

Government Departments' General Comments

1. Traffic

Comments of the Commissioner for Transport (C for T):

- no in-principle objection to the application from traffic engineering perspective; and
- her advisory comments are at **Appendix III**.

Comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD):

- no adverse comment on the application from highways maintenance perspective; and
- his advisory comments are at **Appendix III**.

2. Environment

Comments of the Director of Environmental Protection (DEP):

- no objection to the application from environmental perspective;
- no environmental complaint in relation to the application site (the Site) was received in the past three years; and
- his advisory comments are at **Appendix III**.

3. Drainage

Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- approval conditions on submission and implementation of drainage proposal for the Site are recommended to ensure that it will not cause adverse drainage impact to the adjacent areas; and
- her advisory comments are at **Appendix III**.

4. Fire Safety

Comments of the Director of Fire Services (D of FS):

- no in-principle objection to the application subject to fire service installations and water supplies for firefighting being provided to his satisfaction; and
- his advisory comments are at **Appendix III**.

5. **Building Matters**

Comments of the Chief Building Surveyor/New Territories West, Building Department (CBS/NTW, BD):

- no objection to the application;
- there is no record of approval by the Building Authority (BA) for the existing structures at the Site;
- it is noted that three structures are applied in the application, before any new building works (including container/open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on the Site, prior approval and consent of the 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 unauthorized building works 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; and
- his advisory comments are at **Appendix III**.

6. **Other Departments**

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

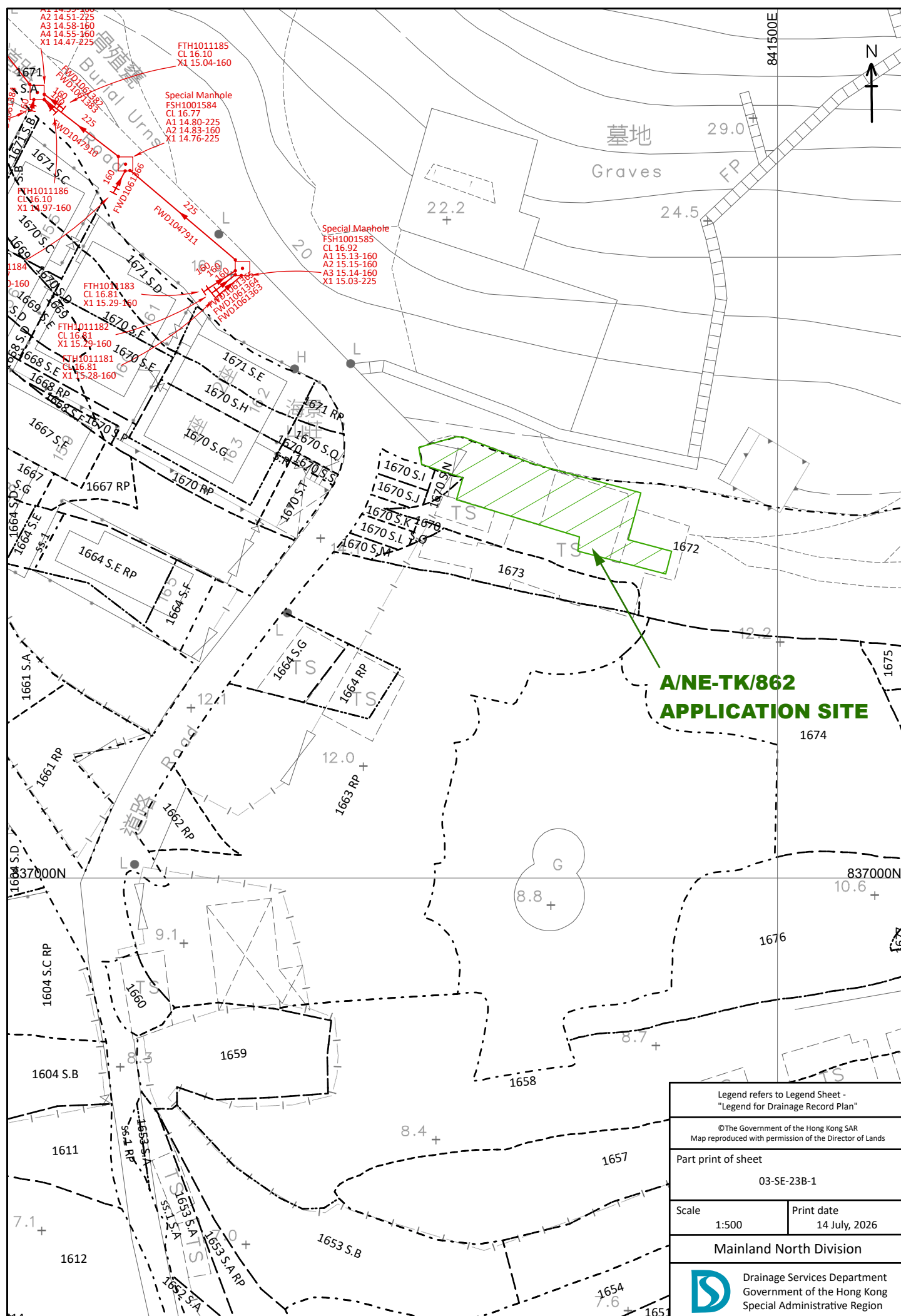
- (a) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (b) Project Manager (North), Civil Engineering and Development Department (PM(N), CEDD); and
- (c) District Officer (Tai Po), Home Affairs Department (DO(TP), HAD).

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) prior planning permission should have been obtained before commencing the applied use at the Site;
- (c) to note the comments of the District Land Officer/Tai Po, Lands Department (DLO/TP, LandsD) that:
 - (i) an unauthorized structure was detected on Lot 1672 in D.D. 17 and warning letters in respect of the breach of such lease restriction were issued to the lot owner. The lot owner should immediately rectify/regularize the lease breach and his office reserves the rights to take necessary lease enforcement action against the breach without further notice. The applicant should clarify whether the applied structures are the same as those currently existing on the Site;
 - (ii) subject to (i) above, if the lot owner wishes to permit structures erected or to be erected on the Site, including but not limited to electric vehicle chargers, the lot owner is required to submit an application for Short Term Waiver (STW) to LandsD. LandsD will consider the STW application in accordance with the established procedures and guidelines and with reference to development perimeters approved by the Town Planning Board. However, there is no guarantee at this stage that the STW application would be approved. If the STW application is approved by LandsD acting in the capacity as landlord at its sole discretion, such approval will be subject to such terms and conditions as may be imposed by LandsD including the payment of waiver fee and administrative fee as considered appropriate. Besides, given the applied use is temporary in nature, only erection of temporary structure(s) will be considered;
 - (iii) the applicant had made use of the adjoining private lots and unleased/unallocated Government land (GL) as vehicular access to and from the Site. The maintenance and management responsibility of the said GL and any other GL leading to the Site should be sorted out with the relevant government departments. Moreover, access to the Site may also falls on adjoining private lots all in D.D. 17. The applicant should sort out the relevant issues with the lots owners concerned; and
 - (iv) there is no guarantee to the grant of a right of way to the Site or approval of the emergency vehicular access (EVA) thereto;
- (d) to note the comments of the Commissioner for Transport (C for T) that:
 - (i) for the village access road connecting Ting Kok Road, it is not under the Transport Department's management. It is suggested that the land status, management and maintenance responsibilities of the village access should be clarified with the relevant lands and maintenance authorities accordingly in order to avoid potential land disputes; and
 - (ii) the applicant is also reminded that sufficient space within the Site should be provided for manoeuvring of vehicles;

- (e) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD) that:
 - (i) adequate drainage measures shall be provided to prevent surface water running from the Site to the nearby public roads and drains; and
 - (ii) the access road connecting the Site with Ting Kok Road is not and will not be maintained by his office. His office should not be responsible for maintaining any access connecting the Site with Ting Kok Road;
- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that approval of the application does not imply approval of tree works such as crown and root pruning, transplanting and felling. The applicant is reminded to seek approval for any proposed tree works from relevant departments prior to commencement of the works;
- (g) to note the comments of the Director of Environmental Protection (DEP) that the applicant is reminded to follow the relevant mitigation measures and requirements in 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' and to meet the statutory requirements under relevant pollution control ordinances;
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:
 - (i) there is no existing DSD maintained public drain available for connection in the area. The applicant should have his own stormwater collection and discharge system to cater for the runoff generated within the Site and overland flow from surrounding of the Site, e.g. surface channel of sufficient size along the perimeter of the Site; sufficient openings should be provided at the bottom of the boundary wall/fence to allow surface runoff to pass through the Site if any boundary wall/fence are to be erected. Any existing flow path affected should be re-provided. The applicant should neither obstruct overland flow nor adversely affect the existing natural streams, village drains, ditches and the adjacent areas. The applicant is required to maintain the drainage systems properly and rectify the systems 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 damage or nuisance caused by failure of the systems;
 - (ii) there are existing public sewers in the vicinity of the Site. The drainage record plan is at **Attachment 1** for ease of reference; and
 - (iii) the applicant shall resolve any conflict/disagreement with relevant lot owner(s) and seek LandsD's permission for laying new drains/channels and/or modifying/upgrading existing ones in other private lots or on GL (where required) outside the Site;
- (i) to note the comments of the Director of Fire Services (D of FS) that:
 - (i) the applicant should submit relevant layout plans incorporated with the proposed fire service installations (FSIs) for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of the proposed FSIs should be installed should be clearly marked; and

- (ii) if the applied structures are required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NW, BD) that:
 - (i) the Site shall be provided with means of obtaining access thereto from a street and EVA 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 and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at building plan submission stage;
 - (iii) if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the Building Authority, they are unauthorized building works (UBW) under the BO and should not be designated for any applied use under the application;
 - (iv) 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 constructed as an acceptance of any existing building works or UBW on the Site under the BO;
 - (v) the applicant's attention is also drawn to the provision under regulations 40, 41 and Part V of the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations in respect of disposal of foul water and surface water;
 - (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.



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A/NE-TK/862

Lot 1672 (Part) in D.D. 17, Ting Kok, Tai Po

Site area: About 135.89sq.m

Zoning: "Recreation"

Applied use: Warehouse / 1 Vehicle Parking

Dear TPB Members,

The local economy of Ting Kok is based on tourism, both local and from overseas visitors.

The "Recreation" zoning should be retained for those services that support the zoning intention, like the many BBQs and open air restaurants.

Mary Mulvihill