

Government Departments with No Objection / No Adverse Comment

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

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

Recommended Advisory Clauses

- (a) to note the comments of the District Lands Officer/North, Lands Department (LandsD) that:
- (i) the application site (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). No right of access via GL is granted to the Site;
 - (ii) the lots of the Site, except Lot Nos. 1623 S.B and 1666 S.C RP both in D.D. 100, are covered by a Short Term Waiver (STW) No. 799. A portion of GL within the Site is covered by a Short Term Tenancy (STT) No. 522. Both of the STW and the STT were granted for the purpose of a paper factory. While there will be no proposed structures on Lot Nos. 1636 and 1637 both in D.D. 100, the proposed sizes and/or uses of the structures on the remaining lots and GL within the Site do not tally with those permitted under the STW and the STT. Besides, no permission is given for the inclusion of the remaining portion of GL as mentioned in the planning application form within the Site for the subject uses;

Unauthorised structures within Lot Nos. 1623 S.B and 1666 S.C RP both in D.D. 100 covered by the planning application

- (iii) there are unauthorised structures and uses on Lot Nos. 1623 S.B and 1666 S.C RP both in D.D. 100. The applicant 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 Lot Nos. 1623 S.B and 1666 S.C RP both in D.D. 100 with and without unauthorised structures covered by the planning application

- (iv) the GL adjoining Lot Nos. 1623 S.B and 1666 S.C RP both in D.D. 100 within the Site has been fenced off and illegally occupied with unauthorised structures without any permission. Any occupation of GL without Government's prior approval is an offence under Land (Miscellaneous Provisions) Ordinance. His office reserves the rights to take necessary land control action against the illegal occupation of GL without further notice;
- (v) according to the prevailing land policy, no STW/STT applications for domestic purposes would be considered. The staff quarters cannot be accepted in the STW/STT applications; and
- (vi) if the planning application is approved, the applicant shall apply to his office for modification of the STW and STT to permit the structures erected within the said private lots and the occupation of the GL, except the structures for staff quarters. The applications for modification of the STW and STT 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 on whole lot basis. The STW and STT, if approved, will be subject to such terms and conditions including the payment of back-dated waiver fee/rent and administrative fee as considered appropriate by LandsD. Besides, given the proposed use is temporary in nature, only erection of temporary structures will be considered.

- (b) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that:
- (i) before any new building works are to be carried out on the Site, prior approval and consent of the Building Authority (BA) should be obtained unless they are exempted building works or commenced under the simplified requirement under the Minor Works Control System. Otherwise they are Unauthorised Building Works (UBW). An Authorised Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the Buildings Ordinance (BO);
 - (ii) 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 application site under the BO;
 - (iii) any temporary shelters or converted containers for storage or other uses are considered as temporary buildings which are subject to the control of Part VII of the Building (Planning) Regulations (B(P)R);
 - (iv) the Site shall be provided with means of obtaining access thereto from a street under the B(P)R 5 and emergency vehicular access shall be provided under the B(P)R 41D;
 - (v) if the Site is not abutting on a specified street having a width not less than 4.5m, the development intensity shall be determined by the BA under B(P)R 19(3) at building plan submission stage; and
 - (vi) formal submission under the BO is required for any proposed new works, including any temporary structures. Detailed comments under the BO will be provided at the building plan submission stage;
- (c) to note the comments of Chief Highway Engineer/New Territories East, Highways Department (HyD) that:
- (i) HyD shall not be responsible for the maintenance of the proposed access connecting the Site and Fan Kam Road; and
 - (ii) adequate drainage measures shall be provided to prevent surface water running from the Site to the nearby public road and drains;
- (d) to note the comments of the Chief Engineer/Construction, Water Supplies Department (WSD) that:
- (i) existing water mains within the Site may be affected (**Plan A-2** of the RNTPC Paper). The applicant is required to either divert or protect the water mains found on site;
 - (ii) if diversion is required, existing water mains within the Site are needed to be diverted outside the boundary of the Site to lie in GL. A strip of land of a minimum width of 1.5m should be provided for the diversion of existing water mains. The cost of diversion of existing water mains upon request will have to be borne by the applicant; and the applicant shall submit all the relevant proposal to WSD for consideration and agreement before the works commence; and

- (iii) if diversion is not required, the following conditions shall apply:
 - (1) existing water mains are affected as indicated on the site plan (**Plan A-2** of the RNTPC Paper) and no development which requires resiting of water mains will be allowed;
 - (2) details of site formation works shall be submitted to the Director of Water Supplies (D of WS) for approval prior to commencement of the works;
 - (3) no structures shall be built or materials stored within 1.5m from the centre line(s) of water main(s) shown on the site plan (**Plan A-2** of the RNTPC Paper). Free access shall be made available at all times for staff of the D of WS or their contractor to carry out construction, inspection, operation, maintenance and repair works;
 - (4) no trees or shrubs with penetrating roots may be planted within the Water Works Reserve or in the vicinity of the water main(s) shown on the site plan (**Plan A-2** of the RNTPC Paper). No change of existing site condition may be undertaken within the aforesaid area without the prior agreement of the D of WS. Rigid root barriers may be required if the clear distance between the proposed tree and the pipe is 2.5m or less, and the barrier must extend below the invert level of the pipe;
 - (5) no planting or obstruction of any kind except turfing shall be permitted within the space of 1.5m around the cover of any valve or within a distance of 1m from any hydrant outlet; and
 - (6) tree planting may be prohibited in the event that the D of WS considers that there is any likelihood of damage being caused to water mains;
- (e) to note the comments of the Director of Agriculture, Fisheries and Conservation (DAFC) that:
 - (i) existing irrigation pipelines (the pipelines) within the Site may be affected (**Plan A-2** of the RNTPC Paper). The applicant is required to either divert or protect the pipelines found at the Site;
 - (ii) if diversion is required, the pipelines within the Site are needed to be diverted outside the boundary of the Site to lie in GL. A strip of GL of minimum 1.5m width should be provided for the diversion of the pipelines. The applicant shall be responsible for the diversion of the pipelines at their own cost and to the DAFC's satisfaction. The applicant shall submit all relevant proposals to Agriculture, Fisheries and Conservation Department (AFCD) for agreement before the works commence;
 - (iii) if diversion is not required, the following conditions shall apply:
 - (1) the pipelines are affected as indicated on the site plan (**Plan A-2** of the RNTPC Paper) and no development which requires resiting of the pipelines will be allowed;
 - (2) no structures shall be built or materials stored within 1.5m from the centre lines of the pipelines shown on the site plan (**Plan A-2** of the RNTPC Paper). Free

access shall be made available at all times for AFCD's staff or their contractor to carry out construction, inspection, operation, maintenance and repair works;

- (3) no trees or shrubs with penetrating roots may be planted within or in the vicinity of the pipelines shown on the site plan (**Plan A-2** of the RNTPC Paper). No change of existing site condition may be undertaken within the aforesaid area without DAFC's prior agreement. Rigid root barriers may be required if the clear distance between the proposed tree and the pipe is 2.5m or less, and the barrier must extend below the invert level of the pipe; and
- (4) no planting or obstruction of any kind except turfing shall be permitted within the space of 1.5m around the cover of any valve;

(f) to note the comments of the Director of Environmental Protection that:

- (i) as the renewal application will involve 20 loading/unloading spaces for medium goods vehicles, the applicant is advised to strictly follow to the requirements/relevant mitigation measures in the revised 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' as appropriate;
- (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'; and
- (iii) the applicant shall meet the statutory requirements under relevant environmental legislation;

(g) to note the comments of the Director of Fire Services that:

- (i) the applicant should be reminded that the owner of any fire service installation or equipment shall keep such installations in efficient working order at all times and have such installations inspected by a registered contractor at least once in every 12 months, which is regulated under Section 8 of Fire Service (Installations and Equipment) Regulations (Cap. 95B); and
- (ii) if the proposed structures are required to comply with the BO (Cap. 123), detailed fire services requirements will be formulated upon receipt of formal submission of general building plans;

(h) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that approval of the application does not imply approval of tree works, if any, such as pruning, transplanting and felling. The applicant shall seek comments and approval of any proposed tree works from the relevant department prior to the commencement of the works; and

(i) to note the comments of the Director of Electrical and Mechanical Services that in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organising and supervising any activity near the underground cable or overhead line under the mentioned application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within

and/or in the vicinity of the Site. The applicant should also be reminded to observe the Electricity Supply Lines (Protection) Regulation (Cap. 406H) and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.