

Recommended Advisory Clauses

- (a) the permission is given to the development/use under application. It does not condone any other development/use which are not covered by the application;
- (b) to note the following comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):
 - (i) the lot is an Old Schedule lot held under Block Government Lease (demised for agricultural use) without any guaranteed right of access. The applicant should make her own arrangement of acquiring access, and there is no guarantee that any adjoining Government Land (GL) will be allowed for the vehicular access of the proposed use;
 - (ii) existing structures on the Site were erected without approval from his office. The aforesaid structures are not acceptable under the lease concerned. His office reserves the right to take enforcement actions against the aforesaid structures;
 - (iii) the development schedule indicates that portable toilets will be erected on the Site. The applicant should note that any proposed toilet facilities should meet current health requirements;
 - (iv) the applicant should take precautionary measures to restrict the scale of land/pond filling activity so as to ensure no private lot(s)/GL adjacent to the Site would be disturbed. Besides, the applicant should also comply with all the land/pond filling requirements imposed by relevant Government department(s), if any;
 - (v) it is noted that the vehicular access to the Site would route through the GL managed by Civil Engineering and Development Department (CEDD). In this regard, the applicant has to obtain consent from CEDD. The Government does not guarantee any right of way and access to the Site;
 - (vi) any existing and/or proposed structures to be erected on the Site could not be used for domestic purpose; and
 - (vii) if the planning application is approved, the owner of the Site shall apply to his office for a Short Term Waiver (STW) covering the structures. 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 fees as considered appropriate by his office;
- (c) to note the comments of the Commissioner for Transport (C for T) that the vehicular access between the Site and Wo Keng Shan Road is not managed by Transport Department. The applicant should seek comment from the responsible party;
- (d) to note the following comments of the Chief Highway Engineer/NT East, Highways Department (CHE/NTE, HyD):
 - (i) the proposed access road leading to the Site will pass through a strip of unallocated

government land (UGL). The applicant is required to sort out the land issues with relevant land authority and clarify whether he will design and construct the proposed access road if the application is approved; and

- (ii) 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 following comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):
- (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 drainage 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) the Site is in an area where no public sewerage connection is available. EPD should be consulted regarding the sewage impact assessment and sewage treatment/disposal facilities for the proposed development;
- (f) to note the following comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):
- (i) before any new building works / proposed site formation works to be carried out on the Site, prior approval and consent of Building Authority (BA) should be obtained, otherwise they are exempted building works or commenced under the simplified requirement under the Minor Works Control System. Otherwise they are Unauthorized Building Works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator 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 Pt. VII of the Building (Planning) Regulations (B(P)Rs);
 - (iv) the Site shall be provided with means of obtaining access thereto from a street under Building (Planning) Regulations (B(P)Rs) 5 and emergency vehicular access shall be provided under B(P)Rs 41D;
 - (v) if the Site is not abutting on a specified street having a width not less than 4.5 m, the development intensity shall be determined by the BA under B(P)Rs 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 under BO will be provided at the building plan submission stage;

- (g) to note the following comments of the Director of Fire Services:
 - (i) 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
 - (ii) the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap.123), detailed fire services requirements will be formulated upon receipt of formal submission of general building plans; and
- (h) to follow the environmental mitigation measures as set out in the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Site' issued by the Director of Environmental Protection (DEP) in order to minimize any possible environmental nuisances.