



長春社 Since 1968

The Conservancy Association

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7th December 2021

Town Planning Board
15/F North Point Government Offices
333 Java Road
North Point
Hong Kong

By e-mail: tpbpd@pland.gov.hk

Dear Sir/Madam,

RE: Comments on the Section 16 Application No. A/YL-LFS/415

The Conservancy Association (CA) OBJECTS to the captioned application.

1. Not in line with the planning intention of Coastal Protection Area (CPA) zone

According to the draft Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan (OZP) No. S/YL-LFS/10, the planning intention of CPA zone “*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*”.

The OZP also states that “*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*”.

A previous planning application No. A/YL-LFS/401 within part of the site had been rejected by Rural & NT Planning Committee (RTNPC) on 23/07/2021. One of the reasons for rejecting this planning application which proposed “Excavation of Land



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for Permitted Agricultural Use and Proposed Utility Installation for Private Project and Excavation and Filling of Land” was that *“the proposed excavation and filling of land and the proposed utility installation for private project are 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”*.

Similar to the previous planning application, from the proposed application, we cannot see any details to justify that the plan would fulfill the above planning intention. We do not think such plan is in line with the planning intention.

2. Undesirable precedent of “destroy first, build later”

This application site has been subject to land formation and vegetation clearance (Figure 1-3). It is suspected that this is a case of “destroy first, build later”.

At least half of the application site is had been destroyed in the past 9 years (from 2011-2019). According to the Statutory Planning Portal, there are some warning letters, enforcement and reinstatement notices issued by the authority:

- 1) E/YL-LFS/0267
 - A. 01/09/2011 Warning Letter for unauthorized development: Land/ Pond Filling, Dumping & Site Formation
 - B. 14/09/2011 Enforcement Notice: Filling of land
 - C. 16/11/2011 Reinstatement Notice
- 2) E/YL-LFS/0326
 - A. 27/11/2013 Warning Letter for unauthorized development: Car Park
 - B. 29/01/2014 Enforcement Notice: Storage and workshop use
 - C. 12/12/2014 Reinstatement Notice
- 3) E/YL-LFS/0456
 - A. 22/06/2018 Enforcement Notice: Storage and workshop use
 - B. 09/01/2019 Reinstatement Notice



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Planning Department and members of Town Planning Board (TPB) should alert that TPB has announced approaches to deter “destroy first, build later” activities in 2011. It 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. Therefore, this application should not be given any sympathetic consideration or it will set an undesirable precedent for similar cases in future.

Yours faithfully,
Chow Oi Chuen
Campaign Officer
The Conservancy Association

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



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Figure 1-2 A part of the site and the pervious application A/YL-LFS/401 (marked in blue) has been subject to land formation and vegetation clearance. It is suspected that this is a case of “destroy first, build later” (Source: Google Earth) (the application site marked in red)





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Figure 3 Our recent site observation in December (the application site marked in red and the pervious application A/YL-LFS/401 marked in blue)

