

**Relevant Extracts of 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)**

1. According to TPB PG-No. 12C, the Site falls within the Wetland Buffer Area (WBA). The relevant assessment criteria for the area are summarised as follows:
 - (a) the intention of the WBA is to protect the ecological integrity of the fish ponds and wetland within the Wetland Conservation Area and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds; and
 - (b) within the WBA, for development or redevelopment which requires planning permission, an ecological impact assessment (EcoIA) would need to be submitted. Some local and minor uses (including temporary uses) are however exempted from the requirement of EcoIA.

Appendix A

List of Uses Exempted from Ecological Impact Assessment within the Wetland Buffer Area

For planning applications involving uses/development within the Wetland Buffer Area, the following uses/development are exempted from the requirement of ecological impact assessment as part of the submission to the Board :

- Temporary Uses
- Agricultural Use (except in SSSI Zone)
- Ancestral Hall
- Bank#
- Barbecue Spot
- Barber Shop#
- Beauty Parlour#
- Burial Ground
- Clinic/Polyclinic*
- Electricity Substation of single storey
- Government Refuse Collection Point^
- House (Alteration, modification and/or redevelopment to the existing building bulk only)
- New Territories Exempted Houses
- Off-Course Betting centre#
- On-farm Domestic Structure
- Photographic Studio#
- Playground/Playing Field in “V” and “R(D)” zones
- Police Post/Police Reporting Centre
- Post Office*
- Private Club#
- Public Convenience
- Public Library*
- Public Utility Installation (electricity mast, lamp pole, pipeline and telephone booth only)^
- Pumping Station of single storey
- Refreshment Kiosk
- Retail Shop#
- School*
- Showroom excluding Motor-vehicle Showroom#
- Shrine
- Social Welfare Facility*
- Tent Camping Site

Note:

other than free-standing building

* other than free-standing building exceeding 3 storeys

^ not applicable to the “Other Specified Uses” annotated “Eco-lodge” zone on the Ma Tso Lung and Hoo Hok Wai Outline Zoning Plan

Previous s.16 Applications covering the Application Site

Approved Application

No.	Application No.	Use(s)/Development(s)	Date of Consideration (RNTPC)
1.	A/YL-NSW/353	Proposed Temporary Public Vehicle Park (Excluding Container Vehicle) and Associated Filling of Land for a Period of 3 Years	19.9.2025

Rejected Application

No.	Application No.	Use(s)/Development(s)	Date of Consideration (RNTPC)
1.	A/YL-NSW/312	Temporary Open Storage of Construction Materials and Machinery with Ancillary Site Office for a Period of 1 Year	22.12.2023

Recommended Advisory Clauses

- (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that:
- the actual site area, site boundary and lease details, etc. of the application site (the Site), including Government Land (GL) involved will be subject to survey and verification at the stage of land exchange, if applied;
 - the applicants should obtain the necessary policy support for the proposed development and apply to LandsD for land exchange to implement the proposed development;
 - the applicants are reminded to observe Land Administration Office Practice Notes Issue No.5/2023, regarding to Incentive Scheme to Encourage Provision of Residential Care Homes for the Elderly Premises in New Private Developments – Time-Limited Enhancements published by LandsD for eligibility for both schemes before submitting land exchange application; and
 - the applicants have to submit a land exchange application to LandsD for the proposed use. The applicants should be reminded that every application submitted to LandsD will be considered on its own merit by LandsD at its absolute discretion acting in its capacity as a landlord and there is no guarantee that the land exchange application will eventually be approved by LandsD. If the application for land exchange is approved by LandsD, it will be subject to such terms and conditions as may be imposed by LandsD at its absolute discretion, including payment of premium and administrative fee;
- (b) to note the comments of the Commissioner for Transport that:
- the Site is connected to the public road network via a section of GL not managed by the Transport Department (TD). The land status of the GL should be checked with LandsD. Moreover, the management and maintenance responsibilities of the GL should be clarified with the relevant lands and maintenance authorities accordingly;
 - sufficient manoeuvring space shall be provided within the Site; and
 - no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that:
- the access arrangement should be commented by TD;
 - HyD shall not be responsible for the maintenance of the proposed access, if, any, connecting the Site to Kam Pok Road East;
 - if the proposed vehicular access/emergency vehicular access (EVA) is approved by TD and relevant departments, the applicants should ensure the run-in/out at Kam Pok Road East is constructed in accordance with the latest version of HyD Standard Drawings no. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement;

- there are existing noise barriers under HyD's maintenance purview at the south-east boundary of the Site, adjoining Kam Pok Road East. Should any modification or alternation of the noise barrier among other road features (e.g. the existing footpath/ carriageway adjoining the Site) be required arising from the proposed development, the relevant details shall be submitted to TD and HyD for review prior to commencement of works on Site. The applicants should be responsible and at their own costs for any modification or alternation works due to/arising from the development; and
 - adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public road and drains;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that:
- for any change of existing ground level and associated works proposed by the applicants that could affect adjacent land and cause other impacts and/or other issues to public, the applicants should submit technical assessment(s) in other aspect(s) and seek comment from relevant departments as necessary; and
 - the implemented drainage facilities shall be maintained at all times;
- (e) to note the comments of the Director of Fire Services that:
- EVA provision in the captioned work shall comply with the requirements as stipulated in Section 6, Part D of the 'Code of Practice for Fire Safety in Buildings 2011', which is administered by the Building Authority (BA); and
 - detailed fire safety requirements will be formulated upon receipt of a formal submission of general building plans or referral of application via relevant licensing authority;
- (f) to note the comments of the Director of Social Welfare (DSW) that:
- the design and construction of the proposed Residential Care Homes for the Elderly (RCHE) (including but not limited to the accessibility, building height, ceiling height, barrier free access, passage and doorway, habitation area, all basic facilities, minimum area of floor space for each resident, etc) shall be in full compliance with prevailing statutory and licensing requirements, such as the Residential Care Homes (Elderly Persons) Ordinance (Cap. 459) and its subsidiary legislation, the Residential Care Homes Legislation (Miscellaneous Amendments) Ordinance 2023 gazetted on 16.6.2023, and the latest version of the 'Code of Practice for Residential Care Homes (Elderly Persons)'; and
 - the proposed RCHE shall incur no financial implication, both in capital and recurrent, to the Government;
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that:
- EVA shall be provided for all the buildings to be erected on the Site in accordance with the requirement under the Regulation 41D of the Building (Planning) regulations (B(P)R);

- the Site abuts on a specified street (Kam Pok Road East) of not less than 4.5m wide. Its permitted development intensity shall be determined under the First Schedule of the B(P)R at the building plan submission stage;
 - if the existing structure is erected on leased land without the approval of the BA, they are unauthorised building works (UBW) under the Building Ordinance (BO) and should not be designated for any proposal use under the application;
 - for UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with the prevailing enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO;
 - if the proposed use under the application is subject to issue of a license, the applicants should be reminded that any existing structures on the Site intended to be used for such purpose are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority;
 - any temporary building is subject to the control of Part VII of the B(P)R; and
 - detailed checking under the BO will be carried out at building plan submission stage;
- (h) to note the comments of the Head of the Geotechnical Engineering, Civil Engineering and Development Department (H(GEO), CEDD) that the applicants shall submit the proposed building works to BD for approval as required under the provisions of the BO;
- (i) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that:
- no Food and Environmental Hygiene Department's (FEHD) facilities will be affected;
 - proper licence/permit issued by FEHD is required if there is any food business/catering service/activity regulated by DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public. In accordance with Section 4 of Food Business Regulation (Cap.132X), the expression 'food business' means any trade or business for the purpose of which any person engages in the handling of food or food is sold by means of a vending machine but does not include any canteen in work place (other than a factory canteen referred to in section 31) for the use exclusively of the persons employed in the work place. As such, a staff canteen that exclusively use by the staff members of that working place does not require a food business licence from his department. However, if the said canteen provided foods to the outsiders with payment, a food business licence is required;
 - depending on the mode of operation, if canteen (other than a factory canteen referred to in section 31, Cap. 132) is provided exclusively for the use of person exclusively employed or residing in the care home, FEHD staff may conduct inspections of the canteen on regular basis';
 - proper licence issued by FEHD is required if related place of entertainment is involved. Any person who desires to keep or use any place of public entertainment for example a theatre and cinema or a place, building, erection or structure, whether example a theatre and cinema or a place, building, erection or structure, whether temporary or permanent, on one occasion or more, capable of accommodating the public presenting or carrying on public entertainment within Places of Public Entertainment (PPE) Ordinance (Cap. 172) and its subsidiary legislation, such as a concert, opera, ballet,

stage performance or other musical, dramatic or theatrical entertainment, cinematograph or laser projection display, a circus, a lecture or story-telling, an exhibition of any one or more of the following, namely, pictures, photographs, books, manuscripts or other documents or other things, a sporting exhibition or contest, a bazaar, a dance part or an amusement ride and mechanical device which is designed for amusement, a PPE Licence (or Temporary PPE Licence) should be obtained from FEHD whatever the general public is admitted with or without payment;

- no environment nuisance should be generated to the surroundings. Its state should not be a nuisance or injurious or dangerous to health and surrounding environment; and
 - for any waste generated from such activities or operation, the applicants should arrange disposal properly at their own expenses;
- (j) to note the comments of the Director of Leisure and Cultural Services (DLCS) that the applicants should note that DLCS' agreement must be sought in relation to the reinstatement plan prior to commencement of the relevant works, and one year of Defect Liability Period is required; and
- (k) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that:
- the applicants are advised that approval of the application does not imply approval of tree works, if any, such as pruning, transplanting and felling; and
 - the applicants shall seek comments and approval for any proposed tree works from relevant department prior to the commencement of the works.