

Detailed Departmental Comments

1. Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (i) If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BD, they are Unauthorized Building Works (UBW) under the Buildings Ordinance (BO) and should not be designated for any approved use under application.
- (ii) 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 subject Site under the BO.
- (iii) Before any new building works (including containers/open shades as temporary buildings and connection of drains) are to be carried out on the Site, prior approval and consent of the BD should be obtained. Otherwise, they are UBW. An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (iv) If the proposed use under application is subject to the issue of a licence, 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) Formal submission under the BO is required for any proposed new works, including any temporary structures. Detailed comments will be made at the building plan submission stage.

2. Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (i) The applicant should refer to the guidelines as specified in "Technical Note to prepare a Drainage Submission" which is available at his Office's website (http://www.dsd.gov.hk/EN/Technical_Manuals/DSD_Guidelines/index.html).
- (ii) Catchment plan should be provided showing the extent of each sub-catchment and their respective areas. Also, division of sub-catchments should be substantiated with the site topography.

- (iii) The proposed drainage and sewerage works, whether within or outside the lot boundary, should be constructed and maintained by the lot owner at their own expense. For any works to be carried out outside his lot boundary, the applicant should consult DLO/TM and seek consent from relevant lot owners before commencement of the drainage works.

- (iv) The applicant is required to rectify the drainage and sewerage system if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by a failure of the drainage system.

- (v) The proposed works should neither obstruct overland flow nor adversely affect any existing natural streams, village drains, ditches and the adjacent areas.

Advisory Clauses for Application No. A/TM/516

- (a) To note that approval of the application should not be construed as an acceptance or condonation of any unauthorised building structures at the Site by the Committee.
- (b) To note the comments of DLO/TM, LandsD that the owners of the lots may submit an application to his Office for short term waiver to change the use of the structure concerned. However, there is no guarantee that the application will be approved and he reserves his right to take any action as maybe appropriate. The application will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event that the application is approved, it would be subject to such terms and conditions as the Government shall deem fit to do so, including charging of waiver fee, deposit and administrative fee etc.
- (c) To note the comments of DEP that the applicant is reminded to refer to EPD's guidelines 'Control of Oil Fume and Cooking Odour from Restaurants and Food Business' for the best practical control measures in preventing cooking emissions from causing air pollution problems.
- (d) To note the comments of CE/MN, DSD that the applicant is reminded to note the following regarding the drainage facilities:
 - (i) The applicant should refer to the guidelines as specified in "Technical Note to prepare a Drainage Submission" which is available at his Office's website (http://www.dsd.gov.hk/EN/Technical_Manuals/DSD_Guidelines/index.html).
 - (ii) Catchment plan should be provided showing the extent of each sub-catchment and their respective areas. Also, division of sub-catchments should be substantiated with the site topography.
 - (iii) The proposed drainage and sewerage works, whether within or outside the lot boundary, should be constructed and maintained by the lot owner at their own expense. For any works to be carried out outside his lot boundary, the applicant should consult DLO/TM and seek consent from relevant lot owners before commencement of the drainage works.
 - (iv) The applicant is required to rectify the drainage and sewerage system if they are found to be inadequate or ineffective during operation. The applicant

shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by a failure of the drainage system.

- (v) The proposed works should neither obstruct overland flow nor adversely affect any existing natural streams, village drains, ditches and the adjacent areas.

(e) To note the comments of CBS/NTW, BD that

- (i) If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BD, they are Unauthorized Building Works (UBW) under the Buildings Ordinance (BO) and should not be designated for any approved use under application.
 - (ii) 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 subject Site under the BO.
 - (iii) Before any new building works (including containers/open shades as temporary buildings and connection of drains) are to be carried out on the Site, prior approval and consent of the BD should be obtained. Otherwise, they are UBW. An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
 - (iv) If the proposed use under application is subject to the issue of a licence, 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) Formal submission under the BO is required for any proposed new works, including any temporary structures. Detailed comments will be made at the building plan submission stage.
- (f) to note Director of Fire Services (D of FS)' comments that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans, and to observe the requirements of Emergency Vehicular Access (EVA) as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Building 2011 which is administrated by the BD.

(g) to note DFEH's comments that appropriate food licence should be applied for if any food business is involved. Should any unlicensed food business be found operating at the subject premises, summons action will be taken by his district management whenever appropriate.