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 Leisure and Cultural Services;

(k) Director of Food and Environmental Hygiene;

(l) Director of Electrical and Mechanical Services;

(m) Commissioner of Police; and

(n) District Officer (Yuen Long), Home Affairs Department.

Recommended Advisory Clauses

(a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that:

- the application site (the Site) comprises an Old Schedule Agricultural Lot 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;

- Lot 4747 S.A RP in D.D. 116 is covered by Short Term Waiver (STW) No. 5296 for the purpose of 'Temporary Shop and Service'; and

- the STW holder(s) will need to apply to this 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 they 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 (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;

(c) 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 Shu Ha Road West; and

- adequate drainage measures should be provided to prevent surface water running from the Site to nearby public roads and drains;

(d) 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;

(e) 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;

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

- 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

- since the applied use may include fast food shop, the applicant is reminded to follow the "Control of Oily Fume and Cooking Odour from Restaurants and Food Business" issued by EPD;

(g) 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, demolition and land filling, etc.) are to be carried out on the Site, prior approval and consent of the Building Authority (BA) 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;

- 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

- 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;

(h) to note the comments of the Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD) that the Site falls within the boundary of the proposed Yuen Long South Development Area that may be subject land resumption that may take place at any time before the expiry of the planning permission; and

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

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

- proper licence/permit issued by FEHD 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;

- 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 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 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;

- 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; and

(iv) if milk, frozen confections, non-bottled drinks, cut fruit etc. are to be sold, relevant restricted food permits should be obtained;

- 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 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 structure built without the approval and consent of the BA;

- 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 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 part 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.