

敬啟者,

現本就所有政府的提問作出下列回應

Application No. Y/SK-TMT/7

Comments from Government Departments (as at 25.11.2022)

Comments from District Lands Office/ Sai Kung, Lands Department (Contact Officer: Mr. Raymond LAU; Tel: 2791 7014)

(i) the three lots in the application site are old schedule agricultural lots held under Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. It is not situated within any known village environ. No government land is involved. According to our record, the respective site areas of the affected private lots are set out as follows:

D.D. 256 Lot No. 36 Site Area

s.A 0.06 acre

s.B 0.06 acre

RP 0.31 acre

0.43 acre (1,740.14m<sup>2</sup>)

(ii) as stated in the planning statement, the application site is of about 1,996m<sup>2</sup>. This Office cannot verify the site area at the moment. The applicant should make sure that the site data quoted in the submission is correct. The applicant should make sure that the site data quoted in the submission is correct;

(iii) our Office record reveals that some unauthorized structures have been erected in the application site and lease enforcement action is being taken by our Special Duties Task Force. Warning letters were issued on 27.11.2020 and registered in the Land Registry requesting the registered lot owner to purge the said breach;

(iv) in view of the (iii), LandsD has reservation on the planning application since there are unauthorized building works and/or uses on the lots which are already subject to lease enforcement actions according case priority. The lot owner should rectify/regularize the lease breaches as demanded by LandsD;

(v) as a related issue, the planning statement remarks that the registered owner of the application site is “Key Fortune Development Limited” whilst the applicant claimed in the submission that he is now taking adverse possession of the site. The applicant is hereby reminded that the land title of the application site should be secured before placing his application to this Office to effect the proposal; and

(vi) subject to (iv) and (v) above and if the subject application is approved by the Town Planning Board, the lot owner shall apply to this Office for a land exchange to effect the proposal. However, there is no guarantee that such application will be approved by the Government. Such application, if eventually approved, will be subject to such terms and conditions including payment of premium and an administrative fee as the Government considers appropriate at its discretion.

申請人回應:-

- (i) 我是以一份由“梁守晇註冊土地測量師 Leung Shou Chun Land Surveying Consultants Ltd 於 2008 年為我作實地測度及制圖的, 而給予我的是一份 Autocad 格式的 Digital Format 在圖中,更以紅線及 AA 点到 Z 点, 需知目前政府各有關測量及圖則等, 大家都一至使用相同的 Autocad 來呈交及制度, 而我也以相同的電腦呈式來運自, 也多次來運算後, 原來是 1998.62 平方米,但我也自我減小為 1776 平方米來計算, 而業界也接受 5% 的誤差, 當然我也只少了些許來以 1776 計算, 本是合理的,日後批准換地時,會要求土地測量師給予更精準的面積, 而地政處因以 acre 來算, 故是有很大的差距.
- (ii) 因面積在我看來是正確的, 我也為此把原來的 AutoCad Digital Format 提供給地政處或相關部門來參考.
- (iii) 有關該申請地有僭建物一事, 我已與地政處專責執行組協商, 已把 80% 的僭建物拆卸, 預計三十天左右就可以把一切全拆卸.
- (iv) 目前該土地的登記業主是 Key Fortune Development Limited 但因申請人已佔用該土地超過 12 年, 為此申請人也與業主協商好, 會給予一個他滿意的賠償額, 故在多方面的申請中, 業主也願意給予支持及以授權書等來給予證明, 日後在換地時, 我會正式向法庭申請逆權侵佔後把身份更清晰來確認.
- (v) 這個在上已有回應.

Comments from Transport Department (Contact Officer: Mr. Thomas WANG; Tel: 2399 2224)

(i) it is noted that the current access to the application site is a substandard village track. The application is required to submit the design of the proposed access road

leading to the site and its junction to Yan Yee Road for our further review;

(ii) the proposed parking provision, in particular the motorcycle parking spaces, substantially exceeded the relevant requirements as stipulated in HKPSG. Please review;

(iii) loading/unloading facilities area not proposed in this application. Please review; and

(iv) the applicant is required to submit a layout plan to clearly indicate the location of the proposed parking spaces, loading/unloading facilities, and access arrangement to them accordingly;

申請人回應:-

- (i) 申請人提交的詳細報告書中, 已有連接車路通往大埗仔村的車路, 而該車路也有八米寬, 足夠大型五噸長貨車進出, 故對該小型發展所及涉及車輛申請, 實微不足道.
- (ii) 由於本人愛開電單車, 故我和一眾愛好的人, 也發覺他們一般也會有多超過一台或以上的電單車, 故在設計時, 也把這個考慮, 加上目前的電動車已在多個車輛領域出現, 加上目前不少公司都出產及推出不少精良的電動電單車, 預計日後如居住者如愛開電單車時, 會有一燃油及一台電動的電單車, 因此我在設計時也因而以兩台電單車來設計.
- (iii) 該申請屬於私人小到屋苑, 分為上下兩級, 上級為地平線 17.84m 和第二級諮計是 16.04 而上級的 17.84 是主要各車輛駛進每座物業的開放式實房, 而餘下還有約減去七座佔地後, 尚有約 618 平方米的公共空地, 足夠給予任何的土台及搬運上落車輛停泊.
- (iv) 在申請書內已有 3D 圖來供參考.

Comments from Water Supplies Department (Contact Officer: Mr. Simon WONG; Tel: 2152 5756)

The application site is located within lower indirect water gathering grounds where proposed residential use is not permitted. He objects to the application.

水務署也知道本申請並不是直接的集水區, 更是下水的一個點, 加上申請是以中央生化污水系統, 故並不會對集水區內有任何影響, 否則, 當初水務局就更把該申請土地也列為集水區, 因此, 在制定集水區圖則及界線上, 也沒有把該申請土地劃入集水區, 顯然該申請根本對水質及各方面不會構成任何影響.

Comments from Highways Department (Contact Officer: Mr. M. L. LEUNG; Tel: 2762 4941)

No comment on the application subject to the following conditions:

(i) the applicant shall be responsible for construction of a proper vehicular run-in/out arising from the captioned development. The design and details of the vehicular run-in/out shall seek agreement from Transport Department; and

(ii) the applicant shall be responsible for maintenance of the proposed vehicular run-in/out and driveway connected between the captioned development and Yan Yee Road.

申請回應:-

(i) 倘申請批准, 會和地政處在換地時, 作出更寬大的車輛道路的要求後, 會以一份更優質的車輛設計圖呈交運輸署來給予指示.

(ii) 當然該日後的車路自必然成為一條私家路, 一切的維修及管理都絕對由申請人負全責的.

Comments from Urban Design and Landscape Section, Planning Department

Landscape (Contact Officer: Mr. Leo LAM; Tel: 35653956)

(i) based on the aerial photo of 2022, the application site is situated in an area of settled valleys landscape character predominated by woodlands and segmented village houses at the “V” zones in the vicinity. Given the Site is surrounded by dense vegetation and woodland, the proposed rezoning is considered not entirely compatible with the landscape character of the adjacent environment;

(ii) with reference to the site photo record dated 11.11.2022 and the submitted information by the applicant, noting majority of the applicant site area is hard-paved and it is currently occupied by several temporary structures and existing vegetation. Ornamental trees are observed within the Site and most of the existing landscape resources observed within the Site are planted and maintained by the applicant;

(iii) the landscape information provided is considered insufficient to facilitate the subsequent rezoning exercise, the applicant is reminded to provide the following

information on landscape impact assessment and proposed landscape treatments:

- a. a broad assessment of landscape impact cause by the proposed development on the surrounding area, as well as a broad brush survey with photos, species and description on the general conditions and proposed treatments for existing trees / vegetation within the Site;
- b. proposed landscape treatments / mitigation measures including a planting proposal with the indicative locations, estimated number of trees to be preserved / planted; and
- c. a conceptual landscape plan to illustrate the overall landscape design with sufficient greening to be allowed for the proposed development.

申請人回應:-

- (i) 正如上述的關注,事實上,除了該申請土地內的 1776 平方米是私人土地,也即是在 1898 年的集體官批內的農地,因此在內的土地,早年是耕作用途,也因此除了業主種了些個人喜愛的樹木外,根本沒有任何受保護的重要保育樹木,,反正申請人也會因應設計來把分布在各不同位置的私人栽種樹木以天欄等大機來搬遷,已確保每棵樹都能有個永久的生長。至於談及四週的密林,當然是因為除了本申請土地外,四週全都是政府土地,這些土地也有百年以上的樹木,故也理所當然和申請土地有差距,而本人也因愛護大自然及環保外,更特別喜愛四週的密林,因其可以形成一個天然的屏障,更使該申請日後更享有視線也無法看到屋苑,故四週的密林樹木跟本和申請是兩回事,也更不會因而構成對四週有任何破壞。
- (ii) 該申請土地上的所有樹木均由申請人所種,故對本人來說,每棵樹都是我的所愛,日後自會加以更大的維護。
- (iii) 其實現場的樹木也並不多,在我的構思中,會把約一至兩棵樹按照計劃搬遷到每座屋的西面,這也更為屋苑構成最佳的隔熱,也為樹木提及更理想的永久生長。
- (iv) 因本人在迎合地政處的拆卸,也因本人年紀有 63 歲了,在一次在拆上蓋時,不小心踩錯腳而使胸受斷裂,也入住醫院一個多星期,更在最近拆一些鉄坑板時,被一些細菌感染,而這些細菌更是食肉干菌,現在已把我右腳的三只尾指吃了,因此在行動人就如殘障人士,也因此制定這圖方面要多花点時間後補上,反正在日後如獲批准時,也要給貴處詳細園林設計圖來給予指示

The following government departments have no comment on/no objection to the application:

- (i) Agriculture, Fisheries and Conservation Department
- (ii) Chief Engineer/Mainland South, Drainage Services Department
- (iii) Chief Engineer (Works), Home Affairs Department (HAD)
- (iv) District Officer (Sai Kung), HAD
- (v) Antiquities and Monuments Office
- (vi) Electrical and Mechanical Services Department

Application No. Y/SK-TMT/7

Comments from Government Departments (Part 2) (as at 30.11.2022)

Comments from Urban Design and Landscape Section, Planning Department

Urban Design (Contact Person: Mr. Benjamin TUNG; Tel: 3565 3961)

(i) please indicate the location of the sunken garden ( “跌級前花園” ) and the shared recreational and vehicular access space ( “屋苑共用休憩花園及每戶汽車出入共用餘道” ) and their respective formation level (in mPD) on a layout plan or sectional plan. Please also state or indicate the height of the proposed development in mPD;

(ii) insufficient information/material is provided in demonstrating the potential visual impact from the development proposal. The applicant should make reference to the Town Planning Board Guideline on Submission of Visual Impact Assessment for Planning Application to the Town Planning Board (TPB PG-No. 41) in preparing the supporting materials. Our specific comments are as follows:

(a) regarding figure P1, P2, P4, P6 and P9, instead of circling the broad location of the application site, the exact extent of the site boundary should be marked clearly on the photographs;

(b) in general, photomontage of the proposed development should be prepared based on the latest site photos taken at the concerned viewpoints. Drawing 3DP1, 3DP2, 3DP3, 3DP4 are computer-generated images which are not at the same location and at the human eye level as in figure P2, P4, P6 and P9 respectively, and the surrounding features cannot be verified;

(c) even the proposed development may be screened by existing trees/shrubs, its building/structure outline should be indicated in the site photomontage based on

figure P2, P4, P6 and P9 for our checking; and

(iii) without the abovementioned information and sufficient visualisation materials, we are unable to ascertain the potential visual impact from the development proposal at this juncture.

申請人回應:-

- (i) 在本人的報告書中, 已有 3D 圖來把上級屋苑座落的位置及下級的公共空地花園有詳細圖可供參考, 本人是以 Digital Format 圖的測量高度來作出兩個高度点, 第一個是 17.83 為上級屋苑的地平高度, 而下級的跌級花園為 16.04 這兩個高度点也會成為日後申請時刻意來形成及整理.
- (ii) 本人已盡最大努力以實地拍照片及 3D 圖來互對應, 更在不同位署以本人 1.75 米高來拍照, 故提交什么都該更明白, 請申請土地四週在任何東西南北任何角度實因有大量天然樹木, 大都在大埗仔村路的 22.78 起生長三十多米高的樹木, 故不管在任何角度均無法看到日後的建築物, 試想想, 上級以 17.83 為地台高度計, 建 9 米高建築物時, 也只有 26.83 米高, 與大埗村現有車路的差距也共有 4 米, 故 4 米早已被四週的三十多米樹木完全遮蓋, 故不管任何人到現場實地視察, 根本無法看見日後的屋苑.

Comments from Environmental Protection Department (Contact Person: Mr. Alan Li; Tel: 2835 1114)

We have the following comments on the subject application:

#### Air Quality

- (i) please address the air quality impact arising from the construction phase of the project. In particular, please confirm that relevant mitigation measures under the Air Pollution Control (Construction Dust) Regulation would be implemented to minimise dust emission during construction phase. Please identify and determine the separation distance between ASRs and the construction site and review whether enhanced emission control measures shall be considered. A location plan of ASRs should be provided;
- (ii) for operational phase, the site would be affected by vehicular emission from nearby road i.e Yan Yee Road. Provided that there is sufficient buffer distance between the said road and ASRs of future development (in accordance with the Table 3.1, Chapter 9 of HKPSG), adverse vehicular emission impact can be avoided. In this regard, please provide sufficient information e.g. TD's Annual Traffic Census, or other confirmation/advice/other documentation from TD, to confirm the road type of

concerned road(s); discuss buffer distance requirement for vehicular emissions stipulated under the HKPSG; and provide figure(s) to show the buffer distance between the said road under the proposed development to demonstrate the compliance with the relevant buffer distance requirement;

(iii) the applicant should conduct site survey(s) to assess and confirm if there are any chimneys from nearby sources located close to the proposed development, i.e. within a study area of 200m. Should any chimney(s), please discuss the buffer distance requirement for chimney emissions stipulated under HKPSG (re. Table 3.1, Chapter 9) and provide figure(s) to show the buffer distance between the identified chimney(s) and the proposed development to demonstrate the compliance with the relevant buffer distance requirement;

(iv) it is understood in the application that a sewage treatment plant will be provided on-site under the proposed development, please discuss the relevant odour control measures to be adopted to avoid odour emission affecting the ASRs of future development. E.g. good housekeeping of sewerage collection systems to prevent the development of anaerobic conditions; storage of screening waste in enclosed containers; and adopt enclosed sewage treatment unit, etc.;

#### Water Quality

(v) please provide further information on the collection, treatment and disposal method of the surface runoff/ wastewater generated from the proposed carpark facility;

#### Land contamination

(vi) as there is no coverage on waste or land contamination assessment in the supporting document, Please provide further information with documentary justifications to substantiate whether there is any potential land contamination issue arising from the past and present land use activities on the proposed development site (e.g. providing site's land use history, review of historical aerial photos, providing site visit photos and identification of any potential contamination sources, etc.);

#### Sewage

(vii) as there is no readily available public sewerage in the vicinity of the subject site, it is understood from the planning application that the treated effluent would be directly discharged to nearby stream and reused on-site for flushing and irrigation purpose. In this connection, please confirm whether such arrangement would



involve the re-use of treated sewage effluent or greywater effluent. Please note that activity for the re-use of treated sewage effluent from a treatment plan is considered as a Designated Project under item F.4, Part 1 of Schedule 2 of the EIAO. Under the EIAO, the applicant shall apply to the DEP for an Environmental Permit for the construction and operation of a Designated Project; and

In view of the above, the environmental acceptability of the proposed development in meeting HKPSG is yet to be confirmed.

申請人回應:-

- (i) 倘申請批准, 在現行屋宇署自會有給予建築師 AP 的書面指示來作出相關的減塵批放及相關要求, 而因建造這七座屋宇也只不過是 RC1 的標準, 不超過米高度時, 根本不用打庄, 只要按照新界小到鄉村屋宇挖到實土來建造地基就可以了, 故不會因而構成空氣或大量灰影响.
- (ii) 需知該申請只是小型細發展, 故不管在建造時, 也只是蚊型工程, 不會對仁義路或相關道路構成阻礙, 相比在更高處的鄉村丁屋群, 就更是蚊脾和牛脾的差距, 故這個不該有什么大影响
- (iii) 這個申請已和四週有很遠的差路, 四週 200 米的北面和東面也只有臨時牌照屋, 故沒有煙通, 而南面的丁屋更不會有.
- (iv) 該申請在設計上以兩級設計, 上級為 17.83 而下級是 16.04 兩數差距為 2 米, 故特利用西面的下級建造一個約 50 平方米的中央生化污水屋, 而排出的氣體, 更會經由一條有水來吸收過瀘的管道後, 再傳到靠河邊遠處, 這更比七座丁屋的化糞池的排氣更理想. 加上四週都沒有其他屋宇, 故更不會構成其他人影响.
- (v) 既然現在水之源都大受全球關注, 故我也更會一切由停實場或及天台等的雨水或相關排水都會收集後再轉到地下的中央污水處理. 也好把處理好的污水成為潔淨清水, 更對維護該屋宇的園林提供大量的循環水源.
- (vi) 中央生化污水所排放的水是可以達到水務局的 Group A 水平, 申請人更會通過該系允公司向環保處申請排放許可及再用許可.

Comments from Government Departments (Part 4) (as at 14.12.2022)

Comments from Buildings Department (Contact Person: Mr. YU Wai-tak; Tel: 2152 2558)

No in-principle objection under the Buildings Ordinance (BO) to the application subject to the following comments:

The applicant's attention is drawn to the followings:-

- (a) unless the proposed site abuts on a specified street complying with the requirements under Building (Planning) Regulations (B(P)R) 18A(3) and not less than 4.5m wide, the development intensity of the site, where applicable, should be determined by the Building Authority under B(P)R 19(3);
- (b) emergency vehicular access, where applicable, should be provided to the proposed building in compliance with the B(P)R 41D;
- (c) every domestic building within the site shall be provided with an open space complying with the Second Schedule under B(P)R;
- (d) service lane should be provided in accordance with B(P)R 28;
- (e) all unauthorized building works/structures, if any, should be removed according to the provisions of the BO;
- (f) before any new building works are carried out on leased land, prior approval and consent from the Building Authority (BA) should be obtained, otherwise they are unauthorized building works (UBW). AP must be appointed to coordinate all new building works in accordance with the BO;
- (g) the applicant should provide documentary proof of ownership or realistic prospect of control of the land forming the site when submitting new general building plans of any proposed new building;
- (h) PNAP APP-2 and PNAP APP-111 will be referred to when determining exemption of GFA calculation for car parking spaces;
- (i) the applicant's attention is also drawn to the policy on GFA concessions under PNAP APP-151 in particular the 10% overall cap on GFA concessions and, where appropriate, the SBD requirements under PNAP APP-152. Please refer to JPN No. 1 regarding the criteria and conditions for exempting the balconies from GFA and SC calculations;
- (j) the applicant is advised to seek EPD's comments regarding the sewerage treatment facilities and sludge removal method; and
- (k) detailed comments will be given during general building plans submission stage.

申請人回應:-

- (a) 該申請絕對不會對現有道路或及四週造成任何阻礙或破壞。況且介乎該申請地與政府的大埗仔村車路就有八米寬，而屋苑內就更有六米的車路。
- (b) 六米的屋苑車路也乎合現有 EVA 的要求。
- (c) 該屋苑以七座小型屋宇，共有約 1340 平方米空地給予七座的公共空地花園。
- (d) 現行條-例是要用一名 AP 先行向屋宇署作出詳細建造批側，這個申請人完全明白的也會按一切相關法例申請批准才可建造。
- (e) 現場八成以上的僭建物已拆卸，預計 30 天左右就可以全拆除，\

- (f) 因這不是丁屋, 故申請人完全明白要請用 AP 向屋宇署提交申請及按法規來進行, 一切僭建也會全清除.
- (g) 申請人已和業主達成協議, 日後會把業權全交由本人合法處理.
- (h) 這些規格及要求, 在申請書內已詳細列明, 故在設計圖則上也和 AP 協商來建造.
- (i) 這個也會按照來計算 GFA.
- (j) 按照正昌公司提供的資料, 經生化系統過濾後, 再經由 UV 殺滅後, 將會形成一片乾的餘物, 而這個也是我要用來作整個屋宇的園林樹木的最佳有機肥料, 故更會循環不息使用的良策.
- (k) 日後 AP 會把更詳細圖則向屋宇署來作結構及設計審批, 以乎合政府法例要求.

#### Comments from Government Departments (Part 5) (as at 10.1.2023)

Comments from Fire Services Department (Contact Person: Mr. WAH Herbert; Tel: 2733 5844)

no specific comment on the rezoning application;

as for the proposed development, please be advised that I have no objection in principle to the proposal subject to water supplies for firefighting and fire service installations being provided to the satisfaction of the Director of Fire Services;

detailed fire services requirements will be formulated upon receipt of formal submission of general building plans; and

nevertheless, applicant is advised to observe the requirements of EVA as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011, which is administered by the Buildings Department.

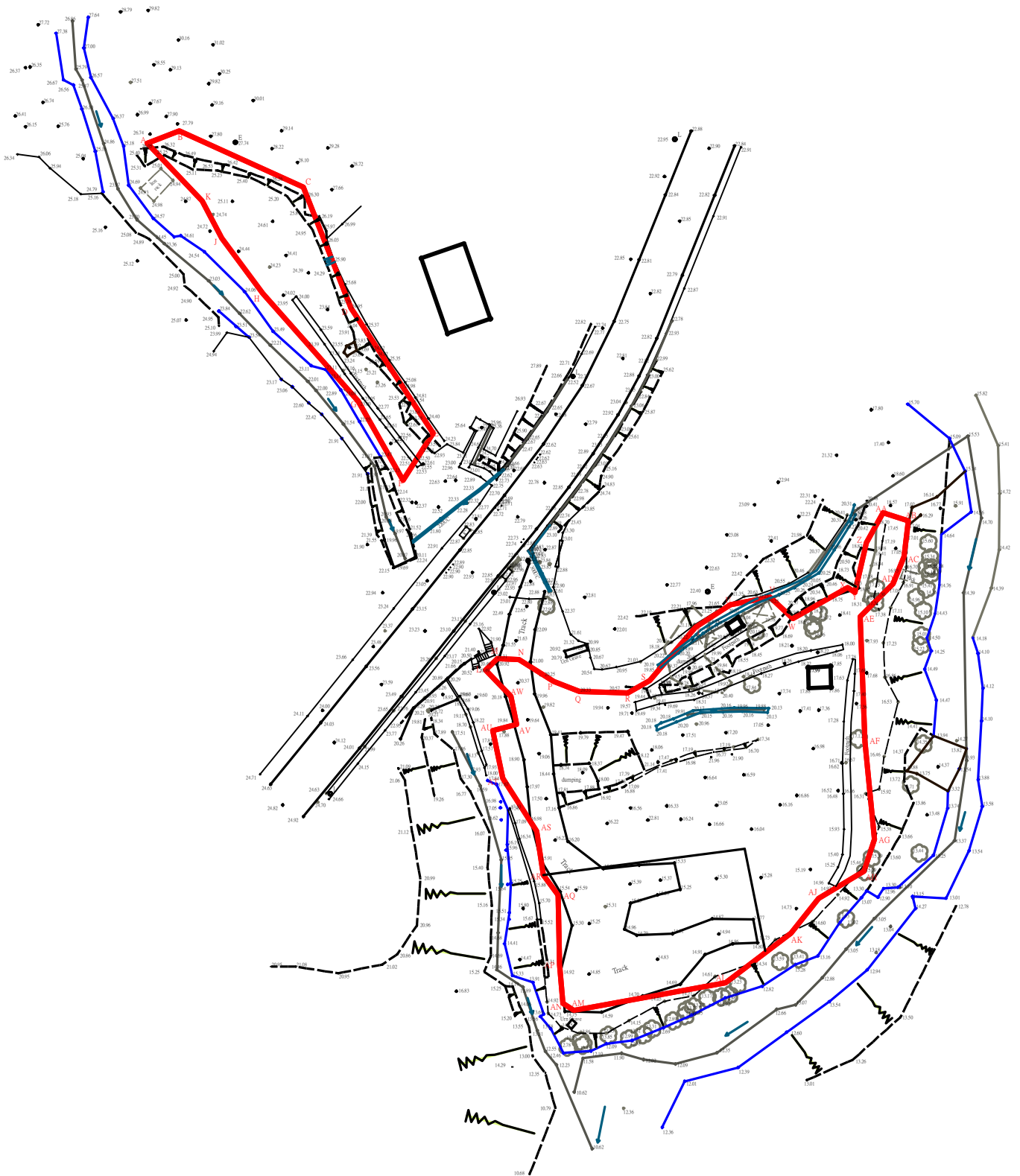
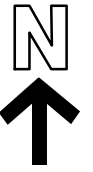
有勞馬小姐把我的回應給予不同的政府部門, 謝謝.

申請人

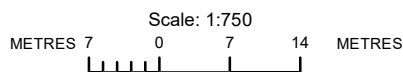
潘麒元

30-5-2023

Plan Extracted from "仁義路\_SurveyPlan  
wih digital format from Land  
Surveror.dwg" submitted by the applicant



30 May 2023



REFERENCE No.

PLAN