

**Similar S.16 Application for Temporary Eating Place  
in the vicinity of the application site within/partly within “REC(1)” zone in the  
Sha Tau Kok Area**

**Approved Application**

<b>Application No.</b>	<b>Uses/Developments</b>	<b>Date of Consideration</b>	<b>Approval Conditions</b>
A/NE-STK/7	Temporary Eating Place (Restaurant) with ancillary Vehicle Park for a Period of 3 Years	19.2.2016 (Revoked on 19.11.2017)	A1 – A12

**Approval Conditions**

- A1 No operation between 10:00 p.m. and 10:00 a.m., as proposed by the applicant, is allowed on the site;
- A2 No vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit the southern portion of the site;
- A3 Only coaches and private cars as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the southern portion of the site;
- A4 A notice should be posted at a prominent location of the southern portion of the site to indicate that only coaches and private cars as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the southern portion of the site;
- A5 No vehicle washing, vehicle repairing, dismantling, paint spraying or other workshop activity is allowed on the southern portion of the site;
- A6 The provision of boundary fencing on the site
- A7 The submission and implementation of tree preservation and landscape proposals.
- A8 The submission and provision of drainage proposal and the provision of drainage facilities
- A9 The submission and implementation of a fire service installations and water supplies for firefighting proposal
- A10 The submission and provision of design of septic tank and soakaway pit system.
- A11 Revocation clause
- A12 Reinstatement clause

**Recommended Advisory Clauses**

- (a) to note the following comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):
- (i) the Site comprises private lots and adjoining Government land. The lots are Old Schedule lots held under the Block Government lease (demised for agricultural use) (except Lot 359 in D.D. 41 being demised for house and agricultural uses) without any guarantee of right of access. The applicant should make its own arrangement for acquiring access and there is no guarantee that any adjoining Government land (GL) will be allowed for the vehicular access of the proposed use;
  - (ii) the submission indicates that (i) 3 temporary structures will be erected on the Site; and (ii) a front gate will be erected on GL within the Site. Please note that any structures erected on the application lots and occupation of the GL within the Site without prior approval from his office are not acceptable. His office reserves the right to take enforcement actions as appropriate;
  - (iii) the submission also indicates that there is an existing toilet on Site and more toilet facilities will be erected on Site. The applicant should note that any toilet facilities should meet current health requirements; and
  - (iv) should the application be approved, the owners of the lots concerned shall apply to his office for a Short Term Waiver (STW) and Short Term Tenancy (STT) covering all the actual occupation area. The application for STW and STT will be considered by Government in its landlord's capacity and there is no guarantee that they will be approved. If the STW and STT are approved, their commencement date would be backdated to the first date of occupation and they will be subject to such terms and conditions to be imposed including payment of waiver fee/rent and administrative fees as considered appropriate by his office;
- (b) to note the following comments of the Commissioner for Transport (C for T):
- (i) the applicant should advise and substantiate the traffic generation and attraction from and to the Site and the traffic impact to the nearby road links and junctions;
  - (ii) the applicant shall justify the adequacy of the parking spaces and loading/unloading spaces so provided by relating to the number of vehicles visiting the Site and with reference to other similar developments;
  - (iii) the applicant shall justify the width of the vehicular accesses to be provided;
  - (iv) the applicant shall demonstrate the satisfactory manoeuvring of vehicles entering to and exiting from the Site and manoeuvring within the Site, preferably using the swept path analysis;
  - (v) the applicant shall advise the management/control measures to be implemented to ensure no queuing of vehicles outside the Site;
  - (vi) the applicant shall advise the provision and management of pedestrian facilities to

ensure pedestrian safety; and

- (vii) the applicant shall advise the measures in preventing the visitors to the Site from illegally parking the cars in the vicinity of the Site;
- (c) to note the following comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD):
- (i) the proposed access to the Site will pass through a strip of area between Sha Tau Kok Road - Shek Chung Au Section and the Site, which is an unallocated government land. The applicant is required to sort out the land issues with relevant land authority;
  - (ii) if the application is approved, the applicant is required to construct a proper ingress and egress for the Site according to HyD's Standard Drawings and upon termination of the proposed temporary uses, the applicant is required to reinstate the ingress and egress to their original state and to HyD's satisfaction at his own cost; and
  - (iii) 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 following comments of the Director of Environmental Protection (DEP):
- (i) given the subject application is for temporary use, the applicant is advised to follow the EPD's latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites (CoP)"; and
  - (ii) there is existing public sewer in the vicinity of the Site. The applicant is advised that any sewage/wastewater arising from the operation of the applied use shall be discharged to public sewer. The applicant should also be reminded to observe relevant pollution control legislations such as Noise Control Ordinance, Air Pollution Control Ordinance, Water Pollution Control Ordinance, Waste Disposal Ordinance, etc. during construction and operation stages of the proposed use;
- (e) to note the comments of the Director of Agriculture, Fisheries and Conservation (DAFC) that mangrove are found along the coast to the southeast of the Site. The applicant should be reminded the need to perform good site practice so as not to disturb the mangrove and pollute the coastal water nearby;
- (f) to note the following comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):
- (i) existing water mains inside the Site will be affected (**Plan A-2**). The applicant is required to either divert or protect the water mains found on Site;
  - (ii) if diversion is required, existing water mains inside the Site are needed to be diverted outside the site boundary of the proposed development to lie in Government land. A strip of land of minimum 1.5m in width should be provided for the diversion of existing water mains. The cost of diversion of existing water mains upon request will have to be borne by the grantee/ applicant; and the applicant shall submit all the relevant proposal to WSD for consideration and agreement before the works commence; and
  - (iii) if diversion is not required, the following conditions shall apply:

- existing water mains are affected and no development which requires resiting of water mains will be allowed;
- details of site formation works shall be submitted to the Director of Water Supplies (DWS) for approval prior to commencement of works;
- no structures shall be built or materials stored within 1.5m from the centre line(s) of water main(s) shown on the plan. Free access shall be made available at all times for staff of the DWS or their contractor to carry out construction, inspection, operation, maintenance and repair works;
- no trees or shrubs with penetrating roots may be planted within the Water Works Reserve or in the vicinity of the water main(s) shown on the plan. No change of existing site condition may be undertaken within the aforesaid area without the prior agreement of the DWS. Rigid root barriers may be required if the clear distance between the proposed tree and the pipe is 2.5m or less, and the barrier must extend below the invert level of the pipe;
- no planting or obstruction of any kind except turfing shall be permitted within the space of 1.5m around the cover of any valve or within a distance of 1m from any hydrant outlet; and
- tree planting may be prohibited in the event that the DWS considers that there is any likelihood of damage being caused to water mains;

(g) to note the following comments of the Director of Fire Services (D of FS):

- (i) in consideration of the design/ nature of the proposed 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;
- (iii) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans; and
- (iv) to address the approval condition regarding the provision of fire extinguisher, the applicant is advised to submit a valid fire certificate (FS 251) to his office for approval;

(h) to note the following comments of the Director of Food and Environmental Hygiene (DFEH):

- (i) the operation of any eating place should be under a food licence issued by FEHD. If the operator 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) and other relevant legislation; and
- (ii) the operation of the business should not cause any environmental nuisances and/or hygiene problems at the Site and its vicinities. The operator of the Site is responsible for the removal and disposal of any trade waste generated from the commercial activities at their expenses; and

- (i) to note the following comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):
- (i) before any new building works are to be carried out on the Site, prior approval and consent of the Building Authority (BA) should be obtained unless they are exempted building works or commenced under the simplified requirement under the Minor Works Control System. 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 which 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 and emergency vehicular access in accordance with Regulations 5 and 41D of the B(P)Rs respectively;
  - (v) if the Site is not abutting on a specified street having a width not less than 4.5m, 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 under BO will be provided at the building plan submission stage.