

Advisory Clauses

- (a) to note the comments of District Lands Officer/Islands, Lands Department (DLO/Is, LandsD) that the owner of the Lot should submit a rebuilding application to DLO/Is, LandsD prior to the commencement of the proposed development. However, there is no guarantee that the Government will process the rebuilding application and the Government may reject the rebuilding application as it sees fit. The application, if approved by LandsD acting in the capacity as the landlord at its discretion, will be subject to such terms and conditions as shall be considered appropriate by LandsD including, inter alia, payment of premium and administrative fee or such other fees as the Government sees fit;
- (b) to note the comments of Chief Building Surveyor/New Territories East 1 & Licensing, Buildings Department (CBS/NTE1&L, BD) that if the proposed development is not New Territories Exempted House (NTEH) under Cap 121, the following comments under the Buildings Ordinance (BO) should be noted:
- (i) before any new building works (including site formation works, drainage works) are to be carried out on the Site, prior approval and consent from the Building Authority (BA) should be obtained, otherwise they are unauthorized building works (UBW);
  - (ii) the Site does not abut on a specified street of width not less than 4.5m, the development intensities and building height (BH) shall be determined by the BA under B(P)R19(3) upon formal submission of building plans to the BD;
  - (iii) the Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with B(P)R5 and 41D respectively;
  - (iv) detailed comments under the BO on the private development/ building such as permissible plot ratio (PR), site coverage (SC), emergency vehicular access (EVA), provision of means of escape, fire resisting construction, barrier free access and facilities, compliance with the sustainable building design guidelines, etc. will be formulated at the formal building plan submission stage;
  - (v) if there are existing structures which had been erected on leased land without approval of the BD (not being a NTEH), they are unauthorized under the BO and should not be designated for any approved use under the subject application; and
  - (vi) 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;

- (c) to note the comments of Director of Fire Services that EVA arrangement shall comply with Section 6, Part D of the 'Code of Practice for Fire safety in Buildings 2011' which is administered by the BD. Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;
- (d) to note the comments of Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant should be reminded that any effect of the proposed redevelopment on the stability of adjacent slope features, or vice versa, and any necessary stabilisation/ mitigation measures should be addressed in a formal site formation submission to the BD for approvals;
- (e) to note the comments of Director of Environmental Protection that septic tank and soakaway system is an acceptable means for the collection, treatment and disposal of the sewage provided that its design and construction follow the requirement of the Practice Note for Professional Person (ProPECC) 5/93 and are duly certified by an Authorized Person; and
- (f) to note the comments of Chief Town Planner/Urban Design and Landscape that
  - (i) the applicant is advised to follow Development Bureau's guideline on the proper tree protection works during construction period which can be found at the following link: [https://www.greening.gov.hk/en/tree\\_care/tree\\_maintenance.html](https://www.greening.gov.hk/en/tree_care/tree_maintenance.html); and
  - (ii) the applicant is advised that approval of s.16 application does not imply approval of tree works such as felling, transplanting or pruning under lease. The applicant is reminded to approach relevant authority/government department(s) direct to obtain necessary approval on tree works, where appropriate.