

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 the District Lands Officer/North, Lands Department that:
 - (i) the Site comprises private lots and they are Old Schedule lot held under the 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 vehicle access of the proposed use;
 - (ii) it is noted that the Site is completely surrounded by private lots. The applicant should make his own arrangement for acquiring access. The Governmental shall accept no responsibility in such arrangement;
 - (iii) the development schedule indicates a toilet will be erected on the Site. The applicant should note that any proposed toilet facilities should meet current health requirements;
 - (iv) the existing structures on the Site were erected without approval from her office. The aforesaid structures are not acceptable under the Leases concerned. Her office reserves the right to take enforcement actions against the aforesaid structures;
 - (v) the applicant shall apply to her office for a Short Term Waiver (STW) covering 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 they will be approved. If the STW is 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 her office;
- (c) to note the comments of the Commissioner for Transport that the vehicular access between the site and Ping Che Road are not managed by her office. The applicant should seek comment from the responsible party;
- (d) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that the section of Ping Che Road near to the Site is under her maintenance purview. However, the access track to the Site from Ping Che Road will pass through other private lots and a strip of area along Ping Che Road which is an unallocated government land. The applicant is required to sort out the land issues with relevant land authority/owners; and adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;

- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that:
- (i) there is no record of submission of the proposed temporary buildings / structures to the Building Authority (BA) for approval. The proposed temporary structures are subject to the control of Part VII of the Building (Planning) Regulations and require prior approval and consent under the Buildings Ordinance (BO));
 - (ii) before any new building works are to be carried out on the Site, the prior approval and consent of the 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;
 - (iii) 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;
 - (iv) any temporary shelters or converted containers for storage or washroom or workshop or other uses are considered temporary buildings and subject to the control of Part VII of the Building (Planning) Regulations;
 - (v) the Site shall be provided with means of obtaining access thereto from a street under the Building (Planning) Regulations 5 and emergency vehicular access shall be provided under the Building (Planning) Regulation 41D;
 - (vi) if the Site does not abut a specified street having a width not less than 4.5m wide, the development intensity shall be determined under the Building (Planning) Regulations 19(3) at the building plan submission stage; and
 - (vii) detailed consideration will be made at building plan submission stage;
- (f) to note the comments of the Director of Fire Services that:
- (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;
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that:
- (i) should the application be approved, a condition should be included to request the applicant to submit and implement a drainage proposal for the Site to ensure that it will not cause adverse impact to the adjacent area. In their 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) there is public sewerage near the Site; and
- (h) to note the comments of Director of Environmental Protection that the applicant is advised to follow the relevant mitigation measures and requirements as set out in the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by DEP in order to minimize any possible environmental nuisances.