

Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the applied use at the Sites;
- (b) to note the comments of the District Lands Officer/North, Lands Department (DLO/N of LandsD) that:
- (i) the Sites comprise Lots 539 (Part), 541 (Part) and 542 (Part) in D.D. 51. The lots are Old Schedule lots held under the Block Government Lease (demised for agricultural use) without any guarantee of right of access. The applicant should make its own arrangement for acquiring access. The Government shall accept no responsibility in such arrangement, and there is no guarantee that any adjoining Government land will be allowed for the vehicle access of the proposed use;
 - (ii) the applicant should note that:
 - the existing two structures on the Sites were erected without approval from LandsD;
 - apart from the said two structures erected on the Sites, there are more than 40 structures erected on the application lots (Lots 539, 541 and 542 all in D.D. 51) as well as their adjoining lots (Lots 533 RP, 534 RP, 540, 543 and 544 all in D.D. 51);
 - some of the other existing structures in Lot 542 are occupied by various families/individuals for domestic purpose. According to the Squatter Control Unit of LandsD, some of them are squatter control surveyed structures. It is also found that two of the said domestic structures have extended on the adjoining Government land; and
 - the structures mentioned above are not acceptable under the Lease concerned. LandsD reserves the right to take enforcement actions against them; and
 - (iii) the owner(s) of the lots concerned shall apply to LandsD for a Short Term Waiver (STW) covering all the actual occupation area. The application for STW will be considered by Government in its landlord's capacity and there is no guarantee that it will be approved. If the STW is approved, its commencement date would be backdated to the first date of occupation and it will be subject to such terms and conditions to be imposed including payment of waiver fee and administrative fees as considered appropriate by LandsD.
- (c) to note the comments of the Commissioner for Transport (C for T) that:
- the local track leading to the Sites is not managed by Transport Department (TD). The land status, management and maintenance responsibilities of the local track should be clarified with the relevant lands and maintenance authorities accordingly.

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

- (i) there is no existing public sewer available for connection, while the Sites are not within water gathering ground (WGG). The applicant is reminded to properly handle any sewage and wastewater generated from the operation of fast food shops. Drainage outlets provided in covered areas, such as office, storage room, eating place, etc. should be discharged to the sewage treatment facility. All wastewater collected from a kitchen, including that from basins, sinks and floor drains, should be discharged via a grease trap capable of providing at least 20 minutes retention during peak flow. Details of a typical grease trap are given at Appendix C of Practice Note for Professional Persons ProPECC PN 5/93 "Drainage Plans Subject to Comment by the Environmental Protection Department (EPD)" for reference;
- (ii) it is noted from Agriculture, Fisheries and Conservation Department (AFCD) that Ng Tung River is located to the north of the Sites. The applicant is advised to put in place necessary precautionary/pollution control measures to prevent any pollution of nearby natural stream/water courses during the construction and operation stage of the proposed use; and
- (iii) regarding the operation of the fast food shops, the applicant is also reminded that oily fume and cooking odour emissions from cooking processes are one of the air pollutants which come under the control of the Air Pollution Control Ordinance (APCO). It is necessary for owners and operators of the fast food shop to observe the APCO and to minimize the oily fume and cooking odour emissions and prevent causing any objectionable odour noticeable at any sensitive receptor in the vicinity or creating other forms of pollution. Details could be referred to the EPD's pamphlet "Pamphlet on Control of Oil Fume and Cooking Odour from Restaurants and Food Business".

(e) to note the comments of Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

the applicant should be reminded to perform good site practice so as not to pollute the Ng Tung River to the north of the Sites.

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

- (i) relevant food licence/restricted food permit should be obtained from Food and Environmental Hygiene Department (FEHD) in accordance with the Public Health and Municipal Services Ordinance (Cap. 132) if food business/sale of restricted food is involved on the Sites;
- (ii) no environmental nuisance should be generated to the surroundings in connection with the operation of any commercial/trading activities. Furthermore, the operation of any business should not cause any obstruction or environment nuisance in the vicinity; and
- (iii) any waste generated from the commercial/trading activities is regarded as trade waste, and the operator/tenant should handle on their own/at their expenses.

- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN of DSD) that:
- (i) the Sites are within an area where no public sewerage connection is available; and
 - (ii) the existing vehicular track at the southern bank of Ng Tung River (**Plan A-1**) will be taken over by DSD for exclusive use as drainage maintenance access, and the applicant shall note that no public vehicular access shall be allowed on the said track.
- (h) to note the comments of Chief Engineer/New Territories East, Water Supplies Department (CE/NTE of WSD) that:
- for provision of water supply to the proposed development, the applicant may need to extend his/her inside services to the nearest suitable Government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards.
- (i) to note the comments of Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW of BD):
- (i) if the existing structures are erected on leased land without approval of the Building Authority (BA) (not being a New Territories Exempted House), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application;
 - (ii) before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Sites, prior approval and consent of the BA should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the BO;
 - (iii) for UBW erected on leased land, enforcement action may be taken by BA 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 Sites under the BO;
 - (iv) the Sites do 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 Building (Planning) Regulations at the building plan submission stage; and
 - (v) the Sites 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 respectively.
- (j) 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 are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations to his department for approval. The layout plans

should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed fire service installations 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 BO, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.