

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-LFS/579

- Applicants** : Mr. Tang Sing Young and Mr. Wong Kwok Kei represented by Mr. Wong Sun Wo William
- Site** : Lots 1442, 1445 S.A, 1445 S.B, 1445 S.C, 1445 RP and 1446 in D.D. 129, Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 1,369m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan (OZP) No. S/YL-LFS/11
- Zoning** : “Village Type Development” (“V”)
[Restricted to a maximum building height of 3 storeys (8.23m)]
- Application** : Proposed Filling of Pond and Filling of Land for Two Permitted Houses (New Territories Exempted Houses (NTEH) - Small Houses)

1. The Proposal

- 1.1 The applicants seek planning permission for proposed filling of pond and filling of land for two permitted houses (NTEH - Small Houses) at the application site (the Site) zoned “V” on the OZP (**Plan A-1a**). According to the Notes for the “V” zone of the OZP, while ‘House (NTEH only)’ development is always permitted, filling of pond and filling of land require planning permission from the Town Planning Board (the Board). The Site also falls within the Wetland Buffer Area (WBA) according to the Town Planning Board Guidelines No. 12C for ‘Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 12C). Majority of the Site forms part of a larger pond overgrown with vegetation (hereafter ‘pond portion’), whilst the southernmost portion is land covered with vegetation (hereafter ‘land portion’) (**Plan A-3 and Drawing A-4**).
- 1.2 As shown on the proposed pond and land filling plan at **Drawing A-4**, the pond portion (1,242m² or about 91%) would be filled with soil of about 1m to 1.5m in depth, whilst the land portion (about 127m² or 9%) would be filled with soil of about 0.5m to 1m in depth. As a result of the proposed pond and land filling works, the formation level of the Site would be raised to not more than +4.3mPD (both the pond and land portions).
- 1.3 As shown at **Drawing A-2**, the proposed pond and land filling is to facilitate the erection of two NTEHs at the northern portion of the Site. Drainage facilities would

be provided at the Site upon completion of the proposed pond and land filling works (**Drawing A-5**). No ecological impact assessment (EcoIA) or drainage impact assessment (DIA) is submitted in support of the proposed filling of pond and land.

- 1.4 As indicated in the submission, the construction vehicles would access the Site from the south via a local track branching off Tin Yuet Road¹ (**Plan A-2 and Drawing A-3**). There would be about 14 dump trucks trips generated per day (except Sundays and public holidays) during the one-month construction period.
- 1.5 The Site was involved in three previous applications (No. A/YL-LFS/463, 491 and 496) for the same proposed development, which were rejected by the Rural and New Town Planning Committee (the Committee) of the Board in 2023 (details at paragraph 6 below). Compared to the latest previous application No. A/YL-LFS/496, the current application is submitted by one of the applicants with a larger site area, lower proposed site formation level and for one additional Small House. A comparison of the major planning parameters is provided below.

	Previous Application No. A/YL-LFS/496 (a)	Current Application No. A/YL-LFS/579 (b)	Difference (b) - (a)
Site Area	about 807m ²	about 1,369m ²	+562m ² (+69.64%)
Applied Development	Proposed Filling of Pond and Filling of Land for Permitted House(s) (NTEH - Small House(s))		No change
Depth of Pond Filling	1m to 2m	1m to 1.5m	Minimum -0.5m (-25%)
Depth of Land Filling	0.5m to 1m	0.5m to 1m	No change
Proposed Site Formation Level	+4mPD	+4.3mPD	+0.3m (+7.5%)
Fill Materials	Soil with concrete on the top	Soil	No concrete
No. of NTEH to be Erected	1	2	+1 (+100%)

- 1.6 In support of the application, the applicants have submitted the following documents:

- (a) Application Form received on 28.10.2025 (**Appendix I**)
(b) Supplementary Information (SI) received on 6.11.2025 (**Appendix Ia**)
(c) Further Information (FI) received 5.12.2025* (**Appendix Ib**)
* accepted and exempted from publication and recounting requirements

2. Justifications from the Applicants

The justifications put forth by the applicants in support of the application are detailed in the Application Form, the SI and the FI at **Appendices I, Ia and Ib**. They can be summarised as follows:

¹ Part of the proposed construction vehicular access is located within the “Conservation Area” zone and the WCA without valid planning permission, which may constitute unauthorized development subject to planning enforcement action.

- (a) to minimise the negative off-site disturbance impact on migratory birds, construction works would be suspended from December to February, i.e. the high seasons of migratory birds coming to Hong Kong;
- (b) no construction waste but soil from excavated land and slopes would be used for the proposed pond and land filling works;
- (c) should the application be approved, professional surveyors would be appointed to confirm the lot boundaries to the satisfaction of the Lands Department (LandsD) or the Board before commencement of the proposed pond and land filling works; and
- (d) should the application be approved, professionals would be appointed to submit an EcoIA to the satisfaction of the Agriculture, Fisheries and Conservation Department (AFCD) or the Board before commencement of the proposed pond and land filling works.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicants are two of the “current land owners” of the Site. In respect of the other “current land owner”, the applicants have complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by obtaining consent from the registered land owner. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

According to TPB PG-No. 12C, the Site falls within the WBA. The relevant assessment criteria are detailed at **Appendix II** and summarised as follows:

- (a) in considering development proposals in the Deep Bay Area, the Board adopts the principle of “no-net-loss in wetland” which provides for the conservation of continuous and adjoining fishponds. The “no-net-loss” can refer to both loss in “area” and “function”. No decline in wetland or ecological functions served by the existing fish ponds should occur. As the fish ponds form an integral part of the Deep Bay Area wetland ecosystem, alternative uses could be considered suitable only if it could be demonstrated that they would not result in the loss of ecological function of the original ponds and if they complement the ecological functions of the wetlands and fishponds in and/or around the Deep Bay Area;
- (b) the intention of the WBA is to protect the ecological integrity of the fish ponds and wetland within the Wetland Conservation Area (WCA) and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds; and
- (c) within the WBA, for development or redevelopment which requires planning permission from the Board, an EcoIA would also need to be submitted. Development/redevelopment which may have negative impacts on the ecological value of the WCA would not be supported by the Board, unless the EcoIA can demonstrate that the negative impacts could be mitigated through positive measures.

The assessment study should also demonstrate that the development will not cause net increase in pollution load to Deep Bay. Some local and minor uses are however exempted from the requirement of EcoIA.

5. **Background**

The Site is not subject to any active planning enforcement action.

6. **Previous Applications**

- 6.1 The Site was involved in three previous applications (No. A/YL-LFS/463, 491 and 496), all of which were rejected by the Committee in 2023. Details of these previous applications are summarised in **Appendix III** and their locations are shown on **Plan A-1b**.
- 6.2 Applications No. A/YL-LFS/463, 491 and 496 all for proposed filling of pond and filling of land for permitted house(s) (NTEH - Small House(s)) were rejected by the Committee on 5.5.2023, 27.10.2023 and 8.12.2023 respectively, mainly on grounds of being not in line with TPB PG-No. 12C (viz. no EcoIA submitted to demonstrate no “net-loss in wetland” and negative off-site indirect impact on the ecological value of WCA); and failure to demonstrate no adverse drainage impact.

7. **Similar Applications**

- 7.1 Within/straddling the same “V” zone, there were 12 similar applications for filling of pond/land for permitted NTEH development and/or agricultural use. Eight of them were approved whilst four were rejected by the Committee/the Board on review. Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1a**.

Applications involving filling of pond

Approved applications

- 7.2 Applications No. A/YL-LFS/58 and 72 for proposed filling of pond for permitted NTEH and/or agricultural use were approved with conditions by the Committee in 2000 and 2001 respectively mainly on consideration that concerned government departments generally had no adverse comment on the application and/or the technical concerns could be addressed by approval condition.
- 7.3 Application No. A/YL-LFS/216 for proposed filling of pond for permitted NTEH was approved with conditions by the Board on review in 2013 on considerations that the revised ecological appraisal had demonstrated no significant adverse ecological impact on the WCA; the drainage proposal was considered acceptable; and technical concerns on ecological, drainage and landscape aspects could be addressed by implementation of approval conditions.

Rejected applications

- 7.4 Application No. A/YL-LFS/447 for proposed filling of pond for permitted agricultural use was rejected by the Board upon review on 1.6.2023 mainly on grounds of being not in line with TPB PG-No. 12C (viz. no EcoIA submitted; resulting in loss in wetland; and potential adverse impact to the wetland habitats in the vicinity); deficiency of the submitted DIA in demonstrating no adverse drainage impact; and failure to demonstrate no adverse landscape impact.

Applications involving filling/excavation of land only

Approved applications

- 7.5 Applications No. A/YL-LFS/270 and 271 for proposed filling of land for permitted agricultural use were approved by the Committee in 2015 mainly on considerations that the proposed land filling to facilitate always-permitted agricultural use is not incompatible with the planning intention; concerned government departments have no objection/no adverse comment; and the technical concerns could be addressed by approval conditions. In particular, the Director of Agriculture, Fisheries and Conservation (DAFC) noted that the sites and their vicinity were involved in unauthorized land filling works subject to planning enforcement actions, and considered that the sites were fragmented from the fish ponds/wetland in the WCA by the said unauthorized works and therefore had limited ecological value at that time.
- 7.6 Application No. A/YL-LFS/371 for proposed filling and excavation of land for permitted NTEH at the north of the “V” zone was approved with conditions by the Committee in 2020 mainly on considerations of being not in contravention with TPB PG-No. 12C; the concerned government departments generally had no adverse comment; and the technical concerns could be addressed by implementation of approval conditions.
- 7.7 Applications No. A/YL-LFS/387 and 413 for proposed NTEH and filling and excavation of land straddling the “V” and “Green Belt” zones were approved with conditions by the Committee in 2021 mainly on considerations of being generally in line with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories and TPB PG-No. 10 on ‘Application for Development within the Green Belt Zone’; concerned government departments generally have no objection to/adverse comment on the application; and the technical concerns could be addressed by implementation of approval conditions.

Rejected Applications

- 7.8 Applications No. A/YL-LFS/472 (at the same site as application No. A/YL-LFS/271), 488 and 489 (both at the same site as application No. A/YL-LFS/270) for proposed filling of land for permitted agricultural use were rejected by the Committee on 14.7.2023 and 13.10.2023 respectively mainly on grounds of being not in line with TPB PG-No. 12C (viz. no EcoIA to demonstrate no negative off-site disturbance impact on the ecological value of the WCA); failure to demonstrate the need for the proposed filling of land; and failure to demonstrate no adverse landscape impact on the surrounding areas. In particular, as compared with the approved previous applications (No. A/YL-LFS/270 and 271), there has been a change in

planning and ecological circumstances, i.e. dense vegetation has grown between the sites and the ponds/wetland in the WCA with the reinstatement of the previous unauthorized land filling works.

8. The Site and its Surrounding Areas (Plans A-1 to A-4b)

8.1 The Site:

- (a) mainly forms part of a larger pond overgrown with vegetation, whilst the southernmost portion is land covered with vegetation; and
- (b) is inaccessible² as the immediate vicinity of the Site is overgrown with vegetation.

8.2 The surrounding areas are predominated by ponds, fallow agricultural land and unused land. The village house clusters of Mong Tseng Tsuen and Mong Tseng Wai are located to the further north, where other uses such as storage and parking of vehicles are found.

8.3 To the immediate south is a stream; to the further south are ponds falling within the “CA” zone and the WCA.

9. Planning Intention

9.1 The planning intention of the “V” zone is to designate both existing recognised 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.

9.2 As filling of land/pond and excavation of land may cause adverse drainage impacts on the adjacent areas and adverse impacts on the environment, permission from the Board is required for such activities.

10. Comments from Relevant Government Bureau/Departments

10.1 The following government departments have been consulted and their views on the application are summarised as follows:

Land Administration

10.1.1 Comments of the District Lands Officer/Yuen Long, LandsD (DLO/YL, LandsD):

- (a) The Site comprises six Old Schedule agricultural lots held under the

² The applicants propose that the construction vehicles would access the Site from the south (**Drawing A-3**). However, there is a stream to the immediate south of the Site which is not included in the Site boundary (**Plan A-2**).

Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.

- (b) The Site falls within the “V” zone encircling Mong Tseng Wai and Mong Tseng Tsuen, which are recognized villages (RVs). Consideration may be given to the Small House applications for sites within the “V” zone which encircles the RV.
- (c) The applicants should note his advisory comments in **Appendix IV**.

Nature Conservation and Fisheries

10.1.2 Comments of Director of Agriculture, Fisheries and Conservation (DAFC):

Nature Conservation

- (a) The Site is a piece of wetland overgrown with wetland plant that falls within the WBA and is located to the immediate north of the WCA. Besides, the proposed vehicular access to the immediate south of the Site may cut across a stream to the south of the site. However, no EcoIA has been submitted to demonstrate that the proposed development and the associated works would not lead to wetland loss and would not cause negative impacts on the ecological value of the WCA. As such, he does not support the application.

Fisheries

- (b) A fishpond was previously identified at the Site. As the proposed houses are permanent in nature, the Site cannot be suitably reinstated for potential pond fish culture. Furthermore, sewage generated from the development may adversely impact the existing fishponds in the vicinity. In this connection, he has reservation on this planning application from fisheries perspective.

Environment

10.1.3 Comments of the Director of Environmental Protection (DEP):

- (a) He has no objection to the proposed filling of pond and filling of land.
- (b) The Site is located in close vicinity to the “CA” zone and the applicants should follow the sewage collection and disposal requirements under the Hong Kong Planning Standards and Guidelines. Any construction works and operation of vehicular access road within the “CA” zone may constitute a Designated Project under Item Q.1, Part I of Schedule 2 of the Environmental Impact Assessment Ordinance (EIAO), and hence Environmental Permit would be required for its construction and operation.
- (c) There is no substantiated environmental complaint pertaining to the Site in the past three years.

- (d) The applicants should also note his advisory comments in **Appendix IV**.

Landscaping

10.1.4 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) According to aerial photo taken in 2024, the Site was situated in area of rural landscape characterised by village houses, ponds, marshland and woodland. Based on the site photos taken on 10.11.2025, the Site was covered with vegetation. No existing tree within the Site was observed.
- (b) With reference to the “布局圖” and “申請填土及填塘範圍圖”, it is noted that filling of pond and land is proposed for the entire Site for the erection of two NTEHs. Significant landscape impact on the landscape resource (existing pond) arising from the proposed filling of pond and land is envisaged. Therefore, the proposal is considered not compatible with the WBA on the east, north and west and the adjacent “CA” zone on the south.

Drainage

10.1.5 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) It is noted that most of the Site falls within an existing pond which functions as a retention area for collecting surface runoff from the vicinity during rainfall. The applicants are required to submit a DIA report to demonstrate whether there would be any significant drainage impact to existing natural streams, drainage system, village drains, ditches, the adjacent area due to any proposed pond filling work under the subject application. The applicants should refer to DSD Advice Note No. 1 and should employ a qualified engineer (Registered Professional Engineer in the Civil Engineering discipline) to complete the drainage submission as requested. The completed drainage submission should be signed and certified by the qualified engineer in charge before it is submitted to DSD for comment.
- (b) He has no objection in principle to the application from drainage point of view if the applicants can submit a satisfactory DIA report. No pond/ land filling works should be carried out prior to the acceptance of the DIA report. Should the Board consider that the application is acceptable from the planning point of view, he would suggest that a condition should be stipulated in the approval letter requiring the applicants to submit a DIA report for the proposed works, to implement and maintain the drainage facilities proposed in the DIA report for the proposed development to the satisfaction of his department. The applicants are required to demonstrate in the DIA report that the proposed works will not obstruct the overland flow nor cause any adverse drainage impact to the adjacent areas. The

applicants shall be liable for any adverse drainage impact due to the proposed development.

District Officer's Comments

10.1.6 Comments of the District Officer/Yuen Long, Home Affairs Department (DO/YL, HAD):

He has consulted the locals regarding the application. Seven local comments from the Indigenous Inhabitant Representative of Mong Tseng Wai and villagers of Mong Tseng Wai/Tsuen (Samples at **Appendices V-1 and V-2**) are received objecting to the application mainly on grounds that the proposed development abuts the WCA and would cause adverse ecological impacts; the proposed development would impede the flood retention function of the Site and cause adverse drainage impact; and a DIA should be submitted together with the application.

10.2 The following government bureau/departments have no objection to/no comment on the application:

- (a) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD);
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (c) Chief Engineer/Land Works, Civil Engineering and Development Department (CE/LW, CEDD);
- (d) Executive Secretary (Antiquities and Monuments), Antiquities and Monuments Office (ES/AM, AMO), Development Bureau;
- (e) Head of Geotechnical Engineering Office, CEDD (H(GEO), CEDD);
- (f) Project Manager (West), CEDD (PM(W), CEDD);
- (g) Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD);
- (h) Commissioner for Transport (C for T); and
- (i) Director of Fire Services (D of FS).

11. Public Comments Received During Statutory Publication Period

On 7.11.2025, the application was published for public inspection. During the statutory public inspection period, two public comments from individuals (**Appendices VI-1 to VI-2**) were received objecting to the application mainly on the following grounds:

- (a) the Site falls within the WBA and is not in line with the planning intention of the WBA and the “no-net-loss in wetland” principle under TPB PG-No. 12C, and would cause significant and irrevocable adverse ecological impact on the WCA;
- (b) the applicants fail to demonstrate that the proposed filling of pond and land would not have adverse drainage impact on the surrounding areas;
- (c) septic tank use within WBA is not appropriate;
- (d) dimension for the NTEHs has not been provided; and

- (e) the Site had undergone unauthorized pond/land filling works, which led to innocent land owners of the nearby private lots prosecuted by government departments. This is unfair to the other affected land owners.

12. Planning Considerations and Assessments

- 12.1 The application is for proposed filling of pond (soil of about 1m to 1.5m in depth) and filling of land (soil of about 0.5m to 1m in depth) for two permitted houses (NTEH - Small Houses) at the Site zoned “V” on the OZP (**Plan A-1a**). Whilst ‘House (NTEH only)’ is always permitted within the “V” zone, filling of pond and land is subject to planning permission as it may cause adverse drainage impacts on the adjacent areas and adverse impacts on the environment. In this regard, DAFC does not support the application from nature conservation perspective (to be further elaborated in paragraphs 12.2 below). Moreover, CE/MN of DSD advised that the applicants are required to submit a DIA report to demonstrate whether there would be any significant drainage impact to existing natural streams, drainage system, village drains, ditches, the adjacent area due to any proposed pond filling work under the application. However, no DIA or other information is provided by the applicants to address CE/MN of DSD’s concerns. As such, the applicants fail to demonstrate that the proposed filling of pond and land would not have adverse drainage impact on the surrounding areas.
- 12.2 DAFC advises that the Site is a piece of wetland overgrown with wetland plant that falls within the WBA and is located to the immediate north of the WCA. Also, the proposed vehicular access to the immediate south of the Site may cut across a stream to the south of the Site (**Plan A-3** and **Drawing A-3**) and falls within the “CA” zone and the WCA. According to TPB PG-No. 12C, the Board adopts the principle of “no-net-loss in wetland” which provides for the conservation of continuous and adjoining fishponds. No decline in wetland or ecological functions served by the existing fish ponds should occur. 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. Within the WBA, for development or redevelopment which requires planning permission from the Board, an EcoIA would also need to be submitted. Development/ redevelopment which may have negative impacts on the ecological value of the WCA would not be supported by the Board unless the EcoIA can demonstrate that the negative impacts could be mitigated through positive measures. In this regard, no EcoIA is provided by the applicants. Although the applicants claim that an EcoIA would be submitted after the approval of the application, it is necessary to confirm the ecological acceptability of the proposed filling of pond and land before the Committee considers granting a planning permission. DAFC does not support the application from nature conservation point of view as no EcoIA has been submitted to demonstrate that the proposed filling of pond and land would not lead to wetland loss and would not cause negative impacts on the ecological value of the WCA. As such, the applicants fail to demonstrate that the proposed filling of pond and land would not have adverse ecological impact within the WCA and the proposed filling of pond and land is considered not in line with TPB PG-No.12C.
- 12.3 According to the applicants, the proposed filling of pond and land is for erection of two NTEHs at the Site (**Drawing A-2**). However, no justification is provided in the

submission as to why erection of two NTEHs, with a footprint of about 65.03m² each only, requires the filling of land and pond for the whole Site comprising six private lots with total area of about 1,369m². In this regard, the extent of the proposed pond and land filling is considered excessive. CTP/UD&L of PlanD also considers that significant landscape impact on the landscape resource arising from the proposed filling of pond and land is envisaged and that the proposal is not compatible with the WBA on the east, north and west and the adjacent “CA” zone on the south. However, no landscape proposal/mitigation measure regarding the impact on the landscape resources including the pond is proposed in the submission to address CTP/UD&L’s concern. Hence, the applicants fail to demonstrate that the proposed filling of pond and land would not have significant adverse landscape impact on the surrounding areas.

- 12.4 Apart from the nature conservation concerns, DAFC has reservation on the application from the fisheries viewpoint as the pond has the potential to be used for fish culture operation in the future. Furthermore, sewage generated from the development may adversely impact the existing fishponds in the vicinity. Whilst DEP has no objection to the application, he advises that the vehicular access to the Site straddling the “CA” zone would potentially constitute a Designated Project under EIAO where Environmental Permit for its construction and operation would be required. Other concerned department including C for T have no objection to or no adverse comment on the application from traffic perspective.
- 12.5 The Site was involved in three previous applications (No. A/YL-LFS/463, 491 and 496) for the same proposed development, which were rejected by the Committee in 2023 respectively mainly on grounds of being not in line with TPB PG-No. 12C (viz. no EcoIA submitted to demonstrate no “net-loss in wetland” and negative off-site indirect impact on the ecological value of WCA); and failure to demonstrate no adverse drainage impact. No EcoIA, DIA and/or other information is submitted under the current application to demonstrate that the proposed development would not have adverse ecological and drainage impacts. Furthermore, there has been no major change in planning circumstances since the rejection of the previous applications in 2023.
- 12.6 Although the Committee/Board has approved eight similar applications involving filling of pond or land within the subject “V” zone between 2000 and 2021, five of the applications (No. A/YL-LFS/270, 271, 371, 387 and 413) do not involve filling of pond, and DAFC and CE/MN of DSD had no objection to/no adverse comment on these applications. As for the three approved similar applications (No. A/YL-LFS/58, 72 and 216) involving filling of pond, concerned government departments generally had no adverse comment on the application and/or the technical concerns could be addressed by approval conditions. Also, an ecological appraisal was submitted under application No. A/YL-LFS/216 to demonstrate that no significant ecological impact on the WCA was anticipated, on which DAFC had no adverse comment from nature conservation perspective. The circumstances of the current application are different from the approved applications. In fact, a similar application involving filling of pond (No. A/YL-LFS/447) within the same “V” zone was rejected by the Committee/the Board upon review on 1.6.2023 as the applicant failed to address departmental concerns on similar aspects. As such, rejecting the current application is in line with the previous decisions of the Committee.
- 12.7 Regarding the local views conveyed by DO/YL of HAD and the public comments

received objecting to the application as summarised in paragraphs 10.1.6 and 11 respectively, the planning considerations and assessments in paragraphs 12.1 to 12.6 above are relevant.

13. Planning Department's Views

13.1 Based on the assessments made in paragraph 12 above and having taken into account the local views and public comments mentioned in paragraphs 10.1.6 and 11 respectively above, the Planning Department **does not support** the application for the following reasons:

- (a) the proposed filling of pond and land, which falls within the Wetland Buffer Area, is not in line with the Town Planning Board Guidelines for 'Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance' (TPB PG-No. 12C) in that there is no ecological impact assessment in the submission to demonstrate that the proposed development would not result in "net-loss in wetland" and negative off-site indirect impact on the ecological value of the Wetland Conservation Area; and
- (b) the applicants fail to demonstrate that the proposed filling of pond and land would not have adverse drainage and landscape impacts on the surrounding areas.

13.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until **19.12.2029**, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) no waste, including construction waste, as defined in the Waste Disposal Ordinance, is allowed to be used to fill the Site;
- (b) the submission of an ecological impact assessment for the proposed filling of pond and land, and implementation of the ecological mitigation measures identified therein before commencement of the filling of pond and land to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the Town Planning Board;
- (c) the submission of a drainage impact assessment before commencement of the filling of pond and land to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (d) in relation to (c) above, the implementation of the drainage proposal identified in the drainage impact assessment upon completion of the proposed filling of pond and land to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (e) if any of the above planning condition (a), (b), (c) or (d) is not complied with, the approval hereby given shall cease to have effect and shall be revoked

immediately without further notice.

Advisory Clauses

The recommended advisory clauses are attached at **Appendix IV**.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant planning permission.
- 14.2 Should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicants.
- 14.3 Alternatively, should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the date when the validity of the permission should expire.

15. Attachments

Appendix I	Application Form received on 28.10.2025
Appendix Ia	SI received on 6.11.2025
Appendix Ib	FI received on 5.12.2025
Appendix II	Extracts of Town Planning Board Guidelines for Application for Development within Deep Bay Area (TPB PG-No. 12C)
Appendix III	Previous and Similar Applications
Appendix IV	Recommended Advisory Clauses
Appendices V-1 & V-2	Samples of Local Views conveyed by District Officer/Yuen Long
Appendices VI-1 and VI-2	Public Comments Received During Statutory Publication Period
Drawing A-1	Location Plan
Drawing A-2	Layout Plan
Drawing A-3	Vehicular Access Plan
Drawing A-4	Pond and Land Filling Plan
Drawing A-5	Drainage Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Location Plan with Previous Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2025**