

**Detailed Departmental Comments**

**Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L):**

- (i). The applicant is advised that the approval of the landscape proposal by the Board under section 16 application does not imply the approval of tree works such as pruning, transplanting and felling under lease. Tree work applications should be submitted direct to DLO/YL, LandsD for approval.
  
- (ii). The applicant is reminded of the importance of proper tree care. Useful information is available for reference in the Pictorial Guide for Tree Maintenance ([http://www.greening.gov.hk/filemanager/content/pdf/tree\\_care/Pictorial\\_Guide\\_for\\_Tree\\_Maintenance.pdf](http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf)) and the Handbook of Tree Management (Chinese Version: [https://www.greening.gov.hk/tc/tree\\_care/Handbook\\_on\\_Tree\\_Management.html](https://www.greening.gov.hk/tc/tree_care/Handbook_on_Tree_Management.html)) published by the GLTM Section, DEVB.

**Advisory clauses**

- (a) to note the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD)'s comments that the application site ("the Site") comprises an Old Schedule Agricultural Lot held under Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. No permission is given for occupation of Government land (GL) (about 178.6m<sup>2</sup> subject to verification) included in the Site. Attention is drawn to the fact that any occupation of GL without Government's prior approval is not allowed. The Site is accessible to Long Yat Road via GL. Her office does not provide maintenance work for GL involved and does not guarantee any right-of-way to the Site. The lot owner(s) will need to apply to her office to permit the structures to be erected or regularize any irregularities on site. Furthermore, the applicant has to either exclude the GL portion from the Site or apply for a formal approval prior to the actual occupation of the GL portion. Such application(s) will be considered by the LandsD acting in the capacity as 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;
- (b) to note the Chief Town Planner/ Urban Design & Landscape, Planning Department's comments that the approval of the landscape proposal by the TPB under S.16 application does not imply the approval of tree works such as pruning, transplanting and felling under lease. The tree work applications should be submitted direct to DLO for approval. The applicant shall be reminded of the importance of proper tree care. Useful information is available for reference in the Pictorial Guide for Tree Maintenance ([http://www.greening.gov.hk/filemanager/content/pdf/tree\\_care/Pictorial\\_Guide\\_for\\_Tree\\_Maintenance.pdf](http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf)) and the Handbook of Tree Management (Chinese Version: [http://www.greening.gov.hk/tc/tree\\_care/Hnadbook\\_on\\_Tree\\_Management.html](http://www.greening.gov.hk/tc/tree_care/Hnadbook_on_Tree_Management.html)) published by the GLTM Section, DEVB;
- (c) to note the Commissioner for Transport's comments that the Site is connected to the public road network via a section of a local access road which is not managed by Transport Department. The management and maintenance responsibilities of the access road/path/track shall be clarified and consulted with the relevant management and maintenance authorities accordingly;
- (d) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that his department is not and shall not be responsible for the maintenance of the access road connecting the Site and Long Yat Road. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (e) to note the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department's comments that with reference to the procedures in PNAP ADM-2 and WBTC No. 19/2002, MTR Corporation Limited (MTRCL) should be consulted with respect to operation, maintenance, safety and future construction of the existing railway system;
- (f) to note the MTRCL's comments that the Site falls within the West Rail Protection boundary, all works shall comply with the requirements as stated in the Environment, Transport and Works Bureau Technical Circular (Works) No. 33/2003 or PNAP APP-24 whichever is applicable for MTR protection. For any construction works that involve lifting appliances

adopted on site, they shall be positioned as far as possible away from the West Rail tracks/structures. MTR's prior agreement on the locations of these lifting appliances before their operation on site shall be sought. The construction proposal shall be submitted to MTR for comment and prior agreement before commencement of any works on site, which shall include (i) method statements, together with an indication of the tools and plants to be adopted; (ii) programme of work; and (iii) emergency contact list;

- (g) to note the Director of Environmental Protection's comments that the applicant is reminded to follow the relevant mitigation measures and requirements in the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" ("COP") issued by the Environmental Protection Department. If the proposed use would cause traffic of heavy vehicles, reference should be made to paragraph 4.2 of the COP;
- (h) to note the Director of Fire Services' comments that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. 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 and the location of where the proposed FSIs to be installed should also be clearly marked on the layout plans. The applicant is also reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (i) to note the Chief Building Surveyor/New Territories West, Buildings Department (BD)'s comments that if the existing structures (not being a New Territories Exempted House) 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 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 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) Regulation at the building plan submission stage;
- (j) to note the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department's comments that the Site is located within the Scheduled Area No. 2 and may be underlain by cavernous marble. For any new development at the proposed area, extensive geotechnical investigation will be required. Such investigation may reveal the need for a high level of involvement of an experienced geotechnical engineer both in the design and in the supervision of geotechnical aspects of the works required to be carried out on the Site. The applicant is also reminded to submit works to Buildings Department (BD) for approval as required under the provisions of the BO; and a number of existing geotechnical features adjacent to the western and southern edges of the Site might affect or be affected by the future development. The applicant is reminded that details of the investigation and assessment of the effects of the future development on these geotechnical features, and vice versa, together with a proposal of any necessary slope stabilisation works should be submitted in conjunction with the development proposal to BD for approval as

required under the provisions of the BO; and

- (k) to note the Director of Leisure and Cultural Services's comments that the Site would be resumed when Yuen Long District Council would like to kick off the development on site. She notes that there are existing trees on the Site, the applicant is reminded that from tree preservation point of view, every possible effort should be made to preserve existing trees within and adjacent to the works site and minimize the adverse impact to the existing trees during the works period. If trees are inevitably affected, Tree Preservation and Removal Proposal (TPRP) should be submitted for approval in accordance with DEVB TC(W) No. 7/2015. All trees within the site boundary should be managed and maintained by the applicant.