

Recommended Advisory Clauses

- (a) to resolve any land issues related to the temporary use with the concerned owner(s) of the application site (the Site);
- (b) to note DLO/YL, LandsD's comments that the Site comprises 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. A portion of the Government Land (GL) (about 5m²) of the Site is covered by a Short Term Tenancy (STT) No. 180 for the purpose of "Bone Crushing". No permission is given for occupation of the remaining GL of about 149m² in area (subject to verification) included in the Site. The act of occupation of remaining GL without Government's prior approval is not allowed. The Site is accessible to Shek Wu Wai Road through both GL and private land. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way. The Site does not fall within Shek Kong Airfield Height Restriction Area. The lot owners will need to apply to his office to permit the structures to be erected or regularize any irregularity on site. Besides, the STT holder will need to apply to his office for modification of the STT conditions if there is any irregularity on site. Furthermore, the applicant has to either exclude the remaining GL from the Site or apply for a formal approval prior to the actual occupation of the GL. Such applications will be considered by Lands Department (LandsD) acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such applications are approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;
- (c) to note C for T's comment that the Site is connected to the public road network via a section of a local access which is not managed by Transport Department (TD). The land status of the local access road should be clarified with the LandsD by the applicant. 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 CHE/NTW, HyD's comments that the applicant should construct a road junction or run-in/out at the access point at Shek Wu Wai Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement, to the satisfaction of Highways Department and TD. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (e) to note CE/RD 2-2, RDO, HyD's comment that the Site neither falls within any administrative route protection boundary, gazetted railway schemes, nor railway protection boundary of heavy rail systems;
- (f) to note DEP's comments that the applicant is advised to follow the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" (COP) issued by DEP to minimize potential environmental impacts on the surrounding area;
- (g) to note DAFC's comments that there are some trees adjoining the Site and some trees are

located near the proposed ingress/egress point. The applicant is reminded to take necessary measures to avoid causing damages to trees adjoining the Site during operation. There is watercourse abutting the eastern boundary of the Site. Should the application be approved, the applicant is advised to adopt appropriate measures to avoid polluting and disturbing the watercourse during operation;

- (h) to note D of FS's comments that the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The applicant should also be advised on (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and (ii) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (i) to note CBS/NTW, BD's comments that as there is no record of approval by the Building Authority for the existing structures at the Site, he is not in a position to offer comments on the suitability for the proposed use at the Site. If the existing structures (not being New Territories Exempted Houses) are erected on leased land without approval of the BD, they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. 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. Before any new building works (including containers/open sheds as temporary buildings and land filling) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO. 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. If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;
- (j) to note CE/MN, DSD's comments that should additional drainage works be required, approval of the drainage proposal must be sought prior to the implementation of drainage works on site; after completion of the drainage works, the applicant shall provide DSD for reference a set of record photographs showing the completed drainage works with corresponding photograph locations marked clearly on the approved drainage plan. DSD will inspect the completed drainage works jointly with the applicant with reference to the set of photographs; the applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas; no public sewerage maintained by his office is currently available for connection. For sewage disposal and treatment, agreement from DEP shall be obtained; the applicant is reminded that the proposed drainage works as well as the site boundary should not cause encroachment upon areas outside his jurisdiction; the applicant should consult DLO/YL regarding all the proposed drainage works outside the Site boundary in order to ensure the unobstructed discharge from the Site in future; and all the proposed drainage facilities should be constructed and maintained by the applicant at his own cost. The applicant should ensure and keep all drainage facilities on site under proper maintenance

during occupancy of the Site;

- (k) to note CTP/UD&L, PlanD's comments that Tree works applications should be submitted directly to DLO/YL, LandsD for approval. Useful information on general tree maintenance and care as well as good practices on Tree Risk Assessment is available for reference in Pictorial Guide for Tree Maintenance (https://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf) and the Handbook of Tree Management (https://www.greening.gov.hk/en/tree_care/Handbook_on_Tree_Management.html) published by the Greening, Landscape & Tree Management Section, Development Bureau; and
- (l) to note DEMS's comments that in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/ or overhead line within and/or in the vicinity of the Site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the "Code of Practice on Working near Electricity Supply Lines" established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

