

Advisory Clauses

- (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department that according to the preliminary land status check, the Site falls within major portion of the private lot boundary of Lot No. 1846 RP in D.D. 120 (“the Lot”), and the Government Land (GL). The Lot is an Old Scheduled “Agricultural” lot held under Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government. As the southwestern portion of the Lot would be excluded from the Site, the actual site area and boundary of the Lot involved will be subject to verification upon receipt of land exchange application if any. The applicant should be reminded that land exchange would be required to implement the proposal. Upon receipt of the land exchange application, LandsD will consider the application in its private capacity as landlord and there is no guarantee that the land exchange, including the grant of additional GL (if any), for the proposed development will be approved. The land exchange, if approved, will be subject to such terms and conditions, including payment of premium and administrative fee, to be imposed by LandsD at its sole discretion;
- (b) to note the comments of the Commissioner for Transport that sufficient space should be provided within the Site for manoeuvring of vehicles. In addition, no parking, queuing and reverse movement of vehicles on public road are allowed;
- (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the lamppost no. VA5838 is located within the proposed site. The applicant shall contact their Lighting Division for the maintenance access requirement for the lamppost or relocation of the lamppost. If the proposed run-in is agreed by Transport Department, the applicant should provide the run-in/out at Tai Shu Ha Road West 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. Adequate drainage measures should be provided to prevent surface water flowing from the Site to nearby public roads and drains;
- (d) to note the comments of the Director of Social Welfare that for a RCHE licence to be issued, the intended RCHE has to comply with the licensing requirements as stipulated in the Residential Care Homes (Elderly Persons) Regulation, Cap. 459, its subsidiary legislation and the latest version of the Code of Practice for Residential Care Homes (Elderly Persons). He will assess the applicant’s support-worthiness for joining the “Incentive Scheme to Encourage Provision of RCHE in New Private Developments” upon receipt of a more detailed submission of application for the scheme. His view on the application does not commit him to offer support of the applicant’s future applications to LandsD for premium concession and/or land exchange;
- (e) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the 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. The applicant is reminded to approach relevant authority/government

department(s) direct to obtain the necessary approval on tree works;

- (f) to note the comments of the Director of Fire Services that the height restriction as stipulated in Section 20 of Cap. 459A-Residential Care Homes (Elderly Persons) Regulation should be observed. Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans or referral from relevant licensing authority. 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) Regulations (B(P)R) 41D which is administered by the Buildings Department (BD);
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that terminal manhole and catchpit/manhole shall be constructed for the proposed sewerage and storm drain within the private lot as close to the boundary and the nearest to the existing public sewerage and storm drain systems; and the section of drainage and sewerage works beyond the Site under the GL shall be constructed up to his office's standard and be handed over to his office. Also, the applicant is reminded to 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;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, BD that :
 - (i) unless the Site abuts on a specified street as defined under Regulation 18(A) of the B(P)R which has a width of not less than 4.5m, the development intensity should be determined under B(P)R19(3);
 - (ii) if the Site is abutting on a specified street of not less than 4.5m wide after the land exchange, the development intensity shall not exceed the permissible figures under the 1st schedule of the B(P)R. The Site is currently neither abutting Tai Shu Ha Road West nor another road next to the nullah. A strip of GL is located between the streets and the Site. In addition, the road to the south of the Site next to the nullah is also less than 4.5m which cannot be defined as a specified street;
 - (iii) in case the GL between the Site and Tai Shu Ha Road West is included into the site area after the land exchange, the Site could be classified as Class A site subject to no adverse comment from other government departments. RCHE with bed is domestic use and the permitted site coverage (SC) and plot ratio (PR) are 60% and 3.6 under the 1st schedule of B(P)R. In prevailing practice, modification would favourably be considered and granted to treat RCHE as non-domestic building for the purposes of SC, PR and open space under the Buildings Ordinance (BO);
 - (iv) according to the broad development parameters of the application, the proposed building height is 19.25m. If the Site is classified as a Class A site, the proposed maximum PR and SC shall not be more than 5.8 and 97.5%

respectively under the 1st schedule of B(P)R for non-domestic buildings if modification is granted. In this connection, the proposed SC of the captioned development will exceed the permitted SC under the 1st schedule of B(P)R which is considered unacceptable under the BO.

- (v) the proposed development should follow and comply with the pre-requisite for GFA concession in PNAP APP-151 and the SBD guideline stipulated in PNAP APP-152 during the preparation of detailed building design;
- (vi) the Site shall be provided with means of obtaining access thereto from a street under the B(P)R 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 B(P)R 41D; and
- (vii) detailed checking of plans will be carried out during building plan submissions stage; and
- (i) to note the comments of the Director of Leisure and Cultural Services that as the proposed site boundary involve government land, some existing trees inside the government land maintained by different government departments may be affected. Should the land be granted to the applicant, the applicant is required to take up the maintenance responsibility of all trees currently maintained by his office within the Site. His office will not maintain trees inside private land lot.