

Previous s.16 Applications covering the Application Site

Approved Applications

<u>No.</u>	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Zoning under Application</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1.	A/DPA/YL-NSW/12	Golf Course and Residential Development	“R(C)”, “Unspecified Use” and “SSSI” ^{(1),(2)}	9.10.1992 Rejected by RNTPC 11.6.1993 Rejected by Board 26.8.1994 Appeal was allowed with conditions	1 to 24
2.	A/YL-NSW/171	Public Utilities Installation (Underground Power Transmission Cable)	“OU(CDWEA1)” ^{(1),(2)}	29.9.2006 Approved by RNTPC	2, 26, 27 & 28
3.	A/YL-NSW/232	Temporary Education Kiosk for “Hong Kong Got Fishpond – Eco-fishpond Management Agreement Scheme 2013-2015” for a Period of 6 Months	“OU(CDWEA1)” ^{(1),(2)}	12.9.2014 Approved by RNTPC (From 12.9.2014 until 28.2.2015)	25
4.	A/YL-NSW/237	Temporary Education Kiosk for “Hong Kong Got Fishpond – Eco-fishpond Management Agreement Scheme 2015-2017” for a Period of 2 Years	“OU(CDWEA1)” ^{(1),(2)}	5.6.2015 Approved by RNTPC (2 Years)	25
5.	A/YL-NSW/257	Temporary Education Kiosk for “Hong Kong Got Fishpond – Eco-fishpond Management Agreement Scheme 2017-2019” for a Period of 22 Months	“OU(CDWEA1)” ^{(1),(2)}	14.7.2017 Approved by RNTPC (22 Months)	25

⁽¹⁾ The site was zoned “Residential (Group C)” (“R(C)”) and “Unspecified Use” on the draft Nam Sang Wai Development Area (DPA) Plan No. DPA/YL-NSW/1 and “Site of Special Scientific Interest” on the draft Mai Po DPA Plan No. DPA/YL-MP/1.

⁽²⁾ The site was rezoned to “OU(CDWEA)” on the draft Nam Sang Wai OZP No. S/YL-NSW/3 on 18.5.2001.

Approval Conditions

- (1) The submission and implementation of a detailed Master Layout Plan including phasing/programming of development, schedule of housing type and parking spaces.
- (2) The submission and implementation of a detailed Master Landscape Plan.

- (3) The Nam Sang Wai (NSW) site shall not be partitioned as to enable the "Golf Course" to form a separate sub-division.
- (4) The NSW Development shall not exceed a domestic site coverage of 12%.
- (5) No building in the NSW Development shall exceed 8 domestic storeys.
- (6) The provision of a comprehensive environmental impact assessment.
- (7) The submission and implementation of a detailed Habitat Creation Plan for the NSW site.
- (8) The submission and implementation of a Habitat Management Plan for the NSW site.
- (9) The submission and implementation of a Pest Management Plan.
- (10) The submission and implementation of detailed plan of the Lut Chau Nature Reserve.
- (11) The submission and implementation of detailed management plan of the Lut Chau Nature Reserve.
- (12) The provision and maintenance of open Perimeter at NSW.
- (13) The submission and implementation of detailed plans for the Kam Tin River Reed Bed Treatment System.
- (14) The submission and implementation of detailed plans for the Yuen Long Nullah Screening Plant.
- (15) The submission and implementation of management plans for (13) and (14) above.
- (16) The provision of a detailed Drainage Impact Assessment and construction of drainage mitigation measures.
- (17) The provision of a detailed Traffic Impact Assessment and detailed design of the internal and external access arrangement.
- (18) The provision of an access road and its junction with Castle Peak Road including diversion of underground utilities and implementation of such.
- (19) The submission and implementation of details plans for improvement to the Fairview Park Roundabout and the underpass to the south of the development.
- (20) The provision of emergency vehicular access and street fire hydrant.
- (21) The provision and implementation of water mains along Castle Peak Road.
- (22) No main waters shall be used for on-site irrigation.
- (23) The provision and reservation of sites for the construction of primary and secondary schools.
- (24) The permission shall cease to have effect 5 years from the date of giving planning permission.
- (25) Reinstatement clause.
- (26) No construction works should be carried out during the period from November to March.
- (27) A temporary vehicular access to the warden post of AFCD should be provided and maintained during the construction period of the proposed development.
- (28) Appropriate mitigation measures such as reinstatement of the planting areas and replanting/transplanting of trees affected by the proposed development.

Rejected Applications

<u>No.</u>	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Zoning under Application</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejection Reasons</u>
6.	A/YL-NSW/218	Proposed Comprehensive Development with Wetland Enhancement (including House, Flat, Wetland Enhancement Area, Nature Reserve, Visitors Centre, Social Welfare Facility, Shop and Services) as well as Filling of Land/Pond and Excavation of Land	“OU(CDWEA1)” “SSSI(1)”	19.7.2013 Rejected by RNTPC 14.2.2014 Rejected by Board	29, 30, 31, 32 & 33
7.	A/YL-NSW/242	Proposed Comprehensive Development with Wetland Enhancement (including House, Flat, Wetland Enhancement Area, Nature Reserve, Visitors Centre, Social Welfare Facility, Shop and Services, Filling of Land/Pond and Excavation of Land)	“OU(CDWEA1)” “SSSI(1)”	22.1.2016 Rejected by RNTPC 24.2.2017 Rejected by Board	29, 31, 33, 34 & 35

Rejection Reasons

- (29) The proposed development is not in line with the planning intention of the “OU(CDWEA)” zone which is intended for conservation and enhancement of ecological value and functions of the existing fish ponds or wetland.
- (30) The proposed development is not in line with Town Planning Board Guidelines for “Application for Developments within Deep Bay Area” (TPB-PG No. 12B) in that the “no-net-loss in wetland” and “minimum pond filling” principles are not complied with. There are inadequacies in the baseline ecological information/ecological evaluation of the existing habitats. The ecological Impact Assessment fails to demonstrate that the loss of ecological function would be adequately compensated by the proposed mitigation and habitat enhancement measures.
- (31) The proposed development does not conform to the “Private-Public Partnership Approach” in that the development is not limited to the ecologically less sensitive portions of the site, and there is inadequate information to demonstrate how the long-term conservation and management of the Wetland Enhancement Area in Nam Sang Wai and the Lut Chau Nature Reserve could be satisfactorily achieved.
- (32) The submitted Environmental Assessment, Drainage Impact Assessment, Visual Impact Assessment and Landscape Master Plan are inadequate to demonstrate that the proposed development would not generate adverse environmental, drainage, visual and landscape impacts on the surrounding areas.
- (33) The approval of the application would set an undesirable precedent for similar applications within the “OU(CDWEA)” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.
- (34) The proposed development is not in line with Town Planning Board Guidelines for “Application for Developments within Deep Bay Area” (TPB PG-No. 12C). The “no-net-loss in wetland” principle has not been complied with. The Ecological Impact Assessment and the proposed mitigation measures are inadequate. The applicants have failed to demonstrate that the loss of ecological function can be adequately compensated by the proposed mitigation and habitat enhancement measures.
- (35) The applicants have not prepared an Environmental Impact Assessment (EIA) report as required by the EIA Ordinance to address the ecological issues, and yet the submitted technical assessments have failed to demonstrate that the proposed development would not generate adverse traffic, ecological and visual impacts on the surrounding areas

Recommended Advisory Clauses

- (a) to note DLO/YL, LandsD's comments that the applicant has to apply for a formal approval prior to the actual occupation of GL. Given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. The applicant has to apply for a formal approval prior to the actual occupation of the GL. Application(s) for any of the above will be considered by LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;
- (b) to note CHE/NTW, HyD's comments that adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (c) to note CE/MN, DSD's comments that the proposed development should neither obstruct overland flow nor adversely affect any existing natural streams, village drains, ditches and the adjacent areas; and
- (d) to note DFEH's comments that no FEHD's facility will be affected and such work and operation shall not cause any environmental nuisance, pest infestation and obstruction to the surrounding. For any waste generated from such activity/operation, the applicant should arrange disposal properly at her own expenses.

