

**Previous Application at the Site**

**Approved Application**

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Approval Conditions</b>
A/NE-TK/107	Restaurant (Cafe)	23.4.1999 on review	Nil



**Recommended Advisory Clauses**

- (a) the planning permission is given to the proposed use under application. It does not condone any other development/use which currently exists on the Site and not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/use not covered by the planning permission;
- (b) to note the comments of District Lands Office/Tai Po of Lands Department (DLO/TP, LandsD) that:
  - (i) the applicant is required to clear any existing structures immediately unless they are covered by valid approval. Otherwise, appropriate lease enforcement action will be taken in due course;
  - (ii) should the planning application be approved, the lots owners are required to submit the Short Term Waiver (STW) application to LandsD. However, there is no guarantee at this stage that the STW application would be approved. If the STW application is approved by LandsD acting in the capacity as landlord at its sole discretion, such approval might be subject to such terms and conditions as may be imposed by LandsD including payment of waive fees and administrative fees as considered appropriate; and
  - (iii) there is no guarantee to the grant of a right of way to the Site or approval of the Emergency Vehicular Assessment (EVA) thereto;
- (c) to note the comments of the Director of Environmental Protection (DEP) that the applicant should follow the relevant mitigation measures and requirements of the "Revised Code of Practice on Handling Environmental Aspects of Open Storage and other Temporary Uses" to minimize any potential environmental nuisances;
- (d) to note the comments of the Director of Fire Services (D of FS) that:
  - (i) the applicant should submit relevant layout plans incorporated with the proposed fire services installations (FSIs) for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and the locations of the proposed FSIs to be installed should be clearly marked on the layout plans; and
  - (ii) 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;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:
  - (i) while there are DSD's public stormwater drains in this area, the proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the Site and overland flow from the surrounding of the Site, e.g. surface channel of sufficient size along the perimeter of the Site; sufficient openings should be provided at the bottom of

the boundary wall/fence to allow surface runoff to pass through the Site if any boundary wall/fence are to be erected. Any existing flow path affected should be re-provided. The proposed development should neither obstruct overland flow nor adversely affect the existing natural streams, village drains, ditches and the adjacent areas. The applicant is required to maintain the drainage systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems;

- (ii) there is existing public sewers in the vicinity of the Site. No stud pipe is reserved for the proposed development; and
  - (iii) for works to be undertaken outside the lot boundary, prior consent and agreement from LandsD and/or relevant private lot owners should be sought;
- (f) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that for the provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with 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;
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
- (i) before any new building works are to be carried out on the Site, prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO);
  - (ii) for UBW erected on leased land, enforcement action may be taken by the 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 Site under the BO;
  - (iii) any temporary shelters or converted containers for storage or washroom or workshop or other uses are considered as temporary buildings and subject to the control of Part VII of the Building (Planning) Regulations;
  - (iv) the Site shall be provided with means of obtaining access thereto from a street under the Building (Planning) Regulation 5 and emergency vehicular access shall be provided under the Building (Planning) Regulation 41D;
  - (v) if the Site is not abutting on a specified street having a width not less than 4.5m, the development intensity shall be determined by the BA under Building (Planning) Regulation 19(3) at building plan submission stage; and
  - (vi) formal submission under the BO is required for any proposed new works, including any temporary structures. Detailed comments under BO will be provided at the building plan submission stage;

- (h) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that:
- (i) proper licence/ permit issued by his Department is required if there is any food business/ catering service/ activities regulated by 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 such as the Buildings Department, 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;
  - (ii) depending on the mode of operation, generally there are several types of food business licence/ permits that the operator of a store may apply for under the Food Business Regulation:
    - (1) if food is sold to customers for consumption on the premises, a restaurant licence should be obtained;
    - (2) if food is only prepared for sale for consumption off the premises, a food factory licence should be obtained;
    - (3) if fresh, chilled or frozen meat is sold, a fresh provision shop licence should be obtained;
    - (4) if milk, frozen confection, non-bottled drinks, cut fruit etc. are to be sold, relevant restricted food permits should be obtained; and
  - (iii) the operators of related shop or store should take measures to prevent the existence of nuisance such as noise nuisance, pest nuisance and accumulation of refuse at the Site. The refuse generated by the proposed shop or store 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; and
- (i) to note the comments of the Director of Electrical and Mechanical Services (DEMS) that in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the concerned site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.