2021年 11月 8 日



APPLICATION FOR PERMISSION UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE (CAP.131)

根據《城市規劃條例》(第131章) 第16條號交的許可申請

適用於建議不涉及或不祇涉及:

- (i) Construction of "New Territories Exempted House(s)"; 興建「新界豁免管制屋宇」;
- (ii) Temporary use/development of land and/or building not exceeding 3 years in rural areas; and

位於鄉郊地區土地上及/或建築物內進行為期不超過三年的臨時用途/發展;及

(iii) Renewal of permission for temporary use or development in rural areas 位於鄉郊地區的臨時用途或發展的許可續期

Applicant who would like to publish the <u>notice of application</u> in local newspapers to meet one of the Town Planning Board's requirements of taking reasonable steps to obtain consent of or give notification to the current land owner, please refer to the following link regarding publishing the notice in the designated newspapers: https://www.info.gov.hk/tpb/en/plan_application/apply.html

申請人如欲在本地報章刊登<u>申請通知</u>,以採取城市規劃委員會就取得現行土地擁有人的同意或通知現行土地擁有人所指定的其中一項合理步驟,請瀏覽以下網址有關在指定的報章刊登通知:https://www.info.gov.hk/tpb/tc/plan_application/apply.html

General Note and Annotation for the Form 南雪美校的一般特色工具

<u>填舄表格的一般指引及註解</u>

- "Current land owner" means any person whose name is registered in the Land Registry as that of an owner of the land to which the application relates, as at 6 weeks before the application is made 「現行土地擁有人」指在提出申請前六星期,其姓名或名稱已在土地註冊處註冊為該申請所關乎的土地的擁有人的人
- & Please attach documentary proof 請夾附證明文件
- ^ Please insert number where appropriate 請在適當地方註明編號

Please fill "NA" for inapplicable item 請在不適用的項目填寫「不適用」

Please use separate sheets if the space provided is insufficient 如所提供的空間不足,請另頁說明

Please insert a 「✔」at the appropriate box 請在適當的方格內上加上「✔」號

For Official Use Only	Application No. 申請編號	A/7p/679
請勿填寫此欄	Date Received 收到日期	- 8 NOV 2021

- 1. The completed form and supporting documents (if any) should be sent to the Secretary, Town Planning Board (the Board), 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong. 申請人須把填妥的申請表格及其他支持申請的文件(倘有),送交香港北角渣華道 333 號北角政府合署 15 樓城市規劃委員會(下稱「委員會」)秘書收。
- 2. Please read the "Guidance Notes" carefully before you fill in this form. The document can be downloaded from the Board's website at http://www.info.gov.hk/tpb/. It can also be obtained from the Secretariat of the Board at 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong (Tel: 2231 4810 or 2231 4835), and the Planning Enquiry Counters of the Planning Department (Hotline: 2231 5000) (17/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong and 14/F, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin, New Territories). 請先細閱《申請須知》的資料單張,然後填寫此表格。該份文件可從委員會的網頁下載(網址: http://www.info.gov.hk/tpb/),亦可向委員會秘書處(香港北角渣華道 333 號北角政府合署 15 樓-電話: 2231 4810或2231 4835)及規劃署的規劃資料查詢處(熱線: 2231 5000) (香港北角渣華道 333 號北角政府合署 17 樓及新界沙田上禾輋路 1 號沙田政府合署 14 樓)索取。
- 3. This form can be downloaded from the Board's website, and obtained from the Secretariat of the Board and the Planning Enquiry Counters of the Planning Department. The form should be typed or completed in block letters. The processing of the application may be refused if the required information or the required copies are incomplete. 此表格可從委員會的網頁下載,亦可向委員會秘書處及規劃署的規劃資料查詢處索取。申請人須以打印方式或以正楷填寫表格。如果申請人所提交的資料或文件副本不齊全,委員會可拒絕處理有關申請。

1.	Name of Applicant	申請人姓名/名稱
1.	Name of Applicant	中胡人姓名/名傳

(☑Mr. 先生 / □ Mrs. 夫人 / □ Miss 小姐 / □ Ms. 女士 / □ Company 公司 / □ Organisation 機構)

Timothy Wong Yik 黃翊

2. Name of Authorised Agent (if applicable) 獲授權代理人姓名/名稱(如適用)

(□Mr. 先生 /□Mrs. 夫人 /□Miss 小姐 /□Ms. 女士 / ☑ Company 公司 /□ Organisation 機構)

Toco Planning Consultants Limited

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3.	Application Site 申請地點	
(a)	Full address / location / demarcation district and lot number (if applicable) 詳細地址/地點/丈量約份及地段號碼(如適用)	Government Land Adjoining Lot 2060 in D.D. 6, No. 105 Kam Shek New Village, Tai Po
(b)	Site area and/or gross floor area involved 涉及的地盤面積及/或總樓面面積	☑Site area 地盤面積 34.4 sq.m 平方米☑About 約 ☑Gross floor area 總樓面面積 34.4 sq.m 平方米☑About 約
(c)	Area of Government land included (if any) 所包括的政府土地面積(倘有)	sq.m 平方米 ☑ About 約

(d)	Name and number of the re statutory plan(s) 有關法定圖則的名稱及編號	Tai Po Outline Zoning Plan No. S/TP/29				
(e)	Land use zone(s) involved 涉及的土地用途地帶					
(f)	Current use(s) 現時用途	Temporary Outside Seating Accommodation (If there are any Government, institution or community facilities, please illustrate on plan and specify the use and gross floor area) (如有任何政府、機構或社區設施,請在圖則上顯示,並註明用途及總樓面面積)				
4.	"Current Land Owner"	of Application Site 申請地點的「現行土地擁有人」				
The	applicant 申請人 –					
	is the sole "current land owner" 是唯一的「現行土地擁有人」	^{&} (please proceed to Part 6 and attach documentary proof of ownership). ^{#&} (請繼續填寫第 6 部分,並夾附業權證明文件)。				
	is one of the "current land own 是其中一名「現行土地擁有」	rs" ^{# &} (please attach documentary proof of ownership). 」 ^{# &} (請夾附業權證明文件)。				
	is not a "current land owner"#. 並不是「現行土地擁有人」#					
Ø	The application site is entirely on Government land (please proceed to Part 6). 申請地點完全位於政府土地上(請繼續填寫第 6 部分)。					
5.	Statement on Owner's C 就土地擁有人的同意	onsent/Notification 通知土地擁有人的陳述				
(a)	application involves a total of	s) of the Land Registry as at				
(b)						
(b)	The applicant 申請人 —	"current land owner(s)".				
		名「現行土地擁有人」 <i>"</i> 的同意。				
:	Details of consent of "cr	rent land owner(s)"# obtained 取得「現行土地擁有人」#同意的詳情				
	No. of 'Current Land Owner(s)' 「現行土地擁有人」數目 Lot number/address of premises as shown in the record of the Land (DD/MM/YYYY) 取得同意的日期 (日/月/年)					
	(Please use senarate sheets i	the space of any box above is insufficient. 如上列任何方格的空間不足,請另頁說明)				

		rent land owner(s)" # notified 已獲通知「現行土地擁有人」#	
La	of 'Current nd Owner(s)' 現行土地擁 人」數目	Lot number/address of premises as shown in the record of the Land Registry where notification(s) has/have been given 根據土地註冊處記錄已發出通知的地段號碼/處所地址	Date of notification given (DD/MM/YYYY) 通知日期(日/月/年)
(Plea	se use separate s	heets if the space of any box above is insufficient. 如上列任何方格的公	5間不足,請另頁說明
已扨	取合理步驟以	e steps to obtain consent of or give notification to owner(s): 取得土地擁有人的同意或向該人發給通知。詳情如下:	
Reas	-	o Obtain Consent of Owner(s) 取得土地擁有人的同意所採取的	
	sent request fo 於	or consent to the "current land owner(s)" on (日/月/年)向每一名「現行土地擁有人」"郵遞要求同	(DD/MM/YYYY) [;] 引意書 ^{&}
Reas	sonable Steps to	o Give Notification to Owner(s) 向土地擁有人發出通知所採取	双的合理步驟
		ces in local newspapers on(DD/MM/YY (日/月/年)在指定報章就申請刊登一次通知&	YY) ^{&}
	posted notice	in a prominent position on or near application site/premises on(DD/MM/YYYY)&	
	於	(日/月/年)在申請地點/申請處所或附近的顯明位置	貼出關於該申請的
	office(s) or rus 於	relevant owners' corporation(s)/owners' committee(s)/mutual aid ral committee on(DD/MM/YYYY) ^{&} (日/月/年)把通知寄往相關的業主立案法團/業主委I鄉事委員會 ^{&}	
Oth	ers <u>其他</u>		
	others (please 其他(請指明		
-			
-			
-			

6.	Type(s)	of Application 申請類別
	Type (i) 第(i)類	Change of use within existing building or part thereof 更改現有建築物或其部分內的用途
	Type (ii)	Diversion of stream / excavation of land / filling of land / filling of pond as required under Notes of Statutory Plan(s)
	第(ii)類	根據法定圖則《註釋》內所要求的河道改道/挖土/填土/填塘工程
	Type (iii) 第(iii)類	Public utility installation / Utility installation for private project 公用事業設施裝置/私人發展計劃的公用設施裝置
	Type (iv) 第(iv)類	Minor relaxation of stated development restriction(s) as provided under Notes of Statutory Plan(s) 略為放寬於法定圖則《註釋》內列明的發展限制
\square	Type (v) 第(v)類	Use / development other than (i) to (iii) above 上述的(i)至(iii)項以外的用途/發展
註 1 Note	: 可在多於 2: For Develop	t more than one「✓」. 一個方格內加上「✓」號 oment involving columbarium use, please complete the table in the Appendix. 及靈灰安置所用途,請填妥於附件的表格。
how where the training	ten i i odensk 2 de kvit e nijili.	
(i)	For Typ	pe (i) application 供第(i)類申讀
(a) 1	Γotal flo	or area

(i) For Type (i) applicati	on 供第(i)	<i>類申請</i>			and the second second
(a) Total floor area involved 涉及的總樓面面積				sq.m 平方	7米
(b) Proposed use(s)/development 擬議用途/發展	the use and g	gross floor area)	nstitution or community f 設施,請在圖則上顯示		llustrate on plan and specify 及總樓面面積)
(c) Number of storeys involved 涉及層數			Number of units inv 涉及單位數目	olved	
	Domestic p	art 住用部分		sq.m 平方米	□About 約
(d) Proposed floor area 擬議樓面面積	Non-domestic part 非住用部分		sq.m 平方米	□About 約	
	Total 總計			sq.m 平方米	□About 約
(e) Proposed uses of different	Floor(s)		Proposed use(s) 擬議用途		
floors (if applicable) 不同樓層的擬議用途(如適					
用) (Please use separate sheets if the space provided is insufficient)					
(如所提供的空間不足,請另頁說 明)					-

(ii) For Type (ii) application	ation 供第(ii)類申請
	□ Diversion of stream 河道改道
	□ Filling of pond 填塘 Area of filling 填塘面積 sq.m 平方米 □About 約 Depth of filling 填塘深度 m 米 □About 約
(a) Operation involved 涉及工程	□ Filling of land 填土 Area of filling 填土面積 sq.m 平方米□About 約 Depth of filling 填土厚度 m 米□About 約 □ Excavation of land 挖土 Area of excavation 挖土面積 sq.m 平方米□About 約 Depth of excavation 挖土面積 m 米□About 約 (Please indicate on site plan the boundary of concerned land/pond(s), and particulars of stream diversion, the extent of filling of land/pond(s) and/or excavation of land) (請用圖則顯示有關土地/池塘界線,以及河道改道、填塘、填土及/或挖土的細節及/或範圍))
(b) Intended use/development 有意進行的用途/發展	
((in), Len Tk)pe ((iii) applis	· citions:供第(it)類單譜
	□ Public utility installation 公用事業設施裝置 □ Utility installation for private project 私人發展計劃的公用設施裝置 Please specify the type and number of utility to be provided as well as the dimensions of each building/structure, where appropriate 請註明有關裝置的性質及數量,包括每座建築物/構築物(倘有)的長度、高度和闊度
(a) Nature and scale 性質及規模	Name/type of installation 裝置名稱/種類 Number of provision 數量 Number of provision 數量 Dimension of each installation /building/structure (m) (LxWxH) 每個裝置/建築物/構築物的尺寸 (米) (長 x 闊 x 高)
	(Please illustrate on plan the layout of the installation 請用圖則顯示裝置的布局)

(iv) <u>I</u>	For Type (iv) application #	性第(iv)類申請					
	(a) Please specify the proposed minor relaxation of stated development restriction(s) and <u>also fill in the proposed use/development and development particulars in part (v) below</u> — 請列明擬議略為放寬的發展限制 <u>並填妥於第(v)部分的擬議用途/發展及發展細節</u> —						
	Plot ratio restriction 地積比率限制	From 由	to 至				
	Gross floor area restriction 總樓面面積限制	From 由sq. m	平方米 to 至sq. m 平方爿	4			
	Site coverage restriction 上蓋面積限制	From 由	% to 至%				
	Building height restriction 建築物高度限制	From 由r	n 米 to 至 m 米				
		From 由	mPD 米 (主水平基準上) to 至				
			mPD 米 (主水平基準上)				
		From 由	storeys 層 to 至 storey	ys 層			
	Non-building area restriction 非建築用地限制	From 由	.m to 至m				
	Others (please specify) 其他(請註明)						
(v) <u>I</u>	For Type (v) application 供	第(v)類申請					
use	(a) Proposed use(s)/development 擬議用途/發展 Proposed Temporary Eating Place (Extension of a Restaurant) for a Period of 3 years (Please illustrate the details of the proposal on a layout plan 請用平面圖說明建議詳情)						
(b) De							
	pposed gross floor area (GFA) 擬	議總樓面面積	34.4 sq.m 平方米	☑About 約			
	posed plot ratio 擬議地積比率			□About 約			
	posed site coverage 擬議上蓋面	漬	100 %	□About 約			
	posed no. of blocks 擬議座數		1				
Proposed no. of storeys of each block 每座建築物的擬議層			storeys 層				
			□ include 包括 storeys of basem □ exclude 不包括 storeys of base				
Pro	posed building height of each blo	ck 每座建築物的擬議高度	mPD 米(主水平基準上 2.8 m 米)□About 約 ☑About 約			

☐ Domestic par	t 住用部分				
GFA 總	樓面面積		sq. m 平方米	□About 約	
number	of Units 單位數目				
average	unit size 單位平均面	積	sq. m 平方米	□About 約	
estimate	d number of residents	估計住客數目			
☐ Non-domestic	e part 非住用部分		GFA 總樓面面	積	
eating pl	ace 食肆		sq. m 平方米	□About 約	
☐ hotel 酒	店		sq. m 平方米	口About 約	
			(please specify the number of rooms		
			請註明房間數目)		
□ office 辦	公室		sq. m 平方米	□About 約	
shop and	l services 商店及服務	行業	sq. m 平方米	□About約	
□ Government, institution or community facilities 政府、機構或社區設施			(please specify the use(s) and concerned land area(s)/GFA(s) 請註明用途及有關的地面面積/總樓面面積)		
☑ other(s) 其他			(please specify the use(s) and area(s)/GFA(s) 請註明用途及有關的樓面面積) Restaurant Extension 34.4	的地面面積/總	
			、1	(L) (A) (A) (A) (A) (A) (A) (A) (A) (A) (A	
☐ Open space ﴿		77 tot.	(please specify land area(s) 請註明知		
•	ppen space 私人休憩月		sq. m 平方米 □ Not less than 不少於 sq. m 平方米 □ Not less than 不少於		
public o	pen space 公眾休憩用	地	sq. m 平方来 口 Not li	ess than 个少於	
(c) Use(s) of differ	ent floors (if applicab	le) 各樓層的用途 (如適戶	月)		
[Block number]	[Floor(s)]		[Proposed use(s)]		
[座數]	[層數]		[擬議用途]		
				• • • • • • • • • • • • • • • • • • • •	
(d) Duo	of uncovered ('	Famil 露工协士(座士)			
(a) Proposed use(s)	or uncovered area (11	fany) 露天地方(倘有)	1710年6月12年		
		• • • • • • • • • • • • • • • • • • • •			

7. Anticipated Completi 擬議發展計劃的預		of the Development Proposal 時間
擬議發展計劃預期完成的年份及 (Separate anticipated completion Government, institution or comm	5月份 (分 times (in unity facili	month and year) should be provided for the proposed public open space and
8. Vehicular Access Arra 擬議發展計劃的行	_	t of the Development Proposal 安排
Any vehicular access to the site/subject building?	Yes 是	□ There is an existing access. (please indicate the street name, where appropriate) 有一條現有車路。(請註明車路名稱(如適用))
是否有車路通往地盤/有關建築物?		── There is a proposed access. (please illustrate on plan and specify the width) 有一條擬議車路。(請在圖則顯示,並註明車路的闊度)
	No 否	
Any provision of parking space for the proposed use(s)? 是否有為擬議用途提供停車位?	Yes 是	□ (Please specify type(s) and number(s) and illustrate on plan) 請註明種類及數目並於圖則上顯示) Private Car Parking Spaces 私家車車位 Motorcycle Parking Spaces 電單車車位 Light Goods Vehicle Parking Spaces 輕型貨車泊車位 Medium Goods Vehicle Parking Spaces 中型貨車泊車位 Heavy Goods Vehicle Parking Spaces 重型貨車泊車位 Others (Please Specify) 其他 (請列明)
	No 否	lacktriangledown
Any provision of loading/unloading space for the proposed use(s)? 是否有為擬議用途提供上落客貨車位?	Yes 是	□ (Please specify type(s) and number(s) and illustrate on plan) 請註明種類及數目並於圖則上顯示) Taxi Spaces 的士車位 Coach Spaces 旅遊巴車位 Light Goods Vehicle Spaces 輕型貨車車位 Medium Goods Vehicle Spaces 中型貨車車位 Heavy Goods Vehicle Spaces 重型貨車車位 Others (Please Specify) 其他 (請列明)
	No否	

9. Impacts of De	evelopm	ent Proposal 擬議發展計	劃的影響	
justifications/reasons for	or not prov			adverse impacts or give
Does the development proposal involve alteration of existing building? 擬議發展計劃是否包括現有建築物的改動? Does the development proposal involve the operation on the right? 擬議發展是否涉及右列的工程? (Note: where Type (ii) application is the subject of application, please skip this section. 註:如申請涉及第(ii)類申請,請跳至下一條問題。)	Yes 是 No 否 Yes 是	ding such measures. 減少可能出現不良影響的措施,否則請提供理據/理由。 Please provide details 請提供詳情		
	No否	✓ NV term text	A [7]	
Would the development proposal cause any adverse impacts? 擬議發展計劃會否	On traffi On water On drain On slope Affected Landscar Tree Fel Visual In Others (I	comment 對環境 c 對交通 r supply 對供水 age 對排水 ss 對斜坡 by slopes 受斜坡影響 pe Impact 構成景觀影響 ling 砍伐樹木 mpact 構成視覺影響 Please Specify) 其他 (請列明) tate measure(s) to minimise the		No 不會 忆 No 不會
造成不良影響?	請註明語 直徑及品	盘量減少影響的措施。如涉及砍信 品種(倘可) ase see attached Planning	戈樹木,請說明受影響樹木的	數目、及胸高度的樹幹

10. Justifications 理由
The applicant is invited to provide justifications in support of the application. Use separate sheets if necessary. 現請申請人提供申請理由及支持其申請的資料。如有需要,請另頁說明。
Please see attached Planning Statement

11.	Declaration	聲明

I hereby declare that the particulars given in this application are correct and true to the best of my knowledge and belief. 本人謹此聲明,本人就這宗申請提交的資料,據本人所知及所信,均屬真實無誤。

I hereby grant a permission to the Board to copy all the materials submitted in an application to the Board and/or to upload such materials to the Board's website for browsing and downloading by the public free-of-charge at the Board's discretion. 本人現准許委員會酌情將本人就此申請所提交的所有資料複製及/或上載至委員會網站,供公眾免費瀏覽或下載。

インマンい田ロータ		及农人为工业工文员自调和 人名水儿员四克为一种
Signature 簽署	Jedelar	□ Applicant 申請人 / ☑ Authorised Agent 獲授權代理人
	CHAN TAT CHOI	Managing Director
	Name in Block Letters 姓名(請以正楷填寫)	Position (if applicable) 職位 (如適用)
專業資格	□ HKIS 香港測量師學會	會 / □ HKIA 香港建築師學會 / 會 / □ HKIE 香港工程師學會 / 是會 / □ HKIUD 香港城市設計學會 /
on behalf of 代表	TOCO Planning Consultants Lim	ited
[☑ Company 公司 / □ Organisation Name ar	nd Chop (if applicable) 機構名稱及蓋章(如適用)
Date 日期	4.11.2021	(DD/MM/YYYY 日/月/年)

Remark 備註

The materials submitted in an application to the Board and the Board's decision on the application would be disclosed to the public. Such materials would also be uploaded to the Board's website for browsing and free downloading by the public where the Board considers appropriate.

委員會會向公眾披露申請人所遞交的申請資料和委員會對申請所作的決定。在委員會認為合適的情況下,有關申請資料亦會上載至委員會網頁供公眾免費瀏覽及下載。

Warning 警告

Any person who knowingly or wilfully makes any statement or furnish any information in connection with this application, which is false in any material particular, shall be liable to an offence under the Crimes Ordinance.

任何人在明知或故意的情況下,就這宗申請提出在任何要項上是虛假的陳述或資料,即屬違反《刑事罪行條例》

Statement on Personal Data 個人資料的聲明

- 1. The personal data submitted to the Board in this application will be used by the Secretary of the Board and Government departments for the following purposes:
 - 委員會就這宗申請所收到的個人資料會交給委員會秘書及政府部門,以根據《城市規劃條例》及相關的城市規劃委員會規劃指引的規定作以下用途:
 - (a) the processing of this application which includes making available the name of the applicant for public inspection when making available this application for public inspection; and 處理這宗申請,包括公布這宗申請供公眾查閱,同時公布申請人的姓名供公眾查閱;以及
 - (b) facilitating communication between the applicant and the Secretary of the Board/Government departments. 方便申請人與委員會秘書及政府部門之間進行聯絡。
- 2. The personal data provided by the applicant in this application may also be disclosed to other persons for the purposes mentioned in paragraph 1 above. 申請人就這宗申請提供的個人資料,或亦會向其他人士披露,以作上述第 1 段提及的用途。
- 3. An applicant has a right of access and correction with respect to his/her personal data as provided under the Personal Data (Privacy) Ordinance (Cap. 486). Request for personal data access and correction should be addressed to the Secretary of the Board at 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong. 根據《個人資料(私隱)條例》(第 486 章)的規定,申請人有權查閱及更正其個人資料。如欲查閱及更正個人資料,應向委員會秘書提出有關要求,其地址為香港北角渣華道 333 號北角政府合署 15 樓。

For Developments involving Columbarium Use, please also complete the fo如發展涉及靈灰安置所用途,請另外填妥以下資料:	ollowing: N/A
Ash interment capacity 骨灰安放容量 [@]	
Maximum number of sets of ashes that may be interred in the niches 在龕位內最多可安放骨灰的數量 Maximum number of sets of ashes that may be interred other than in niches 在非龕位的範圍內最多可安放骨灰的數量	
Total number of niches 龕位總數	
Total number of single niches 單人龕位總數	
Number of single niches (sold and occupied) 單人龕位數目 (已售並佔用) Number of single niches (sold but unoccupied) 單人龕位數目 (已售但未佔用) Number of single niches (residual for sale) 單人龕位數目 (待售)	
Total number of double niches 雙人龕位總數	-
Number of double niches (sold and fully occupied) 雙人龕位數目 (已售並全部佔用) Number of double niches (sold and partially occupied) 雙人龕位數目 (已售並部分佔用) Number of double niches (sold but unoccupied) 雙人龕位數目 (已售但未佔用) Number of double niches (residual for sale) 雙人龕位數目 (待售)	
Total no. of niches other than single or double niches (please specify type) 除單人及雙人龕位外的其他龕位總數 (請列明類別)	
Number. of niches (sold and fully occupied)	
Proposed operating hours 擬議營運時間	
 @ Ash interment capacity in relation to a columbarium means – 就靈灰安置所而言,骨灰安放容量指: the maximum number of containers of ashes that may be interred in each niche in the columbarium; 每個龕位內可安放的骨灰容器的最高數目; the maximum number of sets of ashes that may be interred other than in niches in any area in the colum 在該靈灰安置所並非龕位的範圍內,總共最多可安放多少份骨灰;以及 the total number of sets of ashes that may be interred in the columbarium. 在該骨灰安置所內,總共最多可安放多少份骨灰。 	nbarium; and

Gist of Application 申請摘要

(Please provide details in both English and Chinese <u>as far as possible</u>. This part will be circulated to relevant consultees, uploaded to the Town Planning Board's Website for browsing and free downloading by the public and deposited at the Planning Enquiry Counters of the Planning Department for general information.)

(請<u>盡量</u>以英文及中文填寫。此部分將會發送予相關諮詢人士、上載至城市規劃委員會網頁供公眾免費瀏覽及下載及存放於規劃署規劃資料查詢處以供一般參閱。)

1 +X//X 11 //X// / //UEJ	日小の時1万				
Application No. 申請編號	(For Of	fficial Use Only) (請夕	刃填寫此欄)		
Location/address 位置/地址	Government Land Adjoining Lot 2060 in D.D. 6, No. 105 Kam Shek New Village, Tai Po				
	大埔	錦石新村105號丈	量約份第6約	地段第2060號之	吡 連政府土地
Site area 地盤面積				34.4 so	l. m 平方米 ☑ About 約
	(includ	les Government land	of包括政府二	上地 34.4 s	q.m 平方米 🗹 About 約)
Plan 圖則	Draft	Tai Po Outline Z	oning Plan N	o. S/TP/29	
	大埔分	分區計劃大綱草區	圖編號S/TP/29)	
Zoning 地帶	Villag	ge Type Develop	ment		
	鄉村式發展				
Applied use/ development 申請用途/發展	Proposed Temporary Eating Place (Extension of a Restaurant) for a Period of 3 years 擬議臨時食肆 (餐廳擴建) (為期三年)				Restaurant)
(i) Gross floor are			sq.m	平方米	Plot Ratio 地積比率
and/or plot rat 總樓面面積及 地積比率		Domestic 住用		□ About 約 □ Not more than 不多於	□About 約 □Not more than 不多於
		Non-domestic 非住用	34.4	☑ About 約 □ Not more than 不多於	□About 約 □Not more than 不多於
(ii) No. of block 幢數		Domestic 住用			
		Non-domestic 非住用	1		
		Composite 綜合用途			

(iii)	Building height/No. of storeys 建築物高度/層數	Domestic 住用			m 米 □ (Not more than 不多於)
					mPD 米(主水平基準上)□ (Not more than 不多於)
					Storeys(s) 層 □ (Not more than 不多於)
					(□Include 包括/□ Exclude 不包括 □ Carport 停車間 □ Basement 地庫 □ Refuge Floor 防火層 □ Podium 平台)
		Non-domestic 非住用		2.8	m 米 ⊻(Not more than 不多於)
					mPD 米(主水平基準上)□ (Not more than 不多於)
				1	Storeys(s) 層 □ (Not more than 不多於)
					(□Include 包括/□ Exclude 不包括 □ Carport 停車間 □ Basement 地庫 □ Refuge Floor 防火層 □ Podium 平台)
		Composite 綜合用途			m 米 □ (Not more than 不多於)
					mPD 米(主水平基準上)□ (Not more than 不多於)
					Storeys(s) 層 □ (Not more than 不多於)
					(□Include 包括/□ Exclude 不包括 □ Carport 停車間 □ Basement 地庫 □ Refuge Floor 防火層 □ Podium 平台)
(iv)	Site coverage 上蓋面積		100		% □ About 約
(v)	No. of units 單位數目				
(vi)	Open space 休憩用地	Private 私人			sq.m 平方米 □ Not less than 不少於
		Public 公眾			sq.m 平方米 □ Not less than 不少於

(vii) No. of parking spaces and loading / unloading spaces 停車位及上落客貨 車位數目	Total no. of vehicle parking spaces 停車位總數 Private Car Parking Spaces 私家車車位 Motorcycle Parking Spaces 電單車車位 Light Goods Vehicle Parking Spaces 輕型貨車泊車位 Medium Goods Vehicle Parking Spaces 中型貨車泊車位 Heavy Goods Vehicle Parking Spaces 重型貨車泊車位 Others (Please Specify) 其他 (請列明)	
	Total no. of vehicle loading/unloading bays/lay-bys 上落客貨車位/停車處總數	
	Taxi Spaces 的士車位	
	Coach Spaces 旅遊巴車位	
	Light Goods Vehicle Spaces 輕型貨車車位	
	Medium Goods Vehicle Spaces 中型貨車位	
	Heavy Goods Vehicle Spaces 重型貨車車位	
	Others (Please Specify) 其他 (請列明)	

Submitted Plans, Drawings and Documents 提交的圖則、繪圖及文件				
	<u>Chinese</u>	English		
	中文	英文		
Plans and Drawings 圖則及繪圖				
Master layout plan(s)/Layout plan(s) 總綱發展藍圖/布局設計圖		lacksquare		
Block plan(s) 樓宇位置圖				
Floor plan(s) 樓宇平面圖				
Sectional plan(s) 截視圖				
Elevation(s) 立視圖				
Photomontage(s) showing the proposed development 顯示擬議發展的合成照片				
Master landscape plan(s)/Landscape plan(s) 園境設計總圖/園境設計圖				
Others (please specify) 其他(請註明)		lacksquare		
土地用途地帶及位置圖 Zoning and Location Plan, 地盤及土地類別圖 Site and Land Status	Plan,			
消防裝置圖則 Fire Services Installation Plan				
Reports 報告書_				
Planning Statement/Justifications 規劃綱領/理據				
Environmental assessment (noise, air and/or water pollutions)				
環境評估(噪音、空氣及/或水的污染)				
Traffic impact assessment (on vehicles) 就車輛的交通影響評估				
Traffic impact assessment (on pedestrians) 就行人的交通影響評估				
Visual impact assessment 視覺影響評估				
Landscape impact assessment 景觀影響評估				
Tree Survey 樹木調查				
Geotechnical impact assessment 土力影響評估				
Drainage impact assessment 排水影響評估				
Sewerage impact assessment 排污影響評估				
Risk Assessment 風險評估				
Others (please specify) 其他(請註明)				
申請地點現況的照片 Photos of the current conditions of the application site				
Note: May insert more than one 「✔」. 註:可在多於一個方格內加上「✔」號				

- Note: The information in the Gist of Application above is provided by the applicant for easy reference of the general public. Under no circumstances will the Town Planning Board accept any liabilities for the use of the information nor any inaccuracies or discrepancies of the information provided. In case of doubt, reference should always be made to the submission of the applicant.
- 註: 上述申請摘要的資料是由申請人提供以方便市民大眾參考。對於所載資料在使用上的問題及文義上的歧異,城市規劃委員會概不負責。若有任何疑問,應查閱申請人提交的文件。

Section 16 Planning Application for Proposed Temporary Extension of a Permitted Eating Place at G/F of No. 105 Kam Shek New Village for a Period of 3 Years Government Land adjoining Lot 2060 in D.D. 6, Tai Po

PLANNING STATEMENT



Toco Planning Consultants Ltd.
M2R Solutions Limited



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Executive Summary

This planning application is submitted by Toco Planning Consultants Ltd. on behalf of Mr. Timothy Wong Yik, the operator of 105 Diner. It seeks the permission of the Town Planning Board (the Board/TPB) to allow the temporary extension of a permitted eating place on G/F of No. 105 Kam Shek New Village (hereafter refer as "restaurant extension") for a period of 3 years at a government land adjoining Lot 2060 in D.D. 6, Tai Po. The application site is about 34.4m² in area and falls within an area zoned "Village Type Development" ("V") on the Draft Tai Po Outline Zoning Plan (OZP) No. S/TP/29.

The application site has been the subject of two planning approvals for the temporary outside seating accommodation (OSA) of the aforesaid eating place. On 16.11.2018, the latest application No. A/TP/649 was approved by the Board with a validity period up to 16.11.2021. In view of the planning approval will be lapsed on 16.11.2021, the Applicant intends to renew the temporary planning approval of the OSA in order to allow the continual operation of the subject eating place. However, the Applicant has been recently informed by Food and Environmental Hygiene Department (FEHD) that the OSA License for 105 Diner is unable to be granted to the Applicant since the subject OSA at the site is a semi-enclosed structure. Thus, this present planning application for restaurant extension is submitted in order to facilitate the requirement of the modification of the General Restaurant Licence of the subject eating place which is under processing by FEHD.

The subject restaurant extension mainly serves as a convenient sitting area for the local residents without affecting the pedestrian circulation of the area. Compared with the previous OSA permission, the present scheme has no change in the nature of use, design and operation. The operating hours of the restaurant will be from 7:00 a.m. and 9:30 p.m. There is no significant change in planning circumstances such as planning policy and land use zoning in the area. Planning and technical assessment shows that the small scale development is well justified and will not have any significant adverse impacts on the traffic, environmental, drainage, sewerage visual and fire safety aspects of the locality. Being temporary in nature, the approval of the present application will not set an undesirable precedent for other similar applications and jeopardize land use in the village.

行政摘要

(內容如有差異,應以英文版本為準)

105 冰室之經營者 - 黃翊先生,現透過達材都市規劃顧問有限公司向城市規劃委員會 (城規會) 遞交規劃許可申請,以准許在大埔錦石新村 105 號丈量約份第 6 約地段第 2060 號之毗連政府土地上,將上述食肆臨時擴建以提供戶外座位區,為期三年。申請地盤面積約有 34.4 平方米,現時在大埔分區計劃大綱草圖編號 S/TP/29 上被訂為「鄉村式發展」用途區。

申請地盤過去曾涉兩宗規劃許可作臨時戶外座位區,而最新的規劃申請 (編號 A/TP/649) 於 2018 年 11 月 16 日獲得城規會批准,有效期至 2021 年 11 月 16 日。鑒於規劃許可將近屆滿,申請人希望透過申請續期以繼續為當地居民提供一所受歡迎餐室的附屬戶外座位區。然而,申請人最近獲食物環境衛生署(食環署)通知,由於該地盤的露天座位區為半封閉式構築物,故未能向申請人頒發露天座位牌照,因此,提交是次食肆擴建之規劃申請以符合食環署處理中的餐廳的普通食肆牌照的修訂之要求。

擬議食肆之擴建提供戶外座位區主要為附近居民提供一個方便的地方作聚會點,但同時不會影響附近的行人流通。是次申請與上次已獲批的計劃比較,本申請在用途、設計和運作上不變,運作時間為上午7時至下午9時半,而該區的規劃情況 (例如規劃政策和土地利用方面) 亦沒有重大改變。經過規劃及工程研究,本計劃規模細小,理據充分,並不會對本區的交通、環境、排水、排污、視覺及防火安全造成不良影響。由於擬議用途屬臨時性,因此不會對村內的土地規劃造成影響,從而立下不良先例。

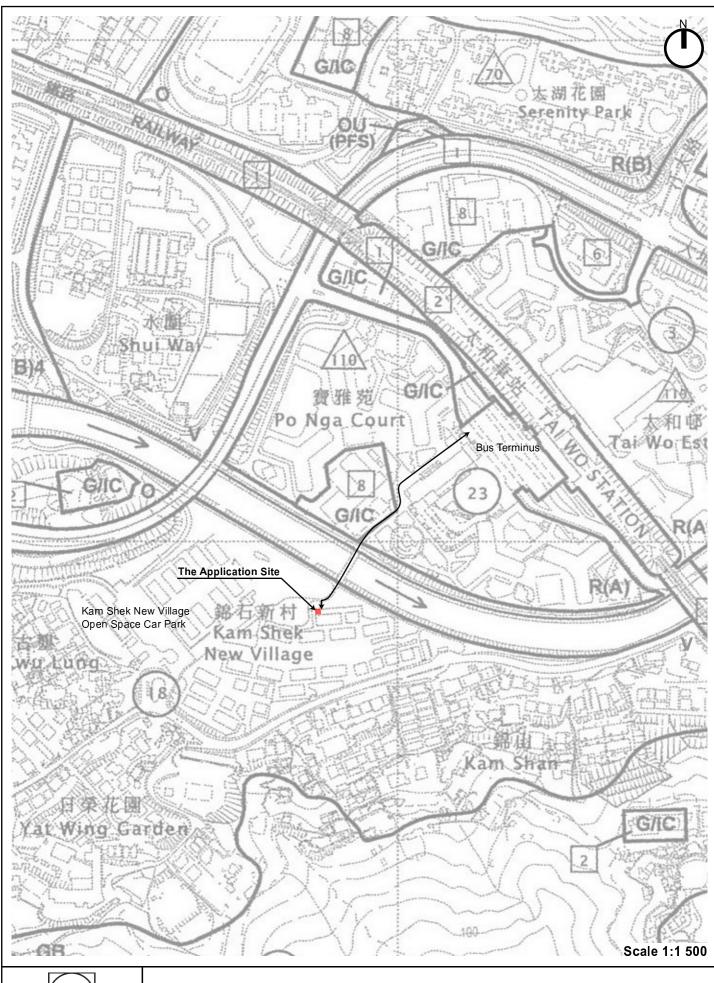
1. INTRODUCTION

This section 16 (s.16) planning application is submitted by Toco Planning Consultants Ltd. on behalf of Mr. Timothy Wong Yik, the operator of 105 Diner (105 冰室) (the Applicant). It seeks the permission of the Town Planning Board (the Board/TPB) to allow the temporary extension of a permitted eating place on G/F of No. 105 Kam Shek New Village (hereafter refer as "restaurant extension") for a period of 3 years at a government land adjoining Lot 2060 in D.D. 6, Tai Po. The application site is about 34.4m² in area and falls within an area zoned "Village Type Development" ("V") on the Draft Tai Po Outline Zoning Plan (OZP) No. S/TP/29 (see **Plan A**).

The application site is the subject of two previous planning applications for the temporary outside seating accommodation (OSA) of the aforesaid eating place for a period of 3 years. On 16.11.2018, the latest Application No. A/TP/649 was approved by the Board with a validity period up to 16.11.2021 (see **Appendix I**). In view of the planning approval will be lapsed on 16.11.2021, the Applicant intends to renew the temporary planning approval of the OSA in order to allow the continual operation of the subject eating place. However, the Applicant has only been recently informed by Food and Environmental Hygiene Department (FEHD) that the OSA License for 105 Diner is unable to be granted to the Applicant since the subject OSA at the site is a semi-enclosed structure. Thus, this present planning application for restaurant extension is submitted in order to facilitate the requirement of the modification of the General Restaurant Licence of the subject eating place which is under processing by FEHD.

The present scheme has no change in the nature of use and operation compared with the latest previous permission. There is no significant change in planning circumstances such as planning policy and land use zoning in the area. Planning assessments have indicated that the present application is well justified based on the following reasons:-

- (a) the subject restaurant extension will support the adjoining permitted eating place as a popular diner in Kam Shek New Village to serve the local residents;
- (b) the restaurant extension area, which is formed by a semi-enclosed structure, is in line with the consumer needs and no kitchen or pantry will be provided;
- (c) the temporary application will ensure proper planning control on temporary use without affecting the "V" zone;
- (d) the restaurant extension is in line with the TPB Guidelines for eating place within "V" zone:
- (e) it will not affect the pedestrian circulation in the area;
- the small scale development will not result in any significant traffic, environmental, drainage, sewerage and visual impacts on the locality; and
- (g) it will not set a bad precedent for similar applications.





Plan A: Zoning and Location Plan Extract of Draft Tai Po Outline Zoning Plan S/TP/29

2. PLANNING BACKGROUND

2.1 Site Location and Accessibility (Plan A)

The application site is located at the northern fringe of Kam Shek New Village, Tai Po. It is bounded by a footpath to the north; internal circulation area of Kam Shek New Village to the east; the subject restaurant on G/F of village house at No. 105 Kam Shek New Village to the south; and planter to the west. The site is accessible via internal circulation area of Kam Shek New Village and a footpath leading from Wilson Trail. Major public transport and vehicular facilities such as Tai Wo MTR Station, bus terminus and car parks are located within about 6 minutes walking distance from the site.

2.2 Site and Adjacent Land Uses (Plan B)

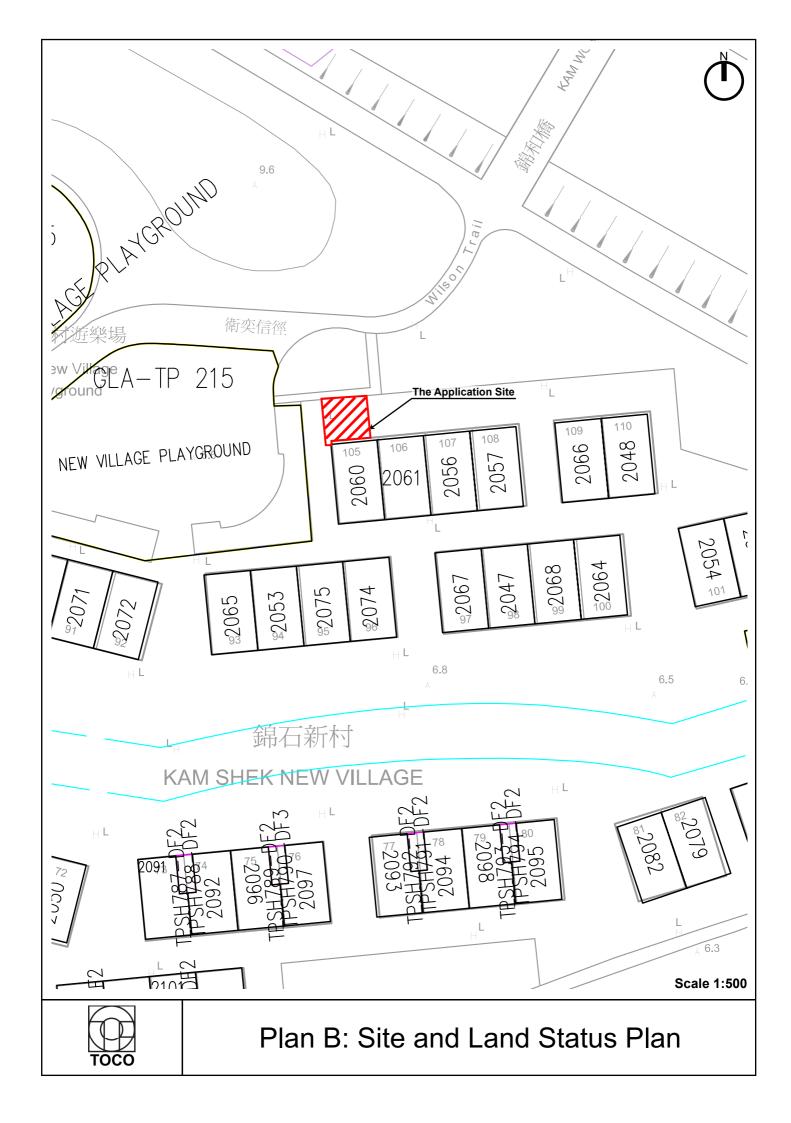
The application site has a total area of about 34.4m². It is rectangular in shape and has long been used as a seating accommodation ancillary to a restaurant on the G/F of No. 105 Kam Shek New Village. The operation area of the restaurant extension is about 32.3m². The seating accommodation is a one-storey semi-enclosed structure to comply with the consumer needs. The surrounding area has a suburban character which is mainly comprised of village houses and landscape areas. A playground is located to the immediate west of the site whilst Lam Tsuen River to the north.

2.3 Planning Context

The application site falls within "V" zone on the Draft Tai Po OZP No. S/TP/29. According to the Notes of the OZP, the planning intention of this zone is to reflect existing recognised and other villages, and to provide land considered suitable for village expansion. Other commercial, community and recreational uses may be permitted on application to the Board.

The application site has been the subject of two previous s.16 planning applications for the temporary OSA of the aforesaid eating place for a period of 3 years. The first planning application (No. A/TP/619) was approved by the Board on 17.2.2017. However, the planning permission was revoked on 17.2.2018 due to non-compliance with approval condition regarding the provision of FSI facilities. The second planning approval (No. A/TP/649) was obtained on 16.11.2018 and all the approval conditions have been satisfactorily fulfilled.

In view of the planning permission of the OSA will be lapsed on 16.11.2021, the Applicant intends to apply for a renewal of the approval. However, FEHD advised that the OSA License for 105 Diner could not be approved since the OSA at the site is a semi-enclosed structure. Thus, the present planning application for restaurant extension is submitted in order to comply with the relevant requirement for the subject General Restaurant Licence.



2.4 Land Status

The application site is a piece of government land adjoining Lot 2060 in D.D. 6. After the previous planning application (No. A/TP/649) has been approved by the Board for OSA, the Applicant had subsequently submitted an application for a short term tenancy (STT) to District Lands Office/Tai Po (DLO/TP). The application is still under processing and the Applicant is still waiting for the result from DLO/TP.

A new STT application for the restaurant extension will be submitted after this planning application has been approved by the Board. The current STT application for OSA will subsequently be withdrawn.

3. DEVELOPMENT PROPOSAL

3.1 Floor Plan and Development Schedule

The subject restaurant is a popular eating place which has been operating at the application site for many years.

A Floor Plan with some site photos showing the subject restaurant extension is attached at **Plan C**. The design of the restaurant and its ancillary seating out area has been a typical "cha chaan teng" (茶餐廳) style (**Photo 2**). The tables and seats of the seating out area are flexibly placed depending on the restriction order announced by the Government. The existing canopy at the site will be retained to comply with the consumer needs (**Photo 1**). The planning parameters of the proposal are shown in **Table 3.1**.

Table 3.1: Planning Parameters of the Development Proposal

	Application Site
Site Area (m²)	About 34.4m ²
Non-domestic GFA (m²)	Not exceeding 34.4m ²
Operation Area (m²)	About 32.3 m ²
Maximum Building Height	About 2.8m

3.2 Operation of the Restaurant

The operation of the restaurant will be the same as the previous planning approval, i.e.:

- the operating hours of the restaurant will be from 7:00 a.m. and 9:30 p.m. daily;
- the number of permanent staff will be about 5;
- the restaurant mainly provides typical "cha chaan teng" style of foods and drinks such as noodles and sandwiches.
- no cooking facility will be provided within the seating area.

3.3 Access Arrangement

The application site is accessible via internal circulation area of Kam Shek New Village and a footpath leading from Wilson Trail. It is conveniently served by various modes of public transport including railway, buses, public light buses and taxis. The site is approximately 160m east of Kam Shek New Village Open Space Car Park and about 200m southwest of Tai Wo Plaza Car Park.





Plan C: Layout Plan and Site Photos

3.4 Drainage, Sewerage and Fire Fighting Facilities

A storm water drain exists along the front part of the site (**Photo 4**). Sewage from the restaurant will be discharged to the existing public sewers.

A Fire Services Installation Plan for the subject restaurant extension is shown in **Plan D**. Furthermore, the restaurant extension connects to pedestrian footpath directly. Fire protection facilities such as fire extinguisher and directional signs have been provided at the site (**Photo 3**).

3.5 Implementation

Subsequent to the approval of this application, the Applicant will submit a new STT application and update relevant government departments and modify their General Restaurant Licence for their existing restaurant to include the restaurant extension area based on the operation area (i.e. 32.3m²) so as to tally with the planning application.

NOTE:

- 1. THE MECHANICAL VENTILATION AND ARTIFICIAL LIGHTING TO BE PROVIDED AT ALL LAVATORIES.
- SUPERIMPOSED LOADING FOR EXISTING SHOP AT G/F = 5.0 KPa.
- THE STAINLESS STEEL SHEET ENCLOSURE TO BE PROVIDED FOR ALL DRAINAGE PIPE(S) AT KITCHEN(S) AND FOOD ROOM(S).
- 4. FUEL: ELECTRICITY
- THE FALSE CEILING OF THE RESTAURANT SHOULD BE CONSTRUCTED OF LIGHTWEIGHT MATERIAL.

LEGEND:

EXISTING WALL & COLUMN TO BE RETAINED FULL HEIGHT LIGHT WEIGHT CONCRETE BLOCK WALL WITH -/60/60 F.R.R.

TIMBER PARTITION

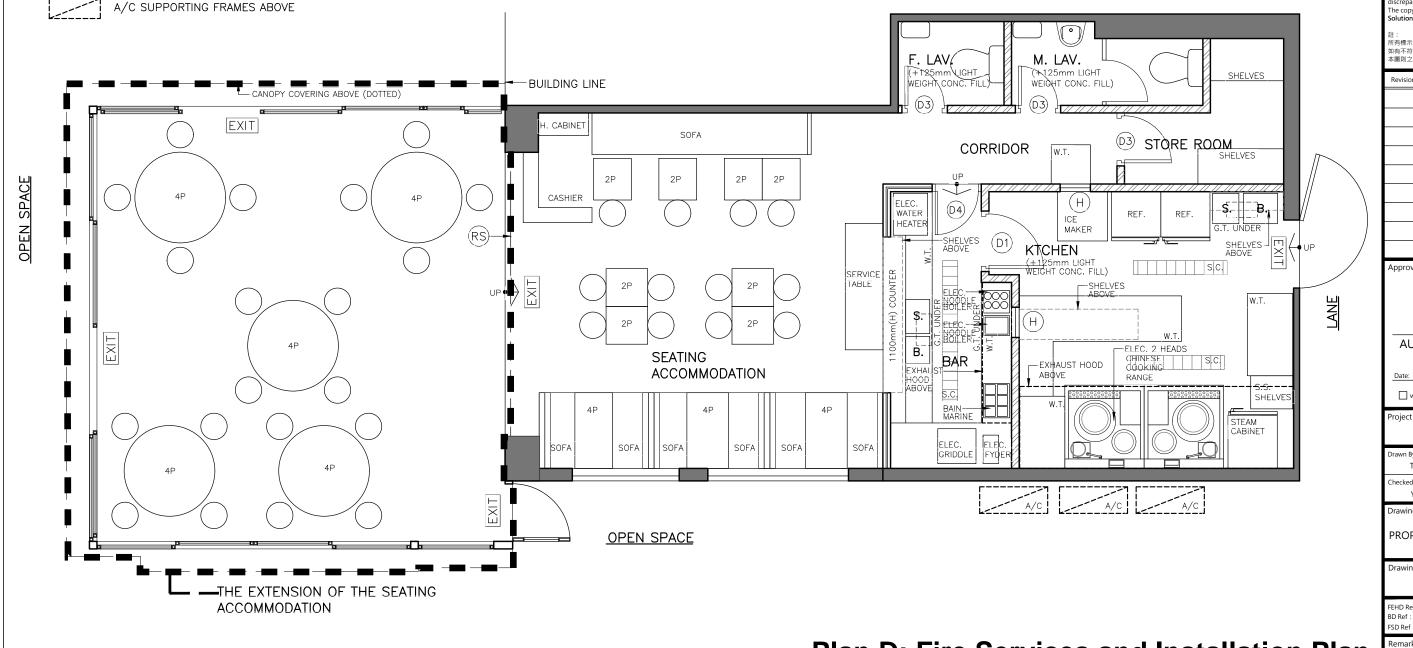
EXIT

EXIT SIGN

COVERED SURFACE CHANNEL S.C.

DOOR MARK

- THE TIMBER SELF-CLOSING DOOR IN 900mm(W) min. 2100(H)mm min. WITH TRANSPARENT UPPER VIEW PANEL AND HAVING NOT LESS THAN -/60/60 F.R.R..
- (D3) FULL SIZE SELF CLOSING DOOR 600mm(W) x 2100mm(H)
- (D4) SELF CLOSING DOOR 600mm(W) x 1000mm(H)
- (H) THE OPENING OF FOOD HATCH WITH WITH 1 HR FRP FUSIBLE LINK SHUTTER AND AREA LESS THAN 0.12 S.M. (400mm(W) X 300mm(H))
- (RS) THE ROLLER SHUTTER ACROSS THE REQUIRED AND DESIGNATED EXIT LEADING TO KAM CHI PATH SHOULD BE KEPT FULLY OPEN DURING BUSINESS HOURS



The Employer / 客戶: Project Title / 項目名稱: Project Address / 項目地址: G/F, 105 KAM SHEK NEW VILLAGE, TAI PO Project Consultant/Designer 項目顧問/設計師: **Solutions Limited** All dimensions should be measured on site. Any iscrepancy found must be stated immediat The copyright of this drawing reserved by M2R Solutions Limited. ... 听有標示尺寸以現場量度核實為準。 Revision No. / 修定版號: Issue Date / 提交日期 29.11.2019 7.4.2021 В 8.2.2021

Approved by :

AUTHORIZED SIGNATURE with comment no adverse comment

Project No. / 項目編號: 170907

Drawn By / 繪圖: TY	Scale / 比例: 1:50 @A3
Checked By / 校核: YK	Date / 日期: 13 NOV 2019

Drawing Title / 圖目:

PROPOSED LAYOUT PLAN AT G/F

Drawing No. / 圖號: P-GR-01

FEHD Ref

Plan D: Fire Services and Installation Plan

4. PLANNING JUSTIFICATION

4.1 Rationale of the Application for Restaurant Extension

The application site has been occupied as an OSA ancillary to a permitted eating place named 105 Diner (previously called Memorable Dream Restaurant & Café) on the G/F of No. 105 Kam Shek New Village for a long time. In view of its convenient location and close proximity to residential and communal developments, the restaurant has been a popular eating place in Kam Shek New Village area to serve the local residents.

Over the past few years, the Applicant has spent genuine effort to fulfil all government requirements for the OSA of the aforesaid eating place at the site, a s.16 planning application (No. A/TP/619) for the temporary OSA was submitted and it was approved by the Board on 17.2.2017. However, the planning permission was revoked on 17.2.2018 due to non-compliance with approval condition regarding the provision of FSI facilities. The second planning application (No. A/TP/649) was approved by the Board on 16.11.2018 and all the approval conditions have been satisfactorily fulfilled.

Subsequent to the approval of planning application no. A/TP/649 in 2018, the previous operator has been replaced by the current operator and the Applicant had submitted both the STT application to DLO/TP and the OSA License application to FEHD. In view of the planning approval will be lapsed on 16.11.2021, the Applicant intends to renew the temporary planning approval of the OSA. However, FEHD had only recently advised that they could not approve the subject OSA License since the OSA at the site is occupied by a semi-enclosed structure. Therefore, the Applicant has subsequently submitted an application for General Restaurant Licence covering both the G/F of No. 105 Kam Shek New Village and its extended part on government land (i.e. the OSA area). This s.16 planning application for temporary restaurant extension is submitted in order to comply with the town planning requirements for the licensing application.

4.2 Supporting the Restaurant as a Popular Eating Place in Tai Po Area

Subsequent to the replacement of the previous operator, in order to comply with the operational and consumer needs of the restaurant, the Applicant had built a semi-enclosed structure on top of the restaurant extension area due to the following reasons:-

- the customers reflected there is mosquito problem and faecal droppings of birds in the area;
- there is a keen competition for eating place in the area but the outside seating area cannot serve the restaurant during bad weather;
- the semi-enclosed structure could minimise the noise impact generated from the restaurant;
- the provision of a small covered waiting area(the extension of the operation area

- within the canopy) near the site entrance will facilitate better management of the restaurant:
- the customer and the local residents are more aware of the hygiene issue after the outbreak of COVID-19, this OSA with semi-permanent structure have met the current trend.

Compared with the latest previous permission, the present scheme has no change in the size of the application site, nature of use and operation (**Photo 6**). There is no significant change in planning circumstances such as planning policy and land use zoning in the area. The design of the built-over structure on top of the restaurant extension is very similar to the previous one in terms of coverage, shape and height (**Photo 5**) (see **Plan E**).

The subject canopy on top of the restaurant extension will support the restaurant as a popular local eating place in the area in particular to serve the local people in Kam Shek New Village. It will function as a shelter to protect the restaurant and its customers when eating or waiting for tables from bad weather. The customers have reflected that the semi-enclosed structure has improved the environmental and hygiene aspect of the restaurant. Village representatives have also supported the improvement (**Appendix li**).

4.3 Temporary Application Without Affecting the "V" Zone

The application site falls within "V" zone on the Approved Tai Po OZP. The general planning intention of this zone is to demarcate both existing recognised villages and areas of land considered suitable for village expansion. Other commercial, community and recreational uses may be permitted on application to the TPB. The subject restaurant extension for seating accommodation ancillary to the permitted eating place is generally in line with the planning intention of "V" zone to serve the needs (dining and gathering facility) of villagers and to help bring vitality to the Kam Shek New Village without adversely affecting the character of the village.

The current temporary use for a period of 3 years is considered a short period in land development. Its temporary nature will not jeopardize nor pre-empt the planning intention of "V" zone. Furthermore, the current use would not adversely affect the land availability for village type development since the size of the site (about 34.4m²) is too small to build a standard village house (65.03m²). The size of the site cannot be further increased due to the constraint of the adjacent land uses such as footpath, planters, lamp post and circulation space of the adjoining village houses.

4.4 In Line with the Relevant TPB Guidelines

The subject restaurant extension (seating accommodation of a restaurant) is in line with the TPB Guideline No. 15A for application for eating place within "V" zone in rural areas under s.16 of the Town Planning Ordinance based on the following reasons:-



Photo 5: Design of the built-over structure previously that was under refurbishment



Photo 6: Current design of the built-over structure



- The subject restaurant extension will not create any environmental nuisance to the residents nearby because it is occupied by a semi-enclosed structure and no catering facility will be provided. The site is located at the fringe of Kam Shek New Village abutting a footpath. No major complaints were received from local residents during its operation. (Para. 4.1 of TPB PG-No. 15A refers)
- The small scale development will not have any adverse traffic impact on its surrounding area because it is well served by footpath and is located in close proximity to a number of public transport facilities. Besides, it would not affect the pedestrian circulation in the area since the seating area does not encroach on the existing footpath. (Para. 4.2 of TPB PG-No. 15A refers)
- Storm water will be diverted to the local drain in front of the site. Sewage from the
 restaurant will be discharged to the existing public sewers. Fire protection facilities
 such as fire extinguisher and directional signs have been provided at the restaurant.
 Thus, adverse impacts on drainage, sewage disposal facilities or fire safety aspects
 are not anticipated. (Para. 4.3 of TPB PG-No. 15A refers)
- As detailed in **Section 4.3**, the site is not suitable for village type development because of its small size and the presence of footpath, planters, lamp post and circulation space adjoining the site. (Para. 4.4 of TPB PG-No. 15A refers)
- The application site is located adjacent to recreational use (i.e. Kam Shek Playground) and the eating place will provide catering facilities to serve the visitors.
 There are adequate car parking facilities conveniently located in the vicinity of the site. (Para. 4.5 of TPB PG-No. 15A refers)
- The Applicant has strong intention to rectify the land status of the site by fulfilling all the statutory or non-statutory requirements of relevant government departments. (Para. 4.6 of TPB PG-No. 15A refers)

4.5 No Impact on the Pedestrian Circulation of the Area

A study on the pedestrian circulation near the site has been carried out and concluded that the subject restaurant extension will not affect the pedestrian circulation of the area based on the following reasons:-

- The seating area does not encroach on the existing footpath. A pedestrian circulation space of about 1.5m 2m (Photo 1 and Photo 5) has been reserved between the frontage of seating area and the planter.
- A recent site inspection has been conducted and noticed that the footpath in front of the site is mainly used by the visitors to the adjoining playground (**Photo 1**).
- In view of the site is situated in close proximity to Tai Wo Centre where Tai Wo MTR

Station, bus terminus and public car parks are found, it is expected that the pedestrian traffic pattern of the area is mainly from Kam Shek New Village to Tai Wo Centre when villagers go to work or school. The Pedestrian Circulation Plan in **Plan F** shows that majority of the villagers in Kam Shek New Village do not need to pass through the site or footpath north of the site because there are other footpaths in closer distance to their houses (**Photo 6**). Therefore, the current seating area would not affect the pedestrian circulation of the area.

 The restaurant has been operating at the site for a long time. No major complaints have been received from local residents during its operation.

4.6 No Adverse Impacts

The development scheme in the current application for restaurant extension has no change as compared with the latest previous permission approved for OSA. The current small scale temporary use will not induce any significant visual, traffic, environmental, drainage and sewerage impacts based on the following assessments:-

(a) Minimum Traffic Impact

The temporary use is small scale in nature will not result in significant traffic impact because the customers normally visit the restaurant on foot. It is located in close proximity to public transport facilities and car parks.

(b) Minimum Environmental, Drainage and Sewerage Impacts

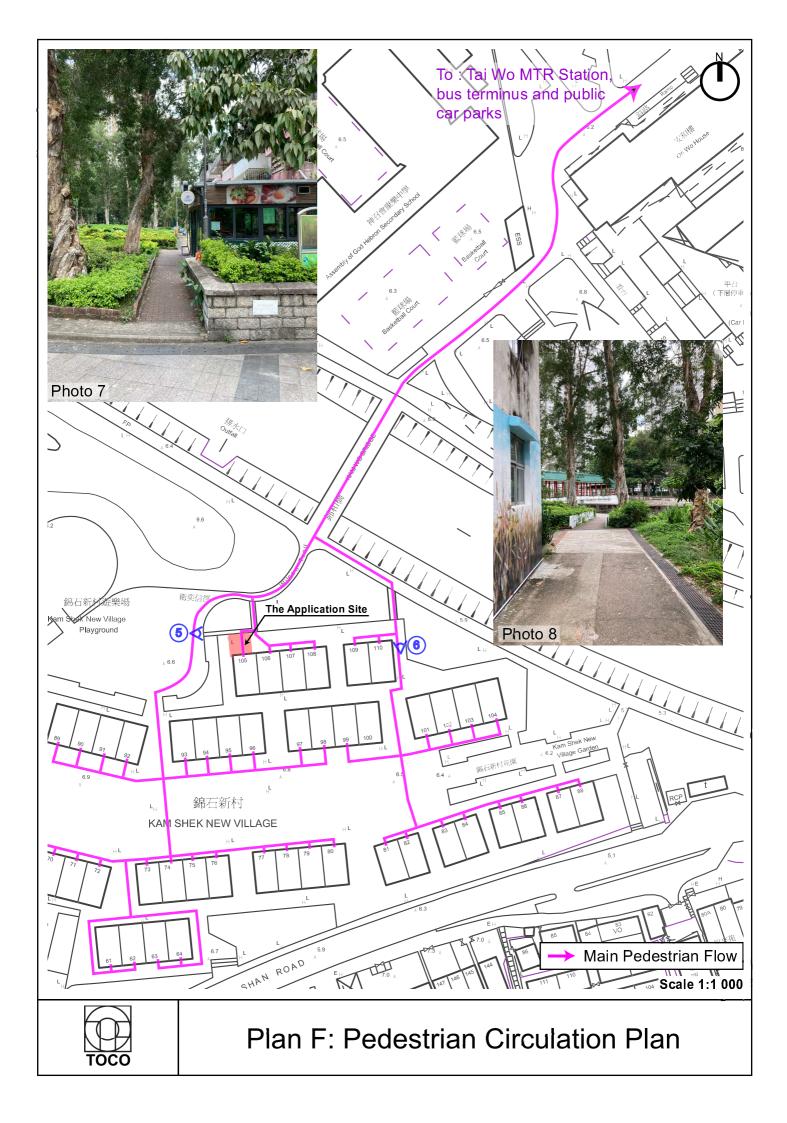
The operation of the small scale eating place will not result in significant noise impact as the site is located at the fringe of the village and the business hours will be restricted from 7:00 a.m. and 9:30 p.m..

In view of the concerns received by the previous operator (i.e. Memorable Dream Restaurant & Café) on environmental and hygiene aspects such as; the lack of air conditioning during the summer heat and no proper shelter to protect them during bad weather, the new (current) operator had built a semi-enclosed structure to meet the customers' needs. The cover over the restaurant extension, which is a seating area, will help reduce any potential environmental impact generated from the restaurant.

The temporary use will not result in significant impact on the local drainage and sewerage networks because a storm water drain exists along the front part of the site. Sewage from the restaurant will be discharged to the existing public sewers.

(c) Minimum Visual Impact

The current seating area within the restaurant extension is small in size (about 34.4m²). It only involves a single-storey structure with a maximum building height of only 2.8m. The current use reflects a low-rise and low-density scheme which is compatible with the surrounding environment.



4.7 Unlikely to Set an Undesirable Precedent

It is noted even though there are not many temporary planning applications for restaurant extension in the vicinity, the nature of it is relatively similar to an OSA. The only difference is that the restaurant extension is covered by a semi-permanent cover, however the operation of it is the same as an OSA. No cooking facilities will be provided within the seating area.

The application site has been operating like an OSA ancillary to a restaurant for a long time. It has been the subject of two previous applications for OSA temporary use and were approved by the Board on 17.2.2017 and 16.11.2018 respectively. In fact, OSA use is not uncommon to be founded in the villages in New Territories. Regarding the similar cases of the current use in government land within "V" zone, there are a number of approved s.16 applications since 2019, i.e. Applications No. A/YL-KTN/700, A/YL-KTN/701, A/YL-KTN/702, A/YL-KTN/703, A/YL-KTN/736, A/NE-SSH/136, A/NE-LT/684, A/YL-PS/621, A/NE-TK/695, A/NE-TK/672, A/YL-TT/457, A/YL-TT/502 and A/YL-ST/565.

Being temporary in nature, the proposed restaurant extension would not jeopardize the future use of the site in the long term. Therefore, it would not set as an undesirable precedent case for other similar applications.

5. CONCLUSION

This s.16 planning application seeks the permission of the TPB to allow the temporary extension of a permitted eating place on G/F of village house for a period of three years at No. 105 Kam Shek New Village on a piece of government land adjoining Lot 2060 in D.D.6, Tai Po. The application site is subject of two previous planning applications for an OSA and the latest Application No. A/TP/649 was approved by TPB with a validity period up to 16.11.2021. The Applicant intends to renew the temporary planning approval of the OSA in order to allow the continual operation of the subject eating place. However, the Applicant has been recently informed by FEHD that the OSA License for 105 Diner is unable to be granted to the Applicant since the subject OSA at the site is a semi-enclosed structure. Thus, this present planning application for restaurant extension is submitted in order to facilitate the requirement of the modification of the General Restaurant Licence of the subject eating place which is under processing by FEHD.

The development scheme in the current application has no change in the nature of use and operation as to the previously approved OSA. There is no significant change in planning circumstances such as planning policy and land use zoning in the area. Planning assessment has indicated that the present application is well justified based on the following reasons:-

- (a) the subject restaurant extension will support the adjoining permitted eating place as a popular diner in Kam Shek New Village to serve the local residents;
- (b) the restaurant extension area, which is formed by a semi-enclosed structure, is in line with the consumer needs and no kitchen or pantry will be provided;
- (c) the temporary application will ensure proper planning control on temporary use without affecting the "V" zone;
- (d) the restaurant extension is in line with the TPB Guidelines for eating place within "V" zone;
- (e) it will not affect the pedestrian circulation in the area;
- (f) the small scale development will not result in any significant traffic, environmental, drainage, sewerage and visual impacts on the locality; and
- (g) it will not set a bad precedent for similar applications.

In view of the small scale nature of the temporary use and planning justifications presented in this Planning Statement, honourable members of the TPB are requested to approve this planning application.

APPENDIX I

Approved Letter from the Town Planing Board **TOWN PLANNING BOARD**

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

城市規劃委

香港北角渣華道三百三十三號 北角政府合署十五樓

III Fax: 2877 0245 / 2522 8426

話 Tet: 2231 4810 W

來函檔號 Your Reference:

覆函請註明本會檔號

In reply please quote this ref.: TPB/A/TP/649

By Registered Post & Fax (2577 2862)

7 December 2018

Toco Planning Consultants Ltd. Room 1410, Capitol Centre 5-19 Jardine's Bazaar Causeway Bay, Hong Kong (Attn: Ted Chan)

Dear Sir/Madam,

Proposed Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of 3 Years in "Village Type Development" Zone, Government Land adjoining Lot 2060 in D.D. 6, No. 105 Kam Shek New Village, Tai Po

I refer to my letter to you dated 8.10.2018.

After giving consideration to the application, the Town Planning Board (TPB) approved the application for permission under section 16 of the Town Planning Ordinance on the terms of the application as submitted to the TPB. The permission shall be valid on a temporary basis for a period of 3 years until 16.11.2021 and is subject to the following conditions:

- no operation between 9:30 p.m. and 7:00 a.m., as proposed by you, is (a) allowed on the application site during the planning approval period;
- (b) the submission of fire service installations and water supplies for fire fighting proposal within 3 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 16.2.2019;
- in relation to condition (b) above, the implementation of fire service installations and water supplies for fire fighting proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 16.5.2019;
- (d) if the above planning condition (a) 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; and
- if any of the above planning conditions (b) or (c) is not complied with by the (e) specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

The TPB also agreed to advise you to note the advisory clauses as set out at Appendix IV of the TPB Paper.

This temporary permission will lapse on <u>17.11.2021</u>. You may submit an application to the TPB for renewal of the temporary permission no less than two months before its expiry by completing an application form (Form No. S16-4). For details, please refer to TPB Guidelines No. 34B. However, the TPB is under no obligation to renew the temporary permission.

For amendments to the approved scheme that may be permitted with or without application under section 16A, please refer to TPB Guidelines No. 36B for details.

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 16.11.2018 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 28.12.2018). 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.

This permission by the TPB under section 16 of the Town Planning Ordinance should not be taken to indicate that any other government approval which may be needed in connection with the development, will be given. You should approach the appropriate government departments on any such matter.

If you have any queries regarding this planning permission, please contact Ms. Kathy Chan of Sha Tin, Tai Po & North District Planning Office at 2158 6242. In case you wish to consult the relevant Government departments on matters relating to the above approval conditions, a list of the concerned Government officer is attached herewith for your reference.

Yours faithfully,

(Raymond KAN) for Secretary, Town Planning Board

RK/CC/cl

致規劃署署長:

支持錦石新村 105 冰室向城規會提交規劃申請

署長先生,本人為大埔錦山村村代表 2000 知悉鄰近本村的 105 冰室正向貴署申請規劃許可,為符合相關部門要求,故上函表達支持。

冰室多年來廣受村民歡迎,與附近街坊建立良好關係;再者,冰 室鄰近地鐵站,位置方便,不少村民都會在上班前後光顧。由於 食客眾多,實有延伸餐室的需要。

冰室是少數位於本村附近的餐廳,不但提供相宜的膳食選擇,更 成為村民交流聯繫的聚腳點,其延伸餐室不但可容納更多客人, 應付實際需要,更配合半開合式結構設計,帶有美觀效果之餘, 同時避免影響附近居民。

敬希貴署,署長准予105冰室通過規劃是荷。

大埔錦山村村代表 李之流 (姓名)

致規劃署署長:

署長先生,本人為大埔錦山村村代表丘錦全,知悉鄰近本村的105 冰室正向 貴署申請規劃許可,故上函表達支持。冰室是少數位於本村附近的餐廳,不但提供相宜的餐飲服務,更成為村民交流聯繫的聚腳點,其延伸座位區不但可容納更多客人,應付實際需要,更配合半開合式結構設計,帶有美觀效果之餘,同時避免影響附近居民。敬希貴署,署長准予105 冰室通過規劃是荷。

大埔錦山村村代表丘錦全

規劃署長台鑒:

本人乃大埔錦山村村代表丘錦明,近日聽聞 105 冰室向城規會申請規劃許可一事,故特上函,以表支持。冰室多年來廣受村民歡迎,與附近街坊建立良好關係;再者,冰室鄰近地鐵站,位置方便,為村民提供相宜的膳食選擇。由於食客眾多,實有延伸座位區的需要。故此,本人同意此規劃申請,並望署長通過有關申請。

1 B

大埔錦山村村代表

丘錦明

規劃署長台鑒:

本人為大埔錦山村村委會主席,得悉錦石新村 105 冰室正向 貴署 提交規劃申請,本會現對此表示支持。本會認為冰室地理位置方 便,延伸座位區環境舒適,並沒有對周邊行人路構成負面影響。 而且冰室為村民服務多年,不但為村民提供餐廳選擇,更是休閒 和茶敘的地方,有利於促進村民之間的聯繫。因此,本會對此申 請十分支持,並希望貴署批准此項規劃申請。

发镜有

錦山村村委會主席

丘觀有

致:城市規劃委員會 香港北角渣華道 333 號 北角政府合署 15 樓

支持錦石新村 105 冰室向城規會提交規劃申請

本人是大埔居民,在錦石新村附近居住,剛得知錦石新村 105 冰室正準備 向城規會作出規劃申請,以符合一切有關政府部門要求,因此特此致承表示支持。

本人認為餐室地理位置方便,環境舒適,並沒有對周邊行人路構成負面影響。 餐室的延伸部份設計美觀,其半密封式設計有助阻隔聲浪和避免衛生問題,因此 不會對附近民居造成滋擾。相反,冰室為大埔居民服務多年,不但為大家提供餐 廳選擇,更是休閒和茶聚的地方,有利於促進居民之間的聯繫。

有見及此,本人希望貴署批准此項規劃申請。

日期: 28-10-2021

Appendix Ib of RNTPC Paper No. A/TP/679

TOCO PLANNING CONSULTANTS LTD

TOWN PLANNING, ENVIRONMENT & DEVELOPMENT CONSULTANCY Unit No. 5, 13/F., Technology Plaza,

No. 651 King's Road, North Point, Hong Kong Tel: 2895 0168 Fax: 2577 2862

E-mail: tocoplanning@hotmail.com

Website: http://www.tocoplanning.com



The Secretary,
Town Planning Board
15th Floor
North Point Government Offices
333 Java Road
North Point,
Hong Kong

Your Ref.: TPB/A/TP/679

Dear Sir/ Madam,

8 December, 2021

Section 16 Planning Application for Proposed Temporary Eating Place (Extension of a Restaurant) at G/F of No. 105 Kam Shek New Village for a Period of 3 Years, Government Land adjoining Lot 2060 in D.D. 6, Tai Po

We refer to the phone conversation with Ms. Aileen Cheng of District Planning Office/ Tai Po and our Ms. Jacqueline Ho this morning on the captioned planning application submitted on 4.11.2021.

We would like to clarify the following aspects of the proposed development:-

- We consider the structure as a 'semi' enclosed structure as the structure façade are not entirely permanent walls. They are glass panels and sliding doors which could be removed easily and to facilitate fire escape;
- 2. A detailed breakdown of the site area is shown on Plan 1 attached; and
- 3. The maximum capacity of the restaurant extension is approximately 20 people.

8 copies of the indicative plan is attached for your attention, and the soft copy will be uploaded to the link provided by your office.

Yours faithfully,

Toco Planning Consultants Ltd.

DINIE CO

led Chan

Managing Director

c.c. DPO/TP- Ms. Aileen Cheng

TOWN PLANNING BOAR





(For Indicative Purpose Only)

Previous Applications

Approved Applications

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/TP/619	Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of 3 Years	17.2.2017	A1 – A4 (Revoked on 17.2.2018)
A/TP/649	Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of 3 Years	16.11.2018	A1 – A2, A4

Approval Conditions

- A1. No operation between the specified times, as proposed by the applicant, was allowed on the application site during the planning approval period;
- A2. The submission and provision/implementation of proposal for fire services installations (FSIs) and water supplies for firefighting within specified period from the date of planning approval.
- A3. Upon the expiry of the planning permission, the reinstatement of the application site to an amenity area.
- A4. Revocation of planning approval for non-compliance with conditions by a specified date/during the planning approval period.

申請編號: A/TP/679

致:城市規劃委員會 香港北角渣華道 333 號 北角政府合署 15 樓

> 大埔錦石新村丈量約份第6約政府土地 擬議臨時食肆(食肆擴建部分)(爲期3年)之規劃申請

- 1. 冰室運作多年,深受區內人士歡迎,與街坊關係良好;
- 2. 冰室位置方便,是區內休息及交流聯繫的好地方;
- 3. 冰室延伸部份的設計是應付實際需要,外表美觀,可容納更多客人;
- 4. 冰室規模細小,沒有不良影響,亦不影響行人流通;
- 5. 申請用途屬臨時性,不會對村內土地規劃造成影響和立下不良先例。

因此,本人懇請城規會盡快批准上述申請。

姓名:

发 要

TOWN PLANNING BOAR

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就規劃申請/覆核提出意見 Making Comment on Planning Application / Review

參考編號

Reference Number:

211130-162311-35552

提交限期

Deadline for submission:

07/12/2021

提交日期及時間

Date and time of submission:

30/11/2021 16:23:11

有關的規劃申請編號

The application no. to which the comment relates:

「提意見人」姓名/名稱

先生 Mr. LAM KA HING

Name of person making this comment:

意見詳情

Details of the Comment:

反對,住屋過於密集地方設臨時食肆商業活動,必引至附近環境污染,增加引發火警危 機,影響村民安全及生活質數。

Appendix III-3 of RNTPC Paper No. A/ TP/679

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就規劃申請/覆核提出意見 Making Comment on Planning Application / Review

參考編號

Reference Number:

211206-174644-42024

提交限期

Deadline for submission:

07/12/2021

提交日期及時間

Date and time of submission:

06/12/2021 17:46:44

有關的規劃申請編號

The application no. to which the comment relates:

A/TP/679

「提意見人」姓名/名稱

Name of person making this comment:

先生 Mr. 李

意見詳情

Details of the Comment:

本人極力反對該申請,該處已經非法霸佔官地多年。政府多年縱容。而且該處曾經被食 環署檢控非法經營露天茶座。 該處非法僭建,嚴重阻塞村民通道,阻礙路邊街燈維修保 養。造成環境污染,例如噪音,空氣污染等等。敬請城市規劃委員會,否決該申請。

Recommended Advisory Clauses

- (a) prior planning permission should be obtained before commencing the applied use at the Site;
- (b) to note the comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) that:
 - (i) if the short term tenancy (STT) application is approved by LandsD acting in the capacity as landlord at its sole discretion, such approval will be subject to such terms and conditions as may be imposed by LandsD as considered appropriate;
 - (ii) if the adjoining government land is used for access to the Site, no trees thereon shall be interfered with unless prior approval is obtained from LandsD. Moreover, neither occupation nor works of any kind thereon is allowed without the prior approval from LandsD; and
 - (iii) there is no guarantee to the grant of a right of way to the Site or approval of the emergency vehicular access (EVA) thereto;
- (c) 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 under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation. If the operator intends to operate a restaurant business in the territory, a restaurant licence should be obtained from FEHD in accordance with Cap. 132. The application for food business licences under Cap. 132, if acceptable by FEHD, will be referred to relevant government departments 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) FEHD will not consider an application for restaurant in respect of any premises unless such premises:- (a) can meet stringent health requirements; (b) have adequate ventilation; (c) can meet structural requirements; (d) do not have unauthorized building works affecting public safety; (e) have adequate means of escape; and (f) can meet fire services requirements; and
 - (iii) the operation of the food business place must not cause any environmental nuisance to the surrounding. The refuse generated by the eating place 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;
- (d) to note the comments of the Director of Environmental Protection (DEP) that the applicant should follow the relevant mitigation measures and requirements in the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" to minimize any potential environmental nuisance; to carry out pollution abatement measures in relevant Guidelines, including "Control of Oily Fume and Cooking Odour from Restaurants and Food Business"; and that it is the

- applicant's obligation to meet the statutory requirements under relevant pollution control ordinances;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:
 - (i) operation of the restaurant extension shall not cause additional drainage and sewerage impact to the public stormwater and sewerage systems; and
 - (ii) the operator of the restaurant shall obtain relevant licence for the extension of restaurant from FEHD;
- (f) to note the comments of the Director of Fire Services (D of FS) that:
 - (i) detailed fire services requirements will be formulated upon receipt of formal application via Licensing Authority. The applicant should submit relevant layout plans incorporated with the proposed fire services installations (FSIs) for his approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of where 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) or license is required for the proposed eating place, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans or referral from relevant licensing authority respectively;
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
 - (i) the granting of a short term tenancy (STT) for the Site should not be construed as an acceptance of any existing building works or unauthorized building works (UBW) on site under the Buildings Ordinance (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 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. The granting of planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO, and any licence applications for which comments from BD is necessary.