

Government Departments' General Comments

1. Land Administration

Comments of the District Lands Officers/North, Lands Department (DLO/N, LandsD):

- no adverse comment on the application;
- it is noted that the Government land (GL) portion near Lot 45 RP in D.D. 80 is excluded from the application site (the Site). He has no adverse comment on the exclusion of GL portion from the application;
- 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;
- the private lots are covered by STW No. 1653 for the purpose of parent-child play area and ancillary uses with non-exclusive right-of-way of GL adjoining the said private lots. An application for modification of STW for the purpose of structures for public vehicle park and ancillary uses with Built-Over-Area (BOA) of 510m² is under processing;
- it is noted that the applicant has closed-off and fenced-off the southern vehicular access point adjoining Lot 64 S.B RP in D.D. 80 and cease the illegal occupation of GL adjoining Lots 42 RP, 45 RP and 59 RP in D.D. 80;
- the proposed road widening works fall within unleased and unallocated GL (UUGL) which is outside the Site. In view of this, the applicant should clarify which government department would take up the management and/or maintenance responsibility of the said proposed road widening works within UUGL (if implemented); and
- if the planning application is approved, the lot owner will need to apply to his office for modification of the Short Term Waiver (STW) conditions where appropriate. The application for STW modification will be considered by the Government in its capacity as a landlord and there is no guarantee that it will be approved. The STW modification, if approved, will be on whole lot basis and subject to such terms and conditions including the payment of back-dated waiver fee (if any) and administrative fee as considered appropriate by LandsD. Besides, given the applied uses are temporary in nature, only erection of temporary structure(s) will be considered.

2. Other Departments

The following government departments have no objection to/no adverse comments on the application:

- (a) Director of Agriculture, Fisheries and Conservation (DAFC);
- (b) Director of Environmental Protection (DEP);
- (c) Director of Fire Services (D of FS);
- (d) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD);
- (e) Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD);
- (f) Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD);
- (g) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD);
- (h) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);

- (i) Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD);
- (j) Project Manager (North), CEDD (PM(N), CEDD);
- (k) Commissioner of Police (C of P); and
- (l) District Officer (North), Home Affairs Department (DO(N), HAD).

Recommended Advisory Clauses

- (a) the application site (the Site) falls within the boundary of the Priority Development Area (PDA) of the proposed New Territories North (NTN) New Town and will overlap with the proposed Heung Yuen Wai Food Control Facilities (HYW FCF) of the Food and Environmental Hygiene Department (FEHD). The Site may be resumed by the Government and the applied uses at the Site may be terminated at any time during the planning approval period for implementation of Government projects;
- (b) prior planning permission should have been obtained before commencing the applied uses at the Site;
- (c) should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration would not be given to any further application;
- (d) it should be reminded that approval of the current application does not imply approval of the proposed traffic improvement works and planning permission from the Town Planning Board (the Board) would be required for any works falling within the “Green Belt” (“GB”) zone. The applicant should review the proposed traffic improvement works at the local access road to avoid encroaching onto the “GB” zone. The applicant should also liaise with relevant departments on the management/maintenance responsibility of the proposed traffic improvement works;
- (e) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that:
 - (i) according to the Development Proposals of NTN New Town and Ma Tso Lung as announced in December 2024, and the proposed location of HYW FCF as announced in February 2025, the Site for the applied uses is within PDA of NTN New Town and would overlap with the FCF location. The Site would have to be vacated for the site formation/construction works relating to the PDA of NTN New Town and FCF;
 - (ii) the applicant should take into account the potential impact of NTN New Town development, including the relocation of FCF to HYW. It should also be noted that FCF falls within the PDA of NTN New Town. The proposed FCF relocation exercise will involve diversion of a section of Lin Ma Hang Road, site formation and construction of FCF. North District Council was consulted for the relocation project at the meeting on 18.2.2025. To take forward the FCF relocation exercise, land reversion and site clearance would commence in due course. In general, ex-gratia land compensation may be offered to the owners of private land in the New Territories being affected by land resumption. For business undertakings affected by land resumption/clearance exercises, ex-gratia allowances may be offered to eligible business undertakings operating for at least two years immediately preceding the Pre-clearance Survey and not in breach of the lease or conditions of relevant land instruments;
 - (iii) no FEHD’s facilities should be affected;
 - (iv) proper licence/permit issued by his department is required if there is any food business/catering service/activities regulated by DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public. In accordance with the Public Health and Municipal Services Ordinance (Cap. 132) and the Food Business Regulation (Cap. 132X), a food business licence shall be obtained for any premises intended to operate the relevant type of food business (e.g. restaurant, food factory, fresh provision shop, etc.) listed in the Food Business Regulation. The application for licence, if acceptable by FEHD, will be referred to relevant government departments such as the Buildings Department (BD), Fire Services Department (FSD)

and Planning Department (PlanD) 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;

- (v) depending on the mode of operation, generally there are several types of food business licence/permits that the operator of a convenience 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 restricted foods like milk, frozen confections, non-bottle drinks, cut fruit, etc. are to be sold, relevant restricted food permits should be obtained;
- (vi) 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 his department, other government departments and the relevant authorities. The applicant is strongly advised to check well in advance the following documents: (a) the Government Lease, (b) the Occupation Permit of the building, and (c) 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 (BA);
- (vii) when a restaurant licensee/licence applicant wishes to use any outside seating accommodation (OSA) outside the restaurant premises for alfresco dining, he/she should take notice of the main licensing criteria for OSA, covering matters such as legal right to use the land concerned, planning, building safety, fire safety, and traffic requirements, etc. as well as to obtain approval from DFEH before commencement. Restaurateurs operating OSA business without approval may be subject to prosecution pursuant to the Food Business Regulation. Repeated convictions may lead to suspension or cancellation of their licences;
- (viii) proper licence issued by his department 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 the 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, a circus, a lecture or story-telling, an exhibition of any one or more of the following, namely, pictures, photographs, books, manuscripts or other documents or other things, a sporting exhibition or contest, a bazaar, a dance party or an amusement ride and mechanical device which is designed for amusement, a PPE Licence (or Temporary PPE Licence) should be obtain from FEHD whatever the general public is admitted with or without payment; and
- (ix) 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. For any waste generated from the such activity/operation, the applicant should arrange disposal properly at their own expense;

- (f) to note the comments of the Project Manager (North), Civil Engineering and Development Department (PM(N), CEDD) that:
 - (i) the applied uses are located within the proposed NTN New Town under the Planning and Engineering (P&E) Study for NTN New Town and Man Kam To. The preliminary development proposal for NTN New Town was released in December 2024; and
 - (ii) the applied uses fall within the proposed boundary of the PDA in NTN New Town. Government-initiated works for the PDA may commence in 2028/29 the earliest. Subject to the land use planning in the P&E Study, the applied uses would need to be vacated for the site formation works. The applicant is advised to take account of the above if the applied uses are pursued;
- (g) to note the comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD) that:
 - (i) 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) the proposed road widening works fall within unleased and unallocated GL (UUGL) which is outside the Site. In view of this, the applicant should clarify which government department would take up the management and/or maintenance responsibility of the said proposed road widening works within UUGL (if implemented); and
 - (iii) the lot owner will need to apply to his office for modification of the Short Term Waiver (STW) conditions where appropriate. The application for STW modification will be considered by the Government in its capacity as a landlord and there is no guarantee that it will be approved. The STW modification, if approved, will be on whole lot basis and subject to such terms and conditions including the payment of back-dated waiver fee (if any) and administrative fee as considered appropriate by LandsD. Besides, given the applied uses are temporary in nature, only erection of temporary structure(s) will be considered;
- (h) to note the comments of the Commissioner for Transport (C for T) 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 (TD). The land status of the local access road should be checked with LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly. Sufficient manoeuvring space within the Site shall be provided. No vehicle is allowed to queue-back to or reverse onto/from public road at any time during the planning approval period; and
 - (ii) provision of parking information including the availability of parking spaces at the Site should be included as one of the traffic management measures. The applicant should make reference to the 'Guidelines for Provision of Parking Information' issued by TD when providing parking information;
- (i) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD) that:
 - (i) part of the proposed road widening works involves modification of the junction of the local access road with Lin Ma Hang Road which is currently under HyD's maintenance jurisdiction. The applicant should provide detailed clarification of the maintenance demarcation of the completed road widening works when the detailed road improvement scheme is submitted. For the portion now under HyD's maintenance jurisdiction, the applicant should design and construct the public road in accordance with the latest version of Transport Planning and Design Manual and Highways Standards to the satisfaction of HyD and TD at his own expenses;

- (ii) the existing local access road next to the Site is not under the maintenance of HyD;
 - (iii) the access arrangement and proposed traffic improvement and management measure should be commented by TD;
 - (iv) HyD is not/shall not be responsible for the maintenance of any access connecting the Site and the nearby public roads; and
 - (v) adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (j) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:
- (i) the applicant should properly maintain the implemented drainage works whether within or outside the Site at his own expense at all times during the planning approval period and to rectify the implemented drainage works if they are found inadequate/ineffective during operation; and
 - (ii) the Site is in an area where public sewerage connection is not available. Environmental Protection Department (EPD) should be consulted regarding the sewage impact assessment and sewage treatment/disposal facilities for the applied uses;
- (k) to note the comments of the Director of Fire Services (D of FS) that:
- (i) in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. The applicant should submit relevant layout plans incorporated with the proposed FSIs in accordance with the revised 'Fire Safety Requirements for Temporary Storage and Structure under Planning Application, Short Term Tenancy and Short Term Waiver' took effect on 2.7.2025, which have been published on his department's website, to his department for approval. In addition, the applicant should be advised as follows:
 - the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy and;
 - the location of the proposed FSIs to be installed should be clearly marked on the layout plans; and
 - (ii) the applicant is reminded that if the proposed structures are required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;
- (l) to note the comments of the Director of Environmental Protection (DEP) that the applicant should follow (i) relevant mitigation measures and requirements in 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' and to meet the statutory requirements under relevant pollution control ordinances; and (ii) the requirements of the Professional Persons Environmental Consultative Committee Practice Notes (ProPECC PN) 1/23 'Drainage Plans subject to Comment by the Environmental Protection Department - Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations' to properly handle the sewage produced from the applied uses. The design and construction of the septic tank and soakaway system should follow the requirements of the ProPECC PN 1/23 and are duly certified by an Authorised Person (AP);
- (m) to note the comments of the Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD that approval of the application does not imply approval of tree works such as pruning, transplanting, felling and compensatory/new tree planting. The applicant should seek approval for any proposed tree works from relevant departments prior to commencement of the works; and

- (n) to note the comments of the Chief Building Surveyor/New Territories West (CBS/NTW), BD that:
- (i) it is noted that five structures are proposed on the Site. Before any new building works are to be carried out on the Site, prior approval and consent of the BA should be obtained, otherwise they are unauthorized building works (UBW) under the BO. An AP should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
 - (ii) the Site shall be provided with emergency vehicular access in accordance with Regulation 41D of the Building (Planning) Regulations (B(P)R);
 - (iii) the Site does not abut on a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at building plan submission stage; and
 - (iv) the applicant's attention is drawn to the following points:
 - if any existing structure is erected on leased land without the approval of the BA, they are UBW under the BO and should not be designated for any applied uses under the application;
 - 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;
 - 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;
 - the 5.4m high structures for retails and plant rooms are considered excessive. It should be justified upon formal plan submission to BD; and
 - detailed checking under the BO will be carried out at building plan submission stage.