

Advisory Clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (b) to note the comments of the District Lands Officer/Tuen Mun, Lands Department (LandsD) that the Site falls within Lot Nos. 1059 S.A, 1059 S.B, 1059 S.C, 1059 S.D, 1059 S.E and 1059 RP in D.D. 130. Lot No. 1059 in D.D. 130 is an Old Schedule Lot held under Block Government Lease (“BGL”) which contains the restriction that no structures are allowed to be erected without the prior approval of the government. The application proposes to erect six container structures and two open sheds on the Site for temporary office purpose. Such proposal is not allowed under existing lease. Site inspection revealed that there were no structures on the Site except some debris. The Site is accessible via a strip of Government land and private lots leading from Fuk Hang Tsuen Road. His office does not or will not carry out maintenance works for the access road nor guarantee that any right-of-way will be given to the Site. The lot owner should liaise with the private land owner to resolve any access issue at his own cost. The lot owner may consider submitting a formal application to his office for a Short Term Waiver to permit erection of the proposed structures on the Lots. However, there is no guarantee that the application will be approved and he reserves his rights to take any action as may be appropriate. The application will be considered by LandsD acting in the capacity of the landlord at its sole discretion. In the event that the application is approved, it would be subject to such terms and conditions as the government shall deem fit to do so, including charging of waiver fee, deposit and administration fee etc. Notwithstanding the above, his office reserves right to take enforcement actions as considered appropriate against any unauthorised erection/extensions/alternations of structures on the Site or any unauthorised occupation of Government land irrespective of whether planning permission will be given or not;
- (c) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department that there is no record of approval by the Building Authority for the structures existing at the Site and BD is not in a position to offer comments on their suitability for the use related to the application. If the existing structures are erected on leased land without approval of BD (not being a New Territories Exempted House), they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. 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 BD should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person (AP) should be appointed as the coordinator for the proposed building works in accordance with BO. 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 constructed as an acceptance of any existing building works or UBW on the Site under BO. 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 (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 B(P)R at the building plan submission stage. Formal submission under BO is required for any proposed new works, including any temporary structures. Detailed comments will be provided at the building plan submission stage;

- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains. The proposed vehicular access from the Site to Fuk Hang Tsuen Road is not and will not be maintained by HyD;
- (e) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by DEP to minimise potential environmental impacts on the surrounding environment;
- (f) to note the comments of the Director of Environmental Protection that public sewer is available at Fuk Hang Tsuen Road. The applicant should investigate the feasibility of connection to the public sewer. If the connection to the public sewer is infeasible or the sewer has no extra capacity, use of septic tank and soakaway (STS) system may be considered for the Site. The STS system should be designed and constructed by following the requirements of the Practice Note for Professional Person (ProPECC) PN 5/93, namely "Drainage Plans subject to Comment by the Environmental Protection Department" and must be duly certified by an Authorised Person;
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant should refer to the guidelines as specified in "Technical Note to prepare a Drainage Submission" which is available at DSD's website (https://www.dsd.gov.hk/EN/Technical_Documents/DSD_Guidelines/index.html). The proposed drainage works, whether within or outside the lot boundary, should be constructed and maintained by the lot owner at their own expense. For any works to be carried outside his lot boundary, the applicant should consult DLO/TM and seek consent from relevant lot owners before commencement of the drainage works. The applicant should implement the drainage facilities on site in accordance with the drainage proposal. The applicant is required to rectify the drainage system if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by a failure of the drainage system. The proposed development should neither obstruct overland flow nor adversely affect any existing streams, village drains, ditches and the adjacent areas; and
- (h) to note the comments of the Director of Fire Services 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. In addition, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. 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. However, 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.