

Recommended Advisory Clauses

- (a) to note the comments of DLO/N, LandsD as follows:
- (i) the Site comprises private Lot 268 S.A in D.D. 80 and adjoining Government land which is an Old Schedule lot held under the Block Government lease (demised for agricultural use) without any guarantee of right of access. The applicant should make its own arrangement for acquiring access. The Government shall accept no responsibility in such arrangements, and there is no guarantee that any adjoining Government land will be allowed for the vehicular access of the proposed use;
 - (ii) the actual occupied area does not tally with the Site. The existing structures on Site were erected without approval from his office and are not acceptable under the lease concerned. His office reserves the right to take enforcement actions against the unauthorised structures;
 - (iii) some of the existing structures erected on Site has extended to the adjoining Government land. The extensions of these structures constitute unauthorized occupation of Government land, which would be subject to land control actions;
 - (iv) the total built-over area and the numbers of the existing structures do not tally with the application; and
 - (v) if the planning application is approved, the owner of the lot concerned shall apply to his office for a Short Term Waiver (STW) and Short Term Tenancy (STT) covering all the actual occupation area. The application for STW and STT will be considered by Government in its landlord's capacity and there is no guarantee that they will be approved. If the STW/STT are approved, their commencement date would be backdated to the first date of occupation and they will be subject to such terms and conditions to be imposed including payment of waiver fee/rent and administrative fees as considered appropriate by his office;
- (b) to note the comments of CHE/NTE, HyD that as part of the proposed vehicular access of the Site will fall within the project limit of the PWP Item No. 6584TH "Widening of Eastern Section of Lin Ma Hang Road between Tsung Yuen Ha and Lin Ma Hang", the applicant is not allowed to construct any fence/ gate/ other facilities there obstructing the future road widening works;
- (c) to note the comments of that the DEP that should the application be approved, the applicant is advised to follow the relevant mitigation measures and requirements in the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites";
- (d) to note the comments of CE/MN, DSD that the Site is in an area where no public sewerage connection is available;
- (e) to note the comments of D of FS as follows:
- (i) 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

- (ii) the applicant is reminded that if the proposed structure(s) is required to comply with the Building Ordinance (Cap.123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

(f) to note the comments of CE/C, WSD as follows:

- (i) existing water mains will be affected. The applicant is required to either divert or protect the water mains found on Site. 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;

(ii) 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 1m 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; and

(g) to note the comments of CBS/NTW, BD as follows:

- (i) if the existing structures are erected on leased land without approval of the BD, they are unauthorized under the BO and should not be designated for any approved use under the application;
- (ii) before any new building works are to be carried out on the Site, the prior approval and consent of the BA should be obtained, 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 BO;

- (iii) 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;
- (iv) the temporary converted containers for site office/ storage are considered as temporary buildings and are subject to control under the Building (Planning) Regulations Pt. VII;
- (v) the Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulation 5 and 41D of the Building (Planning) Regulations respectively;
- (vi) if the Site does not abut on a specified street having a width not less than 4.5m wide, its development intensity shall be determined under Regulation 19(3) of the B(P)Rs at the building plan submission stage; and
- (vii) detailed comments under the BO will be provided at building plan submission stage.