

Recommended Advisory Clauses

- (a) to note the comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) that:
- (i) if the planning application is approved, the applicant shall apply to his office for a Short Term Tenancy (STT) to permit the occupation of the Government land (GL). The application for STT will be considered by the Government in its capacity as a landlord and there is no guarantee that it will be approved. The STT, if approved, will be subject to such terms and conditions including the payment of rent and administrative fee as considered appropriate by his office. Besides, given the proposed use is temporary in nature, only erection of temporary structure(s) will be considered
  - (ii) no trees on the GL should be interfered with unless with prior approval of his office or other relevant authority;
  - (iii) the applicant shall apply from his office for an excavation permit before the commencement of any associated excavation works at GL, if applicable; and
  - (iv) there is no guarantee to the grant of a right of way to the application site (the Site) or approval of the emergency vehicular access (EVA) thereto;
- (b) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD) that:
- (i) adequate drainage measures shall be provided to prevent surface water running from the Site to the nearby public roads and drains; and
  - (ii) the access road connecting the Site with Pak Tam Road is not and will not be maintained by his office. His office should not be responsible for maintaining any access connecting the Site with Pak Tam Road;
- (c) to note the comments of the Director of Environmental Protection (DEP) that the applicant should follow the prior notification procedures under the Waste Disposal (Amendment) Ordinance 2013 if any depositing of construction waste on private land, and Professional Persons Environmental Consultative Committee Practice Notes PN 2/24 and 1/23 regarding drainage works;

- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:
- (i) the applicant shall maintain all the drainage facilities on site in good condition and ensure that the proposed use would neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc. The applicant is required to rectify the drainage system at their own expense to the satisfaction of the government parties concerned if they are found to be inadequate or ineffective during operation; and
  - (ii) the applicant shall take extreme care when working in the vicinity of any existing drainage works in order not to disturb, interfere with or cause damage to them. Any blockage or damage to the said works due to the proposed use shall be made good at the applicant's cost;
- (e) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that:
- (i) additional mitigation measures may be required when the actual situation renders the initial submission/or undertaking inviable;
  - (ii) should pollution be detected in future due to proposed use, immediate remedial action to clear the pollution must be taken by the grantee/applicant;
  - (iii) no use of fertilisers or pesticides are allowed within the Site;
  - (iv) the private garden on GL shall be covered by STT or similar arrangement;
  - (v) no septic tank is allowed within the Site; and
  - (vi) the requirements stipulated in the Condition for Working within water gathering grounds (**Attachment 1**) shall be strictly complied with; and
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that if STT is applied in the future, the applicant's attention is drawn to the following points:
- (i) before any new building works are to be carried out on the Site, prior approval and consent of the Building Authority 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 building works (UBW) under the Buildings Ordinance (BO). An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with the BO;

- (ii) the Site shall be provided with means of obtaining access thereto from a street and EVA in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively;
- (iii) the Site does not abut a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at building plan submission stage;
- (iv) for UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with the prevailing 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;
- (v) any temporary shelters or converted containers for office, storage, washroom or other uses are considered as temporary buildings are subject to the control of Part VII of the B(P)R; and
- (vi) detailed checking under the BO will be carried out at building plan submission stage.

Conditions for Working within WGG

(a) Adequate measures shall be taken to ensure that no pollution or siltation happens to the gathering grounds. The whole of the foul water drainage during the construction period shall be conveyed by suitable means for proper discharge outside the gathering grounds.

(b) No earth, building materials, fuel, soil or toxic materials and other materials which may cause contamination to the gathering grounds are allowed to be stockpiled on site.

(c) All surplus spoils shall be protected and removed off the gathering grounds as soon as possible.

(d) Temporary drains with silt traps shall be constructed along the boundary of the site prior to the commencement of any earthworks and shall be properly maintained during the progress of the works.

(e) Regular cleaning of the silt traps shall be carried out to ensure that they function properly at all times.

(f) All excavated or filled surfaces, which are prone to erosion, shall be protected from erosion at all times.

(g) Facilities for washing the wheels of vehicles before leaving the site shall be provided. The effluent and washed off spoils from the wheels of vehicles shall be properly treated and disposed of e.g. connected to the temporary drains with silt traps.

(h) Any construction plant which may cause pollution to the gathering grounds due to leakage of oil or fuel shall be removed from the gathering grounds immediately.

(i) Any soil contaminated with fuel leaked from plant shall be removed off site and the voids arising from removal of contaminated soil shall be replaced by suitable material to the satisfaction of the Water Authority.

(j) Portable toilets of the closed chemical type may be provided on site subject to the approval of the Water Authority\*/shall be provided on site to the satisfaction of the Water Authority\*. The portable toilets and associated facilities shall be properly maintained to prevent pollution of water courses. Any portable toilets so provided shall be cleaned with waste collected at least 3 times per week or more frequent as required by the Water Authority. Sludge and waste water including cleanup water from the toilets shall be conveyed outside the gathering grounds for proper disposal. A portable toilet shall be kerbed on all sides and located at least 30 m away from any water course.