

Advisory Clauses

- (a) to note the comments of the District Lands Officer/North, Lands Department as follows:
- (i) the Site comprises Lot No. 1060 RP (Part) in D.D. 100. The application lot is an Old Schedule lot held under the Block Government Lease (demised for agricultural use) without any guaranteed right of access. The applicant should make its own arrangement, and there is no guarantee that any adjoining Government land will be allowed for the vehicular access of the proposed use;
 - (ii) some structures were erected in the Site without approval from his office. The aforesaid structures are not acceptable under the lease concerned. His office reserves the right to take enforcement actions against the aforesaid structures;
 - (iii) some Government land adjoining the Site is being occupied without approval. The applicant should remove all the structures erected on the Government land concerned at his/her own cost. His office reserves the right to take necessary land control actions against the irregularities;
 - (iv) the actual occupation area does not tally with the application boundary;
 - (v) the applicant has submitted to his office an application for Letter of Approval (“LoA”) in respect of the application lot for the purpose of erection of some temporary structures for agricultural use, which is under processing and not yet approved;
 - (vi) any proposed septic tank and soakage pit system should meet the current health requirements and the applicant should apply for certificates for building works and drainage works from his office before erection; and
 - (vii) the owner(s) of the lots concerned shall apply to his office for a Short Term Waiver (STW) and Short Term Tenancy (STT) covering all the actual occupation area. The applications for STW and STT will be considered by the Government in its landlord’s capacity and there is no guarantee that they will be approved. If the STW/STT are approved, their commencement date would be backdated to the first date of occupation and they will be subject to such terms and conditions to be imposed including payment of waiver fee/rent and administrative fees as considered appropriate by his office. If the certificates for building works and drainage works are approved, they may be subject to such conditions that his office deems appropriate.
- (b) to note the advice of the Commissioner for Transport as follows:
- (i) to arrange the trips outside the AM/PM peak period; and
 - (ii) the local track leading to the Site is not managed by his Department. The land status, management and maintenance responsibilities of the local track should be clarified with the relevant lands and maintenance authorities accordingly.

- (c) to note the advice of the Director of Agriculture, Fisheries and Conservation to implement good site practice so as not to disturb the mitigation woodland and pollute the watercourse nearby;
- (d) to note the comments of the Director of Environmental Protection (DEP) as follows:
 - (i) to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimize the potential environmental impacts on the adjacent area;
 - (ii) to observe the relevant mitigation measures and requirements in the latest CoP, and apply for WPCO licence if there is any discharge from the proposed use; and
 - (iii) to strictly comply with all environmental protection/ pollution control ordinances, in particular Water Pollution Control Ordinance and Waste Disposal Ordinance during construction and operation phases of the proposal. Necessary precautionary / pollution control measures should be put in place to prevent any pollution of nearby waterbodies/watercourses.
- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) as follows:
 - (i) before any new building works (including container/open shed as temporary buildings) are to be carried out on the Site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise, they are Unauthorized Buildings Works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
 - (ii) for UBW erected on leased land, enforcement action may be taken by the BA 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;
 - (iii) in connection with (i) above, the Site shall be provided with means of obtaining access thereto from a street under the Building (Planning) Regulation 5 and emergency vehicular access shall be provided under the Building (Planning) Regulation 41D;
 - (iv) if the Site is not abutting on a specified street having a width not less than 4.5m, the development intensity shall be determined by the Building Authority under 19(3) at building plan submission stage; and
 - (v) detail comments will be given at building plan submission stage.
- (f) to note the comments of the Director of Fire Services as follows:
 - (i) to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his Department for approval;
 - (ii) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy;

- (iii) the location of where the proposed FSI to be installed should be clearly marked on the layout plans; and
 - (iv) 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.
- (g) to note the comments of the Chief Engineer/Construction, Water Supplies Department that for provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. 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.

