

Recommended Advisory Clauses

- (a) to resolve any land issues relating 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 is accessible from Castle Peak Road - Tam Mi through both Government land (GL) and private land. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way. The lot owner will need to apply to his office to permit the structures to be erected or regularize any irregularity 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. No construction of New Territories Exempted Building(s) will be considered or allowed. Applications for any of the above will be considered by the 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 application is approved, it will be subject to such terms and conditions, including among other the payment of premium or fee, as may be imposed by LandsD;
- (c) to note C for T's comments that the Site is connected to the public road network via a section of a local access which is not managed by Transport Department. The land status of the local access road should be clarified with 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 from the application no run-in/out and direct vehicular access to the Site is proposed; and adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (e) to note DAFC's comments that the applicant should ensure that the existing trees on adjacent GL would not be affected;
- (f) to note D of FS's comments that fire service installations (FSI) are anticipated to be required in consideration of the design/nature of the proposal. Therefore, 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 that (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 FSI 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 (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (g) to note CBS/NTW, BD's comments that before any new building works (including open sheds as temporary buildings) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are unauthorized building works (UBW) under the BO. An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with the BO. 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. 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. If the Site does not abut on a specified street of not less than 4.5 m wide, its permitted development intensity shall be determined under Regulation 19(3) of the Building (Planning) Regulation at the building plan submission stage;

- (h) to note C of P's comments that the applicant is reminded to adopt sufficient security measures at the Site and no obstruction caused to the adjacent road would be tolerated;
- (i) to note PM(W), CEDD's comments that the access to the Site from Castle Peak Road – Tam Mi indicated in Drawing No. PLAN01 of the application (**Appendix I**) falls within the works limit of CEDD Contract No. YL/2015/01 – Cycle Tracks from Tuen Mun to Sheung Shui – Remaining Works. The applicant should seek CEDD's agreement if any interface issues arise;
- (j) to note DFEH's comments that if the proposal involves any commercial/trading activities, its state should not be a nuisance or injurious or dangerous to health and surrounding environment. Also, for any waste generated from the commercial/trading activities, the applicant should handle on their own/at their expenses;
- (k) to note DEP's comments that applicant is reminded to comply with the relevant pollution ordinances during operation of the proposed development; and
- (l) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas.