

Recommended Advisory Clauses

- (a) to resolve any land issues related to the temporary use with the concerned owner(s) of the application site (the Site);
- (b) the permission is given to the development uses structures under application. It does not condone any other development/uses and structures which currently occur on the Site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/ uses and remove such structures not covered by the permission;
- (c) to note DLO/YL, LandsD's comments that 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 the prior approval of the Government. The Site is accessible to Shek Wu Wai Road through both Government Land (GL) and private land. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way. The lot owner will need to apply to his office to permit the structures to be erected or regularize any irregularity on site. Such application will be considered by the 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 be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by the LandsD;
- (d) to note C for T's comment that the Site is connected to the public road network via a section of a local access road which is not managed by Transport Department (TD). The land status of the local access road should be clarified with the LandsD by the applicant. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note CHE/NTW, HyD's comments that HyD is not and shall not be responsible for the maintenance of vehicular access connecting the Site and Shek Wu Wai Road. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public road and drains;
- (f) to note CE/RD 2-2, RDO, HyD's comment that the Site falls within the administrative route protection boundary for the proposed Northern Link (NOL). The applicant shall be reminded that the Site may be required to be vacated at the time for the construction of the NOL;
- (g) to note DEP's comments that the applicant is advised to follow the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" (COP) issued by DEP;
- (h) to note DAFC's comments that as there is a watercourse to the east of the Site, the applicant is advised to adopt appropriate measures to avoid polluting the watercourse during operation;
- (i) to note CBS/NTW, BD's comments that if the existing structures (not being New Territories Exempted Houses) are erected on leased land without approval of the BD, they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and

should not be designated for any approved 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 and land filling) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorized Person (AP) 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 the B(P)R at the building plan submission stage;

- (j) to note CTP/UD&L, PlanD's comments that the applicant should clarify whether the proposed trees will be planted at-grade. Tree pit of 1m x 1m x 1.2m soil depth should be provided for at-grade planting. For trees to be planted along vehicular access within the Site, a fence/kerb/bollard at a minimum distance of 1m from the tree trunk should be provided between the tree and vehicle to guard against potential physical damages to the trees arising from vehicular movement. All hard-paved area, planting area and drainage design should be indicated on plan;
- (k) to note D of FS's comments 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. The applicant should be advised that (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy and (ii) the location of where the proposed FSIs 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 (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (l) to note DEMS's comment that in the interest 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 under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. The applicant should 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; and
- (m) to note DFEH's comments that if any Food and Environmental Hygiene Department (FEHD)'s facility is affected by the development, FEHD's prior consent must be obtained. Reprovisioning of the affected facilities by the project proponent up to the satisfaction of FEHD may be required. Besides, the project proponent should provide sufficient amount of additional recurrent for management and maintenance of the reprovisioned facilities to FEHD. If the proposal involves any commercial/trading activities, no environmental nuisance should be generated to the surroundings. Also, for any waste generated from the commercial/trading activities, the applicant should handle

on their own/at the expenses. Proper licence/ permit issued by his Department is required if there is any food business/ catering service/ activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public and the operation of any business should not cause any obstruction.

