

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

Recommended Advisory Clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site (the Site);
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that:
- the Site comprises Government Land (GL) and 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 within the Site are covered by Short Term Waiver (STW) No. 4512, whereas portion of the GL therein is covered by Short Term Tenancy (STT) No. 2976 for the purpose of “Temporary canteen”;
 - no permission is given for occupation of GL (about 8.9m² (out of 70.9m² of GL) as mentioned in the application form) included in the Site. Any occupation of GL without Government’s prior approval is an offence under Cap.28; and
 - the STW and STT holder(s) will need to apply to his office for modification of the STW and STT conditions where appropriate. The application(s) for STW and STT will be considered by the Government in its capacity as a landlord and there is no guarantee that it will be approved. The STW and STT, if approved, will be subject to such terms and conditions, including the payment of waiver fee, rent and administrative fee as considered appropriate by his department. Besides, given the proposed use is temporary in nature, only erection of temporary structure(s) will be considered;
- (c) to note the comments of the Commissioner for Transport that (C for T) that:
- sufficient manoeuvring space should be provided within the Site. No vehicles are allowed to queue back to public roads or reverse onto/from public roads;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that:
- HyD shall not be responsible for the maintenance of any access connecting the Site and Tai Tong Shan Road; and
 - adequate drainage measures should be provided to prevent surface water running from the Site to nearby public roads and drains;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that for any change of existing ground level and associated works proposed by the applicant that could affect adjacent land and cause other impacts and/or other issues to public, please submit technical assessment(s) in other aspect(s) and seek comment from relevant departments as necessary;
- (f) to note the comments of the Director of Fire Services that the existing fire service installations implemented on the Site shall be maintained in efficient working order at all times;

(g) to note the comments of the Director of Environmental Protection (DEP) that:

- the applicant shall provide adequate supporting infrastructure/facilities for proper collection, treatment and disposal of waste/wastewater generated from the applied use. 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 EPD's Professional Persons Environmental Consultative Committee Practice Note (ProPECC PN) 1/23 including completion of percolation test and certification by Authorized Person;
- all wastewater collected from kitchen and washing areas, including that from basins, sinks and floor drains, should be discharged via a grease trap in accordance with the requirements of EPD's ProPECC PN 1/23, including grease trap should be capable of providing at least 20 minutes retention during peak flow;
- the applicant shall follow "Control of Oily Fume and Cooking Odour from Restaurant and Food Business" to minimise oily fume and cooking odour from the food business;
- the applicant shall follow the relevant mitigation measures and requirements in the latest "Code of Practice on Handling the Environmental Aspects of Temporary uses and Open Storage Sites" issued by EPD to minimize the potential environmental nuisances on the surrounding area; and
- the applicant shall meet the statutory requirements under relevant pollution control ordinances;

(h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:

- if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the Buildings Department (BD), they are unauthorised building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the captioned application;
- 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 Site under the BO;
- before any new building works (including containers/ open shed as temporary buildings) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are UBW under the BO. An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
- if the proposed use under application is subject to issue of a license, the applicant should be reminded that 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;
- 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; and
- if the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at building plan submission stage; and

(i) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that:

- pursuant to the Food Business Regulation, Cap. 132X, relevant food business licence/ permit is required subject to the type of food business to be operated listed in the Regulation. 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 (e.g. a restaurant, a refreshment kiosk, etc);
- in accordance with Section 4 of Food Business Regulation, Cap.132X, the expression 'food business' means any trade or business for the 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 except for permission to sell restricted foods specified in Schedule 2 to the Food Business Regulation. However, if the said canteen provided foods to the outsiders with payment, a food business licence is required. The applicant shall be reminded to apply for relevant food business licence/ permit from his department should any food business fall under Cap.132X be conducted within the mentioned location;
- there should be no encroachment on the public place and no environmental nuisance, pest infestation and obstruction 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; and
- no Food and Environmental Hygiene Department's facilities should be affected.