

Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the applied use at the Site.
- (b) to resolve any land issues relating to the temporary use with the concerned owner(s) of the Site.
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that:
 - (i) the Site comprises Government Land (GL) and an Old Schedule Agricultural Lot 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 GL (about 110m² subject to verification) included in the Site. Any occupation of GL without Government's prior approval is not allowed;
 - (iii) the Site is accessible from Kam Sheung Road via GL. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the Site;
 - (iv) the Site falls within the Shek Kong Airfield Height Restriction Area (SKAHRA). The height of the applied structures shall not exceed relevant airfield height limit within the SKAHRA; and
 - (v) the lot owner(s) will need to apply to his office to permit the structures to be erected or regularize any irregularities on site, if any. Besides, given the applied 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 GL portion from the Site or apply for a direct grant Short Term Tenancy (STT) for use of the Site. 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 is 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.
- (d) 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 his department. 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.

- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that his department does not and will not maintain the access connecting the Site and Kam Sheung Road. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.
- (f) to note the comments of the Director of Environmental Protection (DEP) to adopt the latest "Code of Practice on Handling the Environmental Aspects of Temporary uses and Open Storage Sites" issued by his department to minimise any potential environmental nuisances.
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:
 - (i) consideration should be given to provide catchpit at the turning points of the u-channel. The invert levels of the proposed catchpits, if any, should also be shown on the drainage plan for reference;
 - (ii) the location and details (i.e. sectional details) of the proposed hoarding/peripheral wall, if any, should be shown on the proposed drainage plan;
 - (iii) standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpits;
 - (iv) the development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent area, etc; and
 - (v) the applicant should submit form HBP1 to this Division for application of technical audit for any proposed connection to DSD's drainage facilities.
- (h) 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 the approval of Buildings Department (BD), 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 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;
 - (iii) 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 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; and
 - (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) Regulations at the building plan submission stage.
- (i) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposal, fire service installations are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed fire service installations 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.

