

**Proposed Filling and Excavation of Land
for the Permitted “Agricultural Use” in “Conservation Area”
at Various Lots in DD238 in Clear Water Bay
S16 Planning Application**

(Planning Application No: A/SK-CWBN/77)

Response-to-Comment Table




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Comments	Response
<p>Email dated 23 July 2024 refers:</p> <p><u>Comments from Urban Design and Landscape Unit, Planning Department:</u> (Contact Person: Ms Isabella TSUI Tel: 3565 3951)</p> <p>According to aerial photo of 2023, the Site is located in an area of residential urban fringe landscape character predominated by woodland and small houses. The proposed permitted agricultural use with excavation and filling of land is considered not incompatible with the surrounding landscape character.</p> <p>According to Supporting Planning Statement Executive Summary, <i>“The Farm has a site area of 6,175m², the subject excavation and filling of land only take up a very small portion (less than 3.5%) of the site.”</i> Also according to Para. 2.1.2 and the Layout Plan (Figure 2.3), <i>“The farm contains Hakka terraces...and it is currently active farmland with various crops and succulent species”</i>.</p> <p><u>Detailed Landscape Comments</u></p> <p>Noted paras. 3.5.1 & 3.5.2 of the Supporting Planning Statement, “The Landowner received an Enforcement Notice and Reinstatement Notice from the Planning Department on 23 February 2024 and 11 March 2024 respectively” and “The Landowner has started with the reinstatement works as a far as practicable. They have reduced the area covered by gravels and grasses the area concerned”. Noting Figure 2.2 that three scattered areas are involved in the application, the Applicant is required to provide a landscape proposal to illustrate the proposed development</p>	<p>Your comment that excavation and filling of land is considered not incompatible with the surrounding landscape character is noted.</p> <p>The current application tries to rationalize the filling and excavation of land at the Farm and no additional filling and excavation of land will occur. As such, no adverse impact would be induced in the future and the Farm shall remain as it is.</p> <p>The Applicant has tried to further improve the visual and landscape amenity of these items as follows:</p>

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<p>at three scattered sites and demonstrate with appropriate landscape mitigation treatments that no adverse impact on the existing trees and natural environment.</p> <p>In accordance with the TPB’s Guidance Note “Application for Permission under Section 16”, please provide the broad-brush survey plan on landscape resources with a broad assessment on landscape impact caused by the proposed development</p>	<p>Added ground vegetation and climbing plants to further enhance the amenity of the barrels of the Bamboo Shelter:</p>  <p>Lined the ponds with natural materials, such as stones and pebbles, plants and aquatic plants:</p>  

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<p><i>Advisory Remarks to Applicant</i></p> <p>The applicant is reminded that approval of the application under Town Planning Ordinance does not imply approval of tree works such as pruning, transplanting and felling. Applicant is reminded to approach relevant authority/ government department(s) direct to obtain necessary approval on tree works.</p>	<p>Noted, but as previously mentioned, no additional filling and excavation of land will occur, no adverse impact would be induced in the future and the Farm shall remain as it is.</p>
<p>Email dated 23 July 2024 refers:</p> <p><u>Comments from Sai Kung & Islands District Planning Office, Planning Department:</u> (Contact Person: Ms Sylvia Lam Tel: 2158 6165)</p> <p><i>Layout Plan of the Farm (Figure 2.3 of the Planning Statement)</i></p> <p>1. It is noted that the Farm is used for seasonal crop planting. Please provide an approximate range of the farming area / farming terrace (net of internal circulation space, footpath, and temporary structures) in terms of sq.m or percentage of the entire Farm</p> <p>2. Dimensions of the temporary structures are missing from the Layout Plan. Please revise.</p>	<p>The Farm has a total area of 6,175sqm, please see below the areas of different uses within the Farm:</p> <p>Temporary structures (for storage; Items B-F) – about 168sqm Areas for resting (Items A & G-I) – about 290sqm Ponds: about 190sqm Footpath/internal accesses: about 475sqm Areas for agricultural purpose: about 5,052sqm (i.e. about 82% of the Farm)</p> <p>Please refer to the updated Layout Plan attached.</p>

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<p><u><i>Applied Excavation and Filling of Land</i></u></p> <p>1. Previous site inspections reveal that the upper pond appears to have been filled. Please clarify the extent of the completed excavation/filling works under the subject application.</p>	<p>Please be confirmed that the total area of the upper pond (i.e. about 49sqm) has already included the concrete lining that has been identified as ‘filling of land’ by the Central Enforcement and Prosecution Section. The said concrete lining involves a thickness of about 50mm.</p>
<p>Email dated 29 July 2024 refers:</p> <p><u>Comments from Drainage Services Department:</u> (Contact Person: Mr Andy Kwun-wa WONG Tel: 2300 1294)</p> <p>The applicant shall provide detailed drainage proposal to demonstrate that sufficient drainage have been provided to intercept all surface run-off at the concerned location.</p>	<p>Please kindly refer to the revised Drainage Impact Assessment in <i>Appendix II</i>.</p>
<p>Email dated 2 August 2024 refers:</p> <p><u>Comments from District Lands Officer/Sai Kung, Lands Department:</u> (Contact Person: Mr Hing-yan WONG Tel: 2792 5187)</p> <p>No objection/ no adverse comment on the application.</p> <p>However, this office noted that a bamboo shelter has been erected on the Site without this office’s prior approval. The applicant should remove this structure and other unauthorised structures (if any) from the Site or the Farm. Otherwise, this office will consider taking appropriate</p>	<p>The no objection/ no adverse comment on the application is noted.</p> <p>The Applicant shall deal with this issue with LandsD separately upon approval of the subject planning application.</p>

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<p>enforcement action as necessary.</p> <p>Should planning approval be given to the subject planning application, the owner of the lots without Short Term Waiver (STW) will need to apply to this office for a STW to permit the structures to be erected or regularise any irregularities on Site, if any. Besides, given the proposed use is temporary in nature, only application for erection of temporary structures will be considered. Application for the above will be considered by the LandsD acting in the capacity as landlord 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 as may be imposed by LandsD including the payment of fees as considered appropriate.</p> <p>With reference to para. 8 of the applicant’s submission, the Site is served with a vehicular access branching off from Hang Hau Wing Lung Road. It is, however, noted that this vehicular access as claimed by the applicant is an unauthorised tract situated on unleased and unallocated Government land and thus, is not allowed for vehicular access purpose.</p> <p>Moreover, the grant of a right of way to the application site or approval of the EVA thereto is not guaranteed.</p>	<p>Noted, the Applicant shall apply to LandsD separately upon approval of the subject planning application.</p> <p>Please kindly note that the vehicular access is not one of the subject items under the current planning application, the Applicant shall deal with this issue with LandsD separately upon approval of the subject planning application.</p> <p>Noted.</p>

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<p>Email dated 2 August 2024 refers:</p> <p><u>Comments from the Director of Environmental Protection:</u> (Contact Person: Mr Henry LEUNG Tel: 2835 2512)</p> <p>a) no objection to the application from environmental planning perspective;</p> <p>b) it is noted that the Sites are located in an existing farm in the “CA” zone on the OZP and the application aims to regularise the works of excavation and filling of land for permitted agricultural use completed by the applicant. Based on the above information, in view of the nature and small scale of the works, adverse environmental impact from the works is not anticipated;</p> <p>c) there was no substantial environmental complaint associated with the Sites in the past three years based on Environmental Protection Department (EPD)’s record;</p> <p>d) it is noted that there are existing structures (e.g. solar panels, shelters, platforms) at the Farm that may involve building works. In view that these structures are suspected designated projects under the Environmental Impact Assessment Ordinance (EIAO) which require an environmental permit for their construction and operation, EPD will investigate whether the construction and/or operation of the said structures is in contravention of the EIAO.</p>	<p>The no objection to the application is noted.</p> <p>Noted.</p> <p>Noted.</p> <p>The Applicant shall further liaise with EPD separately upon approval of the subject planning application.</p>

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<p>Email dated 2 August 2024 refers:</p> <p><u>Comments from the Chief Building Surveyor/New Territories East 2 and Rail, Buildings Department:</u> (Contact Person: Mr Isaac CHAN Tel: 2626 1496)</p> <p>a) no in-principle objection to the application under the Buildings Ordinance (BO) subject to (b) to (f) below;</p> <p>b) all unauthorized building works/structures, if any, should be removed according to the provisions of the BO;</p> <p>c) all building works are subject to compliance with the BO;</p> <p>d) Authorised Person(s) must be appointed to coordinated all non-exempted building works on leased land, which are subject to compliance with the BO;</p> <p>e) the granting of the planning approval should not be construed as an acceptance of the unauthorized structures on site under the BO. Enforcement action may be taken to effect the removal of all unauthorized works in the future; and</p> <p>f) detailed comments will be given during plans submission stage.</p>	<p>The no in-principle objection to the application is noted.</p> <p>The Applicant shall deal with this issue with BD separately upon approval of the subject planning application.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted.</p>

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<p>Email dated 2 August 2024 refers:</p> <p><u>Comments from the Director of Agriculture, Fisheries and Conservation:</u> (Contact Person: Ms Joyce MAK Tel: 2150 6941)</p> <p>No particular comment on the proposed excavation and filling of land within the Sites from nature conservation perspective. His office has no formal record of active farmland/ farming activities at the Sites and has no comment from agricultural perspective.</p>	<p>Noted, the Applicant shall apply to AFCD separately upon approval of the subject planning application.</p>

Consolidated by: **KTA Planning Limited**

Date: **8 August 2024**

List of Appendices

Appendix I Revised Layout Plan

Appendix II Revised Drainage Impact Assessment