

Recommended Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the applied use at the Site;
- (b) to note the comments of District Lands Officer/North, Lands Department on the following:
- (i) the actual occupied area does not tally with the Site. Portion of the Government land was occupied without authorisation. Unauthorised structures were erected within and adjoining the Site. Portions of the adjoining Lots 2140, 2165 S.B RP and 3376 S.A and S.B in D.D. 91 were also occupied. The total built-over area and numbers of the structures are larger than those mentioned in the application. The structures are not acceptable under the leases concerned. His Office reserves the right to take enforcement actions against the unauthorised structures and illegal occupation of Government land; and
 - (ii) should the application be approved, the owners of the lots 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;
- (c) to note the comments of the Commissioner for Transport on the following:
- (i) the vehicular access to the Site is via a village track connecting with Fan Kam Road. The application is requested to provide the following transport-related information for her consideration:
 - estimated average daily vehicular trip to/from the Site;
 - class of vehicles;
 - vehicular access points and its width;
 - vehicle loading/unloading and manoeuvring arrangement within the Site; and
 - drawing to indicate the manoeuvring of vehicles at the proposed ingress/egress without reversing on the village track;
 - (ii) the village track is not under Transport Department's management. The applicant shall 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.
- (d) to follow the environmental mitigation measures as set out in the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection in order to minimise any possible environmental nuisances;

- (e) 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;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) on the following:
 - (i) if the existing structures are erected on leased land without approval of the BD (not being a New Territories Exempted House), they are unauthorized under the BO and should not be designated for any approved use under the application;
 - (ii) 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 the BD 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 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;
 - (iv) in connection with the above, 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;
 - (v) 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)Rs at the building plan submission stage; and
 - (vi) detailed comments under the BO will be provided at building plan submission stage;
- (g) to note the comments of the Director of Fire Services on the following:
 - (i) emergency vehicular access arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by the BD; and
 - (ii) detailed fire safety requirements will be formulated upon receipt of formal submission of the general building plans; and
- (h) to note the comments of the Chief Engineer/Construction, Water Supplies Department that for provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable Government water mains for connection. 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.