

Previous s.16 application covering the application site

Rejected Application

<u>No.</u>	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejection Reason(s)</u>
1.	A/DPA/YL-MP/31	Residential Development	15.7.1994 Rejected by RNTPC	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11

Rejection Reasons

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. Falling within Deep Bay Buffer Zone 2, the proposed residential development cannot meet the Board's Guidelines on Application for Developments within Deep Bay Buffer Zones 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 including Mai Po Nature Reserve and Inner Deep Bay Area;
3. The proposed development with building height up to 4-storey over carports is not in line with the low-density residential development in rural area;
4. The ecological assessment and various wildlife habitat proposals have not demonstrated that the proposed development will have insignificant adverse impacts on the area;
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;
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 thus 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 on the area;

10. Approval of the proposed development will set an undesirable precedent for unco-ordinated conservation proposals leading to an eventual fragmentation of the natural habitat within area in the Buffer Zones; and
11. The feasibility of the proposed funding/management arrangement for maintaining the proposed off-site habitat creation area is uncertain.

Similar s.16 Applications within the "V" zone

Approved Applications

<u>No.</u>	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
1.	A/YL-MP/262	Proposed Land Filling (1.3m) for Permitted New Territories Exempted House	25.8.2017 Approved by RNTPC	1, 2, 3
2.	A/YL-MP/263	Proposed Land Filling (1.2m) for Permitted New Territories Exempted House	25.8.2017 Approved by RNTPC	1, 2, 3

Approval Conditions

- (1) The submission of a drainage proposal including drainage mitigation measures before the issue of any certificate of exemption by the Lands Department to the satisfaction of the Director of Drainage Services or of the Town Planning Board (TPB);
- (2) The implementation of the drainage proposal upon completion of the land filling works to the satisfaction of the Director of Drainage Services or of the TPB
- (3) Revocation clause

Recommended Advisory Clauses

- (a) to note CHE/NTW, HyD's comments that HyD does not and will not maintain any access connecting the Site and Mai Po Road;
- (b) to note DEP's comments that should a NTEH be built after the filling works, the land owner is advised that septic tank and soakaway system is an acceptable means for collection, treatment and disposal of the sewage provided that its design and construction follow the requirements of the Practice Note for Professional Person (ProPECC) PN 5/93 "Drainage Plans subject to Comment by the Environmental Protection Department" and are duly certified by an Authorized Person;
- (c) to note CE/MN, DSD's comments that the drainage proposal attached to the application is considered unacceptable. The drainage submission should demonstrate how the applicant 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 and the proposed drains (e.g. cover & invert levels of pipes/catchpits/outfalls and ground levels justifying waterflow etc.) with supporting design calculations should be included. (Guideline on preparation of the drainage proposal is available in DSD homepage at https://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 a set of record photographs showing the completed drainage works with corresponding photograph locations marked clearly on the approved drainage plan for DSD's 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 the 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 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 proposer maintenance during occupancy of the Site;
- (d) to note D of FS' comments that the applicant is advised to observe "New Territories Exempted Houses - A Guide to Fire Safety Requirements" published by LandsD;
- (e) to note CBS/NTW, BD's comments that in case DLO/YL, LandsD decides not to issue the certificates of exemption for the site formation works and/or drainage works associated for the NTEH development, such works will require prior approval and consent under Buildings Ordinance. In the circumstance, an Authorized Person (AP) should be appointed as the coordinator for the proposed works. The applicant may approach DLO/YL, LandsD or seek AP's advice for details;
- (f) 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. If provision of cleansing service for new roads, streets, cycle tracks, footpaths, paved areas etc, is required, FEHD should be separately consulted. Prior consent from FEHD must be obtained and sufficient amount of recurrent cost must be provided to him. Proper licence / permit issued by his Department is required if there is any food business / catering service / activities regulated by him 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;

- (g) to note DEMS' 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. They should also be 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; and
- (h) to note H(GEO), CEDD's comments that it is noted that land filling of 1.3m is proposed in the application. The applicant is reminded that no fill slopes with height greater than 1.3m or steeper than 15 degrees shall be formed unless a geotechnical assessment for the slope / retaining wall stability study prepared by a qualified geotechnical engineer is approved. Also no other types of earth retaining structures shall be formed. The applicant's attention is drawn to the fact that footings of NTEH should be designed and constructed in accordance with Section C (Technical Requirements for Critical Structural Elements in the construction of NTEH) of the pamphlet "Building New Territories Exempted Houses" (December 2014, LandsD).