

Advisory clauses

- (a) the permission is given to the use/development under application. It does not condone any other use/development which currently exists on the Site but not covered by the application. The applicant should be requested to take immediate action to discontinue such use/development not covered by the permission;
- (b) to note the comments from District Lands Office/Yuen Long, Lands Department (DLO/YL, LandsD) that:
 - (i) 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;
 - (ii) no permission is given for occupation of Government land of about 30m² in area (subject to verification) included in the Site. The act of occupation of Government land without Government's prior approval is not allowed;
 - (iii) the Site is accessible from Castle Peak Road – Chau Tau through Government land. His office provides no maintenance work for the Government land involved and does not guarantee any right-of-way;
 - (iv) the lot owners will need to apply to his office to permit the structures to be erected or regularize any irregularity on site. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Furthermore, the applicant has to either exclude the Government land from the Site or apply for a formal approval prior to the actual occupation of the Government land. Applications for any of the above will be considered by his department acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. It will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by his department;
- (c) to note the comments of the Chief Estate Surveyor/Acquisition, Lands Department (CES/A, LandsD) that the Site might be subject to land resumption at any time before the expiry of the planning permission;
- (d) to note the comments of the Project Manager/North, Civil Engineering and Development Department (PM/N, CEDD) that his office will have construction activities near the Site;
- (e) to note the comments of the Commissioner for Transport (C of T) that the Site connects to Castle Peak Road – Chau Tau via a local village track, which is not managed by his department. The applicant should check the land status of the access with the lands authority, and clarify its management and maintenance responsibilities with the relevant lands and maintenance authorities accordingly;

- (f) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD) that the vehicular access leading to the Site is not maintained by his department;
- (g) to note the comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department (CE/RD2-2, RDO, HyD) that the Site falls within the administrative route protection for the proposed Northern Link (NOL). Although the programme and the alignment of the proposed NOL are still under review, those areas within the administrative route protection boundary may be required to be vacated at the time for the construction of the NOL;
- (h) to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” (CoP) issued by the Director of Environmental Protection;
- (i) to note the advice of the Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) on the tree maintenance that:
 - (i) the root zone of most of the existing trees are covered with concrete. This is arboriculture mal-practice which will lead to gradual tree health deterioration. Considering the size of the existing trees, the applicant should remove the concrete surface around the tree pit opening to at least 1.5m x 1.5m;
 - (ii) the tree pits should be kept free from weeds and stacking of miscellaneous objects;
 - (iii) for more technical information on tree care, please visit http://www.greening.gov.hk/tree_care/tree_maintenance.html for detail;
- (j) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) on the general requirements of the drainage proposal that:
 - (i) surface channels with grating covers should be provided along the site boundary;
 - (ii) a drainage plan should be provided clearly showing the size, levels and routes of the proposed drainage. The details (invert level, gradient, general sections etc.) of the proposed drain/surface channel, catchpits and the discharge structure shall be provided;
 - (iii) the cover levels of proposed channels should be flush with the existing adjoining ground level;
 - (iv) a catchpit with covers should be provided where there is a change of direction of the channel/drain. The details of the catchpit (CEDD Standard Drawing No. 2405) shall be provided;
 - (v) catchpits with sand trap shall be provided at the outlets of the proposed drainage system. The details of the catchpit with sand trap (CEDD Standard Drawing No. 2406) should be provided;

- (vi) the applicant should check and ensure that the existing drainage downstream to which the proposed connection will be made have adequate capacity and satisfactory condition to cater for the additional discharge from the Site. He should also ensure that the flow from the Site will not overload the existing drainage system;
- (vii) the applicant is reminded that where walls are erected or kerbs are laid along the boundary of the same, peripheral channels should be provided on both sides of the walls or kerbs, and/or adequate openings should be provided at the walls/kerbs to allow existing overland flow passing through the Site to be intercepted by the drainage system of the Site with details to be agreed by DSD, unless justified not necessary;
- (viii) if the existing drainage facilities to which the applicant proposed to discharge the storm water from the Site are not maintained by DSD, the applicant should identify the owners of the existing drainage facilities to which the proposed connection will be made and obtain consent from the owners prior to commencement of proposed works;
- (ix) the applicant is reminded that all existing flow paths as well as the run-off falling onto or passing through the Site should be intercepted and disposed of via proper discharge points. The applicant shall also ensure that no works, including any site formation works, shall be carried out as may adversely interfere with the free flow condition of the existing drains, channels and watercourses on or in the vicinity of the Site any time during or after the works;
- (x) the proposed drainage works, whether within or outside the site boundary, should be constructed and maintained properly by the applicant who should also rectify the system if it is found to be inadequate or ineffective during operation, all at his/her own expense;
- (xi) for works to be undertaken outside the lot boundary, the applicant should obtain prior consent and agreement from DLO/N and/or relevant private lot owners;
- (xii) the applicant shall make good all the adjacent affected areas upon the completion of the drainage works;
- (xiii) the applicant shall allow all time free access for the Government and its agent to conduct site inspection on the his completed drainage works;
- (xiv) the applicant and the successful lot owners shall allow connections from the adjacent lots to the completed drainage works on Government land when so required;
- (xv) clear photos should be submitted showing the current conditions of the existing drainage from the proposed discharge point(s) to the downstream and the existing drainage/flowpath around the Site;

- (k) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) as follows:
- (i) if the existing structures are erected on leased land without approval of Buildings Department (BD) (not being a New Territories Exempted House), they are unauthorized under the Building Ordinance (BO) and should not be designated for any approved use under the application;
 - (ii) before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, the prior approval and consent of the BD should be obtained, otherwise they are unauthorized Building Works (UBW). An Authorized Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the BO;
 - (iii) 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;
 - (iv) in connection with (ii) above, the Site shall be provided with means of obtaining access thereto from a street and EVA in accordance with Regulations 5 and 41D of the Building(Planning) Regulations respectively;
 - (v) 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 Building (Planning) Regulation at the building plan submission stage;
- (l) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection for provision of water supply to the development. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (m) to note the comments of the Director of Fire Services (D of FS) that Emergency Vehicular Access (EVA) arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by BD; and
- (n) to note the comments of the Director of Electrical and Mechanical Services (DEMS) 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 Line" established under the Regulation when carrying out works in the vicinity of the electricity supply lines.