

**Previous s.16 Applications Covering the Application Site**

**Approved Application**

No.	Application No.	Proposed Use(s)/ Development(s)	Date of Consideration	Decision of the RNTPC/TPB	Approval Conditions
1.	A/YL-NSW/172	Proposed Comprehensive Residential Development	14.12.2007	Approved with conditions by RNTPC	1 to 7
	A/YL-NSW/172-1	(Extension of time limit for commencement for the proposed development)		Approved by D of Plan under the delegated authority of the TPB  (valid until 14.12.2015)	
2.	A/YL-NSW/224	Proposed Residential Development, Filling and Excavation of Land	23.5.2014	Approved with conditions by RNTPC	1 to 10
3	A/YL-NSW/233	Proposed Residential Development with Filling and Excavation of Land	22.1.2016	Approved with conditions by RNTPC	1,3 to 5, 8 to 9, 11 to 15
	A/YL-NSW/233-1	(Extension of time limit for commencement for the proposed development)		Approved by D of Plan under the delegated authority of the TPB  (valid until 22.1.2024)	

**Approval Conditions**

1. the submission and implementation of a revised Master Layout Plan
2. the submission and implementation of a revised wetland scheme within the development
3. the submission and implementation of a Landscape Master Plan
4. the submission of a revised Drainage Impact Assessment (DIA) and the implementation of the flood mitigation measures/provision of drainage facilities identified therein
5. the design and provision of sewer connecting the proposed development to the proposed Sha Po Sewage Pumping Station
6. the submission and implementation of the proposed road widening from the application site to the junction with Nam Sang Wai Road
7. the design and provision of emergency vehicular access, water supplies for fire fighting and fire service installations
8. no filling and excavation of land on site prior to implementation of the flood relief mitigation measures identified in the DIA is accepted
9. no population in-take prior to the sewerage connection to Sha Po Sewage Pumping Station or Au Tau Sewage Pumping Station is accepted
10. the disclosure of the environmental mitigation measures to future owners through brochures and/or exhibition of the environmental assessment report in the sales office and recorded in the

#### Deed of Mutual Covenant

11. the design and implementation of the proposed road widening of Ho Chau Road to a standard 7.3m wide single 2 lane 2-way carriageway from the site to the junction of Nam Sang Wai Road
12. the design and implementation of the vehicular access road connecting the site and Ho Chau Road
13. the implementation of mitigation measures as suggested in the Ecological Impact Assessment
14. the provision of fire service installations and water supplies for fire fighting and fire service installations
15. the submission of a revised Environmental Assessment (EA) and the implementation of the mitigation measures identified in the EA

**Similar s.16 Applications for Residential Development  
within “Undetermined” Zone on the Nam Sang Wai OZP**

**Approved Application**

<u>No.</u>	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Date of Consideration</u>	<u>Decision of the RNTPC/TPB</u>	<u>Approval Conditions</u>
1.	A/YL-NSW/15	Residential Development with Preservation of Pun Uk	18.10.1996	Approved by RNTPC	A1 to A8

**Approval Conditions**

- A1 The submission and implementation of a master landscape plan.
- A2 The submission and implementation of the flood mitigation measures.
- A3 The provision of noise mitigation measures.
- A4 The provision of adequate ventilation for the ground floor and basement carparking areas.
- A5 The provision of carparking spaces and vehicular access.
- A6 The submission and implementation of the detailed design of the development scheme including the colour scheme and the design of the exterior of the new development.
- A7 The provision of adequate protective measures to the Pun Uk and the pond in front throughout the entire construction period to ensure that the structural stability of the Pun Uk and the pond.
- A8 The permission shall cease to have effect on specified date unless prior to the specified date either the development permitted is commenced or this permission is renewed.

**Rejected Applications**

<u>No.</u>	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Date of Consideration</u>	<u>Decision of the RNTPC/TPB</u>	<u>Main Reason(s) for Rejection</u>
1.	A/YL-NSW/5	Residential Development	17.2.1995	Rejected by RNTPC	R1 to R5
2.	A/YL-NSW/7	Residential Development	21.7.1995	Rejected by RNTPC	R1 to R5
3.	A/YL-NSW/10	Residential Development	28.6.1996	Rejected by RNTPC	R6
4.	A/YL-NSW/73	Proposed Residential Development	17.3.2000	Rejected by RNTPC	R7 to R12
5.	A/YL-NSW/105	Proposed Residential Development	5.10.2001	Rejected by RNTPC	R7, R9, R12 & R13

**Rejection Reasons**

- R1 The proposed development will constrain the future land use planning of the area the finalization of which will depend on the selected railway alignment yet to be confirmed.
- R2 As the proposed development is not located within the Yuen Long New Town area, the proposed development intensity is considered excessive in terms of its plot ratio and building height.
- R3 As the development will generate additional traffic, the proposed arrangement of using the access on Castle Peak Road is not desirable because this will increase the traffic burden on the junction of Castle Peak Road and the access road.
- R4 The traffic movement in/out of the proposed development may hamper the access of emergency vehicles to the Pok Oi Hospital and will pose unacceptable risks to other motorists in the immediate area.

- R5 The proposed development will affect the existing Grade I historical building which is of outstanding historical and architectural merits.
- R6 The car-parking space provision for the proposed development is insufficient and the car-parking space provision should be about one space per flat.
- R7 The proposed development is incompatible with the rural setting of the immediate surrounding area, the fish ponds and fish farming activities to its north and east and the low-density low-rise residential development in the "Residential (Group D)" zone to its north and west.
- R8 The proposed development does not comply with the revised Town Planning Board Guidelines for "Application for Developments within Deep Bay Area" in that there is no ecological impact assessment in the submission to demonstrate that the development would not result in, or be fully able to compensate for, any loss in the total ecological functions of the original fish ponds within the site. There is also no information in the submission to demonstrate that the proposed development would not have adverse disturbance impact on the ecological integrity and ecological value of the fish ponds within the Wetland Conservation Area or that such impacts can be mitigated through positive measures.
- R9 The majority of the site falls within the works limit of the proposed alignment for the Yuen Long Bypass Floodway (YLBF) and the remaining area is planned to be used as Temporary Occupation Area. The alternative alignment suggested by the applicant is not acceptable as it would have adverse environmental and ecological impacts. In particular, it would affect the fish ponds further north that are still in good condition and would cause fragmentation of the wetland habitat. Approval of the application would frustrate the implementation of the YLBF which is an essential infrastructure project needed to alleviate the flooding risk to the Yuen Long area.
- R10 There is insufficient information in the submission to demonstrate that proper vehicular access can be provided to serve the proposed development.
- R11 There is insufficient information in the submission to demonstrate that the concerns on traffic noise impact, water quality impact on Deep Bay and feasibility of connecting the proposed development to future trunk sewer can be satisfactorily addressed.
- R12 The approval of the application would set an undesirable precedent for other similar applications. The cumulative effect of approving such similar applications would result in adverse impact on the traffic, drainage, sewerage and environment of the area.
- R13 The application site is zoned "Undetermined" on the Nam Sang Wai Outline Zoning Plan. Further study is being undertaken to review the land-use for the area taking into account the provision of infrastructure and Government, institution and community facilities. Since approval of this application would impose constraints on the land-use review for the whole area, it is pre-mature to consider the application at this stage.

**Recommended Advisory Clauses**

- (a) To note the comments of the District Lands Officer/Yuen Long, LandsD (DLO/YL, LandsD) as follows:
- (i) It is noted that there were previous approvals granted to the Site under planning applications Nos. A/YL-NSW/172, 224 and 233 subject to conditions. The concerned lots are also under a proposed land exchange for residential development based on planning application No. A/YL-NSW/233 approved with conditions by the Board on 22.1.2016 which is valid until 22.1.2020, which was further extended to 22.2.2024 by the Board on 20.9.2019. The proposed land exchange (new lot to be known as Lot No. 1696 in D.D. 115) is being processed by LandsD pending the finalisation of design of the related proposed road widening of Ho Chau Road and the access road connecting the Site to the said road. However, as planning Application No. A./YL-NSW/274 contains development parameters which are fundamentally different from the previously approved schemes, the application is considered as new application from land administrative point of view and a new land exchange application has to be submitted to LandsD for consideration;
  - (ii) From land status perspective, the Site consists of Lots No. 592 s.C ss.1 s.A, 592 s.C ss.4 and 1252 s.C in D.D. 115 which are old schedule agricultural lots held under Block Government Lease which contains a restriction that no structures are allowed to be erected without the prior approval of the Government and affects various Modification of Tenancies (MoTs) Nos. 15134, M9940, M9966, M15303 and MT/LM11573, which will need to be cancelled as appropriate for the proposed land exchange;
  - (iii) The proposed access road of the Site is located at the south eastern corner of the Site connecting to Ho Chau Road, which is to be constructed by the applicant and straddles on Government land and private land namely Lot No. 592 s.C ss.6 in D.D. 115 which is also held by the applicant. Since the proposed access road straddles upon a private lot, if this lot be transacted to a different party other than the owner of the lots of the Site, the implementation of the proposed access road as well as the application would be adversely affected. The future management and maintenance responsibility of the future access road and other related facilities (e.g. drainage etc.) to be provided underneath therein shall be agreed by relevant department/parties before the commencement of works;
  - (iv) The proposed road widening of Ho Chau Road may encroach land of different statuses, including but not limited to private lots. His office would not invoke the relevant Ordinance for resumption of any private lots or creation of any rights for the implementation of the proposed development. In view of the substantial scale of the road widening proposal, the applicant should check with Transport Department (TD) and Highways Department (HyD) on the gazetting procedure under the relevant Ordinance and obtain their agreement of taking up the management and maintenance responsibilities of the public road after the completion of road widening works to their satisfaction;
  - (v) The proposed sewer connection to existing Au Tau Sewage Pumping Station would run underneath Yuen Long Highway, YLBF and a Government control site. In view

of the substantial scale of the proposed sewer connection works for serving the future intake of population, it would be desirable for Drainage Services Department (DSD) to take up the said sewer connection after completion of works to their satisfaction so as to avoid any future maintenance problems. The applicant has to apply to his office for a land document for permitting underground drainage pipes to be laid during its construction; and

- (vi) The lot owner should make a fresh land exchange application to LandsD for consideration. However, there is no guarantee that such land exchange application, including granting of additional Government land, the proposed access road and underground drainage pipes as mentioned above would be approved. Such application will be dealt with by LandsD acting in the capacity of the landlord at their discretion, and if it is approved under such discretion, the approval would be subject to such terms and conditions including amongst others, the payment of premium and administrative fee as may be imposed by LandsD.
- (b) To note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) as follows:
- (i) HyD shall not be responsible for the maintenance of any access connecting the Site and Ho Chau Road;
  - (ii) The proposed road improvement works, if agreed by TD, should be designed and implemented by the applicant at its own cost and to the satisfaction of TD and HyD; and
  - (iii) Adequate drainage measures should be provided at the Site to prevent surface water flowing from the Site to the nearby public roads or exclusive road drains.
- (c) To note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) as follows:
- (i) The proposed sewer from the Site to Au Tau Sewage Pumping Station would be exclusively used by the subject development which shall be constructed, operated and maintained by the applicant and the successive owners;
  - (ii) Approval condition (I) requires the submission of a detailed schedule of maintenance of the two proposed detention tanks and the associated pumping system to ensure their satisfactory operation, testing and maintenance works of the system shall be completed before the onset of wet season every year and the report for such testing and maintenance works shall be kept for free inspection and/or submitted within a month upon request by DSD or of the Board;
  - (iii) The applicant shall maintain all the drainage facilities on Site in good condition and ensure that the proposed development would neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.;
  - (iv) The proposed sewer connecting the proposed development to the Au Tau Sewage Pumping Station shall be implemented and maintained by the applicant and the successive owners of the proposed development at their own resources. The

applicant and the successive owners of the proposed development should be duly bound by such obligations and all other conditions related to sewerage;

- (v) The applicant shall allow all time free access for the Government and its agent to conduct site inspection on his completed sewer, if necessary; and
  - (vi) The applicant and the successive owners of the proposed development shall allow connections from the others to the completed sewerage on Government Land when so required.
- (d) To note the comments of the Chief Building Surveyor/New Territories West, Buildings Department as follows:
- (i) The Site does not abut on any existing specified street and the development intensity of the Site shall be determined by the Building Authority under Regulation 19(3) of the Building (Planning) Regulation (B(P)R) at building plan submission stage;
  - (ii) The Site shall be provided with means of obtaining access thereto from a street under Regulation 5 of B(P)R and emergency vehicular access (EVA) shall be provided for all the buildings to be erected on the Site in accordance with the requirements under Regulation 41D of B(P)R;
  - (iii) For features applied to be excluded from the calculation of the total GFA, it shall be subject to compliance with the requirements laid down in the relevant Joint Practice Notes and Practice Notes for Authorised Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP). For example, the requirements of building set back, building separation and site coverage of greenery as stipulated in PNAP APP-152; and
  - (iv) Detailed comments under the Buildings Ordinance (BO) will be provided during the plan submission stage.
- (e) To note the comments of the Director of Fire Services (D of FS) as follows:
- (i) Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority; and
  - (ii) Furthermore, the EVA provision in the Site shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under B(P)R 41D which is administered by BD.
- (f) To note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) as follows:
- (i) It is noted that the proposed development consists of 1,518 units of housing supply with fresh water demand and salt water demand being 1,336m<sup>3</sup>/day and 286m<sup>3</sup>/day respectively;
  - (ii) The applicant proposed sourcing fresh water from the existing nearby water network which is supplied by the existing Au Tau Fresh Water Service Reservoirs; and salt

water from the existing nearby water network which is supplied by Lok On Pai Salt Water Pumping Station;

- (iii) Nevertheless, WSIA is required for any future change in development scale and programme of the application to determine whether any waterworks infrastructure (including new fresh water service reservoir, new pumping facilities, new water mains, etc.) has to be provided; and
  - (iv) The applicant should approach NTW Region of his office for their agreement on the actual connection point and details during the design stage of the development.
- (g) To note the comments of the Director of Social Welfare as follows:
- (i) The proposed SCCC should be provided as an integral part of the development and will be assigned back to the Financial Secretary Incorporated as a Government Accommodation upon completion of construction and assignment. The construction cost of the welfare premises or Consideration Sum (whichever is the less) would be borne by SWD and the service operator would be selected by SWD.
  - (ii) The proposed design scheme for the SCCC are provided below:
    - 1. As required by Clause 21 of the Child Care Service Regulations (CAP. 243A), the ceiling of every room in the SCCC should be not less than 3m above the finished floor level of the room. The applicant should make sure that a clear headroom from the finished floor level to the finished ceiling level (e.g. false ceiling, if any) in the SCCC would be not less than 3m so as to comply with the licensing requirement.
    - 2. One parking space measuring 3.5m (W) x 12.0m (L) with a minimum headroom of 3.8m for the exclusive use by the SCCC for 48-seater coach with a safe and convenient L/UL bay in close proximity to the entrance of the centre should be provided.
  - (iii) Further comments will be provided when the detailed layout plan is available at a later stage.
- (h) To note the comments of the Head (Geotechnical Engineering Office) of Civil Engineering and Development Department (H(GEO), CEDD) that the proposed development would involve excavation of land with 9.65m depth. The applicant shall submit the building works plans to BD for approval as required under the provisions of BO.
- (i) To note the comments of the Director of Food and Environmental Hygiene (DFEH) as follows:
- (i) No Food and Environmental Hygiene Department's (FEHD) facilities shall be affected and such work and operation shall not cause any environmental nuisance, pest infestation and obstruction to the surrounding;
  - (ii) Proper licence/permit issued by FEHD is required if there is any food business/catering service/activities regulated by DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public; and
  - (iii) For domestic waste collection, the following general comments are suggested:



1. The refuse collection point (RCP) of domestic waste and the commercial waste should be clearly separated. The share use of RCP for both domestic and commercial waste is not recommended.
  2. The RCP should be designed to such a condition that within which a refuse collection vehicle (RCV) of 3.0m in width and 10m in length can make a 3 point turn and park without restriction.
  3. A designated operational space with dimension 5m (W) x 12m (L) should be provided in the RCP and the headroom of RCP should not be less than 4.5m.
  4. The RCP should be provided with a water point and foul water drainage system for clean-up of the RCV and discharge of foul water before leaving of RCV.
  5. The width of driveway of RCV should be 4m in width (single direction) and the headroom along the driveway.
  6. As the RCP may be located at the basement, it should be provided with adequate ventilation and an effective RCV exhaust extractor with related coupling/detaching device.
  7. The ground surface of the driveway should be designed to withstand the weight of a vehicle up to 25T GVW.
  8. No part of the access road including the part connecting the entrance/exit and the roadway of RCV should exceed the gradient of 1 in 10 and in no case the change of slope at any point should exceed 8 degrees.
  9. For any waste generated from the development project, the applicant should arrange its disposal properly at his own expenses. If domestic waste collection service of FEHD is required, prior comments from his office on the waste collection plan should be sought.
- (j) To note the local concerns as stated in paragraph 11 of the Rural and New Town Planning Committee paper and to liaise with the locals to address their concerns as far as possible.

