

Recommended Advisory Clauses

- (a) To note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site is located within Lot 864, while the proposed vehicular access point of the Site is abutting the adjoining lot i.e. Lot 863. Both Lot 684 and Lot 863 are old schedule agricultural lots held under Block Government Lease and no structures are allowed to be erected without the prior approval of the Government. Land exchange would be required to implement the proposal. Upon receipt of the land exchange application, LandsD will consider the application in its private capacity as landlord and there is no guarantee that the land exchange, including but not limited to the grant of any right of way (if any), for the proposed development will be approved. The land exchange, if approved, will be subject to such terms and conditions, including, among other things, payment of premium, administrative fee and other applicable fees, to be imposed by LandsD as at sole discretion;
- (b) to note the comments of the Commissioner for Transport (C for T) that the Site is connected to Shek Wu Wai Road via a section of local access which is not managed by the Transport Department. 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. As there is no information about the vehicular access at the private lot(s) to the Site, the applicant should arrange by themselves if necessary, and should seek the relevant land owner(s)' agreement on the right of using the vehicular access. No vehicle is allowed to queue back to or reverse onto/from the Site;
- (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that Shek Wu Wai Road is maintained by HyD. HyD is not/shall not be responsible for the maintenance of any access connecting the Site to Shek Wu Wai Road. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (d) to note the comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department (CE/RD 2-2, RDO, HyD) that the Site falls within the area of influence (AOI) of the proposed Northern Link (NOL), which is a recommended railway scheme under the Railway Development Strategy 2014. Although the programme and the alignment of the proposed NOL are still under review, those areas within the AOI may be required to be vacated at the time for the construction of the NOL and would be subject to nuisance, such as noise and vibration of the proposed NOL;
- (e) to note the comments of the Director of Environmental Protection (DEP) that the provision of septic tank and soakaway system is an acceptable means for collection, treatment and disposal of the sewage provided that its design and construction follow the requirements of the Environmental Protection Department (EPD)'s Practice Note for Professional Person (ProPECC) PN 5/93 "Drainage Plans subject to Comment by EPD" and are duly certified by an Authorized Person (AP);
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the drainage submission should demonstrate how the applicant will collect, convey and discharge rain water falling onto or flowing to the Site.

The drainage submission should include a drainage plan showing the details of the existing drains and the proposed drains together with adequate supporting design calculations and charts should be included. Approval of the drainage proposal must be sought prior to the implementation of drainage works on site. 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. The applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas. No public sewerage maintained by DSD is currently available for connection. For sewage disposal and treatment, agreement from DEP shall be obtained. The drainage works as well as the site boundary should not cause encroachment upon areas outside his jurisdiction. 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 the Site under proper maintenance during occupancy of the Site. The applicant should consult DLO/YL regarding all the drainage works outside the site boundary in order to ensure unobstructed discharge from the Site;

- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that if the existing structures (not being NTEH) are erected on leased land without approval of 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 Building Authority (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 works or UBW on the Site under BO. Before any new building works (including containers and open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on the Site, the prior approval and consent of BA should be obtained, otherwise they are UBW. An AP should be appointed as the co-ordinator for the proposed building works in accordance with 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) Regulation (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 B(P)R at the building plan submission stage. For features applied to be excluded from the calculation of the total gross floor area, it shall be subject to compliance with the requirements laid down in the relevant Joint Practice Notes and Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP). For example, the requirements of building set back, separation and site coverage of greenery as stipulated in PNAP APP-152. Detailed checking will be carried out during building plan submission stage; and
- (h) to note the comments of the Director of Fire Services (D of FS) to submit relevant layout plans incorporated with the proposed fire services installations (FSIs) for his approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and the location of where the proposed FSIs to be installed should be clearly marked on the layout plans. If the proposed structure(s) is required to comply with BO (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.