

Previous s.16 Applications covering the Application Site

Approved Applications

<u>No.</u>	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1.	A/YL-NTM/244	Proposed Temporary Fish Farming for a Period of 3 Years	20.11.2009 RNTPC (3 Years)	1, 2, 3
2.	A/YL-NTM/277	Renewal of Planning Approval for Temporary Fish Farming for a Period of 3 Years	9.11.2012 RNTPC (3 Years)	1, 2, 3
3.	A/YL-NTM/318	Temporary Fish Farming for a Period of 3 Years	22.5.2015 RNTPC (3 Years)	1, 2, 3, 4

Approval Conditions

- (1) The existing landscape planting/vegetation on the site/trees within the site should be maintained.
- (2) The submission and implementation of fire service installations proposals.
- (3) Revocation clause.
- (4) The submission and implementation of the drainage proposal

Rejected Application

<u>No.</u>	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Main Reasons for Rejection</u>
1.	A/YL-NTM/147	Temporary Open Storage of Construction Materials for a Period of 3 Years	25.7.2003 Rejected by RNTPC	1, 2, 3, 4
2.	A/YL-NTM/223	Proposed Comprehensive Low Density Residential Development	19.6.2009 Rejected by RNTPC	5, 6, 7, 8

Main Reasons for Rejection:

- (1) the proposed open storage of construction materials was not in line with the planning intention of the "Comprehensive Development Area" ("CDA") zone which was intended to be developed as a local centre for the Ngau Tam Mei area to consolidate, improve and expand the existing commercial and community facilities as well as infrastructure, and to provide housing opportunities for the local people. No strong justification had been provided in the submission for a departure from the planning intention of the "CDA" zone;

- (2) the proposed open storage of construction materials was not compatible with the rural character of the area and the adjacent uses, including village settlements, cultivated agricultural land and continuous ponds;
- (3) there was insufficient information in the submission to demonstrate that the proposed development would not have adverse environmental, traffic, drainage and landscape impacts on the surrounding areas; and
- (4) approval of the application would set an undesirable precedent for similar applications in the surrounding area. The cumulative effect of approving these similar applications would result in a serious degradation of the rural environment
- (5) there was no strong planning justification for the increase in plot ratio from 0.4 to 0.4665;
- (6) the impact assessments submitted by the applicant were applicable to part of the "Comprehensive Development Area" ("CDA") zone only and could not demonstrate that the planning intention of the "CDA" zone (i.e. that it should be comprehensively developed in whole) and its development parameters as stipulated on the Outline Zoning Plan were achievable without causing any adverse impacts on the surrounding areas;
- (7) the site was close to Tam Mei Barracks Sewage Treatment Works. There was a high potential of odour nuisance if air sensitive uses, such as residential development, were allowed to be located close to the sewage treatment works. The submitted impact assessments could not demonstrate that there would not be odour nuisance in the long run; and
- (8) many periphery tree planting along the northern and southern site boundaries were within private gardens of individual house lots and five significant trees were proposed to be managed and maintained by individual house owners. The submitted technical assessments could not demonstrate that the tree planting of the proposed development would be under proper management and maintenance.

824800E

824900E



837500N

837500N

837400N

837400N

824800E

824900E

- NOTES:
1. ALL DIMENSIONS ARE IN MILLIMETRES UNLESS OTHERWISE SPECIFIED.
  2. ALL LEVELS ARE IN METRES ABOVE PRINCIPAL DATUM.
  3. INFORMATION ON ALIGNMENT OF MAINS IS OF INDICATIVE VALUE ONLY. WHERE POSITIONAL ACCURACY MAY BE OF IMPORTANCE, DETAILS SHOULD BE SITE CHECKED.
  4. FOR MAINS RECORDS SIGN CONVENTIONS AND DESIGNATIONS SEE SKETCH NO. 3988.
  5. NO EXISTING SALT WATER MAINS IN THE VICINITY OF THE SITE.
  6. NO PROPOSED WATER MAINS IN THE VICINITY OF THE SITE.
  7. NO EXISTING WSD CABLE IN THE VICINITY OF THE SITE.
  8. NO PROPOSED WSD CABLE IN THE VICINITY OF THE SITE.
  9. THE SITE IS NOT WITHIN WSD GATHERING GROUNDS.
  10. NO WSD LAND ALLOCATION / VVWR WITHIN THE SITE AREA.
  11. NO WSD SLOPES ARE AFFECTED IN THE VICINITY OF THE SITE.

SUBJECT SITE



PRIVATE LOT BOUNDARY (FOR REF. ONLY)



PART COPY OF FRESH WATER MAINS RECORD PLAN(S)

W67880/2-SE-17D

FILE REF: (13) IN WSD/M/SP 3051/428/76R/02 PT.4

REF. CODE: 15W18M

SHEET 1 OF 1

SCALE 1:1000



水務署  
Water Supplies Department



**Recommended Advisory Clauses**

- (a) to liaise with the local residents to address their concerns arising from the development, if any;
- (b) to resolve any land issues related to the development with the concerned owner(s) of the application site (the Site);
- (c) to note DLO/YL, LandsD's comment that the Site comprises 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. The private land of Lot Nos. 961, 962, and 956 in D.D.104 are covered by Short Term Waiver (STW) Nos. 4214, 4215 and 4216 respectively to permit structures for the purpose of "Temporary Fish Farming". The Government land (GL) of the Site is covered by Short Term Tenancy (STT) No. 2865 for the purpose of "Temporary Fish Farming". The Site is accessible to Ngau Tam Mei Road through both GL and PL. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way. The Site does not fall within Shek Kong Airfield Height Restriction Area. Should planning approval be given to the application, the STT/STW holders will need to apply to this office for modification of the STT/STW conditions if there is any irregularities on site. Besides, the lot owner of the lot without STW will need to apply to his office for permitting the structures to be erected or regularize any irregularities on site. Such application will be considered by LandsD acting in the capacity of the landlord 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;
- (d) to note C for T's comment that the Site is connected to the public road network via a section of a local access road which is not managed by TD. The land status of the local access road should be clarified with the LandsD by the applicant. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note CHE/NTW, HyD's comment that the vehicular access arrangement shall be commented by C for T. HyD does not and will not maintain the section of Ngau Tam Mei Road connecting the Site. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (f) to note DAFC's comment that the southern part of the development is adjoining an ecological mitigation planting site along Ngau Tam Mei Channel. As such, should the application be approved, the applicant is advised to prevent encroaching on the planting site or disturbing the vegetation therein. In addition, it is noted that the southern part of the Site is adjacent to an abandoned meander. The applicant is advised to prevent polluting the meander during operation, should the application be approved;
- (g) to note D of FS' comment that in consideration of the design/nature of the proposal, 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. The applicant should also be advised: (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and (ii) the location of where the

proposed FSIs to be installed should be clearly marked on the layout plans. If the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

- (h) to note CBS/NTW, BD's comment that as there is no record of approval by the Building Authority for the existing structures at the Site, he is not in a position to offer comments on their suitability for the use proposed in the application. If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BD, they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application. For UBW erected on leased land, enforcement action may be taken by the BD to affect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO. Before any new building works (including containers/open sheds as temporary buildings and land filling) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO. The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations respectively. If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the Building (Planning) Regulation at the building plan submission stage;
- (i) to note DFEH's comments that if any Food and Environmental Hygiene Department (FEHD)'s facility is affected by the development, FEHD's prior consent must be obtained. Reprovisioning of the affected facilities by the project proponent up to the satisfaction of FEHD may be required. Besides, the project proponent should provide sufficient amount of additional recurrent for management and maintenance of the reprovisioned facilities to FEHD. If the proposal involves any commercial/trading activities, no environmental nuisance should be generated to the surroundings. Also, for any waste generated from the commercial/trading activities, the applicant should handle on their own/at their expenses;
- (j) to note DEMS's comments that in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning designing, organizing and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/ or overhead line within and/ or in the vicinity of the Site. The applicant is reminded to observe the Electricity Supply Lines (Protection) Regulation and the "Code of Practice on Working near Electricity Supply Lines" established under the Regulation when carrying out works in the vicinity of the electricity supply lines;
- (k) to note CE/C, WSD's comment that existing water mains will be affected (**Appendix III**). The applicant shall bear the cost of any necessary diversion works affected by the proposed development. In case it is not feasible to divert the affected water mains within the Site, a waterworks reserve within 1.5m from the centreline of the water mains shall be provided to the satisfaction of WSD. No structure shall be erected over this waterworks

reserve and such area shall not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen shall have free access at all time to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority may require or authorize. 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.

