Government Departments with No Objection / No Adverse Comment

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

(a) Commissioner for Transport;
(b) Chief Highway Engineer/New Territories West, Highways Department (HyD);
(c) Chief Engineer/Railway Development 1-1, Railway Development Office, HyD;
(d) Chief Engineer/Mainland North, Drainage Service Department;
(e) Director of Fire Services;
(f) Chief Town Planner/Urban Design and Landscape, Planning Department;
(g) Director of Agriculture, Fisheries and Conservation;
(h) Director of Environmental Protection;
(i) Chief Building Surveyor/New Territories West, Buildings Department;
(j) Project Manager (West), Civil Engineering and Development Department;
(k) Chief Engineer/Construction, Water Supplies Department;
(l) District Officer (Yuen Long), Home Affairs Department;
(m) Director of Electrical and Mechanical Services; and
(n) Commissioner of Police.

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 resolve any land issues relating to the applied use with the concerned owner(s) and/or occupant(s);

(c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that:

(i) the Site comprises Government land (GL) and 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) no permission is given for occupation of GL (about 220m^2) included in the Site. Any occupation of GL without Government's prior approval is an offence under Cap.28;

(iii) the following irregularity has been detected:

unauthoriseded structure(s) within the private lot(s) covered by the application

LandsD has reservation on the application since there is/are unauthorised structure(s) and/or uses on Lots 760 RP, 762 RP, 795 RP, 797 RP, 799, 800,801,802 and 803 all in D.D. 103 which is/are already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/apply for regularisation on the lease breaches as demanded by LandsD;

(iv) the lot owner(s) shall apply to his office for a Short Term Waiver (STW) and Short Term Tenancy (STT) to permit the structure(s) erected within the private lots and the occupation of GL. The application(s) for 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 and STT, if approved, will be subject to such terms and conditions including the payment of waiver fee, rent and administrative fee as considered appropriate by LandsD. Besides, given the proposed uses are temporary in nature, only erection of temporary structure(s) will be considered; and

(v) it is noted that rest places are applied. According to the established practice, application for STW of structures for domestic/residential uses on private agricultural land will not be entertained. Hence, even if the Town Planning Board approved the application, his office will not consider approving/regularising any structure(s) erected/to be erected on the lots for domestic/residential uses;

(d) 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;

(e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that:

(i) the Site involves GL which is not under HyD's maintenance purview;

(ii) he acknowledges that there will be no parking or loading/unloading space provided at the Site. The application is approved on the understanding that there is and will be no vehicular access to/from the Site; and

(iii) adequate drainage measures shall be provided to prevent surface water running from the Site to the nearby public roads and drains;

(f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that:

(i) 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 public, the applicant is required to submit technical assessment(s) in other aspect(s) and seek comment from relevant departments as necessary; and

(ii) the applicant shall maintain the existing drainage facilities under the approved previous application No. A/YL-KTS/981;

(g) to note the comments of the Director of Fire Services that if the applied structures are required to comply with the Buildings Ordinance (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 Director of Environmental Protection that:

(i) no public announcement, portable speaker or any form of audio amplification system shall be used at the Site;

(ii) the applicant shall follow the revised 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites';

(iii) 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';

(iv) the applicant shall provide adequate supporting infrastructure/facilities for proper collection, treatment and disposal of waste/wastewater generated from the applied use; and

(v) the applicant shall meet the statutory requirements under relevant environmental legislation;

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

(i) there is no record of approval granted by the Building Authority (BA) for the existing

structures at the Site;

(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 building intensity shall be determined under Regulations 19(3) of the B(P)R at building plan submission stage;

(iv) if the existing structures are erected on leased land without the approval of the BA, they are unauthorised building works (UBW) under the BO and should not be designated for any applied use under the captioned application;

(v) for UBW erected on leased land, enforcement action may be taken by the 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 the BO;

(vi) before any new building works (including containers/open sheds as temporary buildings, demolition and land filling) are to be carried out on the Site, the prior approval and consent of the BA should be obtained, otherwise they are UBW. An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO; and

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

(j) to note the comments of the Commissioner of Police that the applied use shall not cause traffic congestion and flooding.