

Recommended Advisory Clauses

- (a) the permission is given to the development/use under application. It does not condone any other development/use which are not covered by the application;
- (b) to note the comments of the District Lands Office/North, Lands Department (DLO/N, LandsD) on the following:
 - (i) the lots are an Old Schedule Lots held under the Block Government Lease (demised for agriculture use) without any guaranteed right of access. The applicant should make his own arrangement, and there is no guarantee that any adjoining Government land will be allowed for the vehicular access of the proposed use;
 - (ii) the existing structures on the subject lots were erected without approval from her office, and are not acceptable under the Lease concerned. She reserves the right to take necessary lease enforcement actions against the aforesaid structure; and
 - (iii) if the planning application is approved, the owner of the lot concerned shall apply to his office for a Short Term Waiver (STW) covering all the actual occupation area. The application for STW will be considered by Government in its landlord's capacity and there is no guarantee that they will be approved. If the STW is approved, their commencement date would be backdated to the first date of occupation and they will be subject to such terms and conditions to be imposed including payment of waiver fee/rent and administrative fee as considered appropriate by her office.
- (c) to note the comments of the Commissioner of Transport that the local track leading to the Site is not managed by Transport Department. The applicants should seek comment from the responsible party;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the Site is in an area where no public sewer connection is available;
- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) on the following:
 - (i) taking account of the size of those structures and subject to his inspection findings and related land status provided by DLO/N, LandsD, his office may take enforcement actions on those structures under the provision of the Buildings Ordinance as appropriate. Lot owners should also be reminded of their responsibility to ensure that their lands/premises are free from UBWs and should, in their own interest, take the initiative to arrange for demolition of the UBWs in their premises/lands;
 - (ii) there is no record of approval by the Building Authority (BA) for the structures existing at the application site and BD is not in a position to offer comments on their suitability for the use related to the application. There is also no record of submission of the proposed building/ structure to the BA for approval;

- (iii) before any new building works (including temporary buildings/structures and containers etc.) are to be carried out on the Site, the prior approval and consent of the BD should be obtained, otherwise they are unauthorised building works (UBWs). An Authorised Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO. From the Existing Building Division enforcement policy point of view, since those existing structures were carried out without prior approval and consent from the Building Authority, those structures contravene the provisions of the Buildings Ordinance and therefore are illegal structures (i.e. UBWs);
 - (iv) for UBW erected on leased land, enforcement action maybe taken by the 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 building works or UBW on the application site under the BO;
 - (v) any temporary shelters or converted containers for storage or washroom or workshop or other uses are considered as temporary buildings are subject to the control of Part VII of the Building(Planning) Regulations;
 - (vi) 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)Rs) respectively;
 - (vii) if the Site does not abut 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)Rs at the building plan submission stage; and
 - (viii) formal submission under the BO is required for any proposed new works, including any temporary structures. Detailed comments under BO will be provided at the building plan submission stage;
- (f) to note the comments of the Chief Engineer/Construction, Water Supplies Department (WSD) that for provision of water supply to the development, the applicants may need to extend the inside services to the nearest suitable Government water mains for connection. The applicants shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standard;
- (g) to note the comments of the Director of Food and Environmental Hygiene (DFEH) on the following:
- (i) for any waste generated from the such business, the applicants should arrange disposal properly at her own expenses; and
 - (ii) proper licence / permit issued by FEHD is required if there is any catering service / activities regulated by the Director of Food and Environmental Hygiene under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public;
- (h) to note the comments of the Director of Fire Services (D of FS) on the following:
- (i) in consideration of the design/ nature of the proposed use, the applicants are advised to submit relevant layout plans incorporated with the proposed FSIs to his satisfaction;

- (j) the applicants should be advised that 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; and
 - (k) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans; and
- (l) to note the comments of the Director of Environmental Protection (DEP) that should the application be approved, the applicants should be reminded of his obligation to comply with all environmental protection/ pollution control ordinances, including Water Pollution Control Ordinance and its Technical Memorandum, as well as relevant guidelines, such as ProPECC PN 5/93 regarding the design, construction, operation and maintenance of the septic tank and soakaway system(s). The applicant's attention is particularly brought to the requirements on its capacity, the Percolation Test and Minimum Clearance distance, which should be duly certified by the Authorised Person, to ensure the wastewater generated during operation, including but not limited to sewage and cleaning activities, could be properly treated and disposed of. Besides, the applicants are advised to follow the relevant mitigation measures and requirements in the COP and other guidelines.