

Detailed comment of DFEH

- (a) No Food and Environmental Hygiene Department (FEHD)'s facilities will be affected and operation or activities shall not cause any environmental nuisance and obstruction to the surrounding.
- (b) For any waste generated from the commercial / trading activities, the applicant should arrange disposal properly at her own expenses.
- (c) Proper licence / permit issued by his Department is required if food business or related place of entertainment is involved:
 - i. The operation of any eating place should be under a food licence issued by the FEHD. If the operator intends to operate a restaurant business in the territory, a General Restaurant/Light Refreshment Restaurant Licence should be obtained from FEHD in accordance with the Public Health and Municipal Services Ordinance (Cap. 132).
 - ii. 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 (or Temporary Food Factory Licence) must be obtained from his 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 fish, chilled or frozen beef, mutton, pork, reptiles (including live snakes), fish (including live fish) and poultry at any premises before commencement of such business.
 - iii. Any person who desires to keep or use any place of public entertainment for example a theatre and cinema or a place, building, erection or structure, whether temporary or permanent, on one occasion or more, capable of accommodating the public presenting or carrying on public entertainment within Places of Public Entertainment (PPE) Ordinance (Cap. 172) and its subsidiary legislation, such as a concert, opera, ballet, stage performance or other musical, dramatic or theatrical entertainment, cinematograph or laser projection display or an amusement ride and mechanical device which is designed for amusement. A Place of Public Entertainment Licence (or Temporary Place of Public Entertainment Licence) should be obtained from FEHD whatever the general public is admitted with or without payment.
- (d) The application for the various licences, if acceptable by FEHD, will be referred to relevant government departments 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.

Detailed comment of CTP/UD&L, PlanD

- (a) The applicant should overlay the existing trees on the Layout Plan to demonstrate that the proposed temporary structures will not be in conflict with the existing trees.
- (b) Drainage provision and circulation paths shall be indicated on plan. Please be reminded that min. 1 clearance from the trees to drainage channels and circulation paths should be maintained.
- (c) The applicant should refer to the below documents promulgated by the DEVB on tree preservation and planting:
 - *Pictorial Guide for Tree Maintenance* (護養樹木簡易圖解)
https://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf
 - *Proper Planting Practices* (正確種植方法)
www.greening.gov.hk/en/tree_care/practices.html

Detailed comment of CE/C, WSD

- (a) Existing fresh water mains will be affected as shown on the **Plan A-2**. A Waterworks Reserve within 1.5 metres from the centreline of the water mains shall be provided to WSD.
- (b) No structure shall be built or materials stored within this Waterworks Reserve. Free access shall be made available at all times for staff of the Director of Water Supplies or their contractor to carry out construction, inspection, operation, maintenance and repair works.
- (c) No trees or shrubs with penetrating roots may be planted within the Waterworks Reserve or in the vicinity of the water main shown on the **Plan A-2**.
- (d) Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the Site.

Advisory Clauses

- (a) resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (b) note DLO/YL, LandsD's comments that the Site comprises an Old Schedule Agricultural Lot 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. The Site is accessible to Nam Hing West Road via Government Land (GL). His office provides no maintenance work for the GL involved and does not guarantee any right-of-way to the Site. The Site falls within Shek Kong Airfield Height Restriction Area (SKAHRA). The height of the proposed structure shall not exceed the relevant airfield height limit within the SKAHRA. The lot owner (s) will need to apply to his office to permit the structures to be erected or regularize any irregularities on site. Such application(s) 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(s) will be approved. If such application(s) 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;
- (c) note DEP's comments that the applicant is advised to follow the relevant mitigation measures and requirements in the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by DEP to minimize any potential environmental nuisance. It is the obligation of the applicant to meet the statutory requirements under relevant pollution control ordinances and provide adequate supporting infrastructure including waste / wastewater collection and disposal facilities for the proper collection, treatment and disposal of waste / wastewater generated from the proposed use. If septic tank and soakaway system will be used, its design and construction shall follow the requirements of Environmental Protection Department (EPD)'s Practice Note for Professional Person (ProPECC) PN 5/93 "Drainage Plans subject to Comment by the EPD";
- (d) note DFEH's comments that no Food and Environmental Hygiene Department (FEHD)'s facilities will be affected and operation or activities shall not cause any environmental nuisance and obstruction to the surrounding. For any waste generated from the commercial / trading activities, the applicant should arrange disposal properly at her own expenses. Proper licence / permit issued by his Department is required if food business or related place of entertainment is involved:
- (i) The operation of any eating place should be under a food licence issued by the FEHD. If the operator intends to operate a restaurant business in the territory, a General Restaurant/Light Refreshment Restaurant Licence should be obtained from FEHD in accordance with the Public Health and Municipal Services Ordinance (Cap. 132).
- (ii) 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 (or Temporary Food Factory Licence) must be obtained from his 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 fish, chilled or frozen beef, mutton, pork, reptiles (including live snakes), fish (including live fish) and poultry at any premises before commencement of such business.

- (iii) Any person who desires to keep or use any place of public entertainment for example a theatre and cinema or a place, building, erection or structure, whether temporary or permanent, on one occasion or more, capable of accommodating the public presenting or carrying on public entertainment within Places of Public Entertainment (PPE) Ordinance (Cap. 172) and its subsidiary legislation, such as a concert, opera, ballet, stage performance or other musical, dramatic or theatrical entertainment, cinematograph or laser projection display or an amusement ride and mechanical device which is designed for amusement. A Place of Public Entertainment Licence (or Temporary Place of Public Entertainment Licence) should be obtained from FEHD whatever the general public is admitted with or without payment.

The application for the various licences, if acceptable by FEHD, will be referred to relevant government departments 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;

- (e) note CTP/UD&L of PlanD's to overlay the existing trees on the Layout Plan to demonstrate that the proposed temporary structures will not be in conflict with the existing trees. Drainage provision and circulation paths shall be indicated on plan. Min. 1 clearance from the trees to drainage channels and circulation paths should be maintained. Reference should be made to the below documents promulgated by the DEVB on tree preservation and planting:

(i) *Pictorial Guide for Tree Maintenance (護養樹木簡易圖解)*
https://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_f_or_Tree_Maintenance.pdf

(ii) *Proper Planting Practices (正確種植方法)*
www.greening.gov.hk/en/tree_care/practices.html

- (f) CE/C of WSD's comments that existing fresh water mains will be affected as shown on **Plan A-2** of the RNTPC paper. A Waterworks Reserve within 1.5 metres from the centreline of the water mains shall be provided to WSD. No structure shall be built or materials stored within this Waterworks Reserve. Free access shall be made available at all times for staff of the Director of Water Supplies or their contractor to carry out construction, inspection, operation, maintenance and repair works. No trees or shrubs with penetrating roots maybe planted within the Waterworks Reserve or in the vicinity of the water main shown on **Plan A-2** of the RNTPC paper. Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the Site;

- (g) note DAFC's comments that there is a strip of government land between the Site and Nam Hing West Road, part of which is narrow strip of mitigation planting area

maintained by his Department. The applicant shall avoid damage to plants in the strip of mitigation area;

- (h) note CBS/NTW, BD's comments that if the existing structures are erected on leased land without approval of his department (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 application. 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. 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. 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;
- (i) note D of FS's comments that in consideration of the design/nature of the proposal, the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans. 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; and
- (j) note DEMS's comments that in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the "Code of Practice on Working near Electricity Supply Lines" established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

