

Advisory Clauses

- (a) Prior planning permission should have been obtained before commencing the development on the Site;
- (b) to note the Director of Environmental Protection (DEP)'s comments that the proposed Social Welfare Facilities (Residential Home for People with Disabilities) (RCHD) should comply with the requirements of the Water Pollution Control Ordinance and to obtain licence for sewerage and waste water disposal as soon as possible;
- (c) to note the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD)'s comments that Lot Nos. 108 S.B ss.1 and 108 S.B ss.2 in D.D. 132 ('the Lots') are held under the Block Government Lease (demised for agricultural use). Building Licence No. 1481 was granted for erection of a Small House on the Lots. Erection of structure(s) on the Lots is not allowed under the lease unless written consent of his office has been obtained. The Site is surrounded by private lots, his office does not guarantee any right-of-way to the Site nor private maintenance to the access road;
- (d) to note the Commissioner for Transport (C for T)'s comments that the local village road outside the run-in/out of the Site is not managed by Transport Department;
- (e) to note the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD)'s comments that the vehicular access connecting Hong Po Road to the Site is not maintained by HyD. HyD will not take up the maintenance of the vehicular access. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (f) to note the comments of the Director of Social Welfare that under the Residential Care Homes (Persons with Disabilities) Ordinance, RCHDs must be operated with a licence or certificate of exemption and its operation must comply with the statutory requirements in respect of management, health care services, building and fire safety.
- (g) to note the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD)'s comments that:
 - (i) if the existing structure is a NTEH under the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121 or the then Cap. 322), DLO/TM, LandsD should be in a better position to comment on the application;
 - (ii) if the existing structure (not being a NTEH) are erected on leased land without the approval of the BD, they are Unauthorized Building Works (UBW) under the Buildings Ordinance (BO) and should not be designated for the applied use under application;
 - (iii) before any new building works (including shelters, toilet, containers as temporary buildings and connection of drains) are to be carried out on the Site, prior approval and consent of the BD should be obtained. 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 BO;
 - (iv) if the applied use under application is subject to the issue of a license, the

applicant should be reminded that any existing structures on the Site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority;

- (v) 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 Building (Planning) Regulations (B(P)R) respectively;
- (vi) 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 the B(P)R at the building plan submission stage;
- (vii) the Residential Care Homes (Persons with Disabilities) Ordinance (Cap. 613) regulates residential care homes for persons with disabilities (RCHDs) by a licensing system administered by SWD. A RCHD, which is for habitation, is a domestic use under the BO. All habitable rooms should be provided by adequate natural lighting and ventilation in accordance with Regulation 30, 31 and 32 of B(P)R; and
- (viii) detailed comments will be provided at building plan submission stage.
- (h) to note the Director of Fire Services (D of FS)' comments that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans or referral from relevant licensing authority;
- (i) to note the Chief Engineer/ Construction of Water Supplies Department (CE/C, WSD) that 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.
- (j) to note the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD)'s comments that all existing trees and landscape plantings within the Site should be maintained at all times and 'Information About Tree Maintenance For Private Properties' and 'Pictorial Guide for Tree Maintenance' published by the Greening, Landscape and Tree Management (GLTM) Section of Development Bureau should be observed for tree maintenance at the Site.
- (k) to note the Director of Electrical and Mechanical Services (DEMS)' comments that in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. The parties concerned should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the 'Code of Practice on Working near Electricity Supply Lines' established under the Regulation when carrying out works in the vicinity of the electricity supply lines.