

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) Director of Agriculture, Fisheries and Conservation;
- (f) Director of Environmental Protection;
- (g) Chief Engineer/Mainland North, Drainage Services Department;
- (h) Director of Fire Services;
- (i) Chief Building Surveyor/New Territories West, Buildings Department;
- (j) Chief Engineer/Construction, Water Supplies Department;
- (k) Project Manager (West), Civil Engineering and Development Department; and
- (l) District Officer (Yuen Long), Home Affairs Department.

Recommended Advisory Clauses

- (a) to resolve any land issues relating to the applied use with the concerned owner(s);
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that:
- (i) the application site (the Site) comprises Government land (GL) and Old Schedule Agricultural Lots 1895 and 1913 in D.D. 111 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;
 - (ii) no permission is given for occupation of portion of GL not covered by Short Term Tenancy (STT) No. 3279 (about 38m² subject to verification) included in the Site. Any occupation of GL without Government's prior approval is an offence under the Land (Miscellaneous Provisions) Ordinance (Cap. 28);
 - (iii) the following private lot and portion of GL (about 182m²) within the Site are currently covered by Short Term Waiver (STW) and STT, details of which are listed below:

Lot No./GL. in D.D. 111	STW/STT No.	Permitted Use
1913	5168	Temporary Warehouse for Construction Materials
GL	3279	

- (iv) the STW and STT holder(s) will need to apply to his office for modification of the STW and STT conditions where appropriate and the lot owner(s) without STW shall apply to his office for a STW to permit the structure(s) erected within the said private lot(s) and the occupation of the GL in D.D. 111. The application(s) for STW and STT will be considered by the Government in its capacity as a landlord and there is no guarantee that it will be approved. The STW and STT, if approved, will be subject to such terms and conditions including the payment of waiver fee, rent 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;
 - (ii) the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly; and
 - (iii) no vehicle is allowed to queue back to or reverse onto/from public road at anytime during the planning approval period;

- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that:
 - (i) the Site involves GL which is not under HyD's maintenance purview;
 - (ii) HyD shall not be responsible for the maintenance of proposed access connecting the Site and Kam Tin Road including the local track, if any; and
 - (iii) adequate drainage measures should be provided to prevent surface water running from the Site to nearby public road and drains;

- (e) to note the comments of the Director of Environmental Protection that:
 - (i) no dismantling, maintenance, repairing, cleaning, paint-spraying or other workshop activities are allowed at the Site at all times;
 - (ii) no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance are allowed to be parked or stored on or entered or exit at the Site at all times;
 - (iii) the applicant shall follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites';
 - (iv) the applicant shall 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;
 - (v) the applicant shall provide adequate supporting infrastructure/facilities for proper collection, treatment and disposal of waste/wastewater generated from the applied use; and
 - (vi) the applicant shall meet the statutory requirements under relevant environmental legislation;

- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that:
 - (i) it is noted that one structure is involved in the application. Before any new building works (including containers or 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;

- (ii) 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;
 - (iii) the Site does not abut on a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at building plan submission stage;
 - (iv) if the existing structure is 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 subject application;
 - (v) 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;
 - (vi) 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; and
 - (vii) detailed checking under the BO will be carried out at building plan submission stage; and
- (g) to note the comments of the Chief Engineer/Railway Development 1-1, HyD that the Site falls within the railway protection boundary of the Guangzhou-Shenzhen-Hong Kong Express Rail Link. With reference to the Development Bureau Technical Circular (Works) No. 1/2019 and/or Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-24, the MTR Corporation Limited should be consulted with respect to the operation, maintenance, safety and any future works required for the existing railway network.