

Previous s.16 Application covering the Application Site

Rejected Application

Application No.	Proposed Use(s)/ Development(s)	Date of Consideration (RNTPC/TPB)*	Reason(s) for Rejection
A/YL/127	Proposed low-rise residential development (51 houses) and minor relaxation of BH restriction	14.7.2006	(see below)

Main Reason(s) for Rejection :

- (a) The proposed development was not in line with the planning intention of the "V" zone which was to designate both existing recognized and other villages and areas of land considered suitable for village expansion. Land within this zone was primarily intended for development of Small Houses by indigenous villagers.
- (b) There was no planning or design merit in the submission to support the request for minor relaxation of building height restriction from 8.23m to 9m.
- (c) There was insufficient information in the submission to demonstrate that the development would not have adverse traffic and drainage impacts on the surrounding areas.
- (d) Approval of the application would set an undesirable precedent for similar residential developments to proliferate in the area. The cumulative effect of approving such similar applications would reduce the land available for Small House development.

*Delete as appropriate

Advisory clauses

- (a) that the approval of the application does not imply that the proposed building design elements could fulfill the requirements under the Sustainable Building Design Guidelines, and the relevant requirements under the lease, and that the proposed gross floor area (GFA) concession for the proposed development will be approved/granted by the Building Authority. The applicant should approach the Buildings Department and the Lands Department direct to obtain the necessary approval. If the building design elements and the GFA concession are not approved/granted by the Building Authority and the Lands Authority and major changes to the current scheme are required, a fresh planning application to the Town Planning Board may be required;
- (b) to note that comments of the Secretary for Education that for school registration procedures, registration of schools is granted in accordance with the stipulated requirements under the Education Ordinance (Cap. 279) and relevant Guidelines. Clearance from the Town Planning Board and the Lands Department should be obtained in respect of the proposed school premises, in addition, the premises should be suitable for school use in terms of fire safety and building safety as confirmed by the Fire Services Department and the Buildings Department respectively. The applicant should also submit the documentary proof of the right to use the premises, Occupation Permit (for premises designed and constructed as a school), the proposed curriculum, courses and fees information, etc. for his consideration;
- (c) to note that comments of the Secretary of Home Affairs that should the applicant wish to apply for concessionary land premium for the development at later stage, they will consider the case along prevailing policy and established procedures;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the applicant has to apply to the LandsD for a land exchange to effect the proposed development. Such application will be considered by the LandsD acting in its capacity as a landlord at its sole discretion and there is no guarantee that the land exchange, including the grant of additional government land (if any), for the proposed development will be approved. In the event that the land exchange application is approved, it would be subject to such terms and conditions, including, among other things, the payment of premium and administrative fee, as may be imposed by the LandsD at its sole discretion. Bearing in mind that right of access to the Site will not be guaranteed. She notes that portion of the Site falls within "V" zone. Land within "V" zone or village environ is primarily reserved for development of NTEH by Indigenous Villagers under the NT Small House Policy. Hence, non-NTEH land exchanges would not normally be entertained within "V" zones or defined village environs even planning permission is granted by the Town Planning Board;
- (e) to note the comments of the Chief Building Surveyor/Yuen Long, Buildings Department that The permitted maximum PR and SC of a site are depended on the proposed building height and the site classification under the Building (Planning) Regulation. As the Site could not be classified as a Class A, B or C site as it does not abut on a specified street, the development intensity should be determined under Building (Planning) Regulation 19(3) unless a right of way not less than 4.5m wide is granted by LandsD for the proposed run-in/out of the Site. If the Site is classified as Class A site, the proposed development parameter of the Site is acceptable under Schedule 1 of the Building (Planning) Regulation. The Site shall be provided with means of obtaining access thereto from a street under the Building (Planning) Regulation 5 and emergency vehicular access shall be provided for all the buildings to be erected on the site in accordance with the requirements under the Building (Planning) Regulation 41D. Disregarding carparking spaces from GFA calculation under the Buildings

Ordinance will be considered on the basis of the criteria set out in PNAP APP-2 during building plan submission stage. The proposed development should follow and comply with the pre-requisite for GFA concession in PNAP APP-151 and the SBD guidelines stipulated in PNAP APP-152 during the preparation of detailed building design. Noting that the eastern, southern and northern sides of the building will be installed with fixed windows, the applicant should be reminded that the Building (Planning) Regulation 30 and 36 for natural lighting and ventilation by the provision of prescribed windows should be complied with. Detailed comment will only be offered during building plan submission stage;

- (f) to note the comments of the Chief Highway Engineer/NT West, Highways Department (CHE/NTW, HyD) that the proposed modification to Tai Tong Road, if agreed by Transport Department (TD), shall be designed and constructed to the satisfaction of TD and HyD. Nevertheless, it is noted that the width of the footpath near the run-in/out of the Site will be relatively narrow after construction of the proposed lay-by. TD's advice should be sought whether the arrangement is acceptable. The proposed access arrangement of the Site from Tai Tong Road should be commented by TD. If the access arrangement is agreed by TD, the applicant should construct a run-in/out at the access point at Tai Tong Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. The detail design of the run-in/out should be submitted to his department for agreement before commencement of any works. His department does not and will not maintain any access connecting the Site and Tai Tong Road. The applicant should be responsible for his own access arrangement. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby roads and drains;
- (g) to note the comments of the Assistant Commissioner for Transport/NT, Transport Department that no parking, queuing and reverse movement of vehicles on public road are allowed;
- (h) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that the proposed building would be in conflict with a small portion of adjoining tree canopy. The applicant is advised that the approval of the application by the Board does not imply approval of the tree works such as pruning, transplanting and/or felling under lease. The applicant is reminded to approach relevant authority/government department(s) direct to obtain the necessary approval on the tree works;
- (i) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department to meet the full satisfaction of the Environmental Protection Department, the planning authority of sewerage infrastructure, for any proposed sewage disposal scheme;
- (j) to note the comments of the Director of Fire Services (D of FS) that detailed fire services requirements will be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority. The applicant is also advised to observe the following height restriction for kindergarten premises: - 24m maximum height under the Education Regulation 7. Furthermore, the applicant should also be reminded 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 the Building (Planning) Regulation 41D which is administered by the Buildings Department;
- (k) to note the comments of the Director of Food and Environmental Hygiene that no Food and Environmental Hygiene Department's facilities will be affected and such work / operation shall not cause any environmental nuisance, pest infestation and obstruction to the surroundings. For any waste generated from the operations / activities, the applicant should

arrange disposal properly at his/her own expenses. Proper licence / permit issued by this department is required if there is any food business / catering service / activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public; and

- (1) to note the comments of District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD), the applicant is advised to approach the residents, villagers, District Council members concerned, Shap Pat Heung Rural Committee and other resident's organizations, as appropriate, as they may have views on the proposal.