

Recommended Advisory Clauses

- (a) to note the comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD) on the following:
- (i) the Site comprises private lots and adjoining Government land (GL). The private lots are Old Schedule lots held under the Block Government Lease (demised for agricultural use) without any guaranteed right of access. Apart from agricultural use, part of Lot 565 in D.D. 89 is covered by a building licence (BL 824/55) for house purpose;
 - (ii) there is no guarantee that any adjoining GL will be allowed for the vehicular access of the proposed use. The applicant should make its own arrangement for acquiring access;
 - (iii) the occupation boundary and the application boundary do not tally;
 - (iv) the Site includes GL adjacent to the application lots. An entrance gate and some hoardings were erected on the GL concerned (**Plans A-2 and A-4**). The applicant should immediately stop occupying the GL concerned and remove all the aforesaid illegal structures at his own cost. His Office reserves the right to take land control actions against the irregularities; and
 - (v) should the application be approved, the owner(s) of the lots concerned shall apply to his office for a Short Term Waiver (STW) and Short Term Tenancy (STT) covering all the actual occupation area. The application for STW and STT will be considered by Government in its landlord's capacity and there is no guarantee that it will be approved. If the STW/STT are 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 fees as considered appropriate by his office;
- (b) to note the comments of the Commissioner for Transport that the local track leading to the Site is not managed by TD. The land status, management and maintenance responsibilities of the local track should be clarified with the relevant lands and maintenance authorities accordingly;
- (c) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD) that the proposed vehicular access leading from Man Kam To Road (**Plan A-2**) to the Site is not under HyD's maintenance purview;
- (d) to note the comments of the Director of Environmental Protection on the following:
- (i) the applicant is advised to follow EPD's latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites (CoP)";
 - (ii) the applicant is advised to strictly observe all relevant pollution control ordinances, particularly on waste management and disposal and water pollution, follow relevant measures given in the EPD's latest CoP, and put in place necessary precautionary/pollution control measures to prevent any pollution of the watercourse/ nullah as a result of the operational and construction activities. Best management practice should be adopted to avoid refuse and other pollution from entering the surface runoff and the

watercourse/ nullah; and

- (iii) the applicant should be reminded that should there any other wastewater arising from the operation of the proposed development, the applicant shall have to provide his own effective wastewater treatment and disposal measures as there is no existing public sewer in the vicinity of the Site. If septic tank and soakaway (STS) system is proposed, its design and construction should follow the requirement of ProPECC PN 5/93. The Percolation Test and Minimum Clearance requirements stated in ProPECC PN 5/93 should be fully complied with and duly certified by consulting engineer/ Authorized Person (AP);
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department on the following:
- (i) the Site is in an area where no public sewerage connection is available;
 - (ii) the applicant is required to assess and identify the potential drainage impacts of the proposed development and demonstrate in their submission with the implementation of necessary mitigation measures so that the proposed development will not cause an unacceptable increase in the risk of flooding in areas upstream of, adjacent to or downstream of the development;
 - (iii) the Site is in the vicinity of an existing streamcourse. The applicant is required to place all the proposed works 3 m away from the top of the bank of the streamcourse. All the proposed works in the vicinity of the streamcourse should not create any adverse drainage impacts both during and after construction. Proposed flooding mitigation measures, if necessary, shall be provided at the resources of the application to his satisfaction;
 - (iv) the applicant should be reminded to minimise the possible adverse environmental impacts on the existing streamcourse in the design and during construction; and
 - (v) the applicant is also reminded that all existing flow paths as well as the runoff falling onto and passing through the Site should be intercepted and disposed of via proper discharge points. The applicant shall ensure that no works including any site formation works, shall be carried out as may adversely interfere with the free flow condition of the existing drain, channels and watercourses on or in the vicinity of the Site any time during or after the works;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department on the following:
- (i) before any new building works are to be carried out on the Site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are Unauthorized Buildings Works (UBW). An Authorized Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the Buildings Ordinance (BO);
 - (ii) for UBW erected on leased land, enforcement action may be taken by 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 Site under the BO;

- (iii) any temporary shelters or converted containers for storage/ washroom/ first-aid room/ site office or other uses are considered as temporary buildings which are subject to the control of Part VII of the Building (Planning) Regulations (B(P)Rs);
 - (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 B(P)Rs;
 - (v) if the Site does not abut on a specified street having a width 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
 - (vi) 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; and
- (g) to note the comments of the Director of Fire Services on the following:
- (i) in consideration of the design/ nature of the proposed use, the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his satisfaction;
 - (ii) the applicant 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 FSI to be installed should be clearly marked on the layout plans; and
 - (iii) detailed fire safety requirements will be formulated upon receipt of formal submission of the general building plans.