Relevant Extracts of the Town Planning Board Guidelines for Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance (TPB PG-No. 12C)

According to TPB PG-No. 12C, the Site falls within the Wetland Buffer Area (WBA). Extracts of land use concept and development guidelines are summarised as follows:

WBA

(a) The intention of the WBA is to protect the ecological integrity of the fish ponds and wetland within the Wetland Conservation Area and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds.

(b) Within the WBA, for development or redevelopment which requires planning permission, an ecological impact assessment (EcoIA) would need to be submitted. Some local and minor uses (including temporary uses) are exempted from the requirement of EcoIA.

Appendix A

List of Uses Exempted from Ecological Impact Assessment within the Wetland Buffer Area

For planning applications involving uses/development within the Wetland Buffer Area, the following uses/development are exempted from the requirement of ecological impact assessment as part of the submission to the Board :

- Temporary Uses
- Agricultural Use (except in SSSI Zone)
- Ancestral Hall
- Bank#
- Barbecue Spot
- Barber Shop#
- Beauty Parlour#
- Burial Ground
- Clinic/Polyclinic*
- Electricity Substation of single storey
- Government Refuse Collection Point^
- House (Alteration, modification and/or redevelopment to the existing building bulk only)
- New Territories Exempted Houses
- Off-Course Betting centre#
- On-farm Domestic Structure
- Photographic Studio#
- Playground/Playing Field in "V" and "R(D)" zones
- Police Post/Police Reporting Centre
- Post Office*
- Private Club#
- Public Convenience
- Public Library*
- Public Utility Installation (electricity mast, lamp pole, pipeline and telephone booth only)^
- Pumping Station of single storey
- Refreshment Kiosk
- Retail Shop#
- School*
- Showroom excluding Motor-vehicle Showroom#
- Shrine
- Social Welfare Facility*
- Tent Camping Site

Note:
other than free-standing building
* other than free-standing building exceeding 3 storeys
^ not applicable to the "Other Specified Uses" annotated "Eco-lodge" zone on the Ma Tso Lung and Hoo Hok Wai Outline Zoning Plan

Previous s.16 Applications covering the Application Site

Approved Applications

Application No.	Use(s)/Development(s)	Date of Consideration (RNTPC)
A/YL-MP/7	Kindergarten within Existing Commercial Centre	22.3.1996
A/YL-MP/65	Proposed Social Welfare Facility (Child Care Centre)	14.4.2000

Recommended Advisory Clauses

(a) to closely liaise with the stakeholders in the surrounding areas (including the management services offices, owners' committees and owners/occupiers/tenants of the Palm Springs and Royal Palms) with a view to minimising any potential nuisance during the construction and operation of the proposed residential care home for the elderly (RCHE) at the application premises (the Premises), as well as on other matters related to the Deed of Mutual Covenant, daily operation, estate management and maintenance;

(b) to note the comments from Director of Social Welfare that:

  (i) every room used for habitation, e.g. dormitories, sick/isolation rooms, or for the purposes of an office or kitchen in the proposed RCHE at the Premises shall be provided with adequate natural lighting and ventilation with openable windows;

  (ii) while communal bathrooms/toilets are to be adopted, the proposed RCHE shall be provided with adequate bathrooms and toilets including those for female, male and disabled to meet operational need;

  (iii) the provision of an attached bathroom/toilet to sick/isolation room is more desirable from service perspective; and

  (iv) the clear width of every passage and doorway shall not be less than 1050mm and 800mm respectively, so as to facilitate residents using wheelchairs or walking aids to enter or pass through any rooms, including bedrooms and toilets/bathrooms, without assistance and unnecessary difficulty;

(c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that every waiver (or such other land instrument as the Government may consider appropriate) application submitted to LandsD will be considered on its own merits by LandsD at its absolute discretion acting in its capacity as landlord and there is no guarantee that the application will be approved. The said application if approved would be subject to such terms and conditions, to be imposed by LandsD in the landlord capacity at its sole discretion, including but not limited to payment of premium/ waiver fee and administrative fee;

(d) to note the comments of the Commissioner for Transport that:

  (i) no vehicles are allowed to queue back or reverse onto/from public roads at any time during the planning approval period; and

  (ii) the land near the Premises is not under the purview of Transport Department (TD). Consent of the owners/managing department of the concerned land should be obtained for using the land for vehicular accesses to the Site;

(e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that:

  (i) the proposed access arrangement of the Premises should be commented and approved by TD;

(ii) Palm Springs Boulevard is not maintained by HyD. HyD shall not be responsible for the maintenance of the proposed access connecting the Premises and Castle Peak Road – Mai Po, including Palm Springs Boulevard and the local tracks, if any; and

(iii) adequate drainage measures shall be provided to prevent surface water running from the Premises to the nearby public roads and drains;

(f) to note the comments of the Director of Environmental Protection that:

(i) the recommendations in Control of Oil Fume and Cooking Odour from Restaurant and Food Business published by Environmental Protection Department (EPD) should be followed to minimise the potential impacts of the proposed uses during operation;

(ii) best management practice in managing the waste generated from the operation, including clinical waste, should be adopted. During the operation stage of the proposed RCHE, the applicant, or the clinical waste producer, should strictly comply with all statutory requirements regarding the segregation, packaging, labelling, storage, collection, and transportation of clinical waste as laid down in the prevailing environmental legislation and The Code of Practice for Small Clinical Waste Producers to minimise any danger to public health or risk of pollution to the environment; and

(iii) all relevant pollution control ordinances, particularly on air quality and noise control, should be strictly observed, and necessary precautionary/pollution control measures should be put in place to prevent any pollution/nuisance to nearby sensitive receivers as a result of the construction/operation activities;

(g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that:

(i) the development should neither obstruct overland flow and nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc;

(ii) any conflict/disagreement with relevant lot owner(s) should be resolved and permission from DLO/YL, LandsD should be sought for laying new drains/channels and/or modifying/upgrading existing ones in other private lots or on Government Land, where required, outside the Premises; and

(iii) DSD shall not maintain all such stormwater facilities and sewage facilities laid within the Premises;

(h) to note the comments of the Director of Fire Services that:

(i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy;

(ii) the location of the proposed fire service installations (FSIs) to be installed should be clearly marked on the layout plans;

(iii) licensing requirements, if any, would be formulated upon receipt of the referral from the relevant licensing authority;

(iv) if the proposed structures are required to comply with the Buildings Ordinance (Cap. 123) (BO), detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans; and

(v) as the application involves RCHE, the height restrictions as stipulated in the respective Regulations and Code of Practice should be observed; and

(i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Development that:

(i) before any new building works are to be carried out within the Premises, prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are unauthorized building works (UBW) under the BO. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;

(ii) the proposed RCHE will be situated on the ground floor of the existing Palm Springs Plaza and is considered as domestic use under the BO. Its permitted development intensity shall be determined under the First Schedule of the Building (Planning) Regulations, where no plot ratio (PR)/gross floor area restriction has been stipulated in statutory plans/approved planning applications. On the other hand, modification for treating RCHE as non-domestic building for the purposes of site coverage, PR and open space under the BO may be considered at the building plan submission stage;

(iii) for UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with the prevailing 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 at the Premises under the BO;

(iv) if the proposed RCHE is subject to issue of a licence, the applicant should be reminded that any existing structures at the Premises are 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; and

(v) detailed comments under the BO will be provided at building plan submission stage.