

Government Departments with No Objection/No Adverse Comment

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

- (a) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD);
- (b) Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD);
- (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (d) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD);
- (e) Commissioner for Transport (C for T);
- (f) Director of Agriculture, Fisheries and Conservation (DAFC);
- (g) Director of Fire Services (D of FS);
- (h) Director of Environmental Protection (DEP);
- (i) District Officer (North), Home Affairs Department (DO/N, HAD);
- (j) Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD); and
- (k) Project Manager/North, CEDD (PM(N), CEDD).

Recommended Advisory Clauses

- (a) to resolve any land issue relating to the applied use with the concerned owner(s) of the application site (the Site);
- (b) failure to reinstate 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;
- (c) to note the comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD) that:
 - (i) the Site comprises Old Schedule Agricultural Lots 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 proposed ingress/egress of the Site is required to pass through Government land (GL) but no right of access via GL is granted to the Site;
 - (ii) no consent is given for inclusion of GL (about 41.6m² as mentioned in the Application Form) in the Site.
 - (iii) the following irregularities covered by the subject planning application have been detected by his office:

unauthorised structures within Lots 1099 S.A, 1100 and 1101 all in D.D. 82 covered by the planning application

there are unauthorised structures on the private lots concerned. The lot owner(s) should immediately rectify/regularise the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice;

unlawful occupation of GL adjoining Lots 1089 in D.D. 82 covered by the planning application

the GL within the Site (about 41.6m² as mentioned in the Application Form) has been fenced off / illegally occupied without any permission. Any occupation of GL without Government's prior approval is an offence under Cap. 28. There is illegal occupation of GL which regularisation would not be considered according to the prevailing land policy. The lot owner(s) should immediately cease the illegal occupation of GL as demanded by LandsD. His office reserves the rights to take necessary land control action against the illegal occupation of GL without further notice;
 - (iv) erection of unauthorised structures and illegal occupation of GL should not be encouraged. The lot owners/applicant should remove all the unauthorised structures, rectify the occupation of GL immediately and provide relevant proof to his office; and
 - (v) the lot owner has applied to his office for Short Term Waivers (STW) and Short Term Tenancy (STT) to permit the structure to be erected within the private lots concerned and the occupation of GL. The application for STW is being considered by the

Government in its capacity as a landlord and there is no guarantee that it will be approved. The STW, if approved, will be on whole lot basis and subject to such terms and conditions including the payment of waiver fee and administrative fee as considered appropriate to be imposed by LandsD. For the STT, the applicant should refer to paragraph (c)(iii) above. If unlawful occupation of GL is ceased and rectified, the STT application could be considered and there is no adverse comment from his office. In addition, LandsD reserves the right to take enforcement action against the lot owner(s)/applicant for any breach of the lease conditions, including the breach(es) already in existence or to be detected at any point of time in future, and land control action for any unlawful occupation of GL. Besides, given the applied use is temporary in nature, only erection of temporary structures will be considered;

- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
- (i) 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;
 - (ii) 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 19(3) of the B(P)R at building plan submission stage;
 - (iii) if the existing structures are erected on lease land without approval of BD (not being a New Territories Exempted House), they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the application;
 - (iv) for unauthorized buildings works (UBW) erected on leased land, enforcement action may be taken by BA to affect 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;
 - (v) before the works of proposed temporary structures used for ancillary storage of small construction tools/construction equipment, proposed converted containers used as site office/storage are to be carried out on the Site, prior approval and consent of BA should be obtained unless they are exempted building works or commenced under the simplified requirement under the Minor Works Control Systems. Otherwise, they are UBW. An Authorized Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the BO;
 - (vi) if the applied use under application is subject to the issue of a licence, any existing structures on the Site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority;
 - (vii) any temporary shelters or converted containers for office, storage or other uses are considered as temporary buildings are subject to control of Part VII of the B(P)R;
 - (viii) formal submission under the BO is required for proposed temporary structures, converted container and site formation works like site formation drainage and land filling works. Detailed comments under the BO will be provided at the building plan submission stage; and

- (ix) the proposed structures with headroom higher than 5m are considered as excessive;
- (e) to note the comments of Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:
 - (i) the applicant should rectify those existing drainage facilities if they are found inadequate/ineffective during operation; and
 - (ii) the Site is in vicinity of existing watercourse to the west and south of the Site. The applicant shall be required to place all the proposed work away from the top of the bank of the watercourse. All the proposed works in the vicinity of the watercourse should not create any adverse drainage impacts, both during and after construction;
- (f) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD) that:
 - (i) the access arrangement should be commented by the Transport Department (TD);
 - (ii) HyD is not/shall not be responsible for the maintenance of any access connecting the Site and Ping Che Road; and
 - (iii) adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (g) to note the comments of the Commissioner for Transport (C for T) that the proposed vehicular access road between Ping Che Road and the Site is not managed by TD. The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities. Sufficient maneuvering space shall be provided within the Site. No vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (h) to note the comments of Director of Agriculture, Fisheries and Conservation (DAFC) that the applicant should implement good site practices and measures to avoid adverse impacts on the watercourse nearby and to avoid polluting it;
- (i) to note the comments of the Director of Fire Services (D of FS) that:
 - (i) the applicant shall be reminded that fire service installations (FSIs) shall be provided to the satisfaction of his department;
 - shall the applicant declared there is no change of use and layout for the renewal application, a full set of valid F.S. 251(s) covering all the FSIs installed on the Site shall be submitted for the compliance of the relevant approval condition; and
 - (ii) the applicant is reminded that if the proposed structure(s) is required to comply with the BO (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (j) to note the comments of the Director of Environmental Protection (DEP) that the applicant is reminded to follow the requirements of the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses & Open Storage Sites' ('COP') and in case toilet is proposed within the Site, the applicant shall provide suitable sewage treatment facilities as required

under the Professional Persons Environmental Consultative Committee Practice Note (ProPECC PN) 1/23 'Drainage Plans subject to Comment by the Environmental Protection Department' and are duly certified by an AP or employ licensed waste collector to regularly collect and properly dispose of the sewage; and

- (k) to note the comments of Project Manager (North), Civil Engineering and Development Department (PM(N), CEDD) that the applied use is located within the proposed New Territories North (NTN) New Town under the Planning and Engineering (P&E) Study for NTN New Town and Man Kam To. The preliminary development proposal for NTN New Town was released in December 2024. The applied use falls within the proposed boundary of the Priority Development Area (PDA) in NTN New Town. Government-initiated works for the PDA may commence in 2028/29 the earliest. Subject to the land use planning in the P&E Study, the applied use would need to be vacated for the site formation works. The applicant is advised to take account of the above if the applied use is pursued.

致城市規劃委員會秘書：

專人送遞或郵遞：香港北角渣華道 333 號北角政府合署 15 樓

傳真：2877 0245 或 2522 8426

電郵：tpbpd@pland.gov.hk

To : Secretary, Town Planning Board

By hand or post : 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong

By Fax : 2877 0245 or 2522 8426

By e-mail : tpbpd@pland.gov.hk

有關的規劃申請編號 The application no. to which the comment relates
A/NE-TKL/842

意見詳情 (如有需要，請另頁說明)

Details of the Comment (use separate sheet if necessary)

無意見

「提意見人」姓名/名稱 Name of person/company making this comment

侯志強議員

簽署 Signature



日期 Date

2016-6-8