

**Similar s.16 Application for Filling of Land
within the Same “V” Zone on the Lau Fau Shan and Tsim Bei Tsui OZP**

Approved Application

	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Zoning</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1.	A/YL-LFS/268	Proposed Filling of Land for Permitted Agricultural Use	V	27.3.2015 (Revoked on 20.8.2015)	1, 2, 3, 4, 5

Approval Conditions

1. No part of the site shall be filled to a depth exceeding 1.5 m.
2. No contaminated soil and waste shall be used to fill the site.
3. The submission of a drainage proposal including drainage mitigation measures before commencement of land filling works on the site.
4. The implementation of the drainage proposal including drainage mitigation measures identified therein upon completion of the land filling works on the site.
5. Revocation clause.

Advisory Clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site comprises Government Land (GL) and Old Schedule Agricultural Lots (OSALs). The OSALs are 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. No permission is given for occupation of the GL included in the Site (about 25.63m² subject to verification). The act of occupation of GL without Government's prior approval is not allowed. The lot owner(s) of the lot(s) without Short Term Waiver (STW) will need to apply to his office for permitting the structures to be erected or to regularize any irregularities on site, if any. Also, the applicant has to either exclude the GL from the Site or apply for a formal approval prior to the actual occupation of the GL. Only application for regularization or erection of temporary structure(s) will be considered. Application(s) for any of the above will be considered by LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by LandsD;
- (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 environment legislations during construction and operation of the project. The applicant is also advised to follow the Recommended Pollution Control Clauses for Construction Contracts (http://www.epd.gov.hk/epd/english/environmentinhk/eia_planning/guide_ref/tpc_1.html) to minimize the environmental impacts during the construction stage;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that there is and will be no vehicular access to/from the Site;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the applicant should maintain the proposed drainage facilities at all times.
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the Building Authority (BA), they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application. For UBW erected on leased land, enforcement action may be taken by 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 filling of land 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; and

- (g) to note the comments of the Director of Fire Services (D of FS) that in case of any erection of structure inside the Site in the future, the applicant shall submit relevant layout plans incorporated with the proposed fire service installations to his department for approval. The applicant is reminded 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.