

Detailed Departmental Comments

Comments of the Director of Leisure and Cultural Services (DLCS)

- (a) If any trees under the maintenance of DLCS will be affected, separate submission of Tree Preservation and Removal Proposal is required to DLCS for consideration and expert advice in accordance with Development Bureau Technical Circular (Works) No. 7/2015 – Tree Preservation (DEVB TCW No. 7/2015).
- (b) Furthermore, if newly planted trees/ trees at unleased and allocated government land within 10m kerb of newly formed public road proposed will be handed over to DLCS for future maintenance, agreement from DLCS should be sought in advance and sufficient amount of recurrent cost must be provided.

Advisory Clauses

- (a) prior planning permission should have been obtained before continuing the development on the Site;
- (b) to note the comments of the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD) that the Lot is Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government. If structures are proposed to be erected, the lot owner is required to submit a formal application to his Office for a Short Term Waiver to permit creation of the proposed structures on the Lot after planning permission is given by the Town Planning Board if applicable. However, there is no guarantee that the application will be approved and he reserves his right to take any action as may be appropriate. The application will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event that the application is approved, it would be subject to such terms and conditions as the Government shall deem fit to do so, including charging of waiver fee, deposit and administration fee etc. His Office reserves the right to take enforcement actions as considered appropriate against any unauthorised erection/extension/alternations of structures on the Site or any unauthorised occupation of Government land irrespective of whether planning permission will be given or not. The Site is accessible via a track leading from Tai Lam Chung Road. His Office does not carry out maintenance works for the said track nor guarantee that right-of-way will be given to the Site;
- (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 land 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 (CHE/NTW, HyD) that
 - (i) adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains; and
 - (ii) the proposed vehicular access from the Site to Tai Lam Chung Road is not and will not be maintained by HyD. HyD shall not be responsible for the maintenance of any access connecting the Site and Tai Lam Chung Road;
- (e) to note the comments of Comment of the Director of Environmental Protection (DEP) that the relevant mitigation measures and requirements in the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued should be followed to minimise any potential environmental nuisance;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
 - (i) if the existing structures are erected on leased land without approval of the BD (not being a New Territories Exempted House), they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the captioned application; and

- (ii) for unauthorised building works (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 BO.

- (g) to note the comments of the Director of Fire Services (D of FS) that the layout plans to be incorporated in the fire service installation (FSI) proposal should be drawn to scale and depicted with dimensions and nature of occupancy and the location of where the proposed FSIs to be installed should be clearly marked on the layout plans;

- (h) to note the comments of the Director of Leisure and Cultural Services (DLCS) that:
 - (i) if any trees under the maintenance of DLCS will be affected, separate submission of Tree Preservation and Removal Proposal is required to DLCS for consideration and expert advice in accordance with Development Bureau Technical Circular (Works) No. 7/2015 – Tree Preservation (DEVB TCW No. 7/2015); and
 - (ii) if newly planted trees/trees at unleased and unallocated government land within 10m from kerb of newly formed public road proposed will be handed over to DLCS for future maintenance, agreement from DLCS should be sought in advance and sufficient amount of recurrent cost must be provided;

- (i) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the 'existing stream' for the proposed connection is not being maintained by DSD. The applicant shall seek consent from the concerned departments/maintenance parties/owners for the proposed connection to their drainage system; and

- (j) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that the public access to Tai Lam Chung Tsuen Public Toilet should be retained. If the existing public access would be affected by the proposed private vehicle park, reprovisioning of a proper access to the Tai Lam Chung Tsuen Public Toilet up to the satisfaction of DFEH and in compliance with the requirements in the prevailing 'Design Manual - Barrier Free Access' by the applicant is necessary.