

**Similar s.16 Applications for filling of land/pond or excavation of land
Within the same “V” Zone on the Lau Fau Shan and Tsim Bei Tsui OZP**

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Zoning</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1	A/YL-LFS/58	Proposed Pond Filling (for New Territories Exempted House (NTEH))	V	25.8.2000	1, 3
2	A/YL-LFS/72	Proposed Pond Filling (for New Territories Exempted House and Agricultural Use (NTEH))	V	3.8.2001	2, 4
3	A/YL-LFS/216	Proposed Pond Filling (by about 2m) for Permitted New Territories Exempted House (NTEH)	V	1.2.2013 (on review)	5-17

Approval Conditions

1. The submission of a drainage impact assessment and the implementation of mitigation measures.
2. The submission of drainage facilities proposals and provision of drainage facilities.
3. The permission shall cease to have effect on 25.8.2003 unless prior to the said date either the development hereby permitted is commenced or this permission is renewed.
4. The permission shall cease to have effect on 3.8.2004 unless prior to the said date either the development hereby permitted is commenced or this permission is renewed.
5. No construction works or pond filling, as proposed by the applicants, was allowed during the peak wintering season of birds from December to February to minimize potential off-site disturbance impact to winter migratory birds.
6. No part of the site should be filled to a level of +4.3mPD or a depth exceeding 2m as proposed by the applicants.
7. No waste as defined under the Waste Disposal Ordinance Cap. 354, including construction and demolition materials, should be used to fill the land.
8. The submission of a topographical survey and detailed setting-out proposal showing the site boundary.
9. No pond filling on the site would be allowed until the topographical survey and detailed setting out proposal had been submitted.
10. The implementation of the mitigation measures identified in the Ecological Appraisal Report, as proposed by the applicants.
11. No pond filling on the site would be allowed in the absence of the implemented mitigation measures identified in the Ecological Appraisal Report.
12. Implementation of the drainage facilities proposal, submitted by the applicants.
13. No pond filling on the site would be allowed until the drainage proposal had been implemented.

14. The submission of a landscape proposal.
15. No pond filling on the site would be allowed until the landscape proposal had been submitted.
16. The implementation of the landscape proposal.
17. 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 17 Old Schedule Agricultural lots all in D.D. 129 held under the Block Government Lease in which 16 lots are sub-divided from parent Lot No. 1135, while Lot No. 1136 remains undivided. Lot No. 1135 S.A ss.9 bears house status by conversion of the agricultural lot. The Site falls within the Village Environs Boundary (VEB) of Mong Tseng Wai and part of it falls within the common VEB of Mong Tseng Wai and Mong Tseng Tsuen. According to the records, there are 3 Small House (SH) applications under processing and 9 SH applications have been approved within the Site:

SH Applications under processing	Approved SH applications
<u>Lot No(s) in D.D. 129</u> (1) Lot No. 1135 S.C RP (2) Lot No. 1135 S.B (3) Lot No. 1135 S.E	<u>Lot No(s) in D.D. 129</u> (1) Lot No. 1135 S.A ss.1 (2) Lot No. 1135 S.A ss.2 (3) Lot No. 1135 S.A ss.3 (4) Lot No. 1135 S.A ss.4 (5) Lot No. 1135 S.A ss.6 (6) Lot No. 1135 S.A ss.7 (7) Lot No. 1135 S.A ss.8 (8) Lot No. 1135 S.D (9) Lot No. 1135 S.F

The 3 SH applications within the Site are currently under their processing stage. The application for redevelopment of Lot No. 1135 S.A ss.9 in D.D. 129 has been rejected. The registered lot owners should inform DLO/YL, LandsD after obtaining planning approval. DLO/YL will consider the SH applications acting in the capacity of a landlord at its sole discretion in accordance with the New Territories Small House Policy when the SH applications are due for processing. There is no guarantee that such SH applications would be approved. Any SH applications, if approved, would be subject to such terms and conditions including, among others, the payment of premium and/or administrative fee as may be imposed by the LandsD;

- (a) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting the Site and Deep Bay Road;
- (b) to note the comments of the Director of Environmental Protection (DEP) that it is the applicant's responsibility to comply with all relevant environmental legislations during construction and operation of the project. The applicant is also advised to follow the Recommended Pollution Control Clauses for Construction Contracts (http://www.epd.gov.hk/epd/english/environmentinhk/eia_planning/guide_ref/rpc.html) to minimize the environmental impacts during the construction stage. The

applicant should follow the relevant requirements under TPB PG-No. 12C;

- (c) to note the comments of the Director of Agriculture, Fisheries and Conservation (DAFC) that the applicant is advised to preserve those trees at the vicinity as far as possible and avoid encroaching on the area zoned “Conservation Area”;
- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that the building to be erected on the Site will be New Territories Exempted House (NTEH) under the Buildings Ordinance (BO) (Application to the New Territories) Ordinance (Cap. 121). In case DLO/YL LandsD decides not to issue the certificates of exemption for the site formation works and / or drainage works associated for the NTEH development, such works will require prior approval and consent under the BO. In this circumstance, an Authorized Person (AP) should be appointed as the coordinator for the proposed works. The applicant may approach DLO/YL, LandsD or seek AP’s advice for details; and
- (e) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) that the applicant should submit the proposed building works to BD for approval as required under the provisions of the BO. Geotechnical comments on the proposed works would be provided via BD.