

**Previous s.16 Application covering the Application Site**

**Approved s.16 Application**

<b><u>No.</u></b>	<b><u>Application No.</u></b>	<b><u>Proposed Use(s)/ Development(s)</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Approval Condition(s)</u></b>
1.	A/YL-ST/499	Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of 3 Years	3.2.2017 Approved by RNTPC (3 Years)	(1), (2), (3)

**Approval Conditions**

- (1) No operation between 10:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site.
- (2) The submission and implementation of water supplies for firefighting and fire service installations proposal.
- (3) The submission and implementation of drainage proposal.

**Similar s.16 Applications within “V” Zone  
on the approved San Tin OZP No. S/YL-ST/8**

**Approved s.16 Applications**

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1.	A/YL-ST/439	Eating Place	11.10.2013 Approved by RNTPC	(1)
2.	A/YL-ST/492	Eating Place	12.8.2016 Approved by RNTPC	(1), (2)

**Approval Conditions**

- (1) The submission and implementation of proposals for water supplies for firefighting and fire service installations.
- (2) The submission of photographic records of the existing drainage facilities.

**Recommended Advisory Clauses**

- (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the STW holders will need to apply to his office for modification of the STW conditions where appropriate. The lot owner(s) of the lot without STW will need to apply to his office to permit the structures to be erected or regularize any irregularity on site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Applications for any of the above will be considered by LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;
- (b) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that the applicant should be reminded that the application is approved on the understanding that there is and will be no vehicular access to/from the Site;
- (c) to note the comments of the Director of Environmental Protection (DEP) that the applicant is advised to follow the environmental mitigation measures as recommended in 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 Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) as follows:
  - (i) the applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas;
  - (ii) the applicant is reminded that the proposed drainage proposal/works as well as the site boundary should not cause encroachment upon areas outside his jurisdiction;
  - (iii) no public sewerage maintained by CE/MN, DSD is currently available for connection. For sewage disposal and treatment, agreement from DEP shall be obtained;
  - (iv) the applicant should consult DLO/YL, LandsD regarding all the proposed drainage works outside the lot boundary in order to ensure the unobstructed discharge from the Site in future; and
  - (v) all the proposed drainage facilities should be constructed and maintained by the applicant at his own cost. The applicant should ensure and keep all drainage works on site under proper maintenance at all times;
- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) as follows:
  - (i) before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, 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 Buildings Ordinance (BO);

- (ii) if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BD, they are UBW under the BO and should not be designated for any proposed use under the application;
  - (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) the Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively; and
  - (v) 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 B(P)R at the building plan submission stage; and
- (f) to note the comments of the Director of Food and Environmental Hygiene (DFEH) as follows:
- (i) proper licence/permit issued by his Department is required if there is any food business/catering service/activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation and the operation of any business should not cause any obstruction to the public. A restaurant licensee/licence applicant should take notice of the main licensing criteria for OSA, covering matters such as legal right to use the land concerned, planning, building safety, fire safety, and traffic requirements, etc. When the applicant wishes to use an OSA for alfresco dining, he is required to obtain approval, among others, from the DFEH before commencement; and
  - (ii) if the proposal involves any commercial/trading activities, its state should not as to be a nuisance or injurious or dangerous to health and surrounding environment. Also, for any waste generated from the commercial/trading activities, the applicant should handle on his own/at his expenses.