

Advisory Clauses

- (a) to note the comments of the Chief Estate Surveyor/NDA, Lands Department (CES/NDA, LandsD):
- (i) preliminary land status check revealed that the Site involves portions of seven private lots, namely Lots 2083 (Part), 2085 (Part), 2086 (Part), 2087 (Part), 2088 (Part), 2089 (Part) and 2130 (Part) all in D.D. 51. All private lots are old schedule agricultural lots held under Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government;
 - (ii) the actual site area and building entitlements of the private lots involved will be subject to verification;
 - (iii) the Site falls within the project limit of the Remaining Phase of the KTN/FLN NDA development;
 - (iv) as noted in paragraph 2.4.3 of the Supplementary Planning Statement (**Appendix Ia**) and paragraphs 2.2.1 and 2.2.2 of the TIA (**Appendix Ib**), the applicant proposes a combined development scheme comprising the proposed underground PVP together with the adjoining Site 1 to its west and Site 2 to its east so that the proposed underground PVP can be accessed via Site 2 (upon the completion of the First Phase Works for KTN/FLN NDA) whereas Sites 1 and 2 can be connected through an underground passageway of the proposed PVP as demonstrated in **Drawings A-3 to A-7**; and
 - (v) according to the set of “General Criteria for Consideration of Lease Modification (including in-situ Land Exchange) Applications in the KTN/FLN NDA” attached to the Practice Note No. 1/2014 dated 25.2.2014 as varied by Practice Note Nos. 1/2014A to 1/2014D promulgated by LandsD, applications for in-situ land exchange or lease modification would be considered if they are confined to sites planned for private development on the adopted KTN/FLN Outline Development Plans (ODPs). While Sites 1 and 2 are zoned “R1” on the adopted FLN ODP No. D/FLN/1 (**Drawing A-2**) and hence are sites planned for private development where applications for in-situ land exchange/lease modification in each site would be considered, the proposed PVP would be constructed under an area zoned “District Open Space” (“DO”) on the FLN ODP which is not a site planned for private development. Besides, surrender of lots within an area planned for public use such as open space will not normally be accepted. Hence, even if permission is given to the planning application, the application for a land exchange to effect the proposed combined development scheme would not be considered as it fails to fulfill the said General Criteria. As the Site is not a site planned for private development, it would be resumed in accordance with CEDD’s implementation programme.
- (b) to note the comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD) that:

- (i) the Site comprises Lots 2083, 2085, 2086, 2087, 2088, 2089 and 2130 all in D.D. 51. The lots are Old Schedule lots held under Block Government Lease (demised for agricultural use) without any guaranteed right of access; and
 - (ii) the Site falls within the KTN/FLN NDA, and is currently covered with dense vegetation. Having considered that the application would involve an underground basement PVP, the applicant should apply for a land exchange for that from lease point of view.
- (c) to note the comments of the Commissioner for Transport (C for T) that his department will not take up the management responsibilities of the proposed PVP or any future complaints in relation to the PVP.
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:
- (i) it is noted from the applicant that the proposed PVP is a public facility and there is a chance that the Site may be handed over to the Government. Thus, a stormwater drainage system separating from the adjoining Site 1 and Site 2 would be required; and
 - (ii) the Site is currently within an area where no public sewerage connection is available.
- (e) to note the comments of Chief Engineer/New Territories East, Water Supplies Department (CE/NTE, WSD) that:
- (i) existing water mains may be inside the subject lot and would be affected. The applicant may require to either divert or protect the water mains found on site;
 - (ii) if diversion is required, existing water mains inside the subject lot are needed to be diverted outside the site boundary of the proposed development to lie in Government land. A strip of land of minimum 1.5m in width should be provided for the diversion of existing water mains. The cost of diversion of existing water mains upon request will have to be borne by the grantee/applicant; and the applicant shall submit all the relevant proposal to WSD for consideration and agreement before the works commence; and
 - (iii) if diversion is not required, the following conditions shall apply:
 - (a) existing water mains may be affected and no development which requires resiting of water mains will be allowed;
 - (b) details of site formation works shall be submitted to the Director of Water Supplies (DWS) for approval prior to commencement of works;
 - (c) no structures shall be built or materials stored within 1.5 metres from the centre line(s) of water main(s). Free access shall be made available at all times for staff of DWS or their contractor to carry out construction, inspection, operation, maintenance and repair works;

- (d) no trees or shrubs with penetrating roots may be planted within the Water Works Reserve or in the vicinity of the water main(s). No change of existing site condition may be undertaken within the aforesaid area without the prior agreement of DWS. Rigid root barriers may be required if the clear distance between the proposed tree and the pipe is 2.5m or less, and the barrier must extend below the invert level of the pipe;
 - (e) no planting or obstruction of any kind except turfing shall be permitted within the space of 1.5 metres around the cover of any valve or within a distance of 1 metre from any hydrant outlet; and
 - (f) tree planting may be prohibited in the event that DWS considers that there is any likelihood of damage being caused to water mains.
- (f) to note the comments of Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):
- (i) according to PNAP APP-2 (Calculation of GFA and Non-accountable GFA under Building (Planning) Regulations 23(3)(a) and (b)), the Authorized Person (AP) may apply for exemption of public car parks at basement from GFA calculation provided that the car parking spaces are EV charging-enabling and the carpark is in private ownership required under the statutory town plans or by C for T that are open and operated commercially for parking by the general public; and
 - (ii) detailed comments will be made at the building plan submission stage.
- (g) 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 or referral from relevant licensing authority. The emergency vehicular access (EVA) provision at 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 41D which is administered by the BD.

