Similar s.16 Applications within the subject "V" zone on the OZP in the past five years

Approved Applications

Application No.	Development(s)/ Use(s)	Date of Consideration
A/TM/590	Proposed Temporary Shop and Services and Eating Place for a Period of 6 Years	16.8.2024
A/TM/599	Proposed Temporary Shop and Services (Retail Shop) with Ancillary Facilities for a Period of 6 Years	4.7.2025

Government Bureau/Departments' General Comments

1. Traffic

(a) Comment of the Commissioner for Transport (C for T):

- no adverse comment on the application from the traffic engineering point of view; and
- her advisory comments are detailed in **Appendix IV**.

(b) Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- no objection to the application from the highways maintenance point of view; and
- his advisory comments are detailed in **Appendix IV**.

2. Environment

Comments of the Director of Environmental Protection (DEP):

- no objection to the application;
- there was no environmental complaint pertaining to the Site received in the past three years; and
- his advisory comments are detailed in **Appendix IV**.

3. Drainage

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

- no objection on the application from the public drainage point of view;
- should the application be approved, a condition should be included to request the applicant to submit and implement a drainage proposal for the Site to ensure that it will not cause adverse drainage impact to the adjacent area, the applicant could make reference to DSD Technical Note to prepare a "Drainage Submission"; and
- her advisory comments are detailed in **Appendix IV**.

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 for being provided to his satisfaction; and

- his advisory comments are detailed in **Appendix IV**.

5. District Officer's Comment

Comment of the District Officer (Tuen Mun), Home Affairs Department (DO(TM), HAD):

- no comments from departmental point of view; and

- her office has not received any public comments on the application.

6. Other Bureau/Departments

The following government bureau/departments have no objection to/no adverse comment/no comment on the application and their advisory comments, if any, are in **Appendix IV**:

(a) Executive Secretary (Antiquities & Monuments) 1, Antiquities and Monuments Office, Development Bureau (ES(A&M)1, AMO, DEVB);
(b) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):
(c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
(d) Commissioner of Police (C of P);
(e) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD);
(f) Director of Food and Environmental Hygiene (DFEH); and
(g) Director of Electrical and Mechanical Services (DEMS).

Recommended Advisory Clauses

(a) prior planning permission should have been obtained before commencing the development on the application site (the Site);

(b) to resolve any land issues relating to the development with the concerned owner(s) of the Site;

(c) to note the comments of the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD) that:

(i) the Site comprises Old Schedule Agricultural Lot 619 RP in D.D.132 ("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) there are unauthorised structures used as grocery stores, cafe, learning centre, toilets and converted containers erected on the Lot. The Lot owner should immediately rectify/regularise the lease breaches and her office reserves the rights to take necessary lease enforcement action against the breaches without further notice;

(iii) there are unauthorised structures at the northwestern corner of the Lot not covered by the planning application. The Lot owner should immediately rectify/regularise the lease breaches and her office reserves the rights to take necessary lease enforcement action against the breaches without further notice;

(iv) the Government land (GL) adjoining the Lot has been illegally occupied with unauthorised structures without permission. Any occupation of GL without Government's prior approval is an offence under Cap. 28. Her office reserves the rights to take necessary land control action against the illegal occupation of GL without further notice;

(v) the Lot owner/applicant shall remove the unauthorised structures and cease the illegal occupation of the GL not covered by the planning application immediately. LandsD reserves the right to take enforcement action against the Lot owner/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;

(vi) the Site is accessible via GL branching off the footway of Yan Po Road. Her office does not carry out maintenance works for the said GL nor guarantee the right-of-way to the Site will be given. The applicant shall be responsible for his own access arrangement; and

(vii) her 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 unlawful 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 her office or be in breach of the approval given;

(d) to note the comments of the Commissioner for Transport (C for T) that:

(i) the proposed vehicular access between Tsz Tin Road and the Site is not managed by the Transport Department (TD). A right-of-way of the proposed vehicular access is not guaranteed. Consent/comments shall be sought from relevant land owners and management parties; and

(ii) please ensure that no queuing and/or waiting of motor vehicles from the Site onto the proposed access road would occur, and no motor vehicles shall be permitted to reverse into and out of the Site onto the proposed access road;

(e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that the access connecting to Tsz Tin Road is not a public road, the applicant should be responsible for his own access arrangement. HyD is not/shall not be responsible for the maintenance of any access connecting the Site to any public roads;

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

(i) the applicant should follow the ProPECC PN1/23 "Drainage Plan subject to comment by the Environmental Protection Department" for relevant measure regarding sewage disposal. Please note that public sewer in vicinity of the site is available for connection by the Site. According to the Hong Kong Planning Standards and Guidelines Chapter 9 Section 5.2.4, "in general, public sewerage should be used as this is the most efficient and safe means"; and

(ii) to applicant should follow the "Recommended Pollution Control Clauses for Construction Contracts" to minimise any potential inconvenience and environmental nuisance to nearby residents and other sensitive receivers;

(g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:

(i) all existing drains/watercourse should be maintained and the overland flow from adjacent lands should not be affected. For any change of existing ground level and associated works proposed by the applicant that could affect adjacent land and cause other impacts and/or other issues to the public, the applicant should submit technical assessment(s) and seek comment from relevant government departments as necessary;

(ii) there are existing drainage facilities maintained by DSD in the vicinity of the Site (**Plan A-2**). The applicant shall take extreme care when working in the vicinity of any existing drainage works in order not to disturb, interfere with or cause damage to them. Any blockage or damage to the said works due to the proposed development

shall be made good at the applicant's cost;

(iii) the applicant should construct and maintain the proposed drainage facilities properly whether within or outside the Site and rectify them if they are found to be inadequate or ineffective during operation at their own expense. 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 their facilities/systems;

(iv) for any works to be undertaken outside the Site, the applicant should obtain prior agreement from DLO/TM, LandsD and/or the relevant lot owners; and

(v) the applicant could refer to DSD Technical Note to prepare a drainage submission in https://www.dsd.gov.hk/EN/Files/Technical_Manual/dsd_guideline/Drainage_Submission.pdf. In particular, the following items should be addressed in the drainage proposal:

- the applicant should indicate clearly the full alignment, size and invert level of the proposed drainage system and the existing downstream drainage system up to a well-established streamcourse/public drainage system; and

- the applicant shall check and ensure that the proposed drainage works and their downstream drainage systems have the adequate capacity and are in good conditions to accommodate the surface runoff collected from the application site and its upstream catchments. The applicant shall effect any subsequent upgrading of these proposed works and the downstream drainage systems whenever necessary;

(h) to note the comments of the Director of Fire Services (D of FS) that:

(i) in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. In addition, the applicant should also be advised on the following points:

- the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and

- the location of the proposed FSIs to be installed should be clearly marked on the layout plans;

(ii) if the proposed 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;

(i) to note the comments of the Executive Secretary (Antiquities & Monuments) 1, Antiquities and Monuments Office, Development Bureau (ES(A&M)1, AMO, DEVB) that the applicant is required to inform the AMO when any antiquities or supposed antiquities are discovered in the course of works pursuant to the Antiquities and Monuments Ordinance (Cap. 53);

(j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:

(i) before any new building works (including containers/open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on the Site, prior approval and consent of the Building Authority should be obtained, otherwise they are unauthorized building works (UBW) 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;

(ii) 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;

(iii) 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;

(iv) for UBW erected on leased land, enforcement action may be taken by the Buildings Department 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 construed as an acceptance of any existing building works or UBW on the Site under the BO;

(v) any temporary shelters or converted containers for office, storage, washroom or other uses are considered as temporary buildings which are subject to the control of Part VII of the B(P)R; and

(vi) detailed comments under the BO will be provided at building plan submission stage; and

(k) to note the comments of the Director of the 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 his own/at his expenses.