

**Previous Application covering the Site**

**Approved s.16 Application**

<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-MP/252	Proposed Temporary Agricultural Use (Farming) for a Period of 3 Years	13.1.2017 Approved with condition(s) on a temporary basis	All

**Approval Conditions**

- (1) the submission and implementation of water supplies for firefighting and fire service installations proposal
- (2) the submission and implementation of drainage proposal
- (3) the submission and implementation of a landscape proposal
- (4) Revocation Clause
- (5) Reinstatement Clause

**Rejected s.16/s.17 Applications**

<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/DPA/YL-MP/12	Residential Development	11.12.1992 Rejected by TPB	(1), (3), (4), (7), (12) to (14)
2.	A/DPA/YL-MP/31	Residential Development	15.7.1994 Rejected by RNTPC	(1) to (11)

**Main Reasons for Rejection:**

- (1) The proposed residential development is not in line with the planning intention for the area on the approved Mai Po and Fairview Park Development Permission Area Plan which is primarily to restrict developments to agricultural and recreational uses only.

- (2) The proposed residential development cannot meet the Board's relevant Guidelines in that there is no sufficient information in the submission to demonstrate that the proposed development will have insignificant impacts on the environment, ecology, traffic, sewerage and drainage in the area.
- (3) The proposed building height is not in line with the low-density residential development in rural area.
- (4) The ecological assessment and various wildlife habitat proposals/The ecological survey have not demonstrated that the proposed development will have insignificant adverse/no adverse impacts on the area/biological habitats.
- (5) Insufficient information has been provided in the submission to demonstrate that the proposed development will not have adverse impact on the water quality of the area.
- (6) Inadequate information regarding the construction and traffic noise impact and noise mitigation measures have been provided in the submission to demonstrate that it will have minimal adverse impact.
- (7) No drainage impact assessment has been included in the submission to assess to impacts arising from the proposed development on the nearby areas / Inadequate further information on the drainage impact assessment to indicate no causing of flooding hazard.
- (8) The proposed development will encroach upon the drainage and flood protection works to be carried out by Government in the vicinity of the site and will affect their implementation.
- (9) Insufficient information has been included in the traffic impact assessment in the submission to demonstrate that the proposed development will have insignificant traffic impacts.
- (10) Approval of the proposed development will set an undesirable precedent for uncoordinated conservation proposals leading to an eventual fragmentation of the natural habitat within area in the Buffer Zones.
- (11) The feasibility of the proposed funding/management arrangement for maintaining the proposed off-site habitat creation area is uncertain.
- (12) It has not been demonstrated that the proposals on sewage treatment and effluent disposal would not have adverse impact on the water quality of the area.
- (13) Further information on the environmental assessment has not demonstrated that the noise impact during and after the construction stage would not adversely affect the wildlife and wetland habitat.
- (14) The problem of water supply to the proposed development has not been properly resolved in the submission.

**Recommended Advisory Clauses**

- (a) to note DLO/YL's comments that the Site comprises an Old Scheduled Agricultural Lot held under the 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 (PL) of Lot No. 47RP in D.D. 101 is covered by Short Term Waiver (STW) No. 4819 to permit structures for the purpose of "Temporary Agricultural Use (Farming)". The Site is accessible to Mai Po Road through Government land (GL). His office does not provide any maintenance works for the GL involved and does not guarantee any right-of-way. The Site does not fall within Shek Kong Airfield Height Restriction Area. The STW holder will need to apply to his office for modification of the STW conditions where appropriate. Besides, 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 by the Lands Department (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 C for T's comments that the Site is connected to the public road network via a section of a local access which is not managed by Transport Department. The land status of the local access road should be clarified with 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. No vehicle is allowed to access the Site;
- (c) to note CHE/NTW, HyD's comments that the proposed access arrangement should be commented by Transport Department (TD). The applicant is reminded that there is an underground drainage pipe constructed under the Express Rail Link (XRL) project which is managed/maintained by Drainage Services Department (DSD) and should not be disturbed/damaged (see **Annex A**). Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains. It is noted that HyD shall not be responsible for the maintenance of any access connecting the Site and Mai Po Road. The relevant departments will provide their comments, if any;
- (d) to note DEP's comments that since the Site falls within an area zoned "CA" and located in the Deep Bay Buffer Zone, Agriculture, Fisheries and Conservation Department (AFCD)'s view should be sought on the clearance of the vegetation within the Site. Also due to the location of the Site, the applicant should be informed that should there be any change to the proposed

development, in particular that would lead to any recreational or residential uses, or will result in any new access roads, sewers, sewage treatment facilities, earthworks, dredging works and building works, the applicant should contact Environmental Protection Department (EPD) to confirm whether the proposed change would involve any designated project under the Environmental Impact Assessment (EIA) Ordinance, before its construction and operation. The applicant should also be informed that environmental permit is required for the construction and operation of the designated projects specified in Schedule 2, Part I of the EIA Ordinance;

- (e) to note CTP/UD&L, PlanD's comments that the applicant is reminded that any proposed tree felling shall be submitted to relevant authority for approval prior to commencement of works;
- (f) to note DAFC's comments that the applicant should be advised to ensure that the proposed agricultural use would not cause water pollution or disturbance to the nearby wetland habitats including the watercourse and fishponds to the north and west of the Site within WCA;
- (g) to note CE/MN, DSD's comments that he notes that the applicant implemented the drainage facilities on site under previous planning application No. A/YL-MP/252. However, the site coverage of the previous application differs much from that of the present. In this respect, the applicant shall submit a drainage submission to demonstrate how he will collect, convey and discharge rain water falling onto or flowing to his Site. A clear drainage plan showing full details of the existing drains & the proposed drains (e.g. cover & invert levels of pipes/catchpits/outfalls and ground levels justifying waterflow etc.) with supporting design calculations & charts should be included. (Guideline on preparation of the drainage proposal is available in DSD homepage at [http://www.dsd.gov.hk/EN/Files/Technical\\_Manual/dsd\\_guideline/Drainage\\_Submission.pdf](http://www.dsd.gov.hk/EN/Files/Technical_Manual/dsd_guideline/Drainage_Submission.pdf)). Should additional drainage works be required, the applicant is reminded that approval of the drainage proposal must be sought prior to the implementation of drainage works on site. After completion of the required drainage works, the applicant shall provide DSD a set of record photographs showing the completed drainage works with corresponding photograph locations marked clearly on the approved drainage plan for reference. DSD will inspect the completed drainage works jointly with the applicant with reference to the set of photographs. The applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of adjacent areas. No public sewerage maintained by CE/MN, DSD is currently available for connection. For sewage disposal and treatment, agreement from DEP shall be obtained. The applicant is reminded that the proposed drainage works as well as the site boundary should not cause encroachment upon areas outside his jurisdiction. The applicant should consult DLO/YL, LandsD regarding all the proposed drainage works outside the site boundary in order to ensure the unobstructed discharge from the Site in future. All the proposed drainage facilities should be constructed and maintained by the applicant at his own cost. The

applicant should ensure and keep all drainage facilities on site under proper maintenance during occupancy of the Site;

- (h) to note D of FS's comments that in consideration of the design/nature of the proposed temporary use, fire services installations (FSIs) are anticipated to be required. 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 on the following points: (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. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (i) to note CBS/NTW, BD's comments that as there is no record of approval by the Building Authority (BA) 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. Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, prior approval and consent of the Buildings Department (BD) should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with BO. If the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of the BD, they are UBW under the 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 effect 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. 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 (B(P)R) 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 B(P)R at the building plan submission stage; and
- (j) 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. Re-provisioning 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 cost for management and maintenance of the re-provisioned facilities to FEHD. Proper licence and/or permit issued by FEHD is required if there is any food business / catering service / activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public and the operation of any business should not cause any obstruction. 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.