

RNTPC Paper No. A/YL-LFS/393
For Consideration by the
Rural and New Town Planning
Committee on 14.5.2021

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-LFS/393

Applicant : Mr. TANG Tak-hong

Site : Lot 7 in D.D. 129, Lau Fau Shan, Yuen Long, New Territories

Site Area : About 758.8 m²

Lease : Block Government Lease (demised for agricultural use)

Plan : Draft Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan (OZP) No. S/YL-LFS/10 currently in force

Approved Lau Fau Shan and Tsim Bei Tsui OZP No. S/YL-LFS/9 at the time of submission

Zoning : “Coastal Protection Area” (“CPA”)
[No change to the zoning]

Application : Proposed Filling of Land for Permitted Agricultural Use

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed filling of land for permitted agricultural use at the application site (the Site) (**Plan A-1**). The Site falls within the “CPA” zone on the OZP. According to the Notes of the OZP for “CPA” zone, ‘Agricultural Use (other than Plant Nursery)’ is always permitted. However, any filling of land/pond or excavation of land, including that to effect a change of use to any of those specified in Columns 1 and 2, requires planning permission from the Town Planning Board (the Board). The Site is currently covered with loose soil/gravel and weeds (**Plan A-4**). An open shed and some miscellaneous items such as bricks and tiles are found on site. There is no previous planning application covering the Site.
- 1.2 The Site is accessible via a local track leading from Deep Bay Road (**Drawing A-2 and Plan A-2**). As shown on the proposed layout plan at **Drawing A-1** and indicated in the submission, part of the site (about 360 m² or 47% of the Site) will be filled with concrete of about 0.3 m in thickness. 15 fish tanks in various sizes will be placed at the Site. The remaining part (about 398 m² or 53% of the Site) will be filled with soil of about 0.3 m in thickness mainly for landscaping purpose. According to the applicant, the filled area will be at the same level of the adjacent areas. 9 temporary structures, including 3 storage rooms for ancillary uses, 1 electricity meter room and

5 canopies in various sizes will also be provided on site with a total gross floor area of about 241 m² and building height not exceeding 4.3 m. The applicant indicates that a truck will only be used for transporting concrete and soil during the site formation period and no parking space and loading and unloading bay will be provided on site. The proposed layout plan and the access 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 with attachments received on 16.3.2021 (**Appendix I**)
- (b) Further Information (FI) received on 22.4.2021 with responses to Transport Department (TD)'s and Agriculture, Fisheries and Conservation Department (AFCD)'s comments and clarification on the proposed layout of the Site (*exempted from publication requirements*) (**Appendix Ia**)
- (c) FI received on 27.4.2021 with responses to TD's comments (**Appendix Ib**) (*exempted from publication requirements*)

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed at **Appendices I to Ib**. They can be summarised as follows:

- (a) The applicant is a current fish farmer and has operated a fish farm at Lot 9 in D.D. 129 nearby (**Plan A-2**). However, the land owner of Lot 9 in D.D. 129 did not rent the land to him, he had to find another site for fish farming.
- (b) Since the farming species rely on seawater nurturing, the applicant finds that the current site is appropriate for fish farming.
- (c) The applicant is a local villager of Sha Kiu Tsuen. The local villagers will not object to the application.
- (d) The proposed filling of land will not generate adverse noise and environmental impacts and no tree will be cleared.
- (e) The applicant claims that the proposed filling of land would help to consolidate the Site in order to place fish tanks for fish farming purpose.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

If there is sufficient evidence to prove unauthorised development (UD) on site under the Town Planning Ordinance, the Site would be subject to planning enforcement action.

5. Previous Application

The Site does not involve any previous planning application.

6. Similar Applications

- 6.1 Within the same “CPA” zone, there are 3 similar applications (No. A/YL-LFS/30, 386 and 391) for filling of pond and/or land for different uses between 1998 and 2021. Details of these applications are summarised at **Appendix II** and the locations of these application sites are shown on **Plan A-1**.
- 6.2 Application No. A/YL-LFS/30 for proposed pond filling and agricultural use¹ (planting of fruit tree) was rejected by the Rural and New Town Planning Committee (the Committee) on 28.8.1998 on the grounds that the proposed development did not comply with the then TPB-PG No. 12A for “Application for Developments within Deep Bay Buffer Zone”; there was insufficient information to demonstrate that the proposed development would not have significant adverse ecological and drainage impacts on the surrounding areas; and the proposed development would set an undesirable precedent for similar applications.
- 6.3 Application No. A/YL-LFS/386 for proposed filling of land and pond to avoid mosquito breeding was rejected by the Board upon review on 7.5.2021 on the grounds that the proposed filling of land and pond was not in line with the planning intention of “CPA” zone and the proposed filling of land and pond would set an undesirable precedent for similar applications.
- 6.4 Application No. A/YL-LFS/391 for proposed filling and excavation of land for permitted agricultural use was rejected by the Committee on 30.4.2021 on the similar grounds as mentioned in paragraph 6.3 above and that the applicant failed to demonstrate no significant adverse landscape impacts on the surrounding areas.

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

7.1 The Site is:

- (a) situated near the coastline of Deep Bay and accessible via a local track from Deep Bay Road; and
- (b) currently covered with soil/gravel and weeds.

7.2 The surrounding areas have the following characteristics:

- (a) to the north, northeast and northwest are ponds and wetlands along the coastline of Deep Bay;
- (b) to the immediate west and southwest are residential dwellings of Sha Kiu

¹ For Application No. A/YL-LFS/30, ‘Agricultural Use’ was a Column 2 use which required planning permission from the Board under the then Lau Fau Shan and Tsim Bei Tsui OZP No. S/YL-LFS/2 when the application was submitted.

Tsuen and to the further southwest is a vehicle repair workshop which is suspected UD; and

- (c) to the south and southeast are scrublands and farmlands and to the east is a storage yard which is suspected UD.

8. Planning Intention

- 8.1 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.
- 8.2 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 comprises Old Schedule Agricultural Lot (OSAL) 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) Letter of Approval (LoA) has been given on 4.12.2019 for the erection of agricultural structures as shown on its attached schedule on the Site.² Furthermore, Certificates of Exemptions (CoEs) in respect of Building Works, Site Formation Works (not exceed 3.4 mPD level) and Drainage Works have been given on 8.5.2020 for the construction of the aforesaid structures thereon.
 - (c) It is noted that the proposed filling of land is for agricultural use. His office has no objection to the proposed filling of land from the lease perspective subject to compliance of the conditions stipulated in the LoA and CoEs.

² LoA from LandsD was given on the proposed layout submitted in **Appendix I** but not the revised layout in **Appendix Ia** and **Drawing A-1**.

Traffic

9.1.2 Comments of the Commissioner for Transport (C for T):

He has no adverse comment on the application from traffic engineering point of view.

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) No substantiated environmental complaint pertaining to the Site has been received in the past three years.
- (c) The applicant should be reminded of the detailed comments at **Appendix IV**.

Landscaping

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

- (a) The Site (about 758.8 m²) is located near the intertidal coast of Deep Bay and falls within an area zoned “CPA” on the OZP. The Site is not subject to any previous planning application. The Site is currently preoccupied by vegetation. There are lush vegetation and some ponds in the surroundings with some temporary structures found to the west of the Site. The proposed filling of land includes filling of concrete (360 m² which is about 47% of the Site) of about 0.3 m depth for fish farming purpose and filling of soil (398 m² which is about 53% of the Site) of about 0.3 m depth for tree-planting purpose, where the filled area will be at the same level of the adjacent areas with a GFA of about 241.2 m². The proposal also includes 9 temporary structures, including 3 storage rooms for ancillary uses, 1 electricity meter room, and 5 canopies with different sizes.
- (b) With the concrete filling proposed under the application, it would inevitably alter the natural coastline and sensitive coastal natural

environment. The cumulative effect of approving similar applications would further alter the natural coastline and sensitive coastal natural environment and affect the integrity of the “CPA” zone.

- (c) With reference to the aerial photo of 2020 (**Plan A-3a**), the Site is located in an area of rural coastal plain landscape character predominated by ponds, mangroves, vacant lands and woodlands with temporary structures and warehouses in the proximity. According to the site photos taken on 23.3.2021, the Site is mainly vacant with rubbles, weeds, and a group of *Musa x paradisiaca* (香蕉樹) at the southwestern corner of the Site. The proposed extensive concrete filling of land is considered not compatible with the landscape character of the surrounding area.
- (d) By comparing the aerial photos of 2016 to 2018 (**Plans A-3b and 3c**), vegetation clearance, unauthorised filling of land and hard paving were observed within the Site. Significant landscape impact has taken place. Given that there is no similar application previously approved within the same “CPA” zone, there is concern that approval of the planning application may encourage other similar applications to blanket clear the site 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 the landscape planning perspective.
- (e) The applicant should be reminded of the detailed comments at **Appendix IV**.

Nature Conservation and Fisheries

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

- (a) She has no objection to the proposal of increasing fish culture area with amended area to be filled with concrete from fish culture perspective. The applicant is reminded to apply for agricultural structures with LandsD.
- (b) As the Site is mainly a bare ground with some temporary structures, she also has no strong view on the application from the ecological 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 a condition should be stipulated requiring the applicant to submit a drainage proposal including flood mitigation measures, to implement and maintain the proposed drainage facilities to the satisfaction of his department. The flood mitigation measures shall be completed upon the completion of land filling works.

- (c) The applicant should be reminded of the detailed comments at **Appendix IV**.

Fire Safety

9.1.8 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection to the proposal subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) The applicant should be reminded of the detailed comments at **Appendix IV**.

Building Matters

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

- (a) He has no comment on the proposed filling of land if it is not associated with any building construction.
- (b) The applicant should be reminded of the detailed comments at **Appendix IV**.

Geotechnical

9.1.10 Comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD):

- (a) He has no adverse comment on the application.
- (b) It is noted that land filling is proposed as part of the application. GEO is not responsible for the control of land filling activities.
- (c) The applicant should be reminded of the detailed comments at **Appendix IV**.

District Officer's Comments

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

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

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

- (a) Project Manager (West), CEDD(PM(W), CEDD);
- (b) Chief Engineer/Land Works, CEDD(CE/LW, CEDD);
- (c) Principal Project Coordinator/Special Duty, DSD (PPC/SD, DSD);
- (d) Commissioner of Police (C of P); and
- (e) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

10. Public Comments Received During Statutory Publication Period

On 23.3.2021, the application was published for public inspection. During the statutory public inspection period, 4 public comments were received from a District Council member, World Wild Fund for Nature Hong Kong, Kadoorie Farm and Botanic Garden and an individual (**Appendices III-1 to III-4**) objecting to the application on the grounds which are summarised below:

- (a) the applicant fails to demonstrate the need of the proposed filling of land with concrete for such a large area which may be harmful to the ecological habitats;
- (b) the proposed filling of land with vegetation clearance is suspected UD, which has occupied the Site for several years without a valid planning permission. The Board should not encourage “develop first, apply later” attitude;
- (c) there is insufficient information in the submission to demonstrate that the proposed filling of land would not generate adverse environmental, drainage and landscape impacts on the surrounding areas;
- (d) the proposed filling of land would set an undesirable precedent for other planning applications within the “CPA” zone and lead to general degradation of natural environment and landscape of the area; and
- (e) the proposed filling of land is not in line with the planning intention of “CPA” zone and will generate possible adverse environmental impacts on the sensitive natural environment nearby.

11. Planning Considerations and Assessments

11.1 The application is for proposed filling of land for permitted agricultural use. The Site is zoned “CPA” on the OZP which is intended 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. Whilst agricultural use (other than plant nursery) is always permitted within the “CPA” zone, filling of land within “CPA” zone is subject to planning permission as it may cause adverse drainage impact on the adjacent areas and adverse impact on the natural environment. The Site involves the filling of concrete of about 360 m² (43% of the Site) and filling of soil of about 398 m² (53% of the Site) in order to place fish tanks for fish farming purpose. While CE/MN of DSD has no objection to the application from the drainage perspective and DAFC has no strong view on the

application from the ecological perspective, the applicant did not provide justifications for the genuine need of filling of land with concrete of about 360 m² (43% of the Site) and whether there are other alternatives for the applicant to carry out the fish farming activities without affecting the sensitive coastal natural environment in the “CPA” zone. 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 located in an area of rural coastal plain landscape character predominated by ponds, mangroves, vacant lands and woodlands with temporary structures and warehouses. The proposed extensive concrete filling of land for permitted agricultural use is considered not compatible with the landscape character of the surrounding area.
- 11.3 CTP/UD&L, PlanD has reservation on the application from landscape planning perspective. Since the Site is situated near the intertidal coast of Deep Bay, the proposed filling of land will unavoidably change the natural coastline of Deep Bay and sensitive coastal natural environment. It is also noted that vegetation clearance, unauthorised filling of land and hard-paving have been observed within the Site since 2016 (**Plans A-3a to 3c and A-4**). Significant landscape impact has taken place. Given that there is no similar application previously approved within the same “CPA” zone, the proposed filling of land would likely raise concern that approval of the planning application may encourage other similar applications to blanket clear the site 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 and C for T have no objection to or no adverse comment on the application. The proposed filling of land will unlikely create significant environmental and traffic to the surrounding areas.
- 11.5 No previous approval has been granted for the Site. There are 3 similar applications (No. A/YL-LFS/30, 386 and 391) for filling and/or excavation of land and/or pond for different uses within the same “CPA” zone, which were all rejected by the Committee in 1998 and 2021 on similar grounds of not in line with the planning intention of “CPA” zone; insufficient information to demonstrate that the proposed development would not have significant adverse ecological, drainage and/or landscape impacts on the surrounding areas; and setting of undesirable precedent. The rejection of the current application is considered in line with the Committee’s previous decisions.
- 11.6 There are 4 public comments received objecting to the application on the grounds as summarised in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.5 are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into the public comments in paragraph 10 above, the Planning Department does not support the application for the following reasons:
 - (a) the proposed filling of land 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;

- (b) the applicant fails to demonstrate that the proposed filling of land would not have significant adverse landscape impacts on the surrounding areas; and
- (c) approval of the application would set an undesirable precedent for similar applications for filling of land within the “CPA” zone and the cumulative effect of approving such applications would result in a general degradation of the natural environment of the area.

12.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until 14.5.2025, 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 concrete/soil to a thickness exceeding 0.3 m, as proposed by the applicant;
- (b) the submission of a drainage proposal including flood mitigation measures before commencement of the land filling works on the Site to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (c) in relation to (b) above, the implementation of the drainage proposal including flood mitigation measures upon completion of the land filling works on the Site to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (d) if any of the above planning conditions (b) or (c) is not complied with before commencement or upon completion of the land 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 the planning 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 16.3.2021
Appendix Ia	Further Information received on 22.4.2021
Appendix Ib	Further Information received on 27.4.2021
Appendix II	Similar Applications within the same “CPA” Zone on the Lau Fau Shan and Tsim Bei Tsui OZP
Appendices III-1 to III-4	Public comments Received During Statutory Publication Period
Appendix IV	Advisory Clauses
Drawing A-1	Layout Plan
Drawing A-2	Access Plan
Plan A-1	Location Plan with Similar Applications
Plan A-2	Site Plan
Plans A-3a to 3c	Aerial Photos
Plan A-4	Site Photos

**PLANNING DEPARTMENT
MAY 2021**

2021年 3月 1 6日

此文件在 收到・城市規劃委員會
只會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。

Appendix I of RNTPC
Paper No. A/YL-LFS/393

This document is received on 16 MAR 2021
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-I
表格第 S16-I 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/tc/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/YL LFS/393
	Date Received 收到日期	16 MAR 2021

- 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 樓及新界沙田上禾輦路 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	
(<input checked="" type="checkbox"/> Mr. 先生 / <input type="checkbox"/> Mrs. 夫人 / <input type="checkbox"/> Miss 小姐 / <input type="checkbox"/> Ms. 女士 / <input type="checkbox"/> Company 公司 / <input type="checkbox"/> Organisation 機構)	
鄧德康 TANG TAK HONG	
2. Name of Authorised Agent (if applicable) 獲授權代理人姓名/名稱 (如適用)	
(<input type="checkbox"/> Mr. 先生 / <input type="checkbox"/> Mrs. 夫人 / <input type="checkbox"/> Miss 小姐 / <input type="checkbox"/> Ms. 女士 / <input type="checkbox"/> Company 公司 / <input type="checkbox"/> Organisation 機構)	
不適用	
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)	DD 129 Lot 7
(b) Site area and/or gross floor area involved 涉及的地盤面積及/或總樓面面積	<input type="checkbox"/> Site area 地盤面積 758.8 sq.m 平方米 <input checked="" type="checkbox"/> About 約 <input type="checkbox"/> Gross floor area 總樓面面積 241.2 sq.m 平方米 <input checked="" 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	S/YL - LFS/19 流浮山及尖鼻咀分區計劃大綱圖
(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	塘魚養殖 (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 2021 年 3 月 3 日的記錄，這宗申請共牽涉 1 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)

(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)^{#&}
於 _____ (日/月/年)向每一名「現行土地擁有人」[#]遞送要求同意書[&]

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)[&]
於 _____ (日/月/年)在指定報章就申請刊登一次通知[&]
- ☐ posted notice in a prominent position on or near application site/premises on _____ (DD/MM/YYYY)[&]
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[&]
- ☐ sent notice to relevant owners' corporation(s)/owners' committee(s)/mutual aid committee(s)/management office(s) or rural committee on _____ (DD/MM/YYYY)[&]
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[&]

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 (ii) application 供第(ii)類申請

(a) Operation involved 涉及工程	<input type="checkbox"/> Diversion of stream 河道改道		
	<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
	<input checked="" type="checkbox"/> Filling of land 填土		
	Area of filling 填土面積	758.8 sq.m 平方米	<input checked="" type="checkbox"/> About 約
	Depth of filling 填土厚度	0.3 m 米	<input checked="" type="checkbox"/> About 約
	<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
(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))			
(b) Intended use/development 有意進行的用途/發展	<p>農業用途</p> <p>本地塘魚養殖場</p>		

(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) application 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 From 由 to 至
地積比率限制
- ☐ Gross floor area restriction From 由sq. m 平方米 to 至sq. m 平方米
總樓面面積限制
- ☐ Site coverage restriction From 由% to 至 %
上蓋面積限制
- ☐ Building height restriction From 由m 米 to 至 m 米
建築物高度限制
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 From 由m to 至 m
非建築用地限制
- ☐ Others (please specify)
其他 (請註明)

(v) For Type (v) application 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 | <input type="checkbox"/> About 約 |
| Proposed plot ratio 擬議地積比率 | | <input type="checkbox"/> About 約 |
| Proposed site coverage 擬議上蓋面積 | % | <input type="checkbox"/> 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 | |
| | <input type="checkbox"/> include 包括..... storeys of basements 層地庫 | |
| | <input type="checkbox"/> 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) | <input type="checkbox"/> About 約 |
| | m 米 | <input type="checkbox"/> About 約 |

☐ Domestic part 住用部分GFA 總樓面面積 sq. m 平方米 ☐ About 約

number of Units 單位數目

average unit size 單位平均面積sq. m 平方米 ☐ About 約

estimated number of residents 估計住客數目

☐ Non-domestic part 非住用部分

GFA 總樓面面積

☐ eating place 食肆 sq. m 平方米 ☐ About 約☐ hotel 酒店 sq. m 平方米 ☐ About 約

(please specify the number of rooms

請註明房間數目)

☐ office 辦公室 sq. m 平方米 ☐ About 約☐ shop and services 商店及服務行業 sq. m 平方米 ☐ About 約☐ Government, institution or community facilities (please specify the use(s) and concerned land
政府、機構或社區設施 area(s)/GFA(s) 請註明用途及有關的地面面積／總
樓面面積)

.....

.....

.....

☐ 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)

.....

.....

.....

☐ Open space 休憩用地

(please specify land area(s) 請註明地面面積)

☐ private open space 私人休憩用地 sq. m 平方米 ☐ Not less than 不少於☐ public open space 公眾休憩用地 sq. m 平方米 ☐ 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)

2023 年 12 月

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

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>經深灣路轉入小路</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) <input type="checkbox"/>
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 checked="" 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 <u> / </u> Motorcycle Parking Spaces 電單車車位 <u> </u> Light Goods Vehicle Parking Spaces 輕型貨車泊車位 <u> </u> Medium Goods Vehicle Parking Spaces 中型貨車泊車位 <u> / </u> Heavy Goods Vehicle Parking Spaces 重型貨車泊車位 <u> </u> Others (Please Specify) 其他 (請列明) <u> </u> <u> </u> <u> </u>
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 <u> </u> Coach Spaces 旅遊巴車位 <u> </u> Light Goods Vehicle Spaces 輕型貨車車位 <u> </u> Medium Goods Vehicle Spaces 中型貨車車位 <u> </u> Heavy Goods Vehicle Spaces 重型貨車車位 <u> </u> Others (Please Specify) 其他 (請列明) <u> </u> <u> </u> <u> </u> <input checked="" type="checkbox"/>

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</p> <p>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</p> <p>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 758.8 sq.m 平方米 <input checked="" type="checkbox"/> About 約 Depth of filling 填土厚度 0.3 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> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <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>	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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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"/>																														

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。

本人是一個本地塘魚養殖戶，因業主收地迫遷
所以另覓新地址重建魚塘。

舊魚場地址 DD129 Lot 9.

新魚場選址 DD129 Lot 7.

所飼養的蝦，魚種有部份是用咸水飼養
因選址接近海邊，同時又鄰近舊魚場位置。

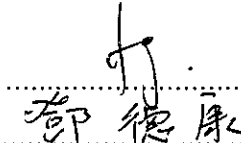
本人亦是沙撈越村村民，與鄰居相識數拾年。
在 DD129 Lot 9 經營農場數拾年。屬居民不會反對
在上址做養殖場。（隔離現有一個塘魚養殖戶）
養殖場不會發出大量嘈音，亦不需斬樹，對環境
不會做成嚴重影響，希望貴處能協助本地塘
魚養殖業的發展，望貴處能通過此項申請。

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

2021-3-3 (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.
在該靈灰安置所內，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	DD 129 Lot 7		
Site area 地盤面積	758-8	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-LFS19		
Zoning 地帶	海岸保護區		
Applied use/ development 申請用途/發展	填土作農業用途 本地塘魚養殖場		
(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	241.2 <input checked="" type="checkbox"/> About 約 <input type="checkbox"/> Not more than 不多於	0.32 <input checked="" 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	8	
	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	4.3	m 米 <input checked="" type="checkbox"/> (Not more than 不多於)
		4.3	mPD 米(主水平基準上) <input checked="" type="checkbox"/> (Not more than 不多於)
		/	Storeys(s) 層 <input checked="" 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		32	% <input checked="" type="checkbox"/> About 約
(v) No. of units 單位數目		8	
(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	2
	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) _____ _____	

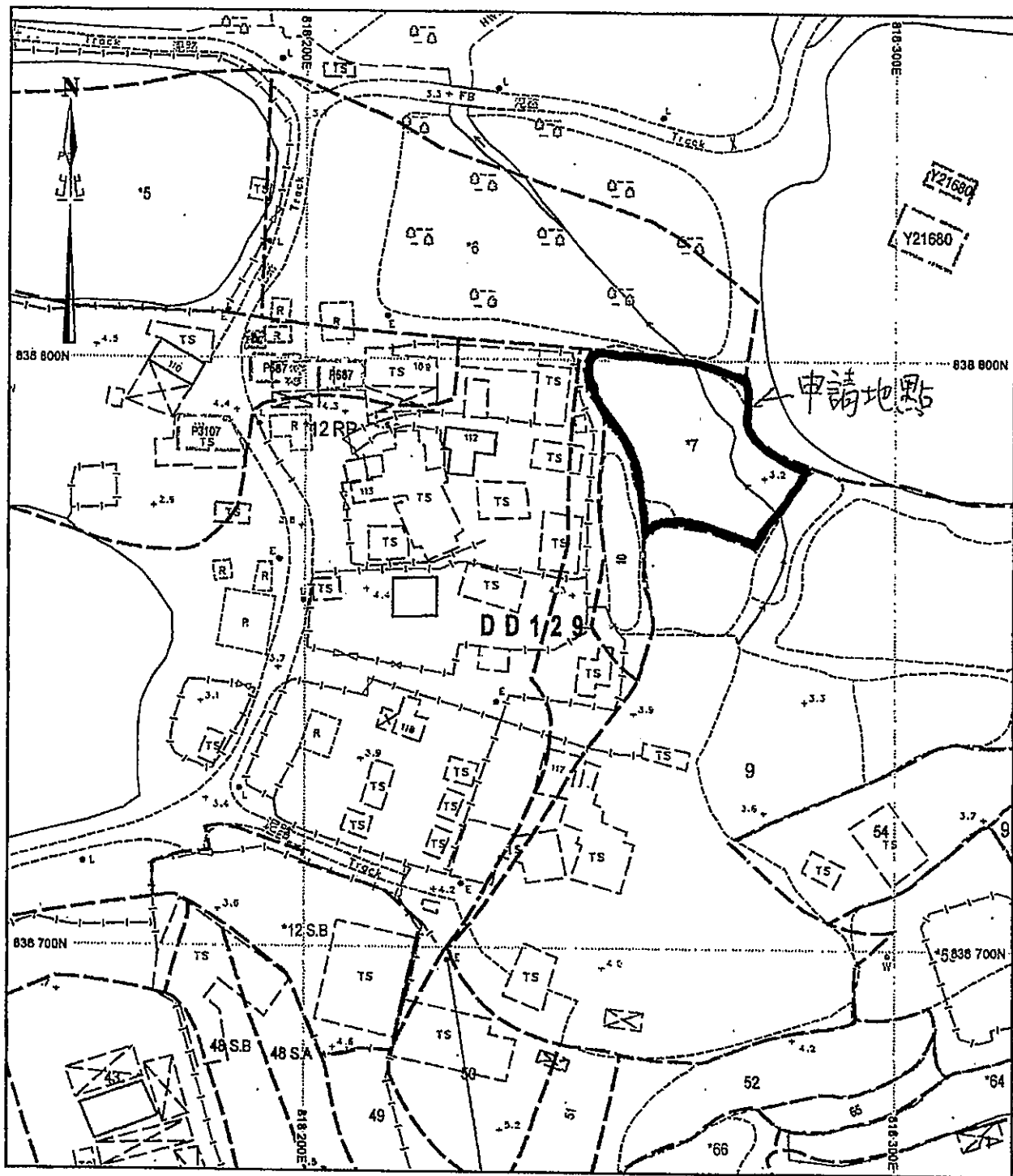
Submitted Plans, Drawings and Documents 提交的圖則、繪圖及文件

	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 checked="" 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)	<input type="checkbox"/>	<input type="checkbox"/>
<hr/>		
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"/>
<hr/>		
<hr/>		

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。



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

比例尺 SCALE 1:1 000

米 10 0 10 20 30 40 50 metres



Locality : _____

Lot Index Plan No. : LIP688123P

District Survey Office : DSOST

Date : 24-Aug-2020

Reference No. : 2-SW-13c

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摘要說明：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像界線。這些土地包括私人地段、政府撥地、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按不時更新而不作事先通知；(2)索引圖的更新或合延後於有關資料的實際變更；以及(3)本索引圖中顯示的界線僅供識別之用，資料是否準確可靠，應徵詢專業土地測量師的意見。

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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.

① 農用儲物室 = (6.1m 長 × 2.4m 闊 × 4.3m 高)

主要擺放維修魚場大小小渠，用品，如水泵，濾水器，濾水缸，太陽能板，電池，各類水喉配件等等。

② 農用儲物室 = (6.1m 長 × 2.4m 闊 × 4.3m 高)

主要擺放魚池用品，濾水棉，生物環，珊瑚石，碳，備用魚池，水缸，地氈，木板，水喉等等。

③ 農用儲物室 = (6.1m 長 × 2.4m 闊 × 4.3m 高)

主要擺放魚糧，藥物，雪柜，工作檯，櫈，更衣室等等。

④ 電錶房 = (1.2m 長 × 1m 闊 × 2.5m 高) 魚場供電用。

⑤ 簷篷 = (5m 長 × 7m 闊 × 4.3m 高)

遮擋太陽，隔熱，擋風雨，簷篷下主要擺放魚缸，魚池。

⑥ 簷篷 = (8m 長 × 11m 闊 × 4.3m 高)

遮擋陽光，隔熱，擋風雨，簷篷下主要擺放魚池，濾水器。

⑦ 簷篷 = (6m 長 × 9m 闊 × 4.3m 高)

遮擋陽光，隔熱，擋風雨，簷篷下主要擺放魚缸，手拉叉車，維修魚缸等等。

⑧ 簷篷 = (7m 長 × 9m 闊 × 4.3m 高)

遮擋陽光，隔熱，擋風雨，簷篷下主要擺放魚缸，魚池等。

⑨ 混凝土土地 = (約 650 平方米)

在混凝土土地上搭建農用儲物室，簷篷等等。

搬運魚缸內的小魚進入大池，須要用大型人手叉車搬運及用手推車搬運魚糧，餵魚工具，清洗魚缸，魚池，濾水池，擺放帆布或魚池，涼曬濾水棉及其他濾水用品。

[illegible]

A/YL ÷ LFS/393

Govt. Land

6107

NOT g.

LOT 10
[NO-SURVEY RECORD]

Govt. Land

附录 2.1

DD129 lot 7 規劃申請補充資料

- 1 填混凝土面積 (約 650 平方米高 0.3 米)
- 2 填混凝土使地基鞏固,擺放及搬運魚缸.
- 3 填泥土面積 (約 108.8 平方米高 0.3 米)
- 4 填泥土是平整土地,避免積水及種植樹木,美化環境.
- 5 填土後不會高於鄰近土地.
- 6 養魚面積約 205 平方米,佔混凝土面積約 31%
- 7 養魚場發展計劃預計 2023 年 12 月完工.

DD129 LOT 7 預計交通流量表

	07:00~9:00	12:00~1:30	4:00~6:00
星期一	1 架次(入)	2 架次 (1 出 1 入)	1 架次(出)
星期二	1 架次(入)	2 架次 (1 出 1 入)	1 架次(出)
星期三	1 架次(入)	2 架次 (1 出 1 入)	1 架次(出)
星期四	1 架次(入)	2 架次 (1 出 1 入)	1 架次(出)
星期五	1 架次(入)	2 架次 (1 出 1 入)	1 架次(出)
星期六		1 架次(入)	1 架次(出)
星期日		1 架次(入)	1 架次(出)
一星期共 24 次			

地段索引圖 LOT INDEX PLAN

免責聲明

本圖則乃地段索引圖的複本，顯示地段界線的大概位置，包括根據政府撥地、臨時政府撥地、短期租約及政府土地用途牌照而臨時佔用土地的位置。臨時佔用土地的情況可透過短期通知出現或終止，因此應向有關的分區地政專員核實。本圖則所示的資料必須透過實地測量予以核實，當有更佳的地界證據時，地段索引圖可能會被修訂而無須事先通知。

Disclaimer

This plan is a copy of the lot index plan showing the approximate location of lot boundaries, including the temporary occupation of land under Government Land Allocations, Temporary Government Land Allocations, Short Term Tenancies and Government Land Licences. The temporary occupation of land may be created or terminated at short notice and should be confirmed with the District Lands Officer. The information shown on this plan MUST be verified by field survey. The lot index plan may be revised without prior notification as better or new boundary evidence becomes available.

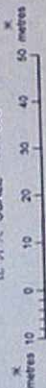


地政總署測繪處

Survey and Mapping Office
Lands Department

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比例尺 SCALE 1:1,000



Locality:

Lot Index Plan No.: ST0055082018

District Survey Office: Sha Tin

Date: 10-Aug-2018

Reference No.: 23W-13C



回覆運輸處

有關交通流量

1. 平整申請地點時，貨車只作傾倒泥土或混凝土，以一入一出形式進行,直至地基完成
2. 現取消申請地點內貨車及私家車泊位

回覆自然護理處

1. 現鋪切混凝土面積約 360 平方米.0.3 米高.
2. 普通填土(泥土)面積約 398 平方米 0.3 米高
3. 增加 3 米 X5 米方形魚池 2 個
4. 增加 1 米 X1 米活動方形魚缸 4 個
5. 增加 8 米 X8 米活動遮光棚

現附上有關鋪切混凝土面積位置圖.

如貴處有任何建議請貴處給予指示本人非常感激。

申請人:鄧德康

818260E

TRAVERSE DIAGRAM
(NOT TO SCALE)

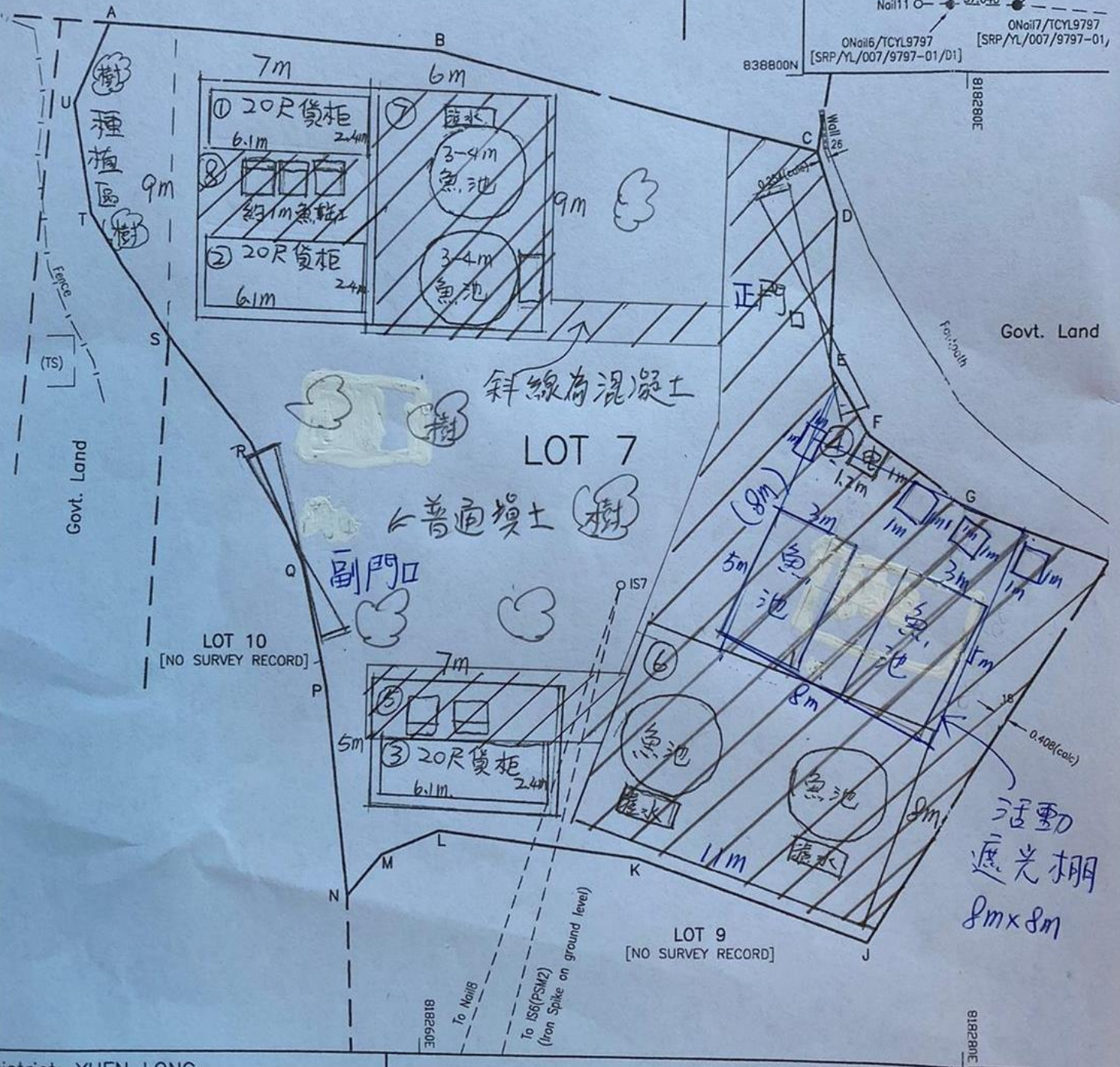
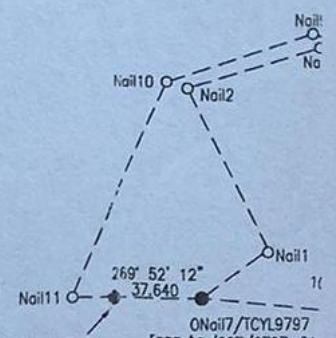


LOT 6
[SRP/YL/007/7159-01/D1]

838800N

818280E

ONail6/TCYL9797 [SRP/YL/007/9797-01/D1]
ONail7/TCYL9797 [SRP/YL/007/9797-01/D1]



District: YUEN LONG
Survey: March 2017
200 Field Rk. TCYL11420

DIMENSION PLAN OF LOT No. 7

DD129 LOT 7 地基預計三個星期完工及 5.5 噸以下貨車交通流量表

首星期共	4 架次(入)	4 架次(出)	
第二星期共	3 架次(入)	3 架次(出)	
第三星期共	2 架次(入)	2 架次(出)	
總共	9 架次(入)	9 架次(出)	

**Similar s.16 Applications for Filling of Land/Pond
Within the “CPA” Zone on the Lau Fau Shan and Tsim Bei Tsui OZP**

Rejected Applications

	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Zoning</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejection Reasons</u>
1	A/YL-LFS/30	Pond Filling and Agricultural Use (Planting of Fruit Tree)	CPA	28.8.1998	1, 2, 3
2	A/YL-LFS/386	Proposed Filling of Land and Pond	CPA	7.5.2021 (upon review)	3, 4
3	A/YL-LFS/391	Proposed Filling and Excavation of Land for Permitted Agricultural Use	CPA	30.4.2021	3, 4, 5

Rejection Reasons

1. The proposed development does not comply with the Town Planning Board Guidelines for "Application for Developments within the Deep Bay Buffer Zones" in that there is insufficient information in the submission to demonstrate that the proposed development is required to support the conservation of the natural features and scenic qualities of the area.
2. There is 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.
4. 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.
5. The applicant fails to demonstrate that the proposed filling and excavation of land would not have significant adverse landscape impacts on the surrounding areas.

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



Fw: 規劃申請編號: A/YL-LFS/393
25/03/2021 14:49

From: [REDACTED]
To: ayckwong@pland.gov.hk
Cc: [REDACTED]
Date: 24/03/2021 19:15
Subject: Re: 規劃申請編號: A/YL-LFS/393

本人反對事項申請, 因為項目雖然以農地農業為標題, 但係項目只係涉及到四個儲水池養魚, 目測佔用不足該項目20% 總面積, 而且整個 土地將會完全被混凝土覆蓋, 損害生態環境, 完全不合理.

本人重申在此表達反對此項申請。

元朗區員
杜嘉倫

tpbpd@pland.gov.hk

寄件者: Tobi Lau (Local Biodiversity) <tlau@wwf.org.hk>
寄件日期: 2021年04月08日星期四 13:13
收件者: tpbpd@pland.gov.hk
主旨: s16 Nam Sha Po A_YL-LFS_393 WWF
附件: s16 A_YL-LFS_393_2021 Apr(04)_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_393_2021 Apr(04)_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

8 Apr 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: Proposed Filling and Excavation of Land for Permitted Agricultural Use in
"Coastal Protection Area" in Nam Sha Po, Tsim Bei Tsui (A/YL-LFS/393)**

WWF shows concern to the captioned.

"Destroy first, develop later" approach may have adopted

Comparing to the Google Earth's aerial images in Fig 1, application site had been filled in with vegetation clearance found. The applied use is likely to legalize such observed activities. Since we now don't have neither the environmental situation inside the application site nor whether the application is associated with unlawful development, we would like to ask the Town Planning Board to request government authorities to check whether the application is linked with unauthorized development including the emerged structure. If that was the case, we would like to ask the Town Planning Board to proactively deter such "Destroy first, build later" planning application 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.

together possible

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

Sincerely yours,
Tobi Lau (Mr.)
Manager, Conservation Policy

Fig 1 Aerial views of the application site in 2015, 2017 and 2021 showing the site had been filled in with vegetation clearance found



Image source: Google Earth. Accessed on 8 Apr 2021.



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

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

13th April, 2021.

By email only

Dear Sir/ Madam,

Proposed Filling of Land for Permitted Agricultural Use
(A/YL-LFS/393)

1. We refer to the captioned.
2. We urge the Board to consider whether the applicant needs to appropriately demonstrate that there is a need for the proposed filling of land, and whether the applicant needs to appropriately demonstrate that the proposed filling of land would not cause any environmental impacts (e.g., drainage, landscape) on the surrounding areas (which are largely covered by Coastal Protection Area (CPA) zone).
3. We also urge the Board to thoroughly consider the potential cumulative impacts of approving this application on the CPA zone in the area, as the approval would set a precedent for other similar applications in this CPA zone.
4. According to the Notes of the relevant OZP, the following is mentioned under the planning intention section of CPA:

'This zoning 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. 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.*¹

5. Thank you for your attention.

Ecological Advisory Programme
Kadoorie Farm and Botanic Garden

¹ https://www2.ozp.tpb.gov.hk/plan/ozp_plan_notes/en/S_YL-LFS_9_e.pdf#nameddest=CPA

tpbpd@pland.gov.hk

寄件者: [REDACTED]
寄件日期: 2021年04月12日星期一 4:09
收件者: tpbpd
主旨: A/YL-LFS/393 D.D. 129, Nam Sha Po, Lau Fau Shan CPA

A/YL-LFS/393
Lot 7 in D.D. 129, Nam Sha Po, Lau Fau Shan
Site area 758.8m²
Zoning : "Coastal Protection Area"
Applied Use : Proposed filling of Land (.3mt) / 2 Vehicle Parking

Dear TPB Members,

I strongly object to this application. Members should consider the impact together with 391 as they are close to each other. Are the applicants related?

The Planning Intention of CPA is :

This zoning 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. 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.

The proposed development would in no way conserve the natural landscape, on the contrary it would introduce foreign elements. Neither is it essential in nature.

A concrete pond for fishing in a district with dozens of natural ponds?

A 'plant nursery' would introduce plants that are not indigenous to the area and upset the delicate ecological balance. It would also encourage run off and use of pesticides that would impact insects, birds, and small animals.

Both applications and any others for this sensitive coastline must be rejected.

Mary Mulvihill

Advisory Clauses

- (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site comprises Old Schedule Agricultural Lot (OSAL) 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. Letter of Approval (LoA) has been given on 4.12.2019 for the erection of agricultural structures as shown on its attached schedule on the Site. Furthermore, Certificates of Exemptions (CoEs) in respect of Building Works, Site Formation Works (not exceed 3.4 mPD level) and Drainage Works have been given on 8.5.2020 for the construction of the aforesaid structures thereon. The applicant shall apply to his office for permission if any structure other than those permitted in the LoA is to be erected on the Site. Application(s) will be considered by LandsD acting in the capacity as the lessor at its sole discretion and there is no guarantee that such application would be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;
- (b) 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 the nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting the Site and Deep Bay Road;
- (c) to note the comments of the Director of Environmental Protection (DEP) that the applicant is 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 shall follow the Recommended Pollution Control Clauses for Construction Contracts (https://www.epd.gov.hk/epd/english/environmentinhk/eia_planning/guide_ref/rpc_1.htm) to minimize the environmental impacts during the construction stage;
- (d) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that it is noted that there are some amendments to the proposal including reduction of the area of filling of land with concrete, increase of land filling with soil, provision of additional fish tanks and cancellation of parking spaces, etc. A sizable land of the Site is still involved with the concrete filling and cluster of structures under the revised scheme. She has concern that approval of the application may encourage other similar applications to blanket clear the site 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;
- (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. The applicant shall note that the Site is at relatively low-lying area next to the coastline. The applicant should prepare himself/herself against possible seawater intrusion due to tidal effect and storm surge;
- (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 Building

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 BD 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 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 Site shall be 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 Site does not abut on a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage. Any temporary shelters or converted containers for office, storage, washroom or other uses are considered as temporary buildings are subject to control of Part VII of the B(P)R. Adequate precautionary measures and suitable working procedures should be adopted in carrying out the above works to safeguard the stability of any building, structure, land and street or services. Any precautionary measures, which involve new building works, are subject to above said. When any natural, formed or man-made land has due to any cause been rendered so dangerous or liable to become so dangerous that it will collapse, or be likely to collapse, and thereby will cause, or will be likely to cause, a risk of injury to any person or damage to any property, enforcement action may be taken by the BD. Detail checking under the BO will be carried out at building plan submission stage;

- (g) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. The applicant shall submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. The applicant shall note that if the proposed structure(s) is required to comply with the BO, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
- (h) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) that the applicant shall submit the proposed excavation works plans to the BD for approval as required under the provisions of the BO.

地段索引圖 LOT INDEX PLAN

免責聲明

本圖乃為地段索引圖，顯示地段界線的大概位置，包括根據政府地籍、臨時政府地、臨時政府及政府土地和租地而臨時佔用土地的位置。臨時佔用土地的情況可隨時通知出現或終止，因此應向有關的分區地政處查詢。本圖則所顯示的資料必須與實地測量予以核實。當有更佳或新的地籍數據時，地段索引圖可能會被修訂而無須事先通知。

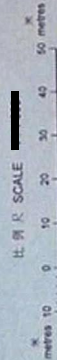
Disclaimer

This plan is a copy of the lot index plan showing the approximate location of lot boundaries, including the temporary occupation of land under Government Land Allocations, Temporary Government Land Allocations, Short Term Tenancies and Government Land Licences. The temporary occupation of land may be created or terminated at short notice and should be confirmed with the District Lands Officer. The information shown on this plan MUST be verified by field survey. The lot index plan may be revised without prior notification as better or new boundary evidence becomes available.



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Survey and Mapping Office
Lands Department

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Locality:
Lot Index Plan No.: ST0055082018
District Survey Office: Sha Tin
Date: 10-Aug-2018
Reference No.: 25W-13C



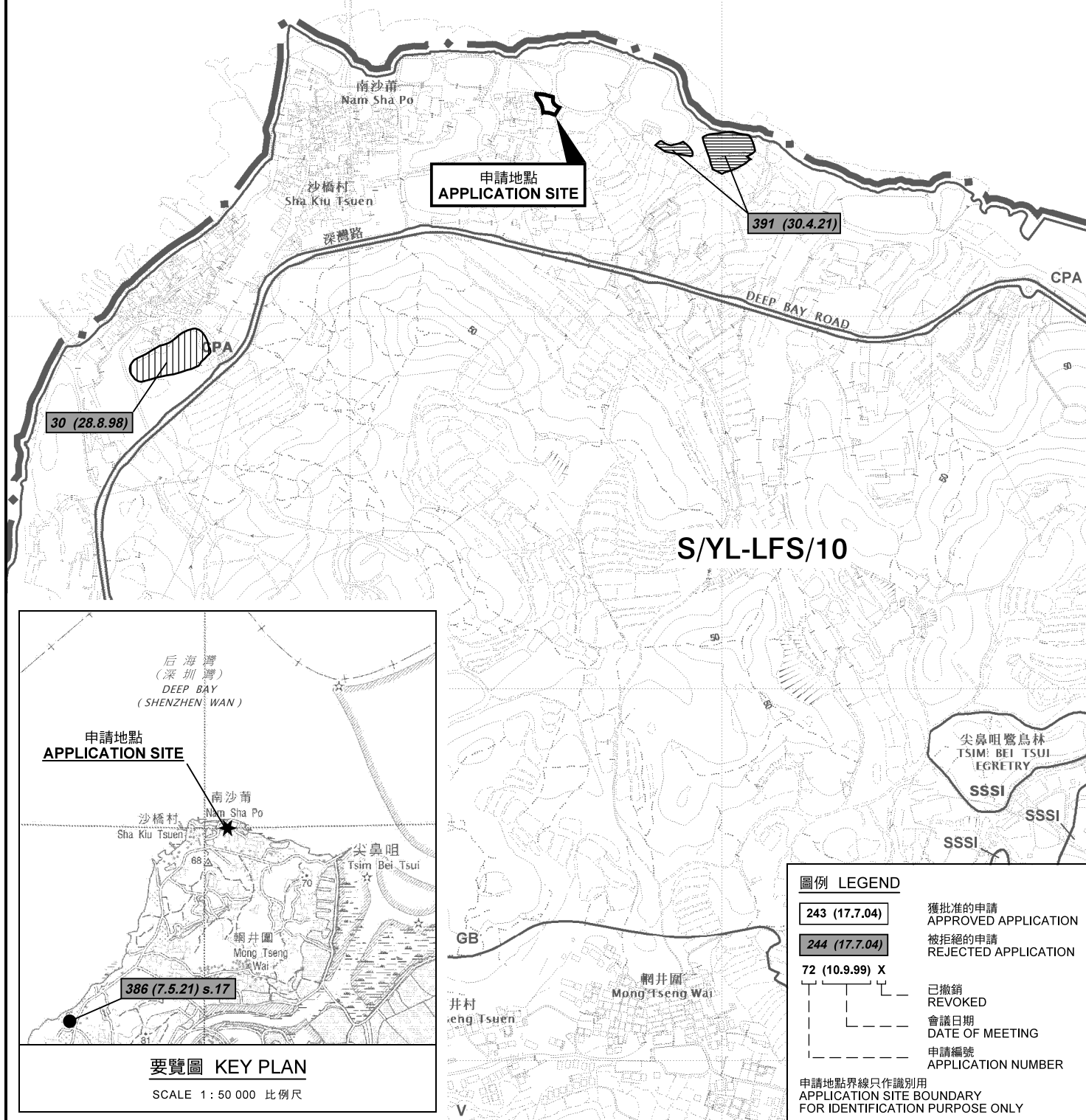
SMD-P02 20180810100016 10

參考編號
AYL-LFS/393

繪圖
DRAWING
A-2

(摘錄自申請人於16.3.2021呈交的申請書)
(Extract from Applicant's
Submission Dated 16.3.2021)

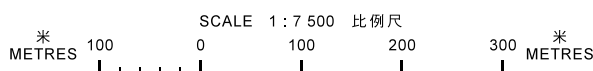
后海灣
(深圳灣)
DEEP BAY
(SHENZHEN WAN)



圖例 LEGEND	
243 (17.7.04)	獲批准的申請 APPROVED APPLICATION
244 (17.7.04)	被拒絕的申請 REJECTED APPLICATION
72 (10.9.99) X	已撤銷 REVOKED
	會議日期 DATE OF MEETING
	申請編號 APPLICATION NUMBER
申請地點界線只作識別用 APPLICATION SITE BOUNDARY FOR IDENTIFICATION PURPOSE ONLY	

位置圖 LOCATION PLAN

擬議填土以作准許的農業用途
新界元朗流浮山丈量約份第129約地段第7號
PROPOSED FILLING OF LAND FOR
PERMITTED AGRICULTURAL USE
LOT 7 IN D.D. 129, LAU FAU SHAN,
YUEN LONG, NEW TERRITORIES



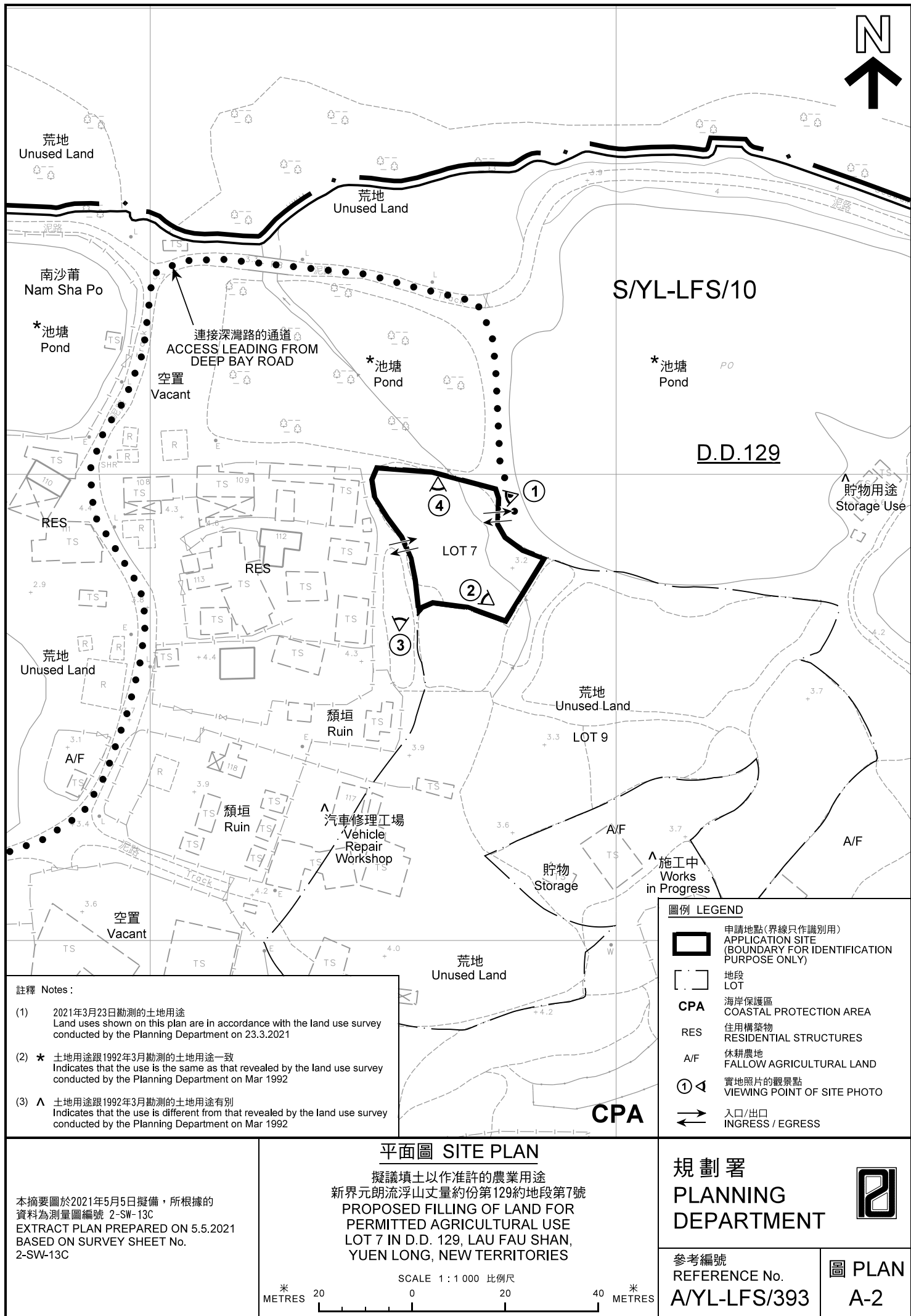
規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/YL-LFS/393

圖 PLAN
A-1

本摘要圖於2021年5月7日擬備，
所根據的資料為於2021年5月7日
展示的分區計劃大綱圖編號 S/YL-LFS/10
EXTRACT PLAN PREPARED ON 7.5.2021
BASED ON OUTLINE ZONING PLAN No.
S/YL-LFS/10 EXHIBITED ON 7.5.2021





后海灣
(深圳灣)
DEEP BAY
(SHENZHEN WAN)

連接深灣路的通道
Access Leading from
Deep Bay Road

南沙莆
Nam Sha Po

深灣路

DEEP BAY ROAD

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4月26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 E092248C
EXTRACT PLAN PREPARED ON 26.4.2021
BASED ON AERIAL PHOTO No.
E092248C 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

擬議填土以作准許的農業用途
新界元朗流浮山丈量約份第129約地段第7號
PROPOSED FILLING OF LAND FOR
PERMITTED AGRICULTURAL USE
LOT 7 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/393

圖 PLAN
A-3a



后海灣
(深圳灣)
DEEP BAY
(SHENZHEN WAN)

連接深灣路的通道
Access Leading from
Deep Bay Road

南沙莆
Nam Sha Po

深灣路

DEEP BAY ROAD

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4月27日擬備，所根據的資料為地政總署於2018年10月3日拍得的航攝照片編號 E046439C
EXTRACT PLAN PREPARED ON 27.4.2021
BASED ON AERIAL PHOTO No.
E046439C TAKEN ON 3.10.2018
BY LANDS DEPARTMENT

2018年10月3日拍攝的航攝照片
AERIAL PHOTO TAKEN ON 3.10.2018

擬議填土以作准許的農業用途
新界元朗流浮山丈量約份第129約地段第7號
PROPOSED FILLING OF LAND FOR
PERMITTED AGRICULTURAL USE
LOT 7 IN D.D. 129, LAU FAU SHAN,
YUEN LONG, NEW TERRITORIES

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
AYL-LFS/393

圖 PLAN
A-3b



后海灣
(深圳灣)
DEEP BAY
(SHENZHEN WAN)

連接深灣路的通道
Access Leading from
Deep Bay Road

南沙莆
Nam Sha Po

深灣路

DEEP BAY ROAD

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4月27日擬備，所根據
的資料為地政總署於2016年10月27日拍得
的航攝照片編號 E005013C
EXTRACT PLAN PREPARED ON 27.4.2021
BASED ON AERIAL PHOTO No.
E005013C TAKEN ON 27.10.2016
BY LANDS DEPARTMENT

2016年10月27日拍攝的航攝照片
AERIAL PHOTO TAKEN ON 27.10.2016

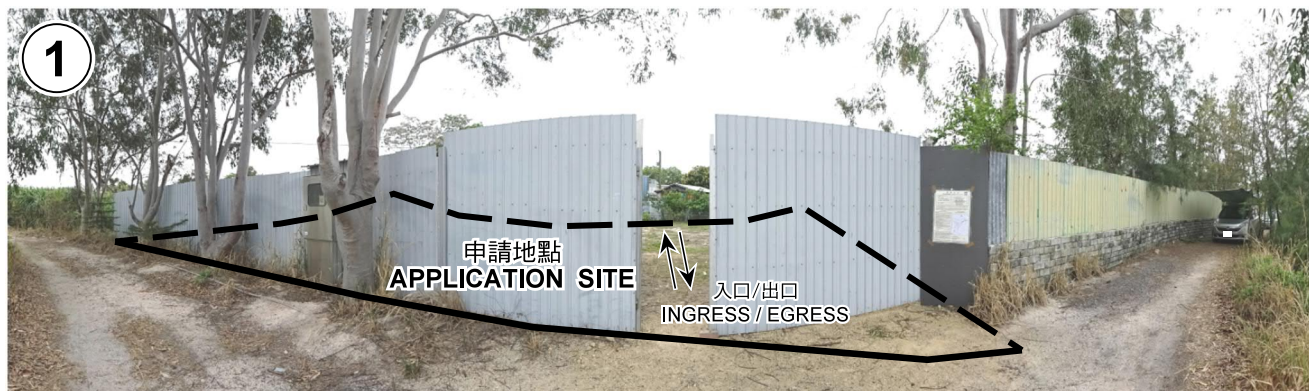
擬議填土以作准許的農業用途
新界元朗流浮山丈量約份第129約地段第7號
PROPOSED FILLING OF LAND FOR
PERMITTED AGRICULTURAL USE
LOT 7 IN D.D. 129, LAU FAU SHAN,
YUEN LONG, NEW TERRITORIES

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
AYL-LFS/393

圖 PLAN
A-3c



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

實地照片 SITE PHOTO

擬議填土以作准許的農業用途
新界元朗流浮山丈量約份第129約地段第7號
PROPOSED FILLING OF LAND FOR
PERMITTED AGRICULTURAL USE
LOT 7 IN D.D. 129, LAU FAU SHAN,
YUEN LONG, NEW TERRITORIES

本圖於2021年4月27日擬備，所根據的資料為攝於2021年3月23日的實地照片
PLAN PREPARED ON 27.4.2021
BASED ON SITE PHOTOS
TAKEN ON 23.3.2021

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/YL-LFS/393

圖 PLAN
A-4

RNTPC Paper No. A/YL-LFS/393
For Consideration by the
Rural and New Town Planning
Committee on 14.5.2021

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-LFS/393

Applicant : Mr. TANG Tak-hong

Site : Lot 7 in D.D. 129, Lau Fau Shan, Yuen Long, New Territories

Site Area : About 758.8 m²

Lease : Block Government Lease (demised for agricultural use)

Plan : Draft Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan (OZP) No. S/YL-LFS/10 currently in force

Approved Lau Fau Shan and Tsim Bei Tsui OZP No. S/YL-LFS/9 at the time of submission

Zoning : “Coastal Protection Area” (“CPA”)
[No change to the zoning]

Application : Proposed Filling of Land for Permitted Agricultural Use

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed filling of land for permitted agricultural use at the application site (the Site) (**Plan A-1**). The Site falls within the “CPA” zone on the OZP. According to the Notes of the OZP for “CPA” zone, ‘Agricultural Use (other than Plant Nursery)’ is always permitted. However, any filling of land/pond or excavation of land, including that to effect a change of use to any of those specified in Columns 1 and 2, requires planning permission from the Town Planning Board (the Board). The Site is currently covered with loose soil/gravel and weeds (**Plan A-4**). An open shed and some miscellaneous items such as bricks and tiles are found on site. There is no previous planning application covering the Site.
- 1.2 The Site is accessible via a local track leading from Deep Bay Road (**Drawing A-2 and Plan A-2**). As shown on the proposed layout plan at **Drawing A-1** and indicated in the submission, part of the site (about 360 m² or 47% of the Site) will be filled with concrete of about 0.3 m in thickness. 15 fish tanks in various sizes will be placed at the Site. The remaining part (about 398 m² or 53% of the Site) will be filled with soil of about 0.3 m in thickness mainly for landscaping purpose. According to the applicant, the filled area will be at the same level of the adjacent areas. 9 temporary structures, including 3 storage rooms for ancillary uses, 1 electricity meter room and

5 canopies in various sizes will also be provided on site with a total gross floor area of about 241 m² and building height not exceeding 4.3 m. The applicant indicates that a truck will only be used for transporting concrete and soil during the site formation period and no parking space and loading and unloading bay will be provided on site. The proposed layout plan and the access 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 with attachments received on 16.3.2021 (**Appendix I**)
- (b) Further Information (FI) received on 22.4.2021 with responses to Transport Department (TD)'s and Agriculture, Fisheries and Conservation Department (AFCD)'s comments and clarification on the proposed layout of the Site (*exempted from publication requirements*) (**Appendix Ia**)
- (c) FI received on 27.4.2021 with responses to TD's comments (**Appendix Ib**) (*exempted from publication requirements*)

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed at **Appendices I to Ib**. They can be summarised as follows:

- (a) The applicant is a current fish farmer and has operated a fish farm at Lot 9 in D.D. 129 nearby (**Plan A-2**). However, the land owner of Lot 9 in D.D. 129 did not rent the land to him, he had to find another site for fish farming.
- (b) Since the farming species rely on seawater nurturing, the applicant finds that the current site is appropriate for fish farming.
- (c) The applicant is a local villager of Sha Kiu Tsuen. The local villagers will not object to the application.
- (d) The proposed filling of land will not generate adverse noise and environmental impacts and no tree will be cleared.
- (e) The applicant claims that the proposed filling of land would help to consolidate the Site in order to place fish tanks for fish farming purpose.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

If there is sufficient evidence to prove unauthorised development (UD) on site under the Town Planning Ordinance, the Site would be subject to planning enforcement action.

5. Previous Application

The Site does not involve any previous planning application.

6. Similar Applications

- 6.1 Within the same “CPA” zone, there are 3 similar applications (No. A/YL-LFS/30, 386 and 391) for filling of pond and/or land for different uses between 1998 and 2021. Details of these applications are summarised at **Appendix II** and the locations of these application sites are shown on **Plan A-1**.
- 6.2 Application No. A/YL-LFS/30 for proposed pond filling and agricultural use¹ (planting of fruit tree) was rejected by the Rural and New Town Planning Committee (the Committee) on 28.8.1998 on the grounds that the proposed development did not comply with the then TPB-PG No. 12A for “Application for Developments within Deep Bay Buffer Zone”; there was insufficient information to demonstrate that the proposed development would not have significant adverse ecological and drainage impacts on the surrounding areas; and the proposed development would set an undesirable precedent for similar applications.
- 6.3 Application No. A/YL-LFS/386 for proposed filling of land and pond to avoid mosquito breeding was rejected by the Board upon review on 7.5.2021 on the grounds that the proposed filling of land and pond was not in line with the planning intention of “CPA” zone and the proposed filling of land and pond would set an undesirable precedent for similar applications.
- 6.4 Application No. A/YL-LFS/391 for proposed filling and excavation of land for permitted agricultural use was rejected by the Committee on 30.4.2021 on the similar grounds as mentioned in paragraph 6.3 above and that the applicant failed to demonstrate no significant adverse landscape impacts on the surrounding areas.

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

7.1 The Site is:

- (a) situated near the coastline of Deep Bay and accessible via a local track from Deep Bay Road; and
- (b) currently covered with soil/gravel and weeds.

7.2 The surrounding areas have the following characteristics:

- (a) to the north, northeast and northwest are ponds and wetlands along the coastline of Deep Bay;
- (b) to the immediate west and southwest are residential dwellings of Sha Kiu

¹ For Application No. A/YL-LFS/30, ‘Agricultural Use’ was a Column 2 use which required planning permission from the Board under the then Lau Fau Shan and Tsim Bei Tsui OZP No. S/YL-LFS/2 when the application was submitted.

Tsuen and to the further southwest is a vehicle repair workshop which is suspected UD; and

- (c) to the south and southeast are scrublands and farmlands and to the east is a storage yard which is suspected UD.

8. Planning Intention

- 8.1 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.
- 8.2 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 comprises Old Schedule Agricultural Lot (OSAL) 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) Letter of Approval (LoA) has been given on 4.12.2019 for the erection of agricultural structures as shown on its attached schedule on the Site.² Furthermore, Certificates of Exemptions (CoEs) in respect of Building Works, Site Formation Works (not exceed 3.4 mPD level) and Drainage Works have been given on 8.5.2020 for the construction of the aforesaid structures thereon.
 - (c) It is noted that the proposed filling of land is for agricultural use. His office has no objection to the proposed filling of land from the lease perspective subject to compliance of the conditions stipulated in the LoA and CoEs.

² LoA from LandsD was given on the proposed layout submitted in **Appendix I** but not the revised layout in **Appendix Ia** and **Drawing A-1**.

Traffic

9.1.2 Comments of the Commissioner for Transport (C for T):

He has no adverse comment on the application from traffic engineering point of view.

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) No substantiated environmental complaint pertaining to the Site has been received in the past three years.
- (c) The applicant should be reminded of the detailed comments at **Appendix IV**.

Landscaping

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

- (a) The Site (about 758.8 m²) is located near the intertidal coast of Deep Bay and falls within an area zoned “CPA” on the OZP. The Site is not subject to any previous planning application. The Site is currently preoccupied by vegetation. There are lush vegetation and some ponds in the surroundings with some temporary structures found to the west of the Site. The proposed filling of land includes filling of concrete (360 m² which is about 47% of the Site) of about 0.3 m depth for fish farming purpose and filling of soil (398 m² which is about 53% of the Site) of about 0.3 m depth for tree-planting purpose, where the filled area will be at the same level of the adjacent areas with a GFA of about 241.2 m². The proposal also includes 9 temporary structures, including 3 storage rooms for ancillary uses, 1 electricity meter room, and 5 canopies with different sizes.
- (b) With the concrete filling proposed under the application, it would inevitably alter the natural coastline and sensitive coastal natural

environment. The cumulative effect of approving similar applications would further alter the natural coastline and sensitive coastal natural environment and affect the integrity of the “CPA” zone.

- (c) With reference to the aerial photo of 2020 (**Plan A-3a**), the Site is located in an area of rural coastal plain landscape character predominated by ponds, mangroves, vacant lands and woodlands with temporary structures and warehouses in the proximity. According to the site photos taken on 23.3.2021, the Site is mainly vacant with rubbles, weeds, and a group of *Musa x paradisiaca* (香蕉樹) at the southwestern corner of the Site. The proposed extensive concrete filling of land is considered not compatible with the landscape character of the surrounding area.
- (d) By comparing the aerial photos of 2016 to 2018 (**Plans A-3b and 3c**), vegetation clearance, unauthorised filling of land and hard paving were observed within the Site. Significant landscape impact has taken place. Given that there is no similar application previously approved within the same “CPA” zone, there is concern that approval of the planning application may encourage other similar applications to blanket clear the site 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 the landscape planning perspective.
- (e) The applicant should be reminded of the detailed comments at **Appendix IV**.

Nature Conservation and Fisheries

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

- (a) She has no objection to the proposal of increasing fish culture area with amended area to be filled with concrete from fish culture perspective. The applicant is reminded to apply for agricultural structures with LandsD.
- (b) As the Site is mainly a bare ground with some temporary structures, she also has no strong view on the application from the ecological 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 a condition should be stipulated requiring the applicant to submit a drainage proposal including flood mitigation measures, to implement and maintain the proposed drainage facilities to the satisfaction of his department. The flood mitigation measures shall be completed upon the completion of land filling works.

- (c) The applicant should be reminded of the detailed comments at **Appendix IV**.

Fire Safety

9.1.8 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection to the proposal subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) The applicant should be reminded of the detailed comments at **Appendix IV**.

Building Matters

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

- (a) He has no comment on the proposed filling of land if it is not associated with any building construction.
- (b) The applicant should be reminded of the detailed comments at **Appendix IV**.

Geotechnical

9.1.10 Comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD):

- (a) He has no adverse comment on the application.
- (b) It is noted that land filling is proposed as part of the application. GEO is not responsible for the control of land filling activities.
- (c) The applicant should be reminded of the detailed comments at **Appendix IV**.

District Officer's Comments

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

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

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

- (a) Project Manager (West), CEDD(PM(W), CEDD);
- (b) Chief Engineer/Land Works, CEDD(CE/LW, CEDD);
- (c) Principal Project Coordinator/Special Duty, DSD (PPC/SD, DSD);
- (d) Commissioner of Police (C of P); and
- (e) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

10. Public Comments Received During Statutory Publication Period

On 23.3.2021, the application was published for public inspection. During the statutory public inspection period, 4 public comments were received from a District Council member, World Wild Fund for Nature Hong Kong, Kadoorie Farm and Botanic Garden and an individual (**Appendices III-1 to III-4**) objecting to the application on the grounds which are summarised below:

- (a) the applicant fails to demonstrate the need of the proposed filling of land with concrete for such a large area which may be harmful to the ecological habitats;
- (b) the proposed filling of land with vegetation clearance is suspected UD, which has occupied the Site for several years without a valid planning permission. The Board should not encourage “develop first, apply later” attitude;
- (c) there is insufficient information in the submission to demonstrate that the proposed filling of land would not generate adverse environmental, drainage and landscape impacts on the surrounding areas;
- (d) the proposed filling of land would set an undesirable precedent for other planning applications within the “CPA” zone and lead to general degradation of natural environment and landscape of the area; and
- (e) the proposed filling of land is not in line with the planning intention of “CPA” zone and will generate possible adverse environmental impacts on the sensitive natural environment nearby.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed filling of land for permitted agricultural use. The Site is zoned “CPA” on the OZP which is intended 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. Whilst agricultural use (other than plant nursery) is always permitted within the “CPA” zone, filling of land within “CPA” zone is subject to planning permission as it may cause adverse drainage impact on the adjacent areas and adverse impact on the natural environment. The Site involves the filling of concrete of about 360 m² (43% of the Site) and filling of soil of about 398 m² (53% of the Site) in order to place fish tanks for fish farming purpose. While CE/MN of DSD has no objection to the application from the drainage perspective and DAFC has no strong view on the

application from the ecological perspective, the applicant did not provide justifications for the genuine need of filling of land with concrete of about 360 m² (43% of the Site) and whether there are other alternatives for the applicant to carry out the fish farming activities without affecting the sensitive coastal natural environment in the “CPA” zone. 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 located in an area of rural coastal plain landscape character predominated by ponds, mangroves, vacant lands and woodlands with temporary structures and warehouses. The proposed extensive concrete filling of land for permitted agricultural use is considered not compatible with the landscape character of the surrounding area.
- 11.3 CTP/UD&L, PlanD has reservation on the application from landscape planning perspective. Since the Site is situated near the intertidal coast of Deep Bay, the proposed filling of land will unavoidably change the natural coastline of Deep Bay and sensitive coastal natural environment. It is also noted that vegetation clearance, unauthorised filling of land and hard-paving have been observed within the Site since 2016 (**Plans A-3a to 3c and A-4**). Significant landscape impact has taken place. Given that there is no similar application previously approved within the same “CPA” zone, the proposed filling of land would likely raise concern that approval of the planning application may encourage other similar applications to blanket clear the site 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 and C for T have no objection to or no adverse comment on the application. The proposed filling of land will unlikely create significant environmental and traffic to the surrounding areas.
- 11.5 No previous approval has been granted for the Site. There are 3 similar applications (No. A/YL-LFS/30, 386 and 391) for filling and/or excavation of land and/or pond for different uses within the same “CPA” zone, which were all rejected by the Committee in 1998 and 2021 on similar grounds of not in line with the planning intention of “CPA” zone; insufficient information to demonstrate that the proposed development would not have significant adverse ecological, drainage and/or landscape impacts on the surrounding areas; and setting of undesirable precedent. The rejection of the current application is considered in line with the Committee’s previous decisions.
- 11.6 There are 4 public comments received objecting to the application on the grounds as summarised in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.5 are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into the public comments in paragraph 10 above, the Planning Department does not support the application for the following reasons:
 - (a) the proposed filling of land 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;

- (b) the applicant fails to demonstrate that the proposed filling of land would not have significant adverse landscape impacts on the surrounding areas; and
- (c) approval of the application would set an undesirable precedent for similar applications for filling of land within the “CPA” zone and the cumulative effect of approving such applications would result in a general degradation of the natural environment of the area.

12.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until 14.5.2025, 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 concrete/soil to a thickness exceeding 0.3 m, as proposed by the applicant;
- (b) the submission of a drainage proposal including flood mitigation measures before commencement of the land filling works on the Site to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (c) in relation to (b) above, the implementation of the drainage proposal including flood mitigation measures upon completion of the land filling works on the Site to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (d) if any of the above planning conditions (b) or (c) is not complied with before commencement or upon completion of the land 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 the planning 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 16.3.2021
Appendix Ia	Further Information received on 22.4.2021
Appendix Ib	Further Information received on 27.4.2021
Appendix II	Similar Applications within the same “CPA” Zone on the Lau Fau Shan and Tsim Bei Tsui OZP
Appendices III-1 to III-4	Public comments Received During Statutory Publication Period
Appendix IV	Advisory Clauses
Drawing A-1	Layout Plan
Drawing A-2	Access Plan
Plan A-1	Location Plan with Similar Applications
Plan A-2	Site Plan
Plans A-3a to 3c	Aerial Photos
Plan A-4	Site Photos

**PLANNING DEPARTMENT
MAY 2021**

2021年 3月 1 6日

此文件在 收到・城市規劃委員會
只會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。

Appendix I of RNTPC
Paper No. A/YL-LFS/393

This document is received on 16 MAR 2021
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-I
表格第 S16-I 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/tc/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/YL LFS/393
	Date Received 收到日期	16 MAR 2021

- 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 樓及新界沙田上禾輦路 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	
(<input checked="" type="checkbox"/> Mr. 先生 / <input type="checkbox"/> Mrs. 夫人 / <input type="checkbox"/> Miss 小姐 / <input type="checkbox"/> Ms. 女士 / <input type="checkbox"/> Company 公司 / <input type="checkbox"/> Organisation 機構)	
鄧德康 TANG TAK HONG	
2. Name of Authorised Agent (if applicable) 獲授權代理人姓名/名稱 (如適用)	
(<input type="checkbox"/> Mr. 先生 / <input type="checkbox"/> Mrs. 夫人 / <input type="checkbox"/> Miss 小姐 / <input type="checkbox"/> Ms. 女士 / <input type="checkbox"/> Company 公司 / <input type="checkbox"/> Organisation 機構)	
不適用	
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)	DD 129 Lot 7
(b) Site area and/or gross floor area involved 涉及的地盤面積及/或總樓面面積	<input type="checkbox"/> Site area 地盤面積 758.8 sq.m 平方米 <input checked="" type="checkbox"/> About 約 <input type="checkbox"/> Gross floor area 總樓面面積 241.2 sq.m 平方米 <input checked="" 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	S/YL - LFS/19 流浮山及尖鼻咀分區計劃大綱圖
(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	塘魚養殖 <small>(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)</small>

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 2021 年 3 月 3 日的記錄，這宗申請共牽涉 1 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)

(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)^{#&}
於 _____ (日/月/年)向每一名「現行土地擁有人」[#]遞送要求同意書[&]

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)[&]
於 _____ (日/月/年)在指定報章就申請刊登一次通知[&]
- ☐ posted notice in a prominent position on or near application site/premises on _____ (DD/MM/YYYY)[&]
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[&]
- ☐ sent notice to relevant owners' corporation(s)/owners' committee(s)/mutual aid committee(s)/management office(s) or rural committee on _____ (DD/MM/YYYY)[&]
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[&]

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處，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 (ii) application 供第(ii)類申請

(a) Operation involved 涉及工程	<input type="checkbox"/> Diversion of stream 河道改道		
	<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
	<input checked="" type="checkbox"/> Filling of land 填土		
	Area of filling 填土面積	758.8 sq.m 平方米	<input checked="" type="checkbox"/> About 約
	Depth of filling 填土厚度	0.3 m 米	<input checked="" type="checkbox"/> About 約
	<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
(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))			
(b) Intended use/development 有意進行的用途/發展	<p>農業用途</p> <p>本地塘魚養殖場</p>		

(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) application 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 From 由 to 至
地積比率限制
- ☐ Gross floor area restriction From 由sq. m 平方米 to 至sq. m 平方米
總樓面面積限制
- ☐ Site coverage restriction From 由% to 至 %
上蓋面積限制
- ☐ Building height restriction From 由m 米 to 至 m 米
建築物高度限制
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 From 由m to 至 m
非建築用地限制
- ☐ Others (please specify)
其他 (請註明)

(v) For Type (v) application 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

☐ Domestic part 住用部分

GFA 總樓面面積 sq. m 平方米 ☐ About 約
 number of Units 單位數目
 average unit size 單位平均面積sq. m 平方米 ☐ About 約
 estimated number of residents 估計住客數目

☐ Non-domestic part 非住用部分GFA 總樓面面積

☐ eating place 食肆 sq. m 平方米 ☐ About 約
☐ hotel 酒店 sq. m 平方米 ☐ About 約

(please specify the number of rooms
 請註明房間數目)

☐ office 辦公室 sq. m 平方米 ☐ About 約
☐ shop and services 商店及服務行業 sq. m 平方米 ☐ About 約

☐ Government, institution or community facilities (please specify the use(s) and concerned land
 政府、機構或社區設施 area(s)/GFA(s) 請註明用途及有關的地面面積／總
 樓面面積)

.....

☐ 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)

.....

☐ Open space 休憩用地

(please specify land area(s) 請註明地面面積)

☐ private open space 私人休憩用地 sq. m 平方米 ☐ Not less than 不少於
☐ public open space 公眾休憩用地 sq. m 平方米 ☐ 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)

2023 年 12 月

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

Any vehicular access to the site/subject building?

是否有車路通往地盤/有關建築物?

Yes 是

☒ 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))

經深灣路轉入小路

☐ 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)

No 否

☐

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

☒ (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)

/

No 否

☐

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

☐ (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)

/

No 否

☒

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</p> <p>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</p> <p>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 758.8 sq.m 平方米 <input checked="" type="checkbox"/> About 約 Depth of filling 填土厚度 0.3 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> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <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>	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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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"/>																														

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。

本人是一個本地塘魚養殖戶，因業主收地迫遷
所以另覓新地址重建魚塘。

舊魚場地址 DD129 Lot 9.

新魚場選址 DD129 Lot 7.

所飼養的蝦，魚種有部份是用咸水飼養
因選址接近海邊，同時又鄰近舊魚場位置。

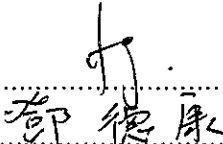
本人亦是沙撈越村村民，與鄰居相識數拾年。
在 DD129 Lot 9 經營農場數拾年。屬居民不會反對
在上址做養殖場。（隔離現有一個塘魚養殖戶）
養殖場不會發出大量嘈音，亦不需斬樹，對環境
不會做成嚴重影響，希望貴處能協助本地塘
魚養殖業的發展，望貴處能通過此項申請。

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

2021-3-3 (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.
在該靈灰安置所內，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	DD 129 Lot 7		
Site area 地盤面積	758-8	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-LFS19		
Zoning 地帶	海岸保護區		
Applied use/ development 申請用途/發展	填土作農業用途 本地塘魚養殖場		
(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	241.2 <input checked="" type="checkbox"/> About 約 <input type="checkbox"/> Not more than 不多於	0.32 <input checked="" 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	8	
	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	4.3	m 米 <input checked="" type="checkbox"/> (Not more than 不多於)
		4.3	mPD 米(主水平基準上) <input checked="" type="checkbox"/> (Not more than 不多於)
		/	Storeys(s) 層 <input checked="" 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	32		% <input checked="" type="checkbox"/> About 約
(v) No. of units 單位數目	8		
(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	2
	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) _____ _____	

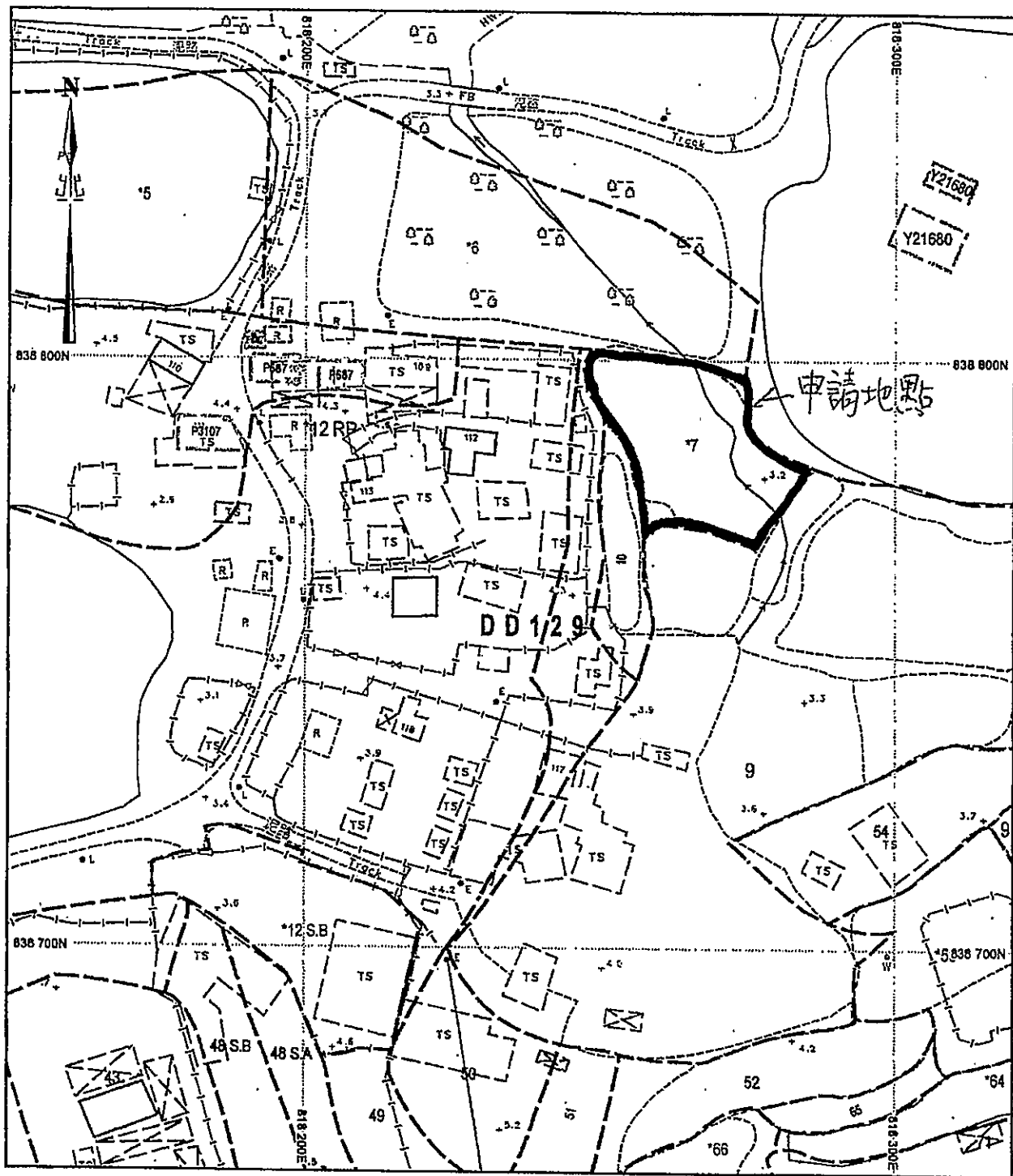
Submitted Plans, Drawings and Documents 提交的圖則、繪圖及文件

	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 checked="" 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)	<input 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。



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

比例尺 SCALE 1:1 000

米 10 0 10 20 30 40 50 metres



Locality : _____

Lot Index Plan No. : LIP688123P

District Survey Office : DSOST

Date : 24-Aug-2020

Reference No. : 2-SW-13c

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SMO-P01 20200824113505 10

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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.

① 農用儲物室 = (6.1m 長 × 2.4m 闊 × 4.3m 高)

主要擺放維修魚場大小小渠，用品，如水泵，濾水器，濾水缸，太陽能板，電池，各類水喉配件等等。

② 農用儲物室 = (6.1m 長 × 2.4m 闊 × 4.3m 高)

主要擺放魚池用品，濾水棉，生物環，珊瑚石，碳，備用魚池，水缸，地氈，木板，水喉等等。

③ 農用儲物室 = (6.1m 長 × 2.4m 闊 × 4.3m 高)

主要擺放魚糧，藥物，雪柜，工作檯，櫈，更衣室等等。

④ 電錶房 = (1.2m 長 × 1m 闊 × 2.5m 高) 魚場供電用。

⑤ 簷篷 = (5m 長 × 7m 闊 × 4.3m 高)

遮擋太陽，隔熱，擋風雨，簷篷下主要擺放魚缸，魚池。

⑥ 簷篷 = (8m 長 × 11m 闊 × 4.3m 高)

遮擋陽光，隔熱，擋風雨，簷篷下主要擺放魚池，濾水器。

⑦ 簷篷 = (6m 長 × 9m 闊 × 4.3m 高)

遮擋陽光，隔熱，擋風雨，簷篷下主要擺放魚缸，手拉叉車，維修魚缸等等。

⑧ 簷篷 = (7m 長 × 9m 闊 × 4.3m 高)

遮擋陽光，隔熱，擋風雨，簷篷下主要擺放魚缸，魚池等。

⑨ 混凝土土地 = (約 650 平方米)

在混凝土土地上搭建農用儲物室，簷篷等等。

搬運魚缸內的小魚進入大池，須要用大型人手叉車搬運及
使用手推車搬運魚糧，餵魚工具，清洗魚缸，魚池，濾水池，
擺放帆布或魚池，涼曬濾水棉及其他濾水用品。

LOT 5

A/YL-LFS/393

Govt. Land

6101

NOT g.

LOT 10
[NO-SURVEY RECORD]

Gov. Land

附录 2.1

DD129 lot 7 規劃申請補充資料

- 1 填混凝土面積 (約 650 平方米高 0.3 米)
- 2 填混凝土使地基鞏固,擺放及搬運魚缸.
- 3 填泥土面積 (約 108.8 平方米高 0.3 米)
- 4 填泥土是平整土地,避免積水及種植樹木,美化環境.
- 5 填土後不會高於鄰近土地.
- 6 養魚面積約 205 平方米,佔混凝土面積約 31%
- 7 養魚場發展計劃預計 2023 年 12 月完工.

DD129 LOT 7 預計交通流量表

	07:00~9:00	12:00~1:30	4:00~6:00
星期一	1 架次(入)	2 架次 (1 出 1 入)	1 架次(出)
星期二	1 架次(入)	2 架次 (1 出 1 入)	1 架次(出)
星期三	1 架次(入)	2 架次 (1 出 1 入)	1 架次(出)
星期四	1 架次(入)	2 架次 (1 出 1 入)	1 架次(出)
星期五	1 架次(入)	2 架次 (1 出 1 入)	1 架次(出)
星期六		1 架次(入)	1 架次(出)
星期日		1 架次(入)	1 架次(出)
一星期共 24 次			

地段索引圖 LOT INDEX PLAN

免責聲明

本圖則乃地段索引圖的複本，顯示地段界線的大概位置，包括根據政府撥地、臨時政府撥地、短期租約及政府土地用途牌照而臨時佔用土地的位置。臨時佔用土地的情況可透過短期通知出現或終止，因此應向有關的分區地政專員核實。本圖則所示的資料必須透過實地測量予以核實，當有更佳的地界證據時，地段索引圖可能會被修訂而無須事先通知。

Disclaimer

This plan is a copy of the lot index plan showing the approximate location of lot boundaries, including the temporary occupation of land under Government Land Allocations, Temporary Government Land Allocations, Short Term Tenancies and Government Land Licences. The temporary occupation of land may be created or terminated at short notice and should be confirmed with the District Lands Officer. The information shown on this plan MUST be verified by field survey. The lot index plan may be revised without prior notification as better or new boundary evidence becomes available.



地政總署測繪處

Survey and Mapping Office
Lands Department

香港特別行政區政府 — 版權所有
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比例尺 SCALE 1:1000
metres 10 0 10 20 30 40 50 metres

Locality:

Lot Index Plan No.: ST0055082018

District Survey Office: Sha Tin

Date: 10-Aug-2018

Reference No.: 23W-13C



回覆運輸處

有關交通流量

1. 平整申請地點時，貨車只作傾倒泥土或混凝土，以一入一出形式進行,直至地基完成
2. 現取消申請地點內貨車及私家車泊位

回覆自然護理處

1. 現鋪切混凝土面積約 360 平方米.0.3 米高.
2. 普通填土(泥土)面積約 398 平方米 0.3 米高
3. 增加 3 米 X5 米方形魚池 2 個
4. 增加 1 米 X1 米活動方形魚缸 4 個
5. 增加 8 米 X8 米活動遮光棚

現附上有關鋪切混凝土面積位置圖.

如貴處有任何建議請貴處給予指示本人非常感激。

申請人:鄧德康

818260E

TRAVERSE DIAGRAM
(NOT TO SCALE)

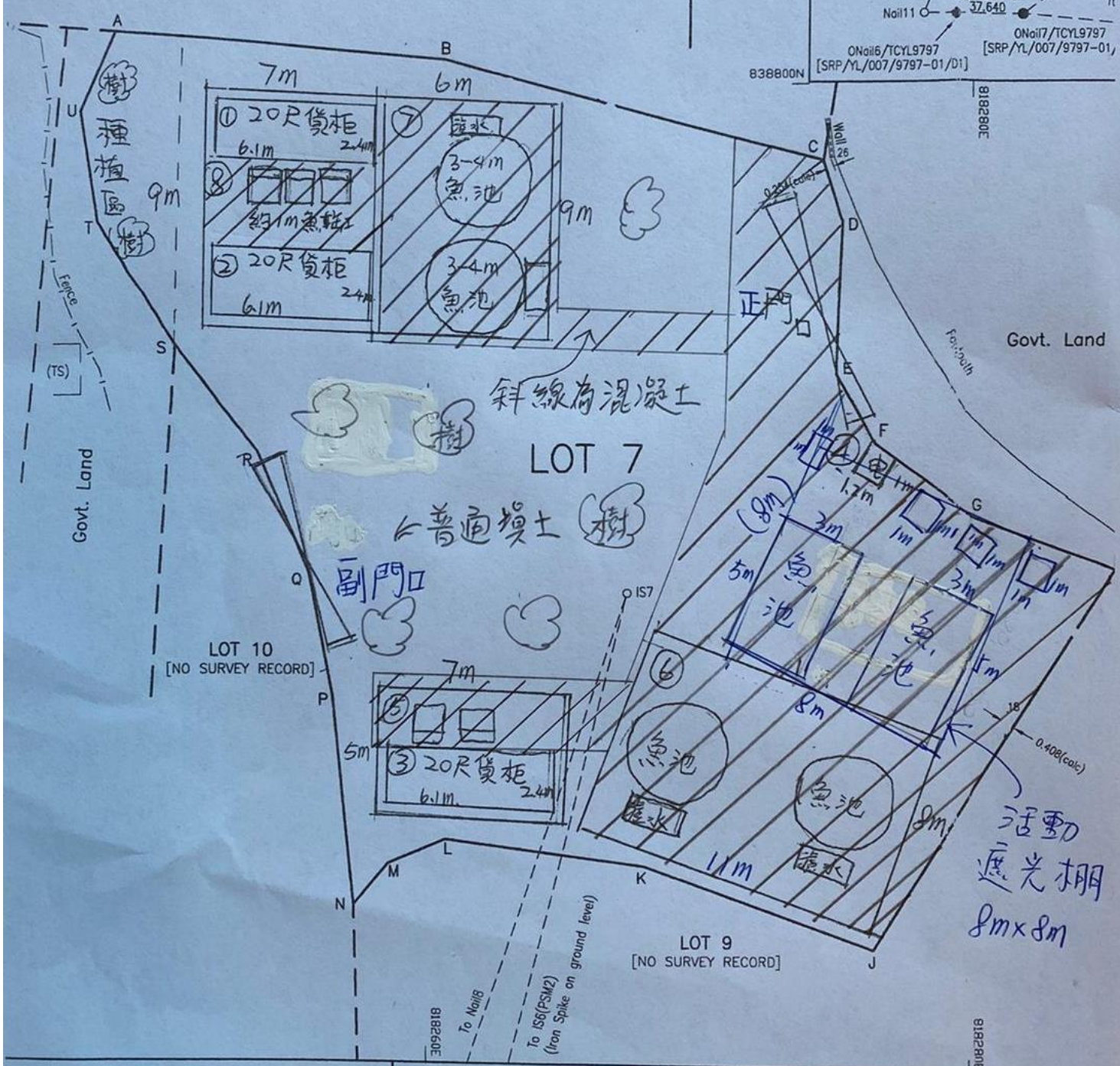
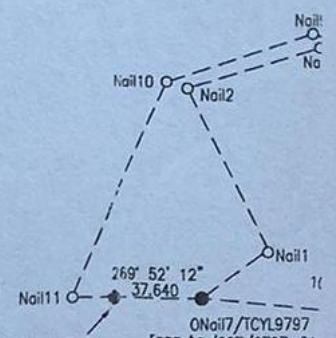


LOT 6
[SRP/YL/007/7159-01/D1]

838800N

818280E

ONail6/TCYL9797 [SRP/YL/007/9797-01/D1]
ONail7/TCYL9797 [SRP/YL/007/9797-01/D1]



District: YUEN LONG
Survey: March 2017
200 Field Bk. TCYL11420

DIMENSION PLAN OF LOT NO. 7

DD129 LOT 7 地基預計三個星期完工及 5.5 噸以下貨車交通流量表

首星期共	4 架次(入)	4 架次(出)	
第二星期共	3 架次(入)	3 架次(出)	
第三星期共	2 架次(入)	2 架次(出)	
總共	9 架次(入)	9 架次(出)	

**Similar s.16 Applications for Filling of Land/Pond
Within the “CPA” Zone on the Lau Fau Shan and Tsim Bei Tsui OZP**

Rejected Applications

	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Zoning</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejection Reasons</u>
1	A/YL-LFS/30	Pond Filling and Agricultural Use (Planting of Fruit Tree)	CPA	28.8.1998	1, 2, 3
2	A/YL-LFS/386	Proposed Filling of Land and Pond	CPA	7.5.2021 (upon review)	3, 4
3	A/YL-LFS/391	Proposed Filling and Excavation of Land for Permitted Agricultural Use	CPA	30.4.2021	3, 4, 5

Rejection Reasons

1. The proposed development does not comply with the Town Planning Board Guidelines for "Application for Developments within the Deep Bay Buffer Zones" in that there is insufficient information in the submission to demonstrate that the proposed development is required to support the conservation of the natural features and scenic qualities of the area.
2. There is 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.
4. 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.
5. The applicant fails to demonstrate that the proposed filling and excavation of land would not have significant adverse landscape impacts on the surrounding areas.

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



Fw: 規劃申請編號: A/YL-LFS/393
25/03/2021 14:49

From: [REDACTED]
To: ayckwong@pland.gov.hk
Cc: [REDACTED]
Date: 24/03/2021 19:15
Subject: Re: 規劃申請編號: A/YL-LFS/393

本人反對事項申請, 因為項目雖然以農地農業為標題, 但係項目只係涉及到四個儲水池養魚, 目測佔用不足該項目20% 總面積, 而且整個 土地將會完全被混凝土覆蓋, 損害生態環境, 完全不合理.

本人重申在此表達反對此項申請。

元朗區員
杜嘉倫

tpbpd@pland.gov.hk

寄件者: Tobi Lau (Local Biodiversity) <tlau@wwf.org.hk>
寄件日期: 2021年04月08日星期四 13:13
收件者: tpbpd@pland.gov.hk
主旨: s16 Nam Sha Po A_YL-LFS_393 WWF
附件: s16 A_YL-LFS_393_2021 Apr(04)_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_393_2021 Apr(04)_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

8 Apr 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: Proposed Filling and Excavation of Land for Permitted Agricultural Use in
"Coastal Protection Area" in Nam Sha Po, Tsim Bei Tsui (A/YL-LFS/393)**

WWF shows concern to the captioned.

"Destroy first, develop later" approach may have adopted

Comparing to the Google Earth's aerial images in Fig 1, application site had been filled in with vegetation clearance found. The applied use is likely to legalize such observed activities. Since we now don't have neither the environmental situation inside the application site nor whether the application is associated with unlawful development, we would like to ask the Town Planning Board to request government authorities to check whether the application is linked with unauthorized development including the emerged structure. If that was the case, we would like to ask the Town Planning Board to proactively deter such "Destroy first, build later" planning application 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.

together possible

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

Sincerely yours,
Tobi Lau (Mr.)
Manager, Conservation Policy

Fig 1 Aerial views of the application site in 2015, 2017 and 2021 showing the site had been filled in with vegetation clearance found



Image source: Google Earth. Accessed on 8 Apr 2021.



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

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

13th April, 2021.

By email only

Dear Sir/ Madam,

Proposed Filling of Land for Permitted Agricultural Use
(A/YL-LFS/393)

1. We refer to the captioned.
2. We urge the Board to consider whether the applicant needs to appropriately demonstrate that there is a need for the proposed filling of land, and whether the applicant needs to appropriately demonstrate that the proposed filling of land would not cause any environmental impacts (e.g., drainage, landscape) on the surrounding areas (which are largely covered by Coastal Protection Area (CPA) zone).
3. We also urge the Board to thoroughly consider the potential cumulative impacts of approving this application on the CPA zone in the area, as the approval would set a precedent for other similar applications in this CPA zone.
4. According to the Notes of the relevant OZP, the following is mentioned under the planning intention section of CPA:

'This zoning 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. 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.*¹

5. Thank you for your attention.

Ecological Advisory Programme
Kadoorie Farm and Botanic Garden

¹ https://www2.ozp.tpb.gov.hk/plan/ozp_plan_notes/en/S_YL-LFS_9_e.pdf#nameddest=CPA

tpbpd@pland.gov.hk

寄件者: [REDACTED]
寄件日期: 2021年04月12日星期一 4:09
收件者: tpbpd
主旨: A/YL-LFS/393 D.D. 129, Nam Sha Po, Lau Fau Shan CPA

A/YL-LFS/393
Lot 7 in D.D. 129, Nam Sha Po, Lau Fau Shan
Site area 758.8m²
Zoning : "Coastal Protection Area"
Applied Use : Proposed filling of Land (.3mt) / 2 Vehicle Parking

Dear TPB Members,

I strongly object to this application. Members should consider the impact together with 391 as they are close to each other. Are the applicants related?

The Planning Intention of CPA is :

This zoning 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. 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.

The proposed development would in no way conserve the natural landscape, on the contrary it would introduce foreign elements. Neither is it essential in nature.

A concrete pond for fishing in a district with dozens of natural ponds?

A 'plant nursery' would introduce plants that are not indigenous to the area and upset the delicate ecological balance. It would also encourage run off and use of pesticides that would impact insects, birds, and small animals.

Both applications and any others for this sensitive coastline must be rejected.

Mary Mulvihill

Advisory Clauses

- (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site comprises Old Schedule Agricultural Lot (OSAL) 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. Letter of Approval (LoA) has been given on 4.12.2019 for the erection of agricultural structures as shown on its attached schedule on the Site. Furthermore, Certificates of Exemptions (CoEs) in respect of Building Works, Site Formation Works (not exceed 3.4 mPD level) and Drainage Works have been given on 8.5.2020 for the construction of the aforesaid structures thereon. The applicant shall apply to his office for permission if any structure other than those permitted in the LoA is to be erected on the Site. Application(s) will be considered by LandsD acting in the capacity as the lessor at its sole discretion and there is no guarantee that such application would be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;
- (b) 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 the nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting the Site and Deep Bay Road;
- (c) to note the comments of the Director of Environmental Protection (DEP) that the applicant is 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 shall follow the Recommended Pollution Control Clauses for Construction Contracts (https://www.epd.gov.hk/epd/english/environmentinhk/eia_planning/guide_ref/rpc_1.htm) to minimize the environmental impacts during the construction stage;
- (d) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that it is noted that there are some amendments to the proposal including reduction of the area of filling of land with concrete, increase of land filling with soil, provision of additional fish tanks and cancellation of parking spaces, etc. A sizable land of the Site is still involved with the concrete filling and cluster of structures under the revised scheme. She has concern that approval of the application may encourage other similar applications to blanket clear the site 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;
- (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. The applicant shall note that the Site is at relatively low-lying area next to the coastline. The applicant should prepare himself/herself against possible seawater inundation due to tidal effect and storm surge;
- (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 Building

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 BD 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 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 Site shall be 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 Site does not abut on a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage. Any temporary shelters or converted containers for office, storage, washroom or other uses are considered as temporary buildings are subject to control of Part VII of the B(P)R. Adequate precautionary measures and suitable working procedures should be adopted in carrying out the above works to safeguard the stability of any building, structure, land and street or services. Any precautionary measures, which involve new building works, are subject to above said. When any natural, formed or man-made land has due to any cause been rendered so dangerous or liable to become so dangerous that it will collapse, or be likely to collapse, and thereby will cause, or will be likely to cause, a risk of injury to any person or damage to any property, enforcement action may be taken by the BD. Detail checking under the BO will be carried out at building plan submission stage;

- (g) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. The applicant shall submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. The applicant shall note that if the proposed structure(s) is required to comply with the BO, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
- (h) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) that the applicant shall submit the proposed excavation works plans to the BD for approval as required under the provisions of the BO.

地段索引圖 LOT INDEX PLAN

免責聲明

本圖乃為地段索引圖，顯示地段界線的大概位置，包括根據政府地籍、臨時政府地籍、臨時政府及政府土地和地產局而臨時佔用土地的位置。臨時佔用土地的情況可隨時隨時通知出現或終止，因此應向有關的分區地政處查詢。本圖則所顯示的資料必須與地籍圖予以核實。當有更佳或新的地籍圖時，地段索引圖可能會被修訂而無須事先通知。

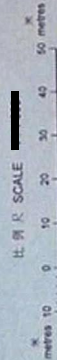
Disclaimer

This plan is a copy of the lot index plan showing the approximate location of lot boundaries, including the temporary occupation of land under Government Land Allocations, Temporary Government Land Allocations, Short Term Tenancies and Government Land Licences. The temporary occupation of land may be created or terminated at short notice and should be confirmed with the District Lands Officer. The information shown on this plan MUST be verified by field survey. The lot index plan may be revised without prior notification as better or new boundary evidence becomes available.

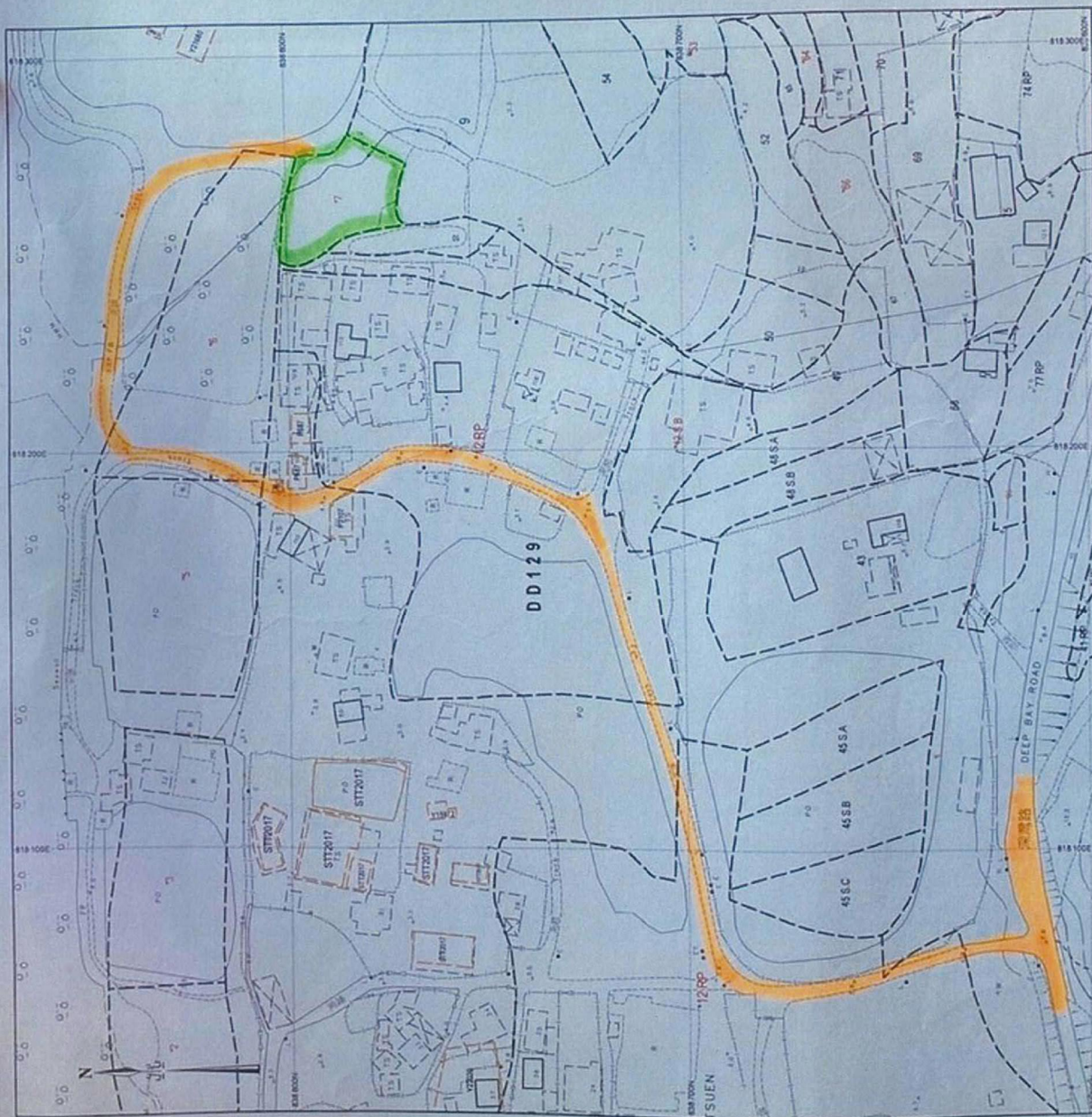


地政總署測繪處
Survey and Mapping Office
Lands Department

香港特別行政區政府 — 版權所有
© Copyright reserved — Hong Kong SAR Government



Locality:
Lot Index Plan No.: ST0055082018
District Survey Office: Sha Tin
Date: 10-Aug-2018
Reference No.: 25W-13C



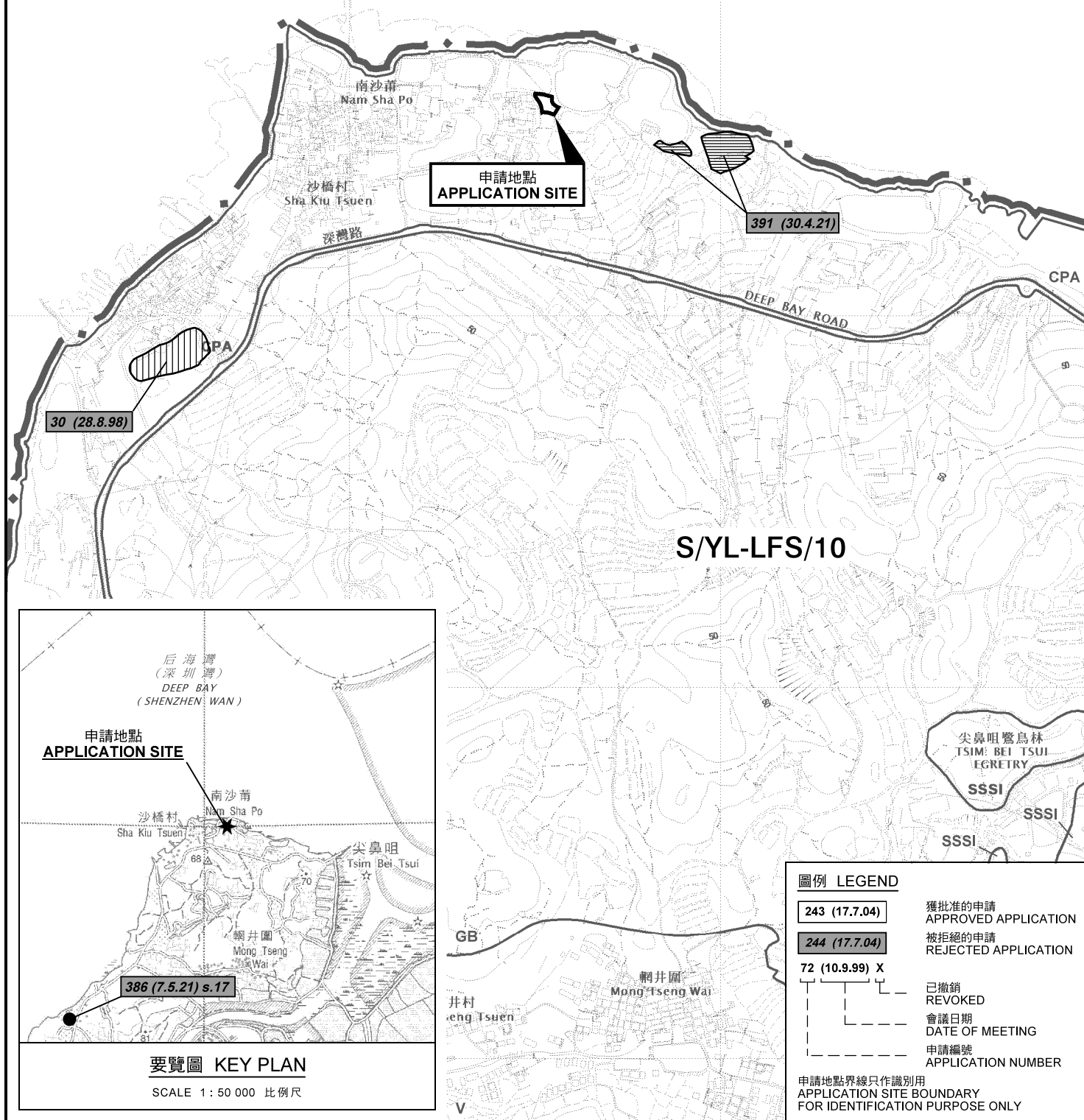
SMD-P02 20180810100016 10

參考編號
AYL-LFS/393

繪圖
DRAWING
A-2

(摘錄自申請人於16.3.2021呈交的申請書)
(Extract from Applicant's
Submission Dated 16.3.2021)

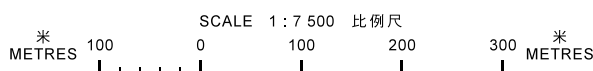
后海灣
(深圳灣)
DEEP BAY
(SHENZHEN WAN)



圖例 LEGEND	
243 (17.7.04)	獲批准的申請 APPROVED APPLICATION
244 (17.7.04)	被拒絕的申請 REJECTED APPLICATION
72 (10.9.99) X	已撤銷 REVOKED
	會議日期 DATE OF MEETING
	申請編號 APPLICATION NUMBER
申請地點界線只作識別用 APPLICATION SITE BOUNDARY FOR IDENTIFICATION PURPOSE ONLY	

位置圖 LOCATION PLAN

擬議填土以作准許的農業用途
新界元朗流浮山丈量約份第129約地段第7號
PROPOSED FILLING OF LAND FOR
PERMITTED AGRICULTURAL USE
LOT 7 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/393

圖 PLAN
A-1

本摘要圖於2021年5月7日擬備，
所根據的資料為於2021年5月7日
展示的分區計劃大綱圖編號 S/YL-LFS/10
EXTRACT PLAN PREPARED ON 7.5.2021
BASED ON OUTLINE ZONING PLAN No.
S/YL-LFS/10 EXHIBITED ON 7.5.2021



后海灣
(深圳灣)
DEEP BAY
(SHENZHEN WAN)

連接深灣路的通道
Access Leading from
Deep Bay Road

南沙莆
Nam Sha Po

深灣路

DEEP BAY ROAD

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4月26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 E092248C
EXTRACT PLAN PREPARED ON 26.4.2021
BASED ON AERIAL PHOTO No.
E092248C 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

擬議填土以作准許的農業用途
新界元朗流浮山丈量約份第129約地段第7號
PROPOSED FILLING OF LAND FOR
PERMITTED AGRICULTURAL USE
LOT 7 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/393

圖 PLAN
A-3a



后海湾
(深圳灣)
DEEP BAY
(SHENZHEN WAN)

連接深灣路的通道
Access Leading from
Deep Bay Road

南沙莆
Nam Sha Po

深灣路

DEEP BAY ROAD

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4月27日擬備，所根據的資料為地政總署於2018年10月3日拍得的航攝照片編號 E046439C
EXTRACT PLAN PREPARED ON 27.4.2021
BASED ON AERIAL PHOTO No.
E046439C TAKEN ON 3.10.2018
BY LANDS DEPARTMENT

2018年10月3日拍攝的航攝照片
AERIAL PHOTO TAKEN ON 3.10.2018

擬議填土以作准許的農業用途
新界元朗流浮山丈量約份第129約地段第7號
PROPOSED FILLING OF LAND FOR
PERMITTED AGRICULTURAL USE
LOT 7 IN D.D. 129, LAU FAU SHAN,
YUEN LONG, NEW TERRITORIES

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
AYL-LFS/393

圖 PLAN
A-3b



后海灣
(深圳灣)
DEEP BAY
(SHENZHEN WAN)

連接深灣路的通道
Access Leading from
Deep Bay Road

南沙莆
Nam Sha Po

深灣路

DEEP BAY ROAD

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4月27日擬備，所根據
的資料為地政總署於2016年10月27日拍得
的航攝照片編號 E005013C
EXTRACT PLAN PREPARED ON 27.4.2021
BASED ON AERIAL PHOTO No.
E005013C TAKEN ON 27.10.2016
BY LANDS DEPARTMENT

2016年10月27日拍攝的航攝照片
AERIAL PHOTO TAKEN ON 27.10.2016

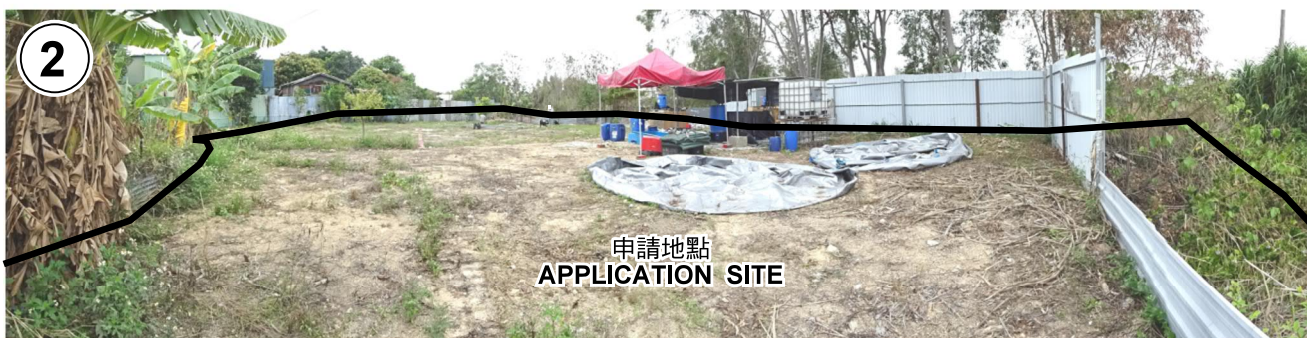
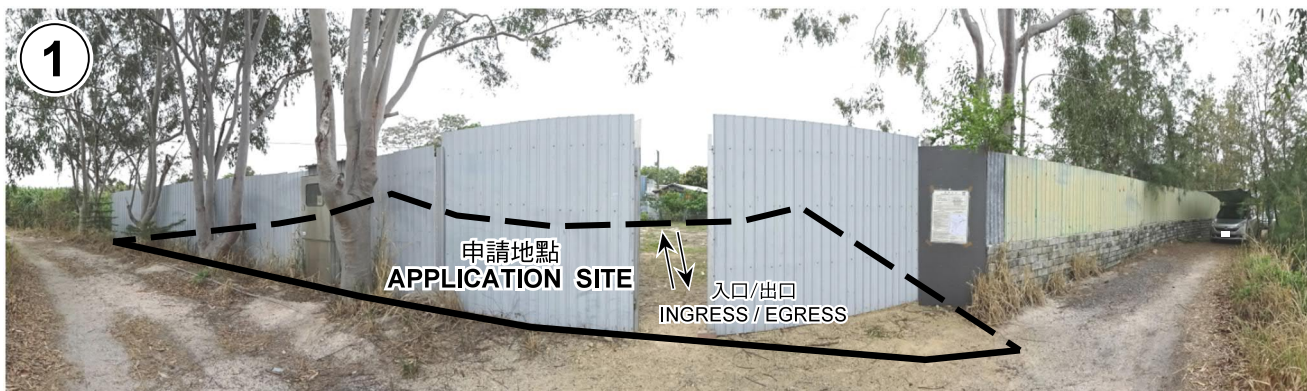
擬議填土以作准許的農業用途
新界元朗流浮山丈量約份第129約地段第7號
PROPOSED FILLING OF LAND FOR
PERMITTED AGRICULTURAL USE
LOT 7 IN D.D. 129, LAU FAU SHAN,
YUEN LONG, NEW TERRITORIES

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
AYL-LFS/393

圖 PLAN
A-3c



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

實地照片 SITE PHOTO

擬議填土以作准許的農業用途
PROPOSED FILLING OF LAND FOR
PERMITTED AGRICULTURAL USE
LOT 7 IN D.D. 129, LAU FAU SHAN,
YUEN LONG, NEW TERRITORIES

本圖於2021年4月27日擬備，所根據的資料為攝於2021年3月23日的實地照片
PLAN PREPARED ON 27.4.2021
BASED ON SITE PHOTOS
TAKEN ON 23.3.2021

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/YL-LFS/393

圖 PLAN
A-4

Agenda Item 46

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/393 Proposed Filling of Land for Permitted Agricultural Use in “Coastal Protection Area” Zone, Lot 7 in D.D. 129, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/393)

Presentation and Question Sessions

189. 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 for permitted agricultural use;
- (c) departmental comments were set out in paragraph 9 of the Paper;
- (d) during the statutory publication period, four public comments from a District Council member, World Wild Fund for Nature Hong Kong, Kadoorie Farm and Botanic Garden and an individual objecting to the application were received. Major views were set out in paragraph 10 of the Paper; and
- (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. Whilst agricultural use (other than plant nursery) was always permitted within the “Coastal Protection Area” (“CPA”) zone, there was a presumption against development, and filling of land within “CPA” zone was subject to planning permission as it might cause adverse drainage impact on the adjacent areas and adverse impact on the natural environment. While the Chief Engineer/Mainland North of Drainage Services Department had no objection to the application from the drainage

perspective and the Director of Agriculture, Fisheries and Conservation had no strong view on the application from the ecological perspective, the applicant had not provided justifications for the genuine need of filling 43% of the application site (the Site) with concrete. There was no strong planning justification in the submission for a departure from the planning intention of the “CPA” zone. The proposed extensive concrete filling of land was considered not compatible with the landscape character of the surrounding area. The Chief Town Planner/Urban Design and Landscape of PlanD had reservation on the application from landscape planning perspective. Other concerned government departments had no objection to or no adverse comment on the application. There was no previous application at the Site but three similar applications for filling and/or excavation of land and/or pond for different uses within the same “CPA” zone were all rejected by the Committee in 1998 and 2021. Other concerned government departments had no objection to or adverse comment on the application. There was no previous approval granted to the Site nor similar application within the subject “CPA” zone. Regarding the public comments received, the comments of government departments and planning assessments above were relevant.

190. Two Members raised the following questions:

- (a) whether the proposed fish tanks to be placed at the paved area would be considered as ‘Agricultural Use’; and
- (b) details of sewerage treatment.

191. In response, Ms Bonnie K.C. Lee, STP/TMYLW, made the following main points:

- (a) the fish tanks to be placed at the Site for fish farming would be considered as ‘Agricultural Use’. Should the current planning application for land filling be approved, the applicant would still be required to apply for a letter of approval for the proposed agricultural structures from the Lands

Department; and

- (b) other than the layout plan in Drawing A-1 of the Paper, the applicant had not provided any information on the proposed sewerage treatment.

Deliberation Session

192. Members noted that to the north and northwest of the Site were mainly vacant land, idle fish ponds overgrown with grass and wetland along the coastline of Deep Bay.

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

- “(a) the proposed filling of land 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;
- (b) the applicant fails to demonstrate that the proposed filling of land would not have significant adverse landscape impacts on the surrounding areas; and
- (c) approval of the application would set an undesirable precedent for similar applications for filling of land within the “CPA” zone and the cumulative effect of approving such similar applications would result in a general degradation of the natural environment 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

By Post

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/393

28 May 2021

Tang Tak Hong



Dear Sir/Madam,

**Proposed Filling of Land for Permitted Agricultural Use
in "Coastal Protection Area" Zone, Lot 7 in D.D. 129, Lau Fau Shan, Yuen Long**

I refer to my letter to you dated 29.4.2021.

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 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;
- (b) you fail to demonstrate that the proposed filling of land would not have significant adverse landscape impacts on the surrounding areas; and
- (c) approval of the application would set an undesirable precedent for similar applications for filling of land within the "CPA" zone and the cumulative effect of approving such similar applications would result in a general degradation of the natural environment 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 14.5.2021, 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 18.6.2021). 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,

A handwritten signature in black ink, appearing to be 'Raymond Kan', written in a cursive style.

(Raymond KAN)
for Secretary, Town Planning Board

(With Chinese Translation)

No.

Date

TPB/A/YL-LFS/1393

申請覆核

① 有關養魚池污水(養魚用的飼料是有機飼料, 魚的糞便都是有機物) 魚池水部份會作灌溉農作物, 部份排出大海, 污水是有機物, 亦可作紅樹林的養份, 不會影響周圍環境。

② 建築物高度地政署有規定, 不可以高於4.3米, 所以不會嚴重影響周圍景觀。

③ 取消申請所有普通填土。只申請一部份混凝土填土, 盡量減低影響周圍環境。

混凝土填土面積約 157.2 平方米, 高 0.05 米
隨函附上混凝土填土位置圖

混凝土填土主要鞏固地基, 擺放魚缸, 鞏固簷蓬, 免打風時, 被風吹毀, 大小魚分類和清洗水缸時需要搬運魚缸, 混凝土土地比較乾爽, 雨天時可避免觸電, 所以難要填混凝土。

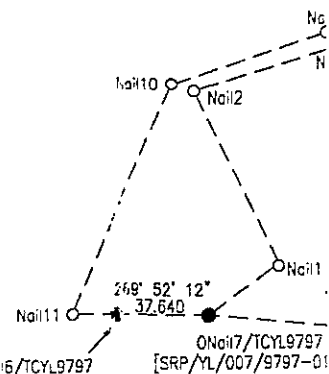
④ 我是被 9 號土地業主迫遷, 所以才搬往隔離, 7 號土地, 即是由保護區搬去保護區, 此案例是極少數, 所以不會立下長遠不良先例。

希望貴處能酌情處理今次申請。

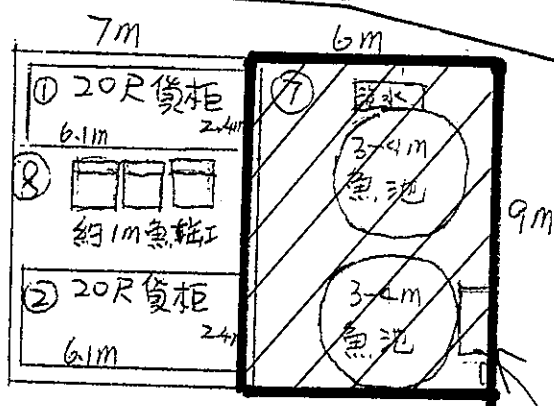
申請人: 鄧德康

4-6-2021

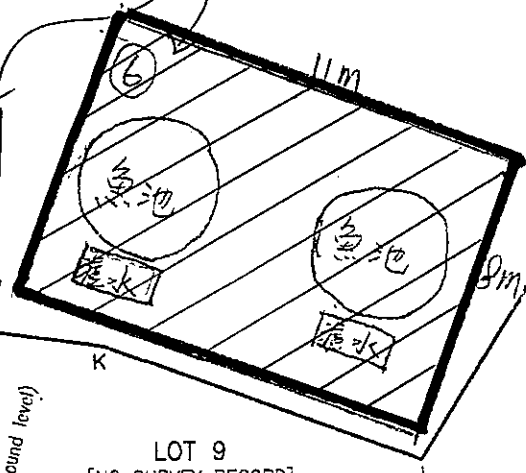
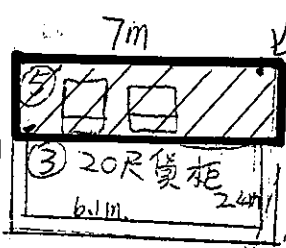
TRAVERSE DIAGRAM
(NOT TO SCALE)



LOT 6
[SRP/YL/007/7159-01/D1]



LOT 7



LOT 9
[NO SURVEY RECORD]

LOT 10
[NO SURVEY RECORD]

Govt. Land

斜線為混凝土

To Nails
To ISG (PSM2)
(Iron Spike on ground level)

Serial No.: 027403

Page 1 of 2

Livestock Farm Code 1 1 8 - 1 9 - A 1 4 6
畜農場檔案編號

Date of Survey 12 9 3 0 2 1 5 (YYMMDD)
調查日期

[illegible][illegible]

Farm Location 農場地點	88	D	E	E	P	B	A	Y	R	O	A	D								
	108	S	H	A		K	I	U	T	S	E	N								

Farm/Company
Name (if any)
農場 / 公司名稱 _____

*Licence No./Permit No./ STT No./SIW No.	1.	128									2.	138								
*官地牌照或租約牌照	3.	148									4.	158								

[illegible]

Name and I.D. No. of the employee (if the farm operator and owner of farm operation was not present during the survey)
操作人員或僱主不在，請填報該場僱員姓名及身份證號碼

Name of spouse: TANG SU CHING 鄧水清 (父親)
配偶姓名

Name of employee: _____
僱員姓名

I. D. Card No. of spouse: _____
配偶身份證號碼

I.D. Card No. of employee: _____
僱員身份證號碼

Total No. of Structures 建築物總數	217	/	0
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Item 項目	Structure No. 建築物編號	Dimension (m) 尺寸(米)	Present Usage 現時用途	Livestock No. 畜數目	Remarks 備註(中文填寫)
1 219 SK / X / 361		0910*0220	02	00005	2猪, 3猪望
2 249 SK / X / 361		0910*0080	13	00000	
3 279 SK / X / 361		0910*0310	01	00000	甲
4 309 SK / X / 362	0002	0470*0350	02	00005	1猪望, 4猪仔
5 339 SK / X / 822 SK / 822		0390*0210	10	00000	
6 369 SK / 825	0005	1100*0570	02	00088	5(11) 8猪望

KWC

& ASSOCIATES

郭允中律師事務所

in association with Wong, Kwan & Co., Solicitors

本律師行檔案編號：EW/20053-mok

致：丈量約份第 129 約地段
第 9 號整幅土地上及其上建築
所有佔用人

張貼於丈量約份
第 129 約地段
第 9 號整幅土地
顯眼處

敬啟者：

有關：DCCJ 4773/2016 (區院民事訴訟 4773/2016)

本行於上述案件代表原告人，鄧理剛祖（司理人鄧鋒明、鄧學優、惠康及鄧志雄）。

本行藉以送達形式，將 1 份於 2016 年 9 月 28 日送交存檔及發出而經蓋印的傳訊令狀，連同索償申請書，送交 閣下。

KWC & Associates

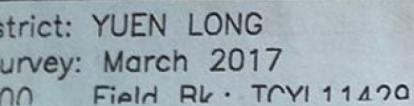
郭允中律師事務所

附件

日期：16 SEP 2016

Principal
Kwok Wan Chung BA 郭允中 律師

Consultant
Wong Tung Keung Eddie LL.B., LL.M., Dip.JP 黃東強 律師



DIMENSIONI DI AM 05 10" M. 7

①. 農用儲物室 = (6.1m長 × 2.4m闊 × 4.3m高)

主要擺放維修魚場大大小小工具, 用品, 如水泵, 濾水器, 濾水缸, 太陽能板, 電池, 各類水喉配件等等。

②. 農用儲物室 = (6.1m長 × 2.4m闊 × 4.3m高)

主要擺放魚池用品, 濾水棉, 生物環, 珊瑚石, 礫, 備用魚池, 水缸, 地毯, 木板, 水喉等等。

③. 農用儲物室 = (6.1m長 × 2.4m闊 × 4.3m高)

主要擺放魚糧, 藥物, 雪柜, 工作枱, 檯, 更衣室等等。

④. 電錶房 = (1.2m長 × 1m闊 × 2.5m高) 魚場供電用。

⑤. 簷篷 = (5m長 × 7m闊 × 4.3m高)

遮擋太陽, 隔熱, 擋風雨, 簷篷下主要擺放魚缸魚池。

⑥. 簷篷 = (8m長 × 11m闊 × 4.3m高)

遮擋陽光, 隔熱, 擋風雨, 簷篷下主要擺放魚池, 濾水器。

⑦. 簷篷 = (6m長 × 9m闊 × 4.3m高)

遮擋陽光, 隔熱, 擋風雨, 簷篷下主要擺放魚缸, 手拉叉車, 維修魚缸等等。

⑧. 簷篷 = (7m長 × 9m闊 × 4.3m高)

遮擋陽光, 隔熱, 擋風雨, 簷篷下主要擺放魚缸, 魚池等等。

混凝土土地 = (約 160平方米 × 0.05m高)

在混凝土土地上搭建, 農用儲物室, 簷篷等等。

搬運魚缸內的小魚進入大池, 須要用大型人手叉車搬運及使用手推車搬運魚糧, 餵魚工具, 清洗魚缸, 魚池, 濾水池, 擺放帆布或魚池, 涼曬濾水棉及其他濾水用品, 鞏固簷篷地基, 避免打風時被風吹倒。

魚缸數量

No.

Date

①. 約 1 米 \times 1 米 \times 1.2 米高 塑膠外加鐵架魚缸 8 個

② 約直徑 2 米 \times 1.2 米高圓形帆布外加鐵架魚池 1 個

③ 約直徑 4 米 \times 1.2 米高圓形帆布外加鐵架魚池 4 個

④. 約 3 米 \times 5 米 \times 1.2 米高長方形帆布外加木板、鐵架

魚池 5 個

⑤ 約 3 米 \times 3 米 \times 1.2 米高長方形帆布外加木板、鐵架

魚池 1 個

**Similar Planning Applications for Filling of Land/Pond
within the “CPA” Zone on the Lau Fau Shan and Tsim Bei Tsui OZP**

Rejected Applications

	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Zoning</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejection Reasons</u>
1	A/YL-LFS/30	Pond Filling and Agricultural Use (Planting of Fruit Tree)	CPA	28.8.1998	1, 2 & 3
2	A/YL-LFS/386	Proposed Filling of Land and Pond	CPA	7.5.2021 (upon review)	3 & 4
3	A/YL-LFS/391	Proposed Filling and Excavation of Land for Permitted Agricultural Use	CPA	30.4.2021	3, 4 & 5
4	A/YL-LFS/401	Proposed Excavation of Land for Permitted Agricultural Use and Proposed Utility Installation for Private Project with Excavation and Filling of Land	CPA	23.7.2021	3 & 4

Rejection Reasons

1. The proposed development does not comply with the Town Planning Board Guidelines for "Application for Developments within the Deep Bay Buffer Zones" in that there is insufficient information in the submission to demonstrate that the proposed development is required to support the conservation of the natural features and scenic qualities of the area.
2. There is 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.
4. 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.
5. The applicant fails to demonstrate that the proposed filling and excavation of land would not have significant adverse landscape impacts on the surrounding areas.



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

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

8th July, 2021.

By email only

Dear Sir/ Madam,

Proposed Filling of Land for Permitted Agricultural Use
(A/YL-LFS/393)
(Review under Section 17)

1. We refer to the captioned.
2. We urge the Board to consider the potential cumulative impact of approving this application as the approval would set a precedent for other similar cases in this Coastal Protection Area zone.
3. Thank you for your attention.

Ecological Advisory Programme
Kadoorie Farm and Botanic Garden

tpbpd@pland.gov.hk

寄件者: [REDACTED]
寄件日期: 2021年07月07日星期三 22:22
收件者: tpbpd
主旨: Re: A/YL-LFS/393 D.D. 129, Nam Sha Po, Lau Fau Shan CPA

Dear TPB Members,

Approval would open the gates to similar applications on the coastline and further stymie the long overdue reinstatement of those ponds that have been filled.

Hong Kong must take climate change seriously and shore up coastal barriers..

Mary Mulvihill

From: [REDACTED]
To: "tpbpd" <tpbpd@pland.gov.hk>
Sent: Monday, April 12, 2021 4:09:02 AM
Subject: A/YL-LFS/393 D.D. 129, Nam Sha Po, Lau Fau Shan CPA

A/YL-LFS/393
Lot 7 in D.D. 129, Nam Sha Po, Lau Fau Shan
Site area 758.8m²
Zoning : "Coastal Protection Area"
Applied Use : Proposed filling of Land (.3mt) / 2 Vehicle Parking

Dear TPB Members,

I strongly object to this application. Members should consider the impact together with 391 as they are close to each other. Are the applicants related?

The Planning Intention of CPA is :

This zoning 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. 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.

The proposed development would in no way conserve the natural landscape, on the contrary it would introduce foreign elements. Neither is it essential in nature.

A concrete pond for fishing in a district with dozens of natural ponds?

A 'plant nursery' would introduce plants that are not indigenous to the area and upset the delicate ecological balance. It would also encourage run off and use of pesticides that would impact insects, birds, and small animals.

Both applications and any others for this sensitive coastline must be rejected.

Mary Mulvihill

Advisory Clauses

- (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site comprises Old Schedule Agricultural Lot (OSAL) 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. Letter of Approval (LoA) has been given on 4.12.2019 for the erection of agricultural structures as shown on its attached schedule on the Site. Furthermore, Certificates of Exemptions (CoEs) in respect of Building Works, Site Formation Works (not exceed 3.4 mPD level) and Drainage Works have been given on 8.5.2020 for the construction of the aforesaid structures thereon. The applicant shall apply to his office for permission if any structure other than those permitted in the LoA is to be erected on the Site. Application(s) will be considered by LandsD acting in the capacity as the lessor at its sole discretion and there is no guarantee that such application would be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;
- (b) 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 the nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting the Site and Deep Bay Road;
- (c) to note the comments of the Director of Environmental Protection (DEP) that the applicant is 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 shall follow the Recommended Pollution Control Clauses for Construction Contracts (https://www.epd.gov.hk/epd/english/environmentinhk/eia_planning/guide_ref/rpc_1.htm) to minimize the environmental impacts during the construction stage;
- (d) 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. The applicant shall note that the Site is at relatively low-lying area next to the coastline. The applicant should prepare himself/herself against possible seawater inundation due to tidal effect and storm surge;
- (e) 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 Building 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 BD 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 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 Site shall be 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 Site does not abut on a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage. Any temporary shelters or converted containers for office, storage, washroom or other uses are considered as temporary buildings are subject to control of Part VII of the B(P)R. Adequate precautionary measures and suitable working procedures should be adopted in carrying out the above works to safeguard the stability of any building, structure, land and street or services. Any precautionary measures, which involve new building works, are subject to above said. When any natural, formed or man-made land has due to any cause been rendered so dangerous or liable to become so dangerous that it will collapse, or be likely to collapse, and thereby will cause, or will be likely to cause, a risk of injury to any person or damage to any property, enforcement action may be taken by the BD. Detail checking under the BO will be carried out at building plan submission stage;

- (f) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. The applicant shall submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. The applicant shall note that if the proposed structure(s) is required to comply with the BO, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
- (g) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) that the applicant shall submit the proposed excavation works plans to the BD for approval as required under the provisions of the BO.

鄉郊及新市鎮規劃小組委員會文件
第 A/YL-LFS/393 號

考慮日期：2021 年 5 月 14 日

根據《城市規劃條例》第 16 條提出的規劃許可申請

申請編號 A/YL-LFS/393

- 申請人 : 鄧德康先生
- 地點 : 新界元朗流浮山第 129 約地段第 7 號
- 地盤面積 : 約 758.8 平方米
- 契約 : 集體政府租契(批租作農業用途)
- 圖則 : 《流浮山及尖鼻咀分區計劃大綱草圖編號 S/YL-LFS/10》(現時生效)
- 《流浮山及尖鼻咀分區計劃大綱核准圖編號 S/YL-LFS/9》(於提交申請時生效)
- 用途地帶 : 「海岸保護區」
[用途地帶區劃並無改變]
- 申請事項 : 擬議填土以作准許的農業用途

1. 建議

- 1.1 申請人申請規劃許可，擬於申請地點進行填土工程，以作准許的農業用途(圖 A-1)。申請地點在分區計劃大綱圖上劃為「海岸保護區」地帶。根據分區計劃大綱圖對「海岸保護區」地帶的《註釋》，「農業用途(植物苗圃除外)」屬於經常准許用途。不過，任何填土／填塘或挖土工程，包括為改作第一欄和第二欄所列的任何用途，須向城市規劃委員會(下稱「城規會」)申請規劃許可。申請地點現時以鬆散的泥土／碎石及野草覆蓋(圖 A-4)。申請地

點有一個露天棚架及一些雜物，例如磚塊及瓷磚。
申請地點並不涉及任何先前申請。

1.2 申請地點可由深灣路經一條區內路徑前往(繪圖 A-2 及圖 A-2)。如繪圖 A-1 的擬議布局設計圖及申請書所顯示，申請地點有部分(約 360 平方米或申請地點的 47%)會鋪上混凝土，厚度約為 0.3 米。申請地點會放置 15 個不同大小的魚缸。申請地點其餘部分(約 398 平方米或申請地點的 53%)會鋪上泥土，厚度約為 0.3 米，主要用作美化環境。申請人表示，填土範圍的地面水平將會與毗鄰地區一致。申請地點亦會設置九個臨時構築物，包括三個貯物室作附屬用途、一個電錶房及五個不同大小的簷蓬，總樓面面積約為 241 平方米，建築物高度不超過 4.3 米。申請人表示，在進行地盤平整工程期間，只會使用一輛貨車運送混凝土及泥土，而申請地點不會提供泊車位或上落客貨處。擬議布局設計圖及通道圖分別載於繪圖 A-1 及 A-2。

1.3 申請人為支持其申請，提交了下列文件：

- (a) 二零二一年三月十六日收到的 (附錄 I)
申請表格連附件
- (b) 二零二一年四月二十二日收到的 (附錄 Ia)
進一步資料，回應運輸署及漁農
自然護理署的意見，以及澄清申
請地點的擬議布局設計
(獲豁免履行公布的規定)
- (c) 二零二一年四月二十七日收到的 (附錄 Ib)
進一步資料，回應運輸署的意見
(獲豁免履行公布的規定)

2. 申請人提出的理據

申請人為支持其申請而提出的理據載於附錄 I 至 Ib。有關理據撮錄如下：

- (a) 申請人現時是一名養魚戶，並於附近第 129 約地段第 9 號經營一個養魚場(圖 A-2)。不過，第 129 約地段第 9 號的土地擁有人不再向其出租土地，因此他需要物色其他地點進行魚類養殖。
- (b) 由於相關魚類品種需要使用海水養殖，因此申請人認為現時申請地點適合用作進行魚類養殖。
- (c) 申請人是沙橋村的村民。當地村民不會反對這宗申請。
- (d) 擬議填土工程不會產生噪音及造成負面的環境影響，亦不涉及清除樹木。
- (e) 申請人聲稱，擬議填土工程有助鞏固申請地點，以便放置魚缸進行魚類養殖。

3. 遵守有關「取得擁有人的同意／向擁有人發給通知」的規定

申請人是唯一的「現行土地擁有人」。有關的詳細資料會備存於會上，供委員查閱。

4. 背景

倘有足夠證據證明申請地點有《城市規劃條例》所指的違例發展，當局會對申請地點採取規劃執管行動。

5. 先前申請

申請地點並不涉及任何先前的規劃申請。

6. 同類申請

6.1 於一九九八年至二零二一年間，同一「海岸保護區」地帶內有三宗涉及填塘及／或填土作不同用途

的同類申請(編號 A/YL-LFS/30、386 及 391)。這些申請的詳情撮述於附錄 II，而相關申請地點的位置則在圖 A-1 顯示。

6.2 申請編號 A/YL-LFS/30 涉及擬議填塘及農業用途¹(種植果樹)，於一九九八年八月二十八日被鄉郊及新市鎮規劃小組委員會(下稱「小組委員會」)拒絕，理由是擬議發展不符合當時的規劃指引編號 12A「擬於后海灣緩衝區內進行發展而提出的規劃申請」；沒有足夠資料證明擬議發展不會對附近地區的生態及排水造成嚴重不良影響；以及擬議發展會為同類申請立下不良先例。

6.3 申請編號 A/YL-LFS/386 涉及擬議填土及填塘以杜絕蚊患，於二零二一年五月七日被城規會於覆核後拒絕，理由是擬議填土及填塘工程不符合「海岸保護區」地帶的規劃意向，以及擬議填土及填塘工程會為同類申請立下不良先例。

6.4 申請編號 A/YL-LFS/391 涉及擬議填土及挖土以作准許的農業用途，於二零二一年四月三十日被小組委員會拒絕，理由與上文第 6.3 段所述類似，以及申請人未能證明不會對附近地區的景觀造成嚴重不良影響。

7. 申請地點和周邊地區(圖 A-1 至 A-4)

7.1 申請地點：

(a) 位於后海灣海岸線附近，可由深灣路經一條區內路徑前往；以及

(b) 現時以泥土／碎石及野草覆蓋。

¹ 關於申請編號 A/YL-LFS/30，根據該宗申請提交時生效的《流浮山及尖鼻咀分區計劃大綱圖編號 S/YL-LFS/2》，「農業用途」屬於第二欄用途，必須取得城規會的規劃許可。

7.2 周邊地區具有以下特色：

- (a) 其北面、東北面及西北面是位於后海灣海岸線一帶的池塘及濕地；
- (b) 緊接其西面和西南面是沙橋村的住宅民居，而西南面較遠處有一個汽車維修工場，屬涉嫌違例發展；以及
- (c) 南面及東南面是灌木叢及耕地，東面有一個貯物場，屬涉嫌違例發展。

8. 規劃意向

8.1 「海岸保護區」地帶的規劃意向，是保育、保護和保留天然海岸線，以及易受影響的天然海岸環境，包括具吸引力的地質特色、地理形貌，或在景觀、風景或生態方面價值高的地方，而地帶內的建築發展，會維持在最低水平。此地帶亦可涵蓋能作天然保護區的地方，以防護鄰近發展，抵抗海岸侵蝕的作用。根據一般推定，此地帶不宜進行發展。大體而言，有需要進行以助保存區內現有天然景觀或風景質素的發展，或者絕對基於公眾利益而必須進行的基礎設施項目，才可能會獲得批准。

8.2 由於填土／填塘工程可能會對鄰近地區造成不良的排水影響及對自然環境造成不良影響，因此必須向城規會取得許可，才可進行該等活動。

9. 相關政府部門的意見

9.1 規劃署曾徵詢下列政府部門對這宗申請的意見，現把有關意見撮錄如下：

土地行政

9.1.1 地政總署元朗地政專員的意見：

- (a) 申請地點涵蓋根據集體政府租契持有的舊批農地。有關租契規定，事先未獲政府批准，不得搭建任何構築物。
- (b) 該署於二零一九年十二月四日發出批准書，批准其附表顯示在申請地點搭建的農用構築物²。另外，當局已於二零二零年五月八日就興建上述構築物發出建築工程、地盤平整工程(不超過主水平基準上 3.4 米)及渠務工程豁免證明書。
- (c) 申請人擬進行填土工程作農業用途。從地契的角度而言，元朗地政處不反對擬議填土工程，但申請人必須遵從批准書及豁免證明書訂明的條件。

交通

9.1.2 運輸署署長的意見：

從交通工程的角度而言，他對這宗申請沒有負面意見。

9.1.3 路政署總工程師／新界西的意見：

- (a) 通道安排應該由運輸署給予意見。
- (b) 申請人須在申請地點的通道提供足夠的排水措施，防止地面水由申請地點流入附近的公共道路／排水渠。
- (c) 路政署不會負責維修保養連接申請地點與深灣路的任何通道。

² 地政總署發出的批准書是以**附錄 I**的擬議布局設計圖為基礎，並非**附錄 Ia**及**繪圖 A-1**的經修訂布局設計圖。

環境

9.1.4 環境保護署署長(下稱「環保署署長」)的意見：

- (a) 他不反對這宗申請。
- (b) 該署在過去三年並無收到有關申請地點而證明屬實的環境投訴。
- (c) 申請人須留意**附錄 IV** 的詳細意見。

景觀

9.1.5 規劃署總城市規劃師／城市設計及園境的意見：

- (a) 申請地點(約 758.8 平方米)位於后海灣的潮間帶海岸附近，所處地區在分區計劃大綱圖上劃為「海岸保護區」地帶。申請地點並不涉及任何先前的規劃申請。申請地點現時長滿植物。申請地點四周植物茂生，附近有一些池塘，而西面有一些臨時構築物。擬議填土工程涉及在申請地點鋪上混凝土(面積為 360 平方米，佔申請地點約 47%)，厚度約為 0.3 米，用作魚類養殖用途，以及鋪上泥土(面積為 398 平方米，佔申請地點約 53%)，厚度約為 0.3 米，用作種植樹木，而填土範圍(總樓面面積約 241.2 平方米)的地面水平將會與毗鄰地區的水平一致。有關建議亦包含九個臨時構築物，包括三間貯物室作附屬用途，一間電錶房及五個不同大小的簷蓬。
- (b) 由於這宗申請建議使用混凝土進行填土工程，因此無可避免地會改變天然海岸

線及易受影響的天然海岸環境。倘同類申請獲批准，累積影響所及，會進一步改變天然海岸線及易受影響的天然海岸環境，以及影響「海岸保護區」地帶的完整性。

(c) 根據二零二零年的航攝照片(圖 A-3a)，申請地點所處地區具有鄉郊海岸平原景觀特色，主要是池塘、紅樹林、空地及林地，附近有臨時構築物及貨倉。根據二零二一年三月二十三日拍攝的實地照片，申請地點現時空置，主要以碎石和野草覆蓋，以及在西南角有一些香蕉樹。使用混凝土進行大規模填土的建議與四周的景觀特色並不協調。

(d) 比較二零一六年與二零一八年的航攝照片(圖 A-3b 及 3c)，申請地點有植物被清除，有非法填土工程進行以及鋪築了硬地面。景觀已受到嚴重影響。由於同一「海岸保護區」地帶內先前並無同類申請獲批准，因此批准這宗規劃申請可能會促使該區其他同類申請在取得規劃許可前清理地盤。累積影響所及，會導致該「海岸保護區」地帶四周環境的景觀質素進一步下降。因此，從景觀規劃的角度而言，她對這宗申請有保留。

(e) 申請人須留意附錄 IV 的詳細意見。

自然保育及漁業

9.1.6 漁農自然護理署署長(下稱「漁護署署長」)的意見：

(a) 從魚類養殖的角度而言，她不反對增加魚類養殖場及已修訂混凝土填土範圍的

建議。她提醒申請人須向地政總署就農用構築物提出申請。

- (b) 由於申請地點主要是一片有一些臨時構築物的禿地，因此從生態的角度而言，她對這宗申請沒有特別意見。

排水

9.1.7 渠務署總工程師／新界北的意見：

- (a) 從排水的角度而言，他原則上不反對這宗申請。
- (b) 倘城規會倘認為從規劃的角度而言，這宗申請可以接受，他建議加入一項規劃許可附帶條件，要求申請人提交排水建議，包括水浸舒緩措施，以及落實排水建議並維修保養排水設施，而有關情況必須符合渠務署的要求。水浸舒緩措施須於填土工程完工後完成。
- (c) 申請人須留意**附錄 IV**的詳細意見。

消防安全

9.1.8 消防處處長的意見：

- (a) 他原則上不反對有關建議，但設置的消防裝置須符合其要求。
- (b) 申請人須留意**附錄 IV**的詳細意見。

建築事宜

9.1.9 屋宇署總屋宇測量師／新界西的意見：

(a) 倘擬議填土工程並不涉及興建任何建築物，他對有關建議沒有意見。

(b) 申請人須留意**附錄 IV**的詳細意見。

土力

9.1.10 土木工程拓展署土力工程處處長的意見：

(a) 他對這宗申請沒有負面意見。

(b) 擬議填土工程屬於這宗申請的一部分。
土力工程處並不負責規管填土活動。

(c) 申請人須留意**附錄 IV**的詳細意見。

民政事務專員的意見

9.1.11 民政事務總署元朗民政事務專員的意見：

元朗民政事務處並無收到區內人士對這宗申請的意見。

9.2 下列政府部門對這宗申請沒有意見：

- (a) 土木工程拓展署西拓展處處長；
- (b) 土木工程拓展署總工程師／土地工程；
- (c) 渠務署首席項目統籌／特別職務；
- (d) 警務處處長；以及
- (e) 水務署總工程師／建設。

10. 在法定公布期內接獲的公眾意見

城規會在二零二一年三月二十三日公布這宗申請，以供公眾查閱。在法定公眾查閱期內，城規會收到四份公眾意見書，分別來自一名區議員、世界自然基金會香港分

會、嘉道理農場暨植物園公司及一名個別人士(附錄 III-1 至 III-4)。他們反對這宗申請，理由撮述如下：

- (a) 申請人未能證明有必要使用混凝土進行如此大規模的擬議填土工程，而有關工程可能會破壞生態環境；
- (b) 擬議填土工程涉及清除植物，屬涉嫌違例發展，已於申請地點持續進行數年，但並無有效的規劃許可。城規會不應鼓勵「先發展、後申請」的做法；
- (c) 申請書內並無足夠資料證明擬議填土工程不會對附近地區的環境、排水及景觀造成不良影響；
- (d) 擬議填土工程會為「海岸保護區」地帶內其他規劃申請立下不良先例，導致該區整體的天然環境和景觀質素下降；以及
- (e) 擬議填土工程不符合「海岸保護區」地帶的規劃意向，以及可能會對四周易受影響的天然環境造成不良的環境影響。

11. 規劃考慮因素及評估

11.1 這宗申請涉及擬議填土工程以作准許的農業用途。申請地點在分區計劃大綱圖上劃為「海岸保護區」地帶。該地帶的規劃意向，是保育、保護和保留天然海岸線，以及易受影響的天然海岸環境，而地帶內的建築發展，會維持在最低水平。根據一般推定，此地帶不宜進行發展。大體而言，有需要進行以助保存區內現有天然景觀或風景質素的發展，或者絕對基於公眾利益而必須進行的基礎設施項目，才可能會獲得批准。儘管「農業用途(植物苗圃除外)」在「海岸保護區」地帶屬於經常准許用途，但在「海岸保護區」地帶進行填土工程須取得規劃許可，因為有關工程可能會對鄰近地方的排水造成不良影響，以及對天然環境造成不良影響。申請地點

涉及使用混凝土進行填土(約 360 平方米，佔申請地點 43%)及使用泥土進行填土(約 398 平方米，佔申請地點 53%)，以便放置魚缸作魚類養殖用途。儘管渠務署總工程師／新界北從排水的角度而言不反對這宗申請，以及漁護署署長從生態的角度而言對這宗申請沒有特別意見，但申請人並無提供理據證明有必要使用混凝土進行填土(約 360 平方米，佔申請地點 43%)，以及說明申請人有否其他方法進行魚類養殖活動而不會影響「海岸保護區」地帶內易受影響的天然海岸環境。因此，申請書內並無有力的規劃理據，以支持偏離「海岸保護區」地帶的規劃意向。

11.2 申請地點所處地區具有鄉郊海岸平原景觀特色，主要是池塘、紅樹林、空地及林地，以及有臨時構築物及貨倉。使用混凝土進行大規模填土以作准許的農業用途的建議與四周的景觀特色並不協調。

11.3 從景觀規劃的角度而言，規劃署總城市規劃師／城市設計及園境對這宗申請有保留。由於申請地點位於后海灣的潮間帶海岸附近，因此擬議填土工程無可避免地會改變后海灣的天然海岸線及易受影響的天然海岸環境。另外，自二零一六年起，申請地點有植物被清除，有非法填土工程進行以及鋪築了硬地面(圖 A-3a 至 3c 及 A-4)，景觀已受到嚴重影響。由於同一「海岸保護區」地帶內先前並無同類申請獲批准，因此批准這宗涉及擬議填土工程的規劃申請可能會促使該區其他同類申請在取得規劃許可前清理地盤。累積影響所及，會導致該「海岸保護區」地帶四周環境的景觀質素進一步下降。

11.4 其他相關政府部門(包括環保署署長及運輸署署長)對這宗申請不表反對或沒有負面意見。擬議填土工程不大可能會對附近地區造成嚴重的環境及交通影響。

11.5 申請地點先前並無獲批給規劃許可。同一「海岸保護區」地帶內有三宗涉及在土地及／或池塘進行填

土及／或挖土工程以作不同用途的同類申請(編號A/YL-LFS/30、386及391)。這些申請於一九九八年至二零二一年間全部被小組委員會拒絕，理由都是不符合「海岸保護區」地帶的規劃意向；沒有足夠資料證明擬議發展不會對附近地區的生態、排水及／或景觀造成嚴重不良影響；以及會立下不良先例。拒絕這宗申請符合小組委員會先前的決定。

11.6 城規會收到四份公眾意見書，反對這宗申請，理由撮述於上文第10段。第11.1至11.5段的規劃考慮因素及評估亦適用。

12. 規劃署的意見

12.1 根據第11段所作的評估及考慮到上文第10段所述的公眾意見，規劃署不支持這宗申請，理由如下：

- (a) 擬議填土工程不符合「海岸保護區」地帶的規劃意向，有關意向是保育、保護和保留天然海岸線，以及易受影響的天然海岸環境，而地帶內的建築發展，會維持在最低水平。根據一般推定，此地帶不宜進行發展。申請書內並無有力的規劃理據，以支持偏離此規劃意向；
- (b) 申請人未能證明擬議填土工程不會對附近地區的景觀造成嚴重不良影響；以及
- (c) 批准這宗申請，會為「海岸保護區」地帶內的同類填土申請立下不良先例。倘該些申請獲批准，累積影響所及，會導致該區整體的天然環境質素下降。

12.2 反之，倘小組委員會決定批准這宗申請，建議有關許可的有效期應至二零二五年五月十四日止。除非在該日期前，所批准的發展已經展開或有關許可已續期，否則有關許可會於該日期後停止生效。此

外，也建議下列規劃許可附帶條件及指引性質的條款，供委員參考：

規劃許可附帶條件

- (a) 如申請人所建議，申請地點只可使用混凝土／泥土進行填土，而厚度不得超過 0.3 米；
- (b) 在申請地點展開填土工程前提交排水建議，包括水浸舒緩措施，而有關建議必須符合渠務署署長或城市規劃委員會的要求；
- (c) 就上文(b)項條件而言，於申請地點的填土工程完成後落實排水建議，包括水浸舒緩措施，而有關情況必須符合渠務署署長或城市規劃委員會的要求；以及
- (d) 如在填土工程展開前仍未履行上述規劃許可附帶條件(b)項或在填土工程完成後仍未履行上述規劃許可附帶條件(c)項，現時批給的許可即會停止生效，並會於同日撤銷，不再另行通知。

指引性質的條款

建議的指引性質的條款載於**附錄 IV**。

13. 請求作出決定

13.1 請小組委員會考慮這宗申請，並決定批給或拒絕批給許可。

13.2 倘小組委員會決定拒絕這宗申請，請委員建議應給予申請人的拒絕理由。

13.3 反之，倘小組委員會決定批准申請，請委員考慮是否就規劃許可施加附帶條件和指引性質的條款，以及臨時許可的有效期應於何時屆滿。

14. 附件

附錄 I	二零二一年三月十六日收到的申請表格
附錄 Ia	二零二一年四月二十二日收到的進一步資料
附錄 Ib	二零二一年四月二十七日收到的進一步資料
附錄 II	流浮山及尖鼻咀分區計劃大綱圖上同一「海岸保護區」地帶內的同類申請
附錄 III-1 至 III-4	在法定公布期內收到的公眾意見書
附錄 IV	指引性質的條款
繪圖 A-1	布局設計圖
繪圖 A-2	通道圖
圖 A-1	同類申請的位置圖
圖 A-2	平面圖
圖 A-3a 至 3c	航攝照片
圖 A-4	實地照片

規劃署

二零二一年五月

流浮山及尖鼻咀分區計劃大綱圖上的「海岸保護區」地帶內
根據第 16 條提出的同類填土／填塘申請

被拒絕的申請

	申請編號	擬議用途／發展	用途地帶	考慮日期 (小組委員會)	拒絕理由
1	A/YL-LFS/30	填土及農業用途 (種植果樹)	海岸保護區	1998 年 8 月 28 日	1、2、3
2	A/YL-LFS/386	擬議填土及填塘	海岸保護區	2021 年 5 月 7 日	3、4
1	A/YL-LFS/391	擬議填土及挖土以 作准許的農業用途	海岸保護區	2021 年 4 月 30 日	3、4、5

拒絕理由

1. 擬議發展不符合有關「擬於后海灣緩衝區內進行發展而提出的規劃申請」的城市規劃委員會規劃指引，因為申請書內並無足夠資料，證明擬議發展是為了保存區內天然景觀及風景質素。
2. 申請書內並無足夠資料，證明擬議發展不會對附近地區的生態及排水造成不良影響。
3. 批准這宗申請會為其他同類申請立下不良先例。倘該些同類申請獲批准，累積影響所及，會導致該區整體的環境質素下降。
4. 擬議填土及填塘工程不符合「海岸保護區」地帶的規劃意向，有關意向是保育、保護和保留天然海岸線，以及易受影響的天然海岸環境，而地帶內的建築發展，會維持在最低水平。根據一般推定，此地帶不宜進行發展。申請書內並無有力的規劃理據，以支持偏離此規劃意向。
5. 申請人未能證明擬議填土及挖土工程不會對附近地區的景觀造成不良影響。

指引性質的條款

- (a) 留意地政總署元朗地政專員的意見，申請地點涵蓋根據集體政府租契持有的舊批農地。有關租契規定，事先未獲政府批准，不得搭建任何構築物。該署於二零一九年十二月四日發出批准書，批准其附表顯示在申請地點搭建的農用構築物。另外，當局已於二零二零年五月八日就興建上述構築物發出建築工程、地盤平整工程(不超過主水平基準上 3.4 米)及渠務工程豁免證明書。倘申請人需在申請地點搭建批准書准許的構築物以外的任何構築物，須向元朗地政處提出申請。地政總署會以批租人身份全權酌情考慮上述申請，但不保證會予以批准。倘予批准，地政總署或會附加條款及條件，當中包括須支付地價或費用；
- (b) 留意路政署總工程師／新界西的意見，申請人須在申請地點的通道提供足夠的排水措施，防止地面水由申請地點流入附近的公共道路／排水渠。路政署不會負責維修保養連接申請地點與深灣路的任何通道；
- (c) 留意環境保護署署長的意見，申請人須留意，不得使用建築廢物進行填土，而申請人有責在有關計劃的施工及運作期間遵從所有相關環境法例。申請人須遵從《建築合約的污染控制條款建議》(https://www.epd.gov.hk/epd/english/environmentinhk/eia_planning/guide_ref/rpc_1.html)，以盡量減少施工期間對環境造成的影響；
- (d) 留意規劃署總城市規劃師／城市設計及園境的意見，有關建議有若干修訂，包括減少使用混凝土進行填土的範圍、增加使用泥土進行填土、提供額外魚缸以及取消提供泊車位等。根據經修訂的方案，申請地點仍有大片土地涉及使用混凝土進行填土及有大量構築物。她認為，批准這宗申請可能會促使該區其他同類申請在取得規劃許可前清理地盤。累積影響所及，會導致該「海岸保護區」地帶四周環境的景觀質素進一步下降；
- (e) 留意渠務署總工程師／新界北的意見，申請人須在排水建議中證明，擬議填土工程不會妨礙地面水流或對鄰近地區的排水造成不良影響。申請人須留意，申請地點位於海岸線旁，地勢較低。申請人須準備可能因潮汐變化及風暴潮而令海水倒灌；

- (f) 留意屋宇署總屋宇測量師／新界西的意見，倘現時在已批租土地上的構築物(並非新界豁免管制屋宇)是未經建築事務監督批准而搭建的，根據《建築物條例》，乃屬違例建築工程，不得指定作這宗申請的擬議用途。對於在已批租土地上的違例建築工程，屋宇署會視乎需要而根據該署針對違例建築工程的現行政策採取執法行動，予以清拆。即使獲批給規劃許可，也不應視作在《建築物條例》下，申請地點的任何現有建築工程或違例建築工程亦獲許可。倘擬在申請地點進行任何新的建築工程(包括使用貨櫃／開放式棚架作臨時建築物、拆卸及填土等)，必須先取得建築事務監督的批准及同意，否則即屬違例建築工程。申請人須按《建築物條例》的規定，委聘認可人士統籌擬議建築工程。根據《建築物(規劃)規例》第 5 條，申請地點須設有從街道通往申請地點的途徑，而根據該規例第 41D 條，亦須設有緊急車輛通道。根據《建築物(規劃)規例》第 19(3)條，由於申請地點並非緊連一條闊度不少於 4.5 米的指明街道，因此須在提交建築圖則階段，由有關當局釐定准許的發展密度。任何臨時上蓋或改裝作辦公室、儲物室、洗手間或其他用途的貨櫃均屬於臨時建築物，須受《建築物(規劃)規例》第 VII 部規管。進行上述工程時必須採取適當的預防措施及適合的工作程序，以保護任何建築物、構築物、土地、街道或設施的穩定性。任何涉及新建築工程的預防措施必須符合上文的規定。凡任何天然、經平整或人工建築的土地由於任何因由而變得危險或可變得危險，以致會或相當可能會坍塌，因而會導致或相當可能會導致任何人受傷或任何財產損毀的危險，屋宇署可採取執管行動。屋宇署會在提交建築圖則階段根據《建築物條例》進行詳細審核；
- (g) 留意消防處處長的意見，考慮到有關建議的設計／性質，預計須設置消防裝置。申請人須向消防處提交載有擬設消防裝置的相關平面圖，以供審批。平面圖須按比例繪製，並註明尺寸及佔用性質。擬設消防裝置的位置須在平面圖上清楚標示。申請人須留意，倘擬議構築物須符合《建築物條例》的規定，消防處在收到正式提交的建築圖則後，便會制訂詳細的消防安全規定；以及
- (h) 留意土木工程拓展署土力工程處處長的意見，根據《建築物條例》的條文規定，申請人須向屋宇署提交擬議挖土工程圖則，以供審批。

鄉郊及新市鎮規劃小組委員會
二零二一年五月十四日會議記錄的摘錄

議程項目 46
第 16 條申請

[公開會議(限於簡介和提問部分)]

A/YL-LFS/393 擬在劃為「海岸保護區」地帶的元朗流浮山
第 129 約地段第 7 號進行填土工程，
以作准許的農業用途
(鄉郊及新市鎮規劃小組委員會文件
第 A/YL-LFS/393 號)

簡介和提問部分

189. 高級城市規劃師／屯門及元朗西李佳足女士簡介這宗申請，並按文件詳載的內容陳述下列事宜：

- (a) 申請的背景；
- (b) 擬進行填土工程，以作准許的農業用途；
- (c) 政府部門的意見載於文件第 9 段；
- (d) 在法定公布期內，城市規劃委員會收到四份公眾意見。這些意見分別來自一名區議員、世界自然基金會香港分會、嘉道理農場暨植物園及一名個別人士，表示反對這宗申請。主要的意見載於文件第 10 段；以及
- (e) 規劃署的意見——根據文件第 11 段所載的評估，規劃署不支持這宗申請。雖然農業用途(植物苗圃除外)屬「海岸保護區」地帶經常准許的用途，但根據推定，此地帶不宜進行發展，而倘要在「海岸保護區」地帶進行填土工程，必須申請規劃許可，因為填土工程可能會對毗鄰地區的排水造成負面影響，而且可能會破壞自然環境。儘管從排水的角度而言，渠務署總工程師／新界北不反對這宗申請，而從生態的角度

而言，漁農自然護理署署長對這宗申請沒有強烈意見，但申請人並無提供理據證明真的有需要把申請地點的 43% 面積填上混凝土。申請書內亦無提出有力的規劃理據，以支持偏離「海岸保護區」地帶的規劃意向。使用混凝土進行大規模填土的建議與四周的景觀特色並不協調。從景觀規劃的角度而言，規劃署總城市規劃師／城市設計及園境對這宗申請有保留。其他相關的政府部門對這宗申請不表反對或沒有負面意見。申請地點並沒有涉及任何先前申請，但同一「海岸保護區」地帶內有三宗涉及在土地及／或池塘進行填土及／或挖土工程以作不同用途的同類申請。這些申請於一九九八年及二零二一年全部被小組委員會拒絕。其他相關的政府部門對這宗申請不表反對或沒有負面意見。申請地點及有關「海岸保護區」地帶內的同類申請先前從未獲批許可。至於所收到的公眾意見，上述的政府部門意見和規劃評估亦適用。

190. 兩名委員提出以下問題：

- (a) 擬設置在已鋪地面範圍的魚缸會否視作「農業用途」；以及
- (b) 污水處理的詳情為何。

191. 高級城市規劃師／屯門及元朗西李佳足女士作出回應，要點如下：

- (a) 設置在申請地點用以養殖魚類的魚缸，會視作「農業用途」。倘現在這宗擬進行填土工程的規劃申請獲得批准，申請人仍須就擬議的農用構築物向地政總署申請批准書；以及
- (b) 除了文件繪圖 A-1 的布局設計圖外，申請人並沒有提供任何關於污水處理建議的資料。

商議部分

192. 委員備悉，申請地點北面和西北面主要是空置土地、雜草叢生的閒置魚塘，以及后海灣海岸線一帶的濕地。

193. 經商議後，小組委員會決定拒絕這宗申請，理由如下：

- 「(a) 擬議填土工程不符合「海岸保護區」地帶的規劃意向。有關地帶的規劃意向，是保育、保護和保留天然海岸線，以及易

受影響的天然海岸環境，而地帶內的建築發展，會維持在最低水平。根據一般推定，此地帶不宜進行發展。申請書內沒有提出有力的規劃理據，以支持偏離此地帶的規劃意向；

- (b) 申請人未能證明擬議填土工程不會對周邊地區的景觀造成嚴重負面影響；以及
- (c) 批准這宗申請會為擬在「海岸保護區」地帶內進行填土工程的同類申請立下不良先例。倘這些同類申請獲得批准，累積影響所及，會令該區整體的天然環境質素下降。」

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/393

郵遞函件



鄧德康

先生／女士：

擬在劃為「海岸保護區」地帶的
元朗流浮山第 129 約地段第 7 號
進行填土工程，以作准許的農業用途

我曾於二零二一年四月二十九日發信給你。

城市規劃委員會(下稱「城規會」)在考慮這宗申請後，
決定拒絕這宗申請，理由是：

- (a) 擬議填土工程不符合「海岸保護區」地帶的規劃意向。有關地帶的規劃意向，是保育、保護和保留天然海岸線，以及易受影響的天然海岸環境，而地帶內的建築發展，會維持在最低水平。根據一般推定，此地帶不宜進行發展。申請書內沒有提出有力的規劃理據，以支持偏離此地帶的規劃意向；
- (b) 申請人未能證明擬議填土工程不會對周邊地區的景觀造成嚴重負面影響；以及
- (c) 批准這宗申請會為擬在「海岸保護區」地帶內進行填土工程的同類申請立下不良先例。倘這些同類申請獲得批准，累積影響所及，會令該區整體的天然環境質素下降。

隨函付上就這宗申請擬備的城規會文件(補充規劃綱領／技術報告(如有的話)除外)及二零二一年五月十四日城規會會議記錄的相關摘錄，以供參閱。

根據《城市規劃條例》第 17(1)條，申請人如因城規會的決定而感到不滿，可向城規會申請對有關決定進行覆核。如欲提出覆核申請，你須在本信發出日期起計 21 天內(即二零二一年六月十八日或之前)通知我。其後，我會與你聯絡，邀請你及／或你授權的代表出席城規會的聆聽會。城規會須在收到覆核申請的日期起計三個月內考慮覆核申請。所有覆核申請均須予公布，為期三個星期，讓公眾提出意見。

根據《城市規劃條例》，城規會在覆核聆聽會上，只可因應申請人的進一步書面及／或口頭申述，重新考慮原來的申請。如你在現階段決定對原來的建議作出重大修改，便應根據《城市規劃條例》第 16 條的規定，就修改建議向城規會提交新的申請。

如對上述決定有任何疑問或需要進一步資料，請與屯門及元朗西規劃處李佳足女士聯絡(電話：2158 6288)。

城市規劃委員會秘書
(簡志陶代行)

二零二一年五月二十八日

流浮山及尖鼻咀分區計劃大綱圖上
「海岸保護區」地帶內的同類填土／填塘規劃申請

被拒絕的申請

	申請編號	擬議用途／發展	用途地帶	考慮日期 (小組委員會／ 城規會)	拒絕 理由
1	A/YL-LFS/30	填土及農業用途 (種植果樹)	海岸保護區	1998 年 8 月 28 日	1、2 及 3
2	A/YL-LFS/386	擬議填土及填塘	海岸保護區	2021 年 5 月 7 日 (在覆核後)	3 及 4
3	A/YL-LFS/391	擬議填土及挖土以作 准許的農業用途	海岸保護區	2021 年 4 月 30 日	3、4 及 5
4	A/YL-LFS/401	擬議挖土以作准許的 農業用途，以及擬為 私人發展計劃闢設公 用事業設施裝置，並 進行挖土和填土工程	海岸保護區	2021 年 7 月 23 日	3 及 4

拒絕理由

1. 擬議發展不符合有關「擬於后海灣緩衝區內進行發展而提出的規劃申請」的城市規劃委員會規劃指引，因為申請書內並無足夠資料，證明擬議發展是為了保存區內天然景觀及風景質素。
2. 申請書內並無足夠資料，證明擬議發展不會對附近地區的生態及排水造成嚴重的不良影響。
3. 批准這宗申請會為其他同類申請立下不良先例。倘該些同類申請獲批准，累積影響所及，會導致該區整體的環境質素下降。
4. 擬議填土及填塘工程不符合「海岸保護區」地帶的規劃意向，有關意向是保育、保護和保留天然海岸線，以及易受影響的天然海岸環境，而地帶內的建築發展，會維持在最低水平。根據一般推定，此

地帶不宜進行發展。申請書內並無有力的規劃理據，以支持偏離此規劃意向。

5. 申請人未能證明擬議填土及挖土工程不會對附近地區的景觀造成嚴重的不良影響。

指引性質的條款

- (a) 留意地政總署元朗地政專員的意見，申請地點涵蓋根據集體政府租契持有的舊批農地。有關租契規定，事先未獲政府批准，不得搭建任何構築物。該署於二零一九年十二月四日發出批准書，批准其附表顯示在申請地點搭建的農用構築物。另外，當局已於二零二零年五月八日就興建上述構築物發出建築工程、地盤平整工程(不超過主水平基準上 3.4 米)及渠務工程豁免證明書。倘申請人需在申請地點搭建批准書准許的構築物以外的任何構築物，須向元朗地政處提出申請。地政總署會以批租人身分全權酌情考慮上述申請，但不保證會予以批准。倘予批准，地政總署或會附加條款及條件，當中包括須支付地價或費用；
- (b) 留意路政署總工程師／新界西的意見，申請人須在申請地點的通道提供足夠的排水措施，防止地面水由申請地點流入附近的公共道路／排水渠。路政署不會負責維修保養連接申請地點與深灣路的任何通道；
- (c) 留意環境保護署署長的意見，申請人須留意，不得使用建築廢物進行填土，而申請人有責在有關計劃的施工及運作期間遵從所有相關環境法例。申請人須遵從《建築合約的污染控制條款建議》(https://www.epd.gov.hk/epd/english/environmentinhk/eia_planning/guide_ref/rpc_1.html)，以盡量減少施工期間對環境造成的影響；
- (d) 留意渠務署總工程師／新界北的意見，申請人須在排水建議中證明，擬議填土工程不會妨礙地面水流或對鄰近地區的排水造成不良影響。申請人須留意，申請地點位於海岸線旁，地勢較低。申請人須準備可能因潮汐變化及風暴潮而令海水倒灌；
- (e) 留意屋宇署總屋宇測量師／新界西的意見，倘現時在已批租土地上的構築物(並非新界豁免管制屋宇)是未經建築事務監督批准而搭建的，根據《建築物條例》，乃屬違例建築工程，不得指定作這宗申請的擬議用途。對於在已批租土地上的違例建築工程，屋宇署會視乎需要而根據該署針對違例建築工程的現行政策採取執法行動，予以清拆。即使獲批給規劃許可，也不應視作在《建築物條例》下，申請地點的任何現有建築工程或違例建築工程亦獲接受。倘擬在申請地點進行任何新的建築工程(包括使用貨櫃／開放式棚架作臨時

建築物、拆卸及填土等)，必須先取得建築事務監督的批准及同意，否則即屬違例建築工程。申請人須按《建築物條例》的規定，委聘認可人士統籌擬議建築工程。根據《建築物(規劃)規例》第 5 條，申請地點須設有從街道通往申請地點的途徑，而根據該規例第 41D 條，亦須設有緊急車輛通道。由於申請地點並非緊連一條闊度不少於 4.5 米的指明街道，根據《建築物(規劃)規例》第 19(3) 條，須在提交建築圖則階段，由有關當局釐定准許的發展密度。任何臨時上蓋或改裝作辦公室、儲物室、洗手間或其他用途的貨櫃均屬於臨時建築物，須受《建築物(規劃)規例》第 VII 部規管。進行上述工程時必須採取適當的預防措施及適合的工作程序，以保護任何建築物、構築物、土地、街道或設施的穩定性。任何涉及新建建築工程的預防措施必須符合上文的規定。凡任何天然、經平整或人工建築的土地由於任何因由而變得危險或可變得危險，以致會或相當可能會坍塌，因而會導致或相當可能會導致任何人受傷或任何財產損毀的危險，屋宇署可採取執管行動。屋宇署會在提交建築圖則階段根據《建築物條例》進行詳細審核；

- (f) 留意消防處處長的意見，考慮到有關建議的設計／性質，預計須設置消防裝置。申請人須向消防處提交載有擬設消防裝置的相關平面圖，以供審批。平面圖須按比例繪製，並註明尺寸及佔用性質。擬設消防裝置的位置須在平面圖上清楚標示。申請人須留意，倘擬議構築物須符合《建築物條例》的規定，消防處在收到正式提交的建築圖則後，便會制訂詳細的消防安全規定；以及
- (g) 留意土木工程拓展署土力工程處處長的意見，根據《建築物條例》的條文規定，申請人須向屋宇署提交擬議挖土工程圖則，以供審批。

Agenda Item 46

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/393 Proposed Filling of Land for Permitted Agricultural Use in “Coastal Protection Area” Zone, Lot 7 in D.D. 129, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/393)

Presentation and Question Sessions

189. 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 for permitted agricultural use;
- (c) departmental comments were set out in paragraph 9 of the Paper;
- (d) during the statutory publication period, four public comments from a District Council member, World Wild Fund for Nature Hong Kong, Kadoorie Farm and Botanic Garden and an individual objecting to the application were received. Major views were set out in paragraph 10 of the Paper; and
- (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. Whilst agricultural use (other than plant nursery) was always permitted within the “Coastal Protection Area” (“CPA”) zone, there was a presumption against development, and filling of land within “CPA” zone was subject to planning permission as it might cause adverse drainage impact on the adjacent areas and adverse impact on the natural environment. While the Chief Engineer/Mainland North of Drainage Services Department had no objection to the application from the drainage

perspective and the Director of Agriculture, Fisheries and Conservation had no strong view on the application from the ecological perspective, the applicant had not provided justifications for the genuine need of filling 43% of the application site (the Site) with concrete. There was no strong planning justification in the submission for a departure from the planning intention of the “CPA” zone. The proposed extensive concrete filling of land was considered not compatible with the landscape character of the surrounding area. The Chief Town Planner/Urban Design and Landscape of PlanD had reservation on the application from landscape planning perspective. Other concerned government departments had no objection to or no adverse comment on the application. There was no previous application at the Site but three similar applications for filling and/or excavation of land and/or pond for different uses within the same “CPA” zone were all rejected by the Committee in 1998 and 2021. Other concerned government departments had no objection to or adverse comment on the application. There was no previous approval granted to the Site nor similar application within the subject “CPA” zone. Regarding the public comments received, the comments of government departments and planning assessments above were relevant.

190. Two Members raised the following questions:

- (a) whether the proposed fish tanks to be placed at the paved area would be considered as ‘Agricultural Use’; and
- (b) details of sewerage treatment.

191. In response, Ms Bonnie K.C. Lee, STP/TMYLW, made the following main points:

- (a) the fish tanks to be placed at the Site for fish farming would be considered as ‘Agricultural Use’. Should the current planning application for land filling be approved, the applicant would still be required to apply for a letter of approval for the proposed agricultural structures from the Lands

Department; and

- (b) other than the layout plan in Drawing A-1 of the Paper, the applicant had not provided any information on the proposed sewerage treatment.

Deliberation Session

192. Members noted that to the north and northwest of the Site were mainly vacant land, idle fish ponds overgrown with grass and wetland along the coastline of Deep Bay.

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

- “(a) the proposed filling of land 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;
- (b) the applicant fails to demonstrate that the proposed filling of land would not have significant adverse landscape impacts on the surrounding areas; and
- (c) approval of the application would set an undesirable precedent for similar applications for filling of land within the “CPA” zone and the cumulative effect of approving such similar applications would result in a general degradation of the natural environment 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

By Post

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/393

28 May 2021

Tang Tak Hong



Dear Sir/Madam,

**Proposed Filling of Land for Permitted Agricultural Use
in "Coastal Protection Area" Zone, Lot 7 in D.D. 129, Lau Fau Shan, Yuen Long**

I refer to my letter to you dated 29.4.2021.

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 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;
- (b) you fail to demonstrate that the proposed filling of land would not have significant adverse landscape impacts on the surrounding areas; and
- (c) approval of the application would set an undesirable precedent for similar applications for filling of land within the "CPA" zone and the cumulative effect of approving such similar applications would result in a general degradation of the natural environment 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 14.5.2021, 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 18.6.2021). 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,

A handwritten signature in black ink, appearing to be 'Raymond Kan', written in a cursive style.

(Raymond KAN)
for Secretary, Town Planning Board

(With Chinese Translation)

No.

Date

TPB/A/YL-LFS/1393

申請覆核

① 有關養魚池污水(養魚用的飼料是有機飼料, 魚的糞便都是有機物) 魚池水部份會作灌溉農作物, 部份排出大海, 污水是有機物, 亦可作紅樹林的養份, 不會影響周邊環境。

② 建築物高度地政署有規定, 不可以高於4.3米, 所以不會嚴重影響周邊景觀。

③ 取消申請所有普通填土。只申請一部份混凝土填土, 盡量減低影響周邊環境。

混凝土填土面積約 157.2 平方米, 高 0.05 米
隨函附上混凝土填土位置圖

混凝土填土主要鞏固地基, 擺放魚缸, 鞏固簷蓬, 免打風時, 被風吹毀, 大小魚分類和清洗水缸時需要搬運魚缸, 混凝土土地比較乾爽, 雨天時可避免觸電, 所以難要填混凝土。

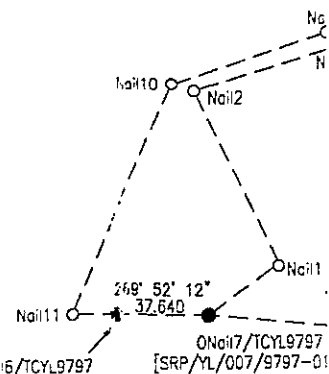
④ 我是被 9 號土地業主迫遷, 所以才搬往隔離, 7 號土地, 即是由保護區搬去保護區, 此案例是極少數, 所以不會立下長遠不良先例。

希望貴處能酌情處理今次申請

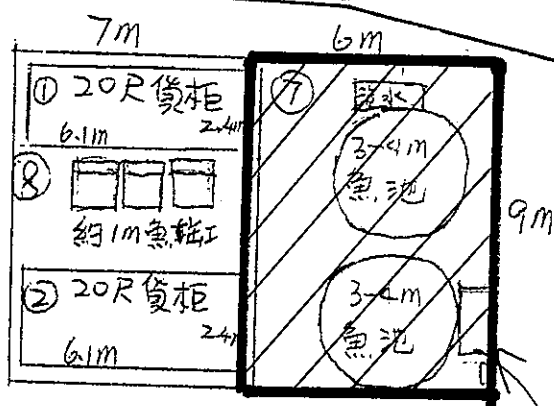
申請人: 鄧德康

4-6-2021

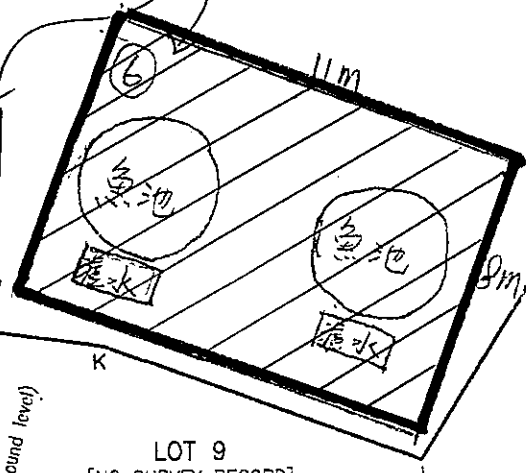
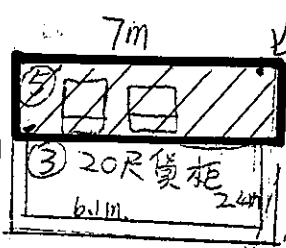
TRAVERSE DIAGRAM
(NOT TO SCALE)



LOT 6
[SRP/YL/007/7159-01/D1]



LOT 7



LOT 9
[NO SURVEY RECORD]

LOT 10
[NO SURVEY RECORD]

Govt. Land

斜線為混凝土

To Nails
To IS6(FSM2)
(Iron Spike on ground level)

Serial No.: 027403

Page 1 of 2

Livestock Farm Code 禽畜場檔案編號	1	1	8	-	1	9	-	1	4	6
	年			月			日			
Date of Survey 調查日期	12	9	3	0	2	1	5	(YYMMDD)		

[illegible]

Survey Sheet Number
地圖編號

78			2	-	5	N	-	1	30
----	--	--	---	---	---	---	---	---	----

Farm Location 農場地點	88	D	E	E	P	B	A	Y	R	O	A	D							
	108	S	H	A		K	I	U	T	S	E	N							

Farm/Company
Name (if any)
農場 / 公司名稱 _____

[illegible]

Name of Farm Operator/ Owner of Farm Operation—Surname 操作人員或僱主姓名		168	T A N G																	Sex 性別	
First Names 名		176	T A K H O N G													鄧德康		191	M	(M or F)	
Identity Card Number 身份證號碼		192	[REDACTED]													(Chinese Name) 中文姓名					
Date of Birth 出生日期		203	[REDACTED]													(YYMMDD)					
Telephone Number 電話號碼		209	[REDACTED]																		
Partnership 合夥人		216	N													(Y/N)					

Remarks:
備註

(Enter all Names of Partnership with their Identity Card Numbers)
 填報所有合夥人姓名及其身份證號碼

Name and I.D. No. of the employee (if the farm operator and owner of farm operation was not present during the survey)
操作人員或僱主不在，請填報該場僱員姓名及身份證號碼

Name of spouse: TANG SU CHING 鄧水清 (父親)
配偶姓名

Name of employee: _____
僱員姓名

I. D. Card No. of spouse: _____
配偶身份證號碼

I. D. Card No. of employee: _____
僱員身份證號碼

Total No. of Structures 建築物總數	217	/	0
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Item 項目	Structure No. 建築物編號	Dimension (m) 尺寸(米)	Present Usage 現時用途	Livestock No. 禽畜數目	Remarks 備註(中文填寫)
1 219	SK / X / 361	0910*0220	02	00005	2猪公, 3猪婆
2 249	SK / X / 361	0910*0080	13	00200	
3 279	SK / X / 361	0910*0310	01	00000	甲
4 309	SK / X / 362	0470*0350	02	00005	1猪婆, 4猪仔
5 339	SK / X / 822 SK / 822	0390*0210	10	00000	
6 369	SK / 825	1100*0570	02	00088	5(11) 8猪婆

KWC

& ASSOCIATES

郭允中律師事務所

in association with Wong, Kwan & Co., Solicitors

本律師行檔案編號：EW/20053-mok

致：丈量約份第 129 約地段
第 9 號整幅土地上及其上建築
所有佔用人

張貼於丈量約份
第 129 約地段
第 9 號整幅土地
顯眼處

敬啟者：

有關：DCCJ 4773/2016 (區院民事訴訟 4773/2016)

本行於上述案件代表原告人，鄧理剛祖（司理人鄧鋒明、鄧學優、惠康及鄧志雄）。

本行藉以送達形式，將 1 份於 2016 年 9 月 28 日送交存檔及發出而經蓋印的傳訊令狀，連同索償申請書，送交 閣下。

KWC & Associates

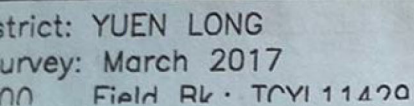
郭允中律師事務所

附件

日期：16 SEP 2016

Principal
Kwok Wan Chung BA 郭允中 律師

Consultant
Wong Tung Keung Eddie LL.B., LL.M., Dip.JP 黃東強 律師



DIMENSIONI DI AM 05 10" M. 7

①. 農用儲物室 = (6.1m長 × 2.4m闊 × 4.3m高)

主要擺放維修魚場大大小小工具, 用品, 如水泵, 濾水器, 濾水缸, 太陽能板, 電池, 各類水喉配件等等。

②. 農用儲物室 = (6.1m長 × 2.4m闊 × 4.3m高)

主要擺放魚池用品, 濾水棉, 生物環, 珊瑚石, 礫, 備用魚池, 水缸, 地毯, 木板, 水喉等等。

③. 農用儲物室 = (6.1m長 × 2.4m闊 × 4.3m高)

主要擺放魚糧, 藥物, 雪柜, 工作枱, 檯, 更衣室等等。

④. 電錶房 = (1.2m長 × 1m闊 × 2.5m高) 魚場供電用。

⑤. 簷篷 = (5m長 × 7m闊 × 4.3m高)

遮擋太陽, 隔熱, 擋風雨, 簷篷下主要擺放魚缸魚池。

⑥. 簷篷 = (8m長 × 11m闊 × 4.3m高)

遮擋陽光, 隔熱, 擋風雨, 簷篷下主要擺放魚池, 濾水器。

⑦. 簷篷 = (6m長 × 9m闊 × 4.3m高)

遮擋陽光, 隔熱, 擋風雨, 簷篷下主要擺放魚缸, 手拉叉車, 維修魚缸等等。

⑧. 簷篷 = (7m長 × 9m闊 × 4.3m高)

遮擋陽光, 隔熱, 擋風雨, 簷篷下主要擺放魚缸, 魚池等等。

混凝土土地 = (約 160平方米 × 0.05m高)

在混凝土土地上搭建, 農用儲物室, 簷篷等等。

搬運魚缸內的小魚進入大池, 須要用大型人手叉車搬運及使用手推車搬運魚糧, 餵魚工具, 清洗魚缸, 魚池, 濾水池, 擺放帆布或魚池, 涼曬濾水棉及其他濾水用品, 鞏固簷篷地基, 避免打風時被風吹倒。

魚缸數量

No.

Date

①. 約 1 米 \times 1 米 \times 1.2 米高 塑膠外加鐵架魚缸 8 個

② 約直徑 2 米 \times 1.2 米高圓形帆布外加鐵架魚池 1 個

③ 約直徑 4 米 \times 1.2 米高圓形帆布外加鐵架魚池 4 個

④. 約 3 米 \times 5 米 \times 1.2 米高長方形帆布外加木板、鐵架

魚池 5 個

⑤ 約 3 米 \times 3 米 \times 1.2 米高長方形帆布外加木板、鐵架

魚池 1 個

**Similar Planning Applications for Filling of Land/Pond
within the “CPA” Zone on the Lau Fau Shan and Tsim Bei Tsui OZP**

Rejected Applications

	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Zoning</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejection Reasons</u>
1	A/YL-LFS/30	Pond Filling and Agricultural Use (Planting of Fruit Tree)	CPA	28.8.1998	1, 2 & 3
2	A/YL-LFS/386	Proposed Filling of Land and Pond	CPA	7.5.2021 (upon review)	3 & 4
3	A/YL-LFS/391	Proposed Filling and Excavation of Land for Permitted Agricultural Use	CPA	30.4.2021	3, 4 & 5
4	A/YL-LFS/401	Proposed Excavation of Land for Permitted Agricultural Use and Proposed Utility Installation for Private Project with Excavation and Filling of Land	CPA	23.7.2021	3 & 4

Rejection Reasons

1. The proposed development does not comply with the Town Planning Board Guidelines for "Application for Developments within the Deep Bay Buffer Zones" in that there is insufficient information in the submission to demonstrate that the proposed development is required to support the conservation of the natural features and scenic qualities of the area.
2. There is 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.
4. 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.
5. The applicant fails to demonstrate that the proposed filling and excavation of land would not have significant adverse landscape impacts on the surrounding areas.



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

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

8th July, 2021.

By email only

Dear Sir/ Madam,

Proposed Filling of Land for Permitted Agricultural Use
(A/YL-LFS/393)
(Review under Section 17)

1. We refer to the captioned.
2. We urge the Board to consider the potential cumulative impact of approving this application as the approval would set a precedent for other similar cases in this Coastal Protection Area zone.
3. Thank you for your attention.

Ecological Advisory Programme
Kadoorie Farm and Botanic Garden

tpbpd@pland.gov.hk

寄件者: [REDACTED]
寄件日期: 2021年07月07日星期三 22:22
收件者: tpbpd
主旨: Re: A/YL-LFS/393 D.D. 129, Nam Sha Po, Lau Fau Shan CPA

Dear TPB Members,

Approval would open the gates to similar applications on the coastline and further stymie the long overdue reinstatement of those ponds that have been filled.

Hong Kong must take climate change seriously and shore up coastal barriers..

Mary Mulvihill

From: [REDACTED]
To: "tpbpd" <tpbpd@pland.gov.hk>
Sent: Monday, April 12, 2021 4:09:02 AM
Subject: A/YL-LFS/393 D.D. 129, Nam Sha Po, Lau Fau Shan CPA

A/YL-LFS/393
Lot 7 in D.D. 129, Nam Sha Po, Lau Fau Shan
Site area 758.8m²
Zoning : "Coastal Protection Area"
Applied Use : Proposed filling of Land (.3mt) / 2 Vehicle Parking

Dear TPB Members,

I strongly object to this application. Members should consider the impact together with 391 as they are close to each other. Are the applicants related?

The Planning Intention of CPA is :

This zoning 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. 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.

The proposed development would in no way conserve the natural landscape, on the contrary it would introduce foreign elements. Neither is it essential in nature.

A concrete pond for fishing in a district with dozens of natural ponds?

A 'plant nursery' would introduce plants that are not indigenous to the area and upset the delicate ecological balance. It would also encourage run off and use of pesticides that would impact insects, birds, and small animals.

Both applications and any others for this sensitive coastline must be rejected.

Mary Mulvihill

Advisory Clauses

- (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site comprises Old Schedule Agricultural Lot (OSAL) 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. Letter of Approval (LoA) has been given on 4.12.2019 for the erection of agricultural structures as shown on its attached schedule on the Site. Furthermore, Certificates of Exemptions (CoEs) in respect of Building Works, Site Formation Works (not exceed 3.4 mPD level) and Drainage Works have been given on 8.5.2020 for the construction of the aforesaid structures thereon. The applicant shall apply to his office for permission if any structure other than those permitted in the LoA is to be erected on the Site. Application(s) will be considered by LandsD acting in the capacity as the lessor at its sole discretion and there is no guarantee that such application would be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;
- (b) 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 the nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting the Site and Deep Bay Road;
- (c) to note the comments of the Director of Environmental Protection (DEP) that the applicant is 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 shall follow the Recommended Pollution Control Clauses for Construction Contracts (https://www.epd.gov.hk/epd/english/environmentinhk/eia_planning/guide_ref/rpc_1.htm) to minimize the environmental impacts during the construction stage;
- (d) 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. The applicant shall note that the Site is at relatively low-lying area next to the coastline. The applicant should prepare himself/herself against possible seawater inundation due to tidal effect and storm surge;
- (e) 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 Building 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 BD 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 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 Site shall be 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 Site does not abut on a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage. Any temporary shelters or converted containers for office, storage, washroom or other uses are considered as temporary buildings are subject to control of Part VII of the B(P)R. Adequate precautionary measures and suitable working procedures should be adopted in carrying out the above works to safeguard the stability of any building, structure, land and street or services. Any precautionary measures, which involve new building works, are subject to above said. When any natural, formed or man-made land has due to any cause been rendered so dangerous or liable to become so dangerous that it will collapse, or be likely to collapse, and thereby will cause, or will be likely to cause, a risk of injury to any person or damage to any property, enforcement action may be taken by the BD. Detail checking under the BO will be carried out at building plan submission stage;

- (f) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. The applicant shall submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. The applicant shall note that if the proposed structure(s) is required to comply with the BO, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
- (g) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) that the applicant shall submit the proposed excavation works plans to the BD for approval as required under the provisions of the BO.