Annex G of
TPB Paper No. 11085

Recommended Advisory Clauses

(a) failure to reinstate the application site (the Site) as required under the relevant approval condition upon expiry of the planning permission might constitute an unauthorized development under the Town Planning Ordinance and be subject to enforcement and prosecution actions;

(b) to resolve any land issues relating to the proposed use with the concerned owner(s) and/or occupant(s);

(c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the lot owner(s) shall apply to his office for Short Term Waiver(s) (STWs) to permit the structure(s) erected within the private lots covered by the application. The application for STWs will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The application, if approved, will be subject to such terms and conditions including the payment of waiver fee and administrative fee as considered appropriate by LandsD. Besides, given the proposed use is temporary in nature, only erection of temporary structure(s) will be considered;

(d) to note the comments of the Commissioner for Transport that:

  (i) the Site is connected to the public road network via a section of a local access road which is not managed by the Transport Department. The land status of the local access road should be checked with LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;

  (ii) sufficient manoeuvring space shall be provided within the Site; and

  (iii) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;

(e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that:

  (i) HyD shall not be responsible for the maintenance of the proposed access connecting the Site and Chi Ho Road, including any local tracks; and

  (ii) adequate drainage measures shall be provided to prevent surface water running from the Site to the nearby public roads and drains;

(f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that:

  (i) the applicant shall demonstrate in the drainage proposal that the proposed use will not obstruct the overland flow nor cause any adverse drainage impact to the adjacent areas;

  (ii) the applicant shall be liable for any adverse drainage impact due to the proposed use; and

(iii) to encourage a higher quality submission and avoid rounds of comments, thereby shortening the processing time, the applicant shall complete the checklist previously provided in preparing the drainage proposal and include the checklist in the submission. Otherwise, a longer processing time may be required;

(g) to note the comments of the Director of Environmental Protection that:

(i) the applicant shall follow the revised 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites';

(ii) the applicant shall follow the relevant guidelines and requirements in relevant Professional Persons Environmental Consultative Committee Practice Notes (ProPECCPNs), in particular the ProPECCPN 1/23 'Drainage Plans subject to Comment by the Environmental Protection Department';

(iii) the applicant shall provide adequate supporting infrastructure/facilities for proper collection, treatment and disposal of waste/wastewater generated from the proposed use; and

(iv) the applicant shall meet the statutory requirements under relevant environmental legislation;

(h) to note the comments of the Director of Fire Services that:

(i) the applicant shall submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of proposed FSIs to be installed should be clearly marked on the layout plans; and

(ii) if the proposed structures are required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire services requirements will be formulated upon receipt of formal submission of general building plans; and

(i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that:

(i) it is noted that seven structures are proposed in the application. Before any new building works (including containers/open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on the Site, prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are unauthorized building works (UBW) under BO. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with BO;

(ii) 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 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 B(P)R at building plan submission stage;

(iv) if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of BA, they are UBW under BO and should not be designated for any proposed use under the captioned application;

(v) 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 BO;

(vi) 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 B(P)R;

(vii) the 7.5m-high structures are considered excessive. It shall be justified upon formal plan submission to BD; and

(viii) detailed checking under BO will be carried out at building plan submission stage.