

Recommended Advisory Clauses

- (a) to note that the erection of fence walls and external mesh fences on private land are building works subject to the control under the Buildings Ordinance. The applicants should obtain the Building Authority's prior approval of plans and consent for commencement of works or, if such works fall within the scope of the Minor Works Control System, the applicants should ensure compliance with the simplified requirements under the Building (Minor Works) Regulation;
- (b) to note the comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD) that the Site comprises Old Schedule lots held under Block Government Lease (demised for agricultural use) without any guaranteed right of access. The applicants should make their own arrangement, and there is no guarantee that any adjoining Government land will be allowed for the vehicular access of the proposed use. The existing structure on the Site was erected without approval from his office. The aforesaid structure is not acceptable under the lease concerned. His office reserves the right to take enforcement actions against the aforesaid structure. Should the application be approved, the applicants shall apply to his office for a Short Term Waiver (STW) to cover all the actual occupation area. 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, its 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 waiver fee and administrative fee as considered appropriate by his office;
- (c) to note the comments of the Commissioner for Transport (C for T) and the Chief Highways Engineer/New Territories East, Highways Department (CHE/NTE, HyD) that the local track leading to the Site is not managed by the Transport Department or Highways Department. The land status, management and maintenance responsibility of the local track should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that public sewerage works is proposed to be carried out in the vicinity of the Site. The proposed development should not obstructing the construction works;
- (e) to note the comments of the Director of Environmental Protection (DEP) that in view of the nearby streamcourses/streams, the applicants shall strictly observe all relevant pollution control ordinances, particularly on waste management and disposal, and put in place necessary precautionary/pollution control measures to prevent any pollution of the nearby streamcourses/streams as a result of the construction activities. Particular attention should be paid on measures to prevent fly-tipping/unauthorized landfilling activities during construction and operation stages. There is no public sewer in the vicinity of the Site at this stage. The applicants shall have to provide his own effective sewage treatment and disposal measures to cater for any sewage arising from the operation of the proposed development, in compliance with the requirement of ProPECC PN 5/93 and Water Pollution Control Ordinance where appropriate, and adopt best management practice to avoid refuse and other pollutants from entering the surface runoff and the nearby streamcourses/streams;

- (f) to follow the environmental mitigation measures as set out in the latest “Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses” issued by the DEP in order to minimize any possible environmental nuisances;
- (g) to note the comments of the Director of Agriculture, Fisheries and Conservation (DAFC) that good site practice should be implemented during both the construction and operation stages in order not to pollute the watercourses nearby;
- (h) to note the comments of the Chief Building Surveyors/New Territories West, Buildings Department (CBS/NTW, BD) as follows:
 - (i) 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, otherwise they are unauthorized building 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) any temporary shelters or converted containers for storage or other uses are considered as temporary buildings subject to control under Building (Planning) Regulations (B(P)R) Pt. VII;
 - (iii) the Site shall be provided with means of obtaining access thereto from a street under the B(P)R 5 and emergency vehicular access shall be provided under the B(P)R 41D;
 - (iv) if the Site is not abutting on a specified street having a width of not less than 4.5m, the development intensity shall be determined by BA under B(P)R19(3) at the building plan submission stage; and
 - (v) formal submission under the BO is required for any proposed new works, including any temporary structures. Detailed comments under BO will be provided at building plan submission stage; and
- (i) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicants are advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The applicants are also advised that the layout plan should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plan. If the proposed structure(s) is required to comply with the Buildings Ordinance (Cap 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.