

Similar Applications within the same “Village Type Development” (“V”) Zone
on the Draft Sai Kung Town Outline Zoning Plan No. S/SK-SKT/7

Approved Applications

Application No.	Uses/Developments	Date of Consideration	Approval Conditions
A/SK-SKT/5	Proposed Eating Place	5.10.2012	(a) to (d)
A/SK-SKT/17	Proposed Eating Place (Redevelopment of an Existing Building and a Proposed Building with a Bridge Connecting Two Buildings)	8.12.2017	(d) and (e)

Approval Conditions

- (a) submission and implementation of a landscape proposal;
- (b) submission of a sewerage impact assessment prior to the commencement of works;
- (c) provision of sewerage treatment facilities or sewer connections to the Site;
- (d) provision of fire service installations and water supplies for firefighting; and
- (e) submission and implementation of a tree preservation and landscape proposal.

Government Departments' General Comments

1. Land Administration

Comment of the District Lands Officer/Sai Kung, Lands Department (DLO/SK, LandsD):

the application premises (the Premises) falls within Lot 642 in D.D. 215, which is held under New Grant No. 4549, and is restricted for residential and commercial purposes only. The existing building at the Site is not a New Territories Exempted House.

2. Traffic

Comment of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD):

no comment on the application from a highway maintenance point of view as the Premises falls outside the maintenance jurisdiction of his office.

3. Environment

Comments of the Director of Environmental Protection (DEP):

- (a) no objection to the application;
- (b) sewage and wastewater arising from the applied use is disposed to existing public sewer in the vicinity of the Site and grease trap is also installed on-site for handling wastewater prior to disposal;
- (c) in view of the above and the nature and scale of the proposed development, no adverse environmental impact is anticipated; and
- (d) other advisory comments are at **Appendix IV**.

4. Building Matters

Comments of the Chief Building Surveyor/New Territories East (2) and Rail, Buildings Department (CBS/NTE2 & Rail, BD):

- (a) no objection to the application;
- (b) before any new building works (save for exempted works and minor works) are carried out, prior approval and consent from the Building Authority (BA) should be obtained, otherwise they are unauthorized building works (YBW). An Authorized Person must be appointed to

coordinate all new building works in accordance with the Buildings Ordinance (BO). However, the carrying out of minor works can follow the provision laid down under the Minor Works Control System;

- (c) the granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Premises under the BO;
- (d) if the proposed use under application is subject to the issue of a licence, 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; and
- (e) the conversion works shall be with full compliance with the BO and its allied regulations, including but not limited to the provisions of means of escape and fire resisting construction complying with the Code of Practice for Fire Safety 2011 and the provisions for persons with a disability in accordance with the Design Manual: Barrier Free Access 2008.

5. **Fire Safety**

Comments of the Director of Fire Services (D of FS):

- (a) no adverse comment on the application; and
- (b) other advisory comments are at **Appendix IV**.

6. **Licensing Matters**

Comments of the Director of Food and Environmental Hygiene (DFEH):

- (a) proper licence/permit issued by his office is required if there are 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:
 - (i) 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 cold store), a food business licence from the FEHD in accordance with the Public Health and Municipal Services Ordinance (Cap. 132) shall be obtained. The application for licence, if acceptable by the 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;
 - (b) 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:

- (i) if food is sold to customers for consumption on the premises, a restaurant licence should be obtained;
 - (ii) if food is only prepared for sale for consumption off the premises, a food factory licence should be obtained;
 - (iii) 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;
 - (iv) if milk, frozen confections, non-bottled drinks, cut fruit etc. are to be sold, relevant restricted food permits should be obtained;
- (c) 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 office, 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;
- (d) proper licence issued by his office 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 Place of Public Entertainment Licence (or Temporary Place of Public Entertainment Licence) should be obtained from FEHD whatever the general public is admitted with or without payment; and
- (e) the owner or operator of the premises is responsible for refuse removal and disposal at their expenses. The operation of food premises should not cause any obstruction or environmental nuisance and pest infestation in the vicinity.

7. District Officer's Comments

Comments of the District Officer (Sai Kung), Home Affairs Department (DO(SK), HAD):

- (a) no local works or works programme/project or facilities of his office will be affected by the application; and
- (b) no local objections have been received by his office.

8. Other Departments

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

- Commissioner for Transport (C for T);
- Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD); and
- Director of Electrical and Mechanical Services (DEMS).

Recommended Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) to note the comments of the Director of Environmental Protection that the environmental guidelines related to restaurants / food business (in particular on the handling of kitchen wastewater) at the following Environmental Protection Department website https://www.epd.gov.hk/epd/english/greenrestaurant/guidelines/guidelines_02.html should be followed and the relevant requirements under Air Pollution Control Ordinance, Water Pollution Control Ordinance and Noise Control Ordinance should be observed; and
- (c) to note the comments of the Director of Fire Services that detailed fire safety requirements will be formulated upon receipt of a formal submission of general building plans or referral of application via relevant licensing authority. Furthermore, the Emergency Vehicular Access provision in the proposed work shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011, which is administered by the Building Department.