

**Similar S.16 Applications for Temporary Eating Place or Convenience Store
within/partly within the “Recreation” zone in the vicinity of the Application Site
in the Ta Kwu Ling North Area**

Approved Application

Application No.	Uses/ Development	Date of Consideration	Approval Conditions
A/NE-TKLN/6	Temporary Retail Shop, Canteen and Ancillary Office for a Period of 3 Years	13.4.2018 (on review)	A1 – A9

Approval Conditions

- A1 No operation between 5:00 p.m. and 8:00 a.m. on weekdays was allowed
- A2 No operation on Saturdays, Sundays and public holidays was allowed
- A3 The submission of drainage proposal
- A4 The provision of drainage facilities
- A5 The submission and the implementation of proposals for fire service installations and water supplies for fire-fighting
- A6 The submission of the design of septic tank and soakaway system and/or other wastewater treatment facilities
- A7 The provision of septic tank and soakaway system and/or other wastewater treatment facilities
- A8 Revocation clause
- A9 Reinstatement clause

Detailed Comments from Food and Environmental Hygiene Department

- (i) relevant food licence/ restricted food permit should be obtained from FEHD in accordance with the Public Health and Municipal Services Ordinance (Cap. 132). If the operator intends to operate a restaurant business in the territory, a general restaurant/ light refreshment restaurant license should be obtained from FEHD. The application for restaurant licence, if acceptable by FEHD, will be referred to relevant Government departments, such as Buildings Department, Fire Services Department, Planning Department, Lands Department (if necessary) 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. 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 must be obtained from her 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 fresh, chilled or frozen beef, mutton, pork, reptiles (including live snake), fish (including live fish) and poultry at any premises before commencement of such business. The application for Food Factory Licence/ Fresh Provision Shop Licence, if acceptable by FEHD, will be referred to relevant Government departments, such as PlanD and LandsD (if necessary) 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. His department will institute legal action against any person who operates a food business without a valid licence;
- (ii) no environmental nuisance should be generated to the surroundings in connection with the operation of any commercial/ trading activities; and
- (iii) any waste generated from the commercial/ trading activities is regarded as trade waste, the management or owner of the Site is responsible for its removal and disposal at their expenses. The operation of any business should not cause any obstruction or environmental nuisance in the vicinity.

Recommended Advisory Clauses

- (a) to note DLO/N, LandsD's comments on the following:
- (i) the Site comprises private lot No. 1499 in D.D. 78. The lot is an Old Schedule lot held under the Block Government Lease (demised for agricultural use) without any guaranteed right of access;
 - (ii) unauthorized structures are erected on the lot which is not acceptable under the lease conditions. His office reserves the right to take necessary lease enforcement actions against the above irregularities; and
 - (iii) the owner(s) of the lot concerned shall apply to his office for a Short Term Waiver (STW) to cover all the proposed structures on Site. 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, the 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 fees as considered appropriate by his office;
- (b) to note C for T's comments that the vehicular access between Lin Ma Hang Road and the Site is not managed by TD. The applicant shall be responsible for the management and maintenance of the vehicular access;
- (c) to note DEP's comments on the following:
- (i) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites";
 - (ii) there is no existing public sewer in the vicinity of the Site. The septic tank and soakaway (STS) system may be acceptable provided that all relevant requirements in ProPECC PN 5/93 are met in designing, operating and maintaining the STS system;
 - (iii) 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 stage of the proposed use; and
 - (iv) to adopt necessary precautionary/ pollution control measures to prevent any pollution of nearby natural stream/ water courses during construction and operation stages of the proposed use;
- (d) to note DAFC's comments to perform good site practice so as to prevent debris and surface run off from polluting the watercourse nearby;
- (e) to note CE/C, WSD's comments that for provision of water supply to the development, the applicant may need to extend his/her 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 inside services within the private lots to WSD's standards;

- (f) to note CE/MN, DSD's comments that the Site is in an area where no public sewerage connection is available;
- (g) to note D of FS's comments on the following:
 - (i) emergency vehicular access arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by Buildings Department; and
 - (ii) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;
- (h) to note DFEH's comments on the following:
 - (i) relevant food licence/ restricted food permit should be obtained from FEHD in accordance with the Public Health and Municipal Services Ordinance (Cap. 132). If the operator intends to operate a restaurant business in the territory, a general restaurant/ light refreshment restaurant license should be obtained from FEHD. The application for restaurant licence, if acceptable by FEHD, will be referred to relevant Government departments, such as Buildings Department, Fire Services Department, Planning Department, Lands Department (if necessary) 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. 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 must be obtained from her 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 fresh, chilled or frozen beef, mutton, pork, reptiles (including live snake), fish (including live fish) and poultry at any premises before commencement of such business. The application for Food Factory Licence/ Fresh Provision Shop Licence, if acceptable by FEHD, will be referred to relevant Government departments, such as PlanD and LandsD (if necessary) 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. His department will institute legal action against any person who operates a food business without a valid licence;
 - (ii) no environmental nuisance should be generated to the surroundings in connection with the operation of any commercial/ trading activities; and
 - (iii) any waste generated from the commercial/ trading activities is regarded as trade waste, the management or owner of the Site is responsible for its removal and disposal at their expenses. The operation of any business should not cause any obstruction or environmental nuisance in the vicinity; and
- (i) to note CBS/NTW, BD's comments on the following:
 - (i) if any existing structures are erected on leased land without approval of the BD (not being a New Territories Exempted House), they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the application;

- (ii) before any new building works (including containers/open sheds of temporary buildings) are to be carried out on the Site, prior approval and consent of the BD 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 BO;
- (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) if the proposed use under application is subject to the issue of a licence, the applicant should be reminded that 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;
- (v) in connection with (ii) above, 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; and
- (vi) if the Site is not abutting on a specified street having a width not less than 4.5m, the development intensity shall be determined under Regulation 19(3) of the B(P)Rs at the building plan submission stage.