

Previous Applications

Approved Applications

Application No.	Uses/Developments	Date of Consideration	Approval Conditions
A/NE-KTN/68	Temporary Covered Structures within Existing Chinese Soya Products Processing Workshop for a Period of 3 Years	14.1.2000	Nil
A/NE-KTN/123	Temporary Soya Products Processing Workshop for a Period of 3 Years	18.1.2008 (permission was revoked on 18.5.2010)	A2, A3, A4 & A9
A/NE-KTN/144	Temporary Soya Products Processing Workshop, Retailing and Outside Sitting Accommodation for a Period of 3 Years	1.4.2011 (permission was revoked on 1.7.2012)	A1, A2, A4, A5 & A8
A/NE-KTN/151	Temporary Soya Products Processing Workshop, Retailing and Outside Seating Accommodation for a Period of 3 Years	30.3.2012	A1, A2, A4, A6, A7 & A8
A/KTN/11	Renewal of Planning Approval for Temporary Soya Products Processing Workshop, Retailing and Outside Seating Accommodation for a Period of 3 Years	27.3.2015	A1, A2, A4, A6, A7 & A9

**Approval Conditions:**

- A1 No night time operation between 8:00 p.m. and 8:00 a.m.
- A2 No medium/heavy goods vehicle to/from the Site
- A3 The reinstatement of the slope, toe channel, U-channels and catchpit affected by the unauthorized construction works
- A4 The provision of fire service installations and water supplies for fire fighting
- A5 The submission and implementation of drainage proposals
- A6 The submission of a condition record of the existing drainage facilities
- A7 The maintenance of all existing drainage facilities properly and rectification of those facilities if they were found inadequate/ineffective
- A8 The submission and implementation of tree preservation proposal
- A9 The maintenance of all existing trees and/or landscape plantings



**Advisory Clauses**

- (a) the permission is given to the development under application. It does not condone any other development which currently exists on the Site but not covered by the application. The applicant should be requested to take immediate action to discontinue such development not covered by the permission;
- (b) to note the comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD) that:
- the actual occupation area is larger than the Site. Some portions of the adjoining Government Land, which are fenced off by hoardings outside the Site, is occupied without LandsD's approval. It is not acceptable and the owner(s) of the lots should clear off those hoardings. His office reserves the right to take necessary tenancy enforcement and land control actions against the aforesaid structures. It is also noted that although the total built-over area of the structures is within the permitted one under respective Short Term Waiver (STW) and Short Term Tenancy (STT), the total built-over area is larger than the one mentioned in the development parameters of the planning application. Meanwhile, the applicant should make his own arrangements for acquiring access. The Government shall accept no responsibility in such arrangements;
- (c) to note the comments of the Director of Environmental Protection that the applicant is advised to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimize the potential environmental impacts on the adjacent area;
- (d) to note the comments of the Director of Fire Services (D of FS) that EVA arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by Buildings Department (BD);
- (e) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (CE/Dev(2), WSD) that the Site is located within the flood pumping gathering ground and the water mains in the vicinity of the Site cannot provide the standard pedestal hydrant;
- (f) to note the comments of the Commissioner for Transport (C for T) that the rural access road to the Site is via an unnamed village track and Ho Sheung Heung Pai Fung Road. The unnamed village track and Ho Sheung Heung Pai Fung Road are not under Transport Department's (TD) management. In this regard, the land status of the access leading to the Site should be checked with the lands authority. The management and maintenance responsibilities for the same access should also be clarified with the relevant lands and maintenance authorities accordingly;
- (g) to note the comments of the Director of Agriculture, Fisheries and Conservation (DAFC) that a water-course connected to the River Beas runs in the proximity of the Site. Should the application be approved, precautionary measures should be undertaken to avoid any water pollution, particularly in terms of surface runoff/discharges, to the surrounding environment;

- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) as follows:
- (i) if the existing structures are erected on leased land without approval of 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 captioned application;
  - (ii) before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, the prior approval and consent of the 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;
  - (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 applied use is subject to the issue of a licence, please 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 (iv) above, the Site shall be provided with means of obtaining access thereto from a street and EVA in accordance with Regulations 5 and 41D of the Building (Planning) Regulations respectively;
  - (vi) if the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the Building (Planning) Regulation at the building plan submission stage;
- (i) to note the comments of the Director of Food and Environmental Hygiene (DFEH) as follows:
- (i) 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 restaurant licence should be obtained from FEHD in accordance with the Public Health and Municipal Services Ordinance (Cap. 132). For the operation of other types of food business, relevant food licences should also be obtained from FEHD in accordance with Cap. 132. Under the Food Business Regulation, Cap. 132X, a Food Factory Licence must be obtained from this department for food business which involves the preparation of food for sale for human consumption off the premises before commencement of such business. Besides, a Fresh Provision Shop licence is required for any person who intends to sell fresh, chilled or frozen beef, mutton, pork, reptiles (including live snake), fish (including live fish) and poultry at any premises before commencement of such business;
  - (ii) besides, whenever the restaurant licensees who wish to include an outside seating

accommodation (OSA) into their licensed premises, they are required to submit application to FEHD for approval;

- (iii) no environmental nuisance should be generated to the surroundings in connection with the operation of any food business/activity on the Site; and
- (iv) any waste generated from the food business/activities on the Site is regarded as trade waste, the applicant should arrange proper disposal of trade waste at her own expenses.

