

Previous S.16 Applications

Approved Application

Application No.	Uses/ Development	Date of Consideration	Approval Conditions
A/NE-LYT/672	Temporary Eating Place (Canteen) for a Period of 3 Years	16.11.2018 (revoked on 16.2.2020)	A1 – A8

Approval Conditions

- A1 No operation between 5:00 p.m. and 11:00 a.m. was allowed on the site
- A2 No operation on Sundays and public holidays was allowed
- A3 The submission of drainage proposal
- A4 The provision of drainage facilities
- A5 The submission and implementation of landscape proposal
- A6 The submission and implementation of proposals for fire service installations and water supplies for firefighting
- A7 Revocation clause
- A8 Reinstatement clause

Rejected Applications

Application No.	Uses/ Development	Date of Consideration	Rejection Reasons
A/NE-LYT/210	Temporary Container Trailer Park for a Period of 3 Years	27.4.2001 (on review)	R1 – R4
A/NE-LYT/230	Temporary Agricultural Trade Wholesale Market for a Period of 2 years	31.5.2002	R5 – R6
A/NE-LYT/636	Temporary Place of Recreation, Sports or Culture (Barbecue Site) for a Period of 3 Years	27.10.2017	R7 – R9

Rejection Reasons

- R1 The proposed container trailer park was not in line with the planning intention of the "Agriculture" zone which was to retain and safeguard agricultural land for agricultural purpose. It was also intended to retain fallow arable land with good potential for rehabilitation and to encourage the re-cultivation of good arable land. No strong justifications had been provided in the submission for a departure from the planning intention even on a temporary basis.
- R2 The proposed container trailer park was not compatible with the surrounding rural setting, which was characterized by agricultural land interspersed with domestic structures.
- R3 There was insufficient information in the submission to demonstrate that the proposed container trailer park at the site would not cause any drainage and environmental impacts on the surrounding areas.
- R4 The approval of the application would set an undesirable precedent for other similar applications. The cumulative impacts of approving such similar applications would result in a general degradation of the environment of the area.
- R5 There was insufficient information in the submission to demonstrate that the proposed development would be compatible with the surrounding areas which are largely rural in character.
- R6 There was insufficient information in the submission to demonstrate that the proposed development would not cause any adverse environmental, traffic and landscape impacts on the surrounding areas.

- R7 The development was not in line with the planning intention of the “Agriculture” (“AGR”) zone in Lung Yeuk Tau and Kwan Tei South area which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.
- R8 The applicant failed to demonstrate in the submission that the development under application would not cause adverse traffic impact on the surrounding areas.
- R9 The approval of the application would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

Recommended Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the applied use at the Site;
- (b) to note the comments of the District Lands Officer/North, Lands Department that the owner of the lot concerned shall apply to his office for a Short Term Waiver (STW) for the whole lot covering all the actual occupation area. The application for STW will be considered by Government in its landlord's capacity and there is no guarantee that it will be approved. If the STW is approved, its commencement date would be backdated to the first date of occupation and it will be subject to such terms and conditions to be imposed including payment of waiver fee and administrative fee as considered appropriate by his office;
- (c) to note the following comments of the Director of Food and Environmental Hygiene:
 - (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/tenant intends to operate any food business at the premises, relevant food licence/restricted food permit should be obtained from FEHD in accordance with the Public Health and Municipal Services Ordinance (Cap. 132). The application for restaurant licence, if acceptable by FEHD, will be referred to relevant government departments, such as Building Department, Fire Services Department, Planning Department 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) no environmental nuisance should be generated to the surroundings in connection with the operation of any commercial/trading activities. Furthermore, the operation of any business should not cause any obstruction or environment nuisance in the vicinity; and
 - (iii) any waste generated from the commercial/trading activities is regarded as trade waste, the operator/tenant should handle on their own/at their expenses;
- (d) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant is reminded to perform good site practice to prevent surface run-off and debris from polluting the watercourse nearby;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the Site is in an area where no public sewerage connection is available;
- (f) to note the comments of the Chief Engineer/Construction, Water Supplies Department that for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable Government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the side services within the private lots to WSD's standards;
- (g) to note the following comments of the Chief Building Surveyor/New Territories West, Buildings Department:
 - (i) before any new building works are to be carried out on the Site, the prior approval and consent of the BA should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO);

- (ii) 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;
 - (iii) any temporary shelters or converted containers for storage or washroom or workshop or other uses are considered as temporary buildings are subject to the control of Part VII of the Building (Planning) Regulations (B(P)Rs);
 - (iv) the Site shall be provided with means of obtaining access thereto from a street under Regulations 5 and emergency vehicular access shall be provided under the B(P)R 41D;
 - (v) if the Site is not abutting on a specified street having a width not less than 4.5 m, the development intensity shall be determined by the BA under Regulation 19(3) of the B(P)Rs at the building plan submission stage; and
 - (vi) formal submission under the BO is required for any proposed new works, including any temporary structures. Detailed comments will be provided at the building plan submission stage;
- (h) to note the following comments of the Director of Fire Services:
- (i) in consideration of the design/ nature of the applied use, the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his satisfaction;
 - (ii) the applicant should be advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy and the location of where the proposed FSI to be installed should be clearly marked on the layout plans; and
 - (iii) the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap.123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (i) to note the comments of the Director of Environmental Protection (DEP) that the applicant should be reminded of his obligation to comply with all environmental protection/ pollution control ordinances, in particular the Water Pollution Control Ordinance, and to follow the requirements in ProPECC PN 5/93 regarding the design, construction, operation and maintenance of the grease trap, septic tank and soakaway system before their construction and operation, including but not limited to their capacity, the Percolation Test and minimum clearance distance requirements, after reviewing the finalised design parameters and amount of wastewater to be generated. The applicant is also advised to follow the mitigation measures as stated in the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by DEP; and
- (j) to note the comments of the Project Manager (North), North Development Office, Civil Engineering and Development Department that the road widening works of Lung Ma Road has been completed, should be application be approved, the applicant is required to liaise with his department regarding the entrance points of the lot and the use of Lung Ma Road.