

RNTPC Paper No. A/YL-NSW/314B  
For Consideration by  
the Rural and New Town  
Planning Committee on  
28.2.2025

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**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-NSW/314**

- Applicant** : Fruit Design and Build Limited represented by Vision Planning Consultants Limited
- Site** : Various Lots in D.D. 104, North of Kam Pok Road East, Pok Wai, Yuen Long
- Site Area** : 51,073 m<sup>2</sup> (about)
- Land Status** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Nam Sang Wai Outline Zoning Plan (OZP) No. S/YL-NSW/9 (currently in force)
- Approved Nam Sang Wai Outline Zoning Plan No. S/YL-NSW/8 (at the time of submission)
- Zoning** : “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” (“OU(CDWRA)”)
- [restricted to a maximum plot ratio (PR) of 0.4 and a maximum building height (BH) of 6 storeys including carpark]*
- [no change on the current OZP]*
- Application** : Proposed Residential Development with Wetland Habitat and Filling of Ponds/Land and Excavation of Land

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed residential development with wetland habitat and associated filling of ponds/land and excavation of land at the application site (the Site), which falls within an area zoned “OU(CDWRA)” on the OZP (**Plan A-1**). According to the Notes of the OZP for the “OU(CDWRA)” zone, ‘Flat’, ‘House (other than rebuilding of New Territories Exempted House or replacement of existing domestic building by New Territories Exempted House permitted under the covering Notes)’ and ‘Wetland Habitat’ are Column 2 uses which require planning permission from the Town Planning Board (the Board). Any filling of ponds/land and excavation of land also requires planning permission from the Board. The Site is mainly occupied by ponds with strips of land around serving as pond bunds, and a minor portion at the eastern part of the Site is formed and

vacant land. Majority of the Site (about 70%) falls within the Wetland Buffer Area (WBA) of the Deep Bay Area (**Plan A-1**).

- 1.2 According to the applicant, about 4.9ha (or 96%) of the Site is occupied by abandoned ponds (including pond bunds) and the remaining 0.2ha (or 4%) of the Site is formed and vacant land (**Plans A-3 to A-4c**). The proposed development comprises two portions, including the wetland restoration area (WRA) portion of 2.47ha (about 48.4% of the Site) and the low-density residential development portion (the residential portion) of 2.64ha (about 51.6% of the Site) comprising 84 houses of three to five storeys (including one-storey carport/basement carpark) with a maximum PR of 0.4. For implementing the proposed development, filling of pond (water body only) of about 2.44ha (about 48% of the Site) for about 1.5m to 2m in depth, filling of land (including pond bunds) of about 1.15ha (about 23% of the Site) about 1m to 2m in depth and excavation of land of about 1.04ha (about 20% of the Site) for about 4.4m to 6.2m in depth are required (**Drawing A-20**). The proposed development is anticipated to be completed by 2027. The Master Layout Plan (MLP), Landscape Master Plan (LMP), section plans and floor plan of the proposed development submitted by the applicant are at **Drawings A-1 to A-5** respectively.
- 1.3 The Site is the subject of a previous application (No. A/YL-NSW/290) for the same proposed uses at the same site submitted by the same applicant which was rejected by the Rural and New Town Planning Committee (the Committee) of the Board on 20.5.2022. The comparison of the proposed layout and major development parameters between the previous application and the current application are shown in **Drawing A-6** and summarised as follows:

<b>Development Parameters</b>	<b>A/YL-NSW/290 Previous application (a)</b>	<b>A/YL-NSW/314 Current application (b)</b>	<b>Difference (b)-(a)</b>
<b>Site Area</b>	51,073 m <sup>2</sup> (about)	51,073 m <sup>2</sup> (about)	No change
WRA	20,201 m <sup>2</sup> (39.6%)	24,702 m <sup>2</sup> (48.4%)	+4,501 m <sup>2</sup> (+22.3%)
Residential Portion	30,872 m <sup>2</sup> (60.4%)	26,371 m <sup>2</sup> (51.6%)	-4,499 m <sup>2</sup> (-14.6%)
<b>Plot Ratio (PR)</b>	not more than 0.4	not more than 0.4	No change
<b>Gross Floor Area (GFA) <sup>1</sup></b>	about 20,429.32 m <sup>2</sup>	about 20,429.32 m <sup>2</sup>	No change
<b>Site Coverage</b>	about 22.8%	about 19.81%	-2.99% (-13.1%)
<b>No. of Blocks</b>			
House	108	84	-24 (-22.2%)
Clubhouse	2	2	No change
<b>No. of Storeys/ BH</b>			
House <sup>2</sup>	3-5 storeys (9 to 18m / 14.1 to 23.1mPD)	3-5 storeys (9 to 14.5m / 14.1 to 19.6mPD)	-3.5m (-19.4%)
Clubhouse	2-3 storeys (10m / 15.1mPD)	2-3 storeys (10m / 15.1mPD)	No change
<b>No. of Units</b>	114	90	-24 (-21.1%)
<b>Average Unit Size</b>	179.2 m <sup>2</sup>	227.0 m <sup>2</sup>	+47.8 m <sup>2</sup> (-26.7%)
<b>Estimated Population <sup>3</sup></b>	about 342	about 270	-72 (-21.1%)
<b>Private Open Space</b>	about 609 m <sup>2</sup>	about 561.6 m <sup>2</sup>	-47.4m <sup>2</sup> (-7.8%)
<b>Greenery Ratio</b>	not less than 30%	not less than 33.8%	+3.8% (+12.7%)

Development Parameters	A/YL-NSW/290 Previous application (a)	A/YL-NSW/314 Current application (b)	Difference (b)-(a)
<b>Parking Spaces</b>			
Private Car	234	203	-31 (-13.2%)
Motorcycle	12	20	+8 (+66.7%)
Bicycle	2	14	+12 (+600%)
Loading/Unloading Bays	2 for Heavy Goods Vehicle	3 for Heavy Goods Vehicle	+1 (+50%)

1. Excluding GFA of about 1,021m<sup>2</sup> for clubhouse which is assumed to be exempted from GFA calculation subject to the approval of the Building Authority.
2. The no. of storeys for houses includes one level of basement communal carpark or one storey of carport on ground floor.
3. Assuming a person-per-flat ratio of 3.

- 1.4 In support of the planning application, the applicant has submitted supplementary planning statement and technical assessments (**Appendix Ia**) including Traffic Impact Assessment (TIA), Ecological Impact Assessment (EcoIA), Wetland Restoration Proposal (WRP), Environmental Assessment (EA), Visual Impact Assessment (VIA), Tree Preservation and Landscape Proposal (TPLP), Drainage Impact Assessment (DIA) and Sewerage Impact Assessment (SIA).

#### *Development Layout and Phasing*

- 1.5 According to the MLP, the proposed WRA is proposed at the northern and central portions of the Site whereas the proposed houses are proposed at the southern and western parts, allowing a better linkage between the proposed WRA and the existing ponds to the immediate north of the Site and minimising potential disturbances from the residential portion to the WRA and the existing ponds (**Drawing A-1**). Fence walls along the WRA as well as peripheral fence walls and noise barriers along the boundary of the Site will be provided (more details are given at paragraph 1.6 below) (**Drawing A-2a, Plans A-2 and A-3**). The proposed development will be implemented in three phases (**Drawing A-7**). Upon completion of the WRA (Phase 1), houses in the western part of the Site will first be constructed (Phase 2) which are located relatively further away from the WRA to minimise disturbances during establishment phase of the WRA. Construction of the remaining houses (Phase 3) in the southern part of the Site nearer the WRA will then be undertaken outside dry season.

#### *Ecological Aspect and the Proposed WRA*

- 1.6 EcoIA and WRP have been submitted to provide the assessment on the ecological impact of the proposed development and details on the future management and maintenance of the WRA. The existing habitats within the Site and the surrounding areas are shown in **Drawing A-9**. According to the submitted EcoIA, the Site is mainly occupied by abandoned ponds of low-to-medium ecological value. The applicant claimed that best efforts have been made to maximise the area reserved for WRA, taking into account the balance between the residential development and the provision of WRA, and also relevant building regulations and space requirement of ancillary facilities. As stated in the submitted EcoIA, the proposed WRA with a total area of 2.47ha will be able to compensate the loss of existing abandoned ponds

through enhancement in terms of ecological function and value (**Drawings A-2a to 2c**). The proposed WRA comprises mainly shallow water zones, deep water and middle depth water zones, reedbed, island, wood log and submerged plants (**Drawing A-8**) to provide diversified micro-habitats for waterbirds, ensuring their roosting and feeding needs could be met. The WRA will be provided at the northern part of the Site (without any residential buildings) to allow better integration with the existing ponds to the immediate north of the Site (**Drawing A-1**). Small openings will be provided in the fence wall along the northern boundary to facilitate movement of small animals. Landscape buffers of 7.5m to 15m in width with tree planting and wooden trellis of 2.5m high/solid wall with wooden trellis of 5m high will be provided along the WRA (**Drawings A-2a to A-2c**) to screen off potential human disturbances from the residential portion and internal vehicular traffic, notwithstanding that most of the internal vehicular access and car parking facilities will be provided in the basement level, and internal at-grade vehicular traffic will be limited to the area near the two vehicular entrances and between the houses in the southwestern part of the Site (**Drawing A-5**). Windows for the houses immediately adjacent to the WRA will be equipped with switchable glass and would not be fully openable. Noise barriers along the site boundary will be provided with anti-bird collision measures. Access to the WRA will be limited to authorized personnel with lockable gates at access points to prevent disturbance to habitats thereat. Besides, the WRA will be constructed during wet season and well established prior to commencement of the main construction of the residential portion. With the implementation of the above recommended design and mitigation measures, the ecological impacts can be minimised to an acceptable level and the loss in ecological function due to the permanent loss of existing ponds could be compensated or even enhanced.

- 1.7 Regarding the long-term management of the WRA, the applicant proposes to set up an independent fund managed by an investment bank, with allocation of an approximate amount of HK\$3 million per annum to fund the long-term operation. The WRA will be maintained and managed by the applicant without transferring the liabilities to future individual owners of the residential portion. A detailed long-term management and maintenance plan will be formulated upon obtaining the planning approval to the satisfaction of relevant government departments, including the Lands Department (LandsD), Environmental Protection Department (EPD) and Agriculture, Fisheries and Conservation Department (AFCD).

#### *Traffic and Access Arrangement*

- 1.8 The Site is accessible via two proposed vehicular accesses respectively at Kam Pok Road East and at the junction of Kam Pok Road and Kam Pok Road East (**Drawing A-1 and Plan A-2**), with vehicular circulation and parking facilities mainly located at basement level to minimise disturbances arising from at-grade traffic (**Drawing A-5**). A new access road of 7.3m-wide (a two-lane single carriageway with 2m-wide footpath) and modification to junction of Kam Pok Road and Kam Pok Road East at the southwestern corner of the Site are proposed and will be undertaken by the applicant (**Drawing A-10**). According to the submitted TIA, taking into account the proposed modification at the junction of Kam Pok Road/Castle Peak Road – Tam Mi by increasing the cycle time of traffic signals, all critical junctions and road links will operate within capacity even with the proposed development in place and the traffic impact caused by the proposed development is considered insignificant. The existing

public transport service capacity can also cater the additional demands from the proposed development.

#### *Environmental Aspect*

- 1.9 According to the submitted EA, the Site is subject to road traffic noise impact from the nearby roads and industrial noise impact from the existing brownfield operations in the vicinity. With the implementation of mitigation measures, including provision of vertical green walls (2.5m high) and noise barriers (4.8m to 10.1m high) along the boundary of the Site to shield off nuisances from the existing brownfield operations and developments in the vicinity, building setbacks from the site boundary (about 10m), single aspect design of the proposed houses and provision of fixed glazing/black façade (**Drawing A-11**), the predicted noise levels can fully comply with the relevant noise criteria and no unacceptable noise impact on the proposed development is anticipated. The noise barriers will be in the form of solid wall at base (2.5m high) with transparent panels on top to alleviate its potential visual impact. In respect of air quality, with the provision of building setbacks and adequate buffer distances (more than 5m from Kam Pok Road East), no adverse air quality impact on the proposed development is envisaged. The proposed underground sewage pumping station (SPS) at the Site will be equipped with deodorizer and a buffer distance of 15m will be provided between the sensitive receivers nearby and the exhaust point of the proposed SPS to avoid odour impact.

#### *Sewerage and Drainage Aspects*

- 1.10 SIA and DIA have been submitted to demonstrate the sewerage and drainage impacts arising from the proposed development. According to the submitted SIA, there is an existing public sewerage system serving the Site. An underground SPS is proposed at the southeastern corner of the Site for sewage discharge to the public sewers. The underground SPS will connect to the existing public sewers along Kam Pok Road East with upgrading works, then further to the Nam Sang Wai Sewage Pumping Station via a set of proposed sewers (**Drawing A-12**). According to the submitted DIA, the increased runoff generated by the proposed development and nearby catchments will be conveyed to the proposed drainage system along Kam Pok Road East and Kam Pok Road to be undertaken by the applicant, and will then be discharged into Ngau Tam Mei Drainage Channel (**Drawing A-13**). With the proposed sewerage and drainage systems with upgrading works, it is anticipated that the proposed development will not induce insurmountable impacts from sewerage and drainage perspectives.

#### *Visual and Landscape Aspects*

- 1.11 According to the submitted VIA, the proposed development of houses with BH ranging from two to four storeys above ground (instead of 6 storeys as permitted on the OZP) together with the proposed WRA and landscaping treatments (including ample compensatory tree planting, fences and buffer planting for WRA, peripheral screen planting, etc.) (**Drawings A-2a to A-2c**) will generally blend in well with the surrounding areas, which are predominated by brownfield uses and low-rise low-density residential developments, and the overall visual impact of the proposed development is acceptable (**Drawings A-14 to A-19**).

1.12 According to the submitted TPLP, 62 trees generally in poor to fair conditions within the Site are proposed to be felled for the proposed development and associated works. 251 heavy standard trees are proposed within the Site for compensation purpose at a ratio of 1:4.05 (**Drawing A-2a**). An overall greening ratio of not less than 33.8% will be achieved and private open space of not less than 561.6m<sup>2</sup> will be provided. Landscape buffer of 7.5m to 15m in width with tree planting along the WRA and peripheral screen planting of 1.5m to 7.5m in width and fence wall/noise barriers in the form of solid wall with climbing plant and transparent panels along the site boundary. It is anticipated that the proposed development will enhance amenity value of the area and the slightly adverse landscape impacts identified will be mitigated with the abovementioned mitigation measures implemented.

1.13 In support of the application, the applicant has submitted the following documents:

- (a) Application Form received on 28.3.2023 **(Appendix I)**
- (b) Consolidated Supplementary Planning Statement (SPS) **(Appendix Ia)** received on 10.1.2025<sup>1</sup>
- (c) Further Information (FI) received on 20.2.2025\* **(Appendix Ib)**

*Remark: \* accepted and exempted from publication*

1.14 On 25.10.2024 and 20.12.2024, the Committee agreed to the applicant's requests to defer making a decision on the application for two months each.

## 2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Consolidated SPS at **Appendix Ia**, which can be summarised as follows:

- (a) The proposed residential development with wetland restoration proposal with a maximum PR of 0.4 and maximum BH of 5 storeys is an OZP-compliant scheme and is in line with the planning intention of the "OU(CDWRA)" zone. The BH profile of 3 to 5 storeys (including one-storey carport/basement carpark) of the current scheme, instead of the maximum permissible BH of 6 storeys, allows better integration with the proposed WRA in the central part of the development (**Drawing A-2a**).
- (b) Approval of the application can act as a positive catalyst to stimulate other landowners to take actions to review the redevelopment potential of the sites in the "OU(CDWRA)" zone, speeding up the upgrading process of the sites to phase out non-conforming brownfield activities on the degraded wetlands. The proposed development will set a good and implementable precedent case for other "OU(CDWRA)" sites in the Nam Sang Wai area. It is also considered in line with the Government's policy objectives and can contribute to the supply of private

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<sup>1</sup> There are a total of 15 submissions of FI received on 12.5.2023, 19.6.2023, 31.7.2023, 15.9.2023, 31.10.2023, 24.11.2023, 5.1.2024, 22.2.2024, 11.4.2024, 28.5.2024, 12.7.2024, 30.8.2024, 10.10.2024\*, 5.11.2024\*, 10.1.2025\* and 20.2.2025\*. The consolidated SPS in **Appendix Ia** supersedes all FIs (except the FI on 20.2.2025) and hence they are not attached to this paper. (\*exempted from publication requirement).

housing units with greater variety of housing type to meet the demand of the community.

- (c) The fundamental principle of the proposed WRA is to optimise the function of the on-site wetland to benefit the local wildlife in a self-contained manner. The EcoIA has demonstrated that with the implementation of the recommended mitigation measures, including creation and management of proposed WRA, the proposed development is in line with the requirements and criteria set out in the Town Planning Board Guidelines No. 12C for ‘Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 12C) in that potential ecological impacts will be minimised to an acceptable level. No net increase of pollution load into the Deep Bay Area is anticipated. Technical assessments in support of the application also demonstrated that the proposed development will not cause unacceptable impacts in respect of traffic, drainage, sewerage, visual or ecological aspects.
- (d) To strike a balance between development and wetland conservation, the proposed development scheme has incorporated the latest comments and suggestions of AFCD upon the rejection of the previous application (No. A/YL-NSW/290) by the Committee. The applicant has made his best effort to maximise the area of the WRA taking into account the balance between residential development and the provision of WRA, as well as complying various building regulations and the space requirements of the ancillary facilities.

### **3. Compliance with the “Owner’s Consent/Notification” Requirements**

The applicant is not a “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by notifying the concerned land owners through publishing notices in local newspapers and posting notice on or near the Site. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Town Planning Board Guidelines**

The TPB PG-No. 12C are relevant to this application. The Site falls within WBA of the Deep Bay Area under the TPB PG-No. 12C. Relevant extract of the guidelines is attached at **Appendix II**.

### **5. Background**

5.1 The Site is currently not subject to any active enforcement action.

5.2 The Site was the subject of five previous planning enforcement cases (No. E/YL-NSW/282, 283, 284, 285 and E/YL-NSW/294) between 2022 and 2024 (**Plan A-1**). For No.E/YL-NSW/282, Enforcement Notice (EN) and Reinstatement Notice (RN) were issued respectively on 24.11.2022 and 5.12.2022 against filling of pond and filling of land. Compliance Notice (CN) for EN and CN for RN were

subsequently issued on 7.11.2023 and 8.11.2023 respectively. For No. E/YL-NSW/283, EN was issued on 13.1.2023 against storage use. CN for EN was issued on 14.6.2024 upon discontinuation of the unauthorised development (UD). Followed by issuance of RN on 25.6.2024, CN for RN was subsequently issued on 30.12.2024. For No. E/YL-NSW/284, EN and RN were issued respectively on 13.1.2023 and 18.9.2023 against filling of pond and filling of land. CN for EN and CN for RN were subsequently issued on 5.2.2024 and 6.2.2024 respectively. For No. E/YL-NSW/285, EN and RN were issued respectively on 13.1.2023 and 1.2.2023 against filling of pond and filling of land. CN for EN and CN for RN were subsequently issued on 5.2.2024 and 6.2.2024 respectively. For No. E/YL-NSW/294, EN was issued on 25.6.2024 against storage use. CN for EN was issued on 12.12.2024 upon discontinuation of the UD.

## 6. **Previous Application**

- 6.1 The Site is the subject of a previous application (No. A/YL-NSW/290) for the same proposed uses at the same site submitted by the same applicant. The application was rejected by the Committee on 20.5.2022 mainly on the considerations that the development is not in line with the TPB PG-No. 12C in that the “no-net-loss in wetland” principle was not complied with; the applicant failed to demonstrate that the loss of ecological function of the existing fish ponds can be adequately compensated by the proposed mitigation measures and WRA; and the technical assessments failed to demonstrate that there is no adverse sewerage and drainage impacts on the surrounding areas. Details of the previous application are at **Appendix III**.
- 6.2 Compared with the previous application (**Drawing A-6**), the current application has increased the area of the WRA (+22.3%); the development layout has been amended in which the WRA is planned in the northern and central portions of the Site to allow better linkage with the existing ponds and ecosystems to the immediate north of the Site, whereas the houses are at the western and southern portions to minimise potential disturbances to the WRA and the existing ponds (**Plan A-3**); reduction in maximum BH (from 18m to 14.5m) and total number of houses (from 108 to 84 houses); and introduction of more variation in the depth of water zones to facilitate the creation and utilization of the wetland habitat by water birds (**Drawing A-8**).

## 7. **Similar Applications**

- 7.1 There are four similar section 16 applications (No. A/YL-NSW/156, 167, 179 and 181) for residential developments within the same “OU(CDWRA)” zone which were all rejected by the Committee or the Board upon review between 2005 to 2022. There is also a section 12A application (No. Y/YL-NSW/7) for similar residential use with increased PR and BH which was agreed by the Committee on 10.11.2023. Details of the applications are at **Appendix III** and their locations are shown on **Plan A-1**.

### *Section 16 applications*

- 7.2 Application No. A/YL-NSW/156 for comprehensive residential development



including wetland restoration and management proposal and minor relaxation of the BH restriction to six storeys above one-storey carport with a PR of 0.4 and 212 flats was rejected by the Committee in 2005 due to non-compliance with the then TPB PG-No. 12B in that there was insufficient information to demonstrate no negative off-site disturbance impact on the fish ponds and wetland within the Wetland Conservation Area (WCA); insufficient information on the maintenance and management plan; insufficient information to demonstrate no adverse impacts on the surrounding areas; and insufficient justification on the desirability of the development layout in optimising the scope for wetland restoration as part of the proposed comprehensive development.

- 7.3 Application No. A/YL-NSW/167 and 179 (covering the same site) as well as 181 for proposed house/low-rise residential development were rejected by the Committee/Board upon review between 2006 and 2008 mainly on considerations that the proposed development was not in line with the planning intention of the “OU(CDWRA)” zone; there was insufficient information to demonstrate no adverse impacts on the surrounding areas; and/or approving the application would set an undesirable precedent for similar applications that would result in a general degradation of the environment of the area and the ecological function of the WBA.

*Section 12A applications of similar nature*

- 7.4 Application No. Y/YL-NSW/7 to rezone a site at Wing Kei Tsuen from “OU(CDWRA)” to “OU(CDWRA)1” for a proposed comprehensive residential development with Government, Institution and Community (GIC), retail block, and a WRA was agreed by the Committee on 10.11.2023. The proposed development is subject to a maximum PR of about 1.55 and a maximum BH of 15 storeys (or about 54mPD) excluding basement carpark. The application was agreed by the Committee mainly on the considerations that the proposed development was in line with the planning intention of “OU(CDWRA)” zone; the proposed development was considered not incompatible with the planned/approved developments in the surrounding areas; the proposed development was considered in-line with the TPB PG-No. 12C in that the requirements of “no-net-loss in wetland” principle could be met; and there was no adverse comment from the concerned government departments on technical aspects. The rezoning proposal has been incorporated in the current OZP.
- 7.5 Application No. Y/YL-NSW/8 submitted by a different applicant to rezone a site to the west of Castle Peak Road-Tam Mi from “OU(CDWRA)” to “OU(CDWRA)1” for a proposed comprehensive residential development with GIC and retail facilities, as well as WRA with increased PR and BH will be considered at the same meeting (**Plan A-1**).

**8. The Site and Its Surrounding Areas (Plans A-1 to A-4c)**

**8.1 The Site:**

- (a) is accessible from Kam Pok Road East and Kam Pok Road connecting to Castle Peak Road –Tam Mi via two proposed access points;

- (b) is mainly occupied by ponds with strips of land serving as pond bunds and a minor portion of the Site is formed and vacant; and
  - (c) largely falls within the WBA (about 70%) of the Deep Bay area.
- 8.2 The surrounding areas are predominantly low-rise residential dwellings/developments, ponds, and brownfield uses:
- (a) to the immediate north of the Site are ponds and to its further north are low-rise residential developments (i.e. Royal Camellia within the same “OU(CDWRA)” zone and Greenery Garden in the “Commercial/Residential” zone on the Mai Po OZP);
  - (b) to its immediate east are ponds, vacant land and residential dwellings under construction within the “Village Type Development” zone;
  - (c) to its south and southeast across Kam Pok Road East are open storage yards and ponds within the same “OU(CDWRA)” zone; and
  - (d) to its immediate west across a local road are open storage yards and car servicing centre within the same “OU(CDWRA)” zone as well as the residential dwellings in Man Yuen Chuen within the “Residential (Group D)” zone.

## **9. Planning Intention**

- 9.1 The “OU(CDWRA)” zone is intended to provide incentive for the restoration of degraded wetlands adjoining existing fish ponds through comprehensive residential and/or recreational development to include wetland restoration area. It is also intended to phase out existing sporadic open storage and port back-up uses on degraded wetlands. Any new building should be located farthest away from Deep Bay.
- 9.2 According to the Explanatory Statement of the OZP, development or redevelopment schemes on the degraded wetlands directly adjoining areas of the existing continuous and contiguous fish ponds should include wetland restoration and buffer proposals to separate the development from and minimize its impact on the fish pond areas.
- 9.3 To ensure that development or redevelopment which requires planning permission would be developed in a comprehensive manner, an applicant should submit to the Board a development or redevelopment proposal in the form of a comprehensive development scheme to include a layout plan with supporting documents, including an environmental impact study report which should include, inter alia, an EcoIA and a VIA; and traffic impact, drainage and sewerage impacts study reports as well as information on programming, phasing and implementation schedule of the development. The applicant should also submit a wetland restoration and/or creation scheme, including its detailed design, wetland buffer proposals to mitigate the potential impact on the nearby existing wetland, a maintenance and management plan with implementation details, arrangement of funding and monitoring programme to ensure the long-term management of the restored wetland. The EcoIA

should demonstrate that any negative ecological impacts on the area can be fully mitigated through positive measures. The submission should demonstrate that the development or redevelopment would not cause a net increase of pollution load into Deep Bay.

## **10. Comments from Relevant Government Departments**

10.1 The following Government departments have been consulted and their major views are summarized as follows:

### **Land Administration**

10.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) The Site affects a number of private lots in D.D. 104. The ownership particulars of the lots would have to be verified during the land application stage. Upon checking of land search records, all private lots in the Site are old scheduled agricultural lots not under single ownership. The application should demonstrate how to implement the planning scheme as a whole if the subject application is approved.
- (b) As quoted by the applicant, the Site has an area of about 51,073m<sup>2</sup> which should be subject to further verification and survey. In case of any discrepancy in site areas found, the respective proposed development parameters will have to be revised accordingly.
- (c) Should the Board decide to approve the application, the applicant has to apply for a land exchange to implement the planning scheme. However, there is no guarantee at this stage that the land exchange application would be approved. Such application, if submitted, will be dealt with by LandsD acting in the capacity of the landlord at our discretion, and if it is approved, the approval would be subject to such terms and conditions including amongst others, the payment of premium and administrative fee as may be imposed by LandsD.
- (d) It is noted that the proposed development attempts to incorporate the WRA into a residential development. Such proposal links the residential portion and the WRA portion together within the Site. To ensure implementation of the scheme as a whole in particular the WRA portion, careful consideration should be made on how to ensure that owners of the WRA portion would comply with the planning conditions including the future maintenance and operation of the WRA.
- (e) Other detailed comments and advisory comments are at **Appendix IV** and **Appendix V** respectively.

## **Traffic**

### 10.1.2 Comments of the Commissioner for Transport (C for T):

- (a) No adverse comment on the application from traffic engineering perspective.
- (b) Should the application be approved, the following conditions should be incorporated:
  - (i) the design and provision of vehicular access to the satisfaction of the C for T and the Director of Highways or of the Town Planning Board;
  - (ii) the design and provision of car parking and loading/unloading facilities for the proposed development to the satisfaction of the C for T or of the Town Planning Board; and
  - (iii) the design and implementation of road improvement works, as proposed by the applicant, to the satisfaction of the C for T and the Director of Highways or of the Town Planning Board.

### 10.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) HyD shall not be responsible for the maintenance of any access connecting the Site and Kam Pok Road East.
- (b) If the access arrangement is approved by Transport Department (TD), the applicant should ensure a run-in/out at Kam Pok Road East is constructed in accordance with the latest version of HyD Standard Drawings no. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement.
- (c) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.
- (d) If any proposed road improvements in the TIA are considered necessary and agreed by TD due to the subject development, the relevant works shall be implemented by the Applicant to the satisfaction of TD and HyD at the applicant's own cost. The management and maintenance schedule of the proposed road works should be submitted for review.
- (e) Advisory comments are at **Appendix V**.

## **Nature Conservation**

### 10.1.4 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) No objection to the application from nature conservation point of view.
- (b) The Site partly falls within the WBA but is outside the WCA. Based on the EcoIA conducted, although the proposed development would cause a direct loss of 2.43 ha of abandoned ponds, they are of low-to-medium ecological value only. 2.47 ha of abandoned ponds located at the northeast part of the Site will be enhanced as a WRA to compensate for the wetland loss and meet the “no-net-loss in wetland” principle under the TPB PG-No. 12C. The proposed WRA would provide a variety of microhabitats (e.g. shallow water zone, deep water zone, reedbed) and be managed to provide optimal habitats for wetland-associated fauna. A WRP has been submitted to provide information on the WRA design, wetland buffer proposals to mitigate the potential impact on the nearby existing wetland, a maintenance and management plan, arrangement of funding and monitoring programme to ensure the long-term management of the restored wetland. Other mitigation measures such as phasing of construction programme and good site practices have also been proposed to mitigate any adverse impacts during the construction and operation of the proposed development.
- (c) To further minimise the potential habitat fragmentation impact, the applicant is advised to further increase the ecological connectivity between the proposed WRA and the adjacent abandoned ponds outside the Site.
- (d) Should the application be approved, it is suggested to impose the following approval condition(s):
  - (i) the submission of a revised EcoIA and the implementation of the mitigation measures identified therein to the satisfaction of the DAFC or of the Board; and
  - (ii) the submission and implementation of the WRP to the satisfaction of the DAFC or of the Board.

### **Environment**

#### **10.1.5 Comments of the Director of Environmental Protection (DEP):**

- (a) No objection to the application from environmental planning perspective.
- (b) Should the application be approved, the following approval conditions shall be imposed to cater for potential change(s) in the design of the proposed development at a later stage:
  - (i) the submission of an updated NIA and the implementation of noise mitigation measures identified therein to the satisfaction of

the Director of Environmental Protection or of the TPB; and

- (ii) the submission of an updated SIA and the implementation of the measures identified therein to the satisfaction of the Director of Environmental Protection and the Director of Drainage Services or of the TPB.
- (c) The applicant is advised that the proposed development would constitute a Designated Project under Item P.1 in Part I, Schedule 2 of the Environmental Impact Assessment Ordinance (EIAO) (“A residential or recreational development, other than New Territories exempted houses within Deep Bay Buffer Zone 1 or 2”) and an Environmental Permit shall be obtained for the construction and operation of the proposed development. The applicant is reminded to follow the relevant statutory process under EIAO.
- (d) Advisory comments are at **Appendix V**.

#### **Urban Design, Visual and Landscape Aspects**

##### 10.1.6 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

###### *Urban Design and Visual*

- (a) No adverse comment from urban design and visual perspectives.
- (b) The Site is almost entirely covered with ponds and located within an area rural in character, predominantly occupied by village settlements and low-rise residential developments of one to three storeys, ponds and open storage yards. The proposed development of houses with a PR of 0.4 and a BH of two to four storeys (above ground) and some above one storey of basement carpark do not exceed the development restrictions stipulated on the OZP (i.e., a maximum PR of 0.4 and a maximum BH of six storeys including carpark). According to the submitted VIA, the visual impact due to the proposed development at four out of seven selected viewpoints are negligible to slightly adverse, while at other three are moderately adverse. It is also noted that a WRA of about 2.47ha at the Site is proposed to enhance the visual quality and compatibility with the surroundings.

###### *Landscape*

- (c) No objection from landscape planning perspective.
- (d) According to the aerial photo, the Site is located in a miscellaneous rural fringe landscape character comprising ponds, nullah, car parks, open storages, temporary structures, scattered tree groups and low-rise residential buildings within the “Residential (Group C)” and “Residential (Group D)” zones in the northwest. According to the Consolidated SPS, 84 houses with BH not more than 14.5m are

proposed. The proposed development is not incompatible with the surrounding landscape character albeit it would bring noticeable change to the landscape character and quality of the “OU(CDWRA)” zone.

- (e) According to the TPLP, 62 trees of common species are identified within the Site and proposed to be felled to facilitate the proposed development. 251 trees for compensation purpose will be planted within the Site. The open space provision, including recreational facilities such as children’s play area, fitness equipment for the adult, exercise track, open lawn and Tai Chi Garden, is approximately 561.6m<sup>2</sup> for the estimated 270 future residents
- (f) Filling of pond of 24,453m<sup>2</sup>, filling of land of 11,553m<sup>2</sup> and excavation of land of 10,400m<sup>2</sup> are proposed and it is noted that there will be a WRA of about 24,702m<sup>2</sup> within the Site.
- (g) Should the application be approved, the following approval condition is recommended:

The submission and implementation of Landscape Master Plan to the satisfaction of the Director of Planning or of the Board.

### **Drainage**

#### 10.1.7 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) No objection in principle to the application from public drainage point of view.
- (b) Should the application be approved, conditions should be stipulated requiring the applicant to submit a revised DIA and SIA; and to implement and maintain the drainage and sewerage system according to the revised DIA and SIA for the development to the satisfaction of the Director of Drainage Services or of the Board.
- (c) Advisory comments are at **Appendix V**.

### **Building Matters**

#### 10.1.8 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) There is no record of approval by the Building Authority for the existing structures at the Site.
- (b) Detailed checking under the Buildings Ordinance will be carried out at the building plan submission stage.
- (c) Advisory comments are at **Appendix V**.

### **Fire Safety**

#### 10.1.9 Comments of the Director of Fire Services (D of FS):

- (a) No objection in principle to the application subject to water supplies for firefighting and fire service installations being provided to the satisfaction of D of FS.
- (b) Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.
- (c) The emergency vehicle access (EVA) provision in the Site shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under 41D of the Building (Planning) Regulations administered by BD.
- (d) Advisory comments are at **Appendix V**.

### **Electricity Safety**

#### 10.1.10 Comments of the Director of Electrical and Mechanical Services (DEMS):

- (a) There are 400kV extra high voltage overhead lines running above the Site, which is within the preferred working corridor of the concerned overhead lines as stipulated in the Hong Kong Planning Standards and Guidelines published by PlanD.
- (b) Advisory comments are at **Appendix V**.

### **Local Consultation**

#### 10.1.11 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD);

- (a) No adverse comment on the application.
- (b) An objecting comment from an individual was received. The individual objects to the application as the proposed development would intensify traffic congestion problem in the nearby road network and induce inconvenience and sewerage impact to the nearby area.

#### 10.2 The following Government departments have no objection to/no adverse comment on the application and their advisory comments, if any, are in **Appendix V**:

- (a) Commissioner of Police (C of P);
- (b) Chief Engineer/Railway Development 1-1, Railway Development Office, Highways Department (CE/RD1-1, RDO, HyD);
- (c) Project Manager (West), Civil Engineering and Development Department (CEDD);
- (d) Head of the Geotechnical Engineering Office, CEDD (H(GEO), CEDD);



- (e) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD); and
- (f) Chief Architect/Advisory and Statutory Compliance Division, Architectural Services Department (CA/ASC, ArchSD).

## **11. Public Comments Received During the Statutory Publication Periods**

- 11.1 On 4.4.2023, the application was published for public inspection, and the subsequent FIs submitted by the applicant were published 12 times for public inspection. During the statutory public inspection periods, a total of 75 public comments on the application were received, including seven supporting and 50 objecting to the application, and 17 providing views/concerns and one indicating no comment on the application. Full set of public comments are enclosed at **Appendices VIa to VIId**. Their major views are summarized as follows:

### **Supporting (Appendix VIa)**

- 11.2 The seven supporting comments were submitted by individuals mainly expressing that the proposed development can help boosting housing supply; the proposed development is in line with the planning intention and the Government's Northern Metropolis initiative and approval of the application can act as a catalyst speeding up developments in the area; and the proposed development can enhance the abandoned fish ponds at the Site and create synergy with the surrounding wetland habitats.

### **Objecting (Appendix VIb)**

- 11.3 The 50 objecting comments were received from (i) a member of Yuen Long District Council; (ii) San Tin Rural Committee; (iii) Pok Wai Village Representatives' Office; (iv) Fairview Park Property Management Ltd.; (v) 3 green groups (viz. The Conservancy Association, Hong Kong Bird Watching Society and Green Sense); and (vi) individuals. Their major views are:

#### *Adverse Ecological Impacts*

- (a) the proposed development is not in line with the TPB PG-No. 12C and the planning intention of the "OU(CDWRA)" zone. The Site is utilised by wetland-dependent birds and is connected with the wetland ecosystem in Deep Bay. The large-scale residential development will result in irreversible loss of wetland and disturbance impact (e.g. human activities, light glare, noise) to the nearby wetland habitat. It fails to comply with the "no-net-loss in wetland" principle;
- (b) although a WRA is proposed at the Site, its layout of being surrounded by the proposed houses will increase the bird-window collision risks as well as lead to habitat fragmentation that reduces the ecological carrying capacity, not to mention enhancement of ecological function of the area. It is also unclear how the WRA could be operated in a sustainable manner without details on the long-term management and funding arrangement; and

- (c) approving the application would set an undesirable precedent for similar applications for large-scale development in the area. In addition, as landscape changes including vegetation clearance and pond filling were seen at the Site, approval of the application would encourage 'destroy first and built later' approach for future developments in the "OU(CDWRA)" zone and the WBA.

*Other Concerns*

- (d) the Site is located at an low-lying area and the existing ponds within the Site are serving water retention function. The proposed development with pond filling could induce flood risks in the area;
- (e) the proposed development would intensify traffic congestion problem in the nearby road network, particularly Kam Pok Road East and Castle Peak Road;
- (f) the proposed development would cause adverse visual impact as the BH of the proposed development of up to 18m is generally higher than that of the surrounding existing developments; and
- (g) some area within the Site is involved in legal proceeding on land ownership that the application for proposed development shall not be approved.

Providing views/concerns (Appendix VIc)

11.4 17 comments expressing views/concerns were received from (i) a member of Yuen Long District Council; (ii) Kadoorie Farm & Botanic Garden Corporation; (iii) the Hong Kong and China Gas Company Limited; and (iv) individuals . Their views can be summarised as follows:

- (a) in order to manage development in the wetland in a sustainable manner, a wetland compensatory conservation scheme should be provided. Appropriate sewerage treatment facilities or sewers shall be provided to avoid additional pollution to Deep Bay area;
- (b) the Board should consider the similarity between the current application and the previously rejected application (No. A/YL-NSW/290) and whether the proposed development is in line with the TPB PG-No. 12C. The reasons to reject the previous application are still applicable to the current application;
- (c) there are enforcement cases covering the Site, and it may not be appropriate to approve the application;
- (d) the proposed development may induce additional traffic flow and congestion; and
- (e) as the Site is in close vicinity to the Fairview Park Offtake Station, the applicant is advised to conduct Quantitative Risk Assessment (QRA) and to coordinate with the Hong Kong and China Gas Company during design and construction stage.

No comment on the application (Appendix VI d)

- 11.5 The remaining comment from the Chairman of Yuen Long Town Centre & Rural East Area Committee indicates no comment on the application.

**12. Planning Considerations and Assessment**

- 12.1 The application is for a proposed residential development with wetland habitat and associated filling of ponds/land and excavation of land at the Site zoned “OU(CDWRA)” (**Plan 1**). The proposed development comprises a residential portion of about 2.64ha (about 51.6% of the Site) for 84 houses with a maximum PR of 0.4 and BH of three to five storeys (including one-storey carport/basement carpark) and a WRA of about 2.47ha (about 48.4% of the Site).

Planning Intention

- 12.2 The “OU(CDWRA)” zone is intended to provide incentive for the restoration of degraded wetlands adjoining existing fish ponds through comprehensive residential and/or recreational development to include wetland restoration area. It is also intended to phase out existing sporadic open storage and port back-up uses on degraded wetlands. The Site is currently occupied by abandoned ponds (about 4.9ha or 96% of the Site) and vacant formed land (about 0.2ha or 4%) of the Site). The proposed development is considered generally in line with the planning intention of the “OU(CDWRA)” zone through comprehensive residential development with recreation of wetland, encouraging phasing out of sporadic brownfield operations on degraded wetland in the area. According to the EcoIA and WRP submitted by the applicant, while there is loss of existing abandoned ponds, which are of low-to-medium ecological value, in terms of area, the applicant has endeavoured to maximise the area reserved for the WRA with long-term management and monitoring arrangement. Together with implementation of the proposed layout design, ecological enhancement measures and environmental mitigation measures as mentioned in paragraphs 1.5 and 1.6 above, the ecological and wetland functions served by the existing abandoned ponds could be restored and enhanced. DAFC has no objection to the application and considers that the proposed WRA will provide a variety of microhabitats (e.g. shallow water zone, deep water zone, reedbed) and be managed to provide optimal habitats for wetland-associated fauna, and the principle of “no-net-loss in wetland” in terms of ecological function could be achieved (**Drawings A-1, A-2 and A-8**). The EcoIA demonstrated that the ecological impacts of the proposed development can be minimised to an acceptable level with the ecological function of the wetland be compensated or even enhanced, and there will be no net increase of pollution load into Deep Bay area. In this regard, DEP also has no objection to the application. On the other hand, as the applicant suggested, the proposed development could also act as a positive catalyst to arouse other private initiatives to speed up the phasing out of brownfield operations and upgrading of the environment while suitably unleashing development potential of the area.

Land Use Compatibility

- 12.3 The proposed development with a maximum PR of 0.4 and BH up to 5 storeys

conforms to the development restrictions of the “OU(CDWRA)” zone, and is considered not incompatible with the rural setting of the surrounding areas which are predominantly ponds, open storage yards and low-rise and low-density residential developments (Plans **A-2 and A-3**).

Ecological Impacts and the WRA

- 12.4 The Site is mainly covered by existing abandoned ponds (**Drawing A-9 and Plans A-2 to A-4c**). The Site is located at the fringe of the WBA (**Plan A-1**) which is intended to protect the ecological integrity of the fish ponds and wetland within the WCA and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds.
- 12.5 The proposed WRA with an area of 2.47ha comprising various water zones, reedbed, island, wood log and submerged plants (**Drawing A-8**) aims to create wetland habitat and suitable landscape buffers and fence walls to minimize human disturbance. As mentioned in paragraph 12.2 above, although the proposed development will result in a permanent loss of wetland area of about 2.43ha, the EcoIA has demonstrated that the provision of WRA with long-term management and monitoring arrangement can compensate for the loss of ecological function, and hence the “no-net-loss in wetland” in terms of wetland or ecological functions could be achieved. DAFC has no objection to the application from nature conservation perspective and has no adverse comment on the EcoIA and the WRP. In this regard, the proposed development is considered generally in line with the principle of “no-net-loss in wetland” as specified in the TPB PG-No.12C.
- 12.6 On funding the long-term operation of the WRA, the applicant proposes to set up an independent fund and the WRA will be funded, maintained and managed by the applicant without transferring the liabilities to future individual owners of the residential portion. A detailed long-term management and maintenance plan will be formulated by the applicant upon obtaining the planning approval and details including its funding arrangement will be ironed-out under the EIAO as Environmental Permit (EP) is required for the proposed development. LandsD also advises that the applicant is required to apply for land exchange/lease modification application to implement the planning scheme and the management and maintenance of the WRA. Such application, if approved, will be subject to terms and conditions, including amongst others, the funding arrangement, the operation and management and maintenance of the WRA to the satisfaction of relevant departments including AFCD, EPD and LandsD.

Urban Design, Visual and Landscape Aspects

- 12.7 The VIA submitted by the applicant has demonstrated that the proposed development, which comprises 84 houses of 3 to 5 storeys tall (including one-storey carport/basement carpark), a WRA with buffer planting along the periphery of the Site as well as landscape treatment on the proposed noise barriers (**Drawings A-2b to A-2c**), will generally blend in well with the surrounding areas and the visual impact is considered acceptable. The CTP/UD&L, PlanD has no adverse comment on the application from urban design and visual perspectives.
- 12.8 According to the TPLP, different forms of landscape buffers/fence walls will be

provided along the site boundary and between the houses and the WRA at the central part of the Site (**Drawings A-2a to A-2c**). Although all 62 trees within the Site are proposed to be felled, 251 new heavy standard trees are proposed to be planted within the Site with a tree compensation ratio of 1:4.05. It is anticipated that landscape impacts resulting from the proposed development can be mitigated. The CTP/UD&L, PlanD has no objection to the application from landscape planning point of view.

*Drainage, Sewerage and Environmental Aspects*

- 12.9 On drainage and sewerage aspects, with the implementation of the proposed upgrading works for the sewerage and drainage systems, including a SPS within the Site as mentioned in paragraph 1.10 above, no adverse drainage and sewerage impacts are anticipated from the proposed development as demonstrated in the submitted DIA and SIA. On environmental aspect, the EA submitted by the applicant also demonstrated that with the implementation of various mitigation measures as mentioned in paragraph 1.9 above, including sensitive building design and noise barriers, no unacceptable noise, air quality and odour impacts on the proposed development are anticipated. It is anticipated that the proposed development will not cause net increase in pollution in Deep Bay. In light of the above, DEP and CE/MN of DSD has no objection to the application from environmental planning, sewerage and drainage perspectives. The applicant is also advised to obtain an EP for the construction and operation of the proposed development following the relevant statutory process under EIAO.

*Traffic Aspect*

- 12.10 The applicant has proposed a new access road of 7.3m-wide (a two-lane single carriageway with 2m-wide footpath) and modification to junction of Kam Pok Road/Kam Pok Road East at the southwestern corner of the Site are proposed (**Drawing A-10**). According to the submitted TIA, with the implementation of the proposed improvement works as mentioned in paragraph 1.8 above, all critical junctions and road links will operate within capacity even with the proposed development in place and the traffic impact caused by the proposed development is considered insignificant. C for T and CHE/NTW of HyD have no objection to the application from traffic and highway perspectives.

*Other Technical Considerations*

- 12.11 Other relevant government departments including DLO/YL of LandsD, D of FS, CE/C of WSD, H(GEO) of CEDD, DEMS have no objection to or adverse comment on the application from land administration, fire safety, water supply, geotechnical and electricity and town gas safety aspects.

*Previous and Similar Applications*

- 12.12 The Site is the subject of a rejected previous application No. A/YL-NSW/290 covering the same site for the same proposed uses submitted by the same applicant. Compared with the previous application, the applicant has endeavoured in the current application to increase the area of the WRA (+22.3%) with enhanced design, and amend the development layout with reduction and re-disposition of

houses to allow better linkage between the WRA and the adjacent ponds to its immediate north and to minimise the potential disturbance from the residential portion to the WRA (**Drawing A-6**). As demonstrated by the submitted EcoIA, the loss of ecological function of the existing fish ponds can be adequately compensated by the proposed mitigation measures and the provision of the WRA under the current scheme, and the proposed development is considered generally in line with the principle of “no-net-loss in wetland” under TPB PG-No.12C. Other relevant technical assessments submitted also demonstrated no adverse sewerage and drainage impacts will be induced by the proposed development. All relevant government departments consulted have no objection to or no adverse comments on the application.

- 12.13 There are four similar rejected applications for house/low-rise residential development within “OU(CDWRA)” zones on the OZP as mentioned in paragraph 7 above. The consideration of the current application is different from these rejected applications in that the current application has provided sufficient information to justify the proposed development in different aspects as mentioned in the planning assessments above. Approving the current application is considered not in conflict with the Committee’s previous decision.

#### Public Comments

- 12.14 During the statutory publication periods of the application, a total of 75 public comments were received, including 7 supporting comments, 50 objecting comments and 18 comments providing views/concerns/no comment as detailed in paragraph 11 above. An objecting comment was conveyed by the DO/YL of HAD as detailed in paragraph 10.1.11 above. The Site is not subject to any active enforcement action under the Town Planning Ordinance and land administration/ownership issue should not be dealt under the statutory planning regime. The applicant also agreed to liaise with the the Hong Kong and China Gas Company during detailed design stage on the necessity in conducting a QRA associated with Fairview Park Offtake Station. The departmental comments and planning assessments above are also relevant.

### **13. Planning Department’s Views**

- 13.1 Based on the assessment made in paragraph 12 above, and taking into account the public comments mentioned in paragraph 11 and public comment conveyed by the DO/YL of HAD mentioned in paragraph 10.1.11, PlanD has no objection to the application.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 28.2.2029, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

#### Approval Conditions

- (a) the submission and implementation of a revised Master Layout Plan to

incorporate where appropriate the approval conditions (b) to (k) below, to the satisfaction of the Director of Planning or of the Town Planning Board;

- (b) the submission and implementation of a revised Landscape Master Plan to the satisfaction of the Director of Planning or of the Town Planning Board;
- (c) the design and provision of vehicular access to the satisfaction of the Commissioner for Transport and the Director of Highways or of the Town Planning Board;
- (d) the design and provision of car parking and loading/unloading facilities for the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (e) the design and implementation of road improvement works, as proposed by the applicant, to the satisfaction of the Commissioner for Transport and the Director of Highways or of the Town Planning Board;
- (f) the submission of a revised ecological impact assessment and the implementation of the mitigation measures identified therein to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the Town Planning Board;
- (g) the submission and implementation of a revised wetland restoration proposal to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the Town Planning Board;
- (h) the submission of a revised noise impact assessment and the implementation of the noise mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (i) the submission of a revised sewerage impact assessment and the implementation of the mitigation measures identified therein to the satisfaction of the Director of Environmental Protection and Director of Drainage Services or of the Town Planning Board;
- (j) the submission of a revised drainage impact assessment and the implementation of the mitigation measures identified therein to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (k) the submission of an implementation programme with phasing proposal of the proposed development (including the restored wetland area) to the satisfaction of the Director of Planning or of the Town Planning Board.

#### Advisory Clauses

The recommended advisory clauses are attached at **Appendix V**.

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' consideration:

the proposed development is not in line with the Town Planning Board Guidelines No. 12C for 'Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance' in that the "no-net-loss in wetland" principle is not complied with. The applicant fails to demonstrate that the loss of ecological function of the existing fish ponds can be adequately compensated by the proposed mitigation and wetland restoration area.

#### **14. Decision Sought**

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the date when the validity of the permission should expire.
- 14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

#### **15. Attachments**

<b>Appendix I</b>	Application Form received on 28.3.2023
<b>Appendix Ia</b>	Consolidated Supplementary Planning Statement
<b>Appendix Ib</b>	FI dated 20.2.2025
<b>Appendix II</b>	Extract of TPB PG-No. 12C
<b>Appendix III</b>	Previous and similar s.16 Applications
<b>Appendix IV</b>	Detailed Departmental Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Appendix VIa</b>	Public Comments (Supporting)
<b>Appendix VIb</b>	Public Comments (Objecting)
<b>Appendix VIc</b>	Public Comments (Providing Views)
<b>Appendix VI d</b>	Public Comment (No comment)
<b>Drawing A-1</b>	Master Layout Plan
<b>Drawings A-2a to A-2c</b>	Landscape Master Plan and landscape sections
<b>Drawings A-3 to A-4</b>	Section Plans
<b>Drawing A-5</b>	Basement Plan
<b>Drawing A-6</b>	Comparison between layout of No. A/YL-NSW/290 and current application
<b>Drawing A-7</b>	Phasing Plan and Location of WRA
<b>Drawing A-8</b>	Configuration Details of the WRA
<b>Drawing A-9</b>	Master Layout Plan with Habitats
<b>Drawing A-10</b>	Proposed Junction Improvement Works
<b>Drawing A-11</b>	Proposed Mitigation Measures for Noise Impact
<b>Drawing A-12</b>	Proposed Sewerage System
<b>Drawing A-13</b>	Proposed Drainage System
<b>Drawings A-14 to A-19</b>	Photomontages
<b>Drawing A-20</b>	Plan showing filling of pond/land and excavation of land



<b>Plan A-1</b>	Location Plan with Previous and Similar Applications
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to 4c</b>	Site Photos

**PLANNING DEPARTMENT**  
**FEBRUARY 2025**