

**Similar s.16 Application in the vicinity of the Site and within the same “CPA” zone  
on the South Lantau Coast Outline Zoning Plan**

**Rejected Application**

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Rejection Reasons</b>
A/SLC/131	Proposed filling of land (by about 1m high) for permitted agricultural use	19.4.2013	R1 – R2

**Rejection Reasons**

- R1. The applicant failed to provide sufficient information in the submission to show the material for land filling, and justify the need for 1m land filling, as well as demonstrate no adverse impact on the surrounding areas
- R2. Approval of the application would set an undesirable precedent for similar applications within the “CPA” zone and the cumulative effect of approving such applications would lead to a general degradation of the natural environment of the area.

Advisory Clauses

- (a) to note the comment of the District Lands Officer/Islands, Lands Department (DLO/Is, LandsD) that the Lot is held under Block Government Lease for Agricultural use. No structure shall be erected on the Lot without his prior approval. It is noted that some structures are erected at the Site without his prior approval. The Government reserves the right to take appropriate lease enforcement for any structure erected or to be erected without prior approval;
- (b) to note the comment of the Chief Engineer/Hong Kong & Islands, Drainage Services Department that the filling works should not discharge any spoils / slurries to the nearby drainage system and would not block, disturb or interfere with the nearby drainage system;
- (c) to note the comment of the Chief Building Surveyor/New Territories East 1 & Licence, Buildings Department that:
  - (i) if there are existing structures which had been erected on leased land without approval of the Buildings Department (BD) (not being a New Territories Exempted House), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application;
  - (ii) for unauthorized building works (UBW) erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD's 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;
  - (iii) before any new building works (including site formation works) are to be carried out at the Site, the prior approval and consent from the Building Authority should be obtained, otherwise they are UBW;
  - (iv) in case there is / are proposed development (s) / building (s) associated with the application:
    - a. the permissible site coverage and plot ratio of the development(s) / building(s) should comply with Regulations 20 and 21 of the Building (Planning) Regulations (B(P)R);
    - b. if the Site does not abut on a specified street, the intensity (i.e. site coverage, plot ratio and building height(s) of the development(s) / building(s) shall be determined by the Building Authority under B(P)R19(3) upon formal submission of building plans to BD;
    - c. the Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with B(P)R5 and 41D respectively; and
    - d. detailed comments under the BO on the private development(s) / building(s) such as permissible plot ratio, site coverage, emergency vehicular access, private streets and/or access roads, barrier free access and facilities, compliance with the sustainable building design guidelines, etc. will be formulated at the

formal building plan submission stage;

- (d) to note the comment of the Director of Leisure and Cultural Services that the proposed filling of land shall not affect the daily operation as well as the water quality of the gazetted beach nearby, i.e. the Pui O Beach; and
- (e) to note the comment of the Director of Environmental Protection that the applicant should implement appropriate water pollution control measures to alleviate the potential water quality impact arising from the application. According to S.5.3.2 of the Hong Kong Planning Standards and Guidelines (HKPSG), the applicant should note that no new discharge outlet should be located within 100m of the boundaries of any gazetted beach in any direction, including rivers and streams.