

Government Departments with No Objection / No Adverse Comment

The following government departments have no objection to or no adverse comment on the application:

- (a) District Lands Officer/Yuen Long, Lands Department;
- (b) Commissioner for Transport;
- (c) Chief Building Surveyor/New Territories West, Buildings Department;
- (d) Chief Engineer/Construction, Water Supplies Department;
- (e) Chief Engineer/Mainland North, Drainage Services Department;
- (f) Chief Highway Engineer/New Territories West, Highways Department;
- (g) Director of Fire Services;
- (h) Director of Food and Environmental Hygiene;
- (i) Director of Leisure and Cultural Services;
- (j) District Officer (Yuen Long), Home Affairs Department;
- (k) Commissioner of Police; and
- (l) Project Manager (West), West Development Office, Civil Engineering and Development Department.

Recommended Advisory Clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site (the Site);
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that;
- the Site comprises Old Schedule Agricultural Lots (OSALs) held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government;
 - the following lots within the Site are covered by Short Term Waiver (STW) are listed below:

<u>STW No.</u>	<u>Lot No.</u> <u>(D.D. 129)</u>	<u>Use</u>
2982	2427 (Portion)	Office ancillary to Storage of Containers
4262	2430	Temporary Logistic Centre
4263	2431	
4264	2432	
4265	2433, 2436	
4266	2434	
4267	2435, 2978	
4268	2437, 2439	
4269	2438 S.B	
4270	2977 S.A	
4271	2977 S.B	
4272	2979	
4273	2980	
5312	2976	
5314	2962	

- the lot owner(s) should apply to his office for STW(s) to permit the structure(s) erected or to be erected within the subject lots and apply for modification of STW(s) where appropriate. The application(s) for STW(s) and modification of STW(s) will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The STW(s), if approved, will be subject to such terms and conditions including the payment of waiver fee and administrative fee as considered appropriate by LandsD. Besides, given the applied use is temporary in nature, only erection of temporary structure(s) will be considered;
- (c) to note the comments of the Commissioner for Transport that:
- sufficient manoeuvring spaces shall be provided within the Site or its adjacent area. No vehicles are allowed to queue back to public roads or reverse onto/from public roads; and
 - the local track leading to the Site is not under Transport Department's purview. The

applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the Site;

(d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that:

- the access road from Lau Fau Shan Road to the Site is not maintained by HyD and HyD will not take up the maintenance responsible of the access; and
- adequate drainage measures shall be provided to prevent surface water running from the Site to the nearby public roads and drains;

(e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:

- the required condition record should include coloured photos showing the current condition of the drainage facilities and a layout plan indicating the locations of the photos taken. The submitted photos should cover all internal surface channels, catch pits, sand traps, manholes, terminal catch pits/manholes and the downstream discharge path as indicated on the submitted drainage proposal; and
- the drainage facilities shall be properly designed, constructed and maintained in good condition without causing adverse drainage impact to the adjacent area at all times, and the applicant/owner is required to rectify/modify the drainage system if they are found to be inadequate or ineffective to accommodate the additional runoff arisen from the applied use. The applicant/owner shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by the failure or ineffectiveness of the drainage systems caused by his application;

(f) to note the comments of the Director of Fire Services that the existing fire service installations implemented on the Site should be maintained in efficient working order at all time;

(g) to note the comments of the Director of Environmental Protection that the applicant is advised:

- to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”;
- to follow the relevant guidelines and requirements in relevant Professional Persons Environmental Consultative Committee Practice Notes (ProPECCPNs). If septic tank and soakaway system will be used in case of unavailability of public sewer, its design and construction shall follow the requirements of ProPECC PN 1/23 “Drainage Plans subject to Comment by the Environmental Protection Department” including completion of percolation test and certification by Authorized Person;
- to provide adequate supporting infrastructure/facilities for proper collection, treatment and disposal of waste/wastewater generated from the applied use; and
- to meet the statutory requirements under relevant environmental legislation;

(h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:

- before any new building works (including containers/open sheds as temporary buildings, demolition and land filling, etc.) 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) under the Buildings Ordinance (BO). An Authorized Person 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 (B(P)R) respectively. The Site does not abut on a specified street of not less than 4.5 m wide and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;
 - if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BA, they are UBW under the BO and should not be designated for any applied use under the application;
 - for UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with the prevailing 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; and
 - any temporary shelters or converted containers for office, storage, washroom or other uses are considered as temporary buildings are subject to the control of Part VII of the B(P)R. Detailed checking under the BO will be carried out at building plan submission stage;
- (i) to note the comments of the Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD) that the Site falls within the study area of Lau Fau Shan Development under the consultancy Agreement No. CE 5/2024 (CE) “Developments at Lau Fau Shan, Tsim Bei Tsui and Pak Nai areas – Investigation”, which is the Investigation Study and jointly commissioned by Planning Department and CEDD. The implementation and land resumption/clearance programme of the Lau Fau Shan Development is currently being reviewed under the Investigation Study and subject to change. The applicant should be reminded that the Site may be resumed at any time during the planning approval period for potential development project and advised not to carry out any substantial works therein;
- (j) to note the comments of the Director of Food and Environmental Hygiene Department (DFEH) that:
- no Food and Environmental Hygiene Department (FEHD)’s facilities should be affected;
 - proper license/permit issued by FEHD is required if there is any catering service/activities regulated by DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public:
 - i. 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). The application for restaurant licence, if acceptable by FEHD, will be referred to relevant government departments, such as Buildings Department, Fire Services Department, Planning Department, Lands Department (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; and
 - ii. in accordance with Section 4 of Food Business Regulations, 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 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 are exempted from obtaining food business licence from his department except for permission to sell restricted foods specified in Schedule 2 to the Food Business Regulation. However, if the said canteen provided foods to the outsiders with payment, a food business licence is required; and

- the operation of the eating place and any commercial/trading activities must not cause any environmental nuisance to the surroundings. The refuse generated by the eating place 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
- (k) to note the comments of the Commissioner of Police that in view of public safety, the applicant must maintain the smoothness of the concerned location and provide sufficient safety precautions to avoid obstruction or danger caused to any person or vehicle on the road.