

Government Bureau/Departments with No Objection/No Adverse Comment

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

- (a) District Lands Officer/Tuen Mun, Lands Department;
- (b) Commissioner for Transport;
- (c) Chief Highway Engineer/New Territories West, Highways Department;
- (d) Director of Environmental Protection;
- (e) Chief Engineer/Mainland North, Drainage Services Department;
- (f) Director of Fire Services;
- (g) Director of Food and Environmental Hygiene Department;
- (h) Executive Secretary (Antiquities and Monuments), Antiquities and Monuments Office, Development Bureau;
- (i) District Officer (Tuen Mun), Home Affairs Department;
- (j) Chief Building Surveyor/New Territories West, Buildings Department;
- (k) Chief Engineer/Construction, Water Supplies Department;
- (l) Director of Agriculture, Fisheries and Conservation;
- (m) Director of Electrical and Mechanical Services;
- (n) Head of Geotechnical Engineering Office, Civil Engineering and Development Department (CEDD);
- (o) Project Manager (West), CEDD; and
- (p) Commissioner of Police.

Recommended Advisory Clauses

- (a) to note the comments of the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD) that:
 - (i) the application site (the Site) comprises an Old Schedule Agricultural Lot No. 638 RP in D.D. 375 (the Lot) 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) the Lot is covered by Short Term Waiver (STW) No. MR18006 for the purposes of temporary shop and services (real estate agency);
 - (iii) the Site is accessible via a local access on Government land (GL) known as So Kwun Wat Tsuen Road leading from So Kwun Wat Road. His office does not carry out maintenance works for the said GL nor guarantee that any right-of-way to the Site will be given. The applicant shall be responsible for his own access arrangement; and
 - (iv) his office reserves the right to take lease enforcement actions as considered appropriate against any unauthorised erection/extensions/alterations of the structures erected or to be erected within the Lot or any unauthorised occupation of GL at any time irrespective of whether planning permission will be given or not. Enforcement action will be taken should any structure or structures be found erected without prior approval given by his office or be in breach of the approval given;
- (b) to note the comments of the Commissioner for Transport (C for T) that Site is connected to the public road via So Kwun Wat Tsuen Road which is not managed by her department. The land status of that local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of that local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (c) to note the comments of the Director of Fire Services (D of FS) that:
 - (i) the applicant is reminded that if the proposed structures are required to comply with the Buildings Ordinance (Cap. 123) (BO), detailed fire services requirements will be formulated upon receipt of formal submission of general building plans; and
 - (ii) the existing fire service installations implemented on the Site should be maintained in efficient working order at all times;
- (d) 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 “Revised Code of Practice on Handling Environmental Aspects of Open Storage and other Temporary Uses”;
- (e) to note the comments of the Chief Engineer/Mainland North of the Drainage Service Department (CE/MN, DSD) that the applicant is reminded to maintain his drainage facilities/system properly and rectify them if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify claims and demands arising out of any damage and/or nuisance caused by failure of his facilities/system;

- (f) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that:
 - (i) the associated works and operations shall not cause any environmental nuisance, pest infestation and obstruction to the surrounding; and
 - (ii) if the proposal involves any commercial activities, its state should not as to be a nuisance or injurious or dangerous to health and surrounding environment. Also, for any waste generated from the commercial activities, the applicant should handle on their own/at their expenses; and
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
 - (i) if the existing structures are erected on leased land without approval of the Building Authority (BA) (not being a New Territories Exempted House), they are unauthorised under the BO and should not be designated for any approved use under the application;
 - (ii) before any new building works (including containers/open shed as temporary buildings) are to be carried out on the Site, the prior approval and consent of the BA should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorised Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
 - (iii) for UBW erected on leased land, enforcement action may be taken by the BA 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;
 - (iv) in connection with (ii) above, 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;
 - (v) formal submission under the BO is required for any proposed new works, including any temporary structures; and
 - (vi) detailed comments will be made at the building plan submission stage.