

Government Departments with No Objection / No Adverse Comment

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

- (a) District Officer (Yuen Long), Home Affairs Department;
- (b) District Lands Officer/Yuen Long, Lands Department;
- (c) Commissioner for Transport;
- (d) Chief Highway Engineer/New Territories West, Highways Department (HyD);
- (e) Chief Engineer/Railway Development 1-1, Railway Development Office, HyD;
- (f) Project Manager/Major Works, HyD;
- (g) Director of Environmental Protection;
- (h) Director of Agriculture, Fisheries and Conservation;
- (i) Chief Engineer/Mainland North, Drainage Service Department;
- (j) Chief Engineer/Construction, Water Supplies Department;
- (k) Director of Fire Services;
- (l) Project Manager (West), Civil Engineering and Development Department (CEDD);
- (m) Head of Geotechnical Engineering, CEDD
- (n) Chief Building Surveyor/New Territories West, Buildings Department;
- (o) Chief Town Planner/Urban Design and Landscape, Planning Department;
- (p) Director of Food and Environmental Hygiene;
- (q) Director of Electrical and Mechanical Services; and
- (r) Commissioner of Police.

Recommended Advisory Clauses

- (a) 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) Lot Nos. 3719 S.G ss.9 RP and 3719 S.G ss.10 in D.D. 104 are covered by Short Term Waiver (STW) No. 2568 to permit structures for the purpose of “Restaurant”; and
 - (iii) the STW holder(s) will need to apply to his office for modification of the STW conditions where appropriate. The application(s) 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/rent and administrative fee as considered appropriate by LandsD. Besides, given the applied use is temporary in nature, only erection of temporary structure(s) will be considered;
- (b) to note the comments of the Commissioner for Transport that:
- (i) the Site is connected to the public road network via a section of local access which is not managed by Transport Department. The land status of the local access road should be clarified with LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
 - (ii) as there is no information about the vehicular access at the private lot(s) to the Site, the applicant should arrange by him/herself if necessary, and should seek the relevant land owner(s) on the right of using the vehicular access; and
 - (iii) no vehicle is allowed to queue back to or reverse onto/from the Site at any time during the planning approval period;
- (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that:
- (i) the Site is accessible via a local track connecting to an adjoining section of Fairview Park Boulevard which is not maintained by HyD. HyD shall not be responsible for the maintenance of the access connecting the Site and the Fairview Park Boulevard, including the adjoining section of Fairview Park Boulevard and any local tracks; and
 - (ii) adequate drainage measures shall be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that:
- (i) the applicant shall maintain the existing drainage facilities under the approved previous application No. A/YL-KTS/311;

- (ii) the applicant shall submit updated condition records of the existing drainage facilities on Site to the satisfaction of the Director of Drainage Services or the Town Planning Board; and
 - (iii) the applicant is reminded that the required condition record should include coloured photos showing the current condition of the drainage facilities and a layout plan indicating the locations of the photos taken. The submitted photos should cover drainage facilities as indicated on the drainage plan approved under application No. A/YL-NSW/311;
- (e) to note the comments of the Director of Environmental Protection (DEP) that:
- (i) the applicant shall follow the revised '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 (ProPECC PNs), in particular the ProPECC PN 1/23 'Drainage Plans subject to Comment by the Environmental Protection Department';
 - (iii) the applicant shall provide adequate supporting infrastructure/facilities for proper collection, treatment and disposal of waste/wastewater generated from the applied use;
 - (iv) the applicant shall observe the statutory requirements under relevant environmental legislation, in particular the Water Pollution Control Ordinance (Cap. 358) and the relevant license shall be applied for/renewed; and
 - (v) the applicant is reminded to ensure the mitigation measures for the ventilation system are properly maintained to control the noise impact;
- (f) to note the comments of the Director of Fire Services that the applicant is reminded that if the proposed structures are required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (g) to note the comments of the Head of Geotechnical Engineering, Civil Engineering and Development Department that should there be any proposed building works, the proposed building works should be submitted to the Buildings Department (BD) for approval as required under the provisions of the BO; and
- (h) to note the comments of the Director of Food and Environmental Hygiene (DFEH):
- (i) no Food and Environmental Hygiene Department's (FEHD) facilities should be affected;
 - (ii) proper licence/permit issued by FEHD is required if there is/are any food business/catering service/activities regulated by DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) (the Ordinance) and other relevant legislation for the public;

- (iii) 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 Ordinance 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;
- (iv) depending on the mode of operation, generally there are several types of food business licence/permits that the operator may apply for under the Food Business Regulation:
- if the 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 beef, mutton, pork, reptiles (including live snake), fish (including live fish) and poultry 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;
- (v) when choosing a premises, the applicant must ensure that the operation of food business at the subject premises is in compliance with the requirements imposed under the legislation administered by FEHD, other government departments and the relevant authorities. Applicants are advised to check well in advance the following documents: (i) the Government Lease, (ii) the Occupation Permit of the building, and (iii) 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 Building Authority;
- (vi) proper licence issued by FEHD is required if related place of entertainment is involved. Any person who desires to keep or use any place of public entertainment for example a theatre and cinema or a place, building, erection or structure, whether temporary or permanent, on one occasion or more, capable of accommodating the public presenting or carrying on public entertainment within Places of Public Entertainment (PPE) Ordinance (Cap. 172) and its subsidiary legislation, such as a concert, opera, ballet, stage performance or other musical, dramatic or theatrical entertainment, cinematograph or laser projection display or an amusement ride and mechanical device which is designed for amusement, a PPE Licence (or Temporary PPE Licence) should be obtained from FEHD whatever the general public is admitted with or without payment; and
- (vii) there should be no encroachment on the public place and no environmental nuisance should be generated to the surroundings. Its state should not be a nuisance or injurious or dangerous to health and surrounding environment. Also, for any waste generated from such activities/operation, the applicant should arrange disposal properly at their own expenses.