

**Advisory Clauses**

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site (the Site);
- (b) to note the comments of the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD) that:
  - (i) the Site falls within Lot No. 2339 in D.D. 130 (“the Lot”). The Lot is an Old Schedule Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government;
  - (ii) a Short Term Waiver No. 582 (“STW”) was granted on the Lot by his office to permit erection of structures not exceeding the built-over area of 125m<sup>2</sup> and not exceeding the height of 3.95m for the storage and repair of container boxes;
  - (iii) the Site is accessible from Shun Tat Street via local access on the private lots. It is entirely at the applicant’s own arrangement regarding the said local access over the private lots and the Government is not and will not be involved. His office does not carry out maintenance works for the said local access nor has given any right-of-way over the said local access to the Site; and
  - (iv) the lot owner may apply to his office for revision of the user, site coverage and height of structures of STW No. 582. He would advise that the proposal will only be considered upon his receipt of formal application. However, notwithstanding that planning permission is given, there is no guarantee that application will be approved. The application will be considered by LandsD acting in the capacity as the landlord at its sole discretion. The application, if approved, would be subject to such terms and conditions as the Government shall deem fit to do so, including charging of waiver fee from such date as may be appropriate, deposit and administration fee etc. The Government also reserves the right to take enforcement action as may be considered appropriate regarding any unauthorized structures erected on the Lot or any encroachment of unauthorized of Government Land.
- (c) to note the comments of the Commissioner for Transport (C for T) that the access route indicated is not managed by the Transport Department. Comment from relevant authorities/parties should be sought regarding the use of the proposed access route;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that:
  - (i) the applicant should construct a run in/out at the access point at Shun Tat Street in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement;

- (ii) the proposed access from the Site to Shun Tat Street is not and will not be maintained by HyD; and
  - (iii) adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (e) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection (DEP) to minimise potential environmental impacts on the surrounding environment;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:
- (i) the applicant should refer to the guidelines as specified in “Technical Note to prepare a Drainage Submission” which is available at DSD’s website ([https://www.dsd.gov.hk/EN/Technical\\_Documents/DSD\\_Guidelines/index.html](https://www.dsd.gov.hk/EN/Technical_Documents/DSD_Guidelines/index.html));
  - (ii) presumably it is the intent of the applicant to make drainage connection to public drainage to discharge runoff from the Site. According to his records, there is no DSD maintained facility in the vicinity of the Site. In this regard, the applicant should be reminded to identify such public drainage and consult, as appropriate, the relevant authorities/owners of the existing drainage for consent of the connection works;
  - (iii) details of the proposed u-channel and catchpits and how it would be connected to the existing drainage system should be clarified and clearly shown in the proposed drainage proposal;
  - (iv) peripheral drainage channels should be provided to intercept the surface runoff from the uphill catchment so as to avoid the Site from overland flow influence;
  - (v) the proposed drainage works, whether within or outside the lot boundary, should be constructed and maintained by the lot owner at their own expense. For any works to be carried out outside his lot boundary, the applicant should consult DLO/TM and seek consent from relevant lot owners before commencement of the drainage works;
  - (vi) the applicant is required to rectify the drainage system if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by a failure of the drainage system; and
  - (vii) the proposed works should neither obstruct overland flow nor adversely affect any existing natural streams, village drains, ditches and the adjacent areas;
- (g) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In addition, the applicant should also

be advised on the following points: (a) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and (b) the location of where the proposed FSI to be installed should be clearly marked on the layout plans. 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 comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that there is no record of approval by the Building Authority (BA) for the structures existing at the Site and BD is not in a position to offer comments on their suitability for the use related to the application. Formal submission under BO is required for any proposed new works, including any temporary structures. His advisory comments are as follows:
- (i) if the existing structures are erected on leased land without approval of the BA (not being an New Territories Exempted House (NTEH)), they are unauthorized under BO and should not be designated for any approved use under the application;
  - (ii) before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, the prior approval and consent of BA should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorized Person (AP) should be appointed as the coordinator for the proposed building works in accordance with BO.
  - (iii) for UBW erected on lease 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) in connection with (ii) above, the Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulation (B(P)R) respectively; and
  - (v) if the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of B(P)R at the building plan submission stage; and
- (i) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that if the proposal involves any commercial/trading activities, its state should not as to be a nuisance or injurious or dangerous to health and surrounding environment. Also, for any waste generated from the commercial/trading activities, the applicant should handle on their own/at their expenses.