

**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

**Government Departments' General Comments**

**1. Land Administration**

Comments of the District Lands Officer/Yuen Long, Lands Department:

- no adverse comment on the application;
- the application site (the Site) comprises Lot No. 592 S.C ss.1 RP in D.D.115 held under Tai Po New Grant No. 5340 for the purpose of agriculture and no structures shall be erected on the Lot;
- no Small House application approved or under processing at the Site; and
- advisory comments as detailed in **Appendix IV**.

**2. Traffic**

Comments of the Commissioner for Transport:

- no in-principle objection to the application from traffic engineering perspective; and
- advisory comments are in **Appendix IV**.

Comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD):

- no in-principle objection to the application from highway maintenance point of view on the understanding that the Site is not accessible by vehicles and no parking space or loading/unloading bay will be provided at the Site;
- the proposed access arrangement of the Site should be commented and approved by the Transport Department; and
- advisory comments are in **Appendix IV**.

**3. Environmental**

Comments of the Director of Environmental Protection:

- no objection to the application from environmental planning perspective according to the revised 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites';
- there are residential buildings within 100m from the boundary of the Site. Based on the information provided, the proposed use would not cause traffic of heavy vehicle and dusty operation;
- there was no substantiated environmental complaint concerning the Site received in the past three years; and
- advisory comments are at **Appendix IV**.

#### 4. **Drainage**

Comments of the Chief Engineer/Mainland North, Drainage Services Department:

- no in-principle objection to the application from the drainage point of view;
- for any change of existing ground level and associated works proposed by the applicant that could affect adjacent land and cause other impacts and/or other issues to the public, the applicant should be required to submit technical assessment(s) in other aspect(s) and relevant government departments should be consulted as necessary; and
- should the application be approved, approval condition(s) should be stipulated in the approval letter requiring the applicant to submit a drainage proposal and to implement and maintain the proposed drainage facilities to the satisfaction of the Director of Drainage Services or the Town Planning Board; and
- advisory comments are at **Appendix IV**.

#### 5. **Fire Safety**

Comments of the Director of Fire Services:

- no in-principle objection to the application subject to fire service installations and water supplies for firefighting being provided to his satisfaction; and
- advisory comments are at **Appendix IV**.

#### 6. **Landscape**

Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department:

- no adverse comments to the application from landscape planning perspective;
- based on the aerial photo, the Site is located in areas of rural inland plain and urban peripheral village landscape characters comprising village houses, ponds, river, temporary structures, vegetated areas and scattered tree groups. The applied use is not entirely incompatible with the surrounding environment;
- with reference to the site photos, the Site is generally placed with temporary structures and construction materials, with some self-seeded vegetation at the western of the Site. According to the Planning Statement, the application serves to regularise the filling of land and it is stated in the Application Form that no tree felling is involved. Significant adverse landscape impact arising from the application is not anticipated; and
- it is noted from the aerial photo that the Site was largely covered by vegetation with some trees or shrubs except for the formed area along the southern periphery of the Site. However, as observed from the site photos recently taken, the Site has been largely formed as a site office with ancillary facilities.

7. **Building Matters**

Comments of the Chief Building Surveyor/New Territories West, Building Department:

- no objection to the application; and
- advisory comments are at **Appendix IV**.

8. **District Officer's Comments**

Comments of the District Officer (Yuen Long), Home Affairs Department:

- no comment on the application; and
- his office has not received comment from locals upon close of consultation.

9. **Other Departments**

The following government departments have no objection to or no comment on the application and their advisory comments, if any, are at **Appendix IV**:

- Chief Engineer/Railway Development 1-1, HyD;
- Director of Agriculture, Fisheries and Conservation;
- Project Manager (West), Civil Engineering and Development Department;
- Chief Engineer/Construction, Water Supplies Department;
- Director of Electrical and Mechanical Services; and
- Commissioner of Police.

**Recommended Advisory Clauses**

- (a) prior planning permission should have been obtained before commencing the applied use at the application site (the Site);
- (b) the permission is given to the development/use(s) and structure(s) under the application. It does not condone any other development/use(s) and structure(s) which currently occur on the Site but not covered by the application. Immediate action should be taken to discontinue such development/use(s) and remove such structure(s) not covered by the permission;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that if the planning application is approved, the lot owner(s) shall apply to his office for a Short Term Waiver (STW) to permit the structure(s) erected within the said private lot(s). The application(s) for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that it will be approved. The STW, if approved, will be subject to such terms and conditions including the payment of waiver fee and administrative fee as considered appropriate by LandsD. Besides, given the proposed use is temporary in nature, only erection of temporary structure(s) will be considered;
- (d) to note the comments of the Commissioner for Transport that:
- the Site is connected to the public road network via a section of a local access road which is not managed by the Transport Department. The land status of the local access road should be checked with LandsD. Moreover, the management and maintenance responsibilities of the local access road 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;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that:
- it is acknowledged that there will be no parking or loading/unloading space provided at the Site according to the application submission. If the application is approved, it is approved on the understanding that there is and will be no vehicular access to/from the Site; and
  - adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public road and drains;
- (f) to note the comments of the Director of Environmental Protection that:
- the applicant shall follow the revised 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites';
  - the applicant shall follow the relevant guidelines and requirements in relevant Professional Persons Environmental Consultative Committee Practice Notes

(ProPECC PNs), in particular the ProPECC PN 1/23 'Drainage Plans subject to Comment by the Environmental Protection Department';

- the applicant shall provide adequate supporting infrastructure/facilities for proper collection, treatment and disposal of waste/wastewater generated from the applied use; and
  - the applicant shall observe the statutory requirements under relevant environmental legislation;
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant shall be liable for any adverse drainage impact due to the proposed development; and
- the applicants shall demonstrate in the drainage proposal that the proposed works will not obstruct the overland flow nor cause any adverse drainage impact to the adjacent areas; and
  - the applicants shall be liable for any adverse drainage impact due to the proposed works;
- (h) to note the comments of the Director of Fire Services that:
- the applicant should submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his department for approval;
  - the applicant is also advised on that (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and (ii) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans; and
  - the applicant shall be reminded that if the proposed structures are required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that:
- it is noted that 11 structures and associated filling of land are proposed in the application. Before any new building works (including containers/open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on the Site, prior approval and consent of the Building Authority should be obtained, otherwise they are unauthorized building works (UBW) under the BO. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
  - the Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively;
  - the Site does not abut on a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;

- for UBW erected on the 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 constructed as an acceptance of any existing building works or UBW on the application site under the BO;
  - any temporary shelters or converted containers for office, storage, washroom or other uses are considered as temporary buildings are 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; and
- (j) to note the comments of the Director of Electrical and Mechanical Services that in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organising and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. The applicant should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the 'Code of Practice on Working near Electricity Supply Lines' established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

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**tpbpd/PLAND**

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寄件者: [REDACTED]  
寄件日期: 2026年03月17日星期二 2:58  
收件者: tpbpd/PLAND  
主旨: A/YL-NSW/364 DD 115 Tung Shing Lei, Yuen Long  
類別: Internet Email

A/YL-NSW/364

Lot 592 S.C ss.1 RP (Part) in D.D.115, Tung Shing Lei, Yuen Long

Site area: About 5,027sq.m

Zoning: "VTD"

Applied use: Site Office with Ancillary Facilities / ??? Vehicle Parking / **Filling of Land**

Dear TPB Members,

Strong Objections. Site has already been paved but there is no record of approval, so effectively Destroy to Build. A classic move on the part of SHK to extend the footprint of the approved development A/YL-NSW/274, almost 33,000sq.m.

There is no justification to approve the application as developers normally confine their activities within the parameters of the planned development. With dozens of projects ongoing at any given time, if every developer was allowed to occupy an additional of what amounts to one sixth of the site for site office a significant amount of land would be sacrificed.

The application is nothing more than a ploy to justify a future application to develop on the 'V' zone.

Has any enforcement action been taken re the illegal filling of land?

Mary Mulvihill