



Our Ref.: PD2410002/02

Your Ref.: TPB/A/YL-NSW/357

27 October 2025

By Email

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

Dear Sir/ Madam,

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE
Section 16 Application for Filling of Pond for Permitted Agricultural Use in Sub-
section 1 and the Remaining Portion (Portion) of Section E of Lot No. 1212 in D.D.
115 and the Discrepant Areas (Portion) adjacent to Section E of Lot No. 1212 in
D.D. 115, Nam Sang Wai, Yuen Long, New Territories

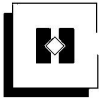
We refer to the captioned application submitted on 19 September 2025.

Based on the latest updates, the total site area of the Application Site shall be about 21,929 square meters (sq.m.) (with +0.5% changes compare to the submitted application documents to Town Planning Board on 19 September 2025). Details of the operation arrangement of pond fish culture and agriculture area have also been supplemented in section 3.6 of the planning statement report.

Kindly note that the Proposed Development under temporary basis intends to serve the pond fish culture for freshwater fish and rehabilitation of agriculture land. Temporary nature of this s.16 planning permission allows greater flexibility in land use planning and tighter control of development by imposing relevant approval conditions, so as to meet changing needs in the near future, while to ensure certainty for environment protection.

According to TPB PG-No. 32B, the revised information does not constitute as material change of the nature of the application. Thus, it should be accepted. Please find attached the corresponding replacement pages of Application Form and revised full set of Planning Statement.

Should you require further information or have any queries, please feel free to contact the undersigned or our Haze Tsang at [REDACTED].



Yours faithfully,
For and on behalf of
LCH Planning & Development Consultants Limited

Junior Ho
Director

Encl.

c.c. the Applicant

- Appendix 1 – Replacement Pages of Application Form
- Appendix 2 – Revised Full Set of Planning Statement



**Section 16 Application for Filling of Pond for Permitted
Agricultural Use in Sub-section 1 and the Remaining Portion
(Portion) of Section E of Lot No. 1212 in D.D. 115 and the
Discrepant Areas (Portion) adjacent to Section E of Lot No. 1212
in D.D. 115, Nam Sang Wai, Yuen Long, New Territories**

Planning Statement

	Prepared by
Planning Consultant	: LCH Planning & Development Consultants Limited
Drainage Consultant	: Urban Green Consultants Limited
Landscape Consultant	: LanDes Limited

October 2025

Report : Version 1.1



Executive Summary

(in case of discrepancy between English and Chinese versions, English version shall prevail)

This Application is submitted to the Town Planning Board ("**the Board**") under Section 16 of the Town Planning Ordinance ("**the Ordinance**") for filling of pond for Permitted Agricultural Use ("**the Proposed Development**") in Sub-section 1 and the Remaining Portion (Portion) of Section E of Lot No. 1212 in Demarcation District No. ("**D.D.**") 115 and the Discrepant Areas (Portion) adjacent to Section E of Lot No. 1212 in D.D. 115, Nam Sang Wai, Yuen Long ("**the Application Site**", "**the Site**"). The Site falls within an area of "Other Specified Uses" annotated "Comprehensive Development to include Wetland Restoration Area" ("OU(CDWRA)") and "Village Type Development" ("V") zones on the Draft Nam Sang Wai Outline Zoning Plan No. S/YL-NSW/11. It involves an area of about 21,929 square meters ("**sq. m.**").

The Proposed Development aims to provide the permitted agricultural use involves rehabilitation of agricultural land of Sub-section 1 and Remaining Portion (Portion) of Section E of Lot No. 1212 in Demarcation District 115 and pond fish culture of a portion of Discrepant Areas adjacent to Section E of Lot No. 1212 in D.D. 115. The concerned filling of pond has been existed for more than 2 decades. The previous pond is current covered by about 2 metres ("**m**") thick heavy soil, with an area of about 14,933 sq.m..

The Proposed Development is in line with various of Government's policies, including conservation implementation and the sustainable development of the Agriculture and Fisheries Industries in Hong Kong. The implementation of the Proposed Development will make effective use of idle land for rehabilitation and cultivation, thereby enhancing the existing ecological value and biodiversity of the Application Site.

Additionally, the Proposed Development does not hinder the long-term planning intention of "OU(CDWRA)" and "V" zones and is not incompatible with the surrounding areas. No insurmountable adverse traffic, visual, landscape, drainage and environmental impacts are anticipated from the Proposed Development.

In view of the above justifications, we would sincerely seek the favourable consideration of the Board to approve this Application.



內容摘要

(如內文與其英文版本有差異，則以英文版本為準)

本規劃申請根據《城市規劃條例》第 16 條，就元朗南生圍丈量約份第 115 約地段第 1212 號 E 段第 1 小分段及餘下部分 (部分)，以及鄰近第 115 約地段第 1212 號 E 段的剩餘地塊 (“Discrepant Areas”) (部分) (下稱「申請地點」)，為填塘工程作准許的農業用途 (下稱「擬議發展」)，向城市規劃委員會 (下稱「城規會」) 提出申請。申請地點現時於《南生圍分區計劃大綱草圖編號 S/YL-NSW/11》劃作「其他指定用途 (綜合發展包括濕地修復區)」及「鄉村式發展」地帶。申請地點的面積約 21,929 平方米。

擬議發展將用作准許的農業用途，包括在元朗南生圍丈量約份第 115 約地段第 1212 號 E 段第 1 小分段及餘下部分 (部分) 作耕種，以及在鄰近第 115 約地段第 1212 號 E 段的剩餘地塊 (部分) 作魚塘養殖。有關填塘工程已早於 20 多年前發生，有關地方現時蓋上約 2 米高的泥土，面積約為 14,933 平方米。

擬議發展項目符合政府多項政策，包括推行保育措施及推動香港漁農產業的永續發展。擬議發展亦將有效利用閒置土地進行複耕和耕種，從而提升申請地點的現有生態價值和生物多樣性。

此外，擬議發展項目不會妨礙南生圍的「其他指定用途 (綜合發展包括濕地修復區)」及「鄉村式發展」地帶的長遠規劃意向，再者與週邊地區並不衝突。擬議發展預計並不會對交通、視覺、景觀、排水系統和環境造成不可克服的不利影響。

鑒於以上提出的依據，我們真誠地尋求城規會批准該申請。

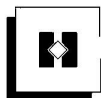


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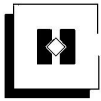
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Section 16 Application for Filling of Pond for Permitted Agricultural Use in Sub- Report: Version 1.1
section 1 and the Remaining Portion (Portion) of Section E of Lot No. 1212 in D.D.
115 and the Discrepant Areas (Portion) adjacent to Section E of Lot No. 1212 in
D.D. 115, Nam Sang Wai, Yuen Long, New Territories

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1 INTRODUCTION

- 1.1.1 We are commissioned by the land owner (hereinafter referred to as the “**Applicant**”) to prepare on its behalf this planning statement for filling of pond for permitted agriculture use (hereinafter referred to as the “**Proposed Development**”) in Sub-section 1 and the Remaining Portion (Portion) of Section E of Lot No. 1212 in Demarcation District No. (D.D.) 115 and the Discrepant Areas (Portion) adjacent to Section E of Lot No. 1212 in D.D. 115 in Nam Sang Wai, which is bounded by Sham Pui River to the north and Kam Tin River to the northeast (hereinafter referred to as the “**Application Site**”) (**Figure 1**) to the Town Planning Board (“**the Board**”) under Section 16 of the Town Planning Ordinance (“**the Ordinance**”).
- 1.1.2 The Application Site mainly falls within an area designated as “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” (“**OU(CDWRA)**”) zone with a small portion on area designed as “Village Type Development” (“**V**”) zone on the Draft Nam Sang Wai Outline Zoning Plan No. S/YL-NSW/11 (“**the OZP**”) (**Figure 4**). According to the Notes of the OZP for “OU(CDWRA)” and “V” zones, ‘Agricultural Use’ falls into Column 1 that is always permitted by the Board.
- 1.1.3 The Application Site falls within the Wetland Buffer Area (“**WBA**”) as designated under the TPB PG-No. 12C for “Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance”. Complying with its “no-net-loss in wetland” principle, this Proposed Development is in line with the guideline’s intention to protect the ecological value and functions of the existing fish ponds and wetlands within the sensitive Wetland Conservation Area (“**WCA**”) through the rehabilitation of agricultural area and fish ponds.
- 1.1.4 The Application Site for intended cultivation was previously ponds and have been formed for more than two decades. It is currently covered with vegetation without sensitive ecological resources. In order to reflect the current situation of the Application Site and to regularize the pond filling, a s.16 planning application for filling of pond is provided.
- 1.1.5 This proposal demonstrates that the proposed agricultural use is always permitted under the Approved OZP and the filling of pond is to reflect the current condition of the Application Site only.



2 THE APPLICATION SITE AND SURROUNDINGS

2.1 Current Condition of the Application Site

- 2.1.1 The Application Site covers a total of about 21,929 square metres (“sq. m.”), including portion of Remaining Portion (Portion) of Section E of Lot No. 1212 in Demarcation District No. (D.D.) 115 of about 13,068 sq.m., Sub-section 1 of Section E Lot No. 1212 in D.D. 115 of about 10 sq.m., and its portion of Discrepant Areas (Portion) adjacent to Section E of Lot No. 1212 in D.D. 115 of about 8,851 sq.m.. The Application Site is currently fenced off, largely paved with vegetations covering a major portion of the site and a pond is situated in the northwest (**Diagram 1**).

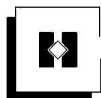


Diagram 1 Site Context

- 2.1.2 The Application Site is located at the far fringe of Nam Sang Wai, connecting to Shan Pui Road via a local track road. In a wider context, the Application Site is also connected to the nearby Yuen Long Highway and Castle Peak Road – Yuen Long through the local road network, from the farther Yuen Long On Lok Road in the further south in Yuen Long. Both Yuen Long Station and Long Ping Station (Tuen Ma Line) (TML) and Light Rail Transit (LRT) are walkable in about 18 to 22 minutes walking journey from the Application Site. The Application Site is currently served by various modes of public transport services, including franchised buses and green minibus (GMB) services connecting to the Yuen Long New Town.

2.2 Surrounding Context

- 2.2.1 Located at the far fringe of Nam Sang Wai, the surrounding environment of the Application Site is in rural village context intermixed with temporary uses. The Application Site is surrounded by the Shan Pui Village, Shan Pui Chung Hau Tsuen and Chung Hau Yu Man San Tsuen, with other low-rise residential developments.
- 2.2.2 The surrounding areas of the Application Site are characterized by various land uses. The immediate northwest of the Application Site is the Hong Kong School of Motoring as temporarily tolerated by the Board, and further to the west across the nullah is the Yuen Long INNOPARK. To the east is a cluster



of squatters with a jetty pier reaching to the core part of Nam Sang Wai across Kam Tin River. To the south and west, the area is surrounded by the low-density residential development and village development, such as a low-rise small house development of Zen River. A temporary transitional housing site of the United Court (同心村) (Approved Application No. A/YL-NSW/321) providing about 1,800 units is located to the southwest of the Application Site.



Hong Kong School of Motoring



United Court

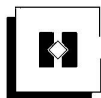


Nam Sang Wai jetty pier

Diagram 2 Surrounding Context

2.3 Site History

- 2.3.1 In July 1916, Lot No. 1212 in D.D. 115 was sold in public auction for agricultural use. The Application Site lies in the coastal plain near Yuen Long, which was, at that time, marsh lands lying between the Shan Pui River and Kam Tin River.
- 2.3.2 Over the years, by dint of manual labour, plants and vegetation were removed from the land, embankments were built up and the land was converted into large fish ponds. The embankments at the northern end and a small extent at the north-west corner of Lot No. 1212 in D.D. 115 were constructed beyond the lot boundary, encroaching on about 6.67 acres of Government Land.
- 2.3.3 Lot No. 1212 in D.D. 115 granted by the Government under the crown lease was for about 18 acres; the fish ponds as finally constructed covered about



24.67 acres. The grantees of Lot No. 1212 in D.D. 115 who were using those ponds for fish farming had, without a doubt, exclusive possession over the whole.

2.3.4 Upon a series of court action, the Court of Final Appeal confirmed that the lessees of Lot No. 1212 in D.D. 115 held the possessory title to the 6.67 acres of the land, which was occupied for over 60 years by the lessees and had become annexed to the Lot No. 1212 in D.D. 115 during the continuance of the lot.

2.3.5 Thus, according to the series of judgement and the land registration record, the Applicant is the registered owner of the Sub-section 1 and the Remaining Portion of Section E of Lot No. 1212 in D.D. 115, and holds the possessory title of the Discrepant Area adjacent to the Remaining Portion of Section E of Lot No. 1212 in D.D. 115.

2.3.6 According to the Seal Copy of Judgement with Plan dated 30 December 2009 which was registered in the Land Registry by memorial no. 12081702340018, the site areas of the respective lots are as follow:

Lot No.	Site Area (sq.m.) (about)
Sub-section 1 of Section E of Lot No. 1212 in D.D. 115	10
Remaining Portion of Section E of Lot No. 1212 in D.D. 115	13,068
Discrepant Areas adjacent to Section E of Lot No. 1212 in D.D. 115	8,851

**Table 1 Site Areas of the Respective Lots of
the Subject Application Site**

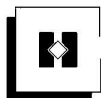
(Source: Copy of Judgement with Plan, HKSAR Government)

2.4 Land Use of the Subject Site

2.4.1 With reference to the aerial photos, the Application Site has been engaged in agricultural use for a long period of time. From 1976 to 2006, the Application Site was used for pond fish culture and cultivation activities. Subsequently, there was court proceeding which halt the agricultural activities on the Application Site. It is left vacant from early 2010s onwards. Refer to **Annexes 1a - 1f** for the details of aerial photos records.



Diagram 3 Aerial Photos of 2011 (Left) and 2024 (Right)
(Source: Aerial Photo no. CS32480 taken in 2011 and Aerial Photo no.
E237024C taken in 2024 both by LandsD, HKSAR Government)



3 THE DEVELOPMENT PROPOSAL

3.1 Development Scheme

- 3.1.1 The Application Site covers an area of about 21,929 sq.m.. The permitted agricultural use involves rehabilitation of agricultural land (i.e. growing vegetables and crops) at Sub-section 1 and Remaining Portion of Section E of Lot No. 1212 in D.D. 115 and pond fish culture at a portion of Discrepant Areas adjacent to Section E of Lot No. 1212 in D.D. 115 that may deploy traditional fishing method.
- 3.1.2 The indicative layout plan of the Proposed Development is shown in **Figure 6**.

3.2 Filling of Pond

- 3.2.1 The area for cultivation within the Application Site was previously ponds and have been formed since 2000. In order to regularize the ponds that have been filled for more than two decades, this s.16 planning application for filling of pond is thus submitted (refers to the indicative layout plan shown in **Figure 6**). It is now rectified that the filling of pond would be about 2 metres ("m") thick with heavy soil, with an area of about 14,933 sq.m..
- 3.2.2 No additional pond filling is proposed apart from the existing filled area. it is noteworthy that there is no reduction of the existing pond within the Application Site.
- 3.2.3 The Application Site is not served by any drainage system to direct surface runoff. Part of the runoff overflows directly into the Kam Tin River. The proposed drainage system with U-channels will collect the catchments within the Application Site and further discharge to the Kam Tin River, which is summarized in **Section 3.4** below. Details of the Drainage Impact Assessment (DIA) is attached in **Annex 4**.

3.3 Clearance Arrangement

- 3.3.1 The Proposed Development would involve felling of existing trees in the initial stage, while machinery will be used to enter the Application Site from south of Section E of Lot No. 1212 in D.D. 115 or the local track road at the east of the Application Site. As entering the Application Site from the south will pass through Lot No. 20 in D.D. 115 and Remaining Portion of Lot No. 19 in D.D. 115, consent from the owner(s) of these two Lots would be obtained (**Diagram 4**) if these two routes (with the width of about 5.1m each) will be adopted.

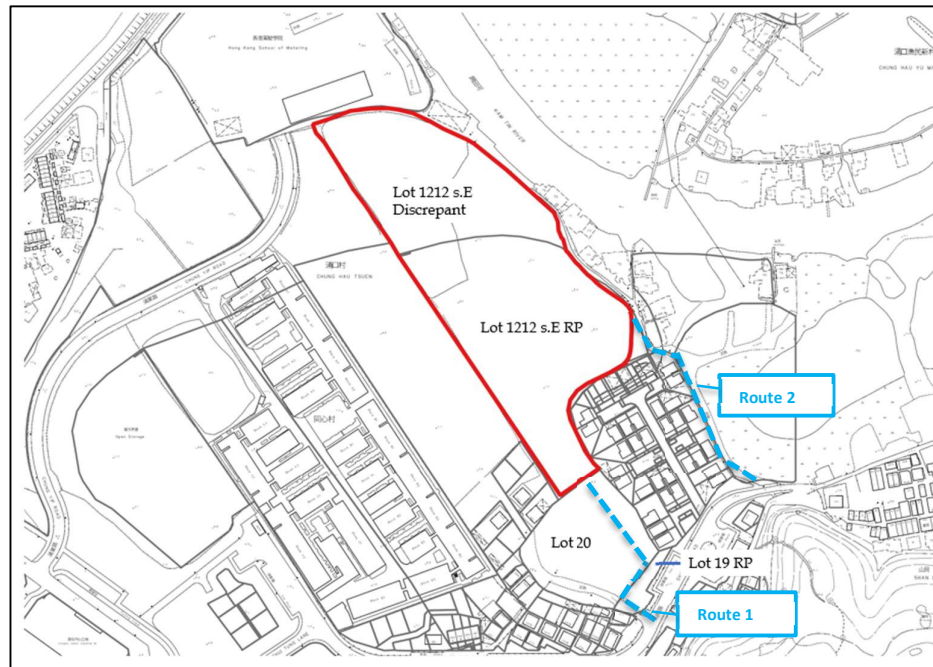
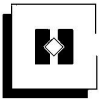


Diagram 4 Proposed Clearance Arrangement
(Source: HKSAR Government)

- 3.3.2 Felling of trees to be removed shall involve the complete removal of trees indicated, including stumps, by one of the following methods before work commences: -
- a) Bulldozer: A bulldozer shall be used to push over the whole tree, which shall then be cut by chain saw and removed, from the Application Site;
 - b) Winches: Power mounted or hand winches shall be used for pulling over the whole tree, the main support roots having first being severed either by mechanical means or by hand grubbing; and
 - c) Chain Saws: Either felling the whole tree at once or in sections. The stump shall be removed by hand grubbing and winching, stump cutting machine, hydraulic lifting or another method.
- 3.3.3 During construction stage, vehicular access along Route 1 as demonstrated in **Diagram 4** is suggested for site clearance, arrangement will only be conducted during non-peak hours (i.e. beyond 08:00 to 09:00). Only one light goods vehicle (LGV) (with the length not less than 4.65 m; and the width not less than 1.69 m) is expected for site clearance per hour.
- 3.3.4 While the clearance of exotic tree species and rehabilitation of agricultural land is always permitted on the Application Site, mitigation measures are proposed to avoid, minimise, mitigate and compensate for potential environmental impacts to ensure that the Proposed



Development do not harm the wetland or impose adverse environmental effects. Proposed mitigation measures during construction stage are suggested as follows: -

- a) To minimise construction dust, good site practices including watering of exposed areas and careful scheduling of construction works would be implemented;
- b) To minimise construction noise, use of quieter machines and careful scheduling of construction works would be implemented;
- c) To proper handle and dispose any construction site discharges, good site management measures including those specified in *Professional Persons Environmental Consultative Committee Practice Note Construction Site Drainage (ProPECC PN 2/23)* would be adopted;
- d) To proper handle and dispose any construction waste, good waste management practices in accordance with the principles of reduce, reuse, and recycle (3Rs) would be adopted; and
- e) To minimise landscape and visual impacts, buffer planting and metal fence of about 2.5m in height would be proposed along the Application Site Boundary.

3.3.5 The site clearance is expected to be completed around 2025Q4.

3.3.6 Relevant environmental protection/ pollution control ordinance will be strictly complied during construction phase as follows: -

Air Quality

- Construction works and exhaust emission from the Powered Mechanical Equipment (PME) are the potential sources of air quality impact during construction phase. To mitigate the construction air quality impact, the control measures stipulated in the Air pollution Control (Construction Dust) Regulation and other relevant regulation and standards shall be followed. With proper control measures, air quality impact is expected to be minimal.

Noise

- All the construction works will be conducted between 07:00 to 19:00 hours on any day not being a Sunday or general holiday. To eliminate the construction noise, *Practice Note for Professional Persons Minimizing Noise from Construction Activities (ProPECC PN 1/24)* shall be followed. In addition, quieter construction method and or equipment will be prioritised and adopted as far as practicable. With proper measures, noise impact is expected to be minimal.



Water Quality

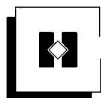
- Surface runoff generated from the Site will be generated during construction phase. To prevent the runoff entering the surrounding waters, Best Management practices, proper site practice and good site management in accordance with *Practice Note for Professional Persons Construction Site Drainage (ProPECC PN 2/24)* shall be followed.
- Furthermore, *ETWB Technical Circular (Works) No. 5/2005 Protection of natural streams / rivers from adverse impacts arising from construction works (ETWB TC (Works) No. 5/2005)* should be adopted where applicable to minimise the potential water quality impacts from the construction works.
- With appropriate measures and good site practices, water quality impact is not expected during construction phase.

Light Impact

- The construction activities will only conduct during daytime. Therefore, light pollution is not anticipated.

3.4 Drainage Proposal

- 3.4.1 Referring to **Section 3.2**, the Application Site is not served by any drainage system to direct surface runoff. Part of the runoff overflows directly into the Kam Tin River.
- 3.4.2 The proposed drainage system with U-channels will collect the catchments within the Application Site and further convey to the Kam Tin River. The peak surface runoff was calculated based on a 50-year return period, as well as projected increases in rainfall intensity attributed to both the Mid-21st Century and End of 21st Century due to climate change.
- 3.4.3 The drainage analysis, as demonstrated in the DIA attached in **Annex 4**, has demonstrated that the proposed drainage systems have adequate capacity to cater the surface runoff from the Application Site. With the implementation of proposed drainage system, no significant drainage impact is anticipated.
- 3.4.4 During construction stage, vehicular access along Route 1 as demonstrated in **Diagram 4** is suggested for proposed drainage works, arrangement will only be conducted during non-peak hour (i.e. beyond 08:00 to 09:00). Only 1 LGV (with the length not less than 4.65 m; and the width not less than 1.69 m) is expected for construction of drainage proposal per hour.
- 3.4.5 The following ordinances and regulations shall be followed during the construction of U-channels along the Application Site Boundary, as follow: -



- Forests and Countryside Ordinance (Cap. 96);
- Town Planning Ordinance (Cap. 131);
- Country Parks Ordinance (Cap. 208);
- Wild Animals Protection Ordinance (WAPO) (Cap. 170);
- Hong Kong Planning Standards and Guidelines (HKPSG) Chapter 10; and
- PELB Technical Circular 1/97 Works Branch Technical Circular 4/97 *"Guidelines for Implementing the Policy on Off-site Ecological Mitigation Measures"*.

3.4.6 Also, mitigation measures shall be adopted, including good site practices for construction control, i.e. erosion control and careful management of construction activities and avoid construction works during evening and night time (i.e. from 18:00 to 07:00), to reduce the potential disturbances to wildlife species and prevent waste water to be discharged from construction activities.

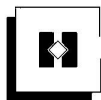
3.4.7 To minimise potential environment impacts, no toilet will be provided at the Application Site. Cultivators will use the public toilets (i.e. Chung Hau Tsuen Public Toilet, Chung Hau Tsuen (1) Public Toilet, and Shan Pui Tsuen Public Toilet) located outside the Application Site.

3.5 Compensatory Planting Proposal

3.5.1 The Applicant as the registered owner of Sub-section 1 and the Remaining Portion (Portion) of Section E of Lot No. 1212 in D.D. 115 and holds the possessory title of the Discrepant Areas (Portion) adjacent to Section E of Lot No. 1212 in D.D. 115, can fell the trees within the Application Site without prior approval from the Lands Department (LandsD) under the Government lease.

3.5.2 Based on the Tree Preservation and Landscaping Proposal attached in **Annex 5**, the proposed design scheme has provided adequate planting buffer area for tree compensation, as well as to promote a tranquil and harmonic environment to the users and adjoining environment. The proposed planting area will be provided along the east and southeast edges of the Application Site, functioning as buffer planting between the Application Site and the adjacent village houses, edge planting beds. More importantly, the existing pond to the north of the Application Site will be preserved in situ.

3.5.3 The planting proposal has clearly identified the proposed location, with 38 nos. of standard trees with average Diameter at Breast Height (DBH) with approximately 50 millimeter (mm) are proposed to be planted to compensate the loss of 18 nos. of existing trees, excluding *Leucaena leucocephala* (銀合歡).

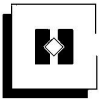


All new trees within the Application Site Boundary will all be managed and maintained by the Applicant.

- 3.5.4 The proposed planting regime will provide approximately 1:2.11 compensation ratio in terms of quality and quantity of the loss of 18 existing trees, excluding *Leucaena leucocephala* (銀合歡), in accordance with *Processing of Tree Preservation and Removal Proposals for Building Development in Private Projects - Compliance with Tree Preservation Clause under Lease (Guidance Notes of LAO PN No. 6/2023)*.
- 3.5.5 The proposed trees are mostly native and ornamental species that are available in local nurseries at heavy standard size. The selection of plant combination enriches the colour complexity and visual gradation of the Proposed Development. *Bauhinia blakeana* (洋紫荊), *Pongamia pinnata* (水黃皮), *Sterculia lanceolata* (假蘋婆) and *Sapium dicolor* (山烏柏) are chosen to be planted along the east and southeast edges of the Application Site Boundary, closer to the existing adjoining developments, so as to screen the cultivation area and reduce the visual impact to the nearby occupants. Groundcover, including *Wedelia chinensis* (蟛蜞菊) will be planted closer to the proposed drainage system and new tree planting.

3.6 Operation Arrangement of the Permitted Use

- 3.6.1 According to the information, the Proposed Development will be operated by around 5 experienced cultivators for agricultural use daily, subject to the actual operation by the future users. South portion of the Application Site will be for rehabilitation of agricultural land (i.e. growing vegetables and crops), and taking advantage of the existing pond in the northwest portion, pond fish culture for freshwater fish would also be considered.
- 3.6.2 For the pond fish culture, traditional polyculture techniques would be adopted with regular water quality monitoring and sustainable feeding practice to maintain the ecological balance. The proposed fishing species include tilapia, carp, Chinese barb, etc., which are well-suited to Hong Kong's warm and stable climate across all four seasons. Regular water quality monitoring and sustainable feeding practices will ensure optimal conditions year-round. Further details are subject to the actual operation by the future users.
- 3.6.3 Adjacent to the fish ponds, the agricultural area will further utilize fertile, well-drained soils enriched by proximity to the wetland ecosystem. The proposed growing vegetables and crops include rice grains, water cheanut, lotus, taro, etc., that are suitable to be planted around water year-round. Organic farming method shall be adopted, by using fish pond water for irrigation to recycle nutrients and minimize waste. Crop rotation and intercropping shall also be implemented to enhance soil health and ensuring



consistent yields across seasons. Further details are subject to the actual operation by the future users.

- 3.6.4 It is confirmed by the Applicant that there should be no further pond filling, nor any filling and excavation of land. Besides, the Application Site would not be operated as a hobby farm or open to the public as well.
- 3.6.5 During operation phase, the following mitigation measures are proposed to avoid and minimise impacts and disturbance to the surrounding habitats.

Air Quality and Noise

- The Proposed Development will be for rehabilitation of agricultural land and pond fish culture for freshwater fish. No air and noise emission activities will be involved. Therefore, air pollution and noise impacts are not expected.

Water Quality

- The surface runoff generated from the Application Site will be discharged to the proposed U-channel system. Therefore, water quality impact is not anticipated.

Light Impact

- The Proposed Development will only operate during daytime. No light pollution is anticipated.

Waste Management

- Waste collection and wastewater treatment facilities will be provided with reference to *Good Aquaculture Practices – Environmental Management of Pond Fish Culture* published by the Agriculture, Fisheries and Conservation Department (AFCD).

3.7 Traffic Arrangement

- 3.7.1 The existing entrance to the Applicant Site is at the eastern part of the Remaining Portion of Section E of Lot No. 1212 in D.D. 115, which connects to the existing local track road leading to Shan Pui Road (two-way). The existing entrance will continue to serve the Proposed Development.



Entrance to
the Application Site



Existing Local Track Road to
the Application Site

Diagram 5 Existing Entrances to the Application Site

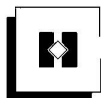
- 3.7.2 As illustrated in the indicative layout plan shown in **Figure 6**, two ingress / egress points with the entrance gate of a width of about 5 m will be provided along the southeastern and southern edges of the Application Site Boundary, from the south of Section E of Lot No. 1212 in D.D. 115 or the local track road at the east of the Application Site, and from the south will pass through Lot No. 20 in D.D. 115 and Remaining Portion of Lot No. 19 in D.D. 115, respectively (also refers to **Diagram 4** for the proposed clearance arrangement, as well as the proposed access arrangement).
- 3.7.3 Based on the site inspection conducted in May 2025, a few public car park facilities are found in the vicinity of the Application Site (**Diagram 6**). While there is an existing local track road connecting to the Application Site, to minimise potential impact, no parking spaces will be provided in the Application Site. During operation stage, cultivators are expected to access the Application Site by public transportation (i.e. franchised bus, GMB services and taxis) or private vehicle(s) that parked in surrounding carparks, and then walk to the existing local track road.



Diagram 6 Surrounding Carparks in the Vicinity of Application Site

(Source: GeoInfo Map, HKSAR Government)

- 3.7.4 For possible transportation of agricultural products, it is expected the future cultivators may transport the agricultural products within the nearby carparks as quickly as possible, in accordance with the *Road Users' Code* published by the Transport Department (TD). Hence, cultivators are expected to travel to and from the Application Site on foot from Shan Pui Road via the existing local track road.
- 3.7.5 No significant traffic trip rate is anticipated as the small development scale of the proposed use and no vehicular access leading to the Application Site, no additional traffic flow will be generated. The Proposed Development will not incur adverse traffic impact.



4 PLANNING AND LAND CONTEXT

4.1 National and Territorial Policy Context

4.1.1 Hong Kong's agriculture and fisheries industries have a rich and significant history, deeply rooted in the local cultural heritage. Hong Kong's agriculture and fisheries industries contribute significantly to food security and employment opportunities for local residents. Moreover, they are closely linked to the local ecosystem, serving as crucial elements for both tourism and education. It is evident that Hong Kong's agriculture and fisheries industries are not merely the domain of industry producers but are assets shared by the public at large.

a) National Level

National 14th Five-Year Plan (2021-2025)

4.1.2 In March 2021, China released the *National 14th Five-Year Plan (2021-2025)*, which highlights in *Chapter 24* that agricultural production in rural areas not only enhances urban-rural synergies but also promotes ecological conservation and restoration. Additionally, *Chapter 37* emphasizes a commitment to supporting biodiversity conservation by implementing biodiversity conservation and strengthening the protection and ecosystem restoration.

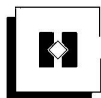
14th Five-Year National Agricultural Green Development Plan

4.1.3 The Central Government also introduced the *14th Five-Year National Agricultural Green Development Plan* in September 2021, its first focused initiative for sustainable agricultural development. This plan demonstrates the commitment of China to significantly enhance the utilisation of agricultural resources, improve the environmental quality of producing areas and the agricultural ecosystem, increase the supply of green products, and strengthen capabilities for emission reduction and carbon sequestration by 2025. These efforts align with the broader national goals of achieving carbon neutrality, fostering ecological civilisation, and promoting a circular economy by 2035.

b) Territorial Level

Hong Kong 2030+: Towards a Planning Vision and Strategy Transcending 2030

4.1.4 The *Hong Kong 2030+: Towards a Planning Vision and Strategy Transcending 2030 (HK2030+)* was published in October 2017 with the major vision to formulate a broad planning framework to guide the future development of Hong Kong "to become a liveable, competitive and sustainable city, championing sustainable development as the overarching planning goal". The *HK2030+* emphasizes to achieve sustainability with adopting "proactive" active in conservation implementation. Thus, the Proposed Development is in line



with the HK2030+ that it aims to proactively make use of idle land for rehabilitation and cultivation, thereby enhancing the existing ecological value and biodiversity of the Application Site.

Chief Executive's 2016, 2022 and 2024 Policy Address

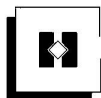
- 4.1.5 In the Chief Executive's 2022 Policy Address, a New Proactive Conservation Policy was proposed to gradually restore private wetlands and fish ponds of ecological importance while establishing a Wetland Conservation Parks System. This initiative aims to enhance the environmental capacity for development in Hong Kong, particularly in the Northern Metropolis (NM). It was further mentioned in the further 2024 Policy Address that the Environment and Ecology Bureau (EEB) would continue to advance the Blueprint for the Sustainable Development of Agriculture and Fisheries by increasing the local mariculture production by 100% by 2027 compared to 2022. Measures will include incorporating urban farming strategy in the New Development Areas (NDAs) to support the sustainable development of the Agriculture and Fisheries Industries in Hong Kong.
- 4.1.6 At territorial level, Hong Kong is grappling with significant challenges related to food security and sustainable agriculture. It was advocated in the 2016 Policy Address that a New Agriculture Policy will promote the modernisation and sustainable development of local agriculture. Key initiatives under this policy include identifying and designating "Agricultural Priority Areas" and setting up a Sustainable Agricultural Development Fund. At district level, there is a flourishing consciousness in optimising blue and green resources for recreation, tourism and conservation development.

Northern Metropolis Development Strategy

- 4.1.7 The Northern Metropolis Development Strategy (NMDS) published in October 2021, has recommended that the abundant cultural and natural resources in the northern New Territories, comprising urban areas, rural townships, villages, fish ponds and agricultural land, etc., should be suitably utilised, revitalised and conserved in such a way as to create the NM with unique metropolitan landscape that embodies "Urban-Rural Integration and Co-existence of Development and Conservation". At local level, the Application Site is predominantly overgrown without proper maintenance together with the degraded pond. Proactive conservation measures such as rehabilitation and restoration of fishpond to improve hydrological regime to maintain the freshwater wetland habitats of Nam Sang Wai shall be adopted in line with both national and territorial policies.

Northern Metropolis Action Agenda

- 4.1.8 The Northern Metropolis Action Agenda (NMAA) promulgated in October 2023, has recommended the development theme of 'Blue and Green Recreation, Tourism and Conservation Circle' for recreation and tourism



development. The NMAA sets out targets including but not limited to ecological conservation and urban-rural integration through proactive conservation and restoration to increase environmental capacity in the NM. Hence, some lands are reserved to promote the development of modernised aquaculture as well as scientific research on aquaculture, to help with the upgrading and transformation of the fisheries industry.

- 4.1.9 In view of the aforementioned planning context, it is timely to review the land uses and untapped potential of the Application Site for rehabilitation, cultivation and other agricultural purposes. Its proximity to Nam Sang Wai and Deep Bay, where areas of significant natural and cultural heritage, will also create synergy on enhancing the existing ecological value and biodiversity. This planning statement is therefore submitted to seek support from the concerned stakeholders for agricultural initiatives that align with the planning vision of the NM and to optimise the sacred private land resources for agriculture and wetland conservation.

4.2 Town Planning Board Planning Guidelines

- 4.2.1 The Application Site falls within the Wetland Buffer Area (WBA) as designated under the TPB PG-No. 12C for “Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance” which is within the 500m of the landward boundary of the Wetland Conservation Area (WCA) (**Diagram 7**). In particular, the intention of this area is to protect the ecological integrity of the fish ponds and wetland within the WCA and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds. Development/redevelopment which may have negative impacts on the ecological value of the WCA would not be supported by the Board.

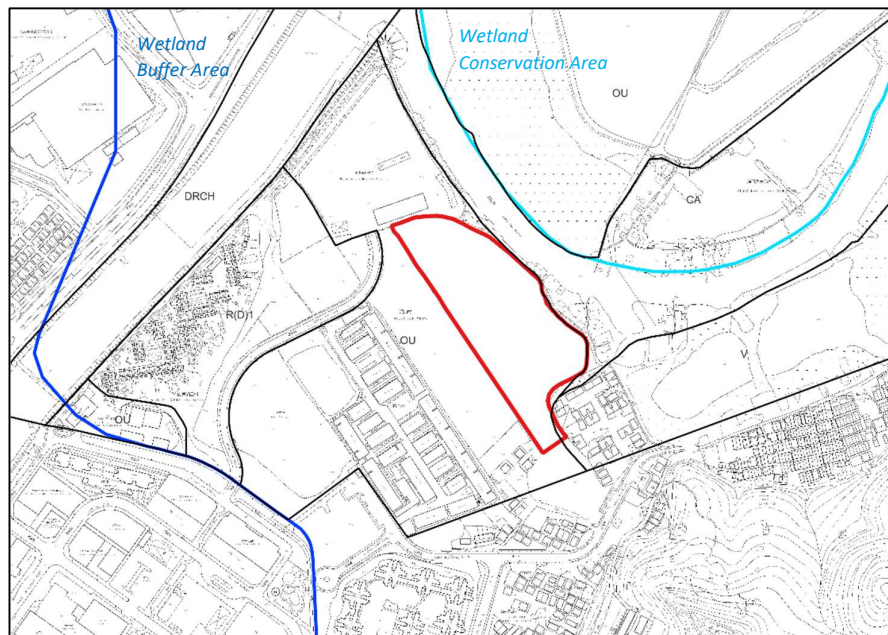
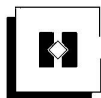


Diagram 7 Boundary of Wetland Buffer Area

(Source: Town Planning Board and CSDI Portal, HKSAR Government)

- 4.2.2 According to the TPB PG-No. 12C for “Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance”, for development or redevelopment within the WBA, which requires planning permission from the Board, an ecological impact assessment (EcoIA) would be required to demonstrate that the negative impacts could be mitigated through positive measures unless the use/development are exempted from the requirement of EcoIA, for instance ‘Agricultural Use (except in the “Site of Special Scientific Interest” (“SSSI”) Zone)’. Also, as considered by the AFCD, EcoIA could be exempted for ‘Agricultural Use (except in SSSI Zone)’ for this s.16 planning application.
- 4.2.3 To facilitate the realisation of the planning intention of protecting the ecological integrity of the agricultural landscape within the sensitive WBA and complying with its “no-net-loss in wetland” principle, the Proposed Development is in line with the guideline’s intention to protect the ecological value and functions of the existing fish ponds and wetlands through the rehabilitation of agricultural area and fish ponds. It is noted that the Application Site is currently covered with vegetation without sensitive ecological resources and have been abandoned for years, no fish farming activities have been found within the Application Site.
- 4.2.4 The proposed planting area to be located along the east and southeast edges of the Application Site Boundary not only echoes the TPB PG-No.12C aforementioned, but also pays full regard to the planning intention of the “OU(CDWRA)” zone, which is “intended to provide incentive for the restoration



*of degraded wetlands adjoining existing fish ponds through comprehensive residential and/or development to include wetland restoration area". Referring to **Section 3.5**, the existing pond to the north of the Application Site will be preserved in situ. The proposed planting area will be developed concurrently with nearby adjoining developments and residential housings sites. It is believed that the proposed planting area could enhance the overall ecological value of the Application Site.*

4.3 Statutory Planning Context

- 4.3.1 The Site falls within areas zoned as "OU(CDWRA)" (of about 21,795 sq.m.) and "V" (of about 124 sq.m.) on the Draft Nam Sang Wai OZP No. S/YL-NSW/11 (**Figure 4**). The planning intention of the "OU(CDWRA)" zone is *"intended to provide incentive for the restoration of degraded wetlands adjoining existing fish ponds through comprehensive residential and /or recreational development to include wetland restoration area"*; while the planning intention of the "V" zone is *"intended to designate both existing recognized villages and areas of land considered suitable for village expansion" and "intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services"*. Any filling of land/pond or excavation of land on both "OU(CDWRA)" and "V" zones require permission from the Board.
- 4.3.2 As further explained in the Explanatory Statement (ES) of the Draft OZP, certain uses or developments within the "OU(CDWRA)" zone, which are small-scale and have insignificant environmental impacts, may be permitted as interim development on an individual basis on application to the Board in order to provide flexibility in the planning application system.
- 4.3.3 According to Definitions of Terms/Broad Use Terms Used in Statutory Plans as published by the Board, 'Agricultural Use' is referring to *"any land used for the growing of crops and plants, and rearing of animals and fish for the purpose of providing food and other products including horticulture, aquaculture, fruit growing, seed growing, market gardens, nursery grounds, dairy farming, the breeding and keeping of poultry and livestock, grazing land, meadow land, fish ponds and paddy fields"*.
- 4.3.4 As stated in the Notes of the Draft OZP, 'Agricultural Use' falls into Column 1 that is always permitted by the Board, and hence no planning applications is required for the proposed agricultural use. Nevertheless, filling of pond is required for area zoned as "OU(CDWRA)" and "V" in the Draft OZP.



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OTHER SPECIFIED USES (Cont'd)

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
<u>For "Comprehensive Development to include Wetland Restoration Area" and "Comprehensive Development to include Wetland Restoration Area (1)" only</u>	
Agricultural Use	Eating Place #
Barbecue Spot	Flat
Field Study/Education/Visitor Centre	Golf Course
Nature Trail	Government Refuse Collection Point #
On-Farm Domestic Structure	Government Use (not elsewhere specified) #
Picnic Area	Holiday Camp
Religious Institution (Ancestral Hall only)	Hotel
Rural Committee/Village Office	House (other than rebuilding of New Territories Exempted House or replacement of existing domestic building by New Territories Exempted House permitted under the covering Notes) #
	Nature Reserve
	Place of Recreation, Sports or Culture
	Private Club
	Public Clinic #
	Public Convenience #
	Public Transport Terminus or Station
	Public Utility Installation #
	Religious Institution (not elsewhere specified)
	Residential Institution
	School #
	Shop and Services #
	Social Welfare Facility #
	Tent Camping Ground #
	Theme Park
	Utility Installation for Private Project
	Wetland Habitat
	Zoo

Planning Intention

This zone is intended to provide incentive for the restoration of degraded wetlands adjoining existing fish ponds through comprehensive residential and/or recreational development to include wetland restoration area. It is also intended to phase out existing sporadic open storage and port back-up uses on degraded wetlands. Any new building should be located farthest away from Deep Bay.

(Please see next page)



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OTHER SPECIFIED USES (Cont'd)

For "Comprehensive Development to include Wetland Restoration Area" and
"Comprehensive Development to include Wetland Restoration Area (1)" only (Cont'd)

Remarks

- (a) Application for permission of use or development, except as otherwise specified in paragraph (c) below, shall be in the form of a comprehensive development scheme to include wetland restoration proposal. An applicant shall prepare a layout plan and other documents showing the following information for consideration of the Town Planning Board:
- (i) the proposed land uses, development parameters, the nature, position and heights of all buildings to be erected in the area;
 - (ii) a wetland restoration and/or creation scheme, including its detailed design, wetland buffer proposals, a long-term maintenance and management plan, and monitoring and implementation mechanism;
 - (iii) an environmental impact study report, including but not limiting to an ecological impact assessment and a visual impact assessment, to examine any possible environmental, ecological and visual problems that may be caused to or by the proposed development or redevelopment during construction and after completion and the proposed mitigation measures to tackle them;
 - (iv) landscape proposals;
 - (v) a traffic impact study report to examine any possible traffic problems that may be caused by the proposed development or redevelopment and the proposed measures to tackle them;
 - (vi) a drainage and sewerage impact study report to examine any possible flooding, drainage, sewerage and associated problems that may be caused to or by the proposed development or redevelopment and the proposed mitigation measures to tackle them;
 - (vii) programming, phasing and implementation schedule of each component of the proposed development or redevelopment (including the wetland restoration and/or creation scheme); and
 - (viii) such other information as may be required by the Town Planning Board.
- (b) Any application for permission of use or development on the "Other Specified Uses" annotated "Comprehensive Development to include Wetland Restoration Area" ("OU(CDWRA)") zone to the north of Shan Pui Road, except as otherwise specified in paragraph (c) below, should be in the form of a layout plan covering the whole zone.

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OTHER SPECIFIED USES (Cont'd)

For “Comprehensive Development to include Wetland Restoration Area” and
“Comprehensive Development to include Wetland Restoration Area (1)” only (Cont'd)

Remarks (Cont'd)

- (c) For application for uses annotated with #, if developed individually and not forming part of a comprehensive development scheme, the requirement of the provision of wetland restoration proposal and the submission of layout plan as required under paragraph (a) above may be exempted.
- (d) On land designated “OU(CDWRA)”, no new development, or addition, alteration and/or modification to or redevelopment of an existing building (except development or redevelopment to a ‘New Territories Exempted House’) shall result in a total development and/or redevelopment in excess of a maximum plot ratio of 0.4 and a maximum building height of 6 storeys including car park, or the plot ratio and height of the building which was in existence on the date of the first publication in the Gazette of the notice of the interim development permission area plan, whichever is the greater.
- (e) On land designated “OU(CDWRA)(1)”, no new development, or addition, alteration, and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of a maximum plot ratio of 1.55 and a maximum building height in terms of metres above Principal Datum as stipulated on the Plan, or the plot ratio and height of the existing building, whichever is the greater.
- (f) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the plot ratio/building height restrictions as stated in paragraphs (d) and (e) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.
- (g) In determining the maximum plot ratio for the purposes of paragraphs (d) and (e) above, any floor space that is constructed or intended for use solely as car park, loading/unloading bay, plant room and caretaker’s office, or caretaker’s quarters and recreational facilities for the use and benefit of all the owners or occupiers of the domestic building or domestic part of the building, provided such uses and facilities are ancillary and directly related to the development or redevelopment, may be disregarded.
- (h) 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 above or the uses or development always permitted under the covering Notes (except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works), shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the interim development permission area plan without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance.

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<u>VILLAGE TYPE DEVELOPMENT</u>		
Column 1	Column 2	
Uses always permitted	Uses that may be permitted with or without conditions on application to the Town Planning Board	
Agricultural Use	Burial Ground	
Government Refuse Collection Point	Eating Place	
Government Use (Police Reporting Centre, Post Office only)	Field Study/Education/Visitor Centre	
House (New Territories Exempted House only)	Flat	
On-Farm Domestic Structure	Government Use (not elsewhere specified) #	
Public Convenience	Hotel (Holiday House only)	
Religious Institution	House (not elsewhere specified)	
(Ancestral Hall only)	Institutional Use (not elsewhere specified) #	
Rural Committee/Village Office	Petrol Filling Station	
	Place of Recreation, Sports or Culture	
	Private Club	
	Public Clinic	
	Public Transport Terminus or Station	
	Public Utility Installation #	
	Public Vehicle Park	
	(excluding container vehicle)	
	Religious Institution	
	(not elsewhere specified) #	
	Residential Institution #	
	School #	
	Shop and Services	
	Social Welfare Facility #	
	Utility Installation for Private Project	
In addition, the following uses are always permitted on the ground floor of a New Territories Exempted House:		
Eating Place		
Library		
School		
Shop and Services		
(Please see next page)		



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VILLAGE TYPE DEVELOPMENT (Cont'd)

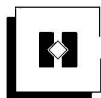
Planning Intention

The planning intention of this zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Town Planning Board.

Remarks

- (a) No new development, or addition, alteration and/or modification to or redevelopment of an existing building (except development or redevelopment to those annotated with #) shall result in a total development and/or redevelopment in excess of a maximum building height of 3 storeys (8.23m) or the height of the building which was in existence on the date of the first publication in the Gazette of the notice of the interim development permission area plan, whichever is the greater.
- (b) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the building height restriction as stated in paragraph (a) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.
- (c) 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 above or the uses or developments always permitted under the covering Notes (except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works), shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the interim development permission area plan without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance.

(Source: Town Planning Board, HKSAR Government)



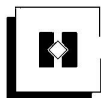
4.4 Planning History

- 4.4.1 There are three applications Nos. A/YL-NSW/72, 137 and 141 which cover the Application Site, were rejected/not agreed by the Board in March 2000, November 2003 and February 2004 respectively, details of these three planning applications are summarized in **Table 2** below. These applications are not relevant to the Proposed Development.

Application No.	Applied Use	Decision Date	Decision
A/YL-NSW/72	Proposed Pond Filling and Pre-development Site Formation	03/03/2000	Rejected/ Not agreed
A/YL-NSW/137	Temporary Open Storage of Cement, Bricks, Sand and Gravel for a Period of 3 Years	21/11/2003	Rejected/ Not agreed
A/YL-NSW/141	Pond Filling and Temporary Open Storage of Sand and Gravel for a Period of 3 Years	27/02/2004	Rejected/ Not agreed

Table 2 Previous Planning Applications within the Subject Site
(Source: Town Planning Board, HKSAR Government)

- 4.4.2 The planning context has been changed dramatically. Those previous planning applications in early 2000s are insignificant to the current application. Afterwards, the Site was eventually rezoned as “OU(CDWRA)” since 2005, and no comprehensive plan covering the entire Application Site has been submitted and/or approved by the Board.



5 PLANNING MERITS AND JUSTIFICATIONS

5.1 Echoes with Existing National and Territorial Policy Context

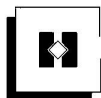
- 5.1.1 This s.16 planning application for permitted agricultural use aims to make effective use of idle land for rehabilitation and cultivation, thereby enhancing the existing ecological value and biodiversity of the Application Site. As discussed in **Section 4** above, the Proposed Development is in line with various national and territorial policies including the *National 14th Five-Year Plan (2021-2025)*, *14th Five-Year National Agricultural Green Development Plan, HK2030+*, various Policy Addresses, NMDS and NMAA.

5.2 Satisfy with “No-Net-Loss in Wetland” Principle

- 5.2.1 The Application Site is within the WBA. Development within the WBA causing negative impacts on the ecological value of the WBA should be avoided unless appropriate mitigation measures are implemented. The Deep Bay Area, which the Application Site is located in, is recognised as a wetland of international importance. Over the recent years, there has been a rise in planning statements within the Deep Bay Area, some of which involve the filling of fish ponds or activities that may have a detrimental impact on the wetland ecosystem.
- 5.2.2 Noting that the “no-net-loss in wetland” can refer to both loss in “area” and “function”. No development involving pond filling or other works detrimental to the ecological function of the wetland are allowed within the Application Site, especially the existing fish pond in Nam Sang Wai and the Kam Tin Meander. Thus, all essential works conducted within the Application Site would not result in the loss of ecological function of the original ponds, that is in line with the intention of the WBA is to protect the ecological integrity of the fish ponds and wetland within the WCA and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds.
- 5.2.3 It is important to clarify that our intention is not to harm the wetland or impose any adverse environmental effects, whilst no pond filling activity is proposed within the Application Site. In this regard, the Proposed Development will comply with the “no-net-loss in wetland” principle.

5.3 Conform to Town Planning Board Planning Guideline

- 5.3.1 According to the TPB PG-No. 12C for “Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance”, development proposals in WCA and WBA in the Deep Bay area should observe the “precautionary approach” and comply with the “no-net-loss in wetland” principle to ensure there will be no decline in wetland or ecological functions and no net increase in pollution load to the Deep Bay due to the development proposal. The land use planning control is exercised through the designation of WCA for all existing continuous and adjoining



active/abandoned fish pond, and the designation of WBA to protect the ecological integrity of the WCA.

5.3.2 The Application Site falls within the WBA. Referring to **Section 3**, the Proposed Development with rehabilitation of agricultural land and pond fish culture will not affect the existing ecological functions of the wetland and fish ponds in Nam Sang Wai and Kam Tin River Meander, and hence the ecological integrity of the Deep Bay Area wetland ecosystem as a whole.

5.3.3 It is observed that some local and minor uses are exempted from the requirement of the EcoIA, the Proposed Development is one of the uses being exempted from the requirement of EcoIA under Appendix A of the TPB PG-No. 12C. The exemption of EcoIA for this s.16 planning application has also been considered by the AFCD. The permitted agricultural use is in line with the relevant Town Planning Board Planning Guideline.

5.4 Promotion of Sustainable Rehabilitation and Fisheries

5.4.1 The Proposed Development involves rehabilitation of agricultural land and pond fish culture for freshwater fish. Compared to the “without project” scenario, where degraded lands and underutilized fishponds contribute to environmental decline and reduced productivity, this initiative will significantly enhance the aquaculture environment and the quality of fisheries resources. The Proposed Development helps to promote sustainable development in the fisheries industry, to enhance the environmental capacity, as well as to support the sustainable development of the Agriculture and Fisheries Industries in Hong Kong.

5.5 In Line with the Long-term Planning Intention of “OU(CDWRA)” and “V” zones

5.5.1 The Proposed Development with rehabilitation of agricultural land and pond fish culture is in line with the long-term planning intentions of the “OU(CDWRA)” and “V” zones as ‘Agriculture Use’ is considered as permitted use and development. As mentioned in **Section 2.1**, the Application Site is currently fenced off, largely paved with vegetations covering a major portion of the site and a pond is situated in the northwest. This Proposed Development will therefore maximize the utilization of land resources. In parallel, mitigation measures as suggested in **Section 3** will be adopted during construction stage to avoid, minimise, mitigate and compensate for potential environmental impacts have been proposed to ensure that the Proposed Development do not harm the wetland or impose adverse environmental effects, and ensure minimal impact on the surrounding environment.

5.6 Development Not Incompatible with Surrounding Development

5.6.1 The Proposed Development is visually compatible with the surrounding environment, which is mainly composed of rural village landscape. In view of the surrounding environment, the Application Site is in rural village

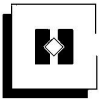


context intermixed with temporary uses. While the planning intention of “OU(CDWRA)” zone is primarily for the restoration of degraded wetlands adjoining existing fish ponds through comprehensive residential and /or recreational development to include wetland restoration area; while the planning intention of the “V” zone is intended to designate both existing recognized villages and areas of land considered suitable for village expansion and to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. The Proposed Development will not occur any change to the rural village landscape and wetland characters, and has proven to be compatible with the surrounding land use.

- 5.6.2 The Application Site is currently fenced off, largely paved with vegetations covering a major portion of the site and a pond is situated in the northwest. The Application Site has very low agricultural value at present and the Proposed Development would induce no significant landscape impact.
- 5.6.3 It is proposed that the Application Site will be fenced off with metal fence of about 2.5m in height to prevent direct visual contact from outside. This design ensures compatibility with the surrounding land uses. Provision of planting buffer area with 38 nos. of new tree plantations are proposed to be planted along the east and southeast edges of the Application Site to enhance existing greenery. As a result, the Proposed Development is expected to have no or minimal adverse visual impacts on the surrounding land uses and the overall neighbourhood.

5.7 No Adverse Infrastructural nor Environmental Impacts

- 5.7.1 For the transportation arrangement mentioned in **Section 3.7**, while there is an existing local track road connecting to the Application Site, to minimise any potential impact, no parking spaces will be provided in the Application Site. During operation stage, cultivators are expected to access the Application Site by public transportation (i.e. franchised bus, GMB services and taxis) or private car(s), and then via the existing local track road. Or else, they are expected to park their vehicles in surrounding carparks, and hence travel to and from the Application Site on foot from Shan Pui Road via a local track road. As such, adverse traffic impact is not anticipated from the Proposed Development.
- 5.7.2 The Site falls within the area of WBA is in line with the planning intention for restoration of degraded wetlands adjoining the existing fish ponds. The Application Site will retain its original agriculture use and will adhere to the relevant mitigation measures and requirements outlined in the latest “*Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites*” issued by the Environmental Protection Department (EPD) to minimise any potential environmental impact. The Proposed Development would have irreversible adverse ecological impact to the surrounding area and undermine the integrity of the wetland ecosystem.



- 5.7.3 According to the drainage proposal summarized in **Section 3.4**, the Application Site is not served by any drainage system to direct surface runoff. Part of the runoff overflows directly into the Kam Tin River. The proposed drainage system with U-channels will collect the catchments within the Application Site and further discharge to the Kam Tin River. The proposed drainage system has been designed to be sufficient in handling the stormwater surface runoff within the Application Site. As such, no significant adverse drainage impact is expected.
- 5.7.4 Mitigation measures as suggested in **Section 3** will be adopted during construction stage to ensure no adverse infrastructural nor environmental impacts on the surrounding environment.

6 CONCLUSION

- 6.1.1 In view of the above, we respectfully request the Board Members to give favourable consideration on this planning application.