

RNTPC Paper No. A/YL-LFS/386
For Consideration by
the Rural and New Town
Planning Committee
on 22.1.2021

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-LFS/386

<u>Applicant</u>	: Mr. LAM Kuen
<u>Site</u>	: Lots 1945 S.B RP and 1945 S.C in D.D.129, Lau Fau Shan, Yuen Long, New Territories
<u>Site Area</u>	: About 2,800 m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan (OZP) No. S/YL-LFS/9
<u>Zoning</u>	: “Coastal Protection Area” (“CPA”)
<u>Application</u>	: Proposed Filling of Land and Pond

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed filling of land and pond at the application site (the Site) to avoid mosquito breeding (**Plan A-1**). The Site falls within an area zoned “CPA” on the OZP. According to the Notes of the OZP for the “CPA” zone, any filling of land/pond or excavation of land requires permission from the Town Planning Board (the Board). The Site comprises two separate portions (i.e. the northern and southern portions). For the northern portion, it is mainly occupied by a pond with overgrown weed and some temporary structures are observed at its northern and western boundaries. For the southern portion, it is a filled vacant land covered with loose soil and grass (**Plans A-4a to A-4d**).
- 1.2 According to the applicant, the northern portion (about 1,500 m²) is not filled while the southern portion (about 1,300 m²) has been filled with soil (**Drawing A-2**). The applicant proposes to fill the northern portion with soil of about 1 m depth and no additional filling will be carried out at the southern portion. The proposed final site formation level will be at the same level of the adjacent roads. The Site is accessible via a local track leading from Deep Bay Road (**Drawing A-1**). The lot index plan with vehicular access and proposed land/pond filling plan are at **Drawings A-1** and **A-2** respectively.

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

- (a) Application Form received on 23.11.2020 with **(Appendix I)** supplementary information
- (b) Further Information (FI) received on 5.1.2021 responding **(Appendix Ia)** to the comments of the Commissioner for Transport (C for T) with the vehicular access plan
(exempted from publication and recounting requirements)
- (c) FI received on 8.1.2021 clarifying the proposed use **(Appendix Ib)** (filling of land and pond) and the filling condition of the Site
(exempted from publication and recounting requirements)

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form at **Appendix I** and FI at **Appendices Ia and Ib**. They can be summarized as follows:

- (a) the Site is located in Fu Cho Village with the two largest pig farms in Hong Kong, where is the breeding ground of dengue fever with severe mosquito infestation;
- (b) the mosquito problem has not been resolved even with the mosquito control provided by the Food and Environmental Hygiene Department (FEHD). The proposed land/pond filling is to remove stagnant water next to the pig farm to eliminate mosquito breeding;
- (c) the Site is not a pond/fish pond per se and there is only the accumulation of stagnant water on vacant field. The villagers only built the bund so it looks like a pond; and
- (d) no construction material or waste has been/will be used to fill the Site.

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. 31A) by obtaining the consent of the current land owners. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

Part of the Site is subject to an active enforcement case (No. E/YL-LFS/513) (**Plan A-2**) and the alleged unauthorized development (UD) is filling of pond. The Enforcement Notice was posted on 9.10.2020 and the UD discontinued. The Reinstatement Notice (RN) was posted on 21.10.2020 requiring to remove the fill materials from the pond by 21.1.2021. The Site will be kept under close monitoring for further action.

5. Previous Application

There is no previous application at the Site.

6. Similar Application

Within the same “CPA” zone, there is no similar application for filling of land. However, 1 similar application (No. A/YL-LFS/30) for proposed pond filling and agricultural use (planting of fruit tree) was rejected by the Rural and New Town Planning Committee (the Committee) on 28.8.1998 on the reasons that the proposed development did not comply with the then TPB-PG No. 12A for “Application for Developments within Deep Bay Buffer Zone”; insufficient information to demonstrate that the proposed development would not have significant adverse ecological and drainage impacts on the surrounding areas; and undesirable precedent for similar applications. Details of the application are summarized at **Appendix II** and its location is shown on **Plan A-1**.

7. The Site and Its Surrounding Areas (Plans A-1 to A-4d)

7.1 The Site is:

- (a) comprised of two separate portions, i.e. the northern and southern portions. For the northern portion, it is mainly occupied by a pond with overgrown weed and some temporary structures are observed at its northern and western boundaries. For the southern portion, it is a filled vacant land covered with loose soil and grass; and
- (b) accessible via a local track leading from Deep Bay Road (**Drawing A-1**).

7.2 The surrounding areas have the following characteristics:

- (a) to its east across Deep Bay Road is the “Recreation” (“REC”) zone with presence of parking of vehicles and open storage of construction materials which are suspected UD, residential dwelling and vacant land;
- (b) to its south is the “REC” zone with the presence of open storage yards of construction and recycling materials which are suspected UD, vacant land and unused land;
- (c) to its west is a pigsty; and
- (d) to its north are unused land, vacant land, a pond, some residential dwellings and a fish farm.

8. Planning Intention

The planning intention of “CPA” zone is to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development. It may also cover areas which serve as natural protection areas sheltering nearby developments against the effects of coastal erosion. There is a

general presumption against development in this zone. In general, only developments that are needed to support the conservation of the existing natural landscape or scenic quality of the area or are essential infrastructure projects with overriding public interest may be permitted. As filling of land/pond may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment, permission from the Board is required for such activities.

9. Comments from Relevant Government Departments

9.1 The following Government departments have been consulted and their views on the application are summarised as follows:

Land Administration

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

- (a) 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.
- (b) It is noted that the proposed filling of land/pond is to avoid the breeding of mosquitos. So he has no objection to the filling of land/pond from the lease perspective.
- (c) It is noted that no structure is proposed on the Site by the applicant.

Traffic

9.1.2 Comments of the C for T:

- (a) He has no adverse comment on the application from traffic engineering point of view.
- (b) Sufficient manoeuvring space shall be provided within the Site. No vehicles are allowed to queue back to public roads or reverse onto/from public roads.
- (c) 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.

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

- (a) The access arrangement should be commented by TD.
- (b) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.

- (c) HyD shall not be responsible for the maintenance of any access connecting the Site and Deep Bay Road.

Environment

9.1.4 Comments of the Director of Environmental Protection (DEP):

- (a) He has no objection to the application.
- (b) 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 applicant is 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.
- (c) No substantiated environmental complaint pertaining to the Site has been received in the past three years.

Visual & Landscape

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

- (a) According to the aerial photo of 2020 and the site photos taken on 1.12.2020, the northern portion of the Site is a marshland/pond and the southern portion is a filled vacant land. To the northwest of the Site are temporary structures and to the south is a local road. No existing tree is observed within the Site. The Site is located in an area of rural coastal plain landscape character predominated by ponds, vacant lands and woodlands with temporary structures and warehouses in the proximity. The proposed filling of land/pond is considered not entirely incompatible to the landscape character of the surrounding area.
- (b) According to the aerial photos of 2019 and 2020, vegetation clearance including tree removal and filling of land has been observed at southern portion of the Site. While the proposed development would not cause significant adverse landscape impact, approval of the planning application would encourage similar site alteration and tree removal prior to obtaining planning approval within the area. The cumulative impact of which would result in further degradation of the landscape quality of the surrounding environment in the "CPA" zone. Hence, she has reservation on the application from landscape planning perspective.
- (c) As the proposed filling mainly intends to avoid the breeding of mosquito and involves a depth of filling of about 1m with the same

level of existing roads, it is unlikely to generate any adverse visual impact on the surrounding areas.

- (d) In view that no significant visual impact arising from the proposed filling of land/pond is anticipated, it is considered not necessary to impose a landscape condition should the application be approved by the Board.

Nature Conservation

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

- (a) The Site comprising two segments falls within an area zoned “CPA” on the OZP. According to the aerial photos from LandsD, the Site was partly filled in 2019 – 2020. Her site inspection dated 22.12.2020 revealed that the northern segment was currently a wet grassland while the entire southern segment had been filled. The southern segment was noted to be adjacent to a watercourse leading to a nearby coastal mudflat habitat to the northwest of the Site. In view that part of the Site remains a wetland and the application did not indicate measures to avoid causing disturbance to the nearby watercourse, she has concern on the proposed filling of land and pond from nature conservation perspective.
- (b) As the subject ponds are seen with potential for fish culture, she does not support the application for pond filling from fish culture perspective.

Drainage

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

- (a) He has no objection in principle to the application from drainage point of view.
- (b) Should the Board consider that the application is acceptable from planning point of view, he would suggest that conditions should be stipulated in the approval letter requiring the applicant to submit a drainage proposal including flood mitigation measures, to implement and maintain the proposed flood mitigation measures/drainage facilities to the satisfaction of his department. The flood mitigation measures shall be completed upon the completion of filling works. 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.

Building Matters

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

- (a) As there is no record of approval granted by the Building Authority (BA) for the existing structures at the Site, he is not in a position to offer comments on the suitability for the use proposed in the Site.
- (b) The applicant should be reminded of his detailed comments at **Appendix IV**.

Others

9.1.9 Comments of the Director of Food and Environmental Hygiene (DFEH):

- (a) No FEHD's facilities will be affected and such work and operation shall not cause any environmental nuisance, pest infestation and obstruction to the surroundings.
- (b) For any waste generated from the activity/ operation, the applicant should arrange disposal properly at their own expenses.
- (c) 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.
- (d) The mosquito prevention and control work at public place would be conducted by FEHD regularly including the vicinities of the mentioned pig farms. These included but not limited to conducting fogging operations, spraying larvicide and distributing anti-mosquito promotional leaflets to villagers.
- (e) The applicant should be reminded of his detailed comments at **Appendix IV**.

District Officer's Comments

9.1.10 Comments of the District Officer/Yuen Long, Home Affairs Department (DO/YL, HAD):

His office has not received any comment from the locals on the application.

9.2 The following Government departments have no comment on the application:

- (a) Head (Geotechnical Engineering Office), Civil Engineering and Development Department (H(GEO), CEDD);
- (b) Project Manager (West), CEDD (PM(W), CEDD);
- (c) Chief Engineer/Land Works, CEDD (CE/LW, CEDD);
- (d) Principal Project Coordinator/Special Duty, DSD (PPC/SD, DSD);
- (e) Director of Electrical and Mechanical Services (DEMS);

- (f) Director of Fire Services (D of FS);
- (g) Director of Leisure and Cultural Services (DLCS);
- (h) Commissioner of Police (C of P); and
- (i) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

10. Public Comments Received During the Statutory Publication Period

- 10.1 On 1.12.2020, the application was published for public inspection. During the statutory public inspection period, 5 public comments were received from the Kadoorie Farm and Botanic Garden Corporation, the World Wide Fund for Nature Hong Kong, Hong Kong Bird Watching Society, Designing Hong Kong Limited and an individual raising concern or objecting to the application and the reasons are summarized below (**Appendices III-1 to III-5**).
- 10.2 Four commenters objected to the application on the grounds that the proposed development is not in line with the planning intention of the “CPA” zone; the proposed use will lead to degradation of the natural environment; the Board should not encourage “destroy first, build later” attitude; the applicant should remove all unnecessary water collection and eliminate the sources of mosquito breeding; and approval of the application would set an undesirable precedent for similar applications. The remaining one raised concerns that the proposed development may associate with pond filling and undesirable precedent so the history of the Site should be examined.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed filling of land and pond to avoid mosquito breeding. The Site is zoned “CPA” on the OZP which intends to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment with a minimum of built development. There is a general presumption against development in this zone. In general, only developments that are needed to support the conservation of the existing natural landscape or scenic quality of the area or are essential infrastructure projects with overriding public interest may be permitted. The Site comprises the northern and southern portions. The northern portion is currently a pond with overgrown weed while the southern portion has been filled and covered with loose soil and grass (**Plans A-4a to A-4d**). DAFC pointed out that the northern portion was currently a wet grassland while the entire southern portion had been filled. The southern portion was adjacent to a watercourse leading to a nearby coastal mudflat habitat to the northwest of the Site (**Plan A-2**). In view that part of the Site remains a wetland and the application did not indicate measures to avoid causing disturbance to the nearby watercourse, she has concern on the proposed filling of land and pond from nature conservation perspective. Besides, the subject ponds are seen with potential for fish culture, she does not support the application for pond filling from fish culture perspective. The proposed filling of land and pond is not in line with the planning intention of the “CPA” zone. Nevertheless, the applicant did not provide any justifications for the genuine need of filling of land and pond and whether there are other alternatives for the applicant to combat the mosquito breeding issue. As such, there is no strong planning justification in the submission for a departure from the planning intention of the “CPA” zone.

- 11.2 The Site is situated in an area of rural coastal plains landscape character predominated by ponds, vacant lands and woodlands with temporary structures and warehouses in the proximity. The proposed filling of land and pond is considered not entirely incompatible with the landscape character of the surrounding area.
- 11.3 CTP/UD&L, PlanD has reservation on the application from landscape planning perspective. It is noted that from the aerial photos taken in 2019 and 2020 (**Plans A-3a and A-3b**), vegetation clearance including tree removal and filling of land have been observed at southern portion of the Site. While the proposed development would not cause significant adverse landscape impact, approval of the planning application would encourage similar site alteration and tree removal prior to obtaining planning approval within the area. The cumulative impact of which would result in further degradation of the landscape quality of the surrounding environment in the “CPA” zone.
- 11.4 Other relevant Government departments, including DEP, C for T, CE/MN of DSD and D of FS have no objection to or no adverse comment on the application. The proposed use will unlikely create significant environmental, traffic, drainage and fire safety impacts to the surrounding areas.
- 11.5 No previous approval has been granted for the Site but there is 1 similar application (No. A/YL-LFS/30) for pond filling and agricultural use (planting of fruit tree) within the same “CPA” zone, which was rejected by the Committee in 1998 on the grounds of not complying with the then TPB-PG No. 12A; insufficient information to demonstrate that the proposed development would not have significant adverse ecological and drainage impacts on the surrounding areas; and undesirable precedent for similar applications. Rejection of the current application is considered in line with the Committee’s previous decision.
- 11.6 There are 5 public comments in which 1 raising concerns and 4 objecting to the application on the grounds summarized in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.5 above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comments mentioned in paragraph 10 above, the Planning Department does not support the application for the following reasons:
 - (a) the proposed filling of land and pond is not in line with the planning intention of the “CPA” zone which is to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment with a minimum of built development. There is a general presumption against development in this zone. There is no strong planning justification in the submission for a departure from the planning intention; and
 - (b) approval of the application would set an undesirable precedent for similar applications for filling of land/pond within the “CPA” zone and the cumulative effect of approving such applications would result in a general degradation of the natural environment and landscape of the area.

- 12.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until **22.1.2025**, 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) no part of the Site shall be filled other than soil to a depth exceeding 1 m, as proposed by the applicant;
- (b) no vehicles are allowed to queue back or reverse onto/from public roads;
- (c) the submission of a drainage proposal before commencement of the filling works on the Site to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (d) in relation to (c) above, the implementation of the drainage proposal upon completion of the filling works on the Site to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (e) if any of the above planning conditions (c) or (d) is not complied with before commencement or upon completion of the filling works respectively, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.

Advisory Clauses

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

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 Should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 13.3 Alternatively, 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. Attachments

Appendix I	Application Form received on 23.11.2020 with supplementary information
Appendix Ia	Further Information (FI) received on 5.1.2021 responding to the comments of the C for T with vehicular access plan
Appendix Ib	FI received on 8.1.2021 clarifying the proposed use (filling

Appendix II	of land and pond) and the filling condition of the Site
Appendices III-1 to III-5	Similar Application with the same “CPA” Zone
Appendix IV	Public Comments
Drawing A-1	Advisory Clauses
Drawing A-2	Lot Index Plan with Vehicular Access
Plan A-1	Proposed Land Filling Plan
Plan A-2	Location Plan with Similar Application
Plans A-3a to A-3c	Site Plan
Plans A-4a to A-4d	Aerial Photos
	Site Photos

**PLANNING DEPARTMENT
JANUARY 2021**

2020年11月23日

此文件在收到所有必要的資料及文件後才正式確認收到
申請的日期

This document is received on 23 NOV 2020.
The Town Planning Board will formally acknowledge
the date of receipt of the application only upon receipt
of all the required information and documents.

Form No. S16-1
表格第 S16-1 號

**APPLICATION FOR PERMISSION
UNDER SECTION 16 OF
THE TOWN PLANNING ORDINANCE
(CAP.131)**

根據《城市規劃條例》(第131章)
第16條遞交的許可申請

Applicable to proposals not involving or not only involving:
適用於建議不涉及或不祇涉及:

- (i) Construction of "New Territories Exempted House(s)";
興建「新界豁免管制屋宇」;
- (ii) Temporary use/development of land and/or building not exceeding 3 years in rural areas; and
位於鄉郊地區土地上及/或建築物內進行為期不超過三年的臨時用途/發展;及
- (iii) Renewal of permission for temporary use or development in rural areas
位於鄉郊地區的臨時用途或發展的許可續期

Applicant who would like to publish the notice of application in local newspapers to meet one of the Town Planning Board's requirements of taking reasonable steps to obtain consent of or give notification to the current land owner, please refer to the following link regarding publishing the notice in the designated newspapers: https://www.info.gov.hk/tpb/en/plan_application/apply.html

申請人如欲在本地報章刊登申請通知,以採取城市規劃委員會就取得現行土地擁有人的同意或通知現行土地擁有人所指定的其中一項合理步驟,請瀏覽以下網址有關在指定的報章刊登通知:
https://www.info.gov.hk/tpb/te/plan_application/apply.html

General Note and Annotation for the Form
填寫表格的一般指引及註解

* "Current land owner" means any person whose name is registered in the Land Registry as that of an owner of the land to which the application relates, as at 6 weeks before the application is made
「現行土地擁有人」指在提出申請前六星期,其姓名或名稱已在土地註冊處註冊為該申請所關乎的土地的擁有人的人

* Please attach documentary proof 請夾附證明文件

^ Please insert number where appropriate 請在適當地方註明編號

Please fill "NA" for inapplicable item 請在不適用的項目填寫「不適用」

Please use separate sheets if the space provided is insufficient 如所提供的空間不足,請另頁說明

Please insert a 「✓」 at the appropriate box 請在適當的方格內上加上「✓」號

For Official Use Only 請勿填寫此欄	Application No. 申請編號	A/SL-LFS/386
	Date Received 收到日期	23 NOV 2020

- The completed form and supporting documents (if any) should be sent to the Secretary, Town Planning Board (the Board), 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong.
申請人須把填妥的申請表格及其他支持申請的文件(倘有), 送交香港北角渣華道 333 號北角政府合署 15 樓城市規劃委員會(下稱「委員會」)秘書收。
- Please read the "Guidance Notes" carefully before you fill in this form. The document can be downloaded from the Board's website at <http://www.info.gov.hk/tpb/>. It can also be obtained from the Secretariat of the Board at 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong (Tel: 2231 4810 or 2231 4835), and the Planning Enquiry Counters of the Planning Department (Hotline: 2231 5000) (17/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong and 14/F, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin, New Territories).
請先細閱《申請須知》的資料單張, 然後填寫此表格。該份文件可從委員會的網頁下載(網址: <http://www.info.gov.hk/tpb/>), 亦可向委員會秘書處(香港北角渣華道 333 號北角政府合署 15 樓 - 電話: 2231 4810 或 2231 4835)及規劃署的規劃資料查詢處(熱線: 2231 5000) (香港北角渣華道 333 號北角政府合署 17 樓及新界沙田上禾輋路 1 號沙田政府合署 14 樓)索取。
- This form can be downloaded from the Board's website, and obtained from the Secretariat of the Board and the Planning Enquiry Counters of the Planning Department. The form should be typed or completed in block letters. The processing of the application may be refused if the required information or the required copies are incomplete.
此表格可從委員會的網頁下載, 亦可向委員會秘書處及規劃署的規劃資料查詢處索取。申請人須以打印方式或以正楷填寫表格。如果申請人所提交的資料或文件副本不齊全, 委員會可拒絕處理有關申請。

1. Name of Applicant 申請人姓名/名稱

(☒ Mr. 先生 / ☐ Mrs. 夫人 / ☐ Miss 小姐 / ☐ Ms. 女士 / ☐ Company 公司 / ☐ Organisation 機構)

林權 LAM KUEN

2. Name of Authorised Agent (if applicable) 獲授權代理人姓名/名稱 (如適用)

(☒ Mr. 先生 / ☐ Mrs. 夫人 / ☐ Miss 小姐 / ☐ Ms. 女士 / ☐ Company 公司 / ☐ Organisation 機構)

3. Application Site 申請地點

(a) Full address / location / demarcation district and lot number (if applicable) 詳細地址/地點/丈量約份及地段號碼(如適用)	新界元朗流浮山第129約地段 1945SBRP, 1945SC
(b) Site area and/or gross floor area involved 涉及的地盤面積及/或總樓面面積	<input checked="" type="checkbox"/> Site area 地盤面積 2800 sq.m 平方米 <input type="checkbox"/> About 約 <input type="checkbox"/> Gross floor area 總樓面面積 sq.m 平方米 <input type="checkbox"/> About 約
(c) Area of Government land included (if any) 所包括的政府土地面積(倘有)	..... sq.m 平方米 <input type="checkbox"/> About 約

(d) Name and number of the related statutory plan(s) 有關法定圖則的名稱及編號	流浮山及尖鼻咀分區計劃大綱圖 S/YL-LFS/9
(e) Land use zone(s) involved 涉及的土地用途地帶	海岸保護區
(f) Current use(s) 現時用途	沒有用途 積水空地 (If there are any Government, institution or community facilities, please illustrate on plan and specify the use and gross floor area) (如有任何政府、機構或社區設施，請在圖則上顯示，並註明用途及總樓面面積)

4. "Current Land Owner" of Application Site 申請地點的「現行土地擁有人」

The applicant 申請人 -

- ☒ is the sole "current land owner" (please proceed to Part 6 and attach documentary proof of ownership).
是唯一的「現行土地擁有人」(請繼續填寫第 6 部分，並夾附業權證明文件)。
- ☐ is one of the "current land owners" (please attach documentary proof of ownership).
是其中一名「現行土地擁有人」(請夾附業權證明文件)。
- ☒ is not a "current land owner".
並不是「現行土地擁有人」。

- ☐ The application site is entirely on Government land (please proceed to Part 6).
申請地點完全位於政府土地上(請繼續填寫第 6 部分)。

5. Statement on Owner's Consent/Notification

就土地擁有人的同意/通知土地擁有人的陳述

- (a) According to the record(s) of the Land Registry as at (DD/MM/YYYY), this application involves a total of "current land owner(s)".
根據土地註冊處截至 年 月 日的記錄，這宗申請共牽涉 名「現行土地擁有人」。

(b) The applicant 申請人 -

- ☐ has obtained consent(s) of "current land owner(s)".
已取得 名「現行土地擁有人」的同意。

Details of consent of "current land owner(s)" obtained 取得「現行土地擁有人」同意的詳情

No. of 'Current Land Owner(s)' 「現行土地擁有人」數目	Lot number/address of premises as shown in the record of the Land Registry where consent(s) has/have been obtained 根據土地註冊處記錄已獲得同意的地段號碼/處所地址	Date of consent obtained (DD/MM/YYYY) 取得同意的日期 (日/月/年)
9	JD 129 Lot 19458C	2020年11月5日
1	DD 129 Lot 19458BRP	2020年11月5日

(Please use separate sheets if the space of any box above is insufficient. 如上列任何方格的空間不足，請另頁說明)

- ☐ has notified "current land owner(s)"[#]
已通知 名「現行土地擁有人」[#]。

Details of the "current land owner(s)" [#] notified 已獲通知「現行土地擁有人」 [#] 的詳細資料		
No. of 'Current Land Owner(s)' 「現行土地擁有人」數目	Lot number/address of premises as shown in the record of the Land Registry where notification(s) has/have been given 根據土地註冊處記錄已發出通知的地段號碼／處所地址	Date of notification given (DD/MM/YYYY) 通知日期(日/月/年)

(Please use separate sheets if the space of any box above is insufficient. 如上列任何方格的空間不足，請另頁說明)

- ☐ has taken reasonable steps to obtain consent of or give notification to owner(s):
已採取合理步驟以取得土地擁有人的同意或向該人發給通知。詳情如下：

Reasonable Steps to Obtain Consent of Owner(s) 取得土地擁有人的同意所採取的合理步驟

- ☐ sent request for consent to the "current land owner(s)" on (DD/MM/YYYY)^{#a}
於 (日/月/年)向每一名「現行土地擁有人」[#]郵遞要求同意書^a

Reasonable Steps to Give Notification to Owner(s) 向土地擁有人發出通知所採取的合理步驟

- ☐ published notices in local newspapers on (DD/MM/YYYY)^a
於 (日/月/年)在指定報章就申請刊登一次通知^a
- ☐ posted notice in a prominent position on or near application site/premises on (DD/MM/YYYY)^a
於 (日/月/年)在申請地點／申請處所或附近的顯明位置貼出關於該申請的通知^a
- ☐ sent notice to relevant owners' corporation(s)/owners' committee(s)/mutual aid committee(s)/management office(s) or rural committee on (DD/MM/YYYY)^a
於 (日/月/年)把通知寄往相關的業主立案法團/業主委員會/互助委員會或管理處，或有關的鄉事委員會^a

Others 其他

- ☐ others (please specify)
其他（請指明）

Note: May insert more than one 「✓」.

Information should be provided on the basis of each and every lot (if applicable) and premises (if any) in respect of the application.

註：可在多於一個方格內加上「✓」號

申請人須就申請涉及的每一地段（倘適用）及處所（倘有）分別提供資料

6. Type(s) of Application 申請類別

- ☐ Type (i) Change of use within existing building or part thereof
第(i)類 更改現有建築物或其部分內的用途
- ☒ Type (ii) Diversion of stream / excavation of land / filling of land / filling of pond as required under Notes of Statutory Plan(s)
第(ii)類 根據法定圖則《註釋》內所要求的河道改道／挖土／填土／填塘工程
- ☐ Type (iii) Public utility installation / Utility installation for private project
第(iii)類 公用事業設施裝置/私人發展計劃的公用設施裝置
- ☐ Type (iv) Minor relaxation of stated development restriction(s) as provided under Notes of Statutory Plan(s)
第(iv)類 略為放寬於法定圖則《註釋》內列明的發展限制
- ☐ Type (v) Use / development other than (i) to (iii) above
第(v)類 上述的(i)至(iii)項以外的用途／發展

Note 1: May insert more than one '✓'.

註 1: 可在多於一個方格內加上「✓」號

Note 2: For Development involving columbarium use, please complete the table in the Appendix.

註 2: 如發展涉及靈灰安置所用途, 請填妥於附件的表格。

(i) For Type (i) Application 供第(i)類申請

(a) Total floor area involved 涉及的總樓面面積	. sq.m 平方米		
(b) Proposed use(s)/development 擬議用途/發展	(If there are any Government, institution or community facilities, please illustrate on plan and specify the use and gross floor area) (如有任何政府、機構或社區設施, 請在圖則上顯示, 並註明用途及總樓面面積)		
(c) Number of storeys involved 涉及層數		Number of units involved 涉及單位數目	
(d) Proposed floor area 擬議樓面面積	Domestic part 住用部分		sq.m 平方米 <input type="checkbox"/> About 約
	Non-domestic part 非住用部分		sq.m 平方米 <input type="checkbox"/> About 約
	Total 總計		sq.m 平方米 <input type="checkbox"/> About 約
(e) Proposed uses of different floors (if applicable) 不同樓層的擬議用途(如適用) (Please use separate sheets if the space provided is insufficient) (如所提供的空間不足, 請另頁說明)	Floor(s) 樓層	Current use(s) 現時用途	Proposed use(s) 擬議用途

(ii) For Type (i) application 供第(ii)類申請	
(a) Operation involved 涉及工程	<div> <input type="checkbox"/> Diversion of stream 河道改道 </div> <div> <input type="checkbox"/> Filling of pond 填塘 Area of filling 填塘面積 sq.m 平方米 <input type="checkbox"/> About 約 Depth of filling 填塘深度 m 米 <input type="checkbox"/> About 約 </div> <div> <input checked="" type="checkbox"/> Filling of land 填土 Area of filling 填土面積 2800 sq.m 平方米 <input type="checkbox"/> About 約 Depth of filling 填土厚度 1 m 米 <input type="checkbox"/> About 約 </div> <div> <input type="checkbox"/> Excavation of land 挖土 Area of excavation 挖土面積 sq.m 平方米 <input type="checkbox"/> About 約 Depth of excavation 挖土深度 m 米 <input type="checkbox"/> About 約 </div> <p>(Please indicate on site plan the boundary of concerned land/pond(s), and particulars of stream diversion, the extent of filling of land/pond(s) and/or excavation of land) (請用圖則顯示有關土地/池塘界線, 以及河道改道、填塘、填土及/或挖土的細節及/或範圍))</p>
(b) Intended use/development 有意進行的用途/發展	填土 (為杜絕蚊患) 緩步

(iii) For Type (iii) application 供第(iii)類申請													
(a) Nature and scale 性質及規模	<input type="checkbox"/> Public utility installation 公用事業設施裝置 <input type="checkbox"/> Utility installation for private project 私人發展計劃的公用設施裝置 Please specify the type and number of utility to be provided as well as the dimensions of each building/structure, where appropriate 請註明有關裝置的性質及數量, 包括每座建築物/構築物(倘有)的長度、高度和闊度												
	<table border="1"> <thead> <tr> <th>Name/type of installation 裝置名稱/種類</th> <th>Number of provision 數量</th> <th>Dimension of each installation/ building/structure (m) (LxWxH) 每個裝置/建築物/構築物的尺寸 (米) (長 x 闊 x 高)</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Name/type of installation 裝置名稱/種類	Number of provision 數量	Dimension of each installation/ building/structure (m) (LxWxH) 每個裝置/建築物/構築物的尺寸 (米) (長 x 闊 x 高)									
	Name/type of installation 裝置名稱/種類	Number of provision 數量	Dimension of each installation/ building/structure (m) (LxWxH) 每個裝置/建築物/構築物的尺寸 (米) (長 x 闊 x 高)										
(Please illustrate on plan the layout of the installation 請用圖則顯示裝置的布局)													

(iv) For Type (iv) applications (供第(iv)類申請)

(a) Please specify the proposed minor relaxation of stated development restriction(s) and also fill in the proposed use/development and development particulars in part (v) below –

請列明擬議略為放寬的發展限制並填妥於第(v)部分的擬議用途/發展及發展細節 –

- ☐ Plot ratio restriction 地積比率限制 From 由 to 至
- ☐ Gross floor area restriction 總樓面面積限制 From 由sq. m 平方米 to 至sq. m 平方米
- ☐ Site coverage restriction 上蓋面積限制 From 由% to 至%
- ☐ Building height restriction 建築物高度限制
From 由m 米 to 至 m 米
From 由 mPD 米 (主水平基準上) to 至mPD 米 (主水平基準上)
From 由 storeys 層 to 至 storeys 層
- ☐ Non-building area restriction 非建築用地限制 From 由m to 至 m
- ☐ Others (please specify) 其他 (請註明) _____

(v) For Type (v) applications (供第(v)類申請)

(a) Proposed use(s)/development
擬議用途/發展

(Please illustrate the details of the proposal on a layout plan 請用平面圖說明建議詳情)

(b) Development Schedule 發展細節表

- Proposed gross floor area (GFA) 擬議總樓面面積 sq.m 平方米 ☐ About 約
- Proposed plot ratio 擬議地積比率 ☐ About 約
- Proposed site coverage 擬議上蓋面積 % ☐ About 約
- Proposed no. of blocks 擬議座數
- Proposed no. of storeys of each block 每座建築物的擬議層數 storeys 層
☐ include 包括storeys of basements 層地庫
☐ exclude 不包括storeys of basements 層地庫
- Proposed building height of each block 每座建築物的擬議高度 mPD 米(主水平基準上) ☐ About 約
..... m 米 ☐ About 約

<input type="checkbox"/> Domestic part 住用部分		
GFA 總樓面面積	..... sq. m 平方米	<input type="checkbox"/> About 約
number of Units 單位數目	.....
average unit size 單位平均面積	.....sq. m 平方米	<input type="checkbox"/> About 約
estimated number of residents 估計住客數目	.....
<input type="checkbox"/> Non-domestic part 非住用部分		
	<u>GFA 總樓面面積</u>	
<input type="checkbox"/> eating place 食肆	..... sq. m 平方米	<input type="checkbox"/> About 約
<input type="checkbox"/> hotel 酒店	..... sq. m 平方米	<input type="checkbox"/> About 約
	(please specify the number of rooms 請註明房間數目)	
<input type="checkbox"/> office 辦公室	..... sq. m 平方米	<input type="checkbox"/> About 約
<input type="checkbox"/> shop and services 商店及服務行業	..... sq. m 平方米	<input type="checkbox"/> About 約
<input type="checkbox"/> Government, institution or community facilities 政府、機構或社區設施	(please specify the use(s) and concerned land area(s)/GFA(s) 請註明用途及有關的地面面積／總 樓面面積)	
<input type="checkbox"/> other(s) 其他	(please specify the use(s) and concerned land area(s)/GFA(s) 請註明用途及有關的地面面積／總 樓面面積)	
<input type="checkbox"/> Open space 休憩用地	(please specify land area(s) 請註明地面面積)	
<input type="checkbox"/> private open space 私人休憩用地	..... sq. m 平方米	<input type="checkbox"/> Not less than 不少於
<input type="checkbox"/> public open space 公眾休憩用地	..... sq. m 平方米	<input type="checkbox"/> Not less than 不少於
(c) Use(s) of different floors (if applicable) 各樓層的用途 (如適用)		
[Block number] [座數]	[Floor(s)] [層數]	[Proposed use(s)] [擬議用途]
.....
.....
.....
.....
.....
(d) Proposed use(s) of uncovered area (if any) 露天地方 (倘有) 的擬議用途		
.....		
.....		
.....		
.....		

7. Anticipated Completion Time of the Development Proposal**擬議發展計劃的預計完成時間**

Anticipated completion time (in month and year) of the development proposal (by phase (if any)) (e.g. June 2023)

擬議發展計劃預期完成的年份及月份 (分期 (倘有)) (例: 2023 年 6 月)

(Separate anticipated completion times (in month and year) should be provided for the proposed public open space and Government, institution or community facilities (if any))

(申請人須就擬議的公眾休憩用地及政府、機構或社區設施 (倘有) 提供個別擬議完成的年份及月份)

取得規劃許可後 30 天

8. Vehicular Access Arrangement of the Development Proposal**擬議發展計劃的行人通道安排**

Any vehicular access to the site/subject building? 是否有車路通往地盤/有關建築物?	Yes 是 No 否	<input checked="" type="checkbox"/> There is an existing access. (please indicate the street name, where appropriate) 有一條現有車路。(請註明車路名稱(如適用)) <u>深灣路</u> <input type="checkbox"/> There is a proposed access. (please illustrate on plan and specify the width) 有一條擬議車路。(請在圖則顯示, 並註明車路的闊度)
Any provision of parking space for the proposed use(s)? 是否有為擬議用途提供停車位?	Yes 是 No 否	<input type="checkbox"/> (Please specify type(s) and number(s) and illustrate on plan) 請註明種類及數目並於圖則上顯示) Private Car Parking Spaces 私家車車位 _____ Motorcycle Parking Spaces 電單車車位 _____ Light Goods Vehicle Parking Spaces 輕型貨車泊車位 _____ Medium Goods Vehicle Parking Spaces 中型貨車泊車位 _____ Heavy Goods Vehicle Parking Spaces 重型貨車泊車位 _____ Others (Please Specify) 其他 (請列明) _____ _____ _____
Any provision of loading/unloading space for the proposed use(s)? 是否有為擬議用途提供上落客貨車位?	Yes 是 No 否	<input type="checkbox"/> (Please specify type(s) and number(s) and illustrate on plan) 請註明種類及數目並於圖則上顯示) Taxi Spaces 的士車位 _____ Coach Spaces 旅遊巴車位 _____ Light Goods Vehicle Spaces 輕型貨車車位 _____ Medium Goods Vehicle Spaces 中型貨車車位 _____ Heavy Goods Vehicle Spaces 重型貨車車位 _____ Others (Please Specify) 其他 (請列明) _____ _____ _____

9. Impacts of Development Proposal 擬議發展計劃的影響

If necessary, please use separate sheets to indicate the proposed measures to minimise possible adverse impacts or give justifications/reasons for not providing such measures.

如需要的話，請另頁表示可盡量減少可能出現不良影響的措施，否則請提供理據/理由。

<p>Does the development proposal involve alteration of existing building? 擬議發展計劃是否包括現有建築物的改動?</p>	<p>Yes 是 No 否</p>	<p><input type="checkbox"/> Please provide details 請提供詳情</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>																													
<p>Does the development proposal involve the operation on the right? 擬議發展是否涉及右列的工程? (Note: where Type (ii) application is the subject of application, please skip this section. 註：如申請涉及第(ii)類申請，請跳至下一條問題。)</p>	<p>Yes 是 No 否</p>	<p><input type="checkbox"/> (Please indicate on site plan the boundary of concerned land/pond(s), and particulars of stream diversion, the extent of filling of land/pond(s) and/or excavation of land) (請用地盤平面圖顯示有關土地/池塘界線，以及河道改道、填塘、填土及/或挖土的細節及/或範圍)</p> <p><input type="checkbox"/> Diversion of stream 河道改道</p> <p><input type="checkbox"/> Filling of pond 填塘 Area of filling 填塘面積 sq.m 平方米 <input type="checkbox"/> About 約 Depth of filling 填塘深度 m 米 <input type="checkbox"/> About 約</p> <p><input checked="" type="checkbox"/> Filling of land 填土 Area of filling 填土面積 sq.m 平方米 <input type="checkbox"/> About 約 Depth of filling 填土厚度 m 米 <input checked="" type="checkbox"/> About 約</p> <p><input type="checkbox"/> Excavation of land 挖土 Area of excavation 挖土面積 sq.m 平方米 <input type="checkbox"/> About 約 Depth of excavation 挖土深度 m 米 <input type="checkbox"/> About 約</p>																													
<p>Would the development proposal cause any adverse impacts? 擬議發展計劃會否造成不良影響?</p>	<table border="0"> <tr> <td>On environment 對環境</td> <td>Yes 會 <input type="checkbox"/></td> <td>No 不會 <input checked="" type="checkbox"/></td> </tr> <tr> <td>On traffic 對交通</td> <td>Yes 會 <input type="checkbox"/></td> <td>No 不會 <input checked="" type="checkbox"/></td> </tr> <tr> <td>On water supply 對供水</td> <td>Yes 會 <input type="checkbox"/></td> <td>No 不會 <input checked="" type="checkbox"/></td> </tr> <tr> <td>On drainage 對排水</td> <td>Yes 會 <input type="checkbox"/></td> <td>No 不會 <input checked="" type="checkbox"/></td> </tr> <tr> <td>On slopes 對斜坡</td> <td>Yes 會 <input type="checkbox"/></td> <td>No 不會 <input checked="" type="checkbox"/></td> </tr> <tr> <td>Affected by slopes 受斜坡影響</td> <td>Yes 會 <input type="checkbox"/></td> <td>No 不會 <input checked="" type="checkbox"/></td> </tr> <tr> <td>Landscape Impact 構成景觀影響</td> <td>Yes 會 <input type="checkbox"/></td> <td>No 不會 <input checked="" type="checkbox"/></td> </tr> <tr> <td>Tree Felling 砍伐樹木</td> <td>Yes 會 <input type="checkbox"/></td> <td>No 不會 <input checked="" type="checkbox"/></td> </tr> <tr> <td>Visual Impact 構成視覺影響</td> <td>Yes 會 <input type="checkbox"/></td> <td>No 不會 <input checked="" type="checkbox"/></td> </tr> <tr> <td>Others (Please Specify) 其他 (請列明)</td> <td>Yes 會 <input type="checkbox"/></td> <td>No 不會 <input checked="" type="checkbox"/></td> </tr> </table>	On environment 對環境	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>	On traffic 對交通	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>	On water supply 對供水	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>	On drainage 對排水	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>	On slopes 對斜坡	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>	Affected by slopes 受斜坡影響	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>	Landscape Impact 構成景觀影響	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>	Tree Felling 砍伐樹木	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>	Visual Impact 構成視覺影響	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>	Others (Please Specify) 其他 (請列明)	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>
On environment 對環境	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>																													
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Others (Please Specify) 其他 (請列明)	Yes 會 <input type="checkbox"/>	No 不會 <input checked="" type="checkbox"/>																													
	<p>Please state measure(s) to minimise the impact(s). For tree felling, please state the number, diameter at breast height and species of the affected trees (if possible) 請註明盡量減少影響的措施。如涉及砍伐樹木，請說明受影響樹木的數目、及胸高度的樹幹直徑及品種(倘可)</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>																														

10. Justifications 理由

The applicant is invited to provide justifications in support of the application. Use separate sheets if necessary.
現請申請人提供申請理由及支持其申請的資料。如有需要，請另頁說明。

各執事委員大人：

上述申請地點是新界元朗流浮山
虎草村，是香港登革熱病的起源地點，
因虎草村有全港兩個最大養豬場，在申請
地段上，蚊患非常嚴重，當地村民時常叫
食環署來滅蚊，但蚊患仍然沒有解決，
蚊指數非常高，村在豬場旁邊附近有積水
的空田，用泥填平盡量沒有積水，減少蚊滋
生，本人出發點是為村民健康而做，經業主
同意，希請執事大人批准

這地段從來不是塘，因村民將田基填高，所以
地政署看落似魚塘。一直不是養魚

11. Declaration 聲明

I hereby declare that the particulars given in this application are correct and true to the best of my knowledge and belief.
本人謹此聲明，本人就這宗申請提交的資料，據本人所知及所信，均屬真實無誤。

I hereby grant a permission to the Board to copy all the materials submitted in an application to the Board and/or to upload such materials to the Board's website for browsing and downloading by the public free-of-charge at the Board's discretion.
本人現准許委員會酌情將本人就此申請所提交的所有資料複製及/或上載至委員會網站，供公眾免費瀏覽或下載。

Signature
簽署



☒ Applicant 申請人 / ☐ Authorised Agent 獲授權代理人

Name in Block Letters
姓名（請以正楷填寫）

Position (if applicable)
職位（如適用）

Professional Qualification(s)
專業資格

- ☐ Member 會員 / ☐ Fellow of 資深會員
☐ HKIP 香港規劃師學會 / ☐ HKIA 香港建築師學會 /
☐ HKIS 香港測量師學會 / ☐ HKIE 香港工程師學會 /
☐ HKILA 香港園境師學會 / ☐ HKIUD 香港城市設計學會

Others 其他

on behalf of
代表

☐ Company 公司 / ☐ Organisation Name and Chop (if applicable) 機構名稱及蓋章（如適用）

Date 日期

20 - 10 - 2020

(DD/MM/YYYY 日/月/年)

Remark 備註

The materials submitted in an application to the Board and the Board's decision on the application would be disclosed to the public. Such materials would also be uploaded to the Board's website for browsing and free downloading by the public where the Board considers appropriate.

委員會會向公眾披露申請人所遞交的申請資料和委員會對申請所作的決定。在委員會認為合適的情況下，有關申請資料亦會上載至委員會網頁供公眾免費瀏覽及下載。

Warning 警告

Any person who knowingly or wilfully makes any statement or furnish any information in connection with this application, which is false in any material particular, shall be liable to an offence under the Crimes Ordinance.

任何人在明知或故意的情況下，就這宗申請提出在任何要項上是虛假的陳述或資料，即屬違反《刑事罪行條例》。

Statement on Personal Data 個人資料的聲明

1. The personal data submitted to the Board in this application will be used by the Secretary of the Board and Government departments for the following purposes:

委員會就這宗申請所收到的個人資料會交給委員會秘書及政府部門，以根據《城市規劃條例》及相關的城市規劃委員會規劃指引的規定作以下用途：

- (a) the processing of this application which includes making available the name of the applicant for public inspection when making available this application for public inspection; and
處理這宗申請，包括公布這宗申請供公眾查閱，同時公布申請人的姓名供公眾查閱；以及
(b) facilitating communication between the applicant and the Secretary of the Board/Government departments.
方便申請人與委員會秘書及政府部門之間進行聯絡。

2. The personal data provided by the applicant in this application may also be disclosed to other persons for the purposes mentioned in paragraph 1 above.

申請人就這宗申請提供的個人資料，或亦會向其他人士披露，以作上述第 1 段提及的用途。

3. An applicant has a right of access and correction with respect to his/her personal data as provided under the Personal Data (Privacy) Ordinance (Cap. 486). Request for personal data access and correction should be addressed to the Secretary of the Board at 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong.

根據《個人資料(私隱)條例》(第 486 章)的規定，申請人有權查閱及更正其個人資料。如欲查閱及更正個人資料，應向委員會秘書提出有關要求，其地址為香港北角渣華道 333 號北角政府合署 15 樓。

For Developments involving Columbarium Use, please also complete the following:
如發展涉及靈灰安置所用途，請另外填妥以下資料：

Ash interment capacity 骨灰安放容量[@]

Maximum number of sets of ashes that may be interred in the niches

在龕位內最多可安放骨灰的數量

Maximum number of sets of ashes that may be interred other than in niches

在非龕位的範圍內最多可安放骨灰的數量

Total number of niches 龕位總數

Total number of single niches

單人龕位總數

Number of single niches (sold and occupied)

單人龕位數目 (已售並佔用)

Number of single niches (sold but unoccupied)

單人龕位數目 (已售但未佔用)

Number of single niches (residual for sale)

單人龕位數目 (待售)

Total number of double niches

雙人龕位總數

Number of double niches (sold and fully occupied).

雙人龕位數目 (已售並全部佔用)

Number of double niches (sold and partially occupied)

雙人龕位數目 (已售並部分佔用)

Number of double niches (sold but unoccupied)

雙人龕位數目 (已售但未佔用)

Number of double niches (residual for sale)

雙人龕位數目 (待售)

Total no. of niches other than single or double niches (please specify type)

除單人及雙人龕位外的其他龕位總數 (請列明類別)

Number of niches (sold and fully occupied)

龕位數目 (已售並全部佔用)

Number of niches (sold and partially occupied)

龕位數目 (已售並部分佔用)

Number of niches (sold but unoccupied)

龕位數目 (已售但未佔用)

Number of niches (residual for sale)

龕位數目 (待售)

Proposed operating hours 擬議營運時間

[@] Ash interment capacity in relation to a columbarium means –

就靈灰安置所而言，骨灰安放容量指：

- the maximum number of containers of ashes that may be interred in each niche in the columbarium;
每個龕位內可安放的骨灰容器的最高數目；
- the maximum number of sets of ashes that may be interred other than in niches in any area in the columbarium; and
在該靈灰安置所並非龕位的範圍內，總共最多可安放多少份骨灰；以及
- the total number of sets of ashes that may be interred in the columbarium.
在該骨灰安置所內，總共最多可安放多少份骨灰。

Gist of Application 申請摘要			
(Please provide details in both English and Chinese as far as possible. This part will be circulated to relevant consultees, uploaded to the Town Planning Board's Website for browsing and free downloading by the public and deposited at the Planning Enquiry Counters of the Planning Department for general information.) (請盡量以英文及中文填寫。此部分將會發送予相關諮詢人士、上載至城市規劃委員會網頁供公眾免費瀏覽及下載及存放於規劃署規劃資料查詢處以供一般參閱。)			
Application No. 申請編號	(For Official Use Only) (請勿填寫此欄)		
Location/address 位置/地址	新界流浮山深灣路虎草村 201296/19458BR, 1945SC		
Site area 地盤面積	2800 = sq. m 平方米 <input checked="" type="checkbox"/> About 約 (includes Government land of 包括政府土地 sq. m 平方米 <input type="checkbox"/> About 約)		
Plan 圖則	流浮山及尖鼻咀分區計劃大綱圖 S/YL-LFS/9		
Zoning 地帶	海岸保護區		
Applied use/ development 申請用途/發展	填土, (為杜絕蚊患)		
(i) Gross floor area and/or plot ratio 總樓面面積及/或地積比率		sq.m 平方米	Plot Ratio 地積比率
	Domestic 住用	<input type="checkbox"/> About 約 <input type="checkbox"/> Not more than 不多於	<input type="checkbox"/> About 約 <input type="checkbox"/> Not more than 不多於
	Non-domestic 非住用	<input type="checkbox"/> About 約 <input type="checkbox"/> Not more than 不多於	<input type="checkbox"/> About 約 <input type="checkbox"/> Not more than 不多於
(ii) No. of block 幢數	Domestic 住用		
	Non-domestic 非住用		
	Composite 綜合用途		

(iii) Building height/No. of storeys 建築物高度／層數	Domestic 住用		m 米 <input type="checkbox"/> (Not more than 不多於)
			mPD 米(主水平基準上) <input type="checkbox"/> (Not more than 不多於)
			Storeys(s) 層 <input type="checkbox"/> (Not more than 不多於) (<input type="checkbox"/> Include 包括/ <input type="checkbox"/> Exclude 不包括 <input type="checkbox"/> Carport 停車間 <input type="checkbox"/> Basement 地庫 <input type="checkbox"/> Refuge Floor 防火層 <input type="checkbox"/> Podium 平台)
	Non-domestic 非住用		m 米 <input type="checkbox"/> (Not more than 不多於)
			mPD 米(主水平基準上) <input type="checkbox"/> (Not more than 不多於)
			Storeys(s) 層 <input type="checkbox"/> (Not more than 不多於) (<input type="checkbox"/> Include 包括/ <input type="checkbox"/> Exclude 不包括 <input type="checkbox"/> Carport 停車間 <input type="checkbox"/> Basement 地庫 <input type="checkbox"/> Refuge Floor 防火層 <input type="checkbox"/> Podium 平台)
	Composite 綜合用途		m 米 <input type="checkbox"/> (Not more than 不多於)
			mPD 米(主水平基準上) <input type="checkbox"/> (Not more than 不多於)
			Storeys(s) 層 <input type="checkbox"/> (Not more than 不多於) (<input type="checkbox"/> Include 包括/ <input type="checkbox"/> Exclude 不包括 <input type="checkbox"/> Carport 停車間 <input type="checkbox"/> Basement 地庫 <input type="checkbox"/> Refuge Floor 防火層 <input type="checkbox"/> Podium 平台)
(iv) Site coverage 上蓋面積			% <input type="checkbox"/> About 約
(v) No. of units 單位數目			
(vi) Open space 休憩用地	Private 私人	sq.m 平方米 <input type="checkbox"/> Not less than 不少於	
	Public 公眾	sq.m 平方米 <input type="checkbox"/> Not less than 不少於	

(vii) No. of parking spaces and loading / unloading spaces 停車位及上落客貨車位數目	Total no. of vehicle parking spaces 停車位總數 Private Car Parking Spaces 私家車車位 Motorcycle Parking Spaces 電單車車位 Light Goods Vehicle Parking Spaces 輕型貨車泊車位 Medium Goods Vehicle Parking Spaces 中型貨車泊車位 Heavy Goods Vehicle Parking Spaces 重型貨車泊車位 Others (Please Specify) 其他 (請列明) _____	
	Total no. of vehicle loading/unloading bays/lay-bys 上落客貨車位／停車處總數 Taxi Spaces 的士車位 Coach Spaces 旅遊巴車位 Light Goods Vehicle Spaces 輕型貨車車位 Medium Goods Vehicle Spaces 中型貨車車位 Heavy Goods Vehicle Spaces 重型貨車車位 Others (Please Specify) 其他 (請列明) _____	

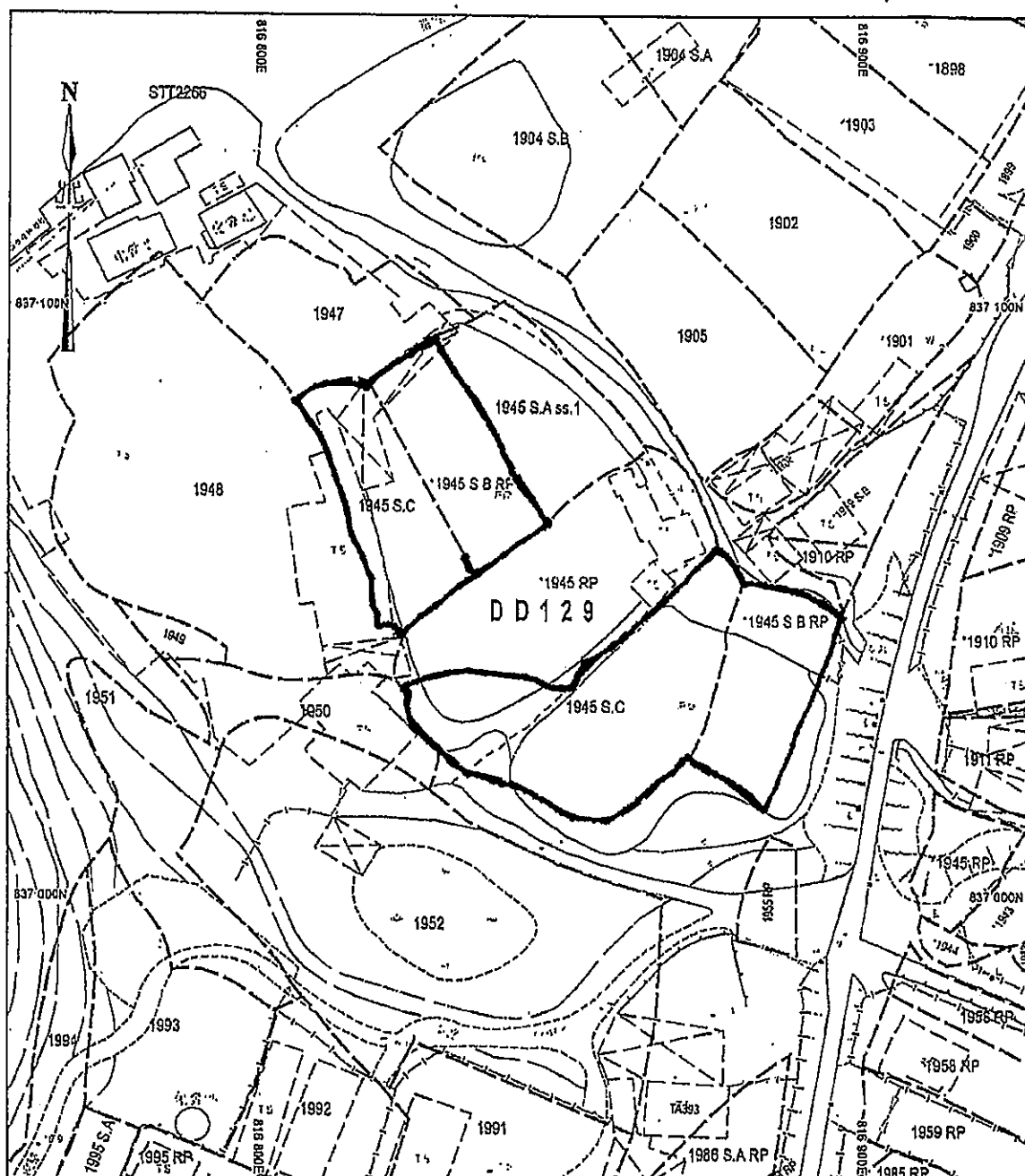
Submitted Plans, Drawings and Documents 提交的圖則、繪圖及文件		
	Chinese 中文	English 英文
Plans and Drawings 圖則及繪圖		
Master layout plan(s)/Layout plan(s) 總綱發展藍圖／布局設計圖	<input type="checkbox"/>	<input type="checkbox"/>
Block plan(s) 樓宇位置圖	<input type="checkbox"/>	<input type="checkbox"/>
Floor plan(s) 樓宇平面圖	<input type="checkbox"/>	<input type="checkbox"/>
Sectional plan(s) 截視圖	<input type="checkbox"/>	<input type="checkbox"/>
Elevation(s) 立視圖	<input type="checkbox"/>	<input type="checkbox"/>
Photomontage(s) showing the proposed development 顯示擬議發展的合成照片	<input type="checkbox"/>	<input type="checkbox"/>
Master landscape plan(s)/Landscape plan(s) 園境設計總圖／園境設計圖	<input type="checkbox"/>	<input type="checkbox"/>
Others (please specify) 其他 (請註明) <u>位置圖</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Reports 報告書		
Planning Statement/Justifications 規劃綱領/理據	<input type="checkbox"/>	<input type="checkbox"/>
Environmental assessment (noise, air and/or water pollutions) 環境評估 (噪音、空氣及／或水的污染)	<input type="checkbox"/>	<input type="checkbox"/>
Traffic impact assessment (on vehicles) 就車輛的交通影響評估	<input type="checkbox"/>	<input type="checkbox"/>
Traffic impact assessment (on pedestrians) 就行人的交通影響評估	<input type="checkbox"/>	<input type="checkbox"/>
Visual impact assessment 視覺影響評估	<input type="checkbox"/>	<input type="checkbox"/>
Landscape impact assessment 景觀影響評估	<input type="checkbox"/>	<input type="checkbox"/>
Tree Survey 樹木調查	<input type="checkbox"/>	<input type="checkbox"/>
Geotechnical impact assessment 土力影響評估	<input type="checkbox"/>	<input type="checkbox"/>
Drainage impact assessment 排水影響評估	<input type="checkbox"/>	<input type="checkbox"/>
Sewerage impact assessment 排污影響評估	<input type="checkbox"/>	<input type="checkbox"/>
Risk Assessment 風險評估	<input type="checkbox"/>	<input type="checkbox"/>
Others (please specify) 其他 (請註明)	<input type="checkbox"/>	<input type="checkbox"/>

Note: May insert more than one '✓'. 註：可在多於一個方格內加上「✓」號

Note: The information in the Gist of Application above is provided by the applicant for easy reference of the general public. Under no circumstances will the Town Planning Board accept any liabilities for the use of the information nor any inaccuracies or discrepancies of the information provided. In case of doubt, reference should always be made to the submission of the applicant.

註：上述申請摘要的資料是由申請人提供以方便市民大眾參考。對於所載資料在使用上的問題及文義上的歧異，城市規劃委員會概不負責。若有任何疑問，應查閱申請人提交的文件。

地段索引圖 LOT INDEX PLAN



地政總署測繪處 Survey and Mapping Office, Lands Department

比例尺 SCALE 1:1000

metres 10 0 10 20 30 40 50 metres



Locality : _____
 Lot Index Plan No. : LIP714171P
 District Survey Office : DSOYL
 Date : 04-Nov-2020
 Reference No. : 2-SW-22A

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換裝說明：本地段索引圖在其背景的地形圖上標示了各種永久和短期持有的土地的圖樣界線。這些土地包括私人地段、政府地、短期租約批地、以及其他作核准用途的土地。請注意：(1)本索引圖上的資料會不時更新而不作事先通知；(2)索引圖的更新會結合後有圖資的實際情況；以及(3)本索引圖中所示的界線供識別之用，其目的是否準確，應徵詢專業土地測量師的意見。
 免責說明：如圖使用本地段索引圖，或圖所依據的本索引圖資料出錯、遺漏、均時或有誤差而引致任何損失或損害，政府概不承擔任何法律責任。

Explanatory notes: This plan shows the graphical boundaries of different kinds of permanent and temporary land holdings with the topographic map in the backdrop. The land holdings as shown may include private lots, government land allocations, short term tenancies and other permitted uses of land. It must be noted that: (1) the information shown on this plan is subject to update without prior notification; (2) there may be time lag between an update and the related changes taken place; and (3) the graphical boundaries as shown are for identification purpose only and interpretation of their accuracy and reliability requires the advice from professional land surveyor.
 Disclaimer: The Government shall not be responsible for any loss or damage howsoever arising from the use of this plan or in reliance upon its correctness, completeness, timeliness or accuracy.

編號 - A/YL-LFF/386 -

致：規劃署城市規劃委員會秘書處

有關新界元朗屏山鄉深灣路原草村元朗丈量

約份129地段19458BRP及19458C,申請填土規劃

許可,上述有幾點申請人會遵從承諾

(一)平整後絕無廢屑

(二)全坭土填平絕不填建築廢料及垃圾

(三)高度同村民出入路平

(四)平整後絕無積水

(五)已填土地約1300平方米(見圖)

(六)徹底防治蚊患

(七)先前填的1300平方米是用坭填

申請人：林權

2020年11月21日

址：香港新界元朗安寧路139-147號2樓
屏山鄉鄉事會

致: 城市規劃委員會

有關規劃申請編號 A/YL-LFS/386

上述申請填土地段, 每日5至7車, 約1小時45分

鐘一次, 絕對不會影響深濱路交通阻塞。

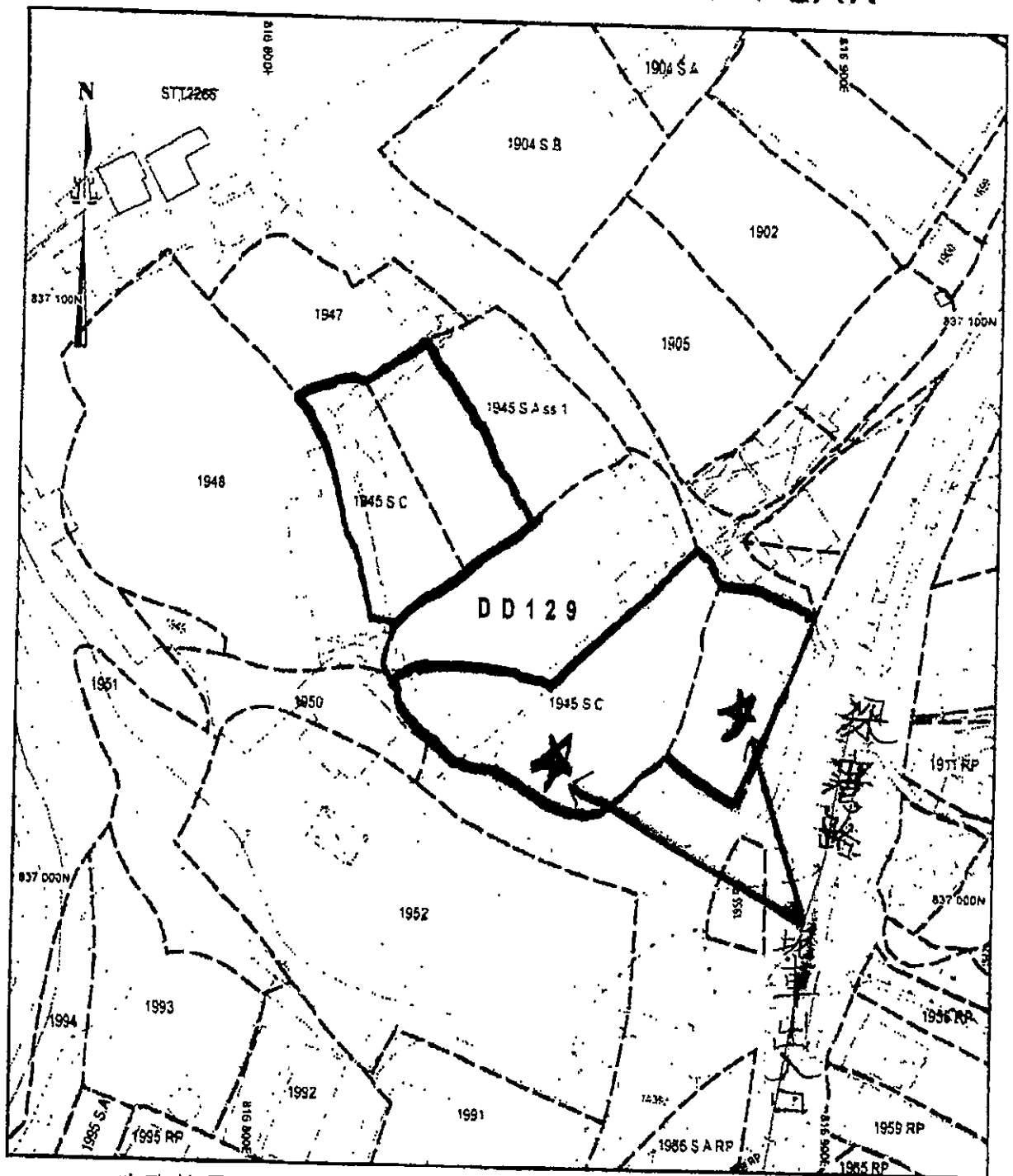
申請人: 林權

2021年1月4日

Fax: 廖小姐

洪小姐

LOT INDEX PLAN



地政總署測繪處 Survey and Mapping Office, Lands Department

SCALE 1 : 1000

metres 10 0 10 20 30 40 50 metres

Locality :

Lot Index Plan No. : LIP714171P

District Survey Office : DSOYL

Date : 04-Nov-2020

Reference No. : 2-SW-22A

香港特別行政區政府 地政總署

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解釋說明：此圖顯示不同種類土地持權的圖形界線，包括永久及臨時土地持權，以及地籍圖背景中的地形圖。土地持權可能包括私人土地、政府土地撥款、短期租約及其他獲准的土地用途。必須注意，(1) 此圖顯示的信息可能因時間而有所滯後，且未經事先通知而更新；(2) 此圖顯示的信息可能因時間而有所滯後，且未經事先通知而更新；(3) 此圖顯示的信息可能因時間而有所滯後，且未經事先通知而更新。

Explanatory notes: This plan shows the graphical boundaries of different kinds of permanent and temporary land holdings with the topographic map in the backdrop. The land holdings as shown may include private lots, government land allocations, short term tenancies and other permitted uses of land. It must be noted that: (1) the information shown on this plan is subject to update without prior notification; (2) there may be time lag between an update and the related changes taken place; and (3) the graphical boundaries as shown are for identification purpose only and interpretation of their accuracy and reliability requires the advice from professional land surveyor. Disclaimer: The Government shall not be responsible for any loss or damage howsoever arising from the use of this plan or in reliance upon its correctness, completeness, timeliness or accuracy.

致：城市規劃委員會

有關規畫申請編號 A/YL-LFS/386

原先申請上述地段填土，現在修改為
填土及填塘，已填完部份的面積不會

再填土。特此

申請人：林權

2021年1月8日

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.



嘉道理農場暨植物園公司
Kadoorie Farm & Botanic Garden Corporation

5-4

The Secretary,
Town Planning Board,
15/F, North Point Government Offices,
333, Java Road, North Point,
Hong Kong.
(Email: tpbpd@pland.gov.hk)

21st December, 2020.

By email only

Dear Sir/ Madam,

Proposed Filling of Land
(A/YL-LFS/386)

1. We refer to the captioned.
2. We urge the Board to investigate with relevant authorities as to whether the application would also involve filling of pond. As shown in the map of the gist, two features marked with 'PO' are covered by the application site and 'PO' is in general used to indicate pond.
3. We also urge the Board to investigate with relevant authorities as to whether sufficient justification has been provided to support the proposed filling of land which is within Coastal Protection Area (CPA) zone in the Deep Bay Area.
4. We urge the Board to investigate with relevant authorities as to whether this is the first application for filling of land within the CPA zone under the Lau Fau Shan and Tsim Bei Tsui OZP, and to consider whether the approval would set a precedent for similar applications.
5. Finally, we urge the Board to investigate the history and status of the site with relevant authorities.
6. Thank you for your attention.

Ecological Advisory Programme
Kadoorie Farm and Botanic Garden

香港新界大埔林錦公路
Lam Kam Road, Tai Po, New Territories, Hong Kong
Email: eap@kfbg.org

tpbpd@pland.gov.hk

寄件者: Tobi Lau (Local Biodiversity)
寄件日期: 2020年12月14日星期一 12:09
收件者: tpbpd@pland.gov.hk
主旨: s16 Fu Tsoi Tsuen A_YL-LFS_386_2020 WWF
附件: s16 A_YL-LFS_386_2020 Dec(12)_WWF.pdf

Dear Sir/Madam,

Please find WWF-Hong Kong's submission on the captioned town planning application. See attached file:

s16 A_YL-LFS_386_2020 Dec(12)_WWF

Thank you for your attention.

Yours faithfully,
Tobi LAU
Manager, Conservation Policy
World Wide Fund For Nature Hong Kong

Registered Name 註冊名稱: World Wide Fund For Nature Hong Kong 世界自然(香港)基金會
(Incorporated in Hong Kong with limited liability by guarantee 於香港註冊成立的擔保有限公司)



世界自然基金會
香港分會

WWF-Hong Kong

香港新界葵涌葵昌路8號
萬泰中心15樓
15/F, Manhattan Centre
8 Kwai Cheong Road
Kwai Chung, N.T., Hong Kong

電話 Tel: +852 2526 1011
傳真 Fax: +852 2845 2764
wwf@wwf.org.hk
wwf.org.hk

14 Dec 2020

Chairman and members
Town Planning Board
15/F North Point Government Offices,
333 Java Road, North Point,
Hong Kong
(E-mail: tpbpd@pland.gov.hk)

By E-mail ONLY

Dear Sir/Madam,

**RE: Proposed Filling of Land in "Coastal Protection Area" zone in Fu Tso Tsuen
in Lau Fau Shan (A/YL-LFS/386)**

We would like to lodge objection to the captioned.

"Destroy first, apply later" approach adopted

According to the site visit on 11 Dec 2020, vegetation clearance had been observed at one of the application sites that situated at the southeast of the captioned (Fig 1). It was observed that the land level had been raised a lot and that may lead to flooding to the household in the vicinity. According to the Planning Authority, the site is associated with unauthorized development of unlawful pond/land filling and site formation subject to the enforcement notice E/YL-LFS/513 and no compliance notice being issued by the authority by the time of this submission prepared. The applicant is now trying legalized such unlawful fill in activity through town planning application. Besides, it is also found a structure has been emerged at another site of the captioned, ie northwest section. According to the Google Earth's comparison, a roof of a structure adjoining the application site has encroached into the application site in Mar 2020. We would like to remind the Town Planning Board to proactively deter "Destroy first, develop later" planning applications so as to be consistent with the Government press release on 4 July 2011 which stated that *"the Board is determined to conserve the rural and natural environment and will not tolerate any deliberate action to destroy the rural and natural environment in the hope that the Board would give sympathetic consideration to subsequent development on the site concerned"*¹.

together possible

¹ <http://www.info.gov.hk/gia/general/201107/04/P201107040255.htm>.

贊助入：香港特別行政區政府
協辦或贊助：GBM, GBS, JP
主席：何爾達先生
行政總裁：江傳賢先生

義務校對：香港立憲選舉監察聯盟有限公司
義務公司秘書：裕信保險股份有限公司
義務律師：開士打律師行
義務司庫：匯豐銀行
義務校對：匯豐銀行

Patron: The Honourable CY Leung, GBM, GBS, JP
Chief Executive of the HKSAR
Chairman: Mr Edward M. Ho
CEO: Mr Peter Cornthwaite

Honorary Auxiliaries: BDO Limited
Honorary Company Secretary:
McCabe Secretarial Services Limited
Honorary Solicitors: Mayer Brown JSA
Honorary Treasurer: HSBC
Registered Charity
(Incorporated With Limited Liability)

We would be grateful if our comment could be considered by the Town Planning Board.

Sincerely yours,

Tobi Lau (Mr.)

Manager, Conservation Policy

Fig 1 vegetation clearance observed at the application site (photo taken on 11 Dec 2020)



Fig 2 Aerial views of the application site in 2017 and 2020 showing that a structure was emerged at the northwest site of the captioned

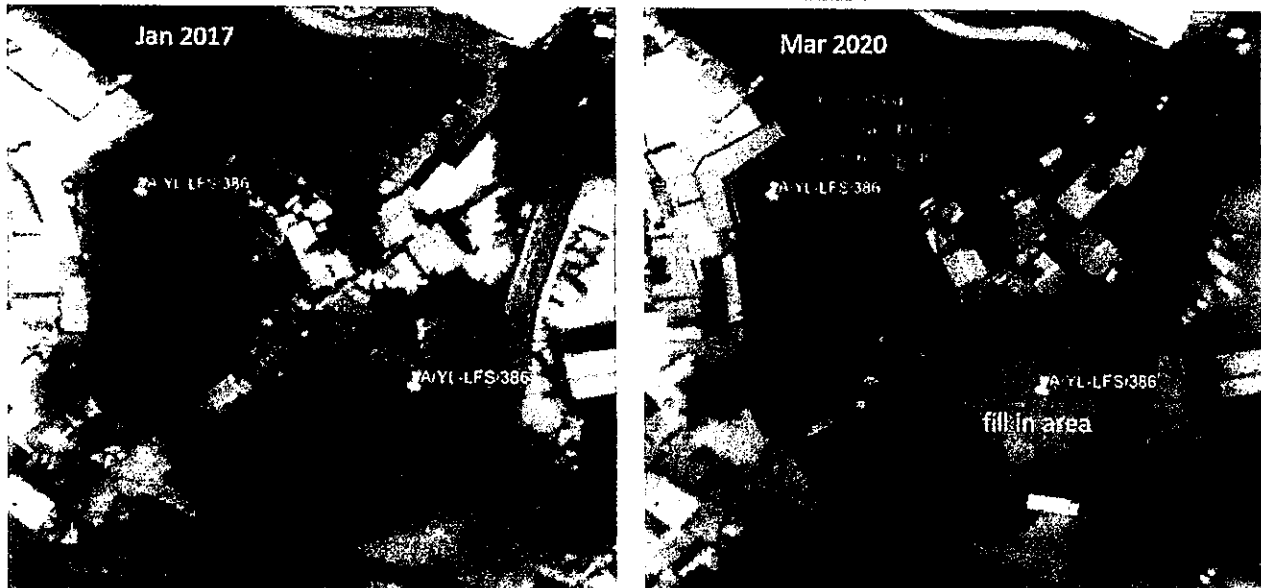


Image source: Google Earth. Access on 14 Dec 2020.

☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt ☐ Mark Subject Restricted ☐ Expand personal&public groups



**HKBWS's comments on the planning application for the proposed Filling of Land
at Lau Fau Shan, Yuen Long (A/YL-LFS/386)**

18/12/2020 15:40

From: "WONG, Suet Mei"
To: tpbpd <tpbpd@pland.gov.hk>
Cc: HKBWS HKBWS
FileRef:

Dear Sir/Madam,

The Hong Kong Bird Watching Society's comments on the planning application for the proposed Filling of Land at Lau Fau Shan, Yuen Long (A/YL-LFS/386) is attached.

Thank you.

Best Regards,

Wong Suet Mei | 黃雪媚
Conservation Officer | 保育主任
Hong Kong Bird Watching Society | 香港觀鳥會
A: 7C, V Ga Building, 532 Castle Peak Road, Kowloon, Hong Kong
香港九龍荔枝角青山道532號偉基大廈7樓C室
T: +852 2377 4387 | F: +852 2314 3687

PDF

20201222_LauFauShan_LandFilling_A_YL_LFS_386_HKBWS.pdf

Secretary, Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point, Hong Kong
(E-mail: tpbpd@pland.gov.hk)

By email only

18 December 2020

Dear Sir/Madam,

Comments on the planning application for the proposed Filling of Land at Lau Fau Shan, Yuen Long (A/YL-LFS/386)

The Hong Kong Bird Watching Society (HKBWS) objects to the planning application based on the following reasons.

- 1 **Not in line with the planning intention of the "Coastal Protection Area" (CPA) zoning and the adverse ecological impacts**
 - 1.1 The application site is located with the CPA zone, where is intended "*to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development; and to cover areas which serve as natural protection areas sheltering nearby developments against the effects of coastal erosion, with a general presumption against development.*" According to the Explanatory Statement of the corresponding outline zoning plan (S/YL-LFS/8), CPA zoning will only be subject to the developments to support the conservation of the existing natural landscape and its scenic quality.
 - 1.2 From the Google Earth aerial photographs in 2017 (Figure 1), and also the GeoInfo map (Figure 2), the site and its surroundings within CPA zone are found with ponds and woodland. However, the proposed land filling will lead to a direct loss in wetland. Besides, the proposed land filling will not

1

香港觀鳥會 Hong Kong Bird Watching Society

電話 Tel No +852 2377 4387

電郵 E-mail info@hkbws.org.hk

地址 香港九龍荔枝角青山道532號偉基大廈7C

傳真 Fax No +852 2314 3687

網頁 Web site www.hkbws.org.hk

Address 7C, V Ga Building, 532 Castle Peak Road, Lai Chi Kok, Kowloon, Hong Kong

香港觀鳥會為非牟利慈善機構，在香港註冊為慈善機構。 HKBWS is a charitable organization incorporated in Hong Kong with the first objective, by its charter,



contribute to any of the developments to support nature conservation as intended. In the contrary, it may even lead to undesirable scenic pollution and loss in coastal natural habitats, which is not in line with the above planning intention.

- 1.3 Furthermore, the proposed site is very close to the “Inner Deep Bay and Shenzhen River catchment” Important Bird Area, which is recognized by the BirdLife International (Figure 3). The potential adverse impacts of filling of wetlands on migratory birds and their habitats cannot be overlooked.
 - 1.4 We urge the Town Planning Board (Board) to reject this application as it is not in line with the planning intention of CPA zone to preserve the coastal environment and would adversely affect the migratory birds.
- 2 The Town Planning Board should not encourage “destroy first, build later”**
- 1.1 An Enforcement Notice (Case no. E/YL-LFS/513) for the unauthorized development of Pond Filling was issued at the application site on 9 October 2020.
 - 1.2 From Google Earth aerial photographs, landscape changes of pond filling were seen at the application site between 2017 and 2020 (Figure 1). We consider that this is “destroy first, build later”. We are concerned the approval of the current application would further legitimize the current misuse of the CPA zone, leading to the promotion of “destroy first, develop later” attitudes among landowners in the locality. As the Board has suggested that *“the Board will not tolerate any deliberate action to destroy the rural and natural environment in the hope that the Board would give sympathetic consideration to subsequent development on the site concerned.”*¹ We urge the Board to reject this application.
- 2 Set an undesirable precedent to the future development**
- The approval of this application will set an undesirable precedent to the future similar applications associated with “destroy first, develop later” within the CPA zone, and thus nullifying the statutory planning control mechanism. We urge the

¹ TPB Press Release. Available at:
<http://www.info.gov.hk/gia/general/201107/04/P201107040255.htm>

Board to reject this application in order to avoid CPA zone from any development threats.

3 Justifications for the decision and comments made by Government departments and the Board

According to the Hong Kong Planning Standards and Guidelines (HKPSG), Chapter 10, Section 2.1 (ii), the Board has the responsibility to, *"restrict uses within conservation zones to those which sustain particular landscapes, ecological and geological attributes and heritage features"*. We note that all other Government bureaux/departments are also bound to the HKPSG, and the Agriculture, Fisheries and Conservation Department (AFCD) and the Planning Department (PlanD) have the responsibility to advise the Board on the ecological² and planning aspects in particular. Given AFCD's mission to conserve natural environment and safeguard the ecological integrity³, and the proposed development is not in line with the planning intention of the statutory zoning, HKBWS would also expect AFCD and PlanD to object to this application. Should AFCD, PlanD or the Board feels otherwise, we urge that the appropriate justifications are provided.

The HKBWS respectfully requests the Board to take our comments into consideration and reject the current application. Thank you for your kind attention.

Yours faithfully,



Wong Suet Mei
Conservation Officer
The Hong Kong Bird Watching Society

² AFCD Role of Department. Available at:
http://www.afcd.gov.hk/english/aboutus/abt_role/abt_role.html

³ AFCD Vision and Mission. Available at:
http://www.afcd.gov.hk/english/aboutus/vision_mission/abt_vision_mission.html

cc.

The Conservancy Association

Designing Hong Kong

Kadoorie Farm and Botanic Garden

WWF – Hong Kong

TrailWatch

Figure 1. The Google Earth aerial photographs in 2017 shows that the site (marked with red line) and its surroundings are found with ponds and woodland. However, landscape changes of pond filling were seen at the site between 2017 and 2020. We consider that this is “destroy first, build later”.

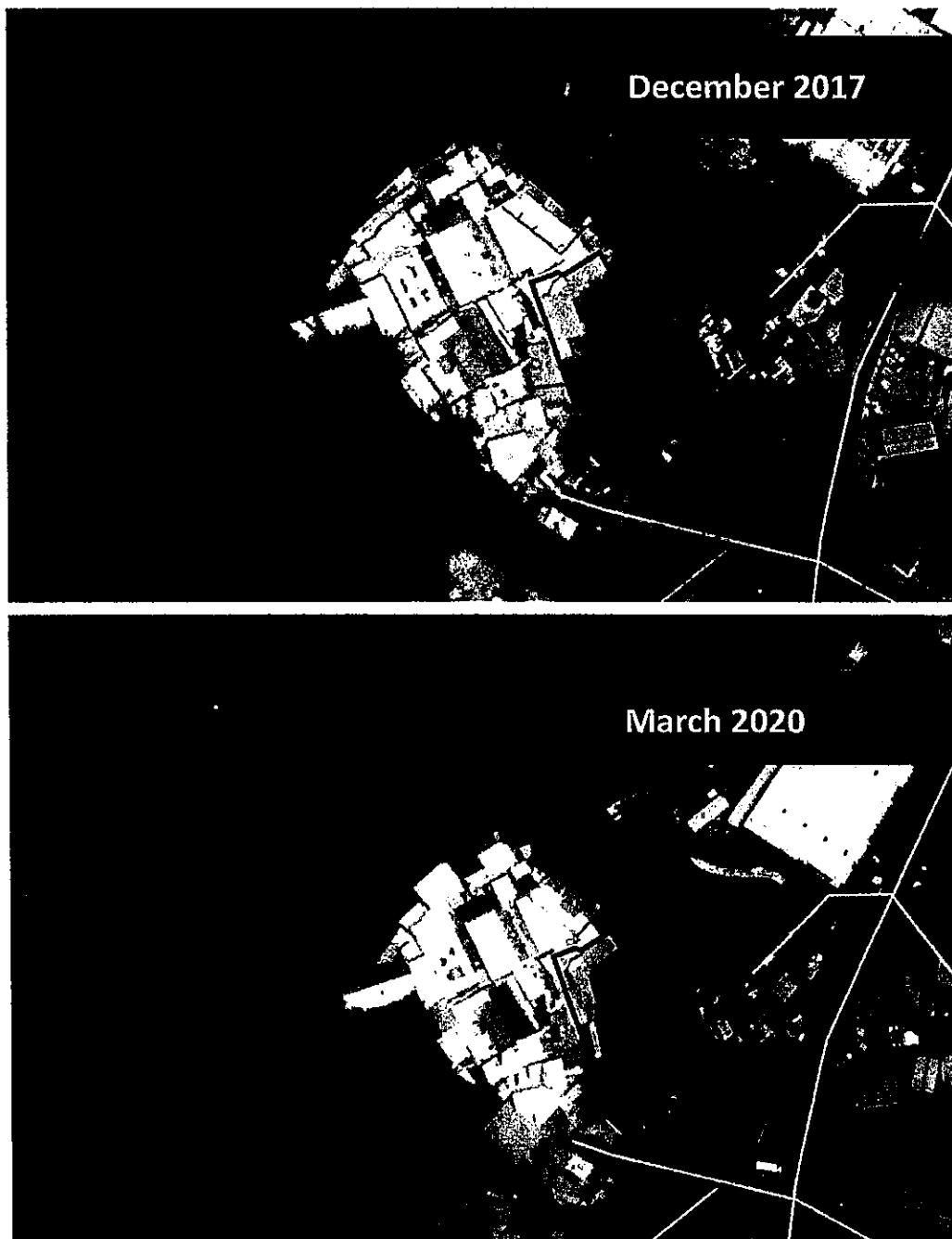


Figure 2. The map extracted from GeoInfo Map indicates that the site and its surroundings are found with ponds. The proposed land filling will lead to a direct loss in wetland.

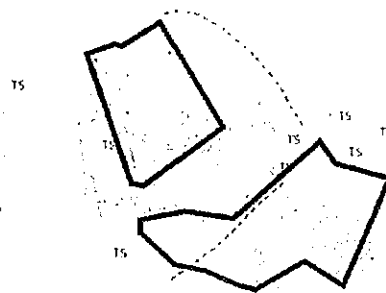
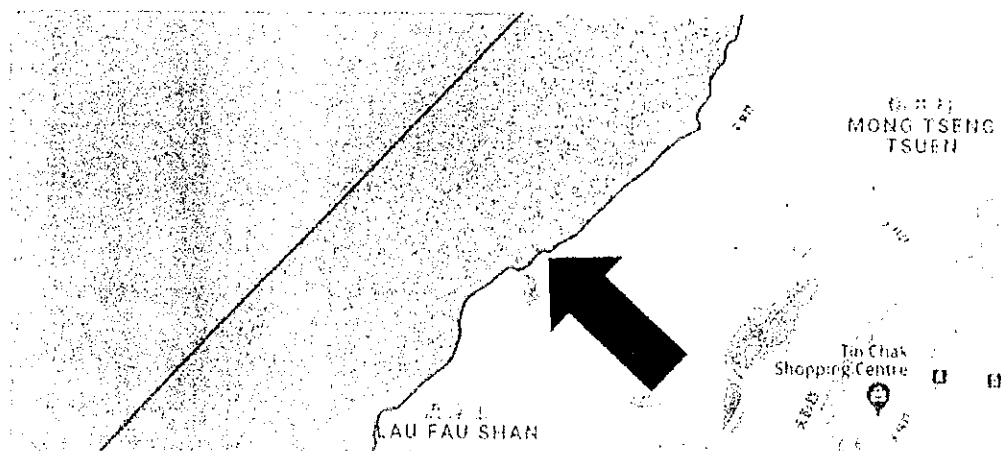


Figure 3. The site (marked with red arrow) is very close to the internationally recognized "Inner Deep Bay and Shenzhen River catchment" Important Bird Area (filled with brown color). The potential adverse impacts of filling of wetlands on migratory birds and their habitats cannot be overlooked.



tpbpd@pland.gov.hk

寄件者: Samuel Wong
寄件日期: 2020年12月21日 星期一 17:27
收件者: tpbpd@pland.gov.hk
主旨: DHK's comment on A/YL-LFS/386
附件: 20201222 A_YL-LFS_386 Lau Fau Shan Land Filling in CPA.pdf

Dear Sir/Madam,

Our comment on the following application is attached:

1. A/YL-LFS/386

Thank you for your attention.

Yours faithfully,

For and on behalf of Designing Hong Kong Limited

Samuel Wong | Project Officer

T: +852 3104 2767 | E: samuel@designinghongkong.com

創建 Designing Hong Kong 香港 .com

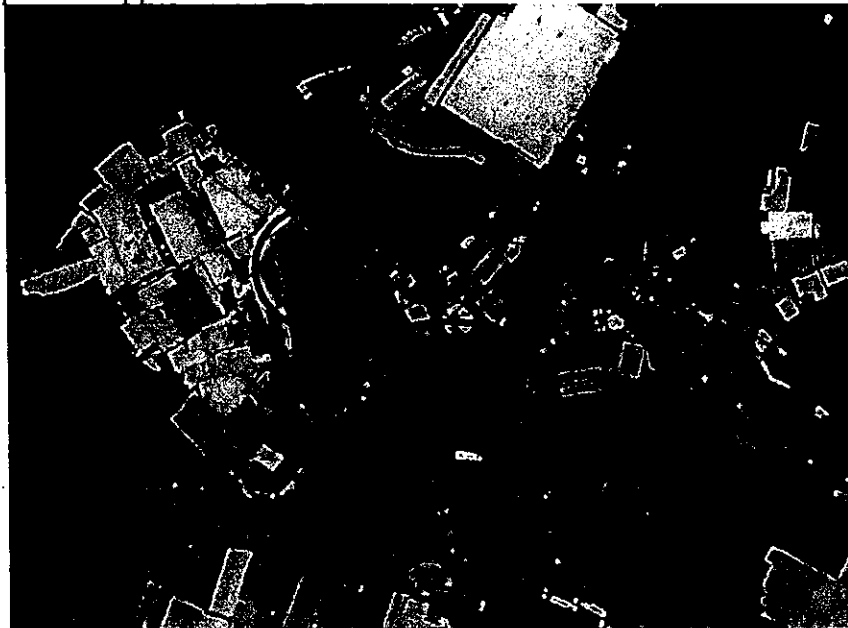
21 December 2020
Chairman and Members
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point, Hong Kong
Fax: 2877 0245;
Email: tpbpd@pland.gov.hk

Proposed Filling of Land (Application No. A/YL-LFS/386)

Dear Chairman and Members,

Designing Hong Kong Limited **objects** the captioned for the following reasons:

- The proposed area is zoned as "**Coastal Protection Area (CPA)**". The planning intention of this zone is primarily for conserving, protecting and retaining the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development. It may also cover areas which serve as natural protection areas sheltering nearby developments against the effects of coastal erosion.
- From the Google Earth's aerial image, the proposed site has been filled without any previous planning approval. We concern the Town Planning Board may be rewarding an "**Destroy First, Development Later**" practice and **unauthorized development** here through the approval of captioned application.



Click or tap to enter a date.

創建 Designing Hong Kong 香港 .com

- It is noted that an **enforcement notices** (Case No. E/YL-LFS/513) has been issued for illegal land filling. The approval of the application will further legitimize unauthorized use of land and set an undesirable precedent to regularize unlawful activities through planning application.
- The approval of the application would set an undesirable precedent for other applications within the "Coastal Protection Area (CPA)" zone, and lead to a general degradation of the rural environment and the wetland landscape of the area.

Here we submit our concerns for your consideration.

Yours,
Designing Hong Kong Limited

5-1

☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt ☐ Mark Subject Restricted ☐ Expand personal&public groups



A/YL-LFS/386 DP 120-Lau Fau Shan Mosquitoes
16/12/2020 03:17

From: [REDACTED]
To: tpbpd <tpbpd@pland.gov.hk>
FileRef:

A/YL-LFS/386

Lots 1945 S.B RP and 1945 S.C in D.D.129, Lau Fau Shan

Site area : About 2,800sq.m

Zoning : "Coastal Protection Area"

Applied development : **Proposed Filling of Land**

Dear TPB Members,

This application is preposterous, particularly when the need to protect and maintain our shoreline defenses are becoming more apparent.

"The applicant seeks planning permission to use the Site **for proposed filling of land to avoid the breeding of mosquito**. The Site is accessed via a local track from Deep Bay Road. The total site area is about 2,800, in **which about 1,300m² of land has been filled** while about 1,500m² will be filled with a depth of filling about 1 m, which will be at the same level of the surrounding roads"
DESTROY TO BUILD.

I cannot find an application for the 1,300sq.m already filled. Has any enforcement action been taken for unapproved works?

Re recent approval A/YL-LFS/370

Although the proposed use was not in line with the planning intention of the "Coastal Protection Area" ("CPA") zone and the Chief Town - 64 - Planner/Urban Design and Landscape, PlanD had reservation on the application, it was noted that only a small portion of the site fell within the "CPA" zone and the applicant had committed that **no site formation works would be carried out within the CPA zone.**

If there is a mosquito problem it is because the landowner has been negligent in managing our natural resources.

A method used to control mosquitos on wetlands is source reduction. This involves modifying the environment to minimise conditions suitable for mosquitoes. In Australia this is usually achieved by runnelling, a process that involves construction and maintenance of shallow channels that connect saltmarsh pools to the tide source to modify the tidal inundation regime to one less suited to saltwater mosquitoes. Restoration of ecological function can be a shared objective of both coastal wetland rehabilitation and saltwater mosquito hazard source control.

Members must reject this application, question relevant departments with regard to

damage already inflicted on the CPA and remind them to ensure that these lots should be under frequent inspection going forward.

Mary Mulvihill

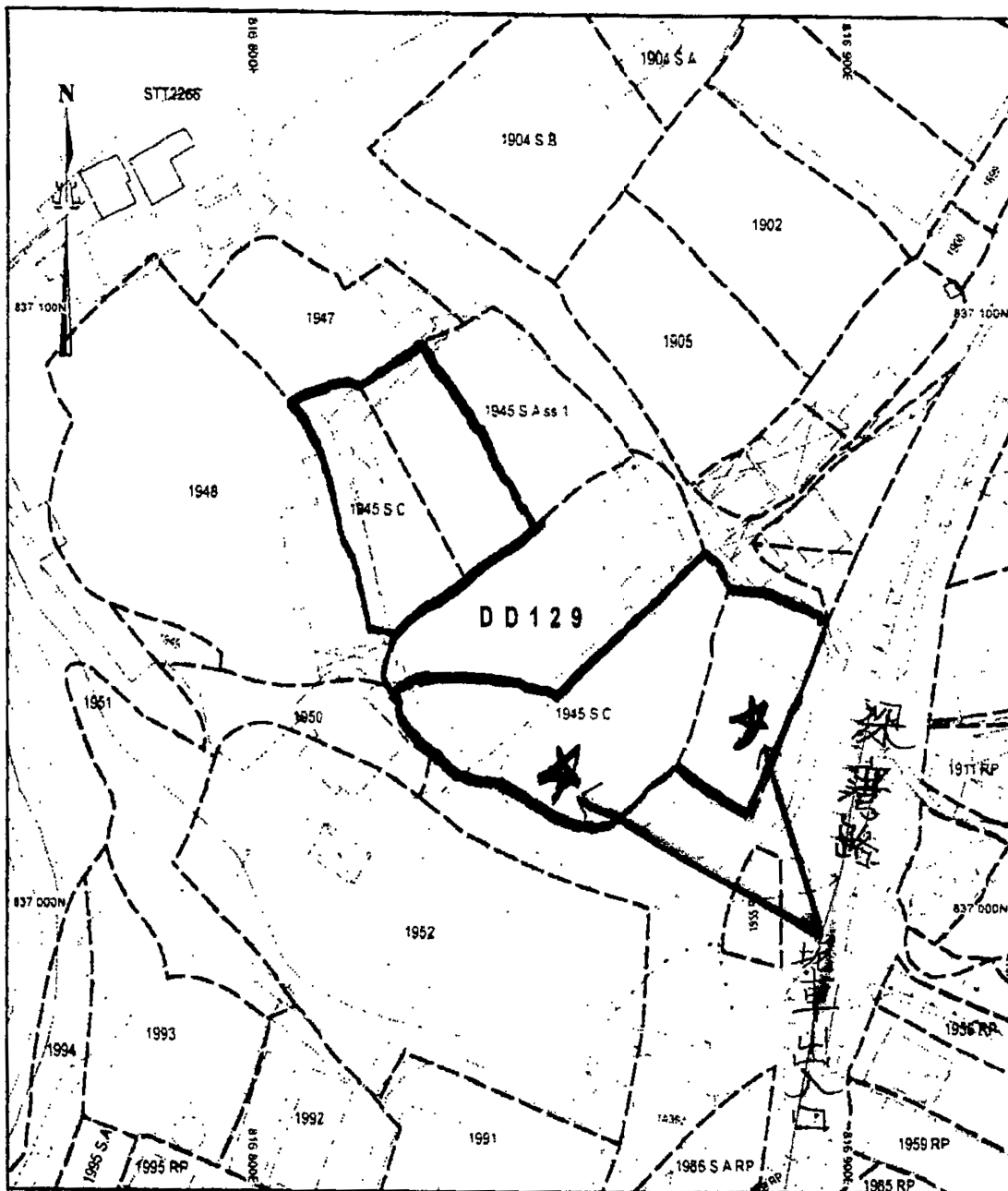
Advisory Clauses

- (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.

地政索引圖 LOT INDEX PLAN



地政總署測繪處 Survey and Mapping Office, Lands Department

SCALE

metres 10 0 10 20 30 40 50 metres

Locality :

Lot Index Plan No. : LIP714171P

District Survey Office : DSOYL

Date : 04-Nov-2020

Reference No. : 2-SW-22A

香港銀行及保險公司 經理人啟

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SMO-P01 20201104113841 10

[illegible]

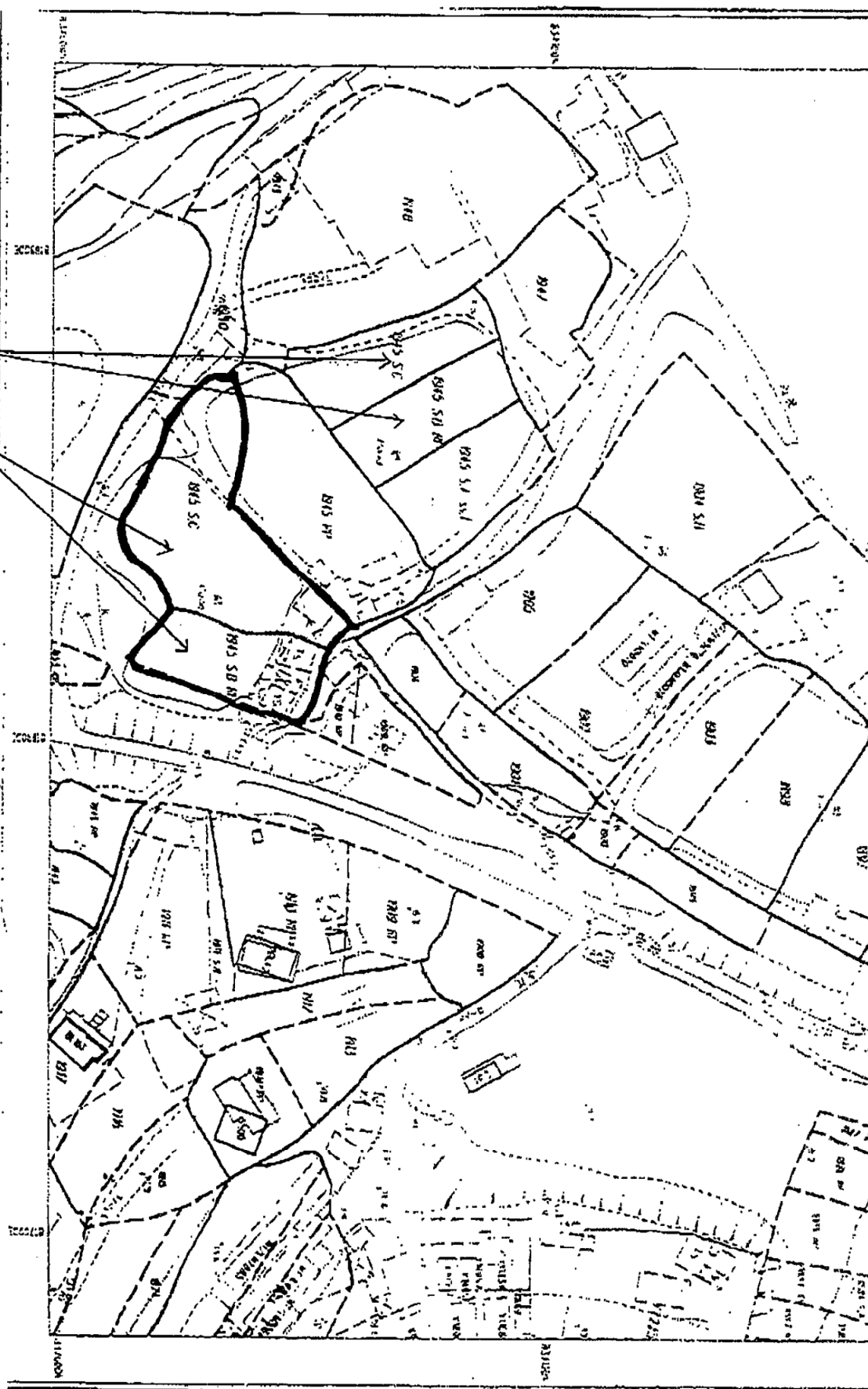
Explanatory notes : This plan shows the graphical boundaries of different kinds of permanent and temporary land holdings with the topographic map in the backdrop. The land holdings as shown may include private lots, government land allocation, short term tenancies and other permitted uses of land. It must be noted that: (1) the information shown on this plan is subject to update without prior notification; (2) there may be time lag between an update and the related changes taken place; and (3) the graphical boundaries as shown are for identification purpose only and interpretation of their accuracy and reliability requires the advice from professional land surveyor.

Disclaimer: The Government shall not be responsible for any loss or damage, howsoever arising from the use of this plan or in reliance upon its correctness, completeness, timeliness or accuracy.

參考編號 REFERENCE No.
A/YL-LFS/386

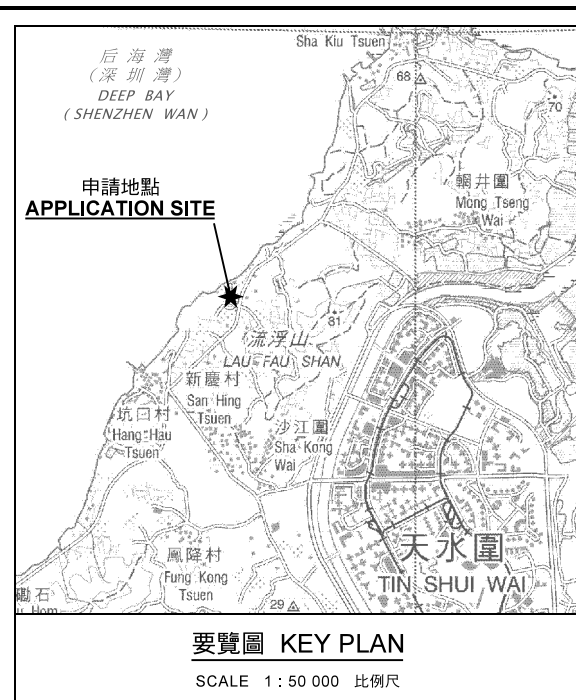
繪圖 DRAWING
A-1

(Extract from Applicant's Submission Dated 5.1.2021)

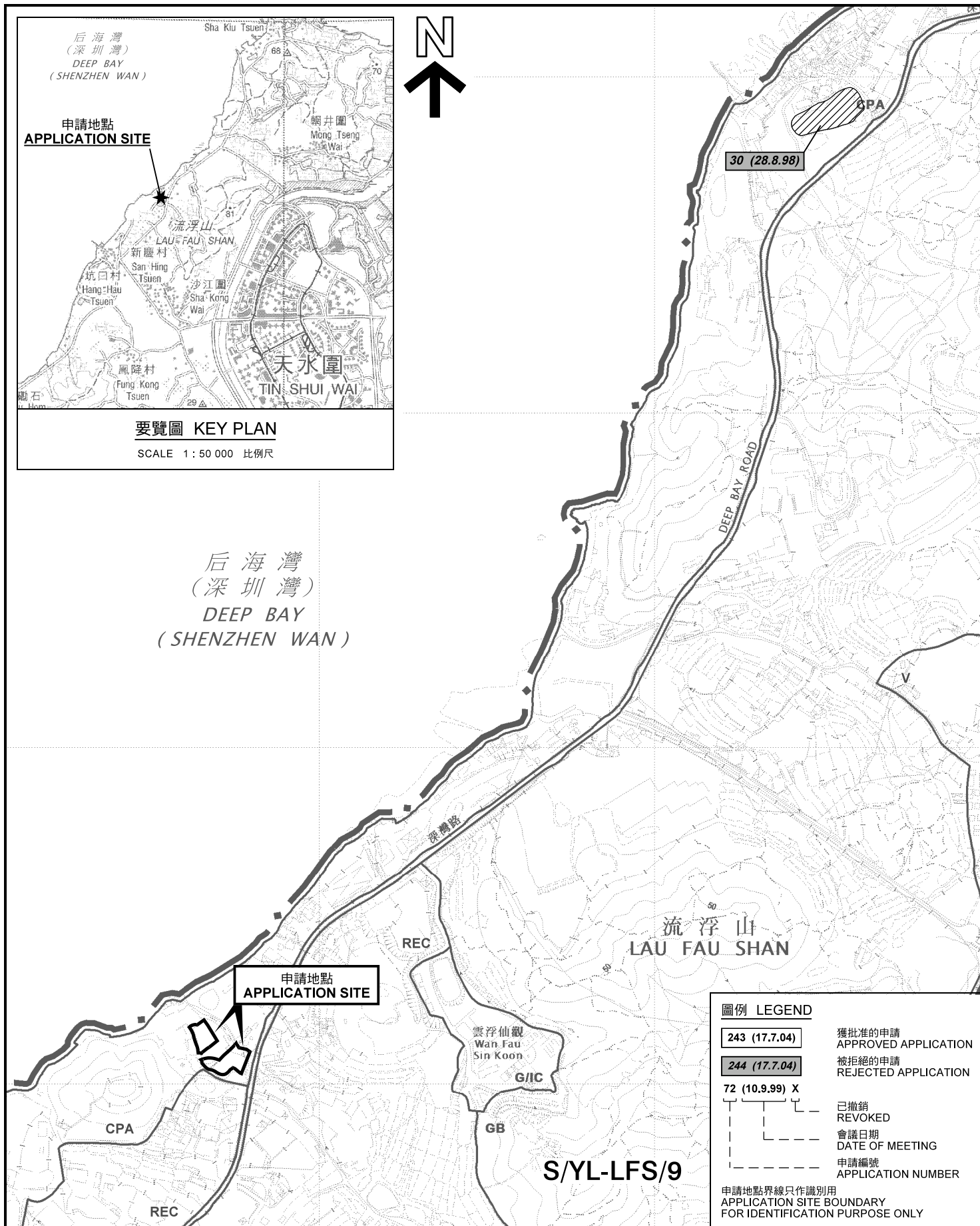


繪圖 DRAWING
A-2

(Extract from Applicant's
Submlsslon Dated 26.11.2020)



后海湾
(深圳灣)
DEEP BAY
(SHENZHEN WAN)



位置圖 LOCATION PLAN

擬議填土

新界元朗流浮山丈量約份第129約
地段第1945號B分段餘段及第1945號C分段
PROPOSED FILLING OF LAND
LOTS 1945 S.B RP AND 1945 S.C IN D.D.129,
LAU FAU SHAN, YUEN LONG, NEW TERRITORIES

SCALE 1 : 7 500 比例尺

米 100 0 100 200 300 米
METRES

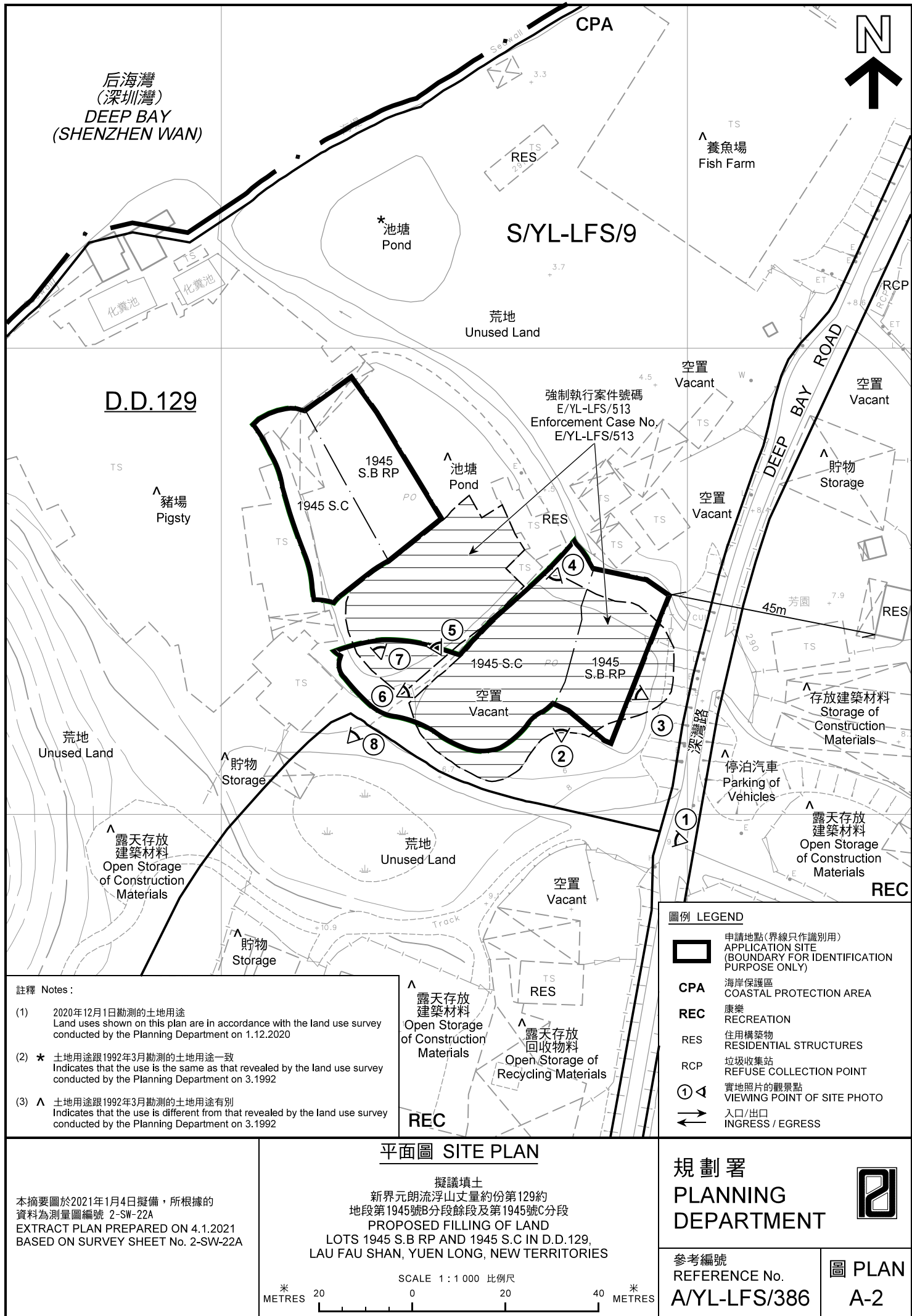
本摘要圖於2020年12月29日擬備，
所根據的資料為於2018年10月16日
核准的分區計劃大綱圖編號 S/YL-LFS/9
EXTRACT PLAN PREPARED ON 29.12.2020
BASED ON OUTLINE ZONING PLAN No.
S/YL-LFS/9 APPROVED ON 16.10.2018

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/YL-LFS/386

圖 PLAN
A-1





后海灣
(深圳灣)
DEEP BAY
(SHENZHEN WAN)

DEEP BAY ROAD

深灣路

圖例 LEGEND



申請地點(界線只作識別用)
APPLICATION SITE
(BOUNDARY FOR IDENTIFICATION
PURPOSE ONLY)

本摘要圖於2021年1月7日擬備，所根據
的資料為地政總署於2020年2月26日拍得
的航攝照片編號 E092747C
EXTRACT PLAN PREPARED ON 7.1.2021
BASED ON AERIAL PHOTO No.
E092747C TAKEN ON 26.2.2020
BY LANDS DEPARTMENT

2020年2月26日拍攝的航攝照片
AERIAL PHOTO TAKEN ON 26.2.2020

擬議填土
新界元朗流浮山丈量約份第129約
地段第1945號B分段餘段及第1945號C分段
PROPOSED FILLING OF LAND
LOTS 1945 S.B RP AND 1945 S.C IN D.D. 129,
LAU FAU SHAN, YUEN LONG, NEW TERRITORIES

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/YL-LFS/386

圖 PLAN
A-3a



后海灣
(深圳灣)
DEEP BAY
(SHENZHEN WAN)

DEEP BAY ROAD

深灣路

圖例 LEGEND



申請地點(界線只作識別用)
APPLICATION SITE
(BOUNDARY FOR IDENTIFICATION
PURPOSE ONLY)

本摘要圖於2021年1月7日擬備，所根據
的資料為地政總署於2019年11月14日拍得
的航攝照片編號 E078554C
EXTRACT PLAN PREPARED ON 7.1.2021
BASED ON AERIAL PHOTO No.
E078554C TAKEN ON 14.11.2019
BY LANDS DEPARTMENT

2019年11月14日拍攝的航攝照片
AERIAL PHOTO TAKEN ON 14.11.2019

擬議填土
新界元朗流浮山丈量約份第129約
地段第1945號B分段餘段及第1945號C分段
PROPOSED FILLING OF LAND
LOTS 1945 S.B RP AND 1945 S.C IN D.D. 129,
LAU FAU SHAN, YUEN LONG, NEW TERRITORIES

規 劃 署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/YL-LFS/386

圖 PLAN
A-3b



后海灣
(深圳灣)
DEEP BAY
(SHENZHEN WAN)

DEEP BAY ROAD

深灣路

圖例 LEGEND



申請地點(界線只作識別用)
APPLICATION SITE
(BOUNDARY FOR IDENTIFICATION
PURPOSE ONLY)

本摘要圖於2021年1月12日擬備，所根據的資料為地政總署於2017年3月28日拍得的航攝照片編號 E016432N 和 E016433N
EXTRACT PLAN PREPARED ON 12.1.2021
BASED ON AERIAL PHOTOS No.
E016432N AND E016433N TAKEN ON
28.3.2017 BY LANDS DEPARTMENT

2020年2月26日拍攝的航攝照片
AERIAL PHOTO TAKEN ON 28.3.2017

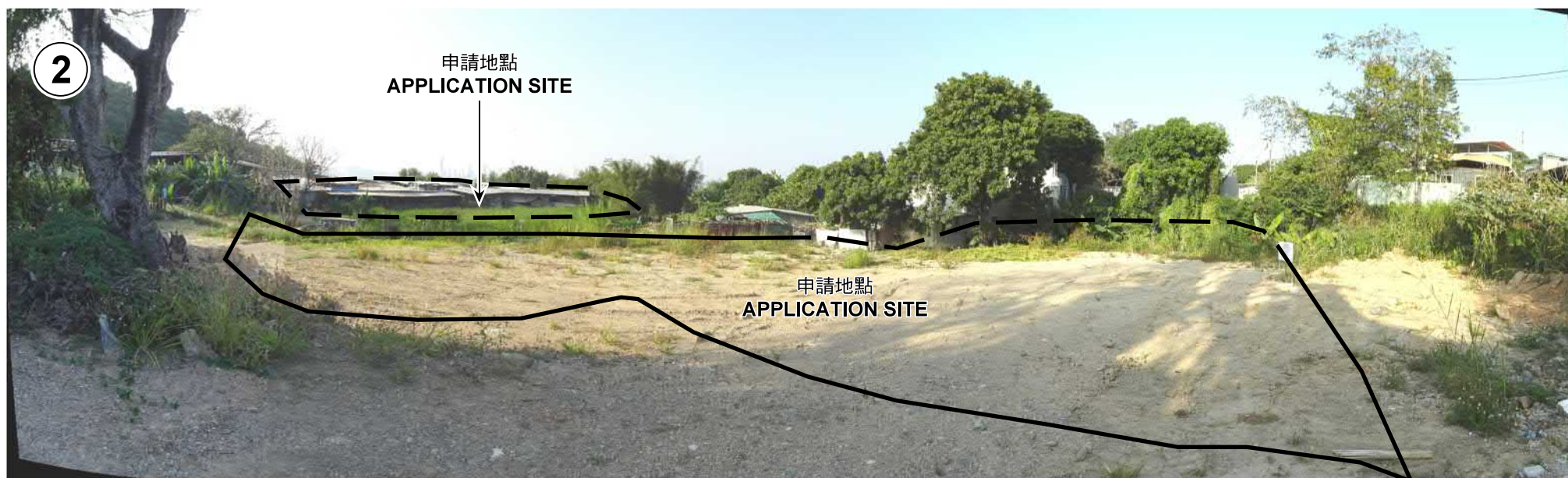
擬議填土
新界元朗流浮山丈量約份第129約
地段第1945號B分段餘段及第1945號C分段
PROPOSED FILLING OF LAND
LOTS 1945 S.B RP AND 1945 S.C IN D.D. 129,
LAU FAU SHAN, YUEN LONG, NEW TERRITORIES

規 劃 署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/YL-LFS/386

圖 PLAN
A-3c



申請地點界線只作識別用
APPLICATION SITE BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

本圖於2020年12月29日擬備，所根據的資料為攝於2020年12月1日的實地照片
PLAN PREPARED ON 29.12.2020
BASED ON SITE PHOTOS
TAKEN ON 1.12.2020

實地照片 SITE PHOTO

擬議填土
新界元朗流浮山丈量約份第129約
地段第1945號B分段餘段及第1945號C分段
PROPOSED FILLING OF LAND
LOTS 1945 S.B RP AND 1945 S.C IN D.D.129,
LAU FAU SHAN, YUEN LONG, NEW TERRITORIES

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/YL-LFS/386

圖 PLAN
A-4a



申請地點界線只作識別用
APPLICATION SITE BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

本圖於2020年12月29日擬備，所根據的資料為攝於2020年12月1日的實地照片
PLAN PREPARED ON 29.12.2020
BASED ON SITE PHOTOS
TAKEN ON 1.12.2020

實地照片 SITE PHOTO

擬議填土
新界元朗流浮山丈量約份第129約
地段第1945號B分段餘段及第1945號C分段
PROPOSED FILLING OF LAND
LOTS 1945 S.B RP AND 1945 S.C IN D.D.129,
LAU FAU SHAN, YUEN LONG, NEW TERRITORIES

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/YL-LFS/386

圖 PLAN
A-4b



申請地點界線只作識別用
APPLICATION SITE BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

本圖於2020年12月29日擬備，所根據的
資料為攝於2020年12月1日的實地照片
PLAN PREPARED ON 29.12.2020
BASED ON SITE PHOTOS
TAKEN ON 1.12.2020

實地照片 SITE PHOTO

擬議填土
新界元朗流浮山丈量約份第129約
地段第1945號B分段餘段及第1945號C分段
PROPOSED FILLING OF LAND
LOTS 1945 S.B RP AND 1945 S.C IN D.D.129,
LAU FAU SHAN, YUEN LONG, NEW TERRITORIES

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/YL-LFS/386

圖 PLAN
A-4c



申請地點界線只作識別用
APPLICATION SITE BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

本圖於2020年12月29日擬備，所根據的資料為攝於2020年12月1日的實地照片
PLAN PREPARED ON 29.12.2020
BASED ON SITE PHOTOS
TAKEN ON 1.12.2020

實地照片 SITE PHOTO

擬議填土
新界元朗流浮山丈量約份第129約
地段第1945號B分段餘段及第1945號C分段
PROPOSED FILLING OF LAND
LOTS 1945 S.B RP AND 1945 S.C IN D.D.129,
LAU FAU SHAN, YUEN LONG, NEW TERRITORIES

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/YL-LFS/386

圖 PLAN
A-4d

Extract of minutes of the RNTPC meeting held on 18.12.2020

Agenda Item 42

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/386 Proposed Filling of Land and Pond in “Coastal Protection Area” Zone,
Lots 1945 S.B RP and 1945 S.C in D.D.129, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/386)

Presentation and Question Sessions

155. Ms Bonnie K.C. Lee, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) proposed filling of land and pond;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper;
- (d) during the first three weeks of the statutory publication period, five public comments from Kadoorie Farm and Botanic Garden Corporation, the World Wide Fund for Nature Hong Kong, Hong Kong Bird Watching Society, Designing Hong Kong Limited and an individual were received raising concern on or objecting to the application. Major views were set out in paragraph 10 of the Paper;
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed filling of land and pond was not in line with the planning intention of the “Coastal Protection Area” (“CPA”) zone. There was a general presumption against development in the zone and in general, only developments that were needed to support the conservation of the existing natural landscape or scenic quality of the area or were essential infrastructure projects with overriding public interest might be permitted.

The applicant did not provide any justifications for the genuine need of filling of land and pond and whether there were other alternatives for the applicant to combat the mosquito breeding issue. As such, there was no strong planning justification in the submission for a departure from the planning intention of the “CPA” zone. While the proposed filling of land and pond was considered not entirely incompatible with the landscape character of the surrounding area. However, the Chief Town Planner/Urban Design & Landscape, PlanD had reservation on the application as vegetation clearance had been observed in the southern portion of the Site. Approval of the application would encourage similar site alteration and tree removal prior to obtaining planning approval within the area. The cumulative impact of approving such similar application would result in further degradation of the landscape quality of the surrounding environment in the “CPA” zone. There was a similar application for pond filling and agricultural use within the same “CPA” zone rejected by the Committee. Rejection of the application was considered in line with the Committee’s previous decision. Regarding the public comments, the comments of government departments and planning assessments above were relevant.

156. In response to two Members’ enquiries, Ms Bonnie K.C. Lee, STP/TMYLW, confirmed that the structures shown on Plan A-4a of the Paper fell within the Site and there was no information as to whether they were illegal structures or not. The hatched area shown on Plan A-2 of the Paper was subject to an active enforcement case with alleged unauthorised development (UD) of pond filling. Enforcement Notice had been issued and the UD discontinued. A Reinstatement Notice was also issued requiring removal of fill materials from the pond.

Deliberation Session

157. After deliberation, the Committee decided to reject the application. The reasons were:

“(a) the proposed filling of land and pond is not in line with the planning

intention of the “Coastal Protection Area” (“CPA”) zone which is to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment with a minimum of built development. There is a general presumption against development in this zone. There is no strong planning justification in the submission for a departure from the planning intention; and

- (b) approval of the application would set an undesirable precedent for similar applications for filling of land/pond within the “CPA” zone and the cumulative effect of approving such similar applications would result in a general degradation of the natural environment and landscape of the area.”

城市規劃委員會

香港北角渣華道三百三十三號
北角政府合署十五樓

TOWN PLANNING BOARD

15/F., North Point Government Offices
333 Java Road, North Point,
Hong Kong.

傳 真 Fax: 2877 0245 / 2522 8426

電 話 Tel: 2231 4810

來函檔號 Your Reference:

覆函請註明本會檔號

In reply please quote this ref.: TPB/A/YL-LFS/386

By Post & Fax (2448 3606)

5 February 2021

Lam Kuen



Dear Sir/Madam,

**Proposed Filling of Land and Pond in "Coastal Protection Area" Zone,
Lots 1945 S.B RP and 1945 S.C in D.D.129, Lau Fau Shan, Yuen Long**

I refer to my letter to you dated 22.1.2021.

After giving consideration to the application, the Town Planning Board (TPB) decided to reject the application and the reasons are :

- (a) the proposed filling of land and pond is not in line with the planning intention of the "Coastal Protection Area" ("CPA") zone which is to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment with a minimum of built development. There is a general presumption against development in this zone. There is no strong planning justification in the submission for a departure from the planning intention; and
- (b) approval of the application would set an undesirable precedent for similar applications for filling of land/pond within the "CPA" zone and the cumulative effect of approving such similar applications would result in a general degradation of the natural environment and landscape of the area.

A copy of the TPB Paper in respect of the application (except the supplementary planning statement/technical report(s), if any) and the relevant extract of minutes of the TPB meeting held on 22.1.2021, in both English and Chinese, are enclosed herewith for your reference.

Under section 17(1) of the Town Planning Ordinance, an applicant aggrieved by a decision of the TPB may apply to the TPB for a review of the decision. If you wish to seek a review, you should inform me within 21 days from the date of this letter (on or before 26.2.2021). I will then contact you to arrange a hearing before the TPB which you and/or your authorized representative will be invited to attend. The TPB is required to consider a review application within three months of receipt of the application for review. Please note that any review application will be published for three weeks for public comments.

Under the Town Planning Ordinance, the TPB can only reconsider at the review hearing the original application in the light of further written and/or oral representations. Should you decide at this stage to materially modify the original proposal, such proposal should be submitted to the TPB in the form of a fresh application under section 16 of the Town Planning Ordinance.

If you wish to seek further clarifications/information on matters relating to the above decision, please feel free to contact Ms. Bonnie Lee of Tuen Mun & Yuen Long West District Planning Office at 2158 6288.

Yours faithfully,



(Raymond KAN)
for Secretary, Town Planning Board

(With Chinese Translation)

致:城市規劃委員會

申請檔案TPB-A-YL-LFS-386

申請人林權現覆核申請

本人理據如下

(一) 新界屏山鄉虎草村是本鄉諮詢村落村民來投訴地點

蚊患非常嚴重,而填土地段長年積水,本地段不是塘,

是本人申請時規劃處,有一位鄭小姐要補一封信加落

填塘,是她引導我錯誤申請。

(二) 請問專責城市規劃委員會,什麼叫保育什麼叫天然保育

環境,景觀整體質素下降,本人問一問各委員,人的健康

重要還是保育和觀景重要。

(三) 旁邊有全港兩大型養豬場,何來有景觀,香港登革熱

源頭是在流浮山開始,元朗民政事務處,要求本鄉村落

防止登革熱爆發,做好預防措施,保障村民健康是本鄉的責任。

希請城市規劃委員會批准覆核申請防止登革熱重臨香港。

申請人:林權

日期:16-2-2021

tpbpd@pland.gov.hk

R5-1

寄件者: WONG, Suet Mei <wsuetmei@hkbws.org.hk>
寄件日期: 2021年03月16日星期二 17:55
收件者: tpbpd
副本: HKBWS HKBWS
主旨: HKBWS's comments on the planning application for the proposed Filling of Land at Lau Fau Shan, Yuen Long (A/YL-LFS/386) (Review under Section 17)
附件: 20210319_LauFauShan_LandFilling_s17_A_YL_LFS_386_HKBWS.pdf

Dear Sir/Madam,

The Hong Kong Bird Watching Society's comments on the planning application for the proposed Filling of Land at Lau Fau Shan, Yuen Long (A/YL-LFS/386) (Review under Section 17) is attached.

Thank you.

Best Regards,

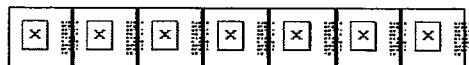
Wong Suet Mei | 黃雪媚

Conservation Officer | 保育主任

Hong Kong Bird Watching Society | 香港觀鳥會

A: 7C, V Ga Building, 532 Castle Peak Road, Kowloon, Hong Kong
香港九龍荔枝角青山道 532 號偉基大廈 7 樓 C 室

T: +852 2377 4387 | F: +852 2314 3687



Secretary, Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point, Hong Kong
(E-mail: tpbpd@pland.gov.hk)

By email only

16 March 2021

Dear Sir/Madam,

Comments on the planning application for the proposed Filling of Land at Lau Fau Shan, Yuen Long (A/YL-LFS/386) (Review under Section 17)

The Hong Kong Bird Watching Society (HKBWS) objects to the planning application based on the following reasons.

1 Not in line with the planning intention of the "Coastal Protection Area" (CPA) zoning and the adverse ecological impacts

- 1.1 The application site is located with the CPA zone, where is intended "*to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development; and to cover areas which serve as natural protection areas sheltering nearby developments against the effects of coastal erosion, with a general presumption against development.*" According to the Explanatory Statement of the corresponding outline zoning plan (S/YL-LFS/8), CPA zoning will only be subject to the developments to support the conservation of the existing natural landscape and its scenic quality.
- 1.2 From the Google Earth aerial photographs in 2017 (Figure 1), and also the GeoInfo map (Figure 2), the site and its surroundings within CPA zone are found with ponds and woodland. However, the proposed land filling will lead to a direct loss in wetland. Besides, the proposed land filling will not

1

contribute to any of the developments to support nature conservation as intended. In the contrary, it may even lead to undesirable scenic pollution and loss in coastal natural habitats, which is not in line with the above planning intention.

- 1.3 Furthermore, the proposed site is very close to the “Inner Deep Bay and Shenzhen River catchment” Important Bird Area, which is recognized by the BirdLife International (Figure 3). The potential adverse impacts of filling of wetlands on migratory birds and their habitats cannot be overlooked.
- 1.4 We urge the Town Planning Board (Board) to reject this application as it is not in line with the planning intention of CPA zone to preserve the coastal environment and would adversely affect the migratory birds.

2 The Town Planning Board should not encourage “destroy first, build later”

- 1.1 An Enforcement Notice (Case no. E/YL-LFS/513) for the unauthorized development of Pond Filling was issued at the application site on 9 October 2020.
- 1.2 From Google Earth aerial photographs, landscape changes of pond filling were seen at the application site between 2017 and 2020 (Figure 1). We consider that this is “destroy first, build later”. We are concerned the approval of the current application would further legitimize the current misuse of the CPA zone, leading to the promotion of “destroy first, develop later” attitudes among landowners in the locality. As the Board has suggested that *“the Board will not tolerate any deliberate action to destroy the rural and natural environment in the hope that the Board would give sympathetic consideration to subsequent development on the site concerned.”*¹ We urge the Board to reject this application.

2 Set an undesirable precedent to the future development

The approval of this application will set an undesirable precedent to the future similar applications associated with “destroy first, develop later” within the CPA zone, and thus nullifying the statutory planning control mechanism. We urge the

¹ TPB Press Release. Available at:
<http://www.info.gov.hk/gia/general/201107/04/P201107040255.htm>

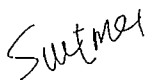
Board to reject this application in order to avoid CPA zone from any development threats.

3 Justifications for the decision and comments made by Government departments and the Board

According to the Hong Kong Planning Standards and Guidelines (HKPSG), Chapter 10, Section 2.1 (ii), the Board has the responsibility to, *“restrict uses within conservation zones to those which sustain particular landscapes, ecological and geological attributes and heritage features”*. We note that all other Government bureaux/departments are also bound to the HKPSG, and the Agriculture, Fisheries and Conservation Department (AFCD) and the Planning Department (PlanD) have the responsibility to advise the Board on the ecological² and planning aspects in particular. Given AFCD’s mission to conserve natural environment and safeguard the ecological integrity³, and the proposed development is not in line with the planning intention of the statutory zoning, HKBWS would also expect AFCD and PlanD to object to this application. Should AFCD, PlanD or the Board feels otherwise, we urge that the appropriate justifications are provided.

The HKBWS respectfully requests the Board to take our comments into consideration and reject the current application. Thank you for your kind attention.

Yours faithfully,



Wong Suet Mei
Conservation Officer
The Hong Kong Bird Watching Society

² AFCD Role of Department. Available at:
http://www.afcd.gov.hk/english/aboutus/abt_role/abt_role.html

³ AFCD Vision and Mission. Available at:
http://www.afcd.gov.hk/english/aboutus/vision_mission/abt_vision_mission.html

cc.

The Conservancy Association

Designing Hong Kong

Kadoorie Farm and Botanic Garden

WWF – Hong Kong

TrailWatch

Figure 1. The Google Earth aerial photographs in 2017 shows that the site (marked with red line) and its surroundings are found with ponds and woodland. However, landscape changes of pond filling were seen at the site between 2017 and 2020. We consider that this is “destroy first, build later”.



Figure 2. The map extracted from GeoInfo Map indicates that the site and its surroundings are found with ponds. The proposed land filling will lead to a direct loss in wetland.

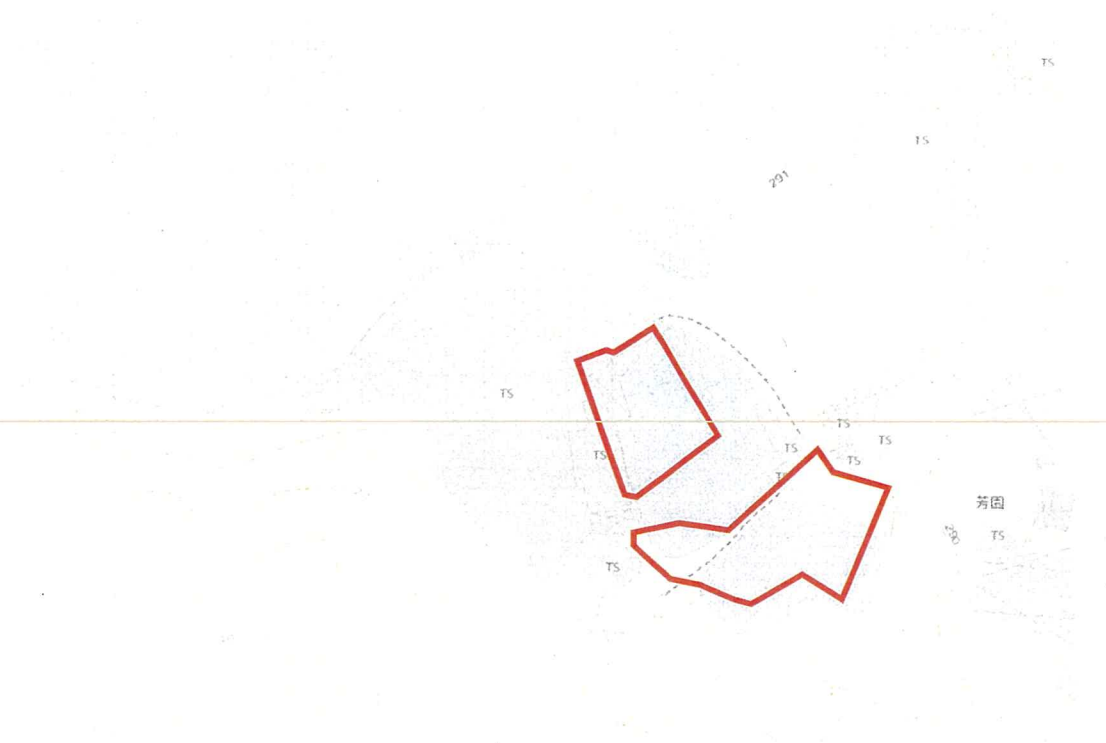


Figure 3. The site (marked with red arrow) is very close to the internationally recognized “Inner Deep Bay and Shenzhen River catchment” Important Bird Area (filled with brown color). The potential adverse impacts of filling of wetlands on migratory birds and their habitats cannot be overlooked.



tpbpd@pland.gov.hk

R5-2

寄件者: [REDACTED]
寄件日期: 2021年03月18日星期四 2:49
收件者: tpbpd
主旨: Re: A/YL-LFS/386 DD 120 Lau Fau Shan Mosquitoes

Dear TPB Members,

The Chief Town Planner/Urban Design & Landscape, PlanD had reservation on the application as vegetation clearance had been observed in the southern portion of the Site. Approval of the application would encourage similar site alteration and tree removal prior to obtaining planning approval within the area. The cumulative impact of approving such similar application would result in further degradation of the landscape quality of the surrounding environment in the "CPA" zone. There was a similar application for pond filling and agricultural use within the same "CPA" zone rejected by the Committee.

The hatched area shown on Plan A-2 of the Paper was subject to an active enforcement case with alleged unauthorised development (UD) of pond filling. Enforcement Notice had been issued and the UD discontinued. A Reinstatement Notice was also issued requiring removal of fill materials from the pond.

In other words DESTROY TO BUILD.

No justification for review.

Mary Mulvihill

From: "n [REDACTED]"
To: "tpbpd" <tpbpd@pland.gov.hk>
Sent: Wednesday, December 16, 2020 3:17:22 AM
Subject: A/YL-LFS/386 DD 120 Lau Fau Shan Mosquitoes

A/YL-LFS/386
Lots 1945 S.B RP and 1945 S.C in D.D.129, Lau Fau Shan
Site area : About 2,800sq.m
Zoning : "Coastal Protection Area"
Applied development : **Proposed Filling of Land**

Dear TPB Members,

This application is preposterous, particularly when the need to protect and maintain our shoreline defenses are becoming more apparent.

"The applicant seeks planning permission to use the Site **for proposed filling of land to avoid the breeding of mosquito**. The Site is accessed via a local track from Deep Bay Road. The total site area is about 2,800, in **which about 1,300m2 of land has been filled** while about 1,500m2 will be filled with a depth of filling about 1 m, which will be at the same level of the surrounding roads"

DESTROY TO BUILD.

I cannot find an application for the 1,300sq.m already filled. Has any enforcement action been taken for unapproved works?

Re recent approval A/YL-LFS/370

Although the proposed use was not in line with the planning intention of the "Coastal Protection Area" ("CPA") zone and the Chief Town - 64 - Planner/Urban Design and Landscape, PlanD had reservation on the application, it was noted that only a small portion of the site fell within the "CPA" zone and the applicant had committed that **no site formation works would be carried out within the CPA zone.**

If there is a mosquito problem it is because the landowner has been negligent in managing our natural resources.

A method used to control mosquitos on wetlands is source reduction. This involves modifying the environment to minimise conditions suitable for mosquitoes. In Australia this is usually achieved by runnelling, a process that involves construction and maintenance of shallow channels that connect saltmarsh pools to the tide source to modify the tidal inundation regime to one less suited to saltwater mosquitoes. Restoration of ecological function can be a shared objective of both coastal wetland rehabilitation and saltwater mosquito hazard source control.

Members must reject this application, question relevant departments with regard to damage already inflicted on the CPA and remind them to ensure that these lots should be under frequent inspection going forward.

Mary Mulvihill

tpbpd@pland.gov.hk

A5-3

寄件者: Samuel Wong <samuel@designinghongkong.com>
寄件日期: 2021年03月19日星期五 17:06
收件者: tpbpd@pland.gov.hk
主旨: DHK's comment on A/YL-LFS/386
附件: 20210319 s17 A_YL-LFS_386 Lau Fau Shan Land Filling in CPA.pdf; attachment 1 20201222 A_YL-LFS_386 Lau Fau Shan Land Filling in CPA.pdf

Dear Sir/Madam,

Our comment on the following application is attached:

1. A/YL-LFS/386

Thank you for your attention.

Yours faithfully,

For and on behalf of Designing Hong Kong Limited

Samuel Wong | Project Officer

T: +852 3104 2767 | E: samuel@designinghongkong.com

創建 Designing Hong Kong 香港 .com

19 March 2021
Chairman and Members
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point, Hong Kong
Fax: 2877 0245;
Email: tpbpd@pland.gov.hk

Proposed Filling of Land and Pond (Application No. A/YL-LFS/386)

Dear Chairman and Members,

Designing Hong Kong Limited **objects** the captioned application.

We consider that our concerns and comments that submitted to the Town Planning Board previously on 21 December 2020 (attachment 1) are still valid.

Here we submit our concerns for your consideration.

Yours,
Designing Hong Kong Limited

創建 Designing Hong Kong 香港 .com

21 December 2020

Chairman and Members

Town Planning Board

15/F, North Point Government Offices

333 Java Road, North Point, Hong Kong

Fax: 2877 0245;

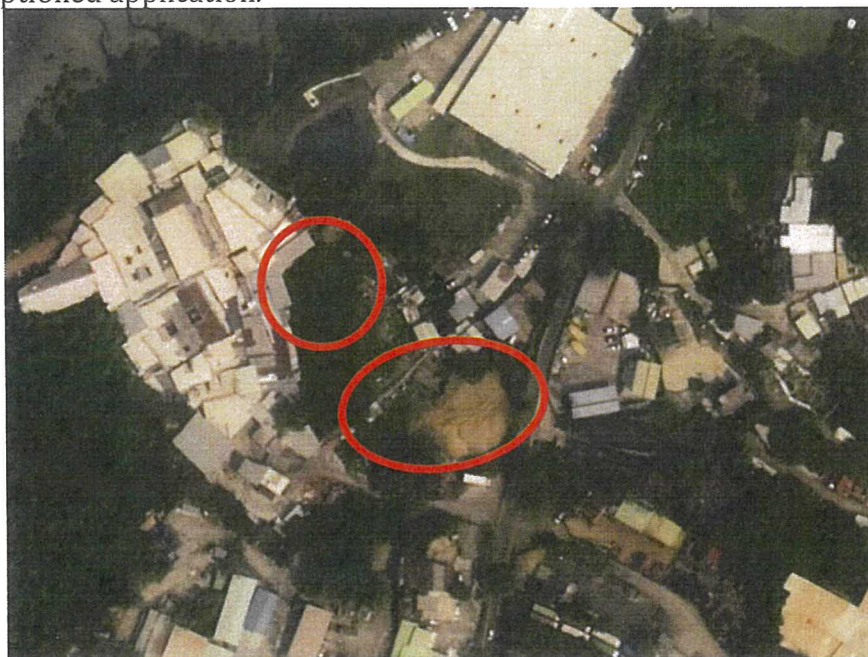
Email: tpbpd@pland.gov.hk

Proposed Filling of Land (Application No. A/YL-LFS/386)

Dear Chairman and Members,

Designing Hong Kong Limited **objects** the captioned for the following reasons:

- The proposed area is zoned as "**Coastal Protection Area (CPA)**". The planning intention of this zone is primarily for conserving, protecting and retaining the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development. It may also cover areas which serve as natural protection areas sheltering nearby developments against the effects of coastal erosion.
- From the Google Earth's aerial image, the proposed site has been filled without any previous planning approval. We concern the Town Planning Board may be rewarding an "**Destroy First, Development Later**" practice and **unauthorized development** here through the approval of captioned application.



Click or tap to enter a date.

創建 Designing Hong Kong 香港 .com

- It is noted that an **enforcement notices** (Case No. E/YL-LFS/513) has been issued for illegal land filling. The approval of the application will further legitimize unauthorized use of land and set an undesirable precedent to regularize unlawful activities through planning application.
- The approval of the application would set an undesirable precedent for other applications within the "Coastal Protection Area (CPA)" zone, and lead to a general degradation of the rural environment and the wetland landscape of the area.

Here we submit our concerns for your consideration.

Yours,

Designing Hong Kong Limited

From: [REDACTED]
To: ayckwong@pland.gov.hk
Date: 26/02/2021 17:13
Subject: Re: 規劃申請編號: A/YL-LFS/386 (覆核申請)

R5-4

A. "Proposed Filling of Land and Pond

擬議填土及填塘 "

What is the purpose of the above?

B. "To review the refusal decision of the application

覆核拒絕申請的決定"

My Answer:

It should remain so if all circumstances and conditions remain unchanged.

tpbpd@pland.gov.hk

寄件者: Tobi Lau (Local Biodiversity) <tlau@wwf.org.hk>
寄件日期: 2021年03月18日星期四 17:06
收件者: tpbpd@pland.gov.hk
主旨: s17s16 Fu Tso Tsuen A_YL-LFS_386 WWF
附件: s17s16 A_YL-LFS_386_2021 Mar(03)_WWF.pdf

Dear Sir/Madam,

Please find WWF-Hong Kong's submission on the captioned review of the refusal s16 application. See attached file:

s17s16 A_YL-LFS_386_2021 Mar(03)_WWF

Thank you for your attention.

Yours faithfully,

Tobi LAU

Manager, Conservation Policy

World Wide Fund For Nature Hong Kong

Registered Name 註冊名稱: World Wide Fund For Nature Hong Kong 世界自然(香港)基金會
(Incorporated in Hong Kong with limited liability by guarantee 於香港註冊成立的擔保有限公司)



世界自然基金會
香港分會

WWF-Hong Kong

香港新界葵涌葵昌路8號
萬泰中心15樓
15/F, Manhattan Centre
8 Kwai Cheong Road
Kwai Chung, N.T., Hong Kong

電話 Tel: +852 2526 1011
傳真 Fax: +852 2845 2764
wwf@wwf.org.hk
wwf.org.hk

18 Mar 2021

Chairman and members
Town Planning Board
15/F North Point Government Offices,
333 Java Road, North Point,
Hong Kong
(E-mail: tpbpd@pland.gov.hk)

By E-mail ONLY

Dear Sir/Madam,

**RE: Review of the Refusal Decision of the Proposed Filling of Land and Pond in
"Coastal Protection Area" zone in Fu Tso Tsuen in Lau Fau Shan (AYL-LFS/386)**

We would like to lodge objection to the captioned.

"Destroy first, apply later" approach adopted

According to the site visit on 11 Dec 2020, vegetation clearance had been observed at one of the application sites that situated at the southeast of the captioned (Fig 1). It was observed that the land level had been raised a lot and we suspected that land filling was occurred. According to the Planning Authority, the site is associated with unauthorized development of unlawful pond/land filling and site formation subject to the enforcement notice E/YL-LFS/513 and no compliance notice being issued by the authority by the time of this submission prepared. During another recent visit, the fill in material had not been removed that requested by the reinstatement notice (Fig 1). We consider that the applicant has been trying legalized such unlawful fill in activities through town planning application with the proposed activities "Filling of Land and Pond". We would like to remind the Town Planning Board to proactively deter "Destroy first, develop later" planning applications so as to be consistent with the Government press release on 4 July 2011 which stated that *"the Board is determined to conserve the rural and natural environment and will not tolerate any deliberate action to destroy the rural and natural environment in the hope that the Board would give sympathetic consideration to subsequent development on the site concerned"*¹.

We would be grateful if our comment could be considered by the Town Planning Board and to reject the review.

together possible

¹ <http://www.info.gov.hk/gia/general/201107/04/P201107040255.htm>.

Sincerely yours,

Tobi Lau (Mr.)

Manager, Conservation Policy

Fig 1 Vegetation clearance observed at the application site while it once was a pond
(photos taken on Dec 2020 for the upper image and Mar 2021 for the lower image)



tpbpd@pland.gov.hk

R5-6

寄件者: EAP KFBG <eap@kfbg.org>
寄件日期: 2021年03月18日星期四 19:10
收件者: tpbpd@pland.gov.hk
主旨: KFBG's comments on seven planning applications
附件: 210318 s16 TKL 658.pdf; 210318 s12a TM 23c.pdf; 210318 s17 LFS 386.pdf; 210318 s16 KTN 756.pdf; 210318 s16 KTS 882.pdf; 210318 s16 SK 302.pdf; 210318 s16 TMT 69.pdf

Dear Sir/ Madam,

Attached please see our comments regarding seven applications. There are seven pdf files attached to this email. If you cannot see/ download these files, please notify us through email.

Best Regards,

Ecological Advisory Programme
Kadoorie Farm and Botanic Garden

The Secretary,
Town Planning Board,
15/F, North Point Government Offices,
333, Java Road, North Point,
Hong Kong.
(Email: tpbpd@pland.gov.hk)

18th March, 2021.

By email only

Dear Sir/ Madam,

Proposed Filling of Land and Pond
(A/YL-LFS/386)
(Review under Section 17)

1. We refer to the captioned.
2. The reasons to reject the Section 16 Application of A/YL-LFS/386 are reproduced below (rejected in January 2021):

(a) the proposed filling of land and pond is not in line with the planning intention of the "Coastal Protection Area" ("CPA") zone which is to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment with a minimum of built development. There is a general presumption against development in this zone. There is no strong planning justification in the submission for a departure from the planning intention; and

(b) approval of the application would set an undesirable precedent for similar applications for filling of land/pond within the "CPA" zone and the cumulative effect of approving such similar applications would result in a general degradation of the natural environment and landscape of the area.

3. We urge the Board to investigate with relevant authorities as to whether sufficient justification has been provided to support the proposed filling of land and pond which is within Coastal Protection Area (CPA) zone in the Deep Bay Area.

4. We also urge the Board to investigate with relevant authorities as to whether this is the first application for filling of land and pond within the CPA zone under the Lau Fau Shan and Tsim Bei Tsui OZP, and to consider whether the approval would set a precedent for similar applications.

5. Thank you for your attention.

Ecological Advisory Programme
Kadoorie Farm and Botanic Garden

Advisory clauses

- (a) prior planning permission should have been obtained before commencing the development on the application site (the Site);
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (c) 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;
- (d) 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;
- (e) 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;
- (f) 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;
- (g) 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;
- (h) 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 coordinator 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

- (i) 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.