

Recommended Advisory Clauses

- (a) to note the following comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):
- (i) the Site comprises private Lot 268 S.A in D.D. 80 and adjoining Government land (GL) 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, and there is no guarantee that any adjoining GL 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 aforesaid structures;
 - (iii) the GL adjoining the Site is occupied without approval from his office. His office reserves the right to take necessary land control actions against the unauthorized occupation of GL; and
 - (iv) should the application be approved, the owner of the lot concerned shall apply to his office for a Short Term Waiver (STW) and Short Term Tenancy (STT) covering all the actual occupation area. The application 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 and 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;
- (b) to note the following comments of the Commission of Transport (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;
 - (iii) the vehicular access should be no less than 7.3m wide;
 - (iv) 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;
 - (v) the applicant shall advise the management/control measures to be implemented to ensure no queuing of vehicles outside the Site;
 - (vi) the applicant shall advise the provision and management of pedestrian facilities to ensure pedestrian safety; and
 - (vii) the vehicular access between the Site and Lin Ma Hang Road is not managed by his department. The applicant should seek comment from the responsible party.

- (c) to note the following comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD):
- (i) the Site would encroach onto the project limit of the PWP Item No. 854TH “Widening of Eastern Section of Lin Ma Hang Road (LMHR) between Tsung Yuen Ha and Lin Ma Hang” undertaken by his department;
 - (ii) the construction works for PWP Item No. 863TH "Widening of Western Section of LMHR between Ping Yuen River and Ping Che Road" has commenced in February 2020 and is anticipated to completed by end of 2023. Whilst the logistic warehouse may attract traffic travelling along the Western Section of LMHR, the applicant should advise if the proposed development will cause any adverse traffic impact to both sections of LMHR; and
 - (iii) adequate drainage measures should be provided to prevent surface water running from the application site to the nearby public roads and drains;
- (d) to note the following comments of the Director of Environmental Protection (DEP):
- (i) should the application be approved, an approval condition on the submission and implementation of noise mitigation measures is recommended, e.g. the kennels should be enclosed with proper soundproofing materials and provided with 24-hour mechanical ventilation and air-conditioning (MVAC) system, which should be located away from adjacent sensitive receivers and the proposed structures. The applicant is also reminded to follow the relevant mitigation measures and requirements in the CoP;
 - (ii) it is noted that there is no existing public sewer in the vicinity of the Site at this stage. Should there be any sewage/wastewater arising from the operation of the applied use, effective sewage/wastewater treatment and disposal measures should be proposed. If septic tank and soakaway is proposed, its design and construction should follow the requirements of ProPECC 5/93. The Precolation test and Minimum clearance requirements stated in ProPECC 5/93 should be fully complied with and duly certified by consulting engineer/ Authorised Person (AP); and
 - (iii) given the subject application is for temporary use, the applicant is advised to follow the EPD’s latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites (CoP)” to minimize any potential environmental and odour nuisance;
- (e) to note the comments of the Director of Agriculture, Fisheries and Conservation (DAFC) that the subject address does not associate with any licence granted by his department, nor has he received any application regarding this address. Under the Public Health (Animals) (Boarding Establishment) Regulations, Cap. 139I, any person who provides food and accommodation for animals in return for a fee paid by the owner must apply for a Boarding Establishment Licence from his department. The applicant should also be reminded that the establishment and ancillary facilities which is licensed under the Cap 139I Public Health (Animals) (Boarding Establishment) Regulations must always fulfil the criteria listed in the Regulations. The dogs kept by the applicant should also be properly licensed as in accordance with Cap. 421 Rabies Ordinance and the applicant is reminded to observe Cap 169 Prevention of Cruelty to Animals Ordinance at all time;

- (f) to note the following comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):
- (i) in the drainage proposal submission, the applicant requires assessing and identifying the project's potential drainage impacts and demonstrate in their submission with the implementation of necessary mitigation measures, the project will not cause an unacceptable increase in the risk of flooding in areas upstream of, adjacent to or downstream of the development; and
 - (ii) the Site is in an area where no public sewerage connection is available;
- (g) to note the following comments of the Director of Fire Services (D of FS):
- (i) the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations to the Fire Services Department for approval;
 - (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 fire service installations to be installed should be clearly marked on the layout plans; and
 - (iii) the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap.123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (h) to note the following comments of the Chief Engineer/Construction, Water Services Department (CE/C, WSD):
- (i) existing water mains will be affected. The applicant is required to either divert or protect the water mains found on application site. If diversion is required, existing water mains inside the application 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;
 - (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 1m 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;

- (i) to note the following comments of the Director of Food and Environmental Hygiene (DFEH):
- (i) the operation of the proposed temporary animal boarding establishment and ancillary office should not cause any environmental hygiene problems at and in the vicinities of the Site; and
 - (ii) the operator of the Site is responsible for the removal and disposal of any trade waste generated from the commercial activities at their expenses; and
- (j) to note the following comments from the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):
- (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 Building Work (UBW). An Authorized Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the Buildings Ordinance (BO);
 - (ii) 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;
 - (iii) any temporary shelters or converted containers for storage or washroom or workshop or other uses are considered as temporary buildings are subject to the control of Part VII of the Building (Planning) Regulations (B(P)R);
 - (iv) 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 Building (Flaming) Regulation 41D;
 - (v) if the Site is not abutting on a specified street having a width not less than 4.5m, the development intensity shall be determined by the BA under B(P)R 19(3) at 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 the building plan submission stage.