

**Similar Applications in the Same “Village Type Development” Zone
on the Kam Tin North OZP**

Approved Applications

	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1	A/YL-KTN/22	Pond Filling for the Development of New Territories Exempted Houses	15.11.1996	(1), (2)
2	A/YL-KTN/299	Proposed Filling of Pond for Permitted Houses (New Territories Exempted House – Small House)	19.12.2008	(1), (3), (4), (5), (6)

Approval Conditions

- (1) Submission of Drainage Impact Assessment and provision of drainage facilities/ implementation of drainage proposal
- (2) Submission and implementation of landscaping proposal
- (3) No pond filling on site would be allowed until the flood relief mitigation measures had been implemented
- (4) Submission and implementation of tree preservation proposal
- (5) The implementation of ecological mitigation measures prior to pond filling
- (6) Revocation of the planning approval if any of the planning conditions is not complied

Rejected Application

	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Main Reason(s) for Rejection</u>
1	A/YL-KTN/116	Proposed pond filling for open space	14.7.2000	(1), (2), (3)

Rejection Reasons

- (1) The pond filling activity is considered excessive and would generate impacts on the general and ecological environment of the area
- (2) There is no strong justification in the submission to demonstrate that pond filling is necessary for the provision of open space at the application site
- (3) There is no information in the submission to demonstrate that the development would not generate adverse drainage impact on the surrounding areas

Advisory Clauses

- (a) prior planning permission should have been obtained before filling of pond at the Site;
- (b) note DLO/YL, LandsD's comments that the Site, i.e. Lot No. 32 RP in D.D. 109, is 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. His office does not guarantee any right-of-way to the Site;
- (c) note C for T's comments that the Site is connected to the public road network via a section of a local access road which is not managed by Transport Department (TD). The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) note CHE/NTW, HyD's comments that his department shall not be responsible for the maintenance for any access connecting connecting the Site and Chi Ho Road. Adequate drainage measures should be provided to prevent surface water running from the Site to nearby public roads and road drains;
- (e) note DEP's comments that (i) it is the obligation of the applicant to meet the statutory requirements under relevant pollution control ordinances (e.g. Noise Control Ordinance, Air Pollution Control Ordinance, Water Pollution Control Ordinance, Waste Disposal Ordinance, etc.); (ii) during construction, the applicant shall implement appropriate pollution control measures to minimize any nuisance to the residents and prevent polluting the watercourse adjacent to the Site. A full set of the "Recommended Pollution Control Clauses for Construction Contracts" is available at the EPD's website for reference; (iii) during operation, to provide adequate supporting infrastructure / facilities for proper collection, treatment and disposal of waste / wastewater generated from the proposed use. If septic tank and soakaway system will be used in case of unavailability of public sewer, its design and construction shall follow the requirements of EPD's Practice Note for Professional Person (ProPECC) PN 5/93 "Drainage Plans subject to Comment by the Environmental Protection Department" including percolation test;
- (f) note CBS/NTW, BD's comments that site formation works are building works under the control of the Buildings Ordinance (BO). Before carrying out the proposed filing works on the Site, prior approval and consent from the Building Authority (BA) should be obtained and an Authorized Person (AP) should be appointed as the co-ordinator for the proposed works in accordance with the BO. Notwithstanding the above, the Director of Lands may issue a certificate of exemption in respect of site formation works in the New Territories under the Buildings Ordinance (Application to the New Territories) Ordinance and the applicant may approach DLO/ YL or seek AP's advice for details;

- (g) Note D of FS's comments that in case of any erection of structure inside the Site in the future, the applicant is advised to submit relevant layout plans incorporated with the proposed fire services installations to his department for approval. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire services requirements will be formulated upon receipt of formal submission of general building plans; and
- (h) note DFEH's comments that for any waste generated from such activity/ operation, the applicant should arrange disposal properly at their own expenses. Such works and operation shall not cause any environmental nuisance, pest infestation and obstruction to the surroundings.