

Previous s.16 Applications covering the Application Premises

Approved Applications

No.	Application No.	Proposed Uses/ Development(s)	Date of Consideration (RNTPC/TPB)	Approval Conditions
1.	A/YL-MP/22	Restaurant	8.8.1997 Approved by RNTPC for 5 years	(1), (2), (3)
2.	A/YL-MP/125*	Temporary restaurant for a period of 3 years	19.12.2003 Approved by RNTPC for 3 years (revoked on 19.1.2006)	(1), (2), (3)
3.	A/YL-MP/153*	Temporary restaurant for a period of 3 years	15.9.2006 Approved by RNTPC for 3 years (revoked on 15.6.2008)	(1), (2), (3), (4)
4.	A/YL-MP/171	Temporary restaurant for a period of 3 years	7.11.2008 Approved by RNTPC for 3 years	(1), (2), (3), (4)
5.	A/YL-MP/194	Renewal of planning permission for temporary restaurant for a period of 3 years	23.9.2011 Approved by RNTPC for 3 years	(1), (2), (3)
6.	A/YL-MP/237	Renewal of planning permission for temporary restaurant for a period of 3 years	26.9.2014 Approved by RNTPC for 3 years	(1), (2), (3)
7.	A/YL-MP/265	Renewal of planning permission for temporary restaurant for a period of 3 years	27.10.2017 Approved by RNTPC for 3 years	(1), (2), (3)

* denotes permission revoked

Approval Conditions:

- (1) The submission and implementation of landscaping and tree preservation proposals/ The landscape planting on the Site should be maintained at all times during the approval period.
- (2) The submission and implementation of drainage proposal/ The existing drainage facilities on the Site should be maintained at all times during the planning approval period.
- (3) The submission and implementation of fire service installations proposal.
- (4) The submission of a proper run-in proposal and provision of a proper run-in.

Rejected Applications

No.	Application No.	Proposed Uses/ Development(s)	Date of Consideration (RNTPC/TPB)	Rejection Reasons
1.	A/YL-MP/10	Restaurant	20.9.1996	(1), (2), (3), (4)

Rejection Reasons:

- (1) Not in line with the planning intention of "O" zone.
- (2) Adversely affect the development of the area for open space uses.
- (3) Insufficient information to demonstrate that the development will have insignificant impact on the environment, ecology, drainage, sewerage and traffic in the area including the Mai Po Nature Reserve and Inner Deep Bay.
- (4) Setting undesirable precedent for similar applications.

**Similar Application within "O" zone
on the Approved Mai Po and Fairview Park OZP No. S/YL-MP/6**

Approved s.16 Application

No.	Application No.	Proposed Uses/ Development(s)	Date of Consideration (RNTPC/TPB)	Approval Conditions
1.	A/YL-MP/22	Restaurant	8.8.1997 Approved by RNTPC for 5 years	(1), (2)

Approval Conditions:

- (1) The submission and implementation of fire service installations proposal.
- (2) The submission and implementation of drainage proposal/ The implemented drainage facilities on the Site should be maintained at all times during the planning approval period.

Recommended Advisory Clauses

- (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. Lot No. 10 in D.D. 101 is covered by Short Term Waiver (STW) No. 4280 to permit structures for the purpose of “Temporary Restaurant”. Should the application be approved, the STW holder will need to apply to his Office for modification of the STW conditions where appropriate. Moreover, the lot owner without STW will need to apply to his Office for permitting the structures to be erected or regularize any irregularities on site. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. 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 applications will be approved. If such applications are approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by LandsD;
- (b) to note the comments of the Commissioner of Transport that the Site is connected to Castle Peak Road – Mai Po via a section of a local access which is not managed by Transport Department. The land status of the local access should be clarified with the LandsD by the applicant. Moreover, the management and maintenance responsibilities of the local access should be clarified with the relevant lands and maintenance authorities accordingly;
- (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that Palm Springs Boulevard is not maintained by HyD; HyD shall not be responsible for the maintenance of any access connecting the Site and Castle Peak Road – Mai Po; and adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (d) to note the comments from the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the applicant implemented the drainage facilities on the Site under the last previous planning Application No. A/YL-MP/265. The relevant drainage proposal and implementation works were considered satisfactory at the time. As revealed by the joint site inspection held with the applicant’s representative on 14.10.2020, construction of the drainage facilities at the Site has been checked to his satisfaction. The applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas. 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. No public sewerage maintained by CE/MN, DSD is currently available for connection. For sewage disposal and treatment, agreement from Director of Environmental Protection shall be obtained. 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. All the 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) that a Temporary Occupation Permit (TOP) in respect of the subject premises was issued to the Authorized Person (AP) and will be expired on 7.11.2020. The applicant shall be reminded to submit the TOP renewal application in due course. Apart from the building covered by the TOP, there are other existing structures at the Site with no record of approval by the Building Authority (BA). BD is not in a position to offer comments on their suitability for the use related to the renewal application. If the existing structures are erected on leased land without approval of the BD (not being New Territories Exempted Houses), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including containers and open sheds as temporary buildings) are to be carried out on the Site, prior approval and consent of the BA should be obtained, otherwise they are Unauthorized Building Works (UBW). An AP should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA 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. If the applied use under application is subject to the issue of a licence, 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. 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. 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;
- (f) to note the comments of the Director of Fire Services (D of FS) that the installation/maintenance/modification/repair work of fire service installations shall be undertaken by a Registered Fire Service Installation Contractor (RFSIC). The RFSIC shall after completion of the installation/maintenance/modification/repair work issues to the person on whose instruction the work was undertaken a certificate (FS 251) and forward a copy of the certificate to the D of FS. The applicant is reminded that if the proposed structure(s) is required to comply with the BO, detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority. The emergency vehicular access provision in the Site shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under B(P)R 41D which is administered by the BD;
- (g) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that if any facility of the Food and Environmental Hygiene Department (FEHD) is affected by the development, FEHD's prior consent must be obtained. Reprovisioning of the affected facilities by the project proponent up to the satisfaction of FEHD may be required. Besides, the project proponent should provide sufficient amount of additional recurrent cost for management and maintenance of the reprovisioned facilities to FEHD. If provision of cleansing service for new roads, streets, cycle tracks, footpaths, paved areas, etc., is required, FEHD should be separately consulted. Prior consent from FEHD must be obtained and sufficient amount of recurrent cost must be provided to FEHD. Proper licence/permit issued by FEHD is required for any food business/catering service/activities regulated by the DFEH under the Public Health and Municipal Services

Ordinance (Cap. 132) and other relevant legislation for the public and the operation of any business should not cause any obstruction. If the proposal involves any commercial/trading activities, no environmental nuisance should be generated to the surroundings. Also, for any waste generated from the commercial/trading activities, the applicant should handle on their own/at their expenses; and

- (h) the applicant is advised to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas.

