

Advisory clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site (the Site);
- (b) prior planning permission should have been obtained before commencing the applied use at the Site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department that the Site comprises Old Schedule Agricultural Lots 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. No permission is given for occupation of Government Land (GL) (about 376m<sup>2</sup> subject to verification) included in the Site. Any occupation of GL without Government's prior approval is not allowed. The Site is accessible from Tai Tong Road via GL. Her office does not provide maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the Site. The lot owner(s) will need to apply to her office to permit the structures to be erected or regularise any irregularities on site, if any. Besides, given the applied use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Furthermore, the applicant has to either exclude the GL from the Site or apply for a formal approval prior to the actual occupation of the GL. Applications for any of the above will be considered by her department acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by her department;
- (d) to note the comments of the Commissioner for Transport that sufficient space within the Site should be provided for manoeuvring of vehicles. No parking of vehicles on public road are allowed. The land status of the access road/path/track leading to the Site from Tai Tong Road shall be checked with the lands authority. The management and maintenance responsibilities of the access road/path/track shall be clarified and consulted with the relevant management and maintenance authorities accordingly;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department shall not be responsible for the maintenance of any access connecting the Site and Tai Tong Road. Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains;
- (f) to note the comments of the Director of Environmental Protection that the facilities should be properly designed and maintained to minimise any potential environmental nuisance, e.g. the mechanical ventilation and air conditioning system should be located away from adjacent sensitive receivers. The relevant mitigation measures and requirements in the revised "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" should be followed to minimise any potential environmental nuisances, and suitable mitigation measures should be implemented to address potential noise and odour impacts. Effluent discharges from the proposed use are subject to control under the Water Pollution Control Ordinance

(WPCO). A discharge licence under the WPCO shall be obtained before a new discharge is commenced. If septic tank and soakaway system is proposed, its design and construction should follow the requirements of the Practice Note for Professional Person (ProPEDD) PN5/93 “Drainage Plans subject to Comment by the Environmental Protection Department”. Appropriate mitigation measures/practices as set out in the Recommended Pollution Control Clauses for Construction Contracts which are available at the following website should be implemented: [https://www.epd.gov.hk/epd/english/environmentinhk/eia\\_planning/guide\\_ref/rpc\\_1.html](https://www.epd.gov.hk/epd/english/environmentinhk/eia_planning/guide_ref/rpc_1.html);

- (g) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant is advised to implement necessary measures to avoid causing pollution or disturbance to the watercourse along the southern boundary of the Site as well as the woodland to the east and south of the Site;
- (h) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. 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 FSIs to be installed should also be clearly marked on the layout plans. The applicant is also reminded that if the proposed structure(s) is required to comply with the Building Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BD, they are unauthorised building works (UBW) under the BO and should not be designated for any proposed use under the application. For UBW erected on leased land, enforcement action may be taken by the BD 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. Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. 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) Regulations (B(P)R) respectively. 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
- (j) to note the comments of the Director of Electrical and Mechanical Services that the electricity supplier (i.e. CLP Power) shall be approached 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. Based on the cable plans and the relevant drawings obtained, if there is underground cable and/or overhead line within or in the vicinity of the Site, the applicant shall carry out the following measures: (i) For the Site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV or above as stipulated in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with CLP Power is necessary. (ii) Prior to establishing any structure within the Site, the applicant and/or his contractors shall liaise with the

electricity supplier and, if necessary, ask CLP Power to divert the underground cable and/or overhead line away from the vicinity of the structures. (iii) The Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation shall be adhered to when carrying out works in the vicinity of the electricity supply lines.