

Similar s.16 Application for Pond Filling
within the same “Coastal Protection Area” Zone on the Lau Fau Shan and Tsim Bei Tsui OZP

Rejected Application

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Zoning</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejection Reasons</u>
1	A/YL-LFS/30	Proposed Pond Filling and Agricultural Use (Planting of Fruit Tree)	CPA	28.8.1998	1, 2, 3

Rejection Reasons

1. The proposed development did not comply with the TPB-PG No. 12C for “Application for Developments within the Deep Bay Buffer Zones” in that there was insufficient information in the submission to demonstrate that the proposed development was required to support the conservation of the natural features and scenic qualities of the area.
2. There was insufficient information in the submission to demonstrate that the proposed development would not have significant adverse ecological and drainage impacts on the surrounding areas.
3. The approval of the application would set an undesirable precedent for similar applications. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

Advisory Clauses

- (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site is Old Schedule Agricultural Lots 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. It is noted that no structure is proposed on the Site by the applicant;
- (b) to note the comments of the Commissioner for Transport (C for T) that sufficient manoeuvring space shall be provided within the Site. The local track leading to the Site is not under Transport Department's (TD) purview. The applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the Site;
- (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting the Site and Man Tak Road;
- (d) to note the comments of the Director of Environmental Protection (DEP) that the applicant should be reminded that the land should not be filled with construction waste and it is the applicant's responsibility to comply with all relevant environmental legislations during construction and operation of the project. The applicants are also advised to follow the Recommended Pollution Control Clauses for Construction Contracts (http://www.epd.gov.hk/epd/english/environmentinhk/eia_planning/guide_ref/rpc.html) to minimize the environmental impacts during the construction stage;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the applicant is required to demonstrate in the drainage proposal that the proposed filling works will not obstruct the overland flow nor cause any adverse drainage impact to the adjacent areas;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the Building Authority (BA), they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application. For UBW erected on leased land, enforcement action may be taken by the Buildings Department to effect their removal in accordance with the prevailing enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO. Before any new building works (including containers / open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on the Site, prior approval and consent of the BA should be obtained, otherwise they are UBW. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. The two sites shall be considered as two separate sites and provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the

Building (Planning) Regulations [B(P)R] respectively. The two sites do not abut on a specified street of not less than 4.5m wide and its permitted development intensity of each individual site shall be determined under Regulation 19(3) of the B(P)R at building plan submission stage. Detailed checking under the BO will be carried out at building plan submission stage; and

- (g) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that for any waste generated from the activity/ operation, the applicant should arrange disposal properly at their own expenses. It shall be the due diligence of the applicant to make every effort to take precautionary measures within the private lots and on related activities to prevent mosquito breeding and rodent infestation. Authority conferred by relevant legislation would be executed by his Department where situation warrants.