

Advisory Clauses

- (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that:
- (i) the Site comprises Lot 1640 S.B held under Tai Po New Grant No. 2998 for fruit growing purpose; and
 - (ii) the lot owner(s) will need to apply to his office to waive the user restriction(s) as stipulated in the lease conditions to permit the structure(s) to be erected and/or regularize any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Applications for any of the above will be considered by LandsD acting in the capacity as landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by LandsD.
- (b) to note the comments of the Commissioner for Transport (C for T) that the Site is connected to the public road network via a section of a local access road which is not managed by Transport Department (TD). 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.
- (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that HyD shall not be responsible for the maintenance of any access connecting the Site and Kam Sheung Road. Adequate drainage measures should be provided to prevent surface water running from the Site to nearby public roads and drains.
- (d) to note the comments of the Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) that approval of the planning application under the Town Planning Ordinance does not imply approval of tree preservation/removal scheme under the lease. The applicant should seek comments and approval from the relevant authority on the proposed tree works and compensatory planting proposal, where appropriate.
- (e) to note the comments of the Director of Environmental Protection (DEP) that the applicant should:
- (i) follow the relevant mitigation measures and requirements in the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Site” to minimize any potential environmental nuisance;
 - (ii) provide adequate supporting infrastructure/facilities for proper collection, treatment and disposal of waste/wastewater generated from the proposed use. If septic tank and

soakaway system will be used in case of unavailability of public sewer, its design and construction shall follow the requirements of his department's Practice Note for Professional Person (ProPECC) PN 5/93 "Drainage Plans subject to Comment by the Environmental Protection Department" including percolation test;

- (iii) minimise any noise from the proposed use, and the use of public announcement systems, audio amplifier and loudspeakers shall be prohibited; and
 - (iv) it is the obligation of the applicant to meet the statutory requirements under relevant pollution control ordinances.
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
- (i) if the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of the BA, they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any applied use under the application;
 - (ii) 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 construed as an acceptance of any existing building works or UBW on the Site under the BO;
 - (iii) before any new building works (including containers/open sheds as temporary buildings, demolition, land filling, etc.) are to be carried out on the Site, prior approval and consent of the BA should be obtained, otherwise they are UBW. An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with the BO;
 - (iv) 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 respectively;
 - (v) the Site does not abut on a specified street of not less than 4.5m wide, and its permitted development intensity of each individual site shall be determined under Regulation 19(3) of the Building (Planning) Regulations at the building plan submission stage; and
 - (vi) detailed checking under the BO will be carried out at the building plan submission stage.
- (g) 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. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature

of occupancy. The location where the proposed FSI to be installed should be clearly marked on the layout plans; and

- (ii) the applicant is reminded that if the proposed structure(s) is required to comply with BO, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

