

Advisory Clauses

- (a) the permission is given to the use / development under application. It does not allow any other use / development not covered by the application;
- (b) to note the comments of the Chief Estate Surveyor/Acquisition, Lands Department (CES/A, LandsD) that the Site might be subject to land resumption at any time before the expiry of the planning permission;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) as follows:
  - (i) the Site comprises an Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government;
  - (ii) the Site is accessible to Castle Peak Road – Chau Tau through Government land (GL). His office provides no maintenance works for the GL involved and does not guarantee any right-of-way; and
  - (iii) the lot owner will need to apply to his office to permit the structures to be erected or regularise any irregularity on site. Such application will be considered by LandsD 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 LandsD;
- (d) to note the comments of the Director of Environmental Protection (DEP) that the applicant is reminded of his obligation to comply with the Water Pollution Control Ordinance. The design and construction of the septic tank and soakaway system should follow the requirements of the Practice Note for Professional Person (ProPECC) PN5/93 “Drainage Plans subject to Comment by the Environmental Protection Department” and should be duly certified by an Authorized Person (AP). The applicant shall also follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” (CoP) issued by DEP;
- (e) to note the comments of the Commissioner for Transport (C for T) that the proposed vehicular access to the Site is via Government land and village track connecting with Castle Peak Road – Chau Tau. The above Government land and village track are not under Transport Department (TD)’s management. The applicant should check the land status of the access with the lands authority, and clarify its management and maintenance responsibilities with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD) that the vehicular access leading from Castle Peak Road – Chau Tau to the Site is not maintained by HyD;
- (g) to note the advice of the Chief Town Planner/Urban Design & Landscape, PlanD (CTP/UD&L, PlanD) on the landscape proposal as follows:

- (i) there is space for more trees planting along the eastern and southern boundary of the Site;
  - (ii) the applicant should superimpose the drainage alignment onto landscape proposal and ensure a minimum clearance of 600mm between the tree and drainage channel and 3m away from building structures; and
  - (iii) all trees should be at least 2.75m tall and tree pits should have a proper planter edge with minimum size of 1m (L) x 1m (W) x 1.2m (D) and backfilled with proper planting soil;
- (h) to note the advice of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the general requirements of the drainage proposal are as follows:
- (i) surface channels with grating covers should be provided along the site boundary;
  - (ii) a drainage plan should be provided clearly showing the size, levels and routes of the proposed drainage. The details (invert level, gradient, general sections etc.) of the proposed drain/surface channel, catchpits and the discharge structure shall be provided;
  - (iii) the cover levels of proposed channels should be flush with the existing adjoining ground level;
  - (iv) a catchpit with covers should be provided where there is a change of direction of the channel/drain. The details of the catchpit (CEDD Standard Drawing No. 2405) shall be provided;
  - (v) catchpits with sand trap shall be provided at the outlets of the proposed drainage system. The details of the catchpit with sand trap (CEDD Standard Drawing No. 2406) should be provided;
  - (vi) the applicant should check and ensure that the existing drainage downstream to which the proposed connection will be made have adequate capacity and satisfactory condition to cater for the additional discharge from the Site. He should also ensure that the flow from the Site will not overload the existing drainage system;
  - (vii) the applicant is reminded that where walls are erected or kerbs are laid along the boundary of the same, peripheral channels should be provided on both sides of the walls or kerbs, and/or adequate openings should be provided at the walls/kerbs to allow existing overland flow passing through the Site to be intercepted by the drainage system of the Site with details to be agreed by DSD, unless justified not necessary;
  - (viii) if the existing drainage facilities to which the applicant proposed to discharge the storm water from the Site are not maintained by DSD, the applicant should identify the owners of the existing drainage facilities to which the proposed connection will be made and obtain consent from the owners prior to

commencement of proposed works;

- (ix) the applicant is reminded that all existing flow paths as well as the run-off falling onto and passing through the Site should be intercepted and disposed of via proper discharge points. The applicant shall also ensure that no works, including any site formation works, shall be carried out as may adversely interfere with the free flow condition of the existing drains, channels and watercourses on or in the vicinity of the Site any time during or after the works;
  - (x) the proposed drainage works, whether within or outside the site boundary, should be constructed and maintained properly by the applicant who should also rectify the system if it is found to be inadequate or ineffective during operation, all at his/her own expense;
  - (xi) for works to be undertaken outside the lot boundary, the applicant should obtain prior consent and agreement from DLO/YL, LandsD and/or relevant private lot owners;
  - (xii) the applicant shall make good all the adjacent affected areas upon the completion of the drainage works;
  - (xiii) the applicant shall allow all time free access for the Government and its agent to conduct site inspection on the his completed drainage works;
  - (xiv) the applicant and the successful lot owners shall allow connections from the adjacent lots to the completed drainage works on Government land when so required; and
  - (xv) clear photos should be submitted showing the current conditions of the existing drainage from the proposed discharge point(s) to the downstream and the existing drainage/flowpath around the Site;
- (i) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection for provision of water supply to the development. 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 comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) as follows:
    - (i) 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 Buildings Department (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 Building Ordinance (BO);

- (ii) 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;
  - (iii) in connection with (i) above, the Site shall be provided with means of obtaining access thereto from a street and EVA in accordance with Regulations 5 and 41D of the Building(Planning) Regulations respectively; and
  - (iv) 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 Building (Planning) Regulation at the building plan submission stage;
- (k) to note the comments of the Director of Food and Environmental Hygiene (DFEH) as follows:
- (i) the applicant should ensure that no environmental nuisance will be generated to the surroundings in connection with the operation of any commercial/trading activities; and
  - (ii) the applicant is reminded that the operator/tenant should handle on their own/at their expenses for any waste generated from the commercial/trading activities which is regarded as trade waste;
- (l) to note the comments of Director of Electrical and Mechanical Services (DEMS) as follows:
- (i) there is a high pressure town gas transmission pipeline (running along Castle Peak Road – Chau Tau) in the vicinity of the Site;
  - (ii) the applicant shall therefore liaise with the Hong Kong and China Gas Company Limited in respect of the exact locations of existing or planned gas pipes/gas installations in the vicinity of the Site and any required minimum setback distance away from them during the design and construction stages of development; and
  - (iii) the applicant is required to observe the requirements of the Electrical and Mechanical Services Department's "Code of Practice on Avoiding Danger from Gas Pipes" for reference; and
- (m) to note the comments of the Director of Fire Services (D of FS) that Emergency Vehicular Access (EVA) arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by BD. Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.