

Recommended Advisory Clauses

- (a) to note the comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) that
- (i) the lot owner is required to submit an application for Short Term Waiver (STW) to LandsD if he wishes to erect structure on the subject lot. 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 fee as considered appropriate;
 - (ii) the applicant should be advised that the strip of Government land involved for pedestrian access purpose should not be exclusively occupied nor damaged by any private party; and
 - (iii) there is no guarantee to the grant of a right of way to the Site or approval of the EVA thereto;
- (b) to note the comments of the Director-General of Communication (DG of C) that:
- (i) mobile network operators (MNOs) are required to obtain approval from the Communications Authority (CA) before bringing their radio base station (RBS) into use. As the executive arm of CA, the Office of the Communications Authority (OFCA), apart from examining the radiation level of individual RBS, will also conduct technical assessments of the total radiation level at the location of the RBS when vetting RBS applications to ensure that the total radiation level complies with the radiation safety standards (i.e. International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines) before granting approvals;
 - (ii) MNOs are required to provide OFCA with measurement reports within one month from the commencement of operation of their RBS to demonstrate that the NIR level of the RBS complies with the safety standards; and
 - (iii) OFCA will conduct from time to time sample checks on the radiation levels of approved RBS so as to safeguard public health. Members of the public may call OFCA's hotline if they are concerned about the radiation levels at their homes or in public places. OFCA will deploy its staff to conduct site inspections and measurements of radiation level, and will explain to members of the public the measurement results;
- (c) to note the comments of the Director of Health (D of Health) that according to the World Health Organization (WHO), with the compliance with the relevant ICNIRP guidelines, exposure to radiofrequency electromagnetic fields, such as those generated by telecommunication facilities, would not pose any significant adverse effects to workers and the public. As such, the applicants must ensure that the installation complies with the relevant ICNIRP guidelines or other established international standards. WHO also encourages effective and open communication with stakeholders in the planning of new telecommunication facilities;

- (d) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that the applicants should adopt suitable visual mitigation measures (eg. colour and design of the pole structure, etc.) for the proposed above-ground structure(s) and consider introducing landscape mitigation (eg. perimeter planting etc.) with an aim to further minimize any potential visual impacts as far as practicable on adjacent road users along Lam Kam Road as well as the rural community living in the surrounding villages;
- (e) to note the comments of the Director of Environmental Protection (DEP) that:
 - (i) the Site is within water gathering grounds. The applicants should comply with all environmental protection/pollution control ordinances, in particular Water Pollution Control Ordinance and Waste Disposal Ordinance; and
 - (ii) the applicants should follow Environmental Protection Department's "Recommended Pollution Control Clauses for Construction Contract" to take standard precautionary measures and ensure no insurmountable environmental impact would be caused, in particular site runoff;
- (f) 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 applicants should have their 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 applicants should neither obstruct overland flow nor adversely affect the existing natural streams, village drains, ditches and the adjacent areas. The applicants are required to maintain the drainage systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicants shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems; and
 - (ii) for works to be undertaken outside the lot boundary, prior consent and agreement from LandsD and/or relevant private lot owners should be sought;
- (g) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that the following preventive measures should be implemented, as undertaken by the applicants, against water pollution to the upper indirect WGG:
 - (i) 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. All solid waste and sludge arising from the proposed development shall be disposed of properly outside WGG. The use and storage of pesticides, toxicants, flammable solvents, laticidal oil, rodenticide, tar and petroleum oil are strictly prohibited in WGG. No chemicals including fertilizers shall be used without prior approval from the Water Authority;
 - (ii) oil leakage and spillage shall be prevented within WGG at all times. During construction stage, the machine shall be inspected before carrying out of construction works and all the machine components shall be secured and

guarded. Also, the Site shall be cleaned up upon completion of the construction works. During operation stage, a notice shall be placed on site to ensure workers are informed not to leave any machinery or stuff on site; and

- (iii) the structures and use under the application shall be as far away from any water courses as possible. No earth and other construction materials which may cause contamination to WGG are allowed to stockpiled or stored on site during the construction phase. All excavated or filled surfaces shall be protected from erosion during construction phase. 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;
- (h) to note the comments of the Chief Building Surveyor/New Territories East 1 and Licensing, Buildings Department (CBS/NTE1&L, BD) that:
 - (i) the application involves the construction of an extensive reinforced concrete footing to support over 15m radio base station and antennas. It is building works and thus submission of plans for approval under the Buildings Ordinance (BO) is required;
 - (ii) before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, prior approval and consent from BD should be obtained, otherwise they are unauthorized building works. An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with the BO;
 - (iii) in connection with item (ii) above, the Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access (EVA) in accordance with Regulations 5 and 41D of the Building (Planning) Regulations respectively;
 - (iv) noting that the Site is bounded by other private lots, the accessibility of the Site and EVA should be resolved at building plan submission stage; and
 - (v) detailed comments will be given at building plan submission stage;
- (i) to note the comments of the Director of Electrical and Mechanical Services (DEMS) that:

Electricity Safety

- (i) in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. The applicants are reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines;

Gas Safety

- (ii) there is a high pressure underground town gas transmission pipeline (running along Lam Kam Road) in the vicinity of the Site; and
- (iii) the project proponent/consultant/works contractor shall therefore liaise with the Hong Kong and China Gas Company Limited in respect of the exact locations of existing or planned gas pipes/gas installations in the vicinity of the Site and any required minimum set back distance away from them during the design and construction stages of development. The project proponent/consultant/works contractor is required to observe the Electrical and Mechanical Service Department's requirements on the "Avoidance of Damage to Gas Pipes 2nd Edition" for reference.