

**Advisory Clauses**

- (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site falls within part of the Lot No. 1394 S.B. RP, 1695 S.D RP and 1741 RP in DD 120, which are Old Schedule Agricultural Lots but the lease documents cannot be traced. The Site is within “V” zone or village environs, which 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 defined village environs or “V” zones even planning permission is given by the Town Planning Board (TPB). In the event of implementation of the project, a land exchange would be required. Having regards to the above, there is no guarantee that the land exchange application would be processed by LandsD in the private capacity as landlord. LandsD would exercise its discretion in its private landlord’s right on whether land exchange application involving “V” zone would be entertained. The applicant should be reminded that there is no guarantee that the land exchange application will be processed even if the planning application is approved by the TPB;
- (b) to note the comments of the Commissioner for Transport (C for T) that the land status of the access road/path/track leading to the Site from Shap Pat Heung Road should be checked with the lands authority. The management and maintenance responsibilities of the access road/path/track should be clarified with the relevant management and maintenance authorities accordingly. The applicant is reminded 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 (CHE/NTW, HyD) that HyD is not and shall not be responsible for the maintenance of any access connecting the Site and Shap Pat Heung Road. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains. The widening of the existing run-in/out is required due to the development. The applicant should be responsible for the modification of the existing run-in/out at Shap Pat Heung Road in accordance with the latest version of Highways Standard No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. The applicant shall be responsible for any modification of the existing street furniture for the proposed run-in/out. The proposed modification works shall be submitted to Transport Department/HyD for comments before commencement of the modification works. It was noted that the proposed run-in/out location affect the existing slop feature No. 6NW-B/F232, the proposed slope modification works shall be submitted to HyD for comments and demarcation of the slope to be maintained by the application shall be indicated before commencement of the modification works;
- (d) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In addition, the applicant should be advised on the following points:
- (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy;
  - (ii) the location of where the proposed FSIs to be installed should be clearly marked on the

layout plans; and

- (iii) the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123) or licence is required under the Residential Care Homes (Elderly Persons) Regulation, Cap. 459A, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans or referral from relevant licensing authority respectively;
- (e) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that the existing water mains will be affected. The cost of any necessary diversion shall be borne by the proposed development. In case it is not feasible to divert the affected water mains, a waterworks reserve within 1.5 meters from the center line of the water main shall be provided to WSD. No structure shall be built or materials stored within this waterworks reserve. Free access shall be made available at all times for staff of the Director of Water Supplies or their contractor to carry out construction, inspection, operation, maintenance and repair works. No trees or shrubs with penetrating roots may be planted within the Waterworks Reserve or in the vicinity of the water main shown on the plan. Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the site;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
- (i) referring to the development parameters in the current proposal, the proposed building height is not more than 22m, PR is about 1.6 and SC is not exceeding 52%. Presumably the Site is a Class A site, SC and PR of the development are well with the limitation under the 1st schedule of Building (Planning) Regulations [B(P)R];
  - (ii) the proposed high headroom of G/F (4.9m) should be justified and disregarding private car parking spaces from GFA calculation under the Buildings Ordinance (BO) will be considered on the basis of the criteria set out in Practice Note for Authorised Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP APP-2) during building plan submission stage;
  - (iii) if the PR is based on the assumption that GFA concession will be granted, the prerequisites in PNAP APP-151 and PNAP APP-152 should be complied with;
  - (iv) 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 B(P)R 41D; and
  - (v) the proposed RCHE for the elderly is subject to the issue of licence/registration, the applicant is reminded that any proposed structures on the Site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority. His detailed comments will be offered during building plan submission stage;
- (g) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) that the applicant is reminded that the Site is located within the Scheduled Area No. 2 and may be underlain by cavernous marble. For any

new development at the proposed area, extensive geotechnical investigation will be required. Such investigation may require a high level of involvement of an experienced geotechnical engineer both in the design and in the supervision of geotechnical aspects of the works required to be carried out on the Site. The applicant is reminded to submit the proposed building works to the BD for approval as required under the provisions of the BO;

- (h) to note the comments of the Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD) that some façade area are facing west. Solar control devices should be considered to reduce solar heat gain and avoid glare affecting adjacent buildings as far as practicable;
- (i) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that the applicant has endeavoured to reduce the visual change including provision of stepped height profile, a green roof and a healing garden for edge treatment. The applicant should ensure that the proposed roof-top facilities should comply with the requirements under Joint Practice Note (JPN) No. 5 – Development Control Parameters – Building Height Restriction in counting the number of storeys and building height;
- (j) to note the comments of the Executive Secretary (Antiquities and Monuments), Antiquities and Monuments Office (“AMO”) that the applicant should ensure that the Grade 3 historic building, namely Siu Lo, will not be affected adversely, both physically and visually, by the redevelopment. Appropriate mitigation measures have to be proposed by the applicant for agreement by AMO before implementation;
- (k) to note the comments of the Director of Social Welfare (DSW) that:
  - (i) for a Residential Care Home for the Elderly (RCHE) licence to be issued, the intended RCHE has to comply with the licensing requirements as stipulated in the Residential Care Homes (Elderly Persons) Ordinance, Cap. 459, its subsidiary legislation and the Code of Practice for Residential Care Homes (Elderly Persons)(CoP). Policy support for the premium concession scheme of the RCHE would be considered separately upon receipt of the formal application from the applicant. As regards to the background and details of the Scheme, interested parties may wish to refer to the Guidance Note published by SWD on its website at [https://www.swd.gov.hk/doc/elderly/ERCS/Guidance%20Note%20\(Eng\)%20\(Jan%202015\).pdf](https://www.swd.gov.hk/doc/elderly/ERCS/Guidance%20Note%20(Eng)%20(Jan%202015).pdf), and the Practice Note published by LandsD on its website at [https://www.landsd.gov.hk/en/images/doc/2003-4e\\_text.pdf](https://www.landsd.gov.hk/en/images/doc/2003-4e_text.pdf);
  - (ii) the applicant's response to EPD's comment (i.e. no openable windows and fresh air intake points will be located within the buffer zone from both Shap Pat Heung Road and Tai Tong Road) is acceptable from the licensing perspective provided that dormitory 14 from 1/F to 3/F will meet the prescribed window requirement under Building (Planning) Regulation 30;
  - (iii) ancillary mini-cafe and ancillary store are not standard items of the Schedule of Accommodation for RCHE and beyond the jurisdiction of SWD's licensing requirements. Exclusion of these facilities from the RCHE licensing boundary should be considered. The applicant should be reminded to obtain relevant licences from authorities / departments concerned for the abovementioned businesses. SWD also defers to LandsD's advice

whether these facilities would be eligible for meeting the criteria of the Premium Concession Scheme;

(iv) all the places operated under the Incentive Scheme shall be run on non-subsidised basis. Nevertheless, operating RCHEs with non-subsidised places are welcome to apply for any other Scheme(s) launched by the Government for the provision of subsidised places at specific time and all applications are subject to assessment and vetting by the respective vetting committee(s). There is no guarantee that the non-subsidised places would be changed to subsidised basis subsequently; and

(v) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that no Food and Environmental Hygiene Department's (FEHD) facilities will be affected and such work and operation shall not cause any environmental nuisance, pest infestation and obstruction to the surrounding. Proper licence / permit issued by FEHD is required if there is any catering service / activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public. For any waste generated from the such activity / operation, the applicant should arrange disposal properly at their own expenses.