

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;
- (d) Chief Engineer/Mainland North, Drainage Service Department;
- (e) Director of Environmental Protection;
- (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 Food and Environmental Hygiene;
- (j) Chief Building Surveyor/New Territories West, Buildings Department;
- (k) District Officer (Yuen Long), Home Affairs Department;
- (l) Project Manager (West), Civil Engineering and Development Department;
- (m) Chief Engineer/Construction, Water Supplies Department; and
- (n) Director of Electrical and Mechanical Services.

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 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;
 - (ii) the following private lot is covered by Short Term Waiver (STW):

STW No.	Lot No. (in D.D. 110)	Purposes
4876	3 S.D	Temporary Place of Recreation, Sports or Culture (Hobby Farm)

- (iii) the STW holder(s) will need to apply to his office for modification of the STW conditions where appropriate, and the lot owner(s) without STW shall apply to his office for STW(s) to permit the structure(s) erected within the private lot(s) covered by the application. 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 application(s), if approved, will be subject to such terms and conditions including the payment of wavier 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 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;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that:
 - (i) the Site is connecting, via local track, to a section of Kong Tai Road which is not maintained by HyD. HyD shall not be responsible for the maintenance of the proposed access connecting the Site, including the adjoining section of Kong Tai Road and local tracks, if any; 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) the revised record of the existing drainage facilities shall include colored and clear photos showing the current condition of the drainage facilities and a layout plan indicating the locations and angles of the photos taken; and
 - (ii) the submitted photos shall cover drainage facilities including but not limited to, surface channels, catchpits, sand traps and discharge path as indicated on the drainage plan;
- (f) to note the comments of the Director of Environmental Protection that:
 - (i) the applicants shall ensure that no public announcement system, portable speaker or any form of audio amplification system are used at the Site;
 - (ii) the applicants shall follow the revised 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites';
 - (iii) the applicants 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';
 - (iv) the applicants shall provide adequate supporting infrastructure/facilities for proper collection, treatment and disposal of waste/wastewater generated from the applied use; and
 - (v) the applicants shall meet the statutory requirements under relevant environmental legislation, in particular the Water Pollution Control Ordinance (Cap. 358);
- (g) to note the comments of the Director of Fire Services that the existing fire service installations implemented on the Site shall be maintained in efficient working order at all times;
- (h) to note the comments of the Director of Food and Environmental Hygiene that:
 - (i) no Food and Environmental Hygiene Department (FEHD)'s facilities shall be affected;
 - (ii) proper licence/permit issued by FEHD is required if there is any food business/catering service/activities regulated by him under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public. Under the Food Business Regulation (Cap. 132X) (the Regulation), a food business licence is required for the operation of the relevant type of food business listed in the Regulation (e.g. a restaurant, a food factory, a fresh provision shop etc.). In case that the farm products which will be sold at the Site are vegetables and fruits only, the fresh provision shop licence is not required. Fresh Provision Shop Licence in case sale of fresh, chilled or frozen beef, mutton, pork, reptiles (including live reptiles), fish (including live fish) or poultry (including live poultry) is involved. The application for licence, if acceptable by FEHD, will be referred to relevant government departments such as the Buildings Department (BD), Fire Services Department and Planning Department for comment. If there is no objection from

the departments concerned, a letter of requirements will be issued to the applicants for compliance and the licence will be issued upon compliance of all the requirements;

- (iii) when choosing a premises for food business licences, the applicants must ensure that the operation of food business at the subject premises is in compliance with the requirements imposed under the legislation administered by FEHD, other Government departments and the relevant authorities. Applicants are strongly advised to check well in advance the following documents: (a) the Government Lease, (b) the Occupation Permit of the building, and (c) the statutory plan. No part of a food premises shall be located in, under or over any structures built without the approval and consent of the Building Authority;
 - (iv) proper licence issued by FEHD is required if related place of entertainment is involved. Any person who desires to keep or use any place of public entertainment for example a theatre and cinema or a place, building, erection or structure, whether temporary or permanent, on one occasion or more, capable of accommodating the public presenting or carrying on public entertainment within Places of Public Entertainment Ordinance (Cap. 172) and its subsidiary legislation, such as a concert, opera, ballet, stage performance or other musical, dramatic or theatrical entertainment, cinematograph or laser projection display or an amusement ride and mechanical device which is designed for amusement, a Place of Entertainment Licence (or Temporary Place of Public Entertainment Licence) should be obtained from FEHD whatever the general public is admitted with or without payment; and
 - (v) there should be no encroachment on the public place and no environmental nuisance should be generated to the surroundings. Its state should not be a nuisance or injurious or dangerous to health and surrounding environment. Also, for any waste generated from such activities/operation, the applicants should arrange disposal properly at their own expenses; and
- (i) to note the comments of the Chief Building Surveyor/New Territories West, BD that:
- (i) before any new building works (including containers/open sheds as temporary buildings) are to be carried out on Site, prior approval and consent of BD should be obtained, otherwise they are unauthorized building works (UBW) under the Buildings Ordinance (BO). An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with BO;
 - (ii) for UBW erected on leased land, enforcement action may be taken by 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 BO;
 - (iii) 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
 - (iv) if the Site does not abut a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of B(P)R at the building plan submission stage.