

Recommended Advisory Clauses

- (a) to note the following comments of District Lands Officer/North, Lands Department (DLO/N, LandsD):
- (i) the Site comprises a private lot which is an 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 and there is no guarantee that any adjoining Government land will be allowed for the vehicular access of the proposed use; and
 - (ii) should the application be approved, the owners of the lot concerned shall apply to his office for Short Term Waiver (STW) to cover all 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 application 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 waiver fee and administrative fees as considered appropriate by his office;
- (b) to note the comments of the Commissioner for Transport (C for T) that the village access of Tsung Yuen Ha is not managed by TD. The applicant shall seek agreement/ comment from the responsible party;
- (c) to note the comments of Chief Highways Engineer/ New Territories East, Highways Department (CHE/NTE, HyD) that the access road leading from Lin Ma Hang Road to the Site is not maintained by his department;
- (d) to note the following comments of Director of Environmental Protection (DEP):
- (i) as the application is temporary in nature, the applicant is advised to follow EPD's latest "Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses (CoP)";
 - (ii) it is noted that the existing public sewerage in the vicinity of the Site reaches its capacity and it is not available for the connection of sewage discharge from the Site. For the proposed septic tank and soakaway system, its design and construction should follow the requirements of the Practice Note for Professional Person (ProPECC) PN 5/93. The Percolation Test and Minimum clearance requirements stated in ProPECC PN 5/93 should be fully complied with and duly certified by consulting engineer/Authorised Person (AP);
 - (iii) the applicant should be reminded that it is the applicant's obligation to strictly comply with all environmental protection/pollution ordinances, in particular Water Pollution Control Ordinance and Waste Disposal Ordinance, and to follow relevant measures given in the EPD's latest CoP during the construction and operation stages of the proposed development;
 - (iv) the applicant should be reminded that the design of drainage inside the Site should make reference to the good practices stated in ProPECC PN 5/93; and

- (v) the applicant should also be reminded that necessary precautionary/ pollution control measures should be put in place to prevent any pollution of nearby watercourse;
- (e) to note the following comments of Chief Engineering/Mainland North, Drainage Services Department (CE/MN, DSD):
- (i) the applicant requires assessing and identifying the potential drainage impacts of the proposed development and demonstrate in the submission that with the implementation of necessary mitigation measures, the proposed development will not cause an unacceptable increase in the risk of flooding in areas upstream of, adjacent to or downstream of the development;
 - (ii) the limited desk-top checking by DSD on the drainage works covers only the fundamental aspects of the drainage design which will by no means relieve the project proponent's obligations to ensure that the proposed drainage works will not cause any adverse drainage or environmental impacts in the vicinity, and the proposed drainage works and the downstream drainage systems have adequate capacity and are in good conditions to receive the flows collected from the subject locations and all upstream catchments;
 - (iii) the details (invert level, gradient, general sections etc.) of the proposed drain/surface channel and catch pit shall be provided;
 - (iv) cover should be provided to each catchpit;
 - (v) details of the drainage facilities at the sloping ground should be provided;
 - (vi) the cover levels of the proposed channels should flush with the existing adjoining ground level;
 - (vii) the applicant should provide the formation levels of the Site and the areas in the vicinity;
 - (viii) the applicant should provide the connection details between the proposed 225 mm u-channel and the existing catchpit no. SCH1001037. The invert levels at the upstream and the downstream of the catchpit should be shown clearly on plan;
 - (ix) the applicant should check and ensure that the existing drainage channel downstream to which the proposed connection will be made have adequate capacity and satisfactory condition to cater for the additional discharge from the subject lot. He should also ensure that the flow from the Site will not overload the existing drainage system;
 - (x) the applicant is reminded that where walls are erected or kerbs are laid along the boundary of the same, peripheral channels should be provided on both sides of the walls or kerbs with details to be agreed by DSD;
 - (xi) the applicant is reminded that all existing flow paths as well as the run-off falling onto and passing through the Site should be intercepted and disposed of via proper discharge points. The applicant shall also ensure that no works, including any site formation works, shall be carried out as may adversely interfere with the free flow condition of the existing drain, channels and watercourses on or in the vicinity of the Site any time during or after the works;

- (xii) the proposed drainage works, whether within or outside the lot boundary, should be constructed and maintained by the lot owner at their own expense;
 - (xiii) for works to be undertaken outside the lot boundary, the applicant should obtain prior consent and agreement from District Land Officer/North and/or relevant private lot owners;
 - (xiv) the applicant should make good all the adjacent affected areas upon the completion of the drainage works;
 - (xv) the applicant should construct and maintain the proposed drainage works properly and rectify the system if it is found to be inadequate or ineffective during operation;
 - (xvi) to prevent the backflow of the stormwater from the existing culvert/drainage channel to the lot, in particular during heavy rainfall, the applicant should consider implementing some mitigation measures to deal with this situation at their own cost;
 - (xvii) the applicant is required to provide photos showing the conditions of the Site and the adjoining areas, the existing drainage facilities and the proposed final discharge point for his information. A plan should be submitted to indicate the locations of the camera and directions of all photos taken;
 - (xviii) the applicant should ensure that the runoff from parking area would not be contaminated by petroleum. Otherwise, the applicant should propose a means in their proposal to avoid the contaminated runoff entering the existing stormwater drainage system. The applicant may make reference to Highways Standard Drawings on "Petrol Interceptor". As the discharge of the contaminated runoff to the nearby watercourse would cause water pollution problem which is under the purview of DEP, please also seek comments from DEP on this aspect and also on the drainage proposal;
 - (xix) the applicant should be reminded to minimize the possible adverse environmental impacts on the existing streamcourse in his design and during construction;
 - (xx) the applicant is required to provide the sectional views of the Site in 2 different directions showing clearly any walls would be erected or kerbs would be laid along the boundary of the development, the proposed and existing drainage facilities, flow direction, the existing ground level of the adjacent lands and the formation level of the Site for his reference;
 - (xxi) the Government should be empowered to inspect conditions of the private drainage system (including the petrol interceptor) and to enforce its cleansing by the owners, if necessity arises (e.g. upon receipt of complaints); and
 - (xxii) please advise whether the access road along the existing streamcourse would be used as part of the access route to / from the site. Please show the access route clearly on plan for his information;
- (f) to note the following comments of Director of Fire Services (D of FS):
- (i) the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. 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

- (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 Chief Engineer/Construction, Water Supplies Department (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;
- (h) to note the following comments of Director of Food and Environmental Hygiene (DFEH):
 - (i) the operation of any eating place should be under a food licence issued by Food and Environmental Hygiene Department (FEHD). If the operator intends to operate any food business at the Site, relevant food licence/restricted food permit should be obtained from FEHD in accordance with the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation; and
 - (ii) the operation of the proposed development should not cause any environmental nuisances and/or hygienic problems at the Site and its vicinities. 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
- (i) to note the following comments of 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, 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 Buildings Works (UBW). An Authorized Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the Building Ordinance (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 should be provided with means of obtaining access thereto from a street under the B(P)R Regulation 5 and emergency vehicular access shall be provided under the B(P)R Regulation 41D;
 - (v) if the Site does not abut a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under B(P)R 19(3) 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 will be given at building plan submission stage.