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 Building Surveyor/New Territories West, Buildings Department;

(d) Chief Engineer/Construction, Water Supplies Department;

(e) Chief Engineer/Mainland North, Drainage Services Department;

(f) Chief Highway Engineer/New Territories West, Highways Department;

(g) Director of Fire Services;

(h) Director of Environmental Protection;

(i) Director of Food and Environmental Hygiene;

(j) District Officer (Yuen Long), Home Affairs Department; and

(k) Commissioner of Police.

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 comprise Old Schedule Agricultural Lot(s) 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 following private lot within the Site is covered by Short Term Waiver (STW) as below:

STW No.	Lot No. (D.D. 124)	Purposes
5679	68	Temporary Eating Place (Canteen) and Ancillary Uses as may be approved by DLO/YL

- the STW holder(s) should apply to his office for modification of the STW conditions where appropriate, and the lot owner(s) shall apply to his office for STW to permit the structure(s) erected within the subject private lot. The application for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The application, 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;

(c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that:

- the current vehicular access from Tin Ha Road to the Site is not maintained by his office and his office will not take up the maintenance responsibility of the access; and

- 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 Commissioner for Transport that:

- sufficient manoeuvring spaces shall be provided within the Site or its adjacent area. No vehicles are allowed to queue back to public roads or reverse onto/from public roads; and

- the local track leading to the Site is not under Transport Department's purview. The applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the Site;

(e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department 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 all internal surface channels, catch pits, sand traps, manholes, terminal catch pits/manholes and the downstream discharge path as

indicated on the submitted drainage proposal; and

- the drainage facilities shall be properly designed, constructed and maintained in good condition without causing adverse drainage impact to the adjacent area at all times, and the applicant/owner is required to rectify/modify the drainage system if they are found to be inadequate or ineffective to accommodate the additional runoff arisen from the application. The applicant/owner shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by the failure or ineffectiveness of the drainage systems caused by his application;

(f) to note the comments of the Director of Fire Services that the existing fire service installations implemented on the Site should be maintained in efficient working order at all time;

(g) to note the comments of the Director of Environmental Protection that the applicant is advised:

- to follow the "Control of Oily Fume and Cooking Odour from Restaurants and Food Business";

- to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites";

- to 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;

- to provide adequate supporting infrastructure/ facilities for proper collection, treatment and disposal of waste / wastewater generated from the proposed use; and

- to meet the statutory requirements under relevant environmental legislation;

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

- 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;

- 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 the Regulation 19(3) of the B(P)R at building plan submission stage;

- if the existing structures are erected on leased land without the approval of the Building Authority (BA), they are unauthorized building works (UBW) under the BO and should not be designated for any applied use under the captioned 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;

- 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 BA should be obtained, otherwise they are UBW under the BO. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;

- if the applied 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;

- 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

- detailed checking under the BO will be carried out at building plan submission stage;

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

- no Food and Environmental Hygiene Department's facilities should be affected;

- proper licence / permit issued by Food and Environmental Hygiene Department (FEHD) is required if there is 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. In accordance with the Public Health and Municipal Services Ordinance (Cap. 132) and the Food Business Regulation (FBR) (Cap. 132X), a food business licence shall be obtained for any premises intended to operate the relevant type of food business (e.g. restaurant etc.) listed in the Regulation. The application for licence, if acceptable by the FEHD, will be referred to relevant government departments such as the 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;

- 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. Pursuant to section 4 of the FBR Cap. 132X, the expression of "food business" does not include any club or 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 club or a staff canteen is exempted from obtaining food business licence from this department except for permission to sell restricted foods specified in Schedule 2 to the Food Business Regulation. FEHD staff may conduct inspection of the staff canteen / club on regular basis. If the said canteen provided foods to the outsiders with payment, a food business licence is required;

- 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, a circus, a lecture or story-telling, an exhibition of any 1 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 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;

- 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; and

- the applicant shall conduct, by all practical means, pest control measures to avoid infestation of pest including mosquitos and rodents at the site and its surroundings; and

(j) to note the comments of the Commissioner of Police that in view of public safety, the applicant must maintain the smooth traffic flow of the concerned location and provide sufficient safety precaution to avoid obstruction or danger caused to any person or vehicle on the road.