

**Town Planning Board Guidelines for  
Application for Open Storage and Port Back-up Uses  
(TPB PG-No.13E)**

1. On 17.10.2008, the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13E) were promulgated, which set out the following criteria for the various categories of area:
  - (a) Category 1 areas: favourable consideration will normally be given to applications within these areas, subject to no major adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions. Technical assessments should be submitted if the proposed uses may cause significant environmental and traffic concerns;
  - (b) Category 2 areas: planning permission could be granted on a temporary basis up to a maximum period of 3 years, subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions. Technical assessments, where appropriate, should be submitted to demonstrate that the proposed uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas;
  - (c) Category 3 areas: applications would normally not be favourably considered unless the applications are on sites with previous planning approvals. Sympathetic consideration may be given if the applicants have demonstrated genuine efforts in compliance with approval conditions of the previous planning applications and included in the fresh applications relevant technical assessments/proposals to demonstrate that the proposed uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. Planning permission could be granted on a temporary basis up to a maximum period of 3 years, subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions; and
  - (d) Category 4 areas: applications would normally be rejected except under exceptional circumstances. For applications on sites with previous planning approvals, and subject to no adverse departmental comments and local objections, sympathetic consideration may be given if the applicants have demonstrated genuine efforts in compliance with approval conditions of the previous planning applications and included in the applications relevant technical assessments/proposals to demonstrate that the proposed uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. The intention is however to encourage the phasing out of such non-conforming uses as early as possible. A maximum period of 2 years may be allowed upon renewal of planning permission for an applicant to identify suitable sites for relocation. No further renewal of approval will be given unless under very exceptional circumstances and each application for renewal of approval will be assessed on its individual merit.

2. In assessing applications for open storage and port back-up uses, the other major relevant assessment criteria are also summarized as follows:
- (a) there will be a general presumption against development on sites of less than 1,000m<sup>2</sup> for open storage uses and 2,000m<sup>2</sup> for port back-up uses in rural areas, other than sites located in major corridors, industrial/godown/workshop areas, quarrying activities or where it is demonstrated that optimum use is made of the site. This is to prevent the further proliferation of small sites in rural areas, minimizing sprawl over countryside areas and reducing travel trips;
  - (b) port back-up sites and those types of open storage uses generating adverse noise, air pollution and visual intrusion and frequent heavy vehicle traffic should not be located adjacent to sensitive receivers such as residential dwellings, hospitals, schools and other community facilities;
  - (c) port back-up uses are major generators of traffic, with container trailer/tractor parks generating the highest traffic per unit area. In general, port back-up sites should have good access to the strategic road network, or be accessed by means of purpose built roads;
  - (d) adequate screening of the sites through landscaping and/or fencing should be provided where sites are located adjacent to public roads or are visible from surrounding residential areas;
  - (e) there is a general presumption against conversion of agricultural land and fish ponds to other uses on an ad hoc basis, particularly in flood prone areas or sites which would obstruct natural drainage channels and overland flow; and
  - (f) for applications involving sites with previous planning approvals, should there be no evidence to demonstrate that the applicants have made any genuine effort to comply with the approval conditions of the previous planning applications, planning permission may be refused, or a shorter compliance period for the approval conditions may be imposed, notwithstanding other criteria set out in the Guidelines are complied with.

**Previous s.16 Applications covering the Application Site**

**Approved Applications**

	<b><u>Application No.</u></b>	<b><u>Proposed Uses</u></b>	<b><u>Zoning</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Approval Condition(s)</u></b>
1.	A/YL-LFS/19	Temporary Open Storage of Marble Slabs for 12 Months	CDA & REC	5.9.1997	2, 7
2.	A/YL-LFS/35	Temporary Open Storage of Container and Ancillary Visitor Parking/ Trailer Parking/ Trailer Parking/ Equipment Storage/ Office for a Period of 12 Months	CDA	27.11.1998	2, 3, 8, 7
3.	A/YL-LFS/43	Temporary Open Storage of Marble for 12 Months	CDA & REC	10.9.1999	2, 3, 7
4.	A/YL-LFS/47	Temporary Open Storage of Containers and Ancillary Visitor Parking, Trailer Parking, Equipment Storage, Office for a Period of 12 Months	CDA	14.1.2000	2, 3, 6, 7, 8
5.	A/YL-LFS/61	Temporary Open Storage of Containers with Ancillary Visitor Parking, Trailer Parking, Equipment Storage and Office for a Period of 3 Years	GB, V & R(E)	22.12.2000 (revoked on 22.6.2001)	1, 2, 3, 6, 7, 8
6.	A/YL-LFS/88	Temporary Open Storage of Marble with Ancillary Parking and Office Facilities for a Period of 3 Years	R(E)	28.6.2002 (2 years) (revoked on 28.9.2002)	2, 3, 6, 7
7.	A/YL-LFS/126	Temporary Open Storage of Containers and Construction Materials with Ancillary Visitor/Trailer Parking and Office for a Period of 3 Years	R(E)	18.2.2005 (revoked on 18.8.2005)	1, 2, 3, 4, 5, 6, 7, 9, 10, 16
8.	A/YL-LFS/138	Temporary Open Storage of Containers and Construction Materials with Ancillary Visitor/Trailer Parking and Office for a Period of 3 Years	R(E)	29.7.2005	1, 2, 4, 5, 6, 7, 9, 10
9.	A/YL-LFS/159	Proposed Temporary Open Storage of Plastic and Metal Ware for a Period of 3 Years	R(E)	27.7.2007	1, 2, 3, 6, 7, 9, 12, 16, 19
10.	A/YL-LFS/171	Renewal of Planning Approval for Temporary Open Storage of Containers and Construction Materials with Ancillary Visitor/Trailer Parking and Office under Application A/YL-LFS/138 for a Period of 3 Years	R(E)	22.2.2008 (1 year)	1, 2, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15
11.	A/YL-LFS/188	Renewal of Planning Approval for Temporary Open Storage of Containers and Construction Materials with Ancillary	R(E)	23.1.2009 (revoked on 2.10.2009)	1, 6, 7, 9, 10, 11, 12, 13, 14, 15, 18

		Visitor/Trailer Parking and Office under Application No. A/YL-LFS/171 for a Period of 1 Year			
12.	A/YL-LFS/196	Temporary Open Storage of Cable, Construction Machinery and Materials, Recyclable Materials (including Metal and Plastic) for a Period of 3 Years	R(E)	23.10.2009 (revoked on 11.3.2011)	1, 3, 6, 7, 8, 9, 12, 15, 17, 18, 20
13.	A/YL-LFS/204	Proposed Temporary Open Storage of Plastic and Metal Ware for a Period of 3 Years	R(E)	10.9.2010 (1 year)	1, 6, 7, 9, 12, 13, 14, 15, 18, 19
14.	A/YL-LFS/226	Temporary Open Storage of Construction Material and Metal Ware for a Period of 3 Years	R(E)	7.10.2011 (1 year) (revoked on 8.12.2011)	1, 2, 6, 7, 12, 16, 14, 15, 19, 21, 22
15.	A/YL-LFS/233	Temporary Open Storage of Construction Material and Metal Ware for a Period of 3 Years	R(E)	30.3.2012 (1 year)	1, 2, 6, 7, 9, 12, 13, 14, 15, 19, 21
16.	A/YL-LFS/251	Temporary Open Storage of Construction Material and Metalwares for a Period of 3 Years	R(E)	2.8.2013 (1 year)	1, 2, 6, 7, 9, 12, 13, 14, 15, 19, 21
17.	A/YL-LFS/264	Proposed Temporary Open Storage of Construction Material and Metal Ware for a Period of 3 Years	R(E)	11.7.2014 (1 year)	1, 6, 7, 9, 12, 13, 14, 15, 18, 19, 21, 24
18.	A/YL-LFS/265	Temporary Open Storage of Metal Ware, Construction Machinery and Material, Brand-new Trailer with Ancillary Canteen and Trailer Park for a Period of 3 Years	R(E)	8.8.2014 (1 year)	1, 2, 6, 7, 9, 12, 13, 14, 15, 24, 25
19.	A/YL-LFS/276	Proposed Temporary Logistics Centre, Open Storage of Construction Machinery and Material, Brand-new Trailer with Ancillary Canteen and Trailer Park for a Period of 3 Years	R(E)	7.8.2015 (3 years) (revoked on 7.11.2016)	1, 2, 3, 6, 7, 8, 9, 12, 13, 15, 24, 26
20.	A/YL-LFS/290	Proposed Temporary Logistics Centre with Ancillary Canteen and Site Office for a Period of 3 Years	R(E)	26.8.2016 (revoked on 26.1.2019)	2, 6, 7, 8, 9, 12, 13, 14, 15, 24

**Approval Conditions**

1. The stacking height of the materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence.
2. The submission and implementation of landscaping and/or tree preservation proposals.
3. The submission of drainage proposals and provision of drainage facilities or implementation of the accepted drainage proposal.
4. The implementation of the accepted noise mitigation measures as identified in the Environmental Assessment.
5. The implementation of flood mitigation measures and provision of stormwater drainage facilities as identified in the Drainage Impact Assessment.
6. Revocation clauses.
7. Reinstatement clause.
8. The provision of paving/fencing.
9. No night time operation and/or no operation on Sundays and public holidays.
10. The implementation of the submitted layout plan for the proposed development.
11. The stacking height of containers stored at any other location within the site should not exceed 4 units.

12. No cutting, dismantling, cleansing, repairing and workshop activity.
13. Maintenance of the drainage facilities.
14. The submission of a condition record of the existing drainage facilities.
15. The submission of fire services installations (FSIs) proposals and provision of FSIs.
16. The provision of a 9-litre water type/3kg dry powder fire extinguisher in the container-converted site office.
17. The submission and implementation of run-in/run-out proposals.
18. Maintenance of the landscape plantings implemented.
19. No vehicle exceeding 5 tonnes.
20. No open storage of containers.
21. No handling (including loading, unloading, dismantling and storage) of electric/ electronic appliances, computers/computer parts, cathode-ray tubes (CRT), CRT computer monitor/television sets and CRT equipment.
22. No entry, parking or operation of vehicle over 10m long.
23. The provision of fire extinguisher(s) and the submission of a valid fire certificate (FS 251).
24. No queuing back to public road or reversion onto/from the public road.
25. Maintenance of the existing fencing.
26. No structure shall be erected over the Waterworks Reserve and such area shall not be used for storage purposes at all times during the planning approval period.

### **Rejected Applications**

	<b><u>Application No.</u></b>	<b><u>Proposed Uses</u></b>	<b><u>Zoning</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Rejection Reason</u></b>
1.	A/YL-LFS/79	Temporary Open Storage of Marble with Ancillary Parking and Office Facilities for 3 Years	R(E) & REC	8.2.2002	1
2.	A/YL-LFS/95	Temp Open Storage of Marble with Ancillary Parking & Office Facilities for 3 Years	R(E)	11.4.2003 (on review)	1
3.	A/YL-LFS/108	Temporary Open Storage of Containers, Construction Materials & Machinery with Ancillary Visitor & Trailer Parking, Equipment Storage and Office for a Period of 3 Years	R(E)	14.11.2003 (on review)	2
4.	A/YL-LFS/119	Temporary Open Storage of Construction Materials for a Period of 3 Years	R(E)	3.9.2004 (on review)	1, 3

### **Rejection Reasons**

1. There is insufficient information in the submission to demonstrate that the development would not have adverse traffic, environmental and drainage impacts on the surrounding areas.
2. There is insufficient information in the submission to demonstrate that the development would not have adverse environmental and drainage impacts on the surrounding areas.
3. The application was not in line with Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses.

**Similar s.16 Applications for Open Storage/Logistics Centre Uses  
within the “R(E)” Zone on the Lau Fau Shan and Tsim Bei Tsui OZP**

**Approved Applications**

	<b><u>Application No.</u></b>	<b><u>Proposed Use</u></b>	<b><u>Zoning</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Approval Conditions</u></b>
1.	A/YL-LFS/267	Proposed Temporary Logistics Centre with Ancillary Office and Parking of Vehicle for a Period of 3 Years	R(E)	14.11.2014 (Revoked on 14.2.2017)	1-8
2.	A/YL-LFS/297	Temporary Logistics Centre with Ancillary Office and Parking of Vehicle for a Period of 3 Years	R(E)	26.5.2017	1-9

**Approval Conditions**

1. No night-time operation/no operation on Sundays and public holidays.
2. No recycling, cleansing, dismantling, repairing or other workshop activities.
3. No vehicle queuing back to public road and reverse onto/from the public road.
4. Maintenance of drainage facilities on site or/and submission of a condition record of the existing drainage facilities.
5. The implementation of the accepted landscape proposal.
6. The submission and implementation of a fire service installations (FSIs) proposal.
7. Revocation clauses.
8. Reinstatement clauses.
9. The provision of fencing of the site.

**Detailed Comments of the Director of Food and Environmental Hygiene (DFEH):**

The Director of Food and Environmental Hygiene (DFEH) has the following comments on the operation of restaurant business:

- (a) If the 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).
- (b) The application for restaurant licence, if acceptable by FEHD, will be referred to relevant government departments, such as BD, FSD, PlanD, LandsD (if necessary) 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.
- (c) 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.
- (d) For the operation of other types of food business, relevant food licences should also be obtained from FEHD in accordance with Cap. 132. Under the Food Business Regulation, Cap. 132X, a Food Factory Licence must be obtained from this department for food business which involves the preparation of food for sale for human consumption off the premises before commencement of such business. Besides, a Fresh Provision Shop licence is required for any person who intends to sell fresh, chilled or frozen beef, mutton, pork, reptiles (including live snake), fish (including live fish) and poultry at any premises before commencement of such business.
- (e) The application for Food Factory Licence/Fresh Provision Shop Licence, if acceptable by FEHD, will be referred to relevant government departments, such as PlanD, LandsD (if necessary) 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. His department will institute legal action against any person who operates a food business without a valid licence.

**Advisory Clauses**

- (a) prior planning permission should have been obtained before commencing the development on the Site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (c) shorter compliance period is imposed in order to monitor the progress of compliance with approval conditions. Should the applicant fail to comply with any of the approval conditions again resulting in the revocation of planning permission, sympathetic consideration may not be given to any further applications;
- (d) to note the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD)'s comments that:
  - (i) Lot No. 3450 in D.D. 129 in the Site is held under New Grant No. 843 for private residential purposes only. Building Licence No. 247 was granted to Lot No. 2368 to permit erection of one building which shall not contain more than two storeys or 25 feet with roofed-over area not exceeding 600 sq. ft;
  - (ii) The remaining lots in the Site are Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government;
  - (iii) The private land of Lots No. 2177, 2193, 2194, 2374, 2377, 2195, 2198, 2197, 2199, 2200, 2341, 2201, 2203, 2336 S.B, 2340, 2344 S.C, 2349, 2351, 2352, 2353, 2373 RP, 2376 S.A, 2376 S.B, 2376 S.C and 3450 in D.D. 129 is covered by Short Term Waiver (STW) Nos. 4754, 4755, 4756, 4757, 4758, 4759, 4760, 4761, 4762, 4763, 4764, 4765, 4766, 4767, 4768, 4769, 4770, 4771, 4772 and 4773 to permit structures for " temporary logistics centre, open storage of construction machinery and material, brand-new trailer with ancillary canteen and trailer track" purposes;
  - (iv) The private land of Lots No. 2196, 2228 S.B, 2337, 2228 S.A, 2368, 2334, 2336 S.A, 2338, 2342, 2343, 2344 S.A, 2365, 2344 S.B, 2373 S.A and 2378 RP in D.D 129 are covered by STW Nos. 4302, 4304, 4305, 4306, 4307, 4308, 4309, 4310, 4311, 4312, 4316 and 4319 respectively to permit structures for "temporary open storage of metal ware, construction machinery and material, brand-new trailer with ancillary canteen and trailer track" purposes;
  - (v) The private land of Lot No. 2219 RP in D.D. 129 is covered by STW No. 3944 to permit structures for "temporary open storage (marbles, construction materials, aluminium cans and frames, small-scale machinery, cars and lorries for export, mini raising platforms and ancillary workshop) and loading/unloading" purposes;
  - (vi) The Site is accessible from Lau Fau Shan Road through Government Land (GL). Her office provides no maintenance work for the GL involved and does not guarantee any right-of-way;
  - (vii) The Site does not fall within Shek Kong Airfield Height Restriction Area;



- (viii) The STW holder will need to apply to her office for modification of the STW conditions where appropriate and the lot owner(s) of the lot(s) without STW will need to apply to her office for permitting the structures to be erected or to regularize any irregularities on the Site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Application(s) of any of the above will be considered by LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application(s) 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 or fee, as may be imposed by LandsD;
- (e) to note the comments of the Commissioner for Transport (C for T) that sufficient manoeuvring spaces shall be provided within the Site. No vehicles are allowed to queue back to public roads or reverse onto/from the public roads;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to the nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting the Site and Lau Fau Shan Road;
- (g) to note the comments of the Director of Environmental Protection (DEP) that the applicant is advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” (COP);
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that some of the existing channels/pipes were seen not in line with the drainage proposal, the applicant should ensure that the existing system will be modified to the submitted proposal. Some bends on the peripheral channel are too sharp to allow a smooth channel flow, the applicant should consider adding catchpits or baffle walls so as to avoid spillage during change of flow direction. There are two sharp bends in the surface channel (1000x600mm) abutting an existing village footpath in the south. His office has incidentally received complaints about overflow at the bends, the applicant should review these sections of channels;
- (i) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, Plan D) that approval of the application under S.16 does not imply approval of tree works such as felling, transplanting or pruning under lease. The applicant shall be reminded to approach relevant authority /government department(s) direct to obtain the necessary approval for any proposed tree preservation or removal scheme involving trees within or outside the Site;
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that if the existing structures (not being New Territories Exempted Houses) are erected on leased land without the approval of the BD, they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the subject

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 sheds as temporary buildings and land filling) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorized Person (AP) 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 respectively. If 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 the Building (Planning) Regulations at the building plan submission stage;

- (k) to note the comments of the Director of Fire Services (D of FS) that the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs 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 FSIs to be installed should be clearly marked on the layout plans. 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;
- (l) to note the comment of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that the existing water mains will be affected. The cost of any necessary diversion shall be borne by the proposed development. The Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the Site; and
- (m) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that:
  - (i) No Food and Environmental Hygiene Department's (FEHD) facilities will be affected and such work and operation shall not cause any environmental nuisance, pest infestation and obstruction to the surrounding. For any waste generated from the such activity / operation, the applicant should arrange its disposal properly at her own expenses;
  - (ii) Proper licence / permit issued by FEHD is required if there is any catering service / activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public;
  - (iii) If the 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);
  - (iv) The application for restaurant licence, if acceptable by FEHD, will be referred to relevant government departments, such as BD, FSD, PlanD, LandsD (if

necessary) 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;

- (v) 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;
- (vi) For the operation of other types of food business, relevant food licences should also be obtained from FEHD in accordance with Cap. 132. Under the Food Business Regulation, Cap. 132X, a Food Factory Licence must be obtained from this department for food business which involves the preparation of food for sale for human consumption off the premises before commencement of such business. Besides, a Fresh Provision Shop licence is required for any person who intends to sell fresh, chilled or frozen beef, mutton, pork, reptiles (including live snake), fish (including live fish) and poultry at any premises before commencement of such business; and
- (vii) The application for Food Factory Licence/Fresh Provision Shop Licence, if acceptable by FEHD, will be referred to relevant government departments, such as PlanD, LandsD (if necessary) 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. His department will institute legal action against any person who operates a food business without a valid licence.