

Previous s.16 Applications Covering the Application Site

Approved Application

<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
A/DPA/TM-LTY Y/111	Residential Development	29.11.1996 TPB	(1) to (6)

Approval conditions

- (1) Submission and implementation of a master landscape plan and tree preservation plan.
- (2) Provision of vehicular and pedestrian access to the site and provision of car parking spaces.
- (3) Submission of drainage impact assessment and provision of drainage facilities.
- (4) Implementation of noise mitigation measures as proposed in the environmental impact assessment.
- (5) Provision of sewage disposal facilities.
- (6) Provision of a public open space.

Rejected Application

<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejection Reasons</u>
A/DPA/TM-LTY Y/104	Residential Development	24.5.1996 RNTPC	(1) to (4)

Rejection Reasons

- (1) Not in line with the planning intention.
- (2) Scale and intensity are considered excessive.
- (3) Jeopardize the scope of expansion of the planned “Village Type Development” zone for the neighbouring villages.
- (4) Not satisfactory from traffic and fire safety point of views.

Similar s.16 Applications within the Same “CDA” Zone on the OZP

Approved Applications

<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
A/TM-LTY Y/101	Proposed Comprehensive Residential Development (Amendments to an Approved Development Scheme) and Minor Relaxation of Statutory Building Height Restriction	27.9.2002 RNTPC	(1) to (9)
A/TM-LTY Y/109	Comprehensive Residential Development (Amendments to a Development Scheme)	19.09.2003 RNTPC	(1), (2), (4), (4), (6), (7), (8), (9), (10)
A/TM-LTY Y/119	Comprehensive Residential Development (Amendments to a Development Scheme)	17.12.2004 RNTPC	(1), (2), (3), (4), (6), (7), (8), (10)
A/TM-LTY Y/158	Proposed Comprehensive Residential Development (Amendments to a Development Scheme Previously Approved under Application No. A/TM-LTY Y/109)	14.9.2007 RNTPC	(1), (2), (3), (4), (7), (8). (10), (11)
A/TM-LTY Y/249	Proposed Comprehensive Development, (Flat, House, Village Office and Public Open Space)	11.4.2014 TPB	(1), (2), (3), (4), (7), (8), (9), (10), (12)

Approval Conditions

- (1) Submission and implementation of a revised Master Layout Plan.
- (2) Submission and implementation of a Master Landscape Plan including a tree preservation scheme.
- (3) Provision of vehicular access (run-ins) and pedestrian access to the site, parking and loading/unloading spaces.
- (4) Submission of drainage impact assessment and the provision of drainage facilities and flood mitigation measures identified therein.
- (5) Implementation of noise mitigation measures, as proposed in the environmental

- impact assessment submitted by the applicant.
- (6) Provision of sewage disposal facilities.
 - (7) Provision of a public open space.
 - (8) Provision of vehicular and pedestrian access to Lot 1036 in DD 130.
 - (9) Setting back of the application site to avoid encroaching onto the Deep Bay Link slip road diverging from the Yuen Long Highway/for future road widening.
 - (10) Provision of emergency vehicular access, water supplies for fire fighting and fire services installations.
 - (11) Submission of a detailed Archaeological Investigation and implementation of mitigation measures identified therein.
 - (12) Submission of safety evaluation/risk assessment related to a high pressure gas pipeline in the vicinity and implementation of the mitigation measures identified therein.

Rejected Application

<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejection Reason(s)</u>
A/TM-LTY Y/190	Proposed Comprehensive Residential Development (Amendment to Approved Master Layout Plan for Changing the Public Open Space to a Communal Open Space for Residents of the Proposed Residential Development)	19.3.2010 TPB	(1) & (2)

Rejection Reasons

- (1) The conversion of the public open space to communal open space will constitute forfeiture of the planning gain which was one of the justifications supporting the Board's previous approval for comprehensive development at the site as well as the consequential rezoning of the site from "GB" to "CDA".
- (2) Approval of the application would set an undesirable precedent for other similar applications for conversion of public open space.

Advisory Clauses

- (a) the applicant should include a plan showing the approved development schemes within the entire “Comprehensive Development Area” zone in the submission of a revised Master Layout Plan;
- (b) to note the comments of the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD) that:
 - (i) the proposal involves 15 blocks of 3 storeys of terraced residential blocks with each block apparently intended for single family residence. The applicant is reminded to observe the respective requirements for provisions of car parking spaces, office accommodation for watchmen;
 - (ii) as per the applicant’s calculation for car parking space, it is taken that all houses intended for single family residence has a GPA less than 160m². The applicant advised that the ‘space provided for office accommodation for watchmen and caretakers is 1.88m². It is presumed that the said 1.88m² for office accommodation is included in 38.38m² for ‘caretaker office-cum-clubhouse’ as stated in part (v) of the Supplementary Planning Statement (SPS) at Appendix Ia of RNTPC Paper No. A/TM-LTY/383 (the RNTPC Paper). Detailed checking of car parking provisions will be carried out at the building plan submission stage;
 - (iii) detailed checking of the GPA calculation will be carried out at the building plan submission stage. Nevertheless, the Applicant is requested to clarify whether the detached covered carports proposed at ground level are GFA accountable according to SC (26) of the New Grant No. 22688 governing the subject lot and according to the Building Ordinance which may affect the master layout of the proposed development;
 - (iv) noting that there are 15 nos. of existing trees identified on site as advised by the Applicant, please ensure that the Tree Survey Plan indicates the same. Please be reminded that detailed comments will be provided when the tree preservation and landscape proposal has been submitted under SC (12);
 - (v) the applicant has provided the building separation figures at paragraph 4.9 of the SPS at Appendix Ia of the RNTPC Paper. The quality and sustainable built environment (QBE) requirements imposed under the lease in relation to building separation, building set back, greenery, 10% cap on the GFA concession in respect of green/amenity features and non-essential plan rooms/services (including balcony and utility platform) is subject to detailed checking and approval by the Building Authority (BA) and his office at the building plan submission stage;
 - (vi) it was noted from the typical floor plans attached to the submission that balconies are proposed to be provided for the proposed development. Noting that the proposed GFA for the development is 943.8m² and the indicative GFA for clubhouse with caretaker office of 93.48m², the applicant’s attention is therefore drawn to SC (39)(d) of the New Grant about the cap on concession. Detailed checking of GFA calculation will be carried out at the building plan submission stage;

- (vii) the open space provision under Table 1 “Key Development Parameters of the Proposed Development” of the SPS at Appendix Ia of the RNPTC Paper is separated into “Private Open Space” and “Communal Open Space”. Presumably private open space refers to the “private garden” shown on the landscape master plan and the communal open space is as shown on Appendix IV of the SPS at Appendix Ia of the RNTPC Paper. No public open space will be provided; and
 - (viii) the proposals have not been checked against the conditions under the New Grant. Detail checking will only be done at the building plan submission stage and he reserves his position to comment on the submission where appropriate. Irrespective of whether planning permission will be given or not, LandsD is acting in the capacity of the landlord and there is no guarantee that the proposal will be accepted under the New Grant;
- (c) to note the comments of the Chief Highway Engineer/New Territories North, Highways Department (CHE/NTW, HyD) that if any highway features are affected, proposal to deal with the affected features shall be submitted for his agreement. The existing U-channel along Fuk Hang Tsuen Lane is not and will not be maintained by HyD;
- (d) to note the comments of the Director of Environmental Protection (DEP) that the construction and design of the proposed septic tank and soakaway (STS) system should follow the requirements stipulated in Practice Note for Professional Persons (ProPECC PN) 5/93 “Drainage Plans Subject to Comment by the Environmental Protection Department” and the applicant should explore a suitable location for the construction of STS system such that the maintenance of the STS system would not block the driveway/Emergency Vehicular Access of the Site. The applicant should make connection to the public sewer once available. For the Noise Impact Assessment (NIA) Section of the Environmental Assessment submitted, his observations are at below for the applicant to address in the future NIA submission when the actual Master Layout Plan (MLP)/General Building Plan (GBP) has been developed. His technical comments on the NIA are as follows:
- (i) supporting document from the Transport Department (TD) is required to substantiate that the adopted peak hour traffic flows in 2037 are the maximum projected within 15 years from the population intake. For methodology which has been approved by the TD, the consultant should provide supporting document to substantiate that the approved methodology has been strictly adopted;
 - (ii) the noise assessment points should be precisely plotted for each of the openings for ventilation for noise assessment when the actual MLP/GBP has been developed; and
 - (iii) the consultant should provide an update on the environ during the NIA stage in particular on the fixed noise sources in the vicinity and the Area Sensitivity Rating (ASR) to be adopted for fixed noise source assessment;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that should the proposed development be connected to the public sewerage system in future, the applicant is reminded that hydraulic assessment of the downstream sewers is required;

- (f) to note the comments of the Director of Fire Services (D of FS) that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans. Furthermore, the emergency vehicular access 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 in 2011 under Building (Planning) Regulation 41D which is administered by the Buildings Department;
- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that the applicant is advised that approval of the s.16 application by the Board does not imply approval of the tree works such as pruning, transplanting and/or felling under lease. Applicant is reminded to approach relevant authority/government department(s) direct to obtain the necessary approval on tree works;
- (h) to note the comments of the Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD) that it is noted that some façade area of the houses H1 to H8 are facing west. Solar control devices should be considered to reduce solar heat gain and avoid glare affecting adjacent area/buildings as far as practicable;
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
 - (i) if existing structures are erected on leased land without approval of the BA (not being a New Territories Exempted House), they are unauthorized under 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 from BA should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person (AP) should be appointed as the coordinator for the proposed building works in accordance with BO;
 - (iii) for UBW erected on leased land, enforcement action may be taken by BA 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 BO; and
 - (iv) if the proposed use under the application is subject to the issue of a license, please be reminded that any existing structures on the Site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as maybe imposed by the licensing authority; and
- (j) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that if the Food and Environmental Hygiene Department (FEHD) is requested to provide refuse collection service, FEHD shall be separately consulted with submission of building plan.