

Recommended Advisory Clauses

- (a) to note the comments of the District Lands Officer/North, Lands Department:
- (i) the Site within the Lot which is related to a small house grant by way of Private Treaty Grant under New Grant No. 12892 (“the NG”). Regarding to the user, it shall not be used for any purpose other than non-industrial purposes. Therefore, the proposed use for eating place (restaurant) is not in contravention with the lease conditions of the NG; and
 - (ii) however, the proposed push out side door will contravene with one of our former approval conditions of the opening of side windows and/or opening which mentioned that the side windows, side doors and openings etc at the ground floor, when opened, shall not project beyond the lot boundaries and to avoid causing obstruction to pedestrian movement;
- (b) to note the following comments of the Director of Food and Environmental Hygiene:
- (i) 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; and
 - (ii) the operation of any eating place should be under a food licence issued by the Food and Environmental Hygiene Department (FEHD). If the operator intends to operate any food business at the premises, relevant food licence/ restricted food permit should be obtained from FEHD in accordance with the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation;
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the Site is in an area where public sewerage connection is available;
- (d) to note the following comments of the Chief Building Surveyor/New Territories West, Buildings Department:
- (i) there is no record of approval by the Building Authority in respect of the existing building at the subject site. Noting that the subject existing building is a New Territories Exempted House under the Building Ordinance (Application to New Territories) Ordinance (Cap 121), DLO/N, LandsD should be in better position to comment on the captioned application; and
 - (ii) the applicant’s attention should be drawn to the following:
 - for unauthorized building works (UBW), if any, erected on leased land, enforcement action may be taken by the BA to affect their removal in accordance with this department’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, if any, on the subject site under the Buildings Ordinance (BO); and

- the applicant should be reminded that the Premises intended to be used for "Eating Place" is required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority.

- (e) to note the following comments of the Director of Fire Services:
 - (i) in consideration of the design/ nature of the applied use, the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his satisfaction; and
 - (ii) the applicant should be advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy and the location of where the proposed FSI to be installed should be clearly marked on the layout plans; and
- (f) to note the comments of the Director of Environmental Protection (DEP) that the applicant should be reminded of his obligation to comply with all pollution control / environmental protection guidelines and regulations, in particular the Water Pollution Control Ordinance; good practices stated under PROPECC PN 1/94 "Construction Site Drainage" for construction phase; and to follow the requirements in ProPECC PN 5/93 "Drainage plan subject to control by the EPD" regarding the design of on-site drainage system, including but not limited to Section 5 and Appendix C – Grease Traps; and to observe relevant pollution control ordinances, e.g. Noise Control Ordinance (Cap. 400) and Air Pollution Control Ordinance (Cap. 311), and avoid creating any nuisance.