

Recommended Advisory Clauses

- (a) to resolve any land issues related to the development with the concerned owner(s) of the application site (the Site);
- (b) the planning permission is given to the development/uses under application. It does not condone any other development/uses which currently exist on the Site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/uses not covered by the permission;
- (c) to note DLO/YL, LandsD's comments that 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. No permission is given for occupation of GL of about 250m² in area (subject to verification) included in the Site. The act of occupation of GL without Government's prior approval is not allowed. The Site is accessible to Shek Wu Wai Road through both GL and private land. His office provides no maintenance work for the GL involved and does not guarantee any right-of way. The Site does not fall within Shek Kong Airfield Height Restriction Area. Should planning approval be given to the application, the lot owners will need to apply to his office to permit the structures to be erected or regularize any irregularity on site. The applicant has to either exclude the GL from the Site or apply for a formal approval prior to the actual occupation of the GL. Such application will be considered by 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 others the payment of premium or fee, as may be imposed by LandsD;
- (d) 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 TD. The land status of the local access road should be clarified with the 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. It is noted that no parking space for medium/heavy good vehicles will be provided for this application. Therefore, no medium and heavy goods vehicle is allowed to access the Site;
- (e) to note CHE/NTW, HyD's comments that the proposed access arrangement of the Site from Shek Wu Wai Road should be commented by TD. HyD does not and will not maintain any access connecting the Site and Shek Wu Wai Road. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public road and drains;
- (f) to note CE/RD 1-1, RDO, HyD's comments that the Site may fall within the administrative route protection boundary of the proposed NOL. Although the programme and the alignment of the proposed NOL are still under review, the applicant shall be reminded that those areas within the administrative route protection boundary may be required to be vacated at the time for the construction of the NOL;
- (g) to note DEP's comments that the applicant is advised to follow the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" (COP) issued by DEP, including paragraphs 4.3, 5.4, 5.5, 5.6 and relevant

mitigation measures listed in Annex I of the COP to abate water pollution to the watercourse abutting the southern boundary of the Site. The use of septic tank and the installation of oil interceptor for this particular temporary use of compartments assembly workshop proposed by the applicant should follow the requirements stipulated in the COP;

- (h) to note DAFC's comments that there is a watercourse to the south of the Site. The applicant is advised to adopt appropriate measures which should be considered adequate and acceptable by EPD to avoid disturbing and polluting the watercourse in particular from surface runoff and sewerage production;
- (i) to note D of FS's comments that in consideration of the design/nature of the proposal, FSIs are anticipated to be required. 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 on the following points: (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; (ii) the location of where the proposed FSIs 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;
- (j) to note CBS/NTW, BD's comments that if the existing structures (not being New Territories Exempted Houses) are erected on leased land without approval of the BD, they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. 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. 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 co-ordinator for the proposed building works in accordance with 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 (B(P)R) respectively. 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 B(P)R at the building plan submission stage;
- (k) to note CE/MN, DSD's comments that the applicant should be reminded that the Site is located in an area where flooding/drainage have been recorded based on DSD's records. It is revealed that the area adjoining the Site is subject to overland flows and possible flooding. Although the applicant has submitted a satisfactory drainage proposal to mitigate the flooding susceptibility of the area, he is still requested to review whether he still prefers to proceed with the application. Should the application be approved, the applicant should be advised on the following:
 - (i) after completion of the drainage works, the applicant shall provide DSD for reference a set of record photographs showing the completed drainage works with corresponding photograph locations marked clearly on the approved drainage plan. DSD will inspect the completed drainage works jointly with the applicant with reference to the set of photographs;

- (ii) the applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas;
 - (iii) no public sewerage maintained by his office is currently available for connection. For sewage disposal and treatment, agreement from DEP shall be obtained;
 - (iv) the applicant is reminded that the proposed drainage works as well as the site boundary should not cause encroachment upon areas outside his jurisdiction;
 - (v) the applicant should consult DLO/YL regarding all the proposed drainage works outside the Site boundary in order to ensure the unobstructed discharge from the Site in future; and
 - (vi) all the proposed drainage facilities should be constructed and maintained by the applicant at his own cost. The applicant should ensure and keep all drainage facilities on site under proper maintenance during occupancy of the Site;
- (l) to note CTP/UD&L. PlanD's comments on the landscape proposal that (i) the applicant should clarify whether the proposed trees will be planted at-grade. Tree pit of 1m x 1m x 1.2m soil depth with free drain soil should be provided for at-grade planting; (ii) for trees to be planted along vehicular access within the Site, a fence/kerb/bollard at a minimum distance of 1m from the tree trunk should be provided between the tree and vehicle to guard against potential physical damages to the trees arising from vehicular movement; and (iii) drainage design within the Site should be indicated on plan and proposed tree should be at least 1m away from the drainage channel and 3m away from any structures;
- (m) to note DFEH's comments that if any FEHD's facility is affected by the development, FEHD's prior consent must be obtained. Reprovisioning 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 reprovisioned facilities to FEHD. Proper licence / permit issued by this Department is required if there is any food business / catering service / activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public and the operation of any business should not cause any obstruction. 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; and
- (n) to note C of P's comments that there should be no activities in any form, whatsoever associated with Parallel Trading/General Merchandize Operations (GMO) activities or illicit refueling activities on Site.

