

Government Departments with No Objection / No Adverse Comment

The following government departments have no objection to or no adverse comment on the application:

- (a) Commissioner for Transport;
- (b) Chief Highway Engineer/New Territories West, Highways Department (HyD);
- (c) Chief Engineer/Railway Development 1-1, Railway Development Office, HyD;
- (d) Director of Environmental Protection;
- (e) Chief Engineer/Mainland North, Drainage Services Department;
- (f) Director of Fire Service
- (g) Chief Building Surveyor/New Territories West, Buildings Department;
- (h) Chief Engineer/Construction, Water Supplies Department;
- (i) Project Manager (West), Civil Engineering and Development Department;
- (j) Director of Food and Environmental Hygiene; and
- (k) District Officer (Yuen Long), Home Affairs Department.

Recommended Advisory Clauses

- (a) to resolve any land issues relating to the applied uses with the concerned owner(s);
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that:
 - (i) the application site (the Site) comprises Old Schedule Agricultural Lots 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;
 - (ii) there is/are unauthorised structure(s) and/or uses on Lot 1956 S.B RP in D.D. 111 which is already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/apply for regularization on the lease breaches as demanded by LandsD;
 - (iii) the lots owner(s) shall apply to his office for a Short Term Waiver (STW) to permit the structure(s) erected within the said private lot. The application for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that it will be approved. The STW, if approved, will be subject to such terms and conditions including the payment of waiver fee and administrative fee as considered appropriate by LandsD. Besides, given the proposed use is temporary in nature, only erection of temporary structure(s) will be considered; and
 - (iv) there is no small house application approved or under processing at the Site;
- (c) to note the comments of the Commissioner for Transport that:
 - (i) the Site is connected to the public road network via a section of a local access road which is not managed by the Transport Department. The land status of the local access road should be checked with LandsD; and
 - (ii) the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that:
 - (i) HyD shall not be responsible for the maintenance of proposed access connecting the Site and Kam Tin Road including the local track, if any;
 - (ii) it is acknowledged that there will be no vehicular access and no parking space provided within the Site according to the application. The applicant is reminded that the application is approved on the understanding that there is and will be no vehicular access to/from the Site; and
 - (iii) adequate drainage measures should be provided to prevent surface water running from the Site to nearby public road and drains;

- (e) to note the comments of the Director of Environmental Protection that:
- (i) the applicant shall follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites';
 - (ii) the applicant shall follow the relevant guidelines and requirements in relevant Professional Persons Environmental Consultative Committee Practice Notes (ProPECCPNs). If septic tank and soakaway system will be used in case of unavailability of public sewer, its design and construction shall follow the requirements of ProPECC PN 1/23 'Drainage Plans subject to Comment by the Environmental Protection Department' including completion of percolation test and certification by Authorized Person;
 - (iii) the applicant shall provide adequate supporting infrastructure/facilities for proper collection, treatment and disposal of waste/wastewater generated from the applied uses; and
 - (iv) the applicant shall meet the statutory requirements under relevant environmental legislation;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that:
- (i) it is noted that two structures are involved in the application. Before any new building works (including containers/open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on the Site, prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are unauthorized building works (UBW) under the Buildings Ordinance (BO). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
 - (ii) 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;
 - (iii) if the Site does not abut on a specified street of not less than 4.5m wide and its permitted development intensity of each individual site shall be determined under Regulation 19(3) of the B(P)R at building plan submission stage;
 - (iv) if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BA, they are UBW under the BO and should not be designated for any applied use under the subject application;
 - (v) for UBW erected on leased land, enforcement action may be taken by 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 construed as an acceptance of any existing building works or UBW on the Site under the BO;

- (vi) 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 B(P)R; and
 - (vii) detailed checking under the BO will be carried out at building plan submission stage;
- (g) to note the comments of the Chief Engineer/Construction, Water Supplies Department (WSD) that:
- (i) while the western periphery of the Site falls within the waterworks reserve of an existing water mains, it is noted that the structures under the application will be erected on the northeast of the Site and no structures will be located within the waterworks reserve (**Plan A-2** of the RNTPC Paper);
 - (ii) the Water Authority and his officer and contractors, his or their workmen shall have free access at all times to the waterworks reserve within the Site with necessary plant and vehicles for the purpose of construction, inspection, operation, maintenance and repair works. All other services across, through or under the waterworks reserve are required to seek authorization from the Water Authority;
 - (iii) no trees or shrubs with penetrating roots may be planted within the waterworks reserve or in the vicinity of the water mains; and
 - (iv) the Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within in close vicinity of the Site; and
- (h) to note the comments of the Director of Food and Environmental Hygiene that:
- (i) proper licence/permit issued by the Food and Environmental Hygiene Department (FEHD) is required if there are any food business/catering service/activities regulated 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 food business licence is required for the operation of the relevant type of food business listed in the Regulation. For any premises intended to be used for food business (e.g. a restaurant, a food factory, a fresh provision shop), a food business licence from FEHD in accordance with the Public Health and Municipal Services Ordinance (Cap. 132) shall be obtained. The application for licence, if acceptable by FEHD, will be referred to relevant government departments such as BD, Fire Services Department and Planning Department 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;
 - (ii) depending on the mode of operation, generally there are several types of food business licence/permits that the operator of a store may apply for under the Food Business Regulation:

- if food is sold to customers for consumption on the premises, a restaurant licence should be obtained;
 - if food is only prepared for sale for consumption off the premises, a food factory licence should be obtained;
 - if fresh, chilled or frozen meat is sold, a fresh provision shop licence should be obtained; and
 - if milk, frozen confections, non-bottled drinks, cut fruit etc. are to be sold, relevant restricted food permits should be obtained;
- (iii) the operation of food business at the subject premises must be ensured that is in compliance with the requirements imposed under the legislation administered by FEHD, other government departments and the relevant authorities. The followings documents are strongly recommended to check well in advance, including the Government Lease, the Occupation Permit of the building, and the statutory plan. No part of a food premises shall be located in, under or over any structures built without the approval and consent of the BA; and
- (iv) the operators of related shop or store should take measures to prevent the existence of nuisance such as noise nuisance, pest nuisance and accumulation of refuse at the Site. 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.