

**Town Planning Board Guidelines for  
Application for Open Storage and Port Back-up Uses  
(TPB PG-No.13E)**

1. On 17.10.2008, the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13E) were promulgated, which set out the following criteria for the various categories of area:
  - (a) Category 1 areas: favourable consideration will normally be given to applications within these areas, subject to no major adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions. Technical assessments should be submitted if the proposed uses may cause significant environmental and traffic concerns;
  - (b) Category 2 areas: planning permission could be granted on a temporary basis up to a maximum period of 3 years, subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions. Technical assessments, where appropriate, should be submitted to demonstrate that the proposed uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas;
  - (c) Category 3 areas: applications would normally not be favourably considered unless the applications are on sites with previous planning approvals. Sympathetic consideration may be given if the applicants have demonstrated genuine efforts in compliance with approval conditions of the previous planning applications and included in the fresh applications relevant technical assessments/proposals to demonstrate that the proposed uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. Planning permission could be granted on a temporary basis up to a maximum period of 3 years, subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions; and
  - (d) Category 4 areas: applications would normally be rejected except under exceptional circumstances. For applications on sites with previous planning approvals, and subject to no adverse departmental comments and local objections, sympathetic consideration may be given if the applicants have demonstrated genuine efforts in compliance with approval conditions of the previous planning applications and included in the applications relevant technical assessments/proposals to demonstrate that the proposed uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. The intention is however to encourage the phasing out of such non-conforming uses as early as possible. A maximum period of 2 years may be allowed upon renewal of planning permission for an applicant to identify suitable sites for relocation. No further renewal of approval will be given unless under very exceptional circumstances and each application for renewal of approval will be assessed on its individual merit.

2. In assessing applications for open storage and port back-up uses, the other major relevant assessment criteria are also summarized as follows:
- (a) there will be a general presumption against development on sites of less than 1,000 m<sup>2</sup> for open storage uses and 2,000 m<sup>2</sup> for port back-up uses in rural areas, other than sites located in major corridors, industrial/godown/workshop areas, quarrying activities or where it is demonstrated that optimum use is made of the site. This is to prevent the further proliferation of small sites in rural areas, minimizing sprawl over countryside areas and reducing travel trips;
  - (b) port back-up sites and those types of open storage uses generating adverse noise, air pollution and visual intrusion and frequent heavy vehicle traffic should not be located adjacent to sensitive receivers such as residential dwellings, hospitals, schools and other community facilities;
  - (c) port back-up uses are major generators of traffic, with container trailer/tractor parks generating the highest traffic per unit area. In general, port back-up sites should have good access to the strategic road network, or be accessed by means of purpose built roads;
  - (d) adequate screening of the sites through landscaping and/or fencing should be provided where sites are located adjacent to public roads or are visible from surrounding residential areas;
  - (e) there is a general presumption against conversion of agricultural land and fish ponds to other uses on an ad hoc basis, particularly in flood prone areas or sites which would obstruct natural drainage channels and overland flow; and
  - (f) for applications involving sites with previous planning approvals, should there be no evidence to demonstrate that the applicants have made any genuine effort to comply with the approval conditions of the previous planning applications, planning permission may be refused, or a shorter compliance period for the approval conditions may be imposed, notwithstanding other criteria set out in the Guidelines are complied with.

**Previous s.16 Application covering the Application Site**

**Approved Applications**

	<b><u>Application No.</u></b>	<b><u>Applied use(s)/Development(s)</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Approval Condition(s)</u></b>
1.	A/YL-HT/616	Temporary Open Storage of Containers, Container Vehicle Park and Logistic Yard (3 years)	5.6.2009 (3 years) (revoked on 13.4.2010)	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11
2.	A/YL-HT/689	Temporary Logistics Yard, Open Storage of Containers, Container Vehicle Park with Ancillary Workshop (Tyre Repair, Compacting and Unpacking) (3 years)	28.1.2011 (3 years) (revoked on 28.4.2013)	1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14
3.	A/YL-HT/871	Temporary Logistics Yard, Open Storage of Containers, Container Vehicle Park with Ancillary Workshop (For Works Including Compacting and Dismantling, and Repairing of Tyre) and Canteen (3 years)	17.1.2014 (1 year)	1, 3, 5, 6, 7, 8, 10, 11, 14, 15, 16, 17, 18, 19, 20
4.	A/YL-HT/946	Temporary Logistics Yard, Open Storage of Containers, Container Vehicle Park with Ancillary Workshop (For Works Including Compacting and Dismantling, and Repairing of Tyre) and Canteen (3 years)	27.3.2015 (3 years)	1, 3, 5, 6, 7, 8, 10, 11, 14, 16, 17, 18, 19

**Approval Conditions**

- 1 The submission and implementation of a landscape proposal
- 2 The submission of a DIA and implementation of the drainage/flood mitigation measures for the development identified in the DIA.
- 3 Reinstatement clause.
- 4 No cutting, dismantling, cleansing, repairing, compaction, unpacking, re-packing, tyre repair, vehicle repair, container repair and workshop
- 5 Revocation clauses.
- 6 No night-time operation.
- 7 No operation on Sundays and public holidays.
- 8 No stacking of containers within 5m of the periphery of the site.
- 9 The stacking height of containers stored within the site at any other location should not exceed 7 units.
- 10 The submission of FSIs proposals and the provision of FSIs.
- 11 The submission and implementation of a run-in/out proposal.
- 12 No paint-spraying, cutting, dismantling, crushing, cleansing and grinding activity.
- 13 No stacking of containers within 2.5m to 10m of the periphery of the site.
- 14 The stacking height of containers stored within the site at any other location should not exceed 8 units.
- 15 No workshop activities other than tyre repairing, compacting and dismantling.
- 16 The existing fencing on site should be maintained.
- 17 No vehicle queuing is allowed back to public road or vehicle reversing onto/from the public road is allowed.
- 18 The existing drainage facilities on site should be maintained.
- 19 The submission of the condition record of the existing drainage facilities.
- 20 The provision of fire extinguishers.

**Similar applications within the subject “G/IC” and “R(A)3” zones  
and an area shown as “Road”  
on the Draft Hung Shui Kiu and Ha Tsuen Outline Zoning Plan No. S/HSK/1  
since the Promulgation of TPB PG-No. 13E on 17.10.2008**

**Approved Applications**

	<b><u>Application No.</u></b>	<b><u>Applied use(s)/Development(s)</u></b>	<b><u>Zoning</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Approval Condition(s)</u></b>
1.	A/YL-HT/590	Temporary Open Storage Of Containers And Logistics Yard (3 years)	CDA	23.1.2009 (3 years)	1, 3, 4, 5, 7, 8, 12, 13, 18, 23
2.	A/YL-HT/597	Temporary Open Storage Of Construction Materials, Construction Machinery And Scrap Metals And Container Vehicle Park With Ancillary Repair Workshop (3 years)	CDA	27.3.2009 (3 years) (revoked on 27.3.2010)	1, 3, 4, 5, 8, 12, 13, 22
3.	A/YL-HT/598	Temporary Open Storage Of Construction Materials, Construction Machinery And Scrap Metals And Container Vehicle Park With Ancillary Repair Workshop (3 years)	CDA	23.3.2009 (3 years) (revoked on 23.3.2010)	1, 3, 4, 5, 7, 8, 12, 13, 22
4.	A/YL-HT/731	Temporary Open Storage Of Construction Materials And Containers With Container Vehicle Park, Logistics Yard And Ancillary Workshop (Including Compaction And Unpacking Workshop) (3 years)	CDA	20.5.2011 (3 years)	1, 3, 4, 5, 8, 12, 13, 19, 23, 24
5.	A/YL-HT/781	Temporary Logistic Centre And Warehouse, Recycling Centre And Open Storage Of Recycled Plastics, Paper And Containers (With Ancillary Container And Container Machinery Repair Workshop) (3 years)	CDA	18.5.2012 (3 years)	1, 3, 4, 5, 12, 13, 23, 26, 28
6.	A/YL-HT/831	Temporary Open Storage Of Containers And Container Tractors Park (3 Years)	CDA	16.8.2013 (3 years)	1, 3, 4, 5, 7, 8, 12, 13, 20, 23, 28
7.	A/YL-HT/904	Temporary Open Storage of Construction Materials, Container with Container Vehicle Park, Logistics Yard with Ancillary Workshop (Including Compacting and Unpacking Workshop) (3 years)	CDA, GB	8.8.2014 (3 years)	1,3, 4, 5, 7, 8, 12, 13, 17, 23, 26, 29, 30
8.	A/YL-HT/959	Proposed Temporary Logistics Centre (3 years)	CDA	18.9.2015 (3 years) (revoked on 18.3.2016)	1, 3, 4, 5, 12, 13, 30, 31
9.	A/YL-HT/1049	Temporary Warehouse and Logistics Centre (3 years)	CDA	14.10.2016 (3 years)	1, 2, 3, 4, 5, 7, 12, 13, 30, 31

	<b><u>Application No.</u></b>	<b><u>Applied use(s)/Development(s)</u></b>	<b><u>Zoning</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Approval Condition(s)</u></b>
10.	A/YL-HT/1052	Temporary Open Storage of Containers and Parking of Container Tractor with Ancillary Container Repair Workshop (3 years)	CDA	9.12.2016 (3 years) (revoked on 9.12.2017)	1, 2, 3, 4, 5, 7, 12, 13, 23, 26, 28, 30
11.	A/HSK/9	Temporary Warehouse, Open Storage of Construction Materials, Container with Container Vehicles Park, Container Tractors Park and Logistics Yard with Ancillary Workshop (Including Compacting and Unpacking Workshop) (3 years)	G/IC, R(A)2, O, Road, OU(POF EFT)	10.11.2017 (3 years)	1, 2, 3, 4, 5, 7, 12, 13, 23, 26, 28, 30, 32
12.	A/HSK/43	Temporary Logistics Centre with Ancillary Office and Parking of Vehicle (3 years)	Road, G/IC, O	9.2.2018 (3 years)	1, 2, 3, 4, 5, 7, 12, 13, 28, 30

**Approval Conditions**

- 1 The submission and/or implementation of landscaping and/or tree preservation proposals, and/or provision of replacement planting and/or the replacement of dead trees.
- 2 The submission and implementation of vehicular access/run-in/out proposal and/or provision of vehicular access arrangement (or alternative vehicular entrance to the site) as well as parking and loading/unloading spaces.
- 3 The submission of DIA/drainage proposals and/or provision of drainage facilities/implementation of the drainage facilities proposed, and/or submission of a condition record of the existing drainage facilities.
- 4 Reinstatement clause.
- 5 The submission/implementation of FSIs proposals and/or provision of FSIs, with or without sprinkler system.
- 6 The permission shall cease to have effect on dd.mm.yyyy unless prior to the said date either the development hereby permitted is commenced or this permission is renewed.
- 7 The provision of paving, and/or fencing, and/or screening planting.
- 8 The stacking height of the containers/materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence/2.5m.
- 9 The setting back of the site boundary to avoid encroaching upon the public works project limit.
- 10 The provision of internal circulation and queuing area, set back of the ingress/egress point.
- 11 The submission of a revised site layout plan incorporating the drainage works reserve, and the provision of flood mitigation measures as well as stormwater drainage facilities.
- 12 Revocation clauses.
- 13 No night-time operation and/or no operation on Sundays and public holidays.
- 14 The submission and provision of noise mitigation measures.
- 15 Traffic generated from the development should gain access through Tin Ying Road, Tin Wah Road and Fung Kong Tsuen Road.
- 16 The maintenance of the landscape planting/existing trees/vegetation.
- 17 The maintenance of the drainage facilities.
- 18 No cutting, dismantling, repairing, and/or melting, and/or compaction, and/or unpacking, and/or re-packing, and/or vehicle repair, and/or container repair, cleansing and workshop activity.
- 19 No vehicle dismantling/assembling/repair workshop and/or storage of recyclable materials.
- 20 No cutting, dismantling, cleansing, repairing, compaction, unpacking, re-packing, vehicle repair and workshop activity, other than tyre repair/minor ancillary container repairs.
- 21 The submission and implementation of run-in/run-out proposal(s).
- 22 Only container vehicles with valid licence/registration are allowed to be parked.
- 23 The stacking height of containers stored should not exceed 7/8 units.
- 24 No material is allowed to be stored/dumped and/or no vehicle is allowed to be parked within 1m of any tree.
- 25 The demolition of the existing shelter at the southern part of the site/all existing structures on-site.

- 26 No stacking of containers within 5m of the periphery of the site.
- 27 Only vehicles with valid licence/registration issued under the Traffic Regulations is allowed to be parked on the site.
- 28 no handling (including loading, unloading and storage) of electrical/ electronic appliances/ components, including cathode-ray tubes (CRT), CRT computer monitors/television sets and CRT equipment.
- 29 No handling/storage of recyclable materials is allowed on the site.
- 30 No vehicle queuing is allowed back to public road or no vehicle reversing onto/from the public road is allowed.
- 31 No workshop activity.
- 32 The provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251).

**Detailed Comments of DLO/YL, LandsD:**

The private lots which are covered by Short Term Waivers (STWs) are listed below:

Lots no.	STW	Purpose
68 & 79 in D.D. 125	4016	Temporary Logistics Yard, Open Storage of Containers, Container Vehicle Park with Ancillary Workshop (For Works Including Compacting and Dismantling, and Repairing of Tyre) and Canteen
70 in D.D. 125	4018	
74 in D.D. 125	4019	
76 S.B, 86 & 793 in D.D. 125 and 3286 in D.D. 129	4020	
77 in D.D. 125 and 3237 in D.D. 129	4021	
78 in D.D. 125	4022	
85 in D.D. 125	4023	
783 S.B RP & 784 S.B RP in D.D. 125	4024	
3212 RP in D.D. 129	4025	
3238 in D.D. 129	4028	
3239 in D.D. 129	4029	
3240 in D.D. 129	4030	
3287 RP in D.D. 129	4031	
3288 RP in D.D. 129	4032	
69, 73 & 80 in D.D. 125	4017	(i) Temporary Logistics centre and Warehouse; (ii) Temporary Logistics Yard, Open Storage of Containers, Container Vehicle Park with Ancillary Workshop (For Works Including Compacting and Dismantling, and Repairing of Tyre) and Canteen
74 in D.D. 125	4339	Temporary Open Storage of Construction Materials, Container with container Vehicle Park, Logistics Yard with Ancillary Workshop (Including Compaction and Unpacking Workshop)
75 in D.D. 125	4109	
76 S.A in D.D. 125	4110	
57 & 66 in D.D. 125	4325	Temporary Warehouse for Storage of Machinery, Spare Parts and construction Material with Ancillary Office and Parking of Vehicle
3234 in D.D. 129	4335	
3285 in D.D. 129	4722	Temporary Warehouse and Logistics Centre
3289 S.B RP in D.D. 129	4723	

### **Detailed Comments of DFEH:**

Under the Food Business Regulation (Cap.132X), a “restaurant” means any food business which involves the sale of meals or unbottled non-alcoholic drinks other than Chinese herb tea, for consumption on the premises, but does not include a factory canteen or any business carried on by a hawker who is the holder of a licence under the Hawker Regulation (Cap. 132AI). Whereas, section 4 of the same regulation has provided that the expression “food business” means any trade or business for the purpose of which any person engages in the handling of food or food is sold by means of a vending machine but does not include any canteen in any work place (other than a factory canteen referred to in section 31) for the use exclusively of the persons employed in the work place. Furthermore, a restaurant operator is required to obtain a restaurant licence from the Licensing Authority before operation of business. Any person found operating an unlicensed restaurant and/or violating the relevant provisions in the legislation will be liable to prosecution. The Director of Food and Environmental Hygiene is the “Licensing Authority” of restaurants in Hong Kong. The purpose of licensing restaurants is to ensure that the premises are suitable for operating restaurant business, to safeguard public health and to ensure the safety of patrons. The Licensing Authority will not consider an application for a restaurant licence in respect of any premises unless:

- (i) the proposed restaurant business is in compliance with Government lease conditions;
- (ii) the proposed restaurant business is in compliance with statutory plan restrictions;
- (iii) premises can meet health requirements;
- (iv) premises have adequate ventilation;
- (v) premises can satisfy with building safety requirements and are free of unauthorized building works (UBW); and
- (vi) premises can meet fire safety requirements.



消防處發出之露天貯存用地良好作業指引  
**Good Practice Guidelines for Open Storage issued by the Director of Fire Services**

		消防車輛 內部通道 Internal Access for Fire Appliances	地段界線 (淨闊度) Lot Boundaries (Clear Width)	貯存物品 地點與 臨時構築物 之間的距離 Distance between Storage Cluster and Temporary Structure	貯存物品 地點的大小 Cluster Size	貯存高度 Storage Height
1.	露天貯存貨櫃 Open Storage of Containers		2 米 2m	4.5 米 4.5m		
2.	露天貯存非易燃物品 或有限數量的易燃物品 Open Storage of Non-Combustibles or Limited Combustibles	4.5 米 4.5m	2 米 2m	4.5 米 4.5m		
3.	露天貯存易燃物品 Open Storage of Combustibles	4.5 米 4.5m	2 米 2m	4.5 米 4.5m	40 米乘 40 米 40m x 40m	3 米 3m

備註：露天貯存用地／回收場內不得吸煙或使用明火。

Remarks: Smoking and naked flame activities shall not be allowed within the open storage/recycling site.

**Advisory Clauses**

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (b) the Site should be kept in a clean and tidy condition at all time;
- (c) to note that the Site might be resumed at any time during the planning approval period for implementation of government projects;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that Lot No. 3442 in D.D. 129 is a New Grant Agricultural Lot which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. The remaining lots in the Site are Old Schedule Agricultural Lots held under Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government. A portion of the Government Land (GL) (about 1,443 m<sup>2</sup>) in the Site is covered by a Short Term Tenancy (STT) No. 2820 for the purpose of “Temporary Logistics Yard, Open Storage of Containers, Container Vehicle Park with Ancillary Workshop (For Works Including Compacting and Dismantling, and Repairing of Tyre) and Canteen”. No permission is given for the occupation of the remaining GL (“the remaining GL”) (about 7 m<sup>2</sup> subject to verification) in included in the Site. Attention should be drawn to the fact that the act of occupation of the remaining GL without Government’s prior approval is not allowed. The private lots which are covered by Short Term Waivers (STWs) are listed below:

Lots no.	STW	Purpose
68 & 79 in D.D. 125	4016	Temporary Logistics Yard, Open Storage of Containers, Container Vehicle Park with Ancillary Workshop (For Works Including Compacting and Dismantling, and Repairing of Tyre) and Canteen
70 in D.D. 125	4018	
74 in D.D. 125	4019	
76 S.B, 86 & 793 in D.D. 125 and 3286 in D.D. 129	4020	
77 in D.D. 125 and 3237 in D.D. 129	4021	
78 in D.D. 125	4022	
85 in D.D. 125	4023	
783 S.B RP & 784 S.B RP in D.D. 125	4024	
3212 RP in D.D. 129	4025	
3238 in D.D. 129	4028	
3239 in D.D. 129	4029	
3240 in D.D. 129	4030	
3287 RP in D.D. 129	4031	
3288 RP in D.D.	4032	

129		
69, 73 & 80 in D.D. 125	4017	(i) Temporary Logistics centre and Warehouse; (ii) Temporary Logistics Yard, Open Storage of Containers, Container Vehicle Park with Ancillary Workshop (For Works Including Compacting and Dismantling, and Repairing of Tyre) and Canteen
74 in D.D. 125	4339	Temporary Open Storage of Construction Materials, Container with container Vehicle Park, Logistics Yard with Ancillary Workshop (Including Compaction and Unpacking Workshop)
75 in D.D. 125	4109	
76 S.A in D.D. 125	4110	
57 & 66 in D.D. 125	4325	Temporary Warehouse for Storage of Machinery, Spare Parts and construction Material with Ancillary Office and Parking of Vehicle
3234 in D.D. 129	4335	
3285 in D.D. 129	4722	Temporary Warehouse and Logistics Centre
3289 S.B RP in D.D. 129	4723	

The Site is accessible to Ping Ha Road through GL. Her office provides no maintenance works to the GL involved and does not guarantee any right-of-way. The Site does not fall within Shek Kong Airfield Height Restriction Area. The STT/STW holders will need to apply to her office for modification of the STT/STW conditions if there are any irregularities on Site and the lot owner(s) of the lots without STW will need to apply to her office for permit the structures to be erected or regularize any irregularities on Site. Such application(s) will be considered by the Lands Department 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 the Lands Department;

- (e) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) that sufficient manoeuvring spaces shall be provided within the Site;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that the access arrangement should be commented by TD. Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drain;
- (g) to follow the relevant mitigation measures and requirements in the latest

'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Environmental Protection Department;

- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that before any new building works (including containers/ open sheds as temporary buildings) are to be carried out on the application site, the prior approval and consent of the BD should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person 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 proposed use under application is subject to the issue of a licence, the applicant is 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. In connection with 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 Building (Planning) Regulations 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 Building (Planning) Regulation at the building plan submission stage;
- (i) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the structures, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to him for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs 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) or relevant licensing requirements, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans or referral from relevant licensing authority;
- (j) to note the comments of the Project Manager (New Territories West), Civil Engineering and Development Department (PM/NTW, CEDD) that the Site falls within the boundary of the Hung Shui Kiu New Development Area (HSK NDA). According to the Planning and Engineering Study (P&E Study) for the HSK NDA, to ensure timely and orderly implementation, the development of HSK NDA and relevant site formation and infrastructure works would be implemented in five stages, viz. Advance Works and Stage 1 to Stage 4. The lot(s) concerned falls within a site under Stage 3 Works stage. While the detailed implementation programme for the project is still being formulated, based on the P&E Study, it is envisaged that clearance of the Site in question will not be arranged before the first population intake of the HSK NDA expected in 2024; and

- (k) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that the work / operation of the application shall not cause any environmental nuisance, pest infestation and obstruction to the surrounding. For any waste generated from such operation / work, the applicant should arrange disposal properly at her own expenses. Proper licence / permit issued by FEHD is required if there is any catering service / activities regulated by the Director of Food and Environmental Hygiene under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public. Under the Food Business Regulation (Cap.132X), a “restaurant” means any food business which involves the sale of meals or unbottled non-alcoholic drinks other than Chinese herb tea, for consumption on the premises, but does not include a factory canteen or any business carried on by a hawker who is the holder of a licence under the Hawker Regulation (Cap. 132AI). Whereas, section 4 of the same regulation has provided that the expression “food business” means any trade or business for the purpose of which any person engages in the handling of food or food is sold by means of a vending machine but does not include any canteen in any work place (other than a factory canteen referred to in section 31) for the use exclusively of the persons employed in the work place. Furthermore, a restaurant operator is required to obtain a restaurant licence from the Licensing Authority before operation of business. Any person found operating an unlicensed restaurant and/or violating the relevant provisions in the legislation will be liable to prosecution. The Director of Food and Environmental Hygiene is the “Licensing Authority” of restaurants in Hong Kong. The purpose of licensing restaurants is to ensure that the premises are suitable for operating restaurant business, to safeguard public health and to ensure the safety of patrons. The Licensing Authority will not consider an application for a restaurant licence in respect of any premises unless:
- (i) the proposed restaurant business is in compliance with Government lease conditions;
  - (ii) the proposed restaurant business is in compliance with statutory plan restrictions;
  - (iii) premises can meet health requirements;
  - (iv) premises have adequate ventilation;
  - (v) premises can satisfy with building safety requirements and are free of unauthorized building works (UBW); and
  - (vi) premises can meet fire safety requirements.