

Recommended Advisory Clauses

- (a) to note the following comments of District Lands Officer/North, Lands Department:
- (i) the Site comprises private lot which is Old Schedule lot held under Block Government Lease (demised for agricultural use) without any guarantee of right of access. The applicant should make his own arrangement for acquiring access. The Government shall accept no responsibility in such arrangement;
 - (ii) there are some Government land (G.L.) adjoining the Site (**Plan A-2**). The applicant should ensure that filling works would not affect any adjoining G.L. especially the G.L. which forms part of the pond proposed to be filled up. The applicant is required to demonstrate as to how all the adjoining G.L. would not be affected by the proposed operation, and any safety measures to be taken in that part of the filling works. Any unauthorized filling of pond on G.L. and disturbance to any G.L. are unacceptable and will be subject to enforcement action; and
 - (iii) should the application be approved, the owner of the lot concerned shall apply to his office for permitting structures to be erected on Site. The application for the erection of any temporary structure(s) will be considered by Government in its landlord's capacity and there is no guarantee that it will be approved. If the application is approved, it will be subject to such terms and conditions to be imposed including payment of rent or fee as considered appropriate by his office;
- (b) to note the comments of Director of Agriculture, Fisheries and Conservation (DAFC) that the applicant should avoid disturbing any vegetation in the surrounding area;
- (c) to note the following comments of Director of Environmental Protection:
- (i) the applicant shall provide further information and justifications to address (i) the issues of potential water quality impacts due to the proposed land and pond filling works, (ii) wastewater discharge from farming activities and wastewater discharge from any on-site toilets and wash-basins; and (iii) other environmental issues including air quality, noise and waste management arising from the proposal during its construction and operation stages;
 - (ii) the applicant should be clarified that EPD never agreed to the land/pond filling at the Site nor did EPD agree to the proposed agricultural use. The claim refers only to a notification form received by EPD for the acknowledgement on owners' permission of an intended construction waste deposition on Lot 354 in D.D. 89. The acknowledgement was given in October 2020 and the applicant had been advised that the acknowledgement on the notification form only represented that the depositing activity is in compliance with section 16B(3) of the Waste Disposal Ordinance. The depositing activity still has to be in compliance with other applicable laws of Hong Kong;
 - (iii) there is no existing public sewer in the vicinity of the Site. The applicant shall have to provide his own sewage treatment and disposal measures to cater for any sewage arising from the agricultural uses, in compliance with the requirements of ProPECC PN 5/93 where appropriate; and

- (iv) it is noted that the nearest domestic structure is located next to the Site. The applicant is advised to fully implement all relevant environmental pollution control during construction to minimize the environmental impacts;
- (d) to note the following comments of CE/MN, DSD:
 - (i) the applicant is required to assess the impacts and demonstrate in the submission with the implementation of necessary mitigation measures, the additional drainage resulted from the proposed pond/land filling works on Site would not overload the existing downstream drainage system and the proposed works will not cause an unacceptable increase in the risk of flooding in areas of upstream of, adjacent to or downstream of the development; and
 - (ii) the Site is in an area where no public sewerage connection is available;
- (e) to note the comments of C for T that the vehicular access between the Site and Ho Sheung Heung Road is not managed by his department. The applicant should seek comment from the responsible party;
- (f) to note the comments of CE/C, WSD that for provision of water supply to the development, the applicant may need to extend the 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; and
- (g) to note the comments of CBS/NTW, BD as follows:
 - (i) if any existing structures are erected on leased land without approval of the BD (not being a New Territories Exempted House), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application;
 - (ii) 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 unless they are exempted building works or commenced under the simplified requirement under the Minor Works Control System. Otherwise they are Unauthorized Building Works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
 - (iii) for UBW erected on leased land, enforcement action may be 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 Site under the BO;
 - (iv) if the proposed use under the application is subject to the issue of a licence, the applicant should be reminded that any existing structures on the Site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority;
 - (v) any temporary shelters or converted containers for storage 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);

- (vi) the Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with B(P)Rs 5 and 41D of the 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 by the BA under B(P)R 19(3) at the building plan submission stage; and
- (viii) formal submission under the BO is required for any proposed new works, including any temporary structures and site formation works like filling of pond and land. Detailed comments under the BO will be provided at building plan submission stage.