.7.2017

臨時零售商店、食堂及附屬寫字樓（為期3年）  
新界打鼓嶺松園下丈量約份第78約地段第387號B分段餘段（部分）  
TEMPORARY RETAIL SHOP, CANTEEN AND ANCILLARY OFFICE FOR A PERIOD OF 3 YEARS  
LOT 387 S.B RP (PART) IN D.D. 78, TSUNG YUEN HA, TA KWU LING, N.T.

規劃署  
PLANNING  
DEPARTMENT



參考編號  
REFERENCE No.  
A/NE-TKLN/6

圖 PLAN  
A-4a



申請地點  
APPLICATION SITE



申請地點  
APPLICATION SITE

實地照片 SITE PHOTOS

本圖於2017年7月13日擬備，所根據的資料為攝於2017年7月10日的實地照片  
PLAN PREPARED ON 13.7.2017 BASED ON SITE PHOTOS TAKEN ON 10.7.2017

臨時零售商店、食堂及附屬寫字樓（為期3年）  
新界打鼓嶺松園下丈量約份第78約地段第387號B分段餘段（部分）  
TEMPORARY RETAIL SHOP, CANTEEN AND ANCILLARY OFFICE  
FOR A PERIOD OF 3 YEARS  
LOT 387 S.B RP (PART) IN D.D. 78, TSUNG YUEN HA,  
TA KWU LING, N.T.

規劃署  
PLANNING  
DEPARTMENT



參考編號  
REFERENCE No.  
A/NE-TKLN/6

圖 PLAN  
A-4b

**Agenda Item 19**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKLN/6      Temporary Retail Shop, Canteen and Ancillary Office for a Period of 3 Years in “Recreation” and “Green Belt” Zones, Lot 387 S.B RP (Part) in D.D. 78, Tsung Yuen Ha, Ta Kwu Ling, New Territories  
(RNTPC Paper No. A/NE-TKLN/6A)

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**Presentation and Question Sessions**

93.      Ms Cindy K.F. Wong, STP /STN, presented the application and covered the following aspects as detailed in the Paper :

- (a)    background to the application;
- (b)    the temporary retail shop, canteen and ancillary office for a period of three years;
- (c)    departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Commissioner for Transport (C for T) did not support the application had not carried out a traffic impact assessment (TIA) and no justification was given for not providing any parking and loading/unloading spaces within the site. The Director of Environmental Protection (DEP) commented that the applicant had not fully addressed his



concern on the potential water quality impact caused by the development under application. The District Officer (North) advised that the Vice-Chairman of Ta Kwu Ling District Rural Committee and one of the two Indigenous Inhabitant Representatives (IIRs) of Tsung Yuen Ha supported the development and the incumbent North District Council (NDC) member, the other IIR of Tsung Yuen Ha and the Resident Representative of Tsung Yuen Ha had no comment on the application;

- (d) during the first three weeks of the statutory publication period, four public comments from a NDC member and the Chairman of the Sheung Shui District Rural Committee (SSDRC), World Wide Fund for Nature Hong Kong (WWF) and an individual were received. The NDC member and the Chairman of SSDRC had no comment on the application. WWF and the individual raised objections to the application. Major comments and objection grounds on the application were set out in paragraph 11 of the Paper; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The development under application was not in line with the planning intentions of the “Recreation” and “Green Belt” zones. The application was not in line the Town Planning Board Guidelines No. 10 in that there was no information on the treatment of effluent. The applicant had not provided any justifications to merit a departure from the planning intentions of the two zones, even on a temporary basis. The applicant had not submitted a TIA nor provided information to justify that no parking and loading/unloading space would be provided in the site. In this regard, C for T did not support the application. DEP had raised concern on the potential water quality impact from the wastewater generated from the subject site. Although a similar application (No. A/NE-TKLN/4) for temporary canteen and ancillary offices was approved, the planning circumstance of the subject application was different from the approved application. Regarding the public comments, the comments of government bureau/departments and the planning assessments above were



relevant.

94. In response to the Chairman's enquiry on the major differences between the subject application and the similar application approved in the vicinity, Ms Cindy K.F. Wong, STP/STN, said that both applications were for temporary canteen and ancillary office but the subject application also included a retail shop. In terms of the scale of development, the subject site was smaller with an area of 270m<sup>2</sup> while that of the similar application was about 460m<sup>2</sup>. C for T did not raise objection to the similar application but did not support the subject application. Mr Patrick K.H. Ho, Chief Traffic Engineer/New Territories West, Transport Department (CTE/NTW, TD), supplemented that, in view of the recent traffic situation in the area, the subject application was not supported as the applicant had not submitted a TIA to demonstrate that there would be no adverse traffic impact.

#### Deliberation Session

95. The Committee noted that TIA was not required by TD for the similar application (No. A/TKLN/4). For the subject application, TD required the applicant to submit a TIA to ensure that the applied use would not cause adverse traffic impact on the surrounding area. The Committee also noted that the applicant of the similar application had complied with all the approval conditions and the canteen was in operation.

96. Noting the small scale of the subject development, the canteen was to serve nearby construction site workers and a similar application without a TIA had been approved, a Member had doubt on the requirement of a TIA for the subject application. Another Member shared the same view.

97. In response, Mr Patrick K.H. Ho, CTE/NTW, TD, said that the applied use would involve loading/unloading of goods, but the applicant had not provided any basic information such as the frequency of loading/unloading activities. Without such information, TD would not be able to assess the traffic impact.

98. The Committee noted that the applicant had already responded to departmental comments on transport arrangements and sewerage aspects, as well as the seating capacity of the canteen under application. However, some Members considered that the application

should not be supported as the applicant had failed to provide information to address TD's concern.

99. After deliberation, the Committee decided to reject the application. The reasons were :

- “(a) the development is not in line with the planning intention of the “Recreation” zone which is primarily for low-density recreational developments for the use of the general public and encourages the development of active and/or passive recreation and tourism/eco-tourism. It is also not in line with the planning intention of “Green Belt” zone which is primarily for defining the limits of urban and sub-urban development areas as well as to provide passive recreational outlets and there is a general presumption against development within this zone. There is no strong planning justification provided in the submission to justify a departure from the planning intentions, even on a temporary basis; and
- (b) the applicant fails to demonstrate in the submission that the development would have no adverse traffic impact on the surrounding areas.”

[The Chairman thanked Mr Kenny C.H. Lau, Mr C.T. Lau and Ms Cindy K.F. Wong, STPs/STN, for their attendance to answer Members' enquiries. They left the meeting at this point.]

[Mr Stephen L.H. Liu left the meeting at this point.]

## 城市規劃委員會

香港北角渣華道三百三十三號  
北角政府合署十五樓

## TOWN PLANNING BOARD

15/F., North Point Government Offices  
333 Java Road, North Point,  
Hong Kong.

傳 真 Fax: 2877 0245 / 2522 8426

電 話 Tel: 2231 4835

來函檔號 Your Reference:

覆函請註明本會檔號

In reply please quote this ref.: TPB/A/NE-TKLN/6

By Registered Post

11 August 2017

Wong Cheung Hon

Dear Sir/Madam,

**Temporary Retail Shop, Canteen and Ancillary Office  
for a Period of 3 Years in “Recreation” and “Green Belt” Zones,  
Lot 387 S.B RP (Part) in D.D. 78, Tsung Yuen Ha, Ta Kwu Ling, New Territories**

I refer to my letter to you dated 25.7.2017.

After giving consideration to the application, the Town Planning Board (TPB) decided to reject the application and the reasons are :

- (a) the development is not in line with the planning intention of the “Recreation” zone which is primarily for low-density recreational developments for the use of the general public and encourages the development of active and/or passive recreation and tourism/eco-tourism. It is also not in line with the planning intention of “Green Belt” zone which is primarily for defining the limits of urban and sub-urban development areas as well as to provide passive recreational outlets and there is a general presumption against development within this zone. There is no strong planning justification provided in the submission to justify a departure from the planning intentions, even on a temporary basis; and
- (b) you fail to demonstrate in the submission that the development would have no adverse traffic impact on the surrounding areas.

A copy of the TPB Paper in respect of the application (except the supplementary planning statement/technical report(s), if any) and the relevant extract of minutes of the TPB meeting held on 28.7.2017 are enclosed herewith for your reference.

Under section 17(1) of the Town Planning Ordinance, an applicant aggrieved by a decision of the TPB may apply to the TPB for a review of the decision. If you wish to seek a review, you should inform me within 21 days from the date of this letter (on or before 1.9.2017). I will then contact you to arrange a hearing before the TPB which you and/or your authorized representative will be invited to attend. The TPB is required to consider a review application within three months of receipt of the application for review. Please note that any review application will be published for three weeks for public comments.

Under the Town Planning Ordinance, the TPB can only reconsider at the review hearing the original application in the light of further written and/or oral representations. Should you decide at this stage to materially modify the original proposal, such proposal should be submitted to the TPB in the form of a fresh application under section 16 of the Town Planning Ordinance.

If you wish to seek further clarifications/information on matters relating to the above decision, please feel free to contact Mr. Wallace Tang of Sha Tin, Tai Po & North District Planning Office at 2158 6237.

Yours faithfully,



( Miss Rachel HO )  
for Secretary, Town Planning Board

**Recommended Advisory Clauses**

- (a) prior planning permission should have been obtained before commencing the applied use at the Site;
- (b) to note the comments of DLO/N, LandsD as follows:
  - (i) the Site comprises a private lot which is an Old Schedule lot held under the Block Government Lease (demised for agricultural use) without any guaranteed right of vehicular access;
  - (ii) the actual occupation area is larger than the Site. Portion of the adjoining Government land is being illegally occupied by the applicant. Moreover, there are unauthorised structures erected on Lot No. 387 S.B RP in D.D. 78 and the adjoining Government land without prior approval from his office. It is also noted that the total built-over area of the aforesaid structure is larger than the one mentioned in the planning application. The structures are not acceptable under the Lease concerned. His office reserves the right to take necessary lease enforcement and land control actions against the irregularities and the illegal occupation of Government land; and
  - (iii) the owner(s) of the lot concerned shall apply to his office for a Short Term Waiver (STW). The application for STW will be considered by Government in its landlord's capacity and there is no guarantee that it will be approved. If the STW is approved, the commencement date will 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 fee as considered appropriate by his office;
- (c) to note the comments of C for T that on-street loading/ unloading activities are allowed between 10:00 to 16:00 only and the duration should be less than 10 minutes; and goods vehicle trips per week for goods delivery should not exceed two.
- (d) to note the comments of D of FS as follows:
  - (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 the BD; and
  - (ii) detailed fire services requirements will be formulated upon receipt of formal submission of general building plans;
- (e) to note the comments of CE/MN, DSD that the Site is in an area where no public sewerage connection is available;
- (f) to note the comments of CBS/NTW, BD as follows:
  - (i) if the existing structures are erected on leased land without approval of the 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, prior approval and consent from BD should be obtained, otherwise they are Unauthorized Building works (UBW). An authorised person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
  - (iii) for UBW erected on leased land, enforcement action may be taken by the BD 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) if the proposed use under application is subject to the issue of a license, the applicant should be reminded that 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;
  - (v) in connection with (ii) above, the Site should be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulation 5 and 41D of the Building (Planning) Regulations (B(P)Rs); and
  - (vi) if the Site does not abut a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under B(P)Rs 19(3) at the building plan submission stage;
- (g) to note the comments of DFEH as follows:
- (i) the operation of any eating place should be under a food licence issued by the FEHD. If the operator intends to operate a restaurant business in the territory, a general restaurant/light refreshment restaurant licence should be obtained from FEHD in accordance with the Public Health and Municipal Services Ordinance (Cap. 132); and
  - (ii) the operation of the temporary canteen must not cause any environmental nuisance to the surroundings; and
- (h) to note the advice of DEP that septic tank and soakaway system is an acceptable means for collection, treatment and disposal of the sewage provided that its design and construction follow the requirements of the ProPECC PN 5/93 "Drainage Plans subject to comment by the environmental Protection Department" and duly certified by an Authorized Person.