

**Advisory Clauses**

- (a) prior planning permission should have been obtained before continuing the development on the Site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Premises is situated within Lot No. 4177 in D.D.124 held under New Grant No. 2433 dated 12.11.1976. Pursuant to the lease conditions, the lot or any part thereof or any building or buildings erected or to be erected thereon shall not be used for any purpose other than non-industrial purposes excluding any trade which is now or may thereafter be declared to be an offensive trade under the Public Health and Urban Services Ordinance or any enactment amending the same or substituted therefore;
- (c) 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, demolition and land filling, etc.) are to be carried out on the Premises, prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are unauthorized building works (UBW) under Buildings Ordinance (BO). 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 BD to effect their removal in accordance with the prevailing enforcement policy against UBW as and when necessary. The granting of any planning approval should not be constructed as an acceptance of any existing building works or UBW on the Premises under the BO. 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 Premises 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. Barrier free access and accessible toilet required under Regulation 72 of the Building (Planning) Regulations (B(P)R) for the proposed use had not been provided. The numbers of sanitary fitments required should comply with Chapter 123I Building (Standards of sanitary fitments, plumbing, drainage works and latrines) Regulations. Any temporary shelters or converted containers for office, storage, washroom or other uses are considered as temporary buildings are subject to the control of Part VII of the Building (Planning) Regulations. Detailed checking under the BO will be carried out at building plan submission;
- (d) to note the comments of the Director of Food and Environmental Hygiene (DFEH): that proper licence / permit issued by Food and Environmental Hygiene Department (FEHD) is required if there is any food business / catering service / activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap.132) and other relevant legislation for the public. The operation of any eating place should be under a food licence issued by the FEHD. Under the Food Business Regulation, Cap. 132X, a Food Factory Licence should 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. The application for food factory licences, 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. A general restaurant / light refreshment restaurant licence should be obtained from his department for food business which involves the preparation of food for sale for human consumption on the premises before commencement of such business. The application for restaurant licences, if acceptable by FEHD, will be referred to relevant Government departments, such as BD, FSD, 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. In accordance with Section 4 of Food Business Regulation, Cap. 132Xm the expression "food business" means, any trade or business for the business for purpose of which any person engages in the handling of food or food is sold by means of a vending machine. But it does not include any canteen in work place (other than a factory canteen referred to in section 31) for the use exclusively of the persons employed in the work place. As such, a staff canteen that exclusively use by the staff members of that working place does not require a food business licence from his department. However, if the said canteen provided foods to the outsiders with payment, a food business licence is required. The operation of the food business place must not cause any environmental nuisance to the surrounding. The refuse generated by the proposed eating place are regarded as trade refuse. 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

- (e) 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 should 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. 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.