

Recommended Advisory Clauses

- (a) to note the comments of the PM(N), CEDD that the portion of Site zoned “OU(R&D)” on the KTN OZP might be subject to land resumption/clearance at any time before expiry of the planning permission;
- (b) to note the following comments of DLO/YL, LandsD:
 - (i) the Site comprises private lots which are Old Schedule lots held under the Block Government Lease (demised for agricultural use) with restriction that no structures are allowed to be erected without prior approval of the Government; and
 - (ii) should the planning application be approved, the owner(s) of the lot concerned shall apply to his office for a Short Term Waiver (STW) to cover all the proposed structures on Site. Given the application is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. The application for STW will be considered by Government in its landlord’s capacity and there is no guarantee that it will be approved. If the STW is approved, the commencement date would be backdated to the first date of occupation and it will be subject to such terms and conditions to be imposed including payment of rent or waiver fee and administrative fees as considered appropriate by his office;
- (c) to note the following comments of C for T:
 - (i) the applicant shall justify the adequacy of the parking spaces and loading/unloading spaces so provided by relating to the number of vehicles visiting the Site;
 - (ii) the applicant should advise the width of the vehicular access and it should be no less than 7.3 m wide;
 - (iii) the applicant shall demonstrate the satisfactory manoeuvring of vehicles entering to and exiting from the Site, manoeuvring within the Site and into/out of the parking and loading/unloading spaces, preferably using the swept path analysis;
 - (iv) the applicant shall advise the management/control measures to be implemented to ensure no queuing of vehicles outside the Site;
 - (v) the applicant shall advise the provision and management of pedestrian facilities to ensure pedestrian safety; and
 - (vi) the vehicular access between the Site and Ma Tso Lung Road (Plan A-1) is not managed by TD. The applicant should seek comment from the responsible party;
- (d) to note the following comments of DEP:
 - (i) wastewater generated from the toilet or other processes within the premises might be discharged into the nearby waterbodies and cause serious water quality impact if it is not properly treated and disposed of;

- (ii) the applicant is advised to strictly follow the provisions in the EPD's latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites (CoP)" that proper on-site sewage treatment and disposal facilities should be provided;
 - (iii) there is no existing nor planned sewer available for connection in vicinity of the Site. Hence, in case Septic tank and soakaway (STS) system is provided, the design and construction of STS system should meet all relevant requirements in ProPECC PN 5/93, in particular the percolation test and the minimum distance requirements, which should be duly certified by an Authorized Person (AP); and
 - (iv) the applicant is also reminded of his obligation to strictly comply with all environmental protection/ pollution control ordinances, in particular Water Pollution Control Ordinance and Waste Disposal Ordinance, and to follow relevant measures given in the EPD's latest CoP, during construction and operation stages of the proposal;
- (e) to note the comments of CE/MN, DSD that the Site is in an area where no public sewerage connection is available;
- (f) to note the following comments of CE/C, WSD:
- (i) existing water mains will be affected. The applicant is required to either divert or protect the water mains found on Site. If diversion is required, existing water mains inside the Site are needed to be diverted outside the site boundary of the proposed development to lie in Government land. A strip of land of minimum 1.5m in width should be provided for the diversion of existing water mains. The cost of diversion of existing water mains upon request will have to be borne by the grantee/ applicant; and the applicant shall submit all the relevant proposal to WSD for consideration and agreement before the works commence; and
 - (ii) if diversion is not required, the following conditions shall apply:
 - existing water mains are affected and no development which requires resiting of water mains will be allowed;
 - details of site formation works shall be submitted to the Director of Water Supplies for approval prior to commencement of works;
 - no structures shall be built or materials stored within 1.5 metres from the centre line(s) of water main(s). Free access shall be made available at all times for staff of the Director of Water Supplies or their contractor to carry out construction, inspection, operation, maintenance and repair works;
 - no trees or shrubs with penetrating roots may be planted within the Water Works Reserve or in the vicinity of the water main(s). No change of existing site condition may be undertaken within the aforesaid area without the prior agreement of the Director of Water Supplies. Rigid root barriers may be required if the clear distance between the proposed tree and the pipe is 2.5m or less, and the barrier must extend below the invert level of the pipe;
 - no planting or obstruction of any kind except turfing shall be permitted within the space of 1.5 metres around the cover of any valve or within a distance of 1

m from any hydrant outlet; and

- tree planting may be prohibited in the event that the Director of Water Supplies considers that there is any likelihood of damage being caused to water mains;

(g) to note the following comments of D of FS:

- (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 general building plans;

(h) to note the following comments of CBS/NTW, BD:

- (i) if the 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, 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 Unauthorised Building Works (UBW). An Authorised 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 application is subject to the issue of a licence, the applicant should be reminded that any existing structures, if any, 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/ washroom/ activity rooms or other uses considered as temporary buildings are subject to control under the Building (Planning) Regulations (B(P)Rs) Pt. VII;
- (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 B(P)Rs respectively;
- (vii) if the Site is not abutting on a specified street having a width not less than 4.5 m, the 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 and site formation works like filling works. Detailed comments will be given at building plan submission stage;
- (i) to note the following comments of DFEH:
 - (i) no FEHD's facilities will be affected and such work and operation shall not cause any environmental nuisance, pest infestation and obstruction to the surrounding;
 - (ii) proper licence/ permit issued by FEHD is required if there is any catering service/ activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public; and
 - (iii) for any waste generated from the such activity/ operation, the applicant should arrange disposal properly at their own expenses; and
- (j) to note the comments of DLCS that no venues and roadside amenity areas under the purview of LCSD should be affected or prior consent from his department is required.