

Recommended Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the applied use at the Site;
- (b) to note the comments of DLO/N, LandsD as follows:
 - (i) the Site comprises private Lot 487 S.B RP in D.D. 80 which is an Old Schedule lot held under the Block Government lease (demised for agricultural use) without any guarantee of right of access. The applicant should make its own arrangement for acquiring access. The Government shall accept no responsibility in such arrangement, and there is no guarantee that any adjoining Government land will be allowed for the vehicular access of the proposed use;
 - (ii) the existing structures on Site were erected without approval from his office and are not acceptable under the lease concerned. His office reserves the right to take enforcement actions against the unauthorised structures;
 - (iii) the existing structures on Site encroach onto Lot 485 RP in D.D. 80 which is adjacent to the application lot (**Plan A-2**);
 - (iv) a piece of Government land was found fallen within the application boundary but outside the actual occupation boundary;
 - (v) the number and area of existing structures on the site exceeds the proposed development schedule;
 - (vi) some building works was found in progress during his site inspection in December 2019. Most of the Site was fenced up by iron hoardings; and
 - (vii) should the application be approved, the owner(s) of the lot(s) concerned shall apply to his office for a Short Term Waiver (STW) and Short Term Tenancy (STT) to cover all the actual occupation area. The applications for STW and STT will be considered by Government in its landlord's capacity and there is no guarantee that they will be approved. If the STW/STT are approved, their commencement date would be backdated to the first date of occupation and they will be subject to such terms and conditions to be imposed including payment of waiver fee/rent and administrative fees as considered appropriate by his office;
- (c) to note the comments of CHE/NTE, HyD as follows:
 - (i) there would be physical conflict between the Site and the project limit of the PWP Item No. 6584TH "Widening of Eastern Section of Lin Ma Hang Road between Tsung Yuen Ha and Lin Ma Hang" undertaken by his department; and
 - (ii) adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;

- (d) to note the comments of that the DEP as follows:
 - (i) the applicant is advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites”; and
 - (ii) the applicant should also be reminded of his obligation to strictly comply with all environmental protection/ pollution control ordinances, in particular Water Pollution Control Ordinance and Waste Disposal Ordinance, to prevent any pollution of nearby watercourse 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 comments of D of FS as follows:
 - (i) the applicant should be advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; the location of where the proposed FSI to be installed should be clearly marked on the layout plans; and the good practice guidelines for open storage should be adhered to; and
 - (ii) the applicant is reminded that 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;
- (g) to note the comments of CE/C, WSD that 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; and
- (h) to note the comments of CBS/NTW, BD as follows:
 - (i) 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, otherwise they are Unauthorized Buildings Works (UBW). An Authorized Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the BO;
 - (ii) for UBW erected on leased land, enforcement action may be taken by 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;
 - (iii) any temporary shelters or converted containers for storage or washroom or workshop or other uses are considered as temporary buildings and are subject to control under the Building (Planning) Regulations (B(P)Rs) Pt. VII;
 - (iv) the Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulation 5 and 41D of the B(P)Rs respectively;

- (v) if the Site is not abutting on a specified street having a width not less than 4.5m wide, its development intensity shall be determined under Regulation 19(3) of the B(P)Rs at the building plan submission stage; and
- (vi) 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.