

Advisory Clauses

- (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that 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. It is noted that two new pedestrian access connecting the lot and Lam Hi Road is proposed to be built on Government Land (GL). There is no guarantee that any right-of-way over GL to the Site would be granted. In addition, according to the established practice, application of short term tenancy for the purpose of access on GL will not be entertained. The lot owner(s) will need to apply to his office to permit the structures to be erected or regularise any irregularities on Site. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. Applications for any of the above will be considered by LandsD acting in the capacity as landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium of rent or fee, as may be imposed by LandsD;
- (b) to note the comments of the Commissioner for Transport (C for T) that the land status of the access road/path/track leading to the Site from Lam Hi Road should be checked with the lands authority. The management and maintenance responsibilities of the access road/path/track should be clarified with the relevant management and maintenance authorities accordingly. The applicant is reminded that sufficient space should be provided within the Site for manoeuvring of vehicles. In addition, no parking of vehicles on public road is allowed;
- (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that the slope between the Site and Lam Hi Road is not and will not be maintained by HyD. Adequate drainage measures should be provided at the Site to prevent surface water running from the Site to the nearby public roads and drains. HyD is not and shall not be responsible for the maintenance of any access connecting the Site and Lam Hi Road;
- (d) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposal, Fire Service Installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. In addition, the applicant should be advised on the following points:
- (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (ii) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans.

The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans or referred from relevant licensing authority respectively.

- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the proposed development consists of toilet facilities but there is no public sewer connection available in the vicinity, the applicant shall seek view and comments from the Environmental Protection Department (EPD) regarding the sewage disposal arrangement of the proposed development;
- (f) to note the comments of the Director of Environmental Protection (DEP) that the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storages Sites” issued by the EPD should be followed to minimise any potential environmental nuisances on the surrounding area;
- (g) to note the comments of the Director of Electrical and Mechanical Services (DEMS) that there is a high pressure underground town gas transmission pipeline (running along Yuen Long Highway) in close vicinity of the application site. The project proponent/consultant/works contractor shall therefore liaise with the Hong Kong and China Gas Company Limited in respect of the exact locations of existing or planned gas pipes/gas installations in the vicinity of the application site and any required minimum set back distance away from them during the design and construction stages of development. The project proponent/consultant/works contractor is required to observe the Electrical and Mechanical Services Department's requirements on the "Avoidance of Damage to Gas Pipes 2nd Edition" for reference. The webpage address is: [https://www.emsd.gov.hk/filemanager/en/content_286/CoP_gas_pipes_2nd_\(Eng\).pdf](https://www.emsd.gov.hk/filemanager/en/content_286/CoP_gas_pipes_2nd_(Eng).pdf);
- (h) to note the comments of the Director of Leisure and Cultural Services (DLCS) that two trees which are outside the application boundary are proposed to be felled. From tree preservation point of view, every possible effort should be made to preserve existing tree on site as far as possible and minimize the adverse impact to them. Hence, strong justification must be provided to support the felling recommendation. Nevertheless, if the applicant finally consider there is a need to fell the trees, the applicant should submit a Tree Preservation and Removal Proposal (TPRP) to relevant government department(s) for consideration and approval in accordance with DEVB Technical Circular (Works) No. 4/2020;
- (i) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that approval of the section 16 application by the Town Planning Board does not imply approval of the tree works such as pruning, transplanting and/or felling under lease. Applicant is reminded to approach relevant authority / government department(s) direct to obtain the necessary approval on tree works;
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that before any new building works (including containers/open sheds as temporary buildings) are to be carried out on leased land in the Site, prior approval and consent of BD should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with Buildings Ordinance (BO). For UBW erected on leased land, enforcement action may be taken by 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 works or UBW on the Site under 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 B(P)R respectively. 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 Building

(Planning) Regulations (B(P)R) at the building plan submission stage. If the proposed use under application is subject to the issue of a licence, the applicant is reminded that any proposed building works 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; and

- (k) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that if any FEHD's facility is affected by the development, FEHD's prior consent must be obtained. Reprovisioning of the affected facilities by the project proponent up to the satisfaction of FEHD may be required. Besides, the project proponent should provide sufficient amount of additional recurrent cost for management and maintenance of the reprovisioned facilities to FEHD. If the proposal involves any commercial/trading activities, 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 the commercial/trading activities, the applicant should handle on their own/at their expenses. Proper licence / permit issued by his Department is required if food business and/or related place of public entertainment activity is involved:
- (i) Any operator intends to operate a restaurant business in the territory, a general restaurant/light refreshment restaurant licence should be obtained from FEHD in accordance with the Public Health and Municipal Services Ordinance (Cap. 132), and the application for restaurant licence is required. Furthermore, any operator who wish to include an outside seating accommodation (OSA) outside the restaurant premises for alfresco dining, the application for OSA is also required.
 - (ii) If the application is acceptable by FEHD, it will be referred to relevant governments such as Buildings Department, Transport Department, Fire Services Department, Planning Department for comment. FEHD will refer the OSA application to Home Affairs Department for an assessment of local public consultation while comment will be obtained from Lands Department to ascertain the legitimate use of the land for OSA. 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.
 - (iii) 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 this department. However, if the said canteen provided foods to the outsiders with payment, a food business licence is required.
 - (iv) The operation of the eating place must not cause any environmental nuisance to the surrounding. The refuse generated by the proposed eating place are regarded as trade refuse. The management or owner of the site is responsible for its removal and disposal at their expenses. The operation of any business should not cause any obstruction or environmental nuisance in the vicinity.