

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 Highway Engineer/New Territories West, Highways Department (HyD);
- (d) Chief Engineer/Railway Development 1-1, Railway Development Office, HyD;
- (e) Chief Engineer/Mainland North, Drainage Service Department;
- (f) Director of Fire Services;
- (g) Chief Town Planner/Urban Design and Landscape, Planning Department;
- (h) Director of Agriculture, Fisheries and Conservation;
- (i) Director of Environmental Protection;
- (j) Project Manager (West), Civil Engineering and Development Department;
- (k) Chief Engineer/Construction, Water Supplies Department;
- (l) Chief Building Surveyor/New Territories West, Buildings Department;
- (m) District Officer (Yuen Long), Home Affairs Department;
- (n) Director of Electrical and Mechanical Services; and
- (o) Commissioner of Police.

Recommended Advisory Clauses

- (a) failure to reinstate the application site (the Site) as required under the relevant approval condition upon expiry of the planning permission might constitute an unauthorized development under the Town Planning Ordinance and be subject to enforcement and prosecution actions;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that:
 - (i) the Site comprises an Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structure(s) are allowed to be erected without the prior approval of the Government;
 - (ii) the following lot within the Site is covered by Short Term Waiver (STW) and details of which are listed below:

Lot No. in D.D. 106	STW No.	Purposes
1488 RP	3543	Temporary Shop and Services (Real Estate Agency)

- (iii) the STW holder(s) will need to apply to his office for modification of the STW conditions where appropriate. The application(s) for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The STW, 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:
 - (i) the Site is connected to the public road network via a section of a local access road which is not managed by the Transport Department. The land status of the local access road should be checked with LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
 - (ii) sufficient manoeuvring space shall be provided within the Site; and
 - (iii) no vehicle is allowed to queue back to or reverse onto / from public road at any time during the planning approval period;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that:
 - (i) HyD shall not be responsible for the maintenance of the proposed access connecting the Site and Kam Sheung Road, including the local tracks; and

- (ii) 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 that:
- (i) for any change of existing ground level and associated works proposed by the applicant that could affect adjacent land and cause other impacts and/or other issues to public, the applicant is required to submit technical assessment(s) in other aspect(s) and seek comment from relevant departments as necessary;
 - (ii) the applicant shall maintain the existing drainage facilities under the approved previous application No. A/YL-KTS/961; and
 - (iii) the applicant shall submit records of the existing drainage facilities on the Site to the satisfaction of the Director of Drainage Services or the Town Planning Board;
- (f) to note the comments of the Director of Environmental Protection that:
- (i) the applicant shall follow the revised ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’;
 - (ii) the applicant shall follow the relevant guidelines and requirements in relevant Professional Persons Environmental Consultative Committee Practice Notes (ProPECCPNs), in particular the ProPECCPN 1/23 ‘Drainage Plans subject to Comment by the Environmental Protection Department’;
 - (iii) the applicant shall provide adequate supporting infrastructure/facilities for proper collection, treatment and disposal of waste/wastewater generated from the applied use; and
 - (iv) the applicant shall meet the statutory requirements under relevant environmental legislation;
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that:
- (i) if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the Building Authority (BA), they are unauthorised building works (UBW) under the Building Ordinance (BO) and should not be designated for any applied use under the captioned application;
 - (ii) 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;
 - (iii) before any new building works (including containers/open sheds as temporary buildings, demolition and land filling) are to be carried out on the Site, the prior approval and consent of the BA should be obtained, otherwise they are UBW. An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;

- (iv) 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; and
 - (v) the Site does not abut on a specified street of not less than 4.5m wide and its permitted building intensity shall be determined under Regulations 19(3) of the B(P)R at building plan submission stage; and
- (h) to note the comments of the Commissioner of Police that the applied use shall not cause traffic congestion and flooding.