

Recommended Advisory Clauses

- (a) to note the following comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):
- (i) the Site comprises private lots which are Old Schedule lots held under the Block Government Lease (demised for agricultural use) without any guaranteed right of access. The applicant should make its own arrangement, and there is no guarantee that any adjoining Government land (GL) will be allowed for the vehicular access of the proposed use;
 - (ii) please be advised that the proposed development parameters of the application indicates that one structure for toilet use will be erected on the Site. The applicant should note that any proposed septic tank and soakage pit system should meet current health requirements; and that there is an existing footpath on Lot 466 RP in D.D. 90; and
 - (iii) should the application be approved, the owner of the lots concerned shall apply to his office for a Short Term Waiver (STW) covering all the actual occupation area. The application for STW will be considered by Government in its landlord's capacity and there is no guarantee that it will be approved. If the STW is approved, its commencement date would be backdated to the first date of occupation and it will be subject to such terms and conditions to be imposed including payment of waiver fee and administrative fees as considered appropriate by his office;
- (b) to note the comments of the Commissioner for Transport (C for T) that the vehicular access between the Site and Lin Ma Hang Road is not managed by his department. The applicant should seek comment from the responsible party;
- (c) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD) that there is no vehicular access leading from Lin Ma Hang Road to the Site. Should the application be approved, the applicant is required to form a vehicular access and sort out its maintenance responsibility with the relevant department. Upon termination of the approval period, the applicant is required to reinstate the vehicular access to its original state;
- (d) to note the comments of the Director of Agriculture, Fisheries and Conservation (DAFC) that any damage to the *Bombax ceiba* 木棉 located on Government land to the northeast of the Site should be avoided;
- (e) to note the following comments of the Director of Environmental Protection:
- (i) as the application is temporary in nature, the applicant is advised to follow EPD's latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites (CoP)";
 - (ii) in view of the nearby watercourse, the applicant is advised to strictly observe all relevant pollution control ordinances, particularly on waste management and disposal and water pollution, follow relevant measures given in the EPD's latest CoP, and put in place necessary precautionary/ pollution control measures to prevent any pollution of the watercourse as a result of the operational and construction activities. Best

management practice should be adopted to avoid refuse and other pollution, including pesticides to be used in the hobby farming, from entering the surface runoff and the watercourse; and

- (iii) there is no existing public sewer in the vicinity of the Site. As toilet would be provided at the Site, the applicant shall have to provide his own effective sewage treatment and disposal measures to cater for any sewage arising from the operation of the proposed use. If septic tank and soakaway is proposed, its design and construction should follow the requirements of ProPECC 5/93. The Precolation Test and Minimum clearance requirements stated in ProPECC 5/93 should be fully complied with and duly certified by consulting engineer/ Authorised Person (AP);
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the Site is in an area where no public sewerage connection is available;
- (g) to note the following comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):
 - (i) existing water mains inside the Site will be affected (**Plan A-2**). The applicant is required to either divert or protect the water mains found on Site;
 - (ii) if diversion is required, existing water mains inside the Site are needed to be diverted outside the site boundary of the proposed development to lie in Government land. A strip of land of minimum 1.5m in width should be provided for the diversion of existing water mains. The cost of diversion of existing water mains upon request will have to be borne by the grantee/ applicant; and the applicant shall submit all the relevant proposal to WSD for consideration and agreement before the works commence; and
 - (iii) if diversion is not required, the following conditions shall apply:
 - existing water mains are affected and no development which requires resiting of water mains will be allowed;
 - details of site formation works shall be submitted to the Director of Water Supplies for approval prior to commencement of works;
 - no structures shall be built or materials stored within 1.5 metres from the centre line(s) of water main(s). Free access shall be made available at all times for staff of the Director of Water Supplies or their contractor to carry out construction, inspection, operation, maintenance and repair works;
 - no trees or shrubs with penetrating roots may be planted within the Water Works Reserve or in the vicinity of the water main(s). No change of existing site condition may be undertaken within the aforesaid area without the prior agreement of the Director of Water Supplies. Rigid root barriers may be required if the clear distance between the proposed tree and the pipe is 2.5m or less, and the barrier must extend below the invert level of the pipe;
 - no planting or obstruction of any kind except turfing shall be permitted within the space of 1.5 metres around the cover of any valve or within a distance of 1 metre from any hydrant outlet; and

- tree planting may be prohibited in the event that the Director of Water Supplies considers that there is any likelihood of damage being caused to water mains;
- (h) to note the following comments of the Chief Building Surveyor/New Territories West, Buildings Department:
- (i) before any new building works are to be carried out on the Site, the prior approval and consent of the Building Authority (BA) should be obtained unless they are exempted building works or commenced under the simplified requirement under the Minor Works Control System. Otherwise they are Unauthorized Buildings Works (UBW). An Authorized Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the Buildings Ordinance (BO);
 - (ii) for UBW erected on leased land, enforcement action may be taken by BA 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) any temporary shelters or converted containers for storage or washroom or workshop or other uses are considered as temporary buildings which are subject to the control of Part VII of the Building (Planning) Regulations (B(P)Rs);
 - (iv) 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 B(P)Rs;
 - (v) if the Site does not abut on a specified street having a width not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)Rs at the building plan submission stage; and
 - (vi) formal submission under the BO is required for any proposed new works, including any temporary structures. Detailed comments under BO will be provided at the building plan submission stage; and
- (i) to note the following comments of the Director of Fire Services:
- (i) in consideration of the design/ nature of the proposed use, the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his satisfaction;
 - (ii) the applicant should be advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy and the location of where the proposed FSI to be installed should be clearly marked on the layout plans; and
 - (iii) 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 the general building plans.