

Detailed Comments from Government Departments

Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

in the submission to prove and demonstrate that there is no material increase in pollution or erosion arising from the proposed development, the following requirements, in particular, shall be met:

- (a) no discharge of effluent or foul water into adjoining land, storm water drain, channel, stream or river course is allowed. Such foul water or effluent shall be collected and disposed of outside WGG;
- (b) all solid waste and sludge arising from the development shall be disposed of properly outside WGG;
- (c) the use and storage of pesticides, toxicants, flammable solvents, laticidal oil, rodenticide, tar and petroleum oil are strictly prohibited in WGG;
- (d) no chemicals including fertilizers shall be used without the prior approval from the Water Authority;
- (e) oil leakage and spillage shall be prevented within WGG at all time;
- (f) the structures and use under the development shall be as far away from any water courses as possible;
- (g) no earth and other construction materials which may cause contamination to WGG are allowed to stockpiled or stored on site during the construction phase;
- (h) all excavated or filled surfaces shall be protected from erosion during construction phase;
- (i) siltation to any water courses shall be prevented within WGG during construction phase. All construction spoils shall be contained and protected. Effluent containing spoils shall be disposed of after desiltation;
- (j) fencing shall be erected on the sides facing the nearest stream course to prevent the solar panels from accidentally falling into the stream course; and
- (k) the maintenance/operation of the solar energy system shall not cause any leaching of contaminants to WGG.

Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) the applicant is reminded to observe minor works items such as item 1.18 and 3.14 for erection of supporting structure for a solar water heating system and item 1.19 and 3.15 for erection of supporting structure for a photovoltaic system, etc. and follow the required procedure and statutory requirement under Building (Minor works) Regulation;

- (b) if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the Buildings Department (BD), they are unauthorized building works (UBW) under the BO and should not be designated for any proposed use under the captioned application;
- (c) for UBW erected on leased land, enforcement action may be taken by the BD to mobilize 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; and
- (d) before any new building works (including containers/open sheds as temporary buildings) 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 coordinator for the proposed building works in accordance with the BO.

Recommended Advisory Clauses

- (a) a temporary approval of 5 years is given in order to allow monitoring of the implementation progress of the solar energy system and the condition of the application site (the Site);
- (b) to note the comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) that:
 - (i) one temporary structure was found on the Site without the prior approval from LandsD. The applicant is required to clear the structure immediately. Otherwise, appropriate enforcement action will be taken in due course;
 - (ii) the applicant should submit a short term waiver (STW) application to LandsD should he wish to erect any structure on the Site. However, there is no guarantee at this stage that the STW application would be approved. If the STW application is approved by LandsD acting in the capacity as landlord at its sole discretion, such approval will be subject to such terms and conditions as may be imposed by LandsD including the payment of waiver fee and administrative fees as considered appropriate; and
 - (iii) there is no guarantee to the grant of a right of way to the Site or approval of emergency vehicular access (EVA) thereto;
- (c) to note the comments of the Commissioner for Transport (C for T) that the land status, management and maintenance responsibilities of the road and footpath next to the Site should be clarified with the relevant lands and maintenance authorities accordingly in order to avoid potential land disputes;
- (d) to note the comments of the Director of Environmental Protection (DEP) that the applicant should strictly comply with the relevant pollution control ordinances, including Waste Disposal Ordinance and Water Pollution Control Ordinance, and to implement appropriate pollution control measures to minimise any potential environmental impacts during construction of the project. Reference could be made to the relevant publication/ guidelines including the Recommended Pollution Control Clauses for Construction Contracts, and Professional Persons Environmental Consultative Committee Practice Notes No. 1/94 – Construction Site Drainage;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN,DSD) that:
 - (i) there is no existing DSD maintained public drain available for connection in the area. The applicant should have its own stormwater collection and discharge system to cater for the runoff generated within the Site and overland flow from surrounding of the Site. Any existing flow path affected should be re-provided. The applicant should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas. The applicant is required to maintain the drainage systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems;

- (ii) public sewerage are not available near the Site; and
 - (iii) for works to be undertaken outside the lot boundary, prior consent and agreement from LandsD and/or relevant lot owners should be sought;
- (f) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that:
- (i) in the submission to prove and demonstrate that there is no material increase in pollution or erosion arising from the proposed development, the following requirements, in particular, shall be met:
 - (1) no discharge of effluent or foul water into adjoining land, storm water drain, channel, stream or river course is allowed. Such foul water or effluent shall be collected and disposed of outside WGG;
 - (2) all solid waste and sludge arising from the development shall be disposed of properly outside WGG;
 - (3) the use and storage of pesticides, toxicants, flammable solvents, laticidal oil, rodenticide, tar and petroleum oil are strictly prohibited in WGG;
 - (4) no chemicals including fertilizers shall be used without the prior approval from the Water Authority;
 - (5) oil leakage and spillage shall be prevented within WGG at all time;
 - (6) the structures and use under the development shall be as far away from any water courses as possible;
 - (7) no earth and other construction materials which may cause contamination to WGG are allowed to stockpiled or stored on site during the construction phase;
 - (8) all excavated or filled surfaces shall be protected from erosion during construction phase;
 - (9) siltation to any water courses shall be prevented within WGG during construction phase. All construction spoils shall be contained and protected. Effluent containing spoils shall be disposed of after desiltation;
 - (10) fencing shall be erected on the sides facing the nearest stream course to prevent the solar panels from accidentally falling into the stream course; and
 - (11) the maintenance/operation of the solar energy system shall not cause any leaching of contaminants to WGG; and
 - (ii) for provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant 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 standards;

- (g) to note the comments of the Director of Fire Services (D of FS) that:
- (i) in consideration of the design/nature of the application, fire services installations (FSIs) are anticipated to be required. The applicant should submit the relevant layout plans incorporated with the proposed FSIs to the FSD for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and the locations of the proposed FSIs to be installed should be clearly marked on the layout plans; and
 - (ii) if the proposed structure(s) is required to comply with the Building Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
- (i) as a matter of general principle, the installation of solar panels required the submission to the Building Authority for approval under the Buildings Ordinance (BO) unless the proposal satisfies the criteria as specified in the minor works control system;
 - (ii) to observe minor works items such as item 1.18 and 3.14 for erection of supporting structure for a solar water heating system and item 1.19 and 3.15 for erection of supporting structure for a photovoltaic system, etc. and follow the required procedure and statutory requirement under Building (Minor works) Regulation;
 - (iii) if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BD, they are unauthorized building works (UBW) under the BO and should not be designated for any proposed use under the captioned application;
 - (iv) for UBW erected on leased land, enforcement action may be taken by the BD to mobilize 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; and
 - (v) before any new building works (including containers/open sheds as temporary buildings) are to be carried out on application site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorized Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the BO; and
- (i) to note that land filling shall not be undertaken at the Site without planning permission from the Town Planning Board.