

Advisory Clauses

- (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL of LandsD) that:
- (i) the Site is on unleased Government Land (GL);
 - (ii) no permission has been given for occupation of GL (about 1120 m² subject to verification) included in the Site. Any occupation of GL without Government's prior approval is not allowed. With the implementation of the tightened arrangements for handling regularization applications, LandsD will no longer accept application for regularization of new or extension of unlawful occupation of GL or erection of new structures which is found commenced on or after 28.3.2017;
 - (iii) the Site is accessible from Route Twisk via GL. LandsD provides no maintenance work for the GL involved and does not guarantee any right-of-way to the Site;
 - (iv) the Site falls within Shek Kong Airfield Height Restriction Area (SKAHRA). The height of the proposed structure shall not exceed the relevant airfield height limit within SKAHRA;
 - (v) the Site may affect/block the access of the adjoining private lots/residents nearby; and
 - (vi) under the prevailing policy, direct grant Short Term Tenancy (STT) over GL that is capable of separate alienation would only be considered if the applicant could obtain a policy support from the relevant bureau/department for the proposed development even if a planning permission is given. However, there is no guarantee that such application(s) will be approved.
- (b) 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 Transport Department. The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.
- (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW of HyD) that HyD does not and will not be responsible for the maintenance of any access connecting the Site with Route Twisk. Besides, the applicant should provide the proposed run-in/out at Route Twisk in accordance with the latest version of Highways Standard Drawings No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. Adequate drainage measures should be provided at the Site access to prevent surface water flowing from the Site to the nearby public roads or exclusive road drains.

- (d) to note the comments of the Director of Agriculture, Fisheries and Conservation (DAFC) that although the proposed development would not involve any tree felling, construction of the concrete path would encroach some existing trees proposed to be preserved. From tree preservation perspective, trees located on Government land shall be preserved as far as possible. The applicant is reminded that prior approval(s) shall be obtained from relevant authorities for any felling/pruning of trees, and proper protection measures should be in place to prevent the preserved trees from damage by construction of the proposed development.
- (e) to note the comments of the Director of Environmental Protection (DEP) that the latest “Code of Practice on Handling the Environmental Aspects of Temporary uses and Open Storage Sites” issued by his department should be adopted to minimize any potential environmental nuisances.
- (f) to note the comments of the Director of Fire Services (D of FS) that:
- (i) the applicant shall take note of the following requirements when formulating the fire service installations (FSIs) proposal:
 - the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy;
 - the location of where the proposed FSI to be installed should be clearly marked on the layout plans;
 - the applicant should make reference to *Code of Practice for Minimum Fire Service Installations and Equipment 2012* for fire services requirement; and
 - the detailed information of the kitchen, including the layout, fuel use, etc. should be provided.
 - (ii) the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123) or application for licence for the eating place at the Site is required, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans or referral from relevant licensing authority respectively.
- (g) to note the comments of the Director of Food and Environmental Hygiene (DFEH):
- (i) if any Food and Environmental Hygiene Department (FEHD)’s facility is affected by the proposed development, FEHD’s prior consent must be obtained. Re-provisioning of the affected facilities by the project proponent up to the satisfaction of FEHD may be required. Besides, the project proponent should provide sufficient amount of additional recurrent cost for management and maintenance of the re-provisioned facilities to FEHD;
 - (ii) proper licence / permit issued by FEHD is required if food business or related place of entertainment is involved:

- for the operation of any types of food business, relevant food licences should be obtained from FEHD in accordance with the Public Health and Municipal Services Ordinance (Cap. 132);
 - any person who desires to keep or use any place of public entertainment for example a theatre and cinema or a place, building, erection or structure, whether it is temporary or permanent, on one occasion or more, capable of accommodating the public presenting or carrying on public entertainment under the Places of Public Entertainment (PPE) Ordinance (Cap. 172) and its subsidiary legislations, such as a concert, opera, ballet, stage performance or other musical, dramatic or theatrical entertainment, cinematograph or laser projection display or an amusement ride and mechanical device which is designed for amusement, a Place of Public Entertainment Licence (or Temporary Place of Public Entertainment Licence) should be obtained from FEHD whatever the general public is admitted with or without payment; and
- (iii) if the proposal involves any commercial/trading activities, no environmental nuisance should be generated to the surroundings. Also, for any waste generated from the commercial/trading activities, the applicant should handle on their own/at their expenses.

