2025年 10月 21日
此文件在_____收到，城市規劃委員會
只會在收到所有必要的資料及文件後才正式確認收到
申請的日期。
This document is received on 2025 -10- 21
The Town Planning Board will formally acknowledge
the date of receipt of the application only upon receipt
of all the required information and documents.

Form No. S16-III
表格第 S16-III 號

APPLICATION FOR PERMISSION UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE (CAP. 131)

根據《城市規劃條例》(第131章)第16條遞交的許可申請

Applicable to Proposal Only Involving Temporary Use/Development of Land and/or Building Not Exceeding 3 Years in Rural Areas or Regulated Areas, or Renewal of Permission for such Temporary Use or Development*

適用於祇涉及位於鄉郊地區或受規管地區土地上及/或建築物內進行為期不超過三年的臨時用途/發展或該等臨時用途/發展的許可續期的建議*

****Form No. S16-I should be used for other Temporary Use/Development of Land and/or Building (e.g. temporary use/developments in the Urban Area)and Renewal of Permission for such Temporary Use or Development.***
****其他土地上及/或建築物內的臨時用途/發展(例如位於市區內的臨時用途或發展)及有關該等臨時用途/發展的許可續期，應使用表格第S16-I號。***

Applicant who would like to publish the notice of application in local newspapers to meet one of the Town Planning Board's requirements of taking reasonable steps to obtain consent of or give notification to the current land owner, please refer to the following link regarding publishing the notice in the designated newspapers: https://www.tpb.gov.hk/en/plan_application/apply.html

申請人如欲在本地報章刊登申請通知，以採取城市規劃委員會就取得現行土地擁有人的同意或通知現行土地擁有人所指定的其中一項合理步驟，請瀏覽以下網址有關在指定的報章刊登通知：https://www.tpb.gov.hk/tc/plan_application/apply.html

General Note and Annotation for the Form
填寫表格的一般指引及註解

"Current land owner" means any person whose name is registered in the Land Registry as that of an owner of the land to which the application relates, as at 6 weeks before the application is made
「現行土地擁有人」指在提出申請前六星期，其姓名或名稱已在土地註冊處註冊為該申請所關乎的土地的擁有人的人

& Please attach documentary proof 請夾附證明文件

^ Please insert number where appropriate 請在適當地方註明編號

Please fill "NA" for inapplicable item 請在不適用的項目填寫「不適用」

Please use separate sheets if the space provided is insufficient 如所提供的空間不足，請另頁說明

Please insert a「✔」at the appropriate box 請在適當的方格內上加上「✔」號

For Official Use Only 請 勿 填 寫 此 欄	Application No. 申請編號	
	Date Received 收到日期	

1. The completed form and supporting documents (if any) should be sent to the Secretary, Town Planning Board (the Board), 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong.
申請人須把填妥的申請表格及其他支持申請的文件 (倘有)，送交香港北角渣華道 333 號北角政府合署 15 樓城市規劃委員會(下稱「委員會」)秘書收。

2. Please read the "Guidance Notes" carefully before you fill in this form. The document can be downloaded from the Board's website at http://www.tpb.gov.hk/. It can also be obtained from the Secretariat of the Board at 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong (Tel: 2231 4810 or 2231 4835), and the Planning Enquiry Counters of the Planning Department (Hotline: 2231 5000) (17/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong and 14/F, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin, New Territories).
請先細閱《申請須知》的資料單張，然後填寫此表格。該份文件可從委員會的網頁下載 (網址：http://www.tpb.gov.hk/)，亦可向委員會秘書處 (香港北角渣華道 333 號北角政府合署 15 樓 – 電話：2231 4810 或 2231 4835)及規劃署的規劃資料查詢處(熱線：2231 5000) (香港北角渣華道 333 號北角政府合署 17 樓及新界沙田上禾輋路 1 號沙田政府合署 14 樓)索取。

3. This form can be downloaded from the Board's website, and obtained from the Secretariat of the Board and the Planning Enquiry Counters of the Planning Department. The form should be typed or completed in block letters. The processing of the application may be refused if the required information or the required copies are incomplete.
此表格可從委員會的網頁下載，亦可向委員會秘書處及規劃署的規劃資料查詢處索取。申請人須以打印方式或以正楷填寫表格。如果申請人所提交的資料或文件副本不齊全，委員會可拒絕處理有關申請。

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1. Name of Applicant 申請人姓名/名稱

(☐ Mr. 先生 / ☐ Mrs. 夫人 / ☐ Miss 小姐 / ☐ Ms. 女士 / ☑ Company 公司 / ☐ Organisation 機構)

紅昇企業有限公司 (TOPUP ROUGE ENTERPRISE LIMITED)

2. Name of Authorised Agent (if applicable) 獲授權代理人姓名/名稱（如適用）

(☐ Mr. 先生 / ☐ Mrs. 夫人 / ☐ Miss 小姐 / ☐ Ms. 女士 / ☑ Company 公司 / ☐ Organisation 機構)

LCH PLANNING & DEVELOPMENT CONSULTANTS LIMITED

3. Application Site 申請地點

(a) Full address / location / demarcation district and lot number (if applicable) 詳細地址／地點／丈量約份及地段號碼（如適用）	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
(b) Site area and/or gross floor area involved 涉及的地盤面積及／或總樓面面積	☑Site area 地盤面積 21,929 sq.m 平方米 ☐ About 約 ☑ ☐Gross floor area 總樓面面積 ..... sq.m 平方米 ☐About 約
(c) Area of Government land included (if any) 所包括的政府土地面積（倘有）	..... sq.m 平方米 ☐About 約

(d)	Name and number of the related statutory plan(s) 有關法定圖則的名稱及編號	Draft Nam Sang Wai Outline Zoning Plan No. S/YL-NSW/11
(e)	Land use zone(s) involved 涉及的土地用途地帶	"Other Specified Uses (Comprehensive Development to Include Wetland Restoration Area" ("OU(CDWRA)") and "Village Type Development" ("V") zones
(f)	Current use(s) 現時用途	Vacant and Fenced off (If there are any Government, institution or community facilities, please illustrate on plan and specify the use and gross floor area) (如有任何政府、機構或社區設施，請在圖則上顯示，並註明用途及總樓面面積)

4. "Current Land Owner" of Application Site 申請地點的「現行土地擁有人」

The applicant 申請人 –

☑ is the sole "current land owner"#& (please proceed to Part 6 and attach documentary proof of ownership).
是唯一的「現行土地擁有人」#&(請繼續填寫第 6 部分，並夾附業權證明文件)。

☐ is one of the "current land owners"#& (please attach documentary proof of ownership).
是其中一名「現行土地擁有人」#&(請夾附業權證明文件)。

☐ is not a "current land owner"#.
並不是「現行土地擁有人」#。

☐ The application site is entirely on Government land (please proceed to Part 6).
申請地點完全位於政府土地上（請繼續填寫第 6 部分）。

5. Statement on Owner's Consent/Notification 就土地擁有人的同意/通知土地擁有人的陳述

(a) According to the record(s) of the Land Registry as at ..... (DD/MM/YYYY), this application involves a total of ..... "current land owner(s)"#.
根據土地註冊處截至 ..... 年 ..... 月 ..... 日的記錄，這宗申請共牽涉 ..... 名「現行土地擁有人」#。

(b) The applicant 申請人 –

☐ has obtained consent(s) of ..... "current land owner(s)"#.
已取得 ..... 名「現行土地擁有人」#的同意。

Details of consent of "current land owner(s)"# obtained 取得「現行土地擁有人」#同意的詳情		
No. of 'Current Land Owner(s)' 「現行土地擁有人」數目	Lot number/address of premises as shown in the record of the Land Registry where consent(s) has/have been obtained 根據土地註冊處記錄已獲得同意的地段號碼／處所地址	Date of consent obtained (DD/MM/YYYY) 取得同意的日期 (日/月/年)

(Please use separate sheets if the space of any box above is insufficient. 如上列任何方格的空間不足，請另頁說明)

☐ has notified ..... "current land owner(s)"#
已通知 ..... 名「現行土地擁有人」#。

Details of the "current land owner(s)" # notified 已獲通知「現行土地擁有人」#的詳細資料		
No. of 'Current Land Owner(s)' 「現行土地擁有人」數目	Lot number/address of premises as shown in the record of the Land Registry where notification(s) has/have been given 根據土地註冊處記錄已發出通知的地段號碼／處所地址	Date of notification given (DD/MM/YYYY) 通知日期(日/月/年)

(Please use separate sheets if the space of any box above is insufficient. 如上列任何方格的空間不足，請另頁說明)

☐ has taken reasonable steps to obtain consent of or give notification to owner(s):
已採取合理步驟以取得土地擁有人的同意或向該人發給通知，詳情如下：

Reasonable Steps to Obtain Consent of Owner(s) 取得土地擁有人的同意所採取的合理步驟

☐ sent request for consent to the "current land owner(s)" on _____ (DD/MM/YYYY)#&
於_____(日/月/年)向每一名「現行土地擁有人」#郵遞要求同意書&

Reasonable Steps to Give Notification to Owner(s) 向土地擁有人發出通知所採取的合理步驟

☐ published notices in local newspapers on _____ (DD/MM/YYYY)&
於_____(日/月/年)在指定報章就申請刊登一次通知&

☐ posted notice in a prominent position on or near application site/premises on _____ (DD/MM/YYYY)&
於_____(日/月/年)在申請地點／申請處所或附近的顯明位置貼出關於該申請的通知&

☐ sent notice to relevant owners' corporation(s)/owners' committee(s)/mutual aid committee(s)/management office(s) or rural committee on _____ (DD/MM/YYYY)&
於_____(日/月/年)把通知寄往相關的業主立案法團/業主委員會/互助委員會或管理處，或有關的鄉事委員會&

Others 其他

☐ others (please specify)
其他（請指明）

_____
_____
_____
_____

Note: May insert more than one「✔」.
Information should be provided on the basis of each and every lot (if applicable) and premises (if any) in respect of the application.
註: 可在多於一個方格內加上「✔」號
申請人須就申請涉及的每一地段（倘適用）及處所（倘有）分別提供資料

6. Type(s) of Application 申請類別

(A) Temporary Use/Development of Land and/or Building Not Exceeding 3 Years in Rural Areas or Regulated Areas
位於鄉郊地區或受規管地區土地上及/或建築物內進行為期不超過三年的臨時用途/發展
(For Renewal of Permission for Temporary Use or Development in Rural Areas or Regulated Areas, please proceed to Part (B))
(如屬位於鄉郊地區或受規管地區臨時用途/發展的規劃許可續期，請填寫(B)部分)

(a) Proposed use(s)/development 擬議用途/發展	Filling of Pond for Permitted Agricultural Use (Please illustrate the details of the proposal on a layout plan) (請用平面圖說明擬議詳情)
(b) Effective period of permission applied for 申請的許可有效期	☑ year(s) 年 ……3…… ☐ month(s) 個月 ……

(c) Development Schedule 發展細節表

Proposed uncovered land area 擬議露天土地面積	……21,929……sq.m ☑About 約
Proposed covered land area 擬議有上蓋土地面積	……sq.m ☐About 約
Proposed number of buildings/structures 擬議建築物／構築物數目	……
Proposed domestic floor area 擬議住用樓面面積	……sq.m ☐About 約
Proposed non-domestic floor area 擬議非住用樓面面積	……sq.m ☐About 約
Proposed gross floor area 擬議總樓面面積	……sq.m ☐About 約

Proposed height and use(s) of different floors of buildings/structures (if applicable) 建築物/構築物的擬議高度及不同樓層的擬議用途 (如適用) (Please use separate sheets if the space below is insufficient) (如以下空間不足，請另頁說明)

Refer to Planning Statement Report

……
……
……
……

Proposed number of car parking spaces by types 不同種類停車位的擬議數目

Private Car Parking Spaces 私家車車位	……
Motorcycle Parking Spaces 電單車車位	……
Light Goods Vehicle Parking Spaces 輕型貨車泊車位	……
Medium Goods Vehicle Parking Spaces 中型貨車泊車位	……
Heavy Goods Vehicle Parking Spaces 重型貨車泊車位	……
Others (Please Specify) 其他 (請列明)	……
	……

Proposed number of loading/unloading spaces 上落客貨車位的擬議數目

Taxi Spaces 的士車位	……
Coach Spaces 旅遊巴車位	……
Light Goods Vehicle Spaces 輕型貨車車位	……
Medium Goods Vehicle Spaces 中型貨車車位	……
Heavy Goods Vehicle Spaces 重型貨車車位	……
Others (Please Specify) 其他 (請列明)	……
	……

Proposed operating hours 擬議營運時間

Refer to Planning Statement Report

(d) Any vehicular access to the site/subject building? 是否有車路通往地盤／有關建築物？	Yes 是	☑ There is an existing access. (please indicate the street name, where appropriate) 有一條現有車路。(請註明車路名稱(如適用)) Local Track Road leading to Shan Pui Road ☐ There is a proposed access. (please illustrate on plan and specify the width) 有一條擬議車路。（請在圖則顯示，並註明車路的闊度）
	No 否	☐

(e) Impacts of Development Proposal 擬議發展計劃的影響

(If necessary, please use separate sheets to indicate the proposed measures to minimise possible adverse impacts or give justifications/reasons for not providing such measures. 如需要的話，請另頁註明可盡量減少可能出現不良影響的措施，否則請提供理據/理由。)

(i) Does the development proposal involve alteration of existing building? 擬議發展計劃是否包括現有建築物的改動?	Yes 是	☐ Please provide details 請提供詳情
	No 否	☑
(ii) Does the development proposal involve the operation on the right? 擬議發展是否涉及右列的工程?	Yes 是	☑ (Please indicate on site plan the boundary of concerned land/pond(s), and particulars of stream diversion, the extent of filling of land/pond(s) and/or excavation of land) (請用地盤平面圖顯示有關土地／池塘界線，以及河道改道、填塘、填土及／或挖土的細節及/或範圍) ☐ Diversion of stream 河道改道 ☑ Filling of pond 填塘 Area of filling 填塘面積 14,933 sq.m 平方米 ☑About 約 Depth of filling 填塘深度 2 m 米 ☑About 約 ☐ Filling of land 填土 Area of filling 填土面積 ..... sq.m 平方米 ☐About 約 Depth of filling 填土厚度 ..... m 米 ☐About 約 ☐ Excavation of land 挖土 Area of excavation 挖土面積..... sq.m 平方米 ☐About 約 Depth of excavation 挖土深度 .....m 米 ☐About 約
	No 否	☐

(iii) Would the development proposal cause any adverse impacts? 擬議發展計劃會否造成不良影響？			
	On environment 對環境	Yes 會 ☐	No 不會 ☑
	On traffic 對交通	Yes 會 ☐	No 不會 ☑
	On water supply 對供水	Yes 會 ☐	No 不會 ☑
	On drainage 對排水	Yes 會 ☐	No 不會 ☑
	On slopes 對斜坡	Yes 會 ☐	No 不會 ☑
	Affected by slopes 受斜坡影響	Yes 會 ☐	No 不會 ☑
	Landscape Impact 構成景觀影響	Yes 會 ☐	No 不會 ☑
	Tree Felling 砍伐樹木	Yes 會 ☐	No 不會 ☑
	Visual Impact 構成視覺影響	Yes 會 ☐	No 不會 ☑
	Others (Please Specify) 其他 (請列明)	Yes 會 ☐	No 不會 ☑

	Please state measure(s) to minimise the impact(s). For tree felling, please state the number, diameter at breast height and species of the affected trees (if possible) 請註明盡量減少影響的措施。如涉及砍伐樹木，請說明受影響樹木的數目、及胸高度的樹幹直徑及品種(倘可) Refer to Planning Statement Report ....

(B) Renewal of Permission for Temporary Use or Development in Rural Areas or Regulated Areas 位於鄉郊地區或受規管地區臨時用途/發展的許可續期	
(a) Application number to which the permission relates 與許可有關的申請編號	A/_____/_____
(b) Date of approval 獲批給許可的日期	..... (DD 日/MM 月/YYYY 年)
(c) Date of expiry 許可屆滿日期	..... (DD 日/MM 月/YYYY 年)
(d) Approved use/development 已批給許可的用途／發展	
(e) Approval conditions 附帶條件	☐ The permission does not have any approval condition 許可並沒有任何附帶條件 ☐ Applicant has complied with all the approval conditions 申請人已履行全部附帶條件 ☐ Applicant has not yet complied with the following approval condition(s): 申請人仍未履行下列附帶條件： _____ _____ _____ Reason(s) for non-compliance: 仍未履行的原因： _____ _____ _____ (Please use separate sheets if the space above is insufficient) (如以上空間不足，請另頁說明)
(f) Renewal period sought 要求的續期期間	☐ year(s) 年 ..... ☐ month(s) 個月 .....

7. Justifications 理由

The applicant is invited to provide justifications in support of the application. Use separate sheets if necessary.
現請申請人提供申請理由及支持其申請的資料。如有需要，請另頁說明）。

Refer to Planning Statement Report

8. Declaration 聲明

I hereby declare that the particulars given in this application are correct and true to the best of my knowledge and belief.
本人謹此聲明，本人就這宗申請提交的資料，據本人所知及所信，均屬真實無誤。

I hereby grant a permission to the Board to copy all the materials submitted in this application and/or to upload such materials to the Board's website for browsing and downloading by the public free-of-charge at the Board's discretion.
本人現准許委員會酌情將本人就此申請所提交的所有資料複製及/或上載至委員會網站，供公眾免費瀏覽或下載。

Signature 簽署 ..... ☐ Applicant 申請人 / ☑ Authorised Agent 獲授權代理人

HO JOSEPH JUNIOR ..... DIRECTOR .....

Name in Block Letters 姓名（請以正楷填寫） Position (if applicable) 職位 （如適用）

Professional Qualification(s) 專業資格
☐ Member 會員 / ☐ Fellow of 資深會員
☐ HKIP 香港規劃師學會 / ☐ HKIA 香港建築師學會 /
☐ HKIS 香港測量學會 / ☐ HKIE 香港工程師學會 /
☐ HKILA 香港園境師學會/ ☐ HKIUD 香港城市設計學會
☐ RPP 註冊專業規劃師
Others 其他 .....

on behalf of 代表 LCH PLANNING & DEVELOPMENT CONSULTANTS LIMITED .....

☑ Company 公司 / ☐ Organisation Name and Chop (if applicable) 機構名稱及蓋章（如適用）

Date 日期 18/09/2025 ..... (DD/MM/YYYY 日/月/年)

Remark 備註

The materials submitted in this application and the Board's decision on the application would be disclosed to the public. Such materials would also be uploaded to the Board's website for browsing and free downloading by the public where the Board considers appropriate.
委員會會向公眾披露申請人所遞交的申請資料和委員會對申請所作的決定。在委員會認為合適的情況下，有關申請資料亦會上載至委員會網頁供公眾免費瀏覽及下載。

Warning 警告

Any person who knowingly or wilfully makes any statement or furnish any information in connection with this application, which is false in any material particular, shall be liable to an offence under the Crimes Ordinance.
任何人在明知或故意的情況下，就這宗申請提出在任何要項上是虛假的陳述或資料，即屬違反《刑事罪行條例》。

Statement on Personal Data 個人資料的聲明

1. The personal data submitted to the Board in this application will be used by the Secretary of the Board and Government departments for the following purposes:
委員會就這宗申請所收到的個人資料會交給委員會秘書及政府部門，以根據《城市規劃條例》及相關的城市規劃委員會規劃指引的規定作以下用途：
   (a) the processing of this application which includes making available the name of the applicant for public inspection when making available this application for public inspection; and
   處理這宗申請，包括公布這宗申請供公眾查閱，同時公布申請人的姓名供公眾查閱；以及
   (b) facilitating communication between the applicant and the Secretary of the Board/Government departments.
   方便申請人與委員會秘書及政府部門之間進行聯絡。

2. The personal data provided by the applicant in this application may also be disclosed to other persons for the purposes mentioned in paragraph 1 above.
申請人就這宗申請提供的個人資料，或亦會向其他人士披露，以作上述第 1 段提及的用途。

3. An applicant has a right of access and correction with respect to his/her personal data as provided under the Personal Data (Privacy) Ordinance (Cap. 486). Request for personal data access and correction should be addressed to the Secretary of the Board at 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong.
根據《個人資料(私隱)條例》(第 486 章)的規定，申請人有權查閱及更正其個人資料。如欲查閱及更正個人資料，應向委員會秘書提出有關要求，其地址為香港北角渣華道 333 號北角政府合署 15 樓。

Gist of Application 申請摘要

(Please provide details in both English and Chinese as far as possible. This part will be circulated to relevant consultees, uploaded to the Town Planning Board's Website for browsing and free downloading by the public and available at the Planning Enquiry Counters of the Planning Department for general information.)
(請盡量以英文及中文填寫。此部分將會發送予相關諮詢人士、上載至城市規劃委員會網頁供公眾免費瀏覽及下載及於規劃署規劃資料查詢處供一般參閱。)

Application No. 申請編號	(For Official Use Only) (請勿填寫此欄)
Location/address 位置／地址	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 新界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
Site area 地盤面積	21,929 sq. m 平方米 ☑ About 約 (includes Government land of 包括政府土地 sq. m 平方米 ☐ About 約)
Plan 圖則	Draft Nam Sang Wai Outline Zoning Plan No. S/YL-NSW/11 南生圍分區計劃大綱草圖編號S/YL-NSW/11
Zoning 地帶	"Other Specified Uses (Comprehensive Development to Include Wetland Restoration Area" ("OU(CDWRA)") and "Village Type Development" ("V") zones 「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
Type of Application 申請類別	☑ Temporary Use/Development in Rural Areas or Regulated Areas for a Period of 位於鄉郊地區或受規管地區的臨時用途/發展為期 ☑ Year(s) 年 3 ☐ Month(s) 月 _____ ☐ Renewal of Planning Approval for Temporary Use/Development in Rural Areas or Regulated Areas for a Period of 位於鄉郊地區或受規管地區臨時用途/發展的規劃許可續期為期 ☐ Year(s) 年 _____ ☐ Month(s) 月 _____
Applied use/ development 申請用途/發展	Filling of Pond for Permitted Agricultural Use 填塘工程作准許的農業用途

(i)	Gross floor area and/or plot ratio 總樓面面積及／或地積比率		sq.m 平方米	Plot Ratio 地積比率
		Domestic 住用	☐ About 約 ☐ Not more than 不多於	☐About 約 ☐Not more than 不多於
		Non-domestic 非住用	☐ About 約 ☐ Not more than 不多於	☐About 約 ☐Not more than 不多於
(ii)	No. of blocks 幢數	Domestic 住用		
		Non-domestic 非住用		
(iii)	Building height/No. of storeys 建築物高度／層數	Domestic 住用	m 米 ☐ (Not more than 不多於)	
			Storeys(s) 層 ☐ (Not more than 不多於)	
		Non-domestic 非住用	m 米 ☐ (Not more than 不多於)	
			Storeys(s) 層 ☐ (Not more than 不多於)	
(iv)	Site coverage 上蓋面積		% ☐ About 約	
(v)	No. of parking spaces and loading / unloading spaces 停車位及上落客貨車位數目	Total no. of vehicle parking spaces 停車位總數 Private Car Parking Spaces 私家車車位 Motorcycle Parking Spaces 電單車車位 Light Goods Vehicle Parking Spaces 輕型貨車泊車位 Medium Goods Vehicle Parking Spaces 中型貨車泊車位 Heavy Goods Vehicle Parking Spaces 重型貨車泊車位 Others (Please Specify) 其他 (請列明) _____ _____		
		Total no. of vehicle loading/unloading bays/lay-bys 上落客貨車位／停車處總數 Taxi Spaces 的士車位 Coach Spaces 旅遊巴車位 Light Goods Vehicle Spaces 輕型貨車車位 Medium Goods Vehicle Spaces 中型貨車位 Heavy Goods Vehicle Spaces 重型貨車車位 Others (Please Specify) 其他 (請列明) _____ _____		

Submitted Plans, Drawings and Documents 提交的圖則、繪圖及文件

	Chinese 中文	English 英文
Plans and Drawings 圖則及繪圖		
Master layout plan(s)/Layout plan(s) 總綱發展藍圖／布局設計圖	☐	☑
Block plan(s) 樓宇位置圖	☐	☐
Floor plan(s) 樓宇平面圖	☐	☐
Sectional plan(s) 截視圖	☐	☐
Elevation(s) 立視圖	☐	☐
Photomontage(s) showing the proposed development 顯示擬議發展的合成照片	☐	☐
Master landscape plan(s)/Landscape plan(s) 園境設計總圖／園境設計圖	☐	☐
Others (please specify) 其他（請註明）	☐	☐
Location Plan 位置圖, Site Plan 平面圖, Land Status 土地類別圖, Extract of Outline Zoning Plan 分區計劃大綱圖摘錄, Existing Condition 現有狀況, Indicative Layout Plan 初步佈局圖, Land Filling Plan 填塘圖, Aerial Photos 航空照片, Judgement of FACV 5/2011 終院民事上訴判決書 5/2011, Land Register 土地登記冊		
Reports 報告書		
Planning Statement/Justifications 規劃綱領/理據	☐	☑
Environmental assessment (noise, air and/or water pollutions) 環境評估（噪音、空氣及／或水的污染）	☐	☐
Traffic impact assessment (on vehicles) 就車輛的交通影響評估	☐	☐
Traffic impact assessment (on pedestrians) 就行人的交通影響評估	☐	☐
Visual impact assessment 視覺影響評估	☐	☐
Landscape impact assessment 景觀影響評估	☐	☐
Tree Survey 樹木調查	☐	☐
Geotechnical impact assessment 土力影響評估	☐	☐
Drainage impact assessment 排水影響評估	☐	☑
Sewerage impact assessment 排污影響評估	☐	☐
Risk Assessment 風險評估	☐	☐
Others (please specify) 其他（請註明）	☐	☑
Tree Preservation and Landscape Proposal 樹木保育及景觀建議		

Note: May insert more than one「✔」. 註：可在多於一個方格內加上「✔」號

Note: The information in the Gist of Application above is provided by the applicant for easy reference of the general public. Under no circumstances will the Town Planning Board accept any liabilities for the use of the information nor any inaccuracies or discrepancies of the information provided. In case of doubt, reference should always be made to the submission of the applicant.

註： 上述申請摘要的資料是由申請人提供以方便市民大眾參考。對於所載資料在使用上的問題及文義上的歧異，城市規劃委員會概不負責。若有任何疑問，應查閱申請人提交的文件。

LCH Planning and Development
Consultants Limited

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].

[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

For Official Use Only 請 勿 填 寫 此 欄	Application No. 申請編號	
	Date Received 收到日期	

1. The completed form and supporting documents (if any) should be sent to the Secretary, Town Planning Board (the Board), 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong.
申請人須把填妥的申請表格及其他支持申請的文件 (倘有)，送交香港北角渣華道 333 號北角政府合署 15 樓城市規劃委員會(下稱「委員會」)秘書收。

2. Please read the "Guidance Notes" carefully before you fill in this form. The document can be downloaded from the Board's website at http://www.tpb.gov.hk/. It can also be obtained from the Secretariat of the Board at 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong (Tel: 2231 4810 or 2231 4835), and the Planning Enquiry Counters of the Planning Department (Hotline: 2231 5000) (17/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong and 14/F, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin, New Territories).
請先細閱《申請須知》的資料單張，然後填寫此表格。該份文件可從委員會的網頁下載 (網址：http://www.tpb.gov.hk/)，亦可向委員會秘書處 (香港北角渣華道 333 號北角政府合署 15 樓 – 電話：2231 4810 或 2231 4835)及規劃署的規劃資料查詢處(熱線：2231 5000) (香港北角渣華道 333 號北角政府合署 17 樓及新界沙田上禾輋路 1 號沙田政府合署 14 樓)索取。

3. This form can be downloaded from the Board's website, and obtained from the Secretariat of the Board and the Planning Enquiry Counters of the Planning Department. The form should be typed or completed in block letters. The processing of the application may be refused if the required information or the required copies are incomplete.
此表格可從委員會的網頁下載，亦可向委員會秘書處及規劃署的規劃資料查詢處索取。申請人須以打印方式或以正楷填寫表格。如果申請人所提交的資料或文件副本不齊全，委員會可拒絕處理有關申請。

---

1. Name of Applicant 申請人姓名/名稱

(☐ Mr. 先生 / ☐ Mrs. 夫人 / ☐ Miss 小姐 / ☐ Ms. 女士 / ☑ Company 公司 / ☐ Organisation 機構)

紅昇企業有限公司 (TOPUP ROUGE ENTERPRISE LIMITED)

2. Name of Authorised Agent (if applicable) 獲授權代理人姓名/名稱（如適用）

(☐ Mr. 先生 / ☐ Mrs. 夫人 / ☐ Miss 小姐 / ☐ Ms. 女士 / ☑ Company 公司 / ☐ Organisation 機構)

LCH PLANNING & DEVELOPMENT CONSULTANTS LIMITED

3. Application Site 申請地點

(a) Full address / location / demarcation district and lot number (if applicable) 詳細地址／地點／丈量約份及地段號碼（如適用）	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
(b) Site area and/or gross floor area involved 涉及的地盤面積及／或總樓面面積	☑Site area 地盤面積 21,929 sq.m 平方米 ☐ About 約 ☑ ☐Gross floor area 總樓面面積 ..... sq.m 平方米 ☐About 約
(c) Area of Government land included (if any) 所包括的政府土地面積（倘有）	..... sq.m 平方米 ☐About 約

6. Type(s) of Application 申請類別

(A) Temporary Use/Development of Land and/or Building Not Exceeding 3 Years in Rural Areas or Regulated Areas
位於鄉郊地區或受規管地區土地上及/或建築物內進行為期不超過三年的臨時用途/發展
(For Renewal of Permission for Temporary Use or Development in Rural Areas or Regulated Areas, please proceed to Part (B))
(如屬位於鄉郊地區或受規管地區臨時用途/發展的規劃許可續期，請填寫(B)部分)

(a) Proposed use(s)/development 擬議用途/發展	Filling of Pond for Permitted Agricultural Use (Please illustrate the details of the proposal on a layout plan) (請用平面圖說明擬議詳情)
(b) Effective period of permission applied for 申請的許可有效期	☑ year(s) 年 ……3…… ☐ month(s) 個月 ……

(c) Development Schedule 發展細節表

Proposed uncovered land area 擬議露天土地面積	……21,929……sq.m ☑About 約
Proposed covered land area 擬議有上蓋土地面積	……sq.m ☐About 約
Proposed number of buildings/structures 擬議建築物／構築物數目	……
Proposed domestic floor area 擬議住用樓面面積	……sq.m ☐About 約
Proposed non-domestic floor area 擬議非住用樓面面積	……sq.m ☐About 約
Proposed gross floor area 擬議總樓面面積	……sq.m ☐About 約

Proposed height and use(s) of different floors of buildings/structures (if applicable) 建築物/構築物的擬議高度及不同樓層的擬議用途 (如適用) (Please use separate sheets if the space below is insufficient) (如以下空間不足，請另頁說明)

Refer to Planning Statement Report

……
……
……
……

Proposed number of car parking spaces by types 不同種類停車位的擬議數目

Private Car Parking Spaces 私家車車位	……
Motorcycle Parking Spaces 電單車車位	……
Light Goods Vehicle Parking Spaces 輕型貨車泊車位	……
Medium Goods Vehicle Parking Spaces 中型貨車泊車位	……
Heavy Goods Vehicle Parking Spaces 重型貨車泊車位	……
Others (Please Specify) 其他 (請列明)	……
	……

Proposed number of loading/unloading spaces 上落客貨車位的擬議數目

Taxi Spaces 的士車位	……
Coach Spaces 旅遊巴車位	……
Light Goods Vehicle Spaces 輕型貨車車位	……
Medium Goods Vehicle Spaces 中型貨車車位	……
Heavy Goods Vehicle Spaces 重型貨車車位	……
Others (Please Specify) 其他 (請列明)	……
	……

Gist of Application 申請摘要

(Please provide details in both English and Chinese as far as possible. This part will be circulated to relevant consultees, uploaded to the Town Planning Board's Website for browsing and free downloading by the public and available at the Planning Enquiry Counters of the Planning Department for general information.)
(請盡量以英文及中文填寫。此部分將會發送予相關諮詢人士、上載至城市規劃委員會網頁供公眾免費瀏覽及下載及於規劃署規劃資料查詢處供一般參閱。)

Application No. 申請編號	(For Official Use Only) (請勿填寫此欄)
Location/address 位置／地址	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 新界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
Site area 地盤面積	21,929 sq. m 平方米 ☑ About 約 (includes Government land of 包括政府土地 sq. m 平方米 ☐ About 約)
Plan 圖則	Draft Nam Sang Wai Outline Zoning Plan No. S/YL-NSW/11 南生圍分區計劃大綱草圖編號S/YL-NSW/11
Zoning 地帶	"Other Specified Uses (Comprehensive Development to Include Wetland Restoration Area" ("OU(CDWRA)") and "Village Type Development" ("V") zones 「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
Type of Application 申請類別	☑ Temporary Use/Development in Rural Areas or Regulated Areas for a Period of 位於鄉郊地區或受規管地區的臨時用途/發展為期 ☑ Year(s) 年 3 ☐ Month(s) 月 _____ ☐ Renewal of Planning Approval for Temporary Use/Development in Rural Areas or Regulated Areas for a Period of 位於鄉郊地區或受規管地區臨時用途/發展的規劃許可續期為期 ☐ Year(s) 年 _____ ☐ Month(s) 月 _____
Applied use/ development 申請用途/發展	Filling of Pond for Permitted Agricultural Use 填塘工程作准許的農業用途

LCH Planning and Development
Consultants Limited

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

March 2026
Report : Version 1.6

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 culture management 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 to be compatible with the surrounding environment.

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) 作池塘養殖管理。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，從而與其周圍環境協調。

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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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 Approved 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 ponds and wetlands within the sensitive Wetland Conservation Area ("**WCA**") through the rehabilitation of agricultural area and pond culture management.

1.1.4 The Application Site for intended cultivation was previously ponds and have been formed for more than two decades. It is currently abundant and overgrown. 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 <u>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</u>.

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. The existing pond is connected to the old meander of Kam Tin River via a broken concrete water gate (**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 for shrimp farming at a portion of Discrepant Areas adjacent to Section E of Lot No. 1212 in D.D. 115.

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**.

3.2.4 The existing abandoned pond is not enclosed and connects to the old meander of Kam Tin River. The water quality is brackish in nature. There appears to be a broken concrete foundation for the previous water gate. In order to re-activate the pond, repairment of a functional sluice gate on the existing location with restoration of the adjoining bunds is required.

3.3 Clearance Arrangement

3.3.1 Noted that the existing pond is not enclosed as described in **Section 3.2**, repairment of a functional sluice gate with restoration of the bunds at the channel mouth to the northeast connecting to the old meander of Kam Tin River, to ensure the clay liners and bunds are sufficiently compacted to minimize water loss through seepage. Earthworks will be taken place during dry season as the existing abandoned pond will be drained and dried

naturally at that time to minimize the potential ecological impacts during construction stage.

3.3.2 The Proposed Development would involve felling of existing trees and earthworks in the initial stage, while machinery will be used to enter the Application Site from south of Remaining Portion (Portion) 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.

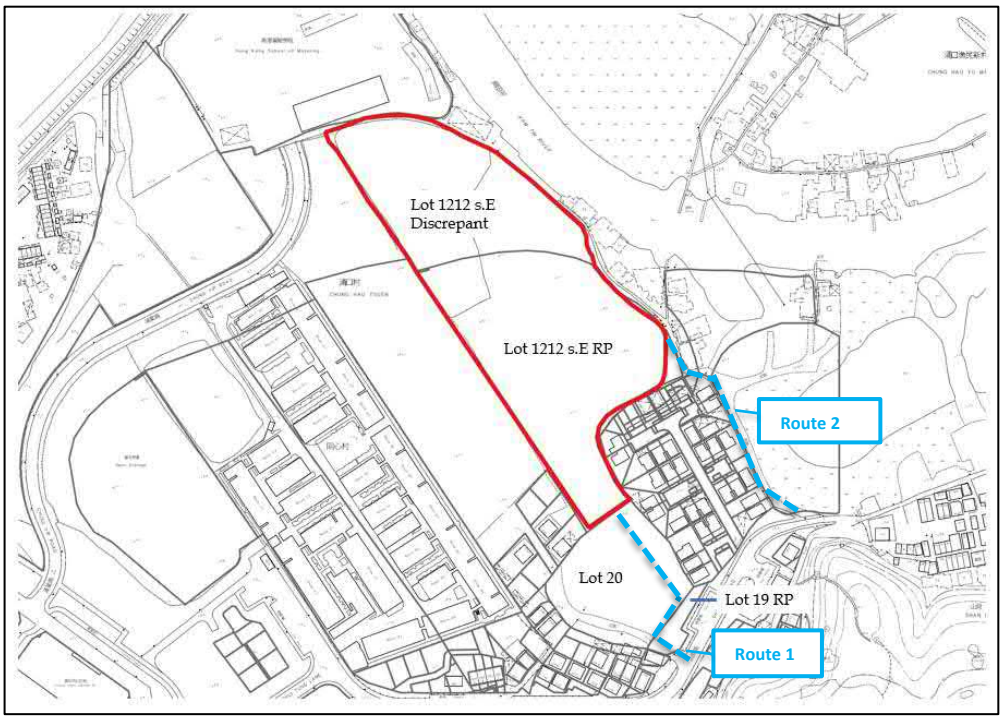


Diagram 4 Proposed Clearance Arrangement
(Source: HKSAR Government)

3.3.3 Earthwork at the existing abandoned pond shall involve repairment of a functional sluice gate and restoration of bunds with minimized desilting. Repairing works, including geotextile and installation of piles, will be carried out by hand, so as to keep the interventions to the surroundings minimal. Provision of dredging of existing accumulated sediments and selective removal of vegetation will also be included to provide open intertidal habitats (if necessary). Earthworks will be taken place during dry season as the pond will be drained and dried naturally at that time to minimize the potential ecological impacts during construction stage.

3.3.4 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.

3.3.5 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.

3.3.6 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.

3.3.7 The site clearance is expected to be completed around 2026Q1.

3.3.8 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 tentatively 7a.m. to 5p.m. daytime 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.
- As the Proposed Development is not considered to affect stability of pond bunds or resulting in seepage of bunds in adjacent ponds. Hence, the Proposed Development is not considered to result in hydrological disruptions outside the Application Site.
- 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 tentatively 7a.m. to 5p.m. 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 I 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 all the construction works will be conducted between tentatively 7a.m. to 5p.m. daytime on any day not being a Sunday or

general holiday, hence, no construction works would be taken place during evening and night time, 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 57 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 1:3.17 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), *Machilus breviflora* (短序潤楠), *Pongamia pinnata* (水黃皮), *Schefflera octophylla* (鵝掌柴), *Sterculia lanceolata* (假蘋婆) and *Sapium dicolor* (山烏桕) 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 Uses

3.6.1 According to the information, the Proposed Development will be operated by around 5 experienced cultivators for agricultural use daily tentatively around 7a.m. to 5p.m. daytime, 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 abandoned pond in the northwest portion, pond for shrimp farming would also be considered.

Sustainable Pond Management

3.6.2 Partners with experience in aquaculture management will be engaged to rehabilitate the existing pond by minimising the potential impacts. The Application Site is immediately adjacent to the old meander of Kam Tin River which is a significant intertidal zone. Water from the river will be rushed in during higher tide, while the water from the subject pond will flow to the river during low tide. Taking the opportunity of this brackish water nature as mentioned in **Section 3.2**, this Application intends to investigate the possibility to convert the existing abandoned pond into an intertidal shrimp pond.

3.6.3 The existing abandoned pond connects to the old meander of Kam Tin River via a broken concrete water gate, as shown in **Diagram 1**. Repair works will be carried out to repair the broken and non-functional gate into an operational sluice gate, which will be used to manage water levers by exploiting tidal movements, as well as to restore the bund to stabilize its edge and boundary. The existing bunds and water channels inside the Application Site will be maintained and restored.

3.6.4 To adopt sustainable pond management, during normal operation, the shrimp larvae will be stocked into the pond naturally. No chemical, feeds or additives should be adopted, the shrimp should rely on natural organic detritus with the tidal flow to raise sustainably. The proposed shrimp species include greasyback shrimp (*Metapenaeus ensis*), in which is common in Hong Kong, associated with brackish water nature of the subject pond.

3.6.5 Hence, no regular artificial feeding will be required as its growing method relies on the natural organic detritus with tidal flow. Passive harvest will be adopted by sluice netting during high tide periods. As the Proposed Development will be operated daily tentatively around 7a.m. to 5p.m.

daytime, the future users will highly align with low tide forecasts provided by the Hong Kong Observatory (HKO)[1].

Sustainable Crop Farming

3.6.6 Adjacent to the existing pond, the agricultural area will further utilize fertile, well-drained soils enriched by proximity to the wetland ecosystem. Buffer distance of about 5m between the pond and the agriculture use will be adopted to ensure the separation.

3.6.7 Crop intercropping shall be implemented to enhance soil health and ensuring consistent yields across seasons. Organic farming method shall also be adopted, by using pond water for irrigation to recycle nutrients and minimize waste. The proposed growing vegetables and crops include radish (*Raphanus sativus*), chives (*Allium schoenoprasum*), beets (*Beta vulgaris*), spinach oleracea, chenopodium quinoa, etc. will be considered due to their salt tolerance.

3.6.8 Organic farming method shall be adopted with integrated pest management (IPM) techniques, such as introducing beneficial insects (i.e. ladybugs for aphid control), using neem oil and/or marine extracts from natural deterrence for organic farmer use, and deploying physical barriers to control the potential flea beetle problems as also recommended by the Agriculture, Fisheries and Conservation Department (AFCD).

3.6.9 Fertilization will rely on on-site composting of crop residues and pond sludge at the pond, to recycle the aerobic composting piles that prevent soil subsidence commonly found in reclaimed wetlands or water bodies. No artificial pesticides and fertilisers will be employed. Proper nutrient management will be adopted by avoiding larger fertiliser dose with small and split applications, and only with fully matured compost. No organic fertiliser shall be applied before and after heavy rain, and to irrigate in short pulse to avoid excess water washing the organic nutrients away. By applying a smart fertilization plan, it is anticipated to minimise any potential pollution risk.

3.6.10 As the future cultivators and pond farmers will occasionally work and support different sites nearby for harvesting and when managing pond bunds, no any temporary structures for storage of farm equipment and/or aquaculture supplies shall be allowed during operation phase.

3.6.11 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.

[1] It is noted that the traditional practice shall be harvested during night and/or early morning as the shrimps are more active. To minimise possible impact to the surroundings at night time, the future operator will be limited to harvest during daytime tentatively around 7a.m. to 5p.m. only.

3.6.12 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 for shrimp farming. No air and noise emission activities will be involved and no powered machinery will be deployed. 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.
- Naturally feeding for the shrimp will be employed with no artificial feeding nor antibiotics/ pesticides/ herbicides. Desilting and degrading of pond during will be minimised.
- Proper fertilization plan to minimise the deployment of organic fertilization to prevent degradation of water quality.

Light Impact

- The Proposed Development will only operate during daytime daily tentatively around 7a.m. to 5p.m.. No artificial lighting and/or glare is allowed. No light pollution is anticipated.

Waste Management

- Waste collection and wastewater treatment facilities will be provided with reference to *Good Agricultural Practices for Crop Production* and *Practices Good Aquaculture Practices – Environmental Management of Pond Fish Culture* published by the 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 5.1m will be provided along the southeastern and southern edges of the Application Site Boundary, from the south of the Remaining Portion (Portion) 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 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 abandoned pond 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 the existing ponds. Development/redevelopment which may have negative impacts on the ecological value of the WCA would not be supported by the Board.

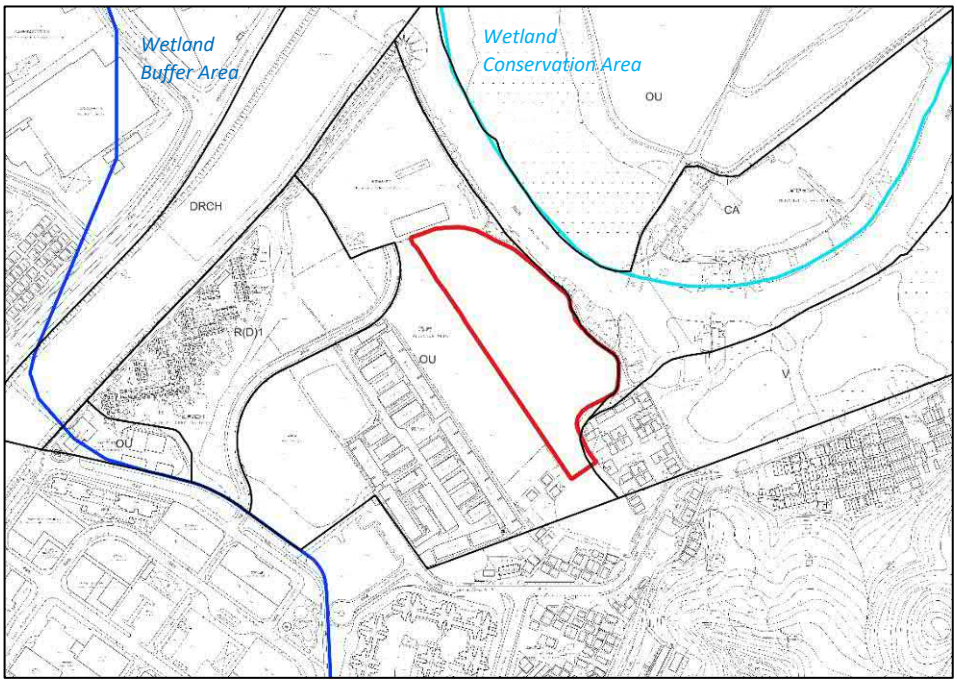


Diagram 7 Boundary of Wetland Buffer Area
(Source: Town Planning Board and CSDI Portal, HKSAR Government)

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, 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 ponds and wetlands through the rehabilitation of agricultural area and . 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 21,806 sq.m.) and "V" (of about 124 sq.m.) on the Approved 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 field*s".

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.

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

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

Agricultural Use
Barbecue Spot
Field Study/Education/Visitor Centre
Nature Trail
On-Farm Domestic Structure
Picnic Area
Religious Institution (Ancestral Hall only)
Rural Committee/Village Office

Eating Place #
Flat
Golf Course
Government Refuse Collection Point #
Government Use (not elsewhere specified) #
Holiday Camp
Hotel
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)

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.

(Please see next page)

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.

(Please see next page)

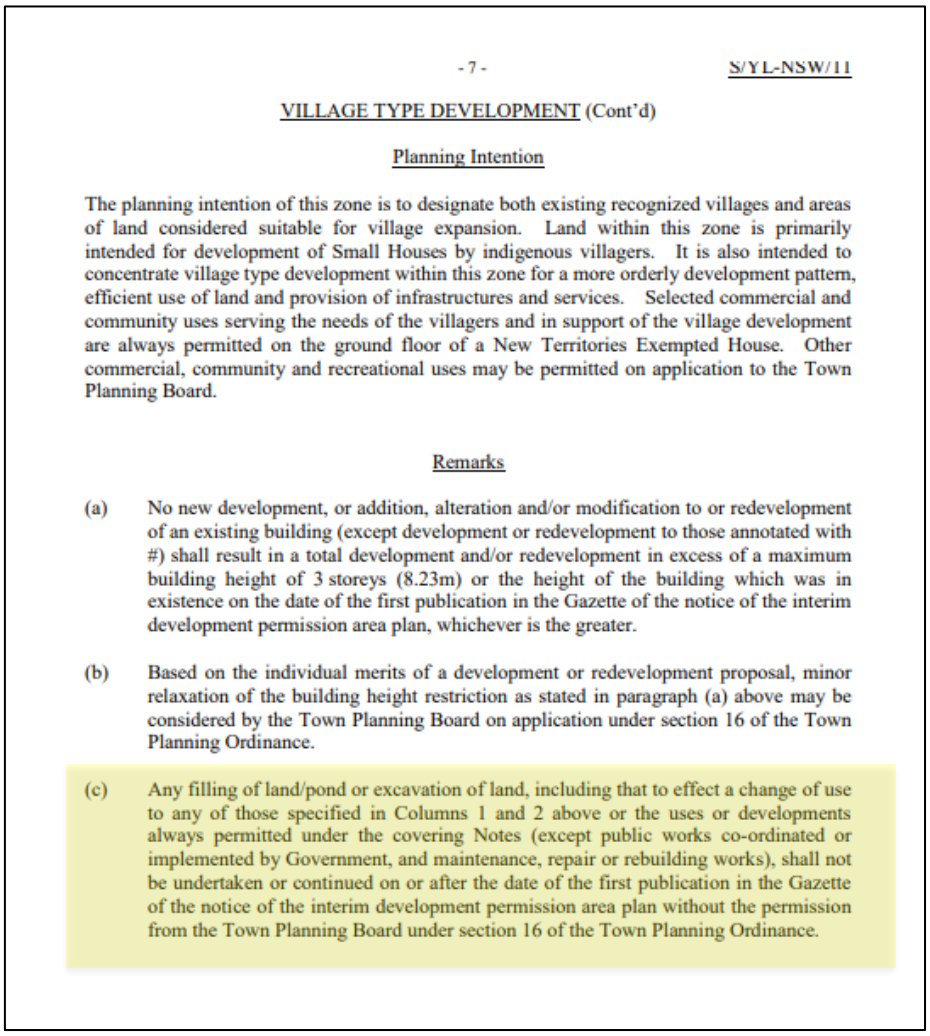
VILLAGE TYPE DEVELOPMENT

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Agricultural Use Government Refuse Collection Point Government Use (Police Reporting Centre, Post Office only) House (New Territories Exempted House only) On-Farm Domestic Structure Public Convenience Religious Institution (Ancestral Hall only) Rural Committee/Village Office	Burial Ground Eating Place Field Study/Education/Visitor Centre Flat Government Use (not elsewhere specified) # Hotel (Holiday House only) House (not elsewhere specified) Institutional Use (not elsewhere specified) # 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 ponds/ponds 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 for shrimp farming 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 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 for shrimp farming. Compared to the "without project" scenario, where idle lands and underutilized ponds 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 for shrimp farming 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 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 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.

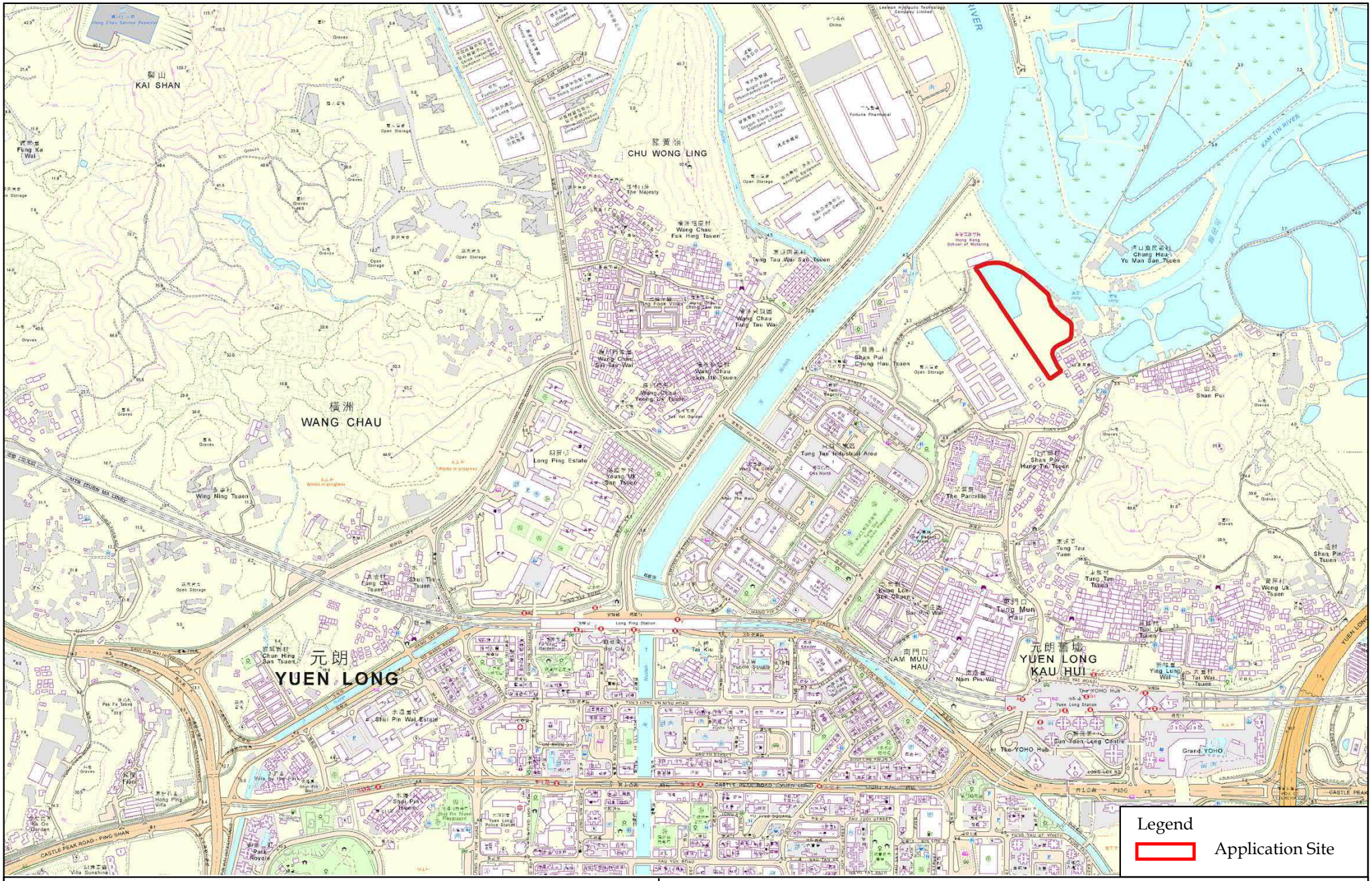

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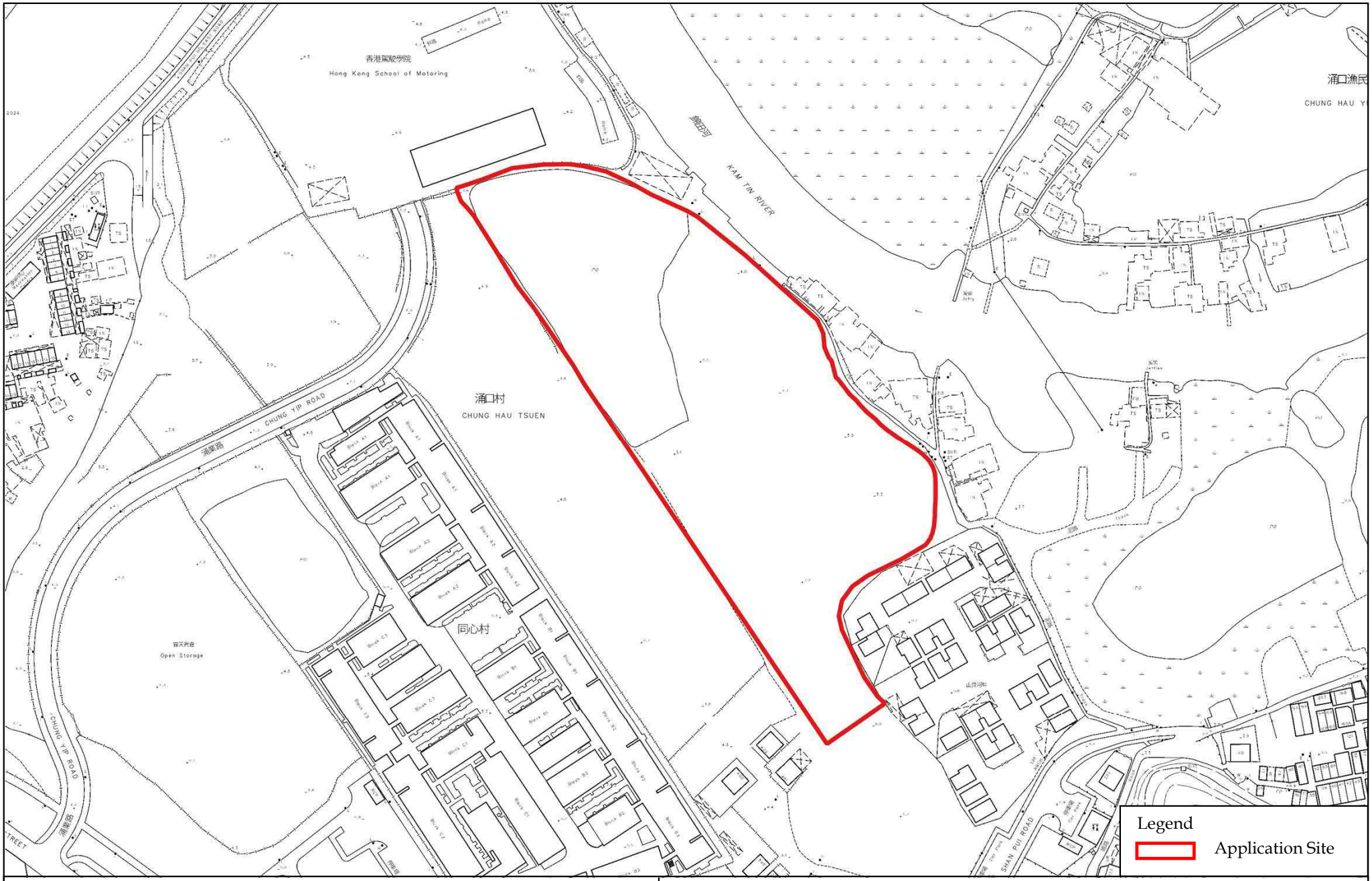
Figure 1 : Location Plan

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

(Source: HK GEODATA STORE, HKSAR Government)



LCH Planning and Development Consultants Limited

Figure 2 : Site Plan

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

(Source: HK GEODATA STORE, HKSAR Government)

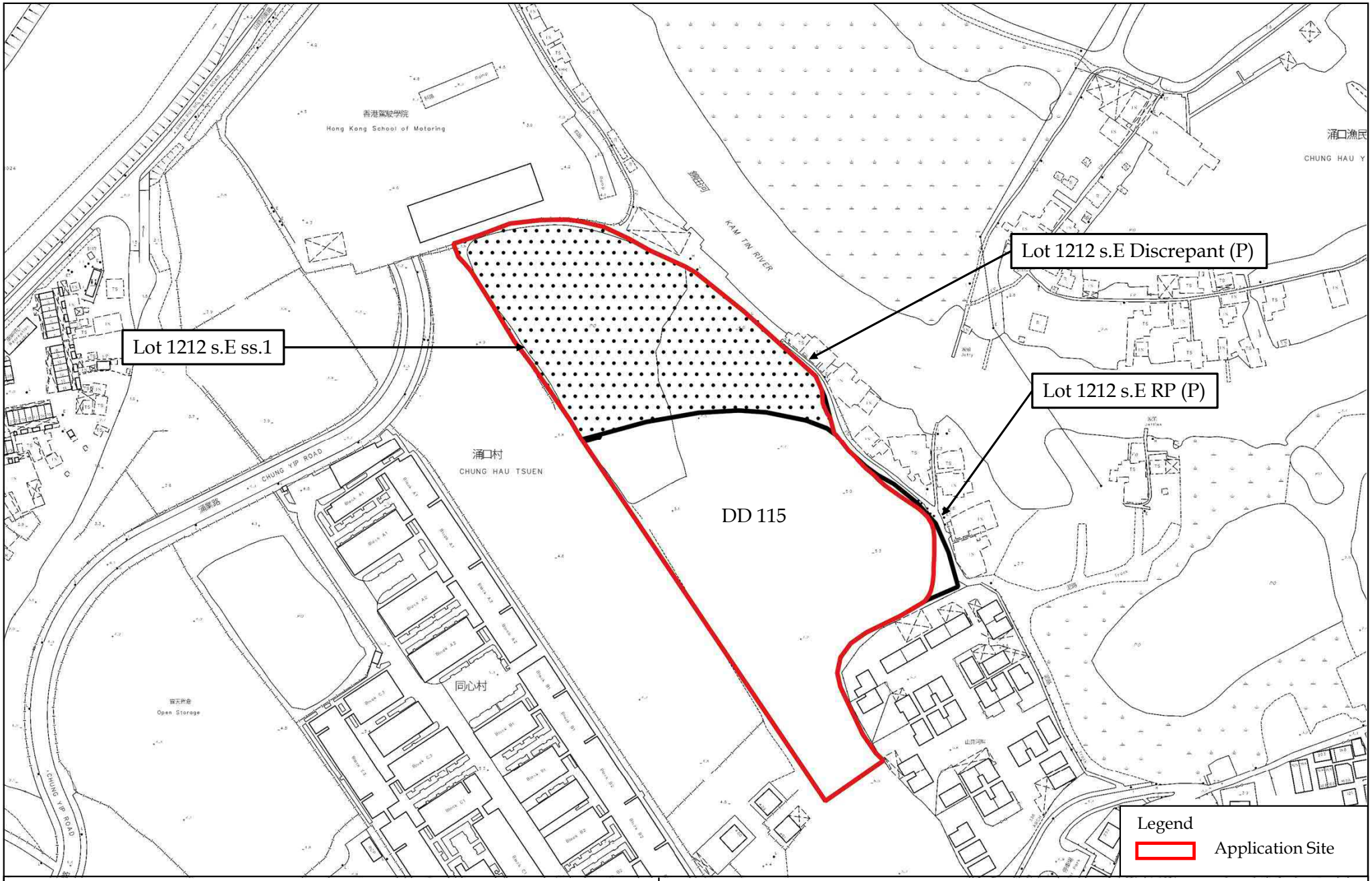


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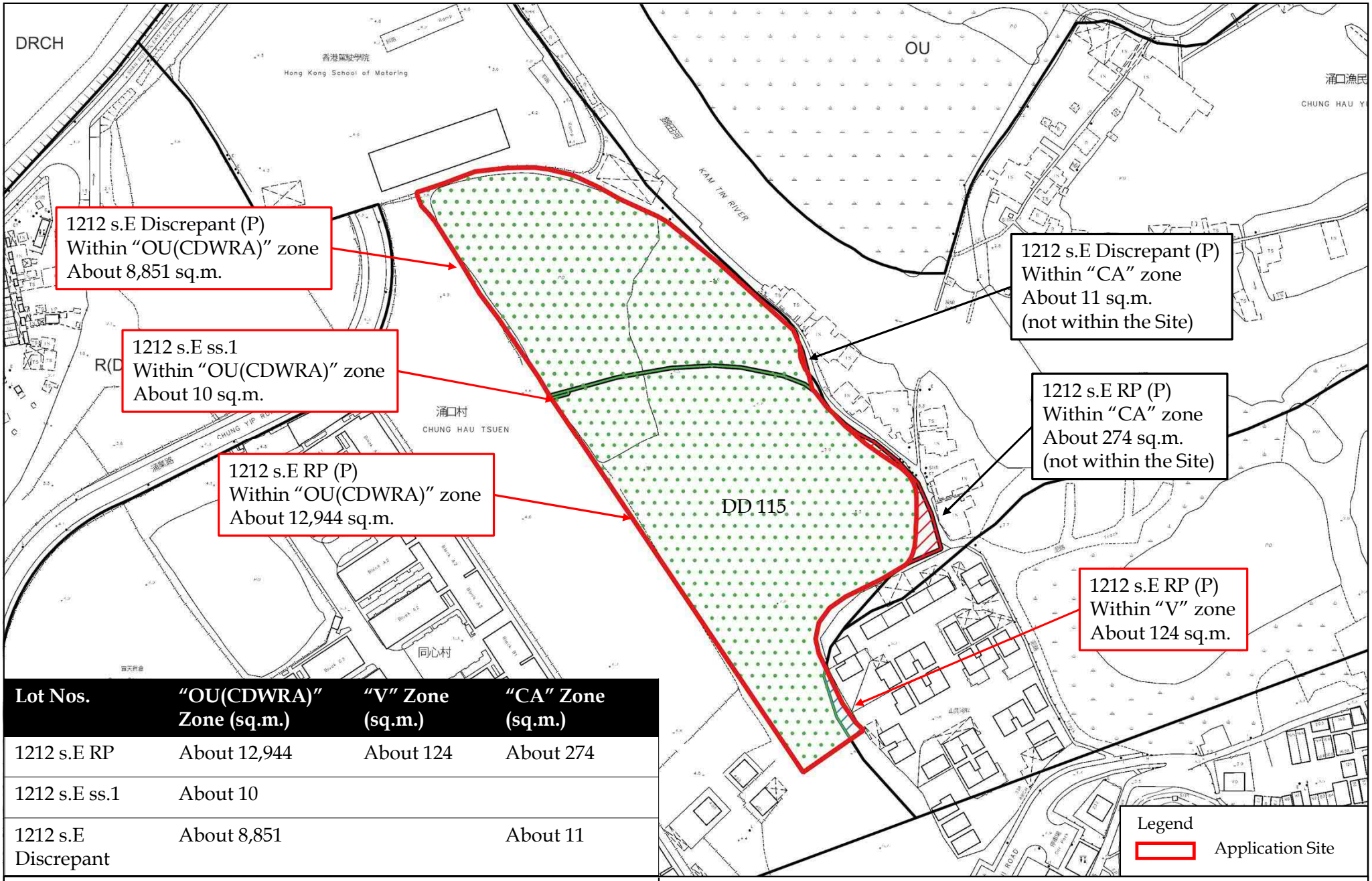
Figure 3a : Land Status

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

(Source: HK GEODATA STORE, HKSAR Government)



Lot Nos.	"OU(CDWRA)" Zone (sq.m.)	"V" Zone (sq.m.)	"CA" Zone (sq.m.)
1212 s.E RP	About 12,944	About 124	About 274
1212 s.E ss.1	About 10		
1212 s.E Discrepant	About 8,851		About 11

LCH Planning and Development Consultants Limited

Figure 3b : Land Status

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

(Source: HK GEODATA STORE, HKSAR Government)

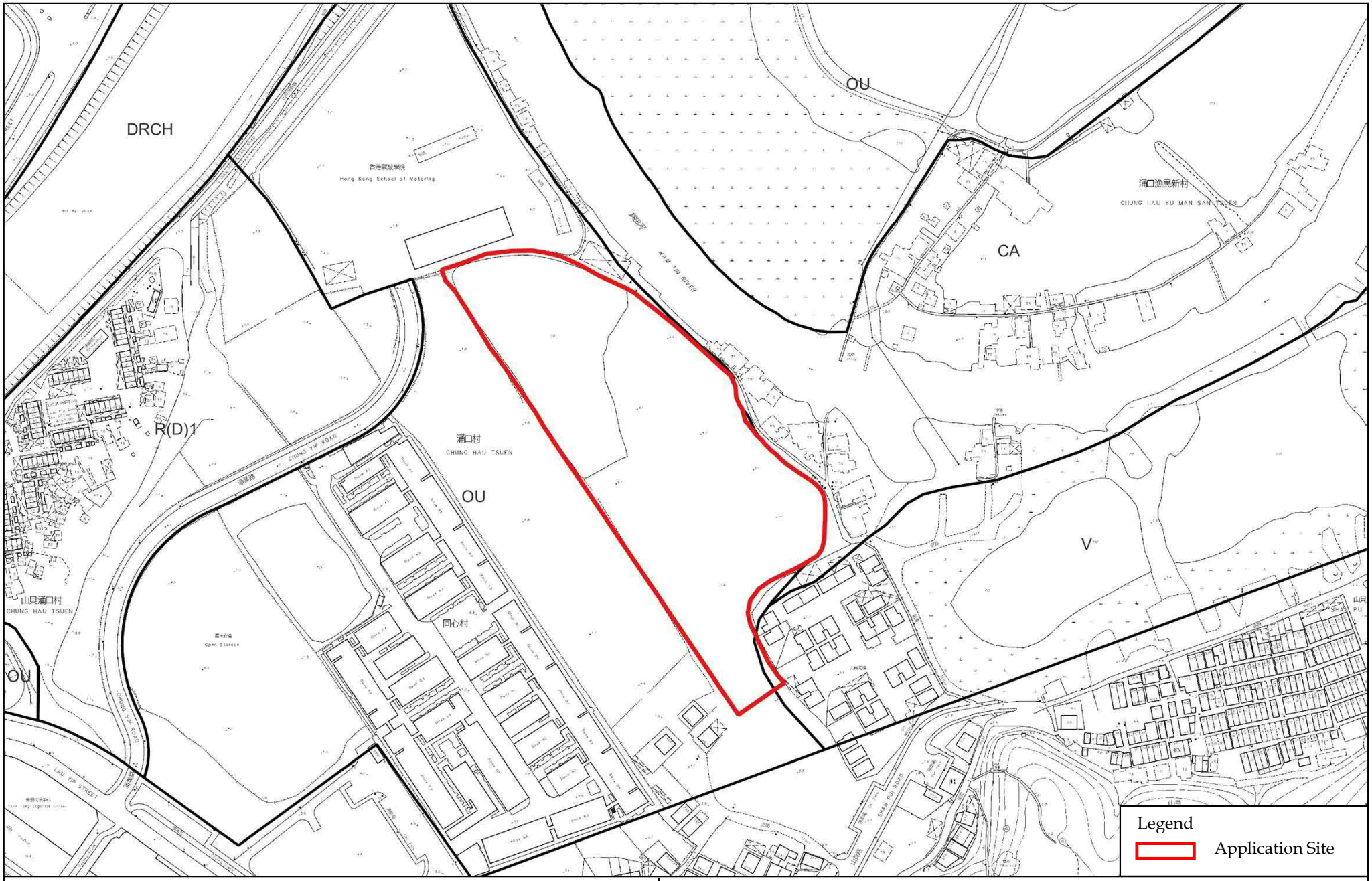


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Figure 4 : Extract of Outline Zoning Plan

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

(Source: HK GEODATA STORE, HKSAR Government)





Photos taken in October 2024

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Figure 5a : Existing Condition

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



LCH Planning and Development
Consultants Limited

Figure 5b : Existing Condition (Aerial Photo)

(Extracted based on Aerial Photo no. E072761C taken in 2019 by Lands Department)

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

(Source: HK GEODATA STORE, HKSAR Government)

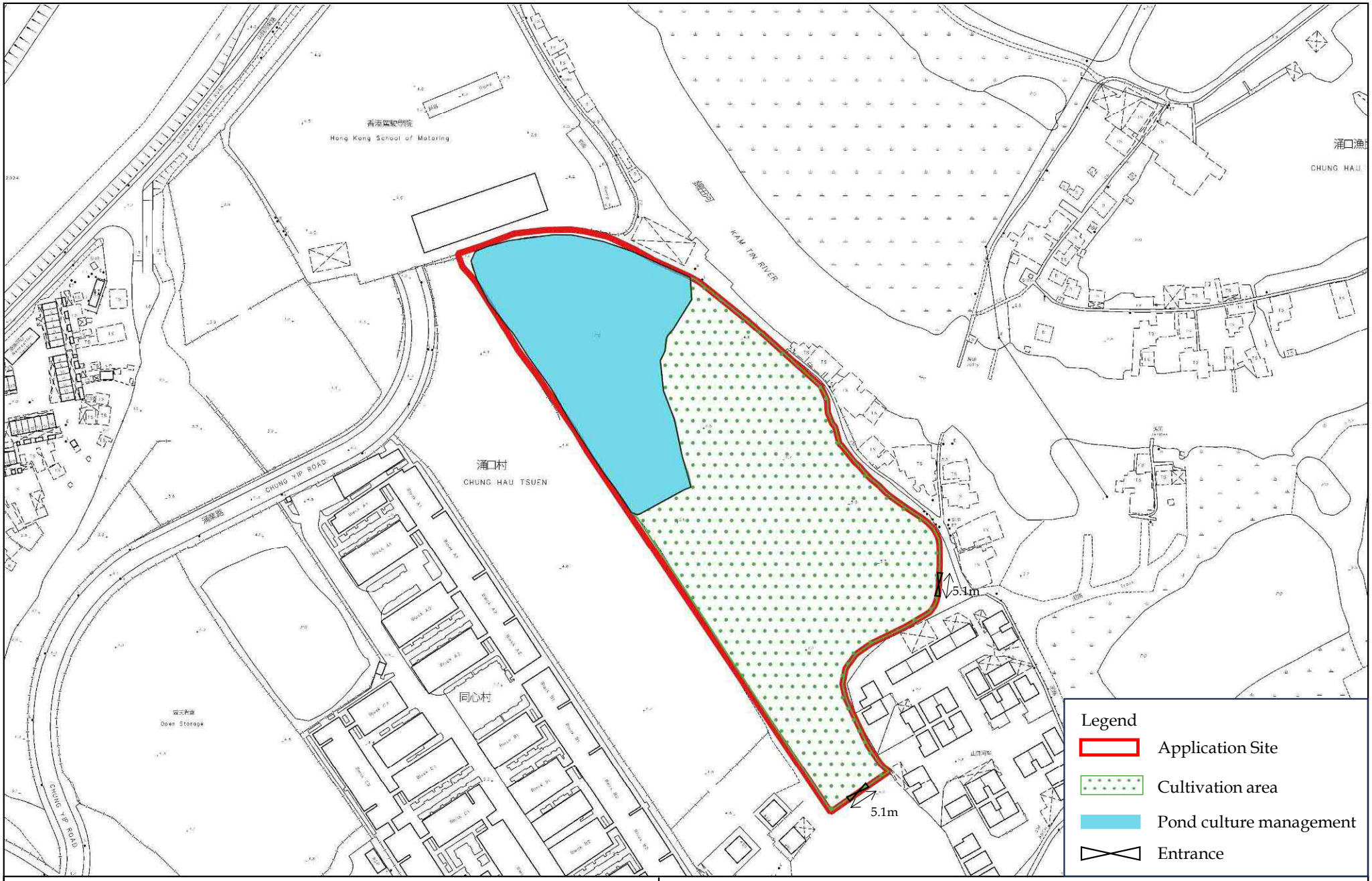

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Figure 6 : Indicative Layout Plan

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

(Source: HK GEODATA STORE, HKSAR Government)

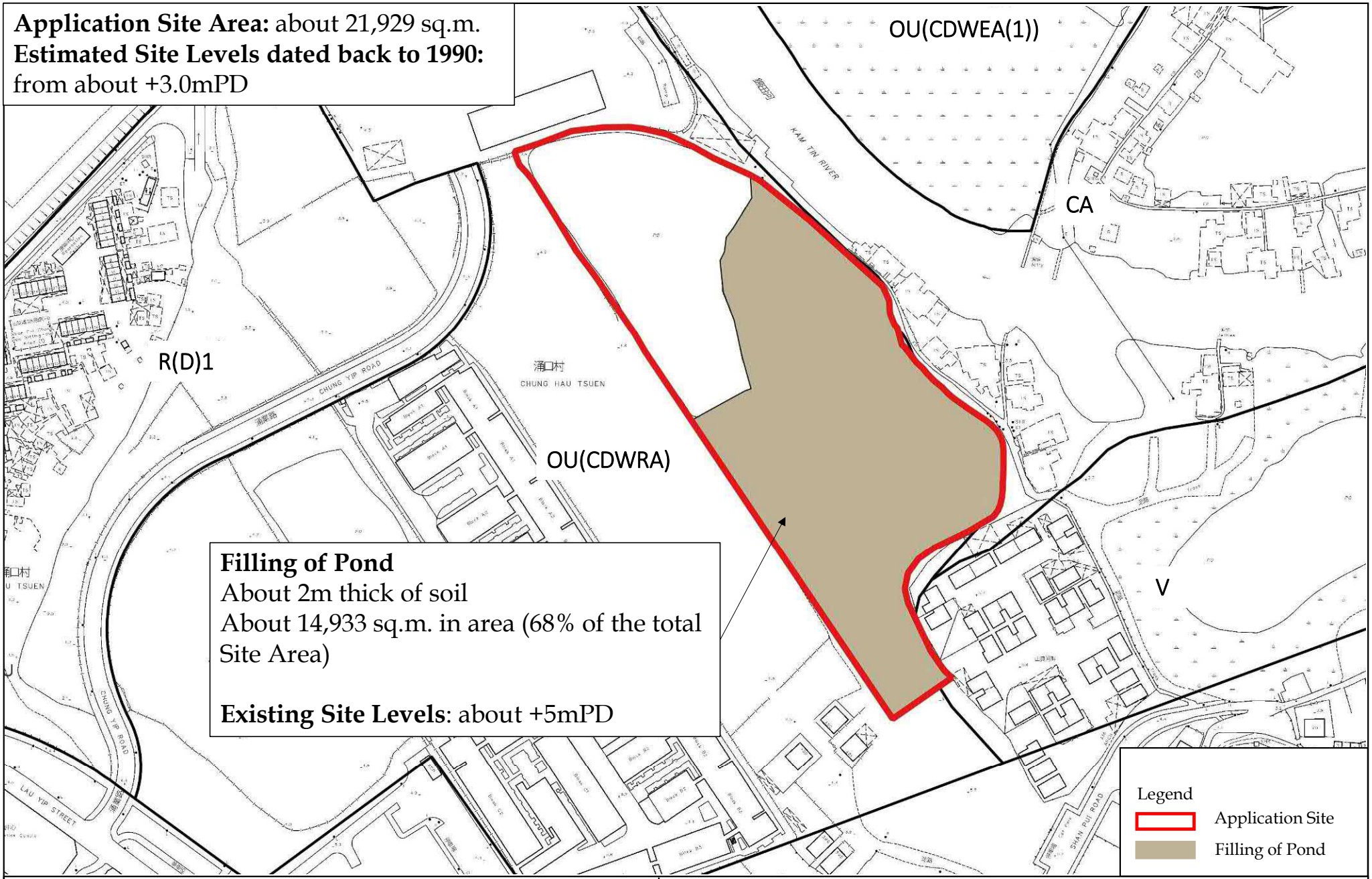

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Figure 7 : Land Filling Plan

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

(Source: HK GEODATA STORE, HKSAR Government)



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Annex 1a: Aerial Photos

(Extracted based on Aerial Photo no. CS32480 taken in 2011 by Lands Department)

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

(Source: HKMS, HKSAR Government)



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Annex 1b: Aerial Photos

(Extracted based on Aerial Photo no.CS52340 taken in 2014 by Lands Department)

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

(Source: HKMS, HKSAR Government)



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Annex 1c: Aerial Photos

(Extracted based on Aerial Photo no.E019635C taken in 2017 by Lands Department)

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

(Source: HKMS, HKSAR Government)



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Annex 1d: Aerial Photos

(Extracted based on Aerial Photo no. E072761C taken in 2019 by Lands Department)

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

(Source: HKMS, HKSAR Government)



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Consultants Limited

Annex 1e: Aerial Photos

(Extracted based on Aerial Photo no. E186967C taken in 2023 by Lands Department)

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

(Source: HKMS, HKSAR Government)



LCH Planning and Development
Consultants Limited

Annex 1f: Aerial Photos

(Extracted based on Aerial Photo no. E237024C taken in 2024 by Lands Department)

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

(Source: HKMS, HKSAR Government)

Annex 2 Judgement of FACV 5/2011

SECRETARY FOR JUSTICE V. CHAU KA CHIK TSO AND OTHERS

Judgment Information

Date	**8 Dec, 2011**
Action No.	**FACV5/2011**
Neutral Cit.	**[2011] HKCFA 86**
Parallel Cit.	**(2011) 14 HKCFAR 889** **[2013] 2 HKC 303**

FACV No. 5 of 2011

IN THE COURT OF FINAL APPEAL OF THE

HONG KONG SPECIAL ADMINISTRATIVE REGION

FINAL APPEAL NO. 5 OF 2011 (CIVIL)

(ON APPEAL FROM CACV NO. 26 OF 2010)

_____

Between:

SECRETARY FOR JUSTICE	Appellant
and	
CHAU KA CHIK TSO by its manager CHAU FUK SZE (now replaced by CHOW LAP YAN and CHAU MOU LIN TOMMY) duly registered under the New Territories Ordinance, Cap.97	1st Respondent
LAM CHI-FAI	2nd Respondent
LAM CHI-KIN ANDREW	3rd Respondent
LAM CHI-LEUNG	4th Respondent
LAM CHI-KWONG	5th Respondent
LAM SAI-KIT	6th Respondent
LAM YUET-YAU	7th Respondent
LAM TZE-CHUN	8th Respondent
LAM CHUN-SING	9th Respondent
LAM PING-CHUNG	10th Respondent
LAM WING-LAU	11st Respondent
LAM KWOK-KEE	12nd Respondent
LAM TZE-CHOI	13rd Respondent
LAM SHUI-LUN	14th Respondent
LAM NGOK-CHING	15th Respondent

Court: Mr Justice Bokhary PJ, Mr Justice Chan PJ, Mr Justice Ribeiro PJ, Mr Justice Litton NPJ and Lord Scott of Foscote NPJ

Dates of Hearing: 15 to 17 November 2011

Date of Judgment: 8 December 2011

JUDGMENT

Mr Justice Bokhary PJ :

1. I agree with the judgment of Lord Scott of Foscote NPJ.

Mr Justice Chan PJ :

2. I have had the advantage of reading the judgments in draft of Mr Justice Ribeiro PJ and Lord Scott of Foscote NPJ. I agree that this appeal must be dismissed.

3. It is common ground that the doctrine of encroachment applies to the facts of this case. There is also no dispute as to the effect of the doctrine when it is applied to the case of an encroachment by a tenant on land adjoining the demised land. But the legal basis of the doctrine is, in the words of Neuberger LJ in *Tower Hamlets LBC v Barrett* [2006] 1 P. & C.R. 9, para.82, "somewhat obscure and confused". I would however prefer the analysis given by Mr Justice Ribeiro which is based on the presumption and estoppel arising from the application of the doctrine. There are judicial statements which tend to support this as the basis of the doctrine (see the cases cited in paragraphs 33-39, 42-50 and 62). It also seems to me that if the presumption that the tenant intends to occupy the encroached area as part of the demised land would ultimately benefit the tenant as well as the landlord, they should both be precluded from denying that this state of affairs exists after a sufficiently long lapse of time.

4. However, I have some difficulty in fitting the provisions of the Limitation Ordinance, Cap 347 (in particular ss 7 and 17) into the doctrine of encroachment in an encroachment case without doing violence to the language of these provisions. In my view, the limitation period is only relevant in determining the period after which the landlord cannot be heard to say that the tenant is not holding the demised land together with the encroached area upon the same terms until the end of the lease. But by virtue of the doctrine of encroachment, the landlord's right to possession of the encroached area is not barred forever and his title in this area is not extinguished (which would have been the consequence had ss 7 and 17 of the Ordinance applied). The landlord's right of possession to this area is, as it were, only "suspended": it is retained and can be exercised again at the end of the lease. Furthermore, far from having the landlord's title extinguished, during the remaining term of the lease, both the landlord and the tenant are bound by the covenants under the lease (which may benefit the landlord) in relation to the encroached area as they are in relation to the demised land.

5. Mr Edward Chan SC for the Government accepts that the Respondents have uninterrupted possession of the encroached areas in this case since at least 1924. But he submits that by reason of the New Territories (Renewable Government Leases) Ordinance, Cap 152 (" Renewal Ordinance "), the period between 1924 and 1973 has to be discounted and that for the purpose of calculating the limitation period (in this case 60 years), time has to start afresh in 1973 in which case, the Government's right to recover possession of the encroached areas is not barred until the end of the new lease which was extended by the New Territories Leases (Extension) Ordinance, Cap 150 to 2047.

6. The linchpin of his case is that the Respondents' possession of the encroached areas came to an end upon renewal in 1973 by the Renewal Ordinance which took effect as a termination of the old lease and the

granting of a new lease. He relies on the statement of Pennycuick VC in *Smirk v Lyndale Developments Ltd* [1975] 1 Ch 317 , at 333. He argues that the Respondents cannot add the period of possession before 1973 to the period after 1973 (the "no adding up rule") and that this effect, he submits, is the logical consequence of the rule that a tenant who encroaches on the adjoining land of his landlord has to give up the encroached area at the end of the lease (the "coterminous rule").

7. With respect, I do not consider Pennycuick VC's statement (the so-called "no adding up rule") helpful. No authority was cited by the learned Vice Chancellor in support of this proposition. Nor has this statement regarding the "no adding up rule" been the subject matter of judicial discussion in subsequent cases. In the *Smirk* case, there was no right of renewal (unlike in the present case) and the question there was whether there was a new tenancy with a new landlord. On this issue, Pennycuick VC found that there were two tenancies and held that "there can be no ground for treating a period of two different tenancies as continuous for present purposes." On appeal, the English Court of Appeal overturned this finding of fact which formed the basis of the learned VC's proposition.

8. Mr Chan further contends, not without some force, that the Privy Council case of *Chung Ping Kwan & others v Lam Island Development Co. Ltd* [1997] AC 38 does not apply to the present case. *Lam Island* was a case in which the trespasser's adverse possession against the Crown lessee was held to have continued, notwithstanding the renewal of the Crown lease under the Renewal Ordinance for the reason that the Crown, as a result of the Crown lessee's right of renewal contained in the original Crown lease, did not have any opportunity to exercise its right to possession upon renewal. In the present case, Mr Chan argues, the Government did have the right under the encroachment doctrine to re-possess the encroached areas at the end of the original lease on 30 June 1973, and hence the reasoning in *Lam Island* does not apply.

9. While I would agree that the situation in *Lam Island* is quite different from the present case, I do not think this argument can advance the Government's case. The Respondents (or their predecessors in title) started to occupy the encroached areas in about 1924. Since then, they have been holding as lessees the same demised land together with the same encroached areas, albeit under two leases, one after the other. Under the doctrine of encroachment, they hold the demised land and the encroached areas subject to the same covenants until 2047 and I do not think the Government can now dispute this state of affairs or is entitled to evict the Respondents from the encroached areas before then.

Mr Justice Ribeiro PJ:

A. The issues

10. On 6 July 1916, the Crown sold by public auction a lot known as Lot 1212 in Demarcation District 115 in Yuen Long with boundaries enclosing 18 acres of land for agricultural use. The lease granted by the Crown was for a term of 75 years from 1 July 1898 with a right of renewal for a further term of 24 years less the last three days.

11. On 21 May 1924, the Lot was divided into five sections and each section sold by the then Crown lessee to persons including the respondents' predecessors in title. The respondents are the current Government lessees of three of the five sections of the Lot.

12. It was found by the trial judge [1] that since some point in time between 1916 and 1924 (when aerial photographs of the area were taken) the respondents and their predecessors, as well as the Government lessees of the other sections of the Lot and their predecessors, have been occupying an adjoining portion of Government land extending beyond the northern boundary of the Lot with a total area of 6.67 acres. The land so occupied was used to enlarge the fishponds maintained on the leased land. The Judge found that the Government was unaware of their occupation of this additional land until some time in the 1980s when large scale maps of the area were prepared.

13. In December 2000, the respondents and the Government lessees of the other sections of the Lot brought proceedings against the Government seeking Orders establishing their right to the additional

land. They sought first to argue that the northern boundary had been incorrectly drawn and ought to have enclosed the additional 6.67 acres; alternatively, that they were entitled by virtue of the common law doctrine of encroachment to a leasehold interest in the additional land until 30 June 2047; in the further alternative, that their occupation of the additional land had resulted in their acquisition of a possessory title extinguishing the Government's title to that land; and finally, that they were entitled to the additional land on the basis of a proprietary estoppel.

14. On 30 March 2001, the Government issued a counterclaim for a declaration that the additional land was Government land and for possession thereof in the event that the respondents should be found to be in adverse possession.

15. Before this Court, the respondents rely solely on the common law principle of encroachment as the basis for their title to the additional land, having abandoned the other grounds previously advanced. This Court is therefore asked to determine whether the respondents or the Government are presently entitled to the land in question, applying the common law doctrine of encroachment in the context of the Limitation Ordinance. [2] It also requires consideration of the effect, if any, of the New Territories (Renewable Government Leases) Ordinance [3] (" the Renewal Ordinance ") on the operation of that doctrine.

B. The doctrine of encroachment

B.1 The effect of the doctrine

16. Before examining the authorities, it may be helpful to identify in outline the circumstances when the doctrine of encroachment applies and what results from its application.

17. The doctrine addresses the position of a tenant who encroaches upon adjoining or adjacent land beyond the boundaries of the land demised to him under his lease. Such encroachment may be (as in the present case) upon land which belongs to his landlord. Or it may be upon land belonging to a third party. As we shall see, the principle operates quite differently in each of those two cases.

18. Of course, if the tenant occupies the additional land with the express or implied agreement of the person entitled to it (whom I shall call the "owner" for convenience), or encroaches in circumstances estopping the owner from complaining about the encroacher's conduct, the doctrine has no application. Similarly, the principle does not require consideration where, before expiry of the limitation period, the owner objects to the encroachment as an act of trespass and promptly takes steps to recover possession of the encroached upon land.

19. The doctrine is only likely to be relevant where the tenant's encroachment provokes no pertinent reaction on the part of the owner and endures over a sufficient period for the tenant to mount a limitation defence should the owner seek to recover the land encroached upon.

20. Where the area of encroachment belongs to a third party, the doctrine takes effect where, on the facts, the tenant has by adverse possession barred the third party's right of action and extinguished his title to the land. Then under the doctrine, a presumption arises (unless previously rebutted) that the encroached upon land has been occupied as an addition to the landlord's land and the right to possession vests in the landlord at the end of the tenancy. The land encroached upon is not treated as land acquired by the tenant by adverse possession for his own benefit.

21. Where the encroachment area belongs to the tenant's landlord, the doctrine functions quite differently. The landlord's interest in the land is not extinguished by limitation but the doctrine operates to deem the tenant to have acquired a leasehold interest in the land encroached upon to be held on the same terms as his tenancy, and to be surrendered up to his landlord and the end of its term.

22. I would respectfully adopt the rationale of the doctrine advanced by Neuberger LJ (as Lord Neuberger of Abbotsbury then was) in a case involving an encroachment on a third party's land as follows:

> "...the doctrine summarised by Parke B in *Kingsmill's* case appears to be based in part on fairness and in part on practicality. The tenant will normally have been able to encroach on the adjoining land because he was the tenant of his landlord's land: hence the perception that it is just that he should acquire possessory title of the adjoining land for the benefit of his landlord (see eg per Willes J in *Whitmore's* case, cited above). Further, the land to which possessory title is acquired will often be small, will often adjoin the demised land, and will normally have been enjoyed for at least 12 years together with the demised land. Thus, it would normally be much more practical for the freehold of that land to be vested in a person who owns the demised land (ie the landlord), rather than in someone who (after the end of the tenancy concerned) has no interest in it (ie the tenant)." [4]

B.2 The legal basis of the doctrine of encroachment

B.2a Uneasiness as to the basis of the doctrine

23. The doctrine has been the subject of some judicial discomfort. Thus, in *AG v Tomline* , [5] Thesiger LJ noted:

> "... there is a difference of opinion among Judges as to the exact grounds of the doctrine that encroachments made by tenants enure for the benefit of their landlords."

And in *Whitmore v Humphries* , [6] Willes J called it "a branch of the law which involves considerations of some nicety".

24. In *Smirk v Lyndale Developments Ltd* , [7] Pennycuick VC commented: "The law on this point ... has got into something of a tangle." And although the Court of Appeal in *Smirk* credited Pennycuick VC with "untangling" the law, [8] Neuberger LJ in *Tower Hamlets LBC v Barrett* , [9] still felt constrained to describe the doctrine as one "whose unsatisfactory nature is plain".

25. The unease engendered by the doctrine is especially felt in cases involving a tenant's encroachment upon his landlord's land. While the authorities indicate that the expiry of the limitation period for actions to recover land is in some way relevant to the operation of the doctrine, the precise relationship between the limitation period and the doctrine has not been explored in any detail.

26. In Hong Kong, that period is 60 years from the date on which the right of action accrued where the Government seeks to recover Government land [10] and 12 years in the case of land recovery actions brought by anyone else. [11] Section 17 of the Limitation Ordinance, which derives from section 16 of the Limitation Act 1939, [12] lays down the consequence of expiry of the limitation period:

> "Subject to [presently immaterial provisions], at the expiration of the period prescribed by this Ordinance for any person to bring an action to recover land ..., the title of that person to the land shall be extinguished."

27. In cases where the encroachment doctrine is not engaged, the extinguishment of the landlord's title follows as a matter of course from the fact that the limitation period has expired. As Lord Browne-Wilkinson stated in *J A Pye (Oxford) Ltd v Graham* :

> "It is to be noted that the right of action to recover the land is barred whenever twelve years have elapsed from the time when any right of action accrued: it does not have to be a period immediately before action brought. In the case of unregistered land, on the expiration of the limitation period regulating the recovery of the land, the title of the paper owner is extinguished: Act of 1980 section 17." [13]

28. What effect then do these provisions have on the doctrine? If, as a few of the authorities appear to suggest, expiry of the limitation period for actions to recover land is a constituent component of the doctrine, how can the doctrine result in giving only partial effect to the Limitation Ordinance? In other words, if limitation is an ingredient of the doctrine, the premise must be that the tenant's occupation of the land encroached upon constitutes adverse possession sufficient to start time running and, upon expiry of 12 or 60 years as the case may be, is sufficient to bar the right of the landlord to recover that land. But if that is the true analysis, why is the landlord's interest not then extinguished pursuant to section 17? Why instead is the landlord's interest merely transformed under the doctrine into a reversionary interest allowing the landlord to recover possession of the land at the end of the encroaching tenant's lease? If, on the other hand, the limitation period is *not* a constituent component of the doctrine, then why, after the limitation period has expired, is the landlord unable to recover the encroached upon land until the encroaching tenant's lease determines?

29. Before attempting to address these difficulties, it should be noted that the doctrine as applied to encroachments by the tenant onto land belonging to a third party operates differently. In such cases, the doctrine proceeds on the basis that the Limitation Ordinance takes effect in full, not only barring the third party's right to recover the land, but also extinguishing his title to it. What the doctrine then does is to deprive the tenant of the benefit of such extinguishment by deeming possessory title to the encroachment area to vest in the landlord at the end of the tenancy.

30. I turn now to consider how the encroachment doctrine functions in cases involving a tenant's encroachment on his landlord's land in the light of the authorities. The conclusion which I shall come to is that the doctrine does not operate by relying on some form of partial application of the provisions of the Limitation Ordinance. It operates to prevent that Ordinance from being relied on by the tenant at all. I will also conclude that the consequence of the tenant acquiring a leasehold interest in the land encroached upon coterminous with his tenancy flows from the presumption and estoppel forming part of the doctrine and not from limitation barring the landlord's right of action.

B.2b The central themes of the doctrine

31. Two principal themes, which are closely related, run through the cases establishing the doctrine. The first involves a rebuttable presumption that the encroaching tenant occupies the land in question as an addition to the holding demised under his lease; and the second involves an estoppel preventing the tenant from asserting rights inconsistent with the aforesaid presumption. As appears from the authorities, it is a distinct species of estoppel which arises in consequence of the relationship between the parties: since the tenant is able to make the encroachment only by virtue of having been given possession of the demised land by his landlord, the doctrine does not permit the tenant to assert that his occupation of the encroachment is other than as part of his demised holding and in particular estops him from claiming that he has barred his landlord's right of action and extinguished his landlord's title by adverse possession.

B.2c Presumption, estoppel and Statute of Limitations

32. The presumption and the estoppel are applicable both in cases involving encroachment upon the landlord's land and encroachment upon land belonging to a third party.

33. In *Andrew v Hailes* , [14] the tenant encroached upon a third party's land, building a bakehouse and offices on it and occupying it for over 20 years. When his landlord served on him notice to quit, he gave up the land demised under his tenancy but sought to keep the encroached upon land for himself. The Court held that he had to surrender up that land to his landlord, its decision being based on the presumption and the estoppel. Lord Campbell CJ stated: [15]

> "I think it must be considered that the encroachment in this case was held by the defendant as part of the demised premises; and that being so, I think the defendant is not at liberty to deny that it was part

of them. I proceed on what the civil law calls *exceptio personalis* , and the common law an estoppel, and say that the tenant cannot deny this." [16]

34. Coleridge J pointed out that the presumption depends on the inference to be drawn from the facts and stated its effect:

"... if at the end of the term, that boundary has been confused by enclosing adjacent ground, a very strong presumption arises that the enclosed land is part of the holding: and the tenant is not entitled to meet it by shewing that, though he occupied the enclosure as part of the holding, it was an encroachment." [17]

35. Erle J formulated the presumption as follows:

"... when the power to encroach is derived from the occupation of the premises held from a landlord, and the encroachment is occupied as if it was part of the holding, then, at the end of the tenancy, the presumption as between the landlord and tenant, is that it is part of the holding, and it belongs to the landlord." [18]

36. Lord Campbell CJ's formulation of the presumption was adopted by Parke B in *Kingsmill v Millard* , [19] in the following terms:

"It is laid down in all the cases – whether the inclosed land is part of the waste, or belongs to the landlord or third party – that the presumption is, that the tenant has inclosed it for the benefit of his landlord, unless he has done some act disclaiming the landlord's title. I am disposed to discard the definition, that the encroachment is made 'for the benefit of the landlord', and to adopt that of Lord Campbell, viz that the encroachment must be considered as annexed to the holding, unless it clearly appears that the tenant made it for his own benefit."

37. His Lordship went on to hold that the presumption gives rise to an estoppel:

"... if the landlord is allowed to remain under the belief that the encroachment is part of the farm, the tenant is estopped from denying it, and must render it up at the end of the term as a portion of the holding." [20]

38. *Whitmore v Humphries* , [21] was a case involving an encroachment on the landlord's land. The tenant was held by Willes J to have encroached on manorial waste belonging to his landlord by enclosing an adjoining piece of common pursuant to an agreement that such encroachment should be held "on the same terms as are usually applicable to encroachments by virtue of the law". [22] Willes J stated the general rule as to the presumption as follows:

"By the rule of law applicable to this subject the landlord is entitled at the determination of the tenancy to recover from the tenant, not only the land originally demised, but also any land which the tenant may have added to it by encroachment from the waste, such encroachment being deemed to be made by him as tenant as an addition to his holding, and consequently for the benefit of his landlord, unless it is made under circumstances which shew an intention to hold it for his own benefit alone, and not as part of his holding under the landlord." [23]

39. Willes J went to hold that an estoppel arose which excluded application of the Statute of Limitations:

"If the general provisions of the statute [of Limitations] apply when the encroachment is on the land of the landlord, what becomes of the general rule of law applicable to all encroachments, namely, that the tenant is estopped from denying that the encroachment forms part of the holding - which, with reference to such a case, is really only another way of saying that he holds in such a way as that the Statute of Limitations does not apply? The case of an encroachment is a peculiar case in the law, which treats it as being part of the holding. It follows obviously that the general provisions of the Statute of Limitations do not apply to it." [24]

B.2d A possible way out of the conundrum

40. In my view, Willes J's decision suggests a way out of the doctrinal difficulties mentioned above. But for intervention of the doctrine, an encroaching tenant who has occupied the land encroached upon for longer than the limitation period might well be able factually to set up adverse possession as the basis for both barring his landlord's right of action to recover the land and extinguishing his landlord's title to it. However, the doctrine gives the landlord some protection by presuming that the tenant's occupation of the encroachment area is as an annex to his demised holding and estopping the tenant from contending that his possession is adverse to his landlord.

41. The limitation period is still important since the doctrine is only needed and only comes into play to defeat a potential plea of adverse possession barring the landlord's right of action after the period has run out. However, the doctrine does not incorporate as an ingredient the operation of any provisions of the Limitation Ordinance to bar the landlords right of action. It is not the law of limitation, but the combined effect of the presumption and the estoppel arising under the doctrine, that converts the tenant's occupation in such circumstances into a leasehold interest in the encroachment area. After the prescribed statutory period, the presumption equally applies to the landlord who benefits from the doctrine so that he is deemed to have granted the tenant a leasehold interest over the land encroached upon on the same terms as the existing tenancy. It is for that reason, and not because his right of action has been extinguished as against a trespasser, that the landlord cannot recover possession of the area of encroachment until the lease comes to an end.

B.2e Subsequent authorities

42. *Attorney-General v Tomline* ***[25]*** was a case involving a copyhold tenement, but Fry J considered the principles governing encroachments on leasehold land belonging to the landlord to be applicable. [26] His Lordship adopted Willes J's approach to the effect of the estoppel on the Statute of Limitations:

> ".. it being an encroachment, I think I am not at liberty to give that full effect to the Statute of Limitations which I must have given to it, if it were not proved that the land had been an encroachment. I say that upon the authority of the principle laid down in *Whitmore v Humphries* [citing the passage from Willes J's judgment set out above]. ... I say that, there being an encroachment adjoining a holding, I am not at liberty to give that full effect to the statute which it would have had if it had not been shewn that the land was an encroachment in the neighbourhood of an existing holding." [27]

43. Elaborating on this theme, his Lordship stated:

> "Another way in which the case has been put is this, that there is a personal incapacity on the part of the tenant to deny that the encroachment was part of his original holding. That view was thus expressed by Lord *Campbell* in *Andrews v Hailes* : 'I think it must be considered that the encroachment in this case was held by the Defendant as part of the demised premises; and, that being so, I think the Defendant is not at liberty to deny that it was part of them. I proceed on what the civil law calls *exceptio personalis* , and the common law an estoppel, and say that the tenant cannot deny this.' That is to say, he cannot deny that the land acquired by the encroachment was part of his original holding and the same view is expressed by Mr Justice Willes in his elaborate judgment in *Whitmore v Humphries* to which I have already referred." [28]

44. The Court of Appeal overturned Fry J's decision holding that, even assuming the doctrine applicable to copyholds, it did not apply in the case at hand since factually the presumption had been rebutted so that there was nothing to exclude operation of the Statute of Limitations. [29] The Court did not, however, cast doubt on Fry J's approach to the consequences of the estoppel in cases where the presumption was

unrebutted and the doctrine of encroachment was applicable. Cotton LJ acknowledged the principle as explained by Willes J in *Whitmore v Humphries* and added:

> "... looking at the circumstances under which these questions as to accretions as between landlord and tenant have arisen, it may well be that they rest upon the principle that the lessee, being in a fiduciary position, is not at liberty to dispute his landlord's title to encroachments, the absolute title of the tenant to which might materially depreciate the value of the original premises when given up to the landlord, a principle which could hardly apply to encroachments by a copyholder." [30]

45. Similarly, Charles J in *Tabor v Godfrey* , [31] held that the Statute of Limitations was excluded by operation of the doctrine:

> "... I think twelve years have elapsed of occupation of this strip of land inconsistent with the user of it as a right of way; and I should, apart from the legal question here, have to hold, certainly as to the strip, that the defendant had acquired a right to the freehold under the statute. But that is not the true inference, nor do I think the Statute of Limitations has anything to do with the case. But I do think that in the events which have happened, both the landlord and the tenant have treated this strip as part of the land demised. At the end of the lease the tenant could not have set up that the strip was his own, or said that it was not part of the land included in the lease. A tenant who enters under one title cannot turn round and say that he entered under another."

46. His Lordship held on the other hand, that the landlord could not eject the tenant from the land encroached upon during the term of his lease since, the presumption and estoppel applying equally to the landlord, he was bound to treat the tenant as lawfully holding the encroachment as part of his demise :

> "The principle is that a man who gets in by reason of being tenant must take land as under his original take. That is the reason why it is said that a tenant who has occupied an encroachment has occupied it for the benefit of his landlord. ... The principle is that he comes in and has it as part of his take, and although the lease excludes it, yet the way in which the landlord has permitted him to occupy, the encroachment must be taken as included in the demise. I am therefore of opinion that the plaintiffs fail and that the defendant is in the right as to the strip of ground, for by what has happened the landlord has indicated by the mode in which he has allowed the tenant to use it that the strip is included in the holding. There will therefore be judgment for the defendant as to trespasses on the strip of land, as I am of opinion that the defendant is entitled to occupy it." [32]

47. *Perrott (J F) & Co Ltd v Cohen* [33] was a case where the tenant had built lavatories on the encroached upon land belonging to his landlord. After expiry of the lease, the landlord made a claim for dilapidations under the covenants for repair in the lease on the basis that the lavatories on the encroachment had become part of the demised holding, held upon the same terms. That claim was upheld by the Court of Appeal. As Somervell LJ noted, the only possible conclusion on the facts was that the lavatories had been occupied throughout by the defendant as if they were part of the property demised. [34] That raised an estoppel against the tenant asserting that he had held it on any other basis, his Lordship stating:

> " That being so, it is right to treat the lavatories as part of the demised premises; and the tenant - who of course at one time wanted the lavatories so treated - cannot now adopt the other position and say: 'Although I have occupied them, although I have treated them as part of the demised premises as against my landlords when their solicitor suggested they were not part of the demised premises, I shall now change my position and claim that they were not included in the demise'." [35]

48. Cohen LJ, took *Tabor v Godfrey* [36] and *Hastings (Lord) v Saddler* , [37] to be laying down a principle to the following effect:

> "...where a tenant has occupied land of the landlord's not included in the demised premises, according to the terms of the demise, but adjoining them, and, after the tenancy has determined, the landlord seeks to eject his former tenant therefrom, but the tenant relies on the Statute of Limitations, the proper question for the judge to put to the jury, or to decide himself if there is no jury, is: 'Do you think

> the land was occupied by the tenant as a mere extension of the locus of his tenancy? If you do, you should find a verdict for the landlord. If you think the tenant took possession not as a tenant, but with the object or desire simply of benefiting himself and so as to acquire the ownership of the land occupied under the Statute of Limitations, you should find for the tenant'." [38]

49. His Lordship was accordingly of the view that the Statute of Limitations could not be relied on as a defence by the tenant where the presumption that his occupation was "as a mere extension of the locus of his tenancy" was unrebutted; but that the opposite was true where the tenant's occupation was not subject to the presumption and the estoppel.

50. Denning LJ stated that the doctrine gave rise to a principle akin to an estoppel, which precluded the tenant from asserting that his occupation was adverse to the landlord so as to acquire a title under the Limitation Act:

> "The principle underlying the cases on encroachment is not perhaps strictly an estoppel, but it is akin to it. If a tenant takes possession of adjoining property and by his conduct represents that he is holding it under the demise, then, if the landlord acts on that representation by allowing the tenant to remain in possession, the tenant cannot afterwards assert that he is holding it on any other footing. The tenant cannot, for instance, claim that he is holding it adversely to the landlord so as to acquire a title under the Limitation Act of 1939; nor can he claim that he is only a licensee, who has all the benefits of occupation but, none of the burdens of the lease." [39]

51. This is significant since an estoppel (or something akin to an estoppel) which prevents the tenant from contending that his possession is adverse to the landlord, prevents him from saying that time has started running for limitation purposes at all. Thus, section 13(1) of the Limitation Ordinance states:

> "No right of action to recover land shall be deemed to accrue unless the land is in the possession of some person in whose favour the period of limitation can run (hereafter in this section referred to as adverse possession) and where under the foregoing provisions of this Ordinance any such right of action is deemed to accrue on a certain date and no person is in adverse possession on that date, the right of action shall not be deemed to accrue unless and until adverse possession is taken of the land."

52. I shall return to the judgment of Pennycuick VC in *Smirk v Lyndale Developments Ltd* [40] when dealing with the Government's arguments regarding the effect of the Renewal Ordinance. For present purposes, what is important is Pennycuick VC's finding (reversed on appeal) that the tenant's holding had been subject to two different tenancies and consequently his Lordship's statement as follows:

> "It seems to me, however, that the break in the tenancy necessarily negates [the claim that the tenant held the encroached upon land as an extension of the locus of his tenancy]. Whatever accrued or accruing right the plaintiff may have had in 1968 to include the blue plot in his tenancy from British Railways, this right must have determined with his tenancy under British Railways, and obviously no new right can have accrued against the defendants during the short time in which they have been his landlords. There can be no ground for treating a period of two different tenancies as continuous for present purposes. Contrast the position where a possessory title is acquired by successive squatters, or against successive freeholders. The tenant, so long as the presumption applies, can do no more than acquire an addition to the subject matter of the tenancy and his interest in that additional subject matter must necessarily determine together with his interest in the original subject matter." [41]

53. Pennycuick VC was evidently taking the view that such right as the tenant might wish to claim had to "accrue" for some requisite period – presumably for a time in excess of the relevant limitation period – and that since (as he found) such accrual had been interrupted by the termination and immediate renewal of the initial tenancy, the tenant's claim was dismissed.

54. I have to confess that I find this an unsatisfactory passage. In so far as the passage may suggest that a necessary ingredient of the doctrine is that time must accrue so that the Statute of Limitations operates to bar the landlord's action, I respectfully disagree. As stated previously, while I recognize that the limitation period is important in a practical sense since the doctrine only becomes relevant where the tenant might

otherwise be able to set up a possessory title based on adverse possession, my view is that it is by virtue of the doctrine and not of any provisions of the Statute of Limitations, that the tenant acquires a leasehold interest in the encroachment area and prevents recovery by the landlord until the end of his tenancy.

55. Secondly, even if it were thought necessary for time to accrue for limitation purposes, such accrual must surely relate to the period of the tenant's occupation of the land rather than the duration of the lease or leases under which the adjacent demised land was held during the period of the encroachment. I would accordingly with respect decline to adopt Pennycuick VC's reasoning contained in the cited passage.

56. His Lordship's decision was reversed in the Court of Appeal where their Lordships held that as a matter of fact, the tenancy had not been interrupted. But, again with respect, I am unable fully to accept Lawton LJ's formulation of the principle. His Lordship stated :

> "...at the very end of the case, when counsel were actually addressing him, Pennycuick V-C called their attention to the position in law which would arise if there had been a change of tenancy at about the time when the defendants distributed new rent books. The point which he raised with counsel was a pertinent one for this reason: on the law as untangled, if the plaintiff had established a possessory title to the land at the back of no 191 Victoria Road, the effect of such a title would have been that the landlords could not have evicted him from that land, but the plaintiff's title would not have extended beyond the period of his own tenancy. In other words, he could not sell that land or otherwise dispose of it; he held it because it was part of his tenancy and when his tenancy came to an end he would have to give it up." [42]

57. If, as his Lordship postulates, the tenant "established a possessory title" to the property, it is hard to see how it can be said at the same time that "the effect of such a title would have been that the landlords could not have evicted him from that land, but the plaintiff's title would not have extended beyond the period of his own tenancy". Surely the tenant's acquisition of a possessory title would entail extinguishing the landlord's title.

58. The last English authority that may be mentioned is *Tower Hamlets LBC v Barrett* . [43] It was a case in which (among other issues) the doctrine had to be considered in circumstances involving encroachment by the then tenants onto the land of a third party for the purpose of determining whether the doctrine resulted in attributing to the tenants themselves their then landlord's acknowledgement of the third party's title for limitation purposes.

59. Being a third party case, the limitation period was plainly a necessary ingredient of the doctrine. It was only if the third party's title was extinguished by the tenant's adverse possession that possessory title in the land encroached upon would vest in the landlord, to be enjoyed in the meantime by the tenant as part of his demised holding and with possession to be surrendered up to his landlord at the end of the tenancy. Neuberger LJ dealt accordingly with adverse possession and the limitation period:

> "As a matter of principle, once the 12 years of adverse possession have been established, the paper owner loses his title, and someone, either the landlord or the tenant, acquires it. The ownership of land should not, in my view, be in limbo, or be treated as being in limbo, save where statute requires it. Once the 12 years are up, one would expect that either the landlord or the tenant obtains possessory title to the land. If it is the landlord who then acquires title, the land is added to the holding comprised in the tenancy; if it is the tenant, then he holds the freehold of the land in possession." [44]

60. I take Neuberger LJ to have had it in mind that the tenant might acquire the possessory title in his own right if the presumption had previously been rebutted but that such title would vest in the landlord otherwise.

61. Neuberger LJ did mention *obiter* tenants who encroach on land belonging to their landlord. After citing the then current edition of *Megarry and Wade* , [45] *Tabor v Godfrey* , *Smirk v Lyndale Developments* and *Woodfall on Landlord and Tenant* , [46] his Lordship noted:

> "... a tenant can insist, against the will of his landlord, on remaining on land of his landlord, on which he has encroached for more than 12 years, for the remainder of his tenancy." [47]

As it was unnecessary to do so, his Lordship did not delve any deeper into the question and the doctrinal basis of his statement is unclear.

62. In *Amatek Ltd v Googoorewon Pty Ltd* , [48] the High Court of Australia described the doctrine as "founded on a kind of estoppel". Referring to "a line of cases in which *Kingsmill v Millard* is the leading authority", their Honours stated:

> "The basic principle on which these cases proceed is that, as between a landlord and a tenant who has encroached during his term on land not held under the tenancy, the area encroached upon is presumed to be part of the holding to be rendered up at the end of the term. [The presumption and its limitations are discussed by Pennycuick V-C in *Smirk v Lyndale Developments* [1975] Ch 317 , at 323-332, whose judgment on this aspect of the case was approved by the Court of Appeal: see at 337, 340, 341. See *Woodfall's Law of Landlord and Tenant* , 28th ed, vol 1, paras 19.007, 19.008] These cases are founded on a kind of estoppel as between the landlord and the tenant which precludes the tenant from denying the landlord's title not only to the land demised but also to land of which the tenant got possession 'by virtue of being tenant of the demised premises, and [which] he occupied ... as part of these premises' [per Lord Campbell CJ in *Andrews v Hailes* (1853) 2 El & Bl 349, at 354 ; 118 ER 797 , at 799; see also *Tabor v Godfrey* (1895) 64 LJQB (NS) 245, at 247]." [49]

63. Notwithstanding the citation of *Smirk* in the quoted passage, it appears to me that the present legal analysis is consistent with the High Court's approach. It is not suggested by their Honours that the landlord's right to recover the land encroached upon is barred by any statute. It is the estoppel which "precludes the tenant from denying the landlord's title" to the area of encroachment, resulting in the tenant acquiring his interest in that land, to be rendered up at the end of the term.

B.2f Conclusion as to the doctrine

64. In my view, the authorities discussed above show that in cases involving encroachment on the landlord's land, the doctrine operates by giving effect to the presumption and the estoppel discussed above. If the limitation period has not yet expired, the tenant may of course be ejected and cannot plead the Limitation Ordinance to meet the landlord's claim. However, upon expiry of the limitation period, the doctrine comes into play and the Limitation Ordinance would still not provide a defence to the landlord's claim. This is because the doctrine operates so that the tenant is presumed to have occupied the encroachment on the same terms as apply to his demised holding and he is estopped from asserting that he was, on the contrary, in adverse possession. In such cases, the presumption applies equally to the landlord. The doctrine protects his interest from being destroyed by operation of the Limitation Ordinance but the price extracted by the law for such protection is that the landlord must accept that the tenant has acquired a leasehold interest over the encroachment, with possession to be recovered by the landlord only after determination of the lease.

65. In the present case, it is common ground that the presumption that the respondents held the additional land as part of the demised holding has not been rebutted. It is also common ground that they have occupied such land continuously since at least 1924. It follows that the 60 year limitation period applicable to Government claims to recover land expired in 1984, when, subject to the effect (if any) of the Renewal Ordinance, the doctrine took effect, estopping the respondents from asserting, contrary to the presumption, that they have, by adverse possession, acquired a possessory title and extinguished the Government's title. Since the presumption applies equally to the Government (subject to the Renewal Ordinance) it became bound to accept that the respondents had acquired a leasehold interest in the additional land on the terms of their Government leases, expiring at the end of their term.

B.2g Statutory construction and estoppel

66. I have had the benefit of reading in draft, the judgment of Lord Scott of Foscote NPJ who has adopted a different approach in arriving at our common destination. Under that approach, the landlord's right of action is barred under section 7 of the Limitation Ordinance after expiry of the limitation period, but the consequence is that the tenant acquires a leasehold interest in the land encroached upon coterminous with his tenancy over the demised land. The doctrinal difficulties I have adverted to are avoided by construing section 17 so that it only extinguishes the landlord's title to the extent of the encroaching tenant's presumed intention, limiting such extinguishment to the term of the tenancy. It is an approach with the great attraction of simplicity and it is accordingly with regret that I do not feel able, for the reasons which follow, to adopt it.

67. In the first place, I do not consider it a construction capable of being accommodated within the language of the Ordinance. If section 7 is engaged, it prohibits the bringing of any action to recover the encroached upon land after the limitation period. The right of action so barred is barred permanently, which is why limitation statutes are said to be "statutes of repose". [50] That is not what happens under the doctrine as accepted by the approach under discussion, since the landlord's right of action against the encroacher revives when the tenancy of the adjacent demised land terminates. Neither does the approach give effect to section 17 which provides that at the expiration of the prescribed period, the title of the person whose right of action is barred "shall be extinguished". Under the doctrine as accepted by the approach, the landlord's title is not extinguished. Instead, he retains a reversionary interest in the land encroached upon which falls into possession at the end of the tenancy.

68. Secondly, the law of limitation operates through barring, after the prescribed period, the right of action which had accrued to the person entitled until then to recover the land. In principle, the bar must affect the entire interest that person had which had been protected by that right of action. Thus, for instance, in *Chung Ping Kwan v Lam Island Development Co Ltd* , [51] the lessee's right of action was held to have been barred not only in respect of the existing estate of the owner but also a new estate derived from the right of renewal contained in the old lease. It is difficult to see how the right to recover the land can be barred but affect only part of the owner's interest in the land.

69. Section 17 brings certainty to the position as to title. Where the person against whom adverse possession has run can no longer recover the land, his title is extinguished. And the person in whose favour adverse possession has run acquires a possessory title to the extent of the entire title of the person dispossessed. Thus, as pointed out by Lord Browne-Wilkinson in the passage from *J A Pye (Oxford) Ltd v Graham* cited is Section B2.a above, [52] extinguishment of the landlord's title follows as a matter of course from the moment that the limitation period expired. However, the construction of section 17 adopted modifies that section's effect depending on the encroacher's (or trespasser's) actual or presumed intention. While it is well established that a trespasser's intention to possess is an essential requirement of adverse possession, [53] I am unaware of any suggestion in the authorities that where the encroacher has succeeded in barring the right of action through adverse possession, the nature of his actual or presumed intention may have the consequence of limiting section 17's effect on the paper owner's title. This is likely, in my view, to introduce uncertainty regarding title to the land after expiry of the limitation period.

70. It is also my view that the approach fails to give sufficient weight to the authorities which developed the doctrine of encroachment. It ignores, for instance, all the references to estoppel in the judgments cited above since on the adopted approach, estoppel apparently has no role to play. On the proposed construction of the statute, there is no need to estop the tenant at all. I also note that doubt has been cast on whether estoppel by representation has anything to do with the doctrine. I would only state that for my part, I do not consider the cases to be concerned with any estoppel by representation. The estoppel the authorities refer to appears to me arise out of the presumption based on the relationship between the parties. It is, in my view, a species of estoppel by convention [54] – a presumed convention based on the presumption applicable to both parties that the encroaching tenant's occupation of the encroached upon land is as an addition to his demise.

C. The effect of the Renewal Ordinance

71. As indicated in Section A of this judgment, the original Government lease granting the relevant sections of the Lot to the respondents and their predecessors in title was for a term of 75 years from 1 July 1898 with a right of renewal for a further term of 24 years less the last three days. The 75 year portion of the term was therefore due to expire on 30 June 1973. This was the position affecting numerous leases since the Crown's practice, prior to 1959, had been to grant leases specifying an initial term of 75 years with the aforesaid right to renew.

72. On 9 May 1969, about four years before the initial term was due to expire, the Renewal Ordinance was passed.

(a) Section 3 deals with the Ordinance's application:

"This Ordinance applies to every Government lease existing immediately before the expiration of the 30th day of June 1973 under which land in the New Territories is demised for a term of seventy-five years from the 1st day of July 1898 and which contains a right of renewal for a further term of twenty-four years less three days, other than [certain immaterial exceptions]."

(b) Section 4(2) deems the right to renew contained in the respondents' leases to have been duly exercised:

"In the case of an existing Government lease of a lot which has been divided into sections before the 1st day of July 1973, the right of renewal contained in the lease shall be deemed to have been exercised by the persons entitled to that right and on that date there shall be deemed to be granted to such persons separate new Government leases of the land respectively held by them immediately before that date under the existing Government lease."

(c) Section 4(3) then sets out the terms of the renewed lease.

73. As Lord Nicholls of Birkenhead pointed out in *Chung Ping Kwan v Lam Island Development Co Ltd* , [55] one of the main purposes of the Renewal Ordinance was to avoid the administrative inconvenience of multiple renewal notices and multiple grants of new leases. Accordingly, as his Lordship there stated:

"...the Ordinance should be approached on the footing that, save as otherwise provided, the Ordinance was intended to achieve the same result as would have occurred if a new lease had been granted pursuant to the right of renewal. The deemed new lease is to be regarded as having the like consequences in law as would have followed from an actual exercise of the renewal option and an actual grant of a new lease." [56]

74. That the deemed renewal under the Renewal Ordinance results in a new Government lease being granted was also recognized by Lord Hoffmann NPJ in *Chan Tin Shi v Li Tin Sung* [57] :

"Section 4(1) of that Ordinance said that the options to renew in the existing leases should be deemed to have been exercised and that 'a new Government lease' should be deemed to have been granted. That undoubtedly created a new leasehold interest. Because the lease created by the option was a new estate, the Privy Council in *Chung Ping Kwan & Others v Lam Island Development Co Ltd* [1997] AC 38 had to consider whether adverse possession under the Limitation Ordinance barred not only the existing estate of the owner but also a new estate derived from a right which existed in the old lease."

75. It is this aspect of the Renewal Ordinance that Mr Edward Chan SC, appearing for the Government, emphasises. He relies on the passage in the judgment of Pennycuick VC in the *Smirk* decision discussed in Section B2.e above, for his contention that the break in the respondents' tenancies in 1973 prevented their acquisition of a leasehold interest in the encroachment area. I set out the passage again for convenience:

> "It seems to me, however, that the break in the tenancy necessarily negates [the claim that the tenant held the encroached upon land as an extension of the locus of his tenancy]. Whatever accrued or accruing right the plaintiff may have had in 1968 to include the blue plot in his tenancy from British Railways, this right must have determined with his tenancy under British Railways, and obviously no new right can have accrued against the defendants during the short time in which they have been his landlords. There can be no ground for treating a period of two different tenancies as continuous for present purposes. Contrast the position where a possessory title is acquired by successive squatters, or against successive freeholders. The tenant, so long as the presumption applies, can do no more than acquire an addition to the subject matter of the tenancy and his interest in that additional subject matter must necessarily determine together with his interest in the original subject matter." [58]

76. This passage certainly suggests that Pennycuick VC thought that the tenant acquires no rights against his landlord where his holding is separable into two tenancies, with the initial tenancy being determined prior to expiry of the limitation period, followed by the grant of a fresh tenancy which has only run for a shorter time than the limitation period, even though the holding as tenant covers overall a continuous period exceeding the limitation period.

77. As previously indicated, I am unable to agree with that passage. It should be noted that, as Lawton LJ explained in the Court of Appeal, the possible relevance of a break in the tenancy was raised by Pennycuick VC only at the very end of the case, when counsel were making their final submissions. [59] No authority is cited for the proposition that such a break "necessarily negates" the claim to a leasehold interest pursuant to the encroachment doctrine. Nor is there any explanation as to why in principle a surrender and re-grant of the tenancy, where occupation of the land encroached upon is seamless, should have such effect. The legal point was not explored in the Court of Appeal since their Lordships overturned Pennycuick VC's finding that there had been a break in the tenancy as a matter of fact.

78. Mr Chan SC relies on the passage as the basis for rejecting the respondents' claim to a leasehold interest over the encroached upon land. He submits that Pennycuick VC was right to recognize a "no adding up rule", that is, a rule whereby the Court refuses to add up the initial and renewed tenancy terms, treating them as continuous for the purposes of exceeding the limitation period in the context of the encroachment doctrine. Mr Chan submits that such a rule logically follows from what he calls "the coterminous rule", namely, the well established rule that any leasehold interest acquired under the doctrine by an encroaching tenant expires coterminously with his tenancy. Since, Mr Chan argues, a tenant whose occupation of an encroachment has matured into a leasehold interest must surrender up the land on expiry of his tenancy, a tenant whose tenancy has run for less than the limitation period ought logically to be treated as having acquired nothing, and must set the clock ticking afresh under the subsequent tenancy. As Mr Chan puts it, the rights acquired by the encroaching tenant can only attach to a particular tenancy.

79. I cannot accept that argument. It appears to me to proceed on a mistaken view of the nature of the encroachment doctrine. Because of the presumption and the estoppel, the tenant is precluded from asserting that his occupation is by way of adverse possession and so prevents him from relying on the Limitation Ordinance against his landlord. In this way, the doctrine prevents the tenant from acquiring what might otherwise be the statutory rights flowing from adverse possession under the Ordinance. The leasehold interest acquired by the encroaching tenant is the result of applying the presumption and estoppel to both the tenant and the landlord under the doctrine. It does not depend on the tenant somehow "clocking up" time under an undivided tenancy as suggested by the "no adding up rule".

80. Even if, which I do not accept, acquisition of the leasehold interest depends upon the accrual of an uninterrupted period of time exceeding the limitation period, such accrual would have to relate to the period of occupation of the area of encroachment and not to the duration of the lease over the demised land. It would not depend or whether the tenancy of the adjacent demised land was granted under a single lease or under two back-to-back leases.

81. It therefore does not matter that the effect of the Renewal Ordinance was to determine the tenancy at the end of its original 75 year term and then immediately to deem a fresh tenancy granted for 24 years less

the last three days. The respondents and their predecessors in title occupied the land encroached upon seamlessly for over 60 years. The doctrine therefore came into play, precluding any claim by the respondents based on adverse possession since they occupied the encroachment areas throughout as Government lessees and are presumed to have occupied those areas as an annex to their demised holdings, estopped from claiming otherwise.

82. The respondents are therefore entitled to a leasehold interest in the additional land. That interest is to be enjoyed until the end of their respective tenancies as Government lessees of the Lot. By operation of the New Territories Leases (Extension) Ordinance, [60] as explained in *Chan Tin Shi v Li Tin Sung* , [61] those tenancies terminate at the expiry of 30 June 2047.

D. Conclusion

83. I would accordingly dismiss the appeal.

Mr Justice Litton NPJ :

84. Lot 1212, sold by the government at public auction in July 1916, lies in a coastal plain near Yuen Long. It was, at that time, marsh land, lying between two small rivers, the Shan Pui River and the Kam Tin River, subject to tidal influence.

85. Over the years, by dint of hard manual labour, plants and vegetation were removed from the land, embankments ("bunds") were built up and the land was converted into large fish ponds.

86. An aerial photograph taken in November 1924 shows the bunds in place, enclosing large ponds.

87. It is common ground that the bunds at the northern end of Lot 1212, and to a small extent at the north-west corner, were constructed beyond the lot boundary, encroaching on about 6.67 acres of government land.

88. Lot 1212 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 who were using those ponds for fish farming had, without a doubt, exclusive possession over the whole.

89. Upon the facts as stated above, it is clear that the grantees were, in terms of s.13(1) of the Limitation Ordinance, Cap.347 [62] , in "adverse possession" of the encroached portions of the land, and time began to run in their favour from 1924, if not earlier. The government's right of action to take back the land then accrued and was, if nothing else intervened, barred by limitation in 1984, under s.7(1) of the Limitation Ordinance [63] .

90. The broad question arising on this appeal is this: What consequence in law flows from the fact that the encroachment was not by strangers to the government but by lessees on their lessor's adjoining land, having been put into the position to encroach, in the way they did, by the grant of Lot 1212 (a grant of a term expiring on 30 June 1973, subject to a right to a further term of 24 years less 3 days)?

91. In this regard, I have had the advantage of reading in draft Lord Scott NPJ's judgment and I wholly agree with it. It seems to me that, on the facts of this case, the termination of the first term on 30 June 1973 is irrelevant to the result. The government's right of action continued to run so long as the grantees and their successors in title were in adverse possession : which they undoubtedly were, beyond 30 June 1973. Time ran out against the government, under s.7(1), in 1984.

92. As to the effect in law of the government's action for possession being barred after 1984, I have no difficulty in construing s.17 [64] in the way proposed by Lord Scott NPJ : That is to say, that the extinguishment of the lessor's title is only to the extent as the law presumes : Namely, that the lessee simply intended all along to have the encroached land annexed to his demise and to be subject to the

same terms and conditions of the demise. To this extent the lessor's right of possession of the encroached land is "extinguished" in terms of s.17. A word, like the word "extinguished" in s.17, takes its meaning from the context in which it is used. [65] The common law doctrine of encroachment has evolved over the years from medieval concepts of land holding in England. It sits uncomfortably in the context of the Hong Kong Limitation Ordinance. When, as between lessor and lessee, all that could be attributed by law to the lessee is an intention to exclude the lessor from the encroached land *for the duration of the lease* , it would be extraordinary to give to the word "extinguished" in s.17 a greater meaning.

93. On the facts of this case, the presumption imposed by law, arising from the relationship of the parties, would seem consistent with the reality on the ground. In the various fishponds, the same piece of water covered both the demised land and the encroached land. The fish swimming in the ponds knew no imaginary boundary; nor, in reality, did the grantees or their agents tending to the daily business of fish-farming. To them a fishpond was a fishpond, irrespective of who owned the bottom of the pond.

94. I too would dismiss this appeal.

Lord Scott of Foscote NPJ :

95. This is an appeal from the judgment of the Court of Appeal handed down on 14 February 2011. The main judgment was given by Rogers VP. Le Pichon JA and Kwan JA agreed with that judgment and Kwan JA added some helpful observations of her own.

96. This litigation commenced with an action brought by some 15 plaintiffs against the Hong Kong Government, represented by the Secretary for Justice. Each of the plaintiffs was the lessee of a plot of land in the New Territories. The original lease, of a Lot of some 18 acres, had been granted in 1916 but, subsequently although pre-1924, the Lot had been divided into five sections and the sections had devolved separately from one another. Each of the plaintiffs is a lessee of one or other of the sections. The term granted by the original lease was a term of 75 years from 1 July 1898 but the lease conferred a right for the term to be renewed for a further term of 24 years less 3 days.

97. The New Territories (Renewable Government Leases) Ordinance, Cap. 152 , made on 19 May 1969 applied to this lease (see s.3). Section 4(2) of the Ordinance said that:

> "In the case of an existing Government lease of a lot which has been divided into sections before the 1st day of July 1973, the right of renewal contained in the lease shall be deemed to have been exercised by the persons entitled to that right and on that date there shall be deemed to be granted to such persons separate new Government leases of the land respectively held by them immediately before that date under the existing Government lease." (see also ss 4(3) and (4))

So, as at 1 July 1973 each of the lessees of the respective sections of the demised Lot was deemed to have been granted a new lease of his or her section for a further 24 years less 3 days. There is, or was, a dispute between the parties as to what land was comprised in that "new lease" but that the leasehold interest of each lessee in the land comprised in his or her section was continued under this Ordinance is not in dispute.

98. 30 June 1997 was the date on which the United Kingdom's rights in relation to the New Territories would expire. So it is not surprising to find that an agreement was reached between the United Kingdom Government and the Government of the People's Republic of China as to what would happen to land titles relating to land in the New Territories after that date. The agreement, embodied in the Sino-British Joint Declaration signed in Beijing on 19 December 1984, was given effect by the New Territories Leases (Extension) Ordinance, Cap. 150 . The Ordinance was expressed by s.2 to apply to "every New Territories lease ... that, but for this Ordinance, would expire before 30 June 1997" (with certain exceptions not here relevant) and provided, in s.6, that the term of every lease to which the Ordinance applied was "extended, from the date on which it would, apart from this Ordinance, expire, until the expiry of 30 June 2047, without payment of any additional premium". It is not in dispute that the term of the lease of each of the plaintiffs entitling him or her to possession of his or her section has been extended under this Ordinance.

99. To the north or north-west of the Lot comprised in the original lease lies an area of land that prior to 1924 appears to have been used by the lessees of the respective sections as fishponds for fish farming. It is not in dispute that the then lessees constructed embankments ("bunds") to enclose an additional area of some 6.67 acres within the demised Lot and that bunds were also constructed to divide the 6.67 acres into five parts so that, in effect, one such part became incorporated into each of the five sections and the lessee or lessees for the time being of that section enjoyed exclusive possession of that part.

100. It is important to note, first, that the enclosed area (i.e. the 6.67 acres) was never the subject of any lease or right of possession granted by the Government, secondly, that since at latest 1924 the lessee or lessees for the time being of each section has, or have, been in exclusive occupation of the part of the 6.67 acres enclosed within the section in question with no interruption to that occupation in fact or, until the Government's counterclaim for possession served on 30 March 2001, in law, and, thirdly, that the Government was unaware of this unauthorized occupation of its land until some time in the 1980s.

101. The plaintiffs' action against the Government was brought in order to establish, on various alternative bases, that they were entitled to remain in occupation of the part of the 6.67-acre area adjoining their respective sections. One basis of claim was that the 6.67 acres had been included in the original demise of the Lot. This claim failed on the facts at the trial of the action and has not been revived. Another basis was that the Government's title to the 6.67 acres had been extinguished by adverse possession of over 60 years and that the plaintiffs had become the owners of their respective parts of the 6.67 acres. This, too, failed at first instance and is no longer contended. A third basis of claim was that, by virtue of the plaintiffs' occupation of the 6.67 acres for over 60 years, the part adjoining each of the sections had become annexed to that section during the continuance of the demise of that section. This basis of claim was rejected by the trial judge but was accepted by the Court of Appeal and is the only basis of claim that has been relied on in this Court.

102. The claim relied on in this Court, as briefly described in the previous paragraph, requires a careful look, first, at the relevant provisions of the Limitation Ordinance, Cap. 347 , and, secondly, at the judge-made principles of the concept of encroachment by a lessee on to adjoining land of the lessee's landlord. Let me start with the Limitation Ordinance.

The Limitation Ordinan ce

103. The current Ordinance, "to consolidate and amend the law relating to the limitation of actions and arbitrations", was made on 11 June 1965. It is relevant to notice that the primary purpose of this, and predecessor Limitation Ordinances, was to deal with "the limitation of actions ...", not with the acquisition of rights. As Lord Hoffmann observed towards the end of the judgment of the Privy Council that he delivered in *Sze To Chun Keung v. Kung Kwok Wai David* [1997] 1 WLR 1232 at 1236:

> "... the Limitation Ordinance is not concerned with whether the defendant has acquired a title but with whether the plaintiffs' right of action has been barred."

104. Section 7(1) provides that:

> "(1) No action shall be brought by the Crown to recover any land after the expiration of 60 years from the date on which the right of action accrued to the Crown ..."

It is common ground that the right of the Crown to recover possession of the enclosed 6.67 acres must have accrued when the bunds, enclosing the area and excluding all others, were constructed by the plaintiffs' predecessors in title, that is to say, at latest 1924. It is common ground, also, that during the next 60 years the plaintiffs remained in exclusive occupation of their respective parts of the 6.67 acres and that nothing was done by the Government to challenge that occupation until, at earliest, December 2001. So why do the Government contend that they were entitled in December 2001 to recover possession of the enclosed areas, thereby putting an end to some 77 years of undisturbed possession?

105. The submissions of Mr Edward Chan SC, leading counsel for the Government before this Court, seem to me to propose two possible answers to that question. First, it is submitted that, during that long period of exclusive occupation, the plaintiffs were not, for limitation of action purposes, in "adverse possession" of their respective enclosed areas. Second, it is submitted that case law on the concept of "encroachment" requires the conclusion that on the expiry of the term granted by the original lease, that is to say, 30 June 1973 in the present case, the requisite 60-year period had not yet expired, had to commence afresh on the commencement of the deemed new grant and had not expired by December 2001. I must examine these submissions in turn.

Adverse possession

106. The concept of adverse possession is central to the operation of statutes of limitation in the common law. But in considering that concept it is important, it seems to me, to keep in mind the purpose of statutes of limitation. In *Adnam v. Earl of Sandwich* (1877) 2 QBD 485 Field J explained, at 489, that:

> "The legitimate object of all Statutes of Limitation is no doubt to quiet long continued possession, but they all rest upon the broad and intelligible principle that persons, who have at some anterior time been rightfully entitled to land or other property or money, have, by default and neglect on their part to assert their rights, slept upon them for so long a time as to render it inequitable that they should be entitled to disturb a lengthened enjoyment or immunity to which they have in some sense been tacit parties …"

In *Trustees of Dundee Harbour v. Dougal* (1852) 1 Macq. HL 321 Lord St Leonards had commented that "In all well regulated countries the quieting of possession is held an important point of policy". The policy recommended by these dicta is advanced if the required "possession" is an actual, factual possession, regardless of the paper title owner's intentions regarding the land (see *JA Pye (Oxford) Ltd v. Graham* [2003] 1 AC 419 per Lord Browne-Wilkinson at 433 to 438), and by regarding the requirement that the possession be "adverse" as placing the necessary restriction on the circumstances in which actual, factual possession can lead to the barring of the true owner's right of action.

107. In my opinion, the factual quality of the plaintiffs' occupation of their respective parts of the 6.67 acres post 1924 has represented for limitation of action purposes "adverse possession", subject only to Mr Chan's submission that because this occupation has represented an encroachment by lessees on adjoining land of their lessor and because it is to be presumed that they made their encroachment for the purpose of adding their respective parts of the 6.67 acres to their respective demised land, their possession cannot be regarded as adverse to their lessor.

Encroachment

108. The principle of "encroachment" is that if a tenant goes into, and remains in, occupation of land belonging to his landlord, it is to be presumed, particularly if the encroached-upon land is adjoining the demised land, that the tenant's encroachment is intended by him to annex the encroached-upon land to his demised land so as to enable him to occupy and use the encroached-upon land as if it were part and parcel of the demised land (see *Kingsmill v. Millard* (1855) 11 Exch 313 at 318). The presumption, although imposed by judge-made law, is a rebuttable one and can be rebutted by evidence that the tenant intended to occupy the encroached-upon land not simply as tenant but as owner.

109. It is not in dispute that this presumption does apply to the encroachment by the plaintiffs, or by their respective predecessors-in-title, on to the parts of the 6.67 acres adjoining their respective sections. Nor is it in dispute that the presumption has not been rebutted. The plaintiffs, it follows, are bound to accept that they, and their predecessors, have occupied their respective parts of the 6.67 acres as annexes to their demised land and on the same terms as those on which they hold their demised land under their leases. But the oddity, or one of the oddities, of the encroachment presumption is that it is unilateral. It binds the

encroaching lessee, unless rebutted, but it does not bind the lessor until, either, by his conduct or by the nature of his acquiescence he accepts the presumption, or, by the expiry of the relevant limitation period, he becomes unable to recover possession of the encroached-upon land and must, perforce, accept the presumption.

110. This feature of the presumption, namely, that it does not, and cannot, initially at least, bind the landlord, the owner of the encroached-upon land, is important. It follows that the landlord can, so long as he is not bound by the presumption, treat the encroacher, his tenant of the demised land, as a trespasser on the encroached-upon land and obtain against him all or any of the remedies that the law allows against a trespasser. These remedies include an order ejecting the encroacher from the encroached-upon land, an injunction against re-entry, payment of mesne profits and damages for trespass.

111. It seems to me to follow, also, that so long as the landlord, the owner of the encroached-upon land, remains entitled to treat the encroacher, his tenant of the demised land, as a trespasser vis-a-vis the encroached-upon land, it cannot be denied that the trespasser's possession of the encroached-upon land is "adverse" to the landlord for limitation purposes. And it follows from this that if the owner of the encroached-upon land does nothing, whether through inertia or through ignorance of the encroachment is immaterial, time for limitation purposes may run and if the limitation period expires the landlord will lose the right to treat the encroacher as a trespasser and will no longer be able to seek an order ejecting the trespasser from the encroached-upon land. On the expiry of the limitation period the encroacher will no longer be a trespasser and will be able, for the time being at least, to resist an order for possession sought by the landlord.

112. But the effect of the encroaching trespasser's adverse possession is, as it seems to me, necessarily limited by the unrebutted presumption. The encroacher's presumed intention is to occupy the land in question as an annex to his or her demised land. The encroacher will, therefore, on the termination of the demise of the demised land, be under an obligation to deliver up to the landlord not only the demised land but also the encroached-upon land held as an annex to the demised land. To that extent, therefore, the encroacher's possession of the encroached-upon land has not been "adverse" to the landlord. It seems to me, as a matter of principle, that the effect of a trespasser's possession must depend upon the trespasser's intentions. If the trespasser's intentions are to take possession of the land in a capacity not that of full ownership but limited in some way, then it seems to me that the consequences of that possession, if it has continued for the requisite limitation period, should, in principle, be limited accordingly. It should be no part of the function of statutes of limitation to give long enjoyed possession of land a consequence never intended by the possessor. I know of no authority to the contrary.

113. I conclude, therefore, that if a lessee enters into and remains in possession of land belonging to his lessor and adjoining the demised land and does so with the intention, presumed and unrebutted or simply proved, of thereby enlarging the demised land and treating the encroached-upon land as annexed to the demised land, his (the lessee's) possession is adverse possession, for he is in complete and exclusive possession and is, unless the lessor has consented to the encroachment, undoubtedly a trespasser. But it is a limited adverse possession, for it does not deny, and indeed accepts, the right of the lessor, the owner, to recover possession on the termination of the demise. It is adverse only for the limited purpose of acquiring a title during the continued currency of the demise. In such a case, there is, in my opinion, no reason why, if the possession continues uninterrupted for the requisite limitation period, the encroacher should not obtain, in effect, a leasehold title to the encroached-upon land for a period commensurate with the term for which he holds the demised land, and every reason why, on the expiry of that term, the lessor should be entitled to recover possession not only of the demised land but also of the encroached-upon land. Section 9(1) of the Limitation Ordinance would, in my opinion, apply.

114. A similar situation might well arise in relation to settled land. Suppose a case in which a stately home and the park around it are settled upon trust for A for life with remainder to B. And suppose that A encroaches upon land belonging to B adjoining the park and remains in that occupation of B's land for the requisite limitation period with no acknowledgment of B's title and no interruption of the occupation. Suppose also that there is no means of access to the encroached-upon land other than from the park or

from B's surrounding land. I would easily assume in such a case that it had been A's intention to occupy the encroached-upon land as an annex to the settled land and that it had not been A's intention to occupy the land adversely to B's right to recover the land after A's death. It would be absurd to suppose that A intended to acquire by his wrongful occupation of B's land any greater interest than a life interest. Why should the statutes of limitation do more than give effect to A's intention?

Estoppel

115. An understanding of the judge-made principles regarding the encroachment presumption is, in my opinion, not assisted by treating the presumption as creating an estoppel by representation. In *Perrott (J.F.) & Co. Ltd v. Cohen* [1951] 1 KB 705 Denning LJ said, at 710, that the "principle underlying the cases on encroachment is not perhaps strictly an estoppel, but it is akin to it". He then gave this explanation:

> "If a tenant takes possession of adjoining property and by his conduct represents that he is holding it under the demise, then, if the landlord acts on that representation by allowing the tenant to remain in possession, the tenant cannot afterwards assert that he is holding it on any other footing ... The reason is because the tenant has by his conduct made a representation that was intended to be binding, was intended to be acted on, and was in fact acted on; and he cannot be allowed to go back on it."

Neither of the other two members of the Court, Somervell and Cohen LLJ, made any reference to estoppel but regarded the case as one where both landlord and tenant had "... treated these lavatories as part of the land demised" (p.708), an entirely unexceptionable way in which a landlord can become bound by a presumption that initially would bind only the tenant.

116. Denning LJ's explanation, cited above, seems to me, if I may respectfully say so, to be a classic description of a representation by conduct acted on by the representee and that has accordingly become binding on the representor. But it does not explain the presumption. It is well settled that adverse possession for the requisite period can lead to the true owner's right to recover possession becoming barred by the statutes of limitation whether or not he, the true owner, knows that the trespasser has taken possession of some of his land. The key to acquisition of a possessory title is the adverse possession. The true owner's knowledge of it is irrelevant. It is otherwise with an estoppel by representation. Unless the representee has knowledge of the representation and acts on it in some way, the representor is not estopped from changing his mind and withdrawing the representation. The tenant who encroaches upon his landlord's adjoining land is presumed to be doing so in order to annex the encroached-upon land to the land of which he is tenant. Unless and until he can rebut that presumption, the presumption is binding on him. But the landlord, the owner of the encroached-upon land, may know nothing about it. He may be ignorant that his tenant has taken possession of some of his adjoining land and may have done nothing, either positively or by knowing acquiescence, to act on that assumption. True it may be that the tenant is barred from denying that he has taken possession of the encroached-upon land as owner, rather than as tenant. The unrebutted presumption has that effect. But unless the landlord knows of the encroachment and has consented to or acquiesced in the tenant's occupation of that additional land, the ingredients for an estoppel are not, in my opinion, present. It would, in my opinion, unacceptably distort the law relating to estoppel by representation to treat the effect of the presumption as creating, without more, such an estoppel.

117. For example, consider the present case, and the facts as they might have been. The encroachments commenced at latest in 1924 but it may have been earlier. The Government appears not to have known about the encroachments until some date in the 1980s. Whether, prior to that date, the 60-year limitation period prescribed by s.7(1) of the Limitation Ordinance had expired is uncertain. It may well have expired. Suppose it had done so, and that, post its expiry but before the Government had any knowledge of the encroachments, the plaintiffs had made it unequivocally clear to the Government that they were repudiating the Government's title to the encroached-upon land. What, in those supposed circumstances would have been the plaintiffs' and the Government's respective rights over the encroached-upon land?

118. The encroachment presumption, previously unrebutted, would hold the plaintiffs bound to accept that their possession of the encroached-upon land had been as lessees and not as outright owners. The Government would be entitled to rely on that presumption even though unaware of it or of the encroachments. The unrebutted presumption would provide the Government, the lessors, with sufficient and proper protection. But their reliance on an estoppel, or, at least, on an estoppel based on an express or implied representation, would be, in my opinion, a broken reed. The plaintiffs, the lessees, could respond that since the Government had been unaware of the encroachments and could not claim to have acted to their detriment on any representation capable of being drawn from the plaintiffs having taken and retained possession of land adjoining their demised land, no estoppel could be raised against them.

119. The plaintiffs could, of course, be described as being estopped from denying the Government's title to the encroached-upon land. "Estopped" is a word capable of meaning, simply, "barred" (see The New Shorter Oxford English Dictionary Vol. 1 1993 Edition) and the reason why the plaintiffs could be described as being "estopped" or "barred" would not be because of reliance by the Government on an estoppel but because of reliance by the Government on the unrebutted encroachment presumption.

120. In my opinion, therefore, in cases where the presumption applies and has not been rebutted, confusion is apt to be caused by treating the effect of the presumption as if it were brought about by an estoppel. In some cases the facts might well justify reliance on an estoppel. But not in all. Reliance on the unrebutted presumption after the expiry of the requisite limitation period would, in my opinion, always provide sufficient and proper protection for a lessor's proprietary interests. Reliance on an estoppel would not always do so.

Consequences

121. The consequences, in cases where the encroachment presumption that binds the encroacher cannot be, or has not been, rebutted, will depend upon what, if any, action is taken by the owner of the encroached-upon land in response to the encroachment.

(1) If the owner of the encroached-upon land has adopted the presumption, or has through conduct or knowing acquiescence become barred from denying it, both parties, tenant and landlord, will be bound to treat the encroached-upon land as annexed to the demised land and held by the tenant on the terms of the demise.

(2) If the owner of the encroached-upon land has done nothing and the relevant limitation period barring an action to recover possession of the encroached-upon land has expired, the owner will be unable to recover possession of that land until the termination of the demise. But the tenant, still bound by the unrebutted presumption, will be bound on the termination of the demise to deliver up possession both of the demised land and of the encroached-upon land to his landlord, the owner of both.

(3) But if the owner of the encroached-upon land, having done nothing to adopt the presumption, remains not bound by it, then, if the relevant limitation period has not yet expired, the owner can, by action, pursue the remedies available against trespassers and, accordingly, recover possession of the land.

These are, in my opinion, the principles that must be applied to determine this appeal.

122. So –

(1) The Government, lessor of the demised land and owner of the 6.67 acres of encroached-upon land, has done nothing to adopt the presumption and is not bound by it.

(2) The encroachers, the respective lessees of the sections, bound by the unrebutted presumption, have been, vis-a-vis the owner of the encroached-upon land, their lessor, trespassers. Their possession has,

therefore, been possession adverse to their lessor. The 60-year limitation period having expired in or shortly after 1984, the lessor has become, for the time being, barred by s.7 of the Ordinance from bringing an action to recover possession.

(3) But the lessees remain bound by the presumption. The most they can acquire through the expiration of the 60-year limitation period is the right to defeat a possession action and, accordingly, to remain in possession until the termination of their leases. Their possession has been adverse so far as the Government's right to recover possession during the currency of the leases is concerned but has not, on account of the presumption, been adverse to the Government's right to recover possession thereafter. To put the point another way, the lessees cannot, in my opinion, obtain a greater title by their adverse possession than that which corresponds to the possessory intentions imputed to them by the presumption.

123. It has been suggested that s.17 of the Limitation Ordinance is not consistent with the conclusions I have expressed. I do not agree. Section 17 provides that:

"... at the expiration of the period prescribed by this Ordinance for any person to bring an action to recover land ... the title of that person to the land shall be extinguished."

This provision requires that the title in question be identified. If the adverse possession that has been established has been adverse possession by a person, necessarily a trespasser, who claims, or who is presumed by the encroachment presumption to claim, only a term of years and not outright ownership, then the right of the owner to possession during that term of years is extinguished and the owner's title becomes a reversionary interest. All that is extinguished is the right during that term of years to enjoy the property free from that term of years. It cannot, in my opinion, possibly have been the intention of the legislators to give to the adverse possession of a possessor, whose intentions are limited to acquiring a leasehold title for a term of years only, an effect which extends beyond that intention. I would, for my part, decline to attribute to the legislators so perverse an intention and would, in a case like the present one, limit the effect of s.17 accordingly.

The adding-up rule

124. Mr Chan submitted that the limitation period of 60 years that commenced in 1924 had been interrupted by the cesser on 30 June 1973 of the term of the original lease, that the period had, perforce, to commence running afresh on 1 July 1973 when the further term of 24 years less 3 days commenced and that the period had not expired by December 2001 when the counterclaim for possession was served.

125. I am unable for a number of reasons to accept this submission. First, it seems to me unacceptably artificial to regard the Government as having acquired in 1924 a right of action to recover possession of the 6.67 acres that became spent on 30 June 1973 and as having acquired a fresh, identical right of action on 1 July 1973. The right of action acquired in 1924 was the same right of action, in respect of the same land, exercisable for the same reason, as the right of action exercisable on 1 July 1973. The notion that the deemed grant of the demised land made under s.4 of the 1969 New Territories (Renewable Government Leases) Ordinance had determined the original right of action and given rise to a new identical one seems to me misconceived. The trespass was the same wrongful act before and after 1 July 1973 and the potential right of action the Government had to remedy that wrongful act was the same right of action before and after that date.

126. Moreover, *Smirk v. Lyndale Developments Ltd* [1975] 1 Ch. 317 is, in my opinion, the only authority of any weight that supports the notion that a period of adverse possession accrued under one lease cannot be added to a period of adverse possession accrued under its successor lease. This authority was naturally relied on by Mr Chan. It is, however, distinguishable. In *Smirk* there was no right of renewal included in the terms of the original tenancy. There was, therefore, at least an opportunity for the original lessor to determine the tenancy. In the present case, however, the original demise did contain a right of renewal and at no point of time did the lessor, the Government, have the ability to bring to an end the interest of any of

the lessees in their respective sections. Even if the no adding-up rule for which *Smirk* stands as authority is good law, and I do not want to express an opinion on that, the rule seems to me inapplicable to a case where the original lease did confer a right of renewal and the right was duly exercised. In such a case the possession by a trespasser of encroached-upon land adjoining the land comprised in the original lease, who continues in that possession when the term granted by the original lease is renewed pursuant to a right of renewal contained in the original lease, does not, in my opinion, commence a new period of adverse possession when the new lease is granted. The reasons why not are explained by Lord Nicholls of Birkenhead in giving the judgment of the Privy Council in the *Chung Ping Kwan & Others v. Lam Island Development Ltd* [1997] AC 38 .

Conclusion

127. For the reasons I have given, I would dismiss this appeal. I am relieved to have been able to come to this conclusion for two overriding reasons. First, if 77 years of undisturbed possession had not sufficed to entitle the plaintiffs to retain that possession against the Government, the Limitation Ordinance would have failed to achieve the policy of limitation statutes to which I referred in para.106 above. Second, if the plaintiffs' possession of the encroached-upon 6.67 acres had enabled them to defeat the Government's title thereto that is expectant on the termination of the leases, the result of the case would have contradicted the long line of common law authority establishing that a tenant who goes into possession of adjoining land belonging to his landlord is presumed to do so for the purpose of enlarging his demised land and not for the purpose of acquiring an outright title against his landlord.

Mr Justice Bokhary PJ :

128. The appeal is unanimously dismissed with an order *nisi* as to costs in favour of the respondents, such order to become absolute 21 days from today unless written submissions seeking some other order as to costs are delivered to the Registrar within that period in which case any submissions in reply are to be delivered to the Registrar in writing within 21 days thereafter. Counsel on both sides are thanked for their assistance.

(Kemal Bokhary) Permanent Judge	(Patrick Chan) Permanent Judge	(R A V Ribeiro) Permanent Judge

(Henry Litton) Non-Permanent Judge	(Lord Scott of Foscote) Non-Permanent Judge

Mr Edward Chan SC, Mr Mok Yeuk Chi and Mr Anthony Chan (instructed by the Department of Justice) for the Appellant

Mr John Mcdonnel QC, Mr Benjamin Chain (instructed by Messrs Y.S. Lau & Partners) for the 1st, 11th to 15th Respondents

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[1] Deputy High Court Judge L Chan, HCA 10670/2000 (30 December 2009).

[2] Cap 347 .

[3] Cap 152 .

[4] *Tower Hamlets LBC v Barrett* [2006] 1 P & CR 9 at §109.

[5] (1880) 15 Ch D 150 at 161.

[6] (1871-1872) 7 LRCP 1 at 4.

[7] [1975] 1 Ch 317 at 323.

[8] Per Lawton LJ, *Ibid* at 337-338.

[9] [2006] 1 P & CR 9 at §112.

[10] Limitation Ordinance, Cap 347 , section 7(1).

[11] *Ibid* , section 7(2).

[12] Subsequently section 17 of the Limitation Act 1980.

[13] [2003] 1 AC 419 at §26. Our section 17 is the equivalent of section 17 of the Limitation Act 1980.

[14] (1853) 2 E & B 349.

[15] At 356.

[16] At 353.

[17] At 354.

[18] At 355. Crompton J's judgment was to like effect.

[19] (1855) 11 Ex 313 at 318.

[20] At 319.

[21] (1871-1872) 7 LRCP 1.

[22] At 8.

[23] At 4.

[24] At 8.

[25] (1877) 5 Ch D 750 .

[26] At 766.

[27] At 763-764.

[28] At 766.

[29] (1879) 15 Ch D 150 at 156, 160.

[30] At 160-161.

[31] (1895) 64 LJQB 245 at 247.

[32] *Ibid* .

[33] [1951] 1 KB 705 .

[34] At 708.

[35] *Ibid.*

[36] (1895) 64 LJQB 245 .

[37] (1898) 79 LT 355 .

[38] At 709.

[39] At 710.

[40] [1975] 1 Ch 317 .

[41] At 333.

[42] [1975] 1 Ch 317 at 337-338.

[43] [2006] 1 P & CR 9 .

[44] At §90.

[45] Megarry & Wade, The Law of Real Property (6 th ed, 2000) §21-027.

[46] Looseleaf edition, Vol 1, §19.007.

[47] [2006] 1 P & CR 9 at §86.

[48] (1993) 176 CLR 471 , in the joint judgment of Mason CJ, Brennan, Dawson, Gaudron and McHugh JJ.

[49] At 475-476.

[50] See per Li CJ in *Wong Tak Yue v Kung Kwok Wai (No 2)* (1997-98) 1 HKCFAR 55 at 67.

[51] [1997] AC 38 .

[52] [2003] 1 AC 419 .

[53] *Wong Tak Yue v Kung Kwok Wai (No 2)* (1997-98) 1 HKCFAR 55 at 68-69; and *J A Pye (Oxford) Ltd v Graham* [2003] 1 AC 419 at §42-§43.

[54] Which is discussed in *Unruh v Seeberger* in (2007) 10 HKCFAR 31 at §129 et seq.

[55] [1997] AC 38 .

[56] At 50.

[57] (2006) 9 HKCFAR 29 at §29.

[58] *Smirk v Lyndale Developments* [1975] 1 Ch 317 at 333.

[59] [1975] 1 Ch 317 at 338.

[60] Cap150 . Section 2 provides: “This Ordinance applies to every New Territories lease that exists at the commencement of this section and that, but for this Ordinance, would expire before 30 June 1997 [excepting immaterial leases].” And section 6 states: “The term of a lease to which this Ordinance applies is extended, from the date on which it would, apart from this Ordinance, expire, until the expiry of 30 June 2047, without payment of any additional premium.”

[61] (2006) 9 HKCFAR 29 .

Annex 3 Plans annexed to Memorial no. 12081702340018

View PROPERTY PARTICULARS

View OWNER PARTICULARS
View INCUMBRANCES
View DEEDS PENDING REGISTRATION

土 地 註 冊 處 THE LAND REGISTRY
土 地 登 記 冊 LAND REGISTER

印製於 PRINTED AT: INTERNET SEARCH (DOWNLOAD)
查冊日期及時間 SEARCH DATE AND TIME: 04/07/2024 14:03
查冊者姓名 / 名稱 NAME OF SEARCHER: LCH (ASIA-PACIFIC) SURVEYORS LIMITED

查冊種類 SEARCH TYPE: CURRENT

本登記冊列明有關物業截至 04/07/2024 07:30 之資料
THE INFORMATION SET OUT BELOW CONTAINS PARTICULARS OF THE PROPERTY UP TO 07:30 ON 04/07/2024.

備存土地紀錄以供市民查閱旨在防止秘密及有欺詐成分的物業轉易，以及提供容易追溯和確定土地財產及不動產業權的方法。土地紀錄內載的資料不得用於與土地紀錄的宗旨無關之目的，使用所提供的資料須符合《個人資料（私隱）條例》的規定。
The land records are kept and made available to members of the public to prevent secret and fraudulent conveyances, and to provide means whereby the title to real and immovable property may be easily traced and ascertained. The information contained in the land records shall not be used for purposes that are not related to the purposes of the land records. The use of information provided is subject to the provisions in the Personal Data (Privacy) Ordinance.

進行任何交易前，應先向土地註冊處查閱最新的土地紀錄。
BEFORE ANY DEALINGS, UP-TO-DATE LAND SEARCH SHOULD BE CONDUCTED WITH THE LAND REGISTRY.

物業資料
PROPERTY PARTICULARS

物業參考編號
PROPERTY REFERENCE NUMBER (PRN): C2666521

地段編號
LOT NO.: THE REMAINING PORTION OF SECTION D OF LOT NO. 1212 IN D.D. 115

批約 HELD UNDER: -
年期 LEASE TERM: -
開始日期 COMMENCEMENT OF LEASE TERM: -
每年地稅 RENT PER ANNUM: -

所佔地段份數
SHARE OF THE LOT: -

ADDRESS: YUEN LONG
NEW TERRITORIES

地址: -

備註
REMARKS: ORIGINAL GRANT, LEASE TERM, ITS DATE OF COMMENCEMENT & RENT CANNOT BE TRACED IN THE LAND REGISTRY

業主資料
OWNER PARTICULARS

業主姓名 NAME OF OWNER	身分 (如非唯一擁有人) CAPACITY (IF NOT SOLE OWNER)	註冊摘要編號 MEMORIAL NO.	文書日期 DATE OF INSTRUMENT	註冊日期 DATE OF REGISTRATION	代價 CONSIDERATION
LAM CHOK LAM		YL129247	09/04/1952	09/04/1952	$4,000.00
-					
	備註 REMARKS: CONVEYANCE ON SALE RE S.D OF LOT NO.1212 IN DD115				
LAM SHAU-HONG	TENANT IN COMMON	YL255883	22/12/1981	19/01/1982	-
-	(1/5)				
LAM KWOK-KEE	TENANT IN COMMON				
-	(1/5)				
LAM TSE-CHOI	TENANT IN COMMON				
-	(1/5)				
LAM WING-LAU	TENANT IN COMMON				
-	(1/5)				
LAM SHUI-LUN	TENANT IN COMMON				
-	(1/5)				
	備註 REMARKS: ASSIGNMENT BY LAM CHOK LAM FOR LOTS AFFECTED SEE MEMORIAL				
LAM NGOK CHING		YL430448	22/05/1990	09/07/1990	-
-	(1/5)				
	備註 REMARKS: APPROVAL LETTER OF SUCCESSION TO THE ESTATE OF LAM SHAU HONG, DECEASED FOR LOTS AFFECTED SEE MEMORIAL				
LAM NGOK-CHING	BENEFICIARY	YL430449	22/05/1990	09/07/1990	-
-	(1/5)				

LAM KWOK-KEE -	TRUSTEE					
		備註 REMARKS:	APPOINTMENT OF TRUSTEE UPON TRUST FOR LAM NGOK CHING FOR LOTS AFFECTED SEE MEMORIAL			
LAM NGOK CHING -	(1/5)		YL495134	30/01/1992	14/02/1992	-
		備註 REMARKS:	VESTING DEED BY LAM KWOK KEE FOR LOTS AFFECTED SEE MEMORIAL			
CHAN KIT 陳潔	EXECUTOR (1/5)		12010901950082 PROBATE	16/11/2011	09/01/2012	-
LAM TZE CHOI ALIAS LAM TSE CHOI 林志才	EXECUTOR					
		備註 REMARKS:	FOR LOTS AFFECTED SEE MEMORIAL OF LAM KWOK KEE, DECEASED			
CHAN KIT 陳潔 LAM YU CHUNG 林如頌	(3/10) (7/10)		21041401970043 ASSENT	08/04/2021	14/04/2021	-
		備註 REMARKS:	FOR LOTS AFFECTED SEE MEMORIAL BY CHAN KIT AND LAM TZE CHOI ALIAS LAM TSE CHOI RE 1/5 SHARE			

物業涉及的轇轕

INCUMBRANCES

註冊摘要編號 MEMORIAL NO.	文書日期 DATE OF INSTRUMENT	註冊日期 DATE OF REGISTRATION	文書性質 NATURE	受惠各方 IN FAVOUR OF	代價 CONSIDERATION
YL255882	08/12/1981	19/01/1982	POWER OF ATTORNEY BY LAM SHUI LUN	LAM WING LAU - (ATTORNEY)	-
			備註 REMARKS: FOR LOTS AFFECTED SEE MEMORIAL		
12081702340018	30/12/2009	17/08/2012	SEALED COPY OF JUDGEMENT WITH PLAN	CHAU KA CHIK TSO BY ITS MANAGER CHAU FUK SZE (NOW REPLACED BY CHOW LAP YAN AND CHAU MOU LIN TOMMY) - DULY REGISTERED UNDER THE NEW TERRITORIES ORDINANCE, CAP.97 - (1ST PLAINTIFF) LAM CHI-FAI - (2ND PLAINTIFF) LAM CHI-KIN ANDREW - (3RD PLAINTIFF) LAM CHI-LEUNG - (4TH PLAINTIFF) LAM CHI-KWONG - (5TH PLAINTIFF) LAM SAI-KIT - (6TH PLAINTIFF) LAM YUET-YAU - (7TH PLAINTIFF) LAM TZE-CHUN - (8TH PLAINTIFF) LAM CHUN-SING - (9TH PLAINTIFF) LAM PING-CHUNG - (10TH PLAINTIFF) LAM WING-LAU - (11TH PLAINTIFF) LAM KWOK-KEE - (12TH PLAINTIFF) LAM TZE-CHOI	-

				ALSO KNOWN AS LAM TSE CHOI - (13TH PLAINTIFF) LAM SHUI-LUN - (14TH PLAINTIFF) LAM NGOK-CHING - (15TH PLAINTIFF) SECRETARY FOR JUSTICE - (DEFENDANT)	
				備註 REMARKS: HCA 10670/2000 (RE : DISCREPANT AREAS)	
12081702340020	14/02/2011	17/08/2012	SEALED COPY OF ORDER	CHAU KA CHIK TSO BY ITS MANAGER CHAU FUK SZE (NOW REPLACED BY CHOW LAP YAN AND CHAU MOU LIN TOMMY) - DULY REGISTERED UNDER THE NEW TERRITORIES ORDINANCE, CAP.97 - (1ST PLAINTIFF) LAM CHI-FAI - (2ND PLAINTIFF) LAM CHIK-KIN ANDREW - (3RD PLAINTIFF) LAM CHI-LEUNG - (4TH PLAINTIFF) LAM CHI-KWONG - (5TH PLAINTIFF) LAM SAI-KIT - (6TH PLAINTIFF) LAM YUET-YAU - (7TH PLAINTIFF) LAM TZE-CHUN - (8TH PLAINTIFF) LAM CHUN-SING - (9TH PLAINTIFF) LAM PING-CHUNG - (10TH PLAINTIFF) LAM WING-LAU - (11TH PLAINTIFF) LAM KWOK-KEE - (12TH PLAINTIFF) LAM TZE-CHOI ALSO KNOWN AS LAM TSE CHOI - (13TH PLAINTIFF) LAM SHUI-LUN - (14TH PLAINTIFF) LAM NGOK-CHING - (15TH PLAINTIFF) SECRETARY FOR JUSTICE - (DEFENDANT)	-
				備註 REMARKS: CACV 26/2010 (ON APPEAL FROM HCA NO. 10670 OF 2000) (RE : DISCREPANT AREAS)	
12081702340036	08/12/2011	17/08/2012	SEALED COPY OF ORDER	SECRETARY FOR JUSTICE -	-

(APPELLANT)

CHAU KA CHIK TSO BY ITS MANAGER CHAU FUK SZE (NOW REPLACED BY CHOW LAP YAN AND CHAU MOU LIN TOMMY)
-
DULY REGISTERED UNDER THE NEW TERRITORIES ORDINANCE, CAP.97
-
(1ST RESPONDENT)

LAM CHI-FAI
-
(2ND RESPONDENT)

LAM CHI-KIN ANDREW
-
(3RD RESPONDENT)

LAM CHI-LEUNG
-
(4TH RESPONDENT)

LAM CHI-KWONG
-
(5TH RESPONDENT)

LAM SAI-KIT
-
(6TH RESPONDENT)

LAM YUET-YAU
-
(7TH RESPONDENT)

LAM TZE-CHUN
-
(8TH RESPONDENT)

LAM CHUN-SING
-
(9TH RESPONDENT)

LAM PING-CHUNG
-
(10TH RESPONDENT)

LAM WING-LAU
-
(11TH RESPONDENT)

LAM KWOK-KEE
-
(12TH RESPONDENT)

LAM TZE-CHOI
ALSO KNOWN AS LAM TSE CHOI
-
(13TH RESPONDENT)

LAM SHUI-LUN
-
(14TH RESPONDENT)

LAM NGOK-CHING
-
(15TH RESPONDENT)

備註 REMARKS: FACV 5/2011 (ON APPEAL FROM CACV NO. 26 OF 2010)
(RE : DISCREPANT AREAS)

等待註冊的契約
DEEDS PENDING REGISTRATION

註冊摘要編號 MEMORIAL NO.	文書日期 DATE OF INSTRUMENT	交付日期 DATE OF DELIVERY	文書性質 NATURE	受惠各方 IN FAVOUR OF	代價 CONSIDERATION

********** 無 NIL **********

** 登記冊末端 END OF REGISTER **

View PROPERTY PARTICULARS
View OWNER PARTICULARS
View INCUMBRANCES
View DEEDS PENDING REGISTRATION

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查冊種類 SEARCH TYPE: CURRENT

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物業資料
PROPERTY PARTICULARS

物業參考編號
PROPERTY REFERENCE NUMBER (PRN): D0928856

地段編號
LOT NO.: THE REMAINING PORTION OF SECTION E OF LOT NO. 1212 IN D.D. 115

批約 HELD UNDER: -
年期 LEASE TERM: -
開始日期 COMMENCEMENT OF LEASE TERM: -
每年地稅 RENT PER ANNUM: -

所佔地段份數
SHARE OF THE LOT: -

ADDRESS: YUEN LONG
NEW TERRITORIES

地址: -

備註
REMARKS: LOT CARVED OUT BY DEED POLL MEM. NO. 07040302220013

ORIGINAL GRANT, LEASE TERM, ITS DATE OF COMMENCEMENT AND RENT CANNOT BE TRACED IN THE LAND REGISTRY

業主資料
OWNER PARTICULARS

業主姓名 NAME OF OWNER	身分 (如非唯一擁有人) CAPACITY (IF NOT SOLE OWNER)	註冊摘要編號 MEMORIAL NO.	文書日期 DATE OF INSTRUMENT	註冊日期 DATE OF REGISTRATION	代價 CONSIDERATION
TOPUP ROUGE ENTERPRISE LIMITED 紅昇企業有限公司		18020201370064 ASSIGNMENT	12/01/2018	02/02/2018	$323,691,132.96 (PT.)

物業涉及的轇轕
INCUMBRANCES

註冊摘要編號 MEMORIAL NO.	文書日期 DATE OF INSTRUMENT	註冊日期 DATE OF REGISTRATION	文書性質 NATURE	受惠各方 IN FAVOUR OF	代價 CONSIDERATION
YL408588	19/09/1989	16/10/1989	CHINESE MEMORANDUM	- -	-
			備註 REMARKS: RE S.A & S.E OF LOT NO. 1212 IN DD115		
YL446967	04/01/1991	11/01/1991	SEALED COPY JUDGMENT HIGH COURT NO. A7885 OF 1990	CHAN SHUK KAM TRADING AS LONGWELL INDUSTRIAL CO. "PLAINTIFF" - CHAU MOU LIN TOMMY "DEFENDANT" -	-
			備註 REMARKS: RE S.A & S.E OF LOT NO. 1212 IN DD115		

YL448840	16/01/1991	28/01/1991	SEALED COPY CHARGING ORDER: NOTICE TO SHOW CAUSE	CHAN SHUK KAM TRADING AS LONGWELL INDUSTRIAL COMPANY "PLAINTIFF" - CHAU MOU LIN TOMMY "DEFENDANT" -	-
			備註 REMARKS: HIGH COURT NO.A7885 OF 1990 RE S.A & S.E OF LOT NO. 1212 IN DD115		
YL452066	22/02/1991	07/03/1991	CHARGING ORDER: NOTICE TO SHOW CAUSE	KOWLOON INDUSTRIAL CO. (A FIRM) "PLAINTIFF" - CHAU MOU LIN TOMMY "DEFENDANT" -	-
			備註 REMARKS: HIGH COURT NO.A7223, 1990 RE S.A & S.E OF LOT NO. 1212 IN DD115		
YL452504	12/02/1991	12/03/1991	SEALED COPY ORDER ABSOLUTE IMPOSING CHARGE ON LAND	CHAN SHUK KAM TRADING AS LONGWELL INDUSTRIAL COMPANY "PLAINTIFF" - CHAU MOU LIN TOMMY "DEFENDANT" -	-
			備註 REMARKS: HIGH COURT NO.A7885 OF 1990 RE S.A & S.E OF LOT NO. 1212 IN DD115		
YL454071	14/03/1991	03/04/1991	SEALED COPY OF AMENDED CHARGING ORDER ABSOLUTE	KOWLOON INDUSTRIAL CO. "THE PLAINTIFF" - CHAU MOU LIN TOMMY "THE DEFENDANT" -	-
			備註 REMARKS: HIGH COURT ACTION NO.A7223 OF 1990 RE S.A & S.E OF LOT NO. 1212 IN DD115		
YL455222	02/04/1991	20/04/1991	SEALED COPY CHARGING ORDER NOTICE TO SHOW CAUSE	KOWLOON INDUSTRIAL CO. "PLAINTIFF" - CHAU MOU LIN TOMMY "DEFENDANT" -	-
			備註 REMARKS: HIGH COURT ACTION NO.A853, 1991 RE S.A & S.E OF LOT NO. 1212 IN DD115		
YL457389	30/04/1991	15/05/1991	SEALED COPY OF CHARGING ORDER ABSOLUTE	KOWLOON INDUSTRIAL CO. (A FIRM) "PLAINTIFF" - CHAU MOU LIN TOMMY "DEFENDANT" -	-
			備註 REMARKS: HIGH COURT ACTION NO.A853 OF 1991 RE S.A & S.E OF LOT NO. 1212 IN DD115		
YL457955	08/05/1991	21/05/1991	SEALED COPY CHARGING ORDER: NOTICE TO SHOW CAUSE	CHAN SHUK KAM TRADING AS LONGWELL INDUSTRIAL COMPANY - (PLAINTIFF) CHAU MOU LIN, TOMMY - (DEFENDANT)	-
			備註 REMARKS: HIGH COURT 1991, NO.A1617 RE S.A & S.E OF LOT NO. 1212 IN DD115		
YL461308	23/05/1991	20/06/1991	SEALED COPY ORDER ABSOLUTE IMPOSING CHARGE ON LAND HC NO.A1617 OF 1991	CHAN SHUK KAM TRADING AS LONGWELL INDUSTRIAL COMPANY "THE PLAINTIFF" - CHAU MOU LIN TOMMY "THE DEFENDANT" -	-
			備註 REMARKS: RE S.A & S.E OF LOT NO. 1212 IN DD115		
YL820331	14/03/1991	04/07/1998	SEALED COPY OF AMENDED CHARGING ORDER ABSOLUTE	KOWLOON INDUSTRIAL CO. "PLAINTIFF" - CHAU MOU LIN TOMMY "DEFENDANT" -	-
			備註 REMARKS: IN HIGH COURT ACTION NO.A7223 OF 1990 (AS AMENDED ON 28.3.1991) FOR LOTS AFFECTED SEE MEMORIAL		
YL1035070	23/10/2002	06/03/2003	NOTICE OF RETIREMENT & APPOINTMENT OF MANAGER	- -	-
			備註 REMARKS: RE CHAU KA CHIK TSO CHAU FUK SZE "RETIRED MANAGER" RE S.E & R.P. OF S.A OF LOT NO. 1212 IN DD115		
09060500310080	05/02/2009	05/06/2009	NOTICE OF DEATH AND APPOINTMENT OF MANAGER OF CHAU KA CHIK TS0 (周家藉祖)	CHOW LAP YAN 周立人	-

備註 REMARKS: OF CHOW KEE WING "DECEASED MANAGER"

12081702340018	30/12/2009	17/08/2012	SEALED COPY OF JUDGEMENT WITH PLAN	CHAU KA CHIK TSO BY ITS MANAGER CHAU FUK SZE (NOW REPLACED BY CHOW LAP YAN AND CHAU MOU LIN TOMMY) - DULY REGISTERED UNDER THE NEW TERRITORIES ORDINANCE, CAP.97 - (1ST PLAINTIFF) LAM CHI-FAI - (2ND PLAINTIFF) LAM CHI-KIN ANDREW - (3RD PLAINTIFF) LAM CHI-LEUNG - (4TH PLAINTIFF) LAM CHI-KWONG - (5TH PLAINTIFF) LAM SAI-KIT - (6TH PLAINTIFF) LAM YUET-YAU - (7TH PLAINTIFF) LAM TZE-CHUN - (8TH PLAINTIFF) LAM CHUN-SING - (9TH PLAINTIFF) LAM PING-CHUNG - (10TH PLAINTIFF) LAM WING-LAU - (11TH PLAINTIFF) LAM KWOK-KEE - (12TH PLAINTIFF) LAM TZE-CHOI ALSO KNOWN AS LAM TSE CHOI - (13TH PLAINTIFF) LAM SHUI-LUN - (14TH PLAINTIFF) LAM NGOK-CHING - (15TH PLAINTIFF) SECRETARY FOR JUSTICE - (DEFENDANT)	-

備註 REMARKS: HCA 10670/2000
(RE : DISCREPANT AREAS)

12081702340020	14/02/2011	17/08/2012	SEALED COPY OF ORDER	CHAU KA CHIK TSO BY ITS MANAGER CHAU FUK SZE (NOW REPLACED BY CHOW LAP YAN AND CHAU MOU LIN TOMMY) - DULY REGISTERED UNDER THE NEW TERRITORIES ORDINANCE, CAP.97 - (1ST PLAINTIFF) LAM CHI-FAI - (2ND PLAINTIFF) LAM CHIK-KIN ANDREW - (3RD PLAINTIFF)	-

LAM CHI-LEUNG
-
(4TH PLAINTIFF)

LAM CHI-KWONG
-
(5TH PLAINTIFF)

LAM SAI-KIT
-
(6TH PLAINTIFF)

LAM YUET-YAU
-
(7TH PLAINTIFF)

LAM TZE-CHUN
-
(8TH PLAINTIFF)

LAM CHUN-SING
-
(9TH PLAINTIFF)

LAM PING-CHUNG
-
(10TH PLAINTIFF)

LAM WING-LAU
-
(11TH PLAINTIFF)

LAM KWOK-KEE
-
(12TH PLAINTIFF)

LAM TZE-CHOI
ALSO KNOWN AS LAM TSE CHOI
-
(13TH PLAINTIFF)

LAM SHUI-LUN
-
(14TH PLAINTIFF)

LAM NGOK-CHING
-
(15TH PLAINTIFF)

SECRETARY FOR JUSTICE
-
(DEFENDANT)

備註 REMARKS: CACV 26/2010 (ON APPEAL FROM HCA NO. 10670 OF 2000)
(RE : DISCREPANT AREAS)

12081702340036	08/12/2011	17/08/2012	SEALED COPY OF ORDER	SECRETARY FOR JUSTICE - (APPELLANT) CHAU KA CHIK TSO BY ITS MANAGER CHAU FUK SZE (NOW REPLACED BY CHOW LAP YAN AND CHAU MOU LIN TOMMY) - DULY REGISTERED UNDER THE NEW TERRITORIES ORDINANCE, CAP.97 - (1ST RESPONDENT) LAM CHI-FAI - (2ND RESPONDENT) LAM CHI-KIN ANDREW - (3RD RESPONDENT) LAM CHI-LEUNG - (4TH RESPONDENT) LAM CHI-KWONG - (5TH RESPONDENT) LAM SAI-KIT - (6TH RESPONDENT) LAM YUET-YAU - (7TH RESPONDENT)	-

				LAM TZE-CHUN - (8TH RESPONDENT) LAM CHUN-SING - (9TH RESPONDENT) LAM PING-CHUNG - (10TH RESPONDENT) LAM WING-LAU - (11TH RESPONDENT) LAM KWOK-KEE - (12TH RESPONDENT) LAM TZE-CHOI ALSO KNOWN AS LAM TSE CHOI - (13TH RESPONDENT) LAM SHUI-LUN - (14TH RESPONDENT) LAM NGOK-CHING - (15TH RESPONDENT)	
			備註 REMARKS:	FACV 5/2011 (ON APPEAL FROM CACV NO. 26 OF 2010) (RE : DISCREPANT AREAS)	
17071801900036	22/06/2017	18/07/2017	AGREEMENT FOR SALE AND PURCHASE	TOPUP ROUGE ENTERPRISE LIMITED 紅昇企業有限公司	$323,691,132.96 (PT.)
			備註 REMARKS:	SEE ASSIGNMENT MEM. NO. 18020201370064	
18011901380015	13/11/2017	19/01/2018	CONSENT LETTER	- -	-
			備註 REMARKS:	FROM YUEN LONG DISTRICT OFFICE TO CHEUNG & YIP SOLICITORS & NOTARIES	

等待註冊的契約

DEEDS PENDING REGISTRATION

註冊摘要編號 MEMORIAL NO.	文書日期 DATE OF INSTRUMENT	交付日期 DATE OF DELIVERY	文書性質 NATURE	受惠各方 IN FAVOUR OF	代價 CONSIDERATION

********** 無 NIL **********

********** **登記冊末端 END OF REGISTER** **********

URBAN GREEN

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

Drainage Impact Assessment Report

Reference: P159-DIA-I4
Date: 30 March 2026
Confidential

Ir. Leung Wing Kit
RPE (Civil) No.: RP0806160

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

Drainage Impact Assessment Report

Reference: P159-DIA-I4

Date: 30 March 2026

Issue	Status	Prepared By	Date	Checked by	Date	Approved By	Date
1	-	Elvis Liu	Sep 25	Cheryl Chan	Sep 25	Joan Choi	Sep 25
2	-	Cheryl Chan	Dec 25	Cheryl Chan	Dec 25	Joan Choi	Dec 25
3	-	Elvis Liu	Mar 26	Cheryl Chan	Mar 26	Joan Choi	Mar 26
4	-	Elvis Liu	Mar 26	Cheryl Chan	Mar 26	Joan Choi	Mar 26

23/F Wui Tat Centre, 55 Connaught Road West, Hong Kong
Tel: (852) 31141144

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Contents

1 Introduction 1

1.1 Background 1

1.2 Study Objectives 2

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1 Introduction

1.1 Background

The planning application is for filling a 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 in Nam Sang Wai, Yuen Long, New Territories (hereafter as "the Site").

The Site mainly falls within an area designated as "Other Specified Uses" annotated as "Comprehensive Development to include Wetland Restoration Area" ("OU(CDWRA)") zone with a small portion in an area designed as "Village Type Development" ("V") zone on the Approved Nam Sang Wai Outline Zoning Plan No. S/YL-NSW/11 ("NSW OZP"). According to the Notes of the NSW OZP for "OU(CDWRA)" and "V" zones, 'Agricultural Use' falls into Column 1 that is always permitted by the Board.

The 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 use aligns with the guideline's intention to protect the ecological integrity of the fishponds and wetlands within the sensitive Wetland Conservation Area ("WCA") through the rehabilitation of agricultural area and fishponds.

The proposed area for cultivation was previously ponds and had been formed for more than two decades. It is currently covered with vegetation. In order to reflect the current situation of the Site and to regularize the pond filling, a planning application for filling of pond is proposed.

This proposal demonstrates that the proposed agricultural use is always permitted under the NSW OZP and the filling of pond is to reflect the current condition of the Site.

Due to concerns about possible drainage impact arising from the proposed development, Urban Green Consultants Ltd. (UGC) has been commissioned to

conduct a Drainage Impact Assessment (DIA) to demonstrate the acceptability of drainage impact upon the surrounding environment.

1.2 Study Objectives

The objectives of this DIA are to assess the possible drainage impacts that may be caused by the proposed development and to recommend mitigation measures to alleviate such impacts if necessary.

1.3 Report Structure

The remaining chapters of this report are shown below:

Chapter 2 – Site Context

Chapter 3 – Drainage Analysis

Chapter 4 – Conclusion

2 Site Context

2.1 Current Site Conditions and its Environs

The Site covers a total area of about 21,929m^2, including portion of Lot 1212 s.E R.P. of about 13,068 m^2., Lot 1212 s.E ss.1 of about 10m^2., and a portion of Discrepant Areas (Portion) adjacent to Lot 1212 s.E of about 8,851 m^2. The Site is currently fenced off, largely paved with vegetations covering a major portion of the site and a pond situated in the northwest.

The Site is located at the far fringe of Nam Sang Wai. The surrounding environment of the Site is in rural village context intermixed with temporary uses. The Site is surrounded by Shan Pui Tsuen and Shan Pui Chung Hau Tsuen, with other low-rise residential developments. The immediate northwest of the Site is the Hong Kong School of Motoring, while to the southwest is the transitional housing project of United Court providing about 1800 units. Figure 2.1 shows the Site location and its environs.

2.2 Existing Drainage Condition

A site survey was conducted on 7 May 2025. The Site is not served by any drainage system to direct surface runoff. Part of the runoff overflows directly into the Kam Tin River.

3 Drainage Analysis

3.1 Assessment Methodology and Assumptions

This DIA has adopted the Rational Method for runoff estimation:

$$Q_p = 0.278\ i \sum C_j\ A_j$$

where
Q_p is peak runoff (m^3/s);
i is rainfall intensity (mm/hr);
A_j is the jth catchment (km^2);
C_j is the runoff coefficient of the jth catchment (dimensionless).

The details of the Rational Method can be referred to the *Stormwater Drainage Manual* (SDM) (DSD, 2018) with Corrigendum No. 1/2022, 1/2024, 2/2024.

Based on a 1:50 year flood protection standard in the SDM and the estimated time of concentration, the appropriate rainfall intensities (i) were calculated based on linear interpolation of the intermediate table values.

The assumptions of this DIA are summarised below:

- Rainstorm return period – 1 in 50 years
- Runoff coefficient for flatted grassland (heavy soil) – 0.25
- Manning's roughness coefficient for the proposed U-channels – 0.016
- Colebrook-White's roughness coefficient (ks) for the proposed circular pipes – 0.000006 m
- Kinematic viscosity of water at 15°C (v) – 1.140x10-6 m^2/s
- Gravity (g) – 9.806 m^2/s

3.2 Design Parameters

Based on the geographical characteristics of the Site and its surroundings, there are a total of 11 catchments (Catchment A, D – M) were identified as shown in Figure 3.1A before the proposed development. There is a change in the catchment area after the proposed development. Figure 3.1B shows that there is a total of 12 catchments (Catchment A – M). Before the proposed development, the flow of catchments F and G will naturally flow into Kam Tin River through the Site. But with an increase of about 2 m in the Site level, the flow of catchment G will no longer flow through the Project Site. The flow in catchment G directly flows into the United Court (Catchment H), then the flow of catchment G and H discharges into the surface channels of United Court. Catchment K in Figure 3.1A originally flows through the Site as well. But due to the change in ground level, the flow of catchment K now

combines with the flow of catchment J, forming one single catchment as shown in Figure 3.1B. Therefore, the drainage characteristics of nearby catchment areas have changed after the proposed development.

Among all nearby catchment areas, only catchment F will flow through the Site. For conservative assessment purposes, the runoff from Catchment F has been fully incorporated into the hydraulic calculations. Since the existing overland flow will be changed, wall openings will be provided for the fence wall between catchment G and the Site. The wall openings are proposed to have dimensions of 300 mm (W) x 200 mm (H) and they will be distributed at a regular spacing of 2 m to ensure the surface runoff from catchment F can be conveyed to the proposed drainage system within the Site.

No existing drainage facilities are found on Site based on the site survey conducted on 7 May 2025. Surface runoff from Catchment A, B, C and F will be collected by a series of the proposed U-channels and circular pipes, then discharged to the Kam Tin River via proposed U-channels M1 – M12 and proposed circular pipe M9 to Kam Tin River. Sand trap will be provided together with the terminal manhole to collect sediment before the collected runoff is discharged to the existing watercourse. Figure 3.3A to 3.3D shows the cross sections of proposed drainage facilities with the existing and proposed ground levels. Figure 3.4 shows the details of the connection between the proposed drainage system and the existing Kam Tin River. Figure 3.5 and Figure 3.6 shows the typical design of catchpit, u-channel and sand trap. The drainage proposal is shown in Figure 3.2.

For the surface runoff from Catchment D - M (as indicated in Figure 3.1B), the runoff will not flow towards the Site. Therefore, the Site will not collect the runoff from surrounding catchments.

The surface runoff from the Site has been estimated and presented in Appendix B.

3.3 Assessment Results

The surface characteristics of the on-site catchment area (i.e. Catchment A, B and C) has changed after the proposed development. The changes in surface characteristics of the on-site catchment area are summarized in Table 3.1.

Table 3.1 Changes in Surface Characteristics of On-Site Catchment Area

On-Site Catchment Area	Existing Development		Proposed Development
	Unpaved	Paved	Paved
A	90%	10%	100%
B	80%	20%	100%
C	60%	40%	100%

Detailed calculations of the estimated on-site catchment runoffs to the proposed drainage system are provided in Appendix B. The assessment results are summarized in Table 3.2.

Table 3.2 Estimated Runoffs to Proposed U-Channels

Channel Segment	Diameter / Width, m	Depth, m	Gradient	Catchment Runoff, m^3/s	Capacity, m^3/s	% of capacity flow	Sufficient Capacity?
M1-M2	0.450	0.450	0.003	0.066	0.159	42%	Y
M2-M3	0.450	0.450	0.003	0.101	0.159	64%	Y
M3-M4	0.450	0.450	0.003	0.101	0.159	64%	Y
M4-M5	0.450	0.450	0.003	0.101	0.159	64%	Y
M5-M6	0.600	0.600	0.003	0.181	0.342	53%	Y
M6-M7	0.600	0.600	0.003	0.181	0.342	53%	Y
M7-M8	0.600	0.600	0.005	0.181	0.342	53%	Y
M8-M9	0.600	0.600	0.005	0.181	0.342	53%	Y
M1-M12	0.450	0.450	0.010	0.066	0.275	24%	Y
M12-M11	0.450	0.450	0.010	0.146	0.275	53%	Y

Channel Segment	Diameter / Width, m	Depth, m	Gradient	Catchment Runoff, m^3/s	Capacity, m^3/s	% of capacity flow	Sufficient Capacity?
M11-M10	0.600	0.600	0.005	0.146	0.419	35%	Y
M10-M9	0.600	0.600	0.003	0.146	0.342	43%	Y

Table 3.3 Estimated Runoffs to Proposed Circular Pipes

Pipe Segment	Diameter / Width, m	Depth, m	Gradient	Catchment Runoff, m^3/s	Capacity, m^3/s	% of capacity flow	Sufficient Capacity?
M9 to Kam Tin River	0.750	0.750	0.003	0.326	0.764	43%	Y

Based on the results in Appendix B, the proposed drainage system has adequate capacity to cater the surface runoff from the proposed development. Table 3.4 has also shown that the existing watercourse Kam Tin River has sufficient capacity to cater the discharge from the Site as the Site only contributes 0.02% of the total runoff (refer to Table 3.5). Detailed calculations are tabulated in Appendix D.

Table 3.4 Estimated Capacities of the Existing Watercourse

Existing Watercourse	Diameter / Width, m	Depth, m	Gradient	Discharge, m^3/s	% of capacity flow	Sufficient Capacity?
Kam Tin River	Top width: 34.0m	4 (River Depth)	0.069	1737	60.98%	Y
	Bottom Width: 25.0m	3 (Assumed Water Depth)		1059		

Table 3.5 Contribution from the Identified Catchments to the Existing Watercourse

Existing Watercourse	Diameter / Width, m	Depth, m	Gradient	Catchment Runoff, m^3/s	Capacity, m^3/s	% of capacity flow used in Kam Tin River	Sufficient Capacity?
Kam Tin River	Top width: 34.0m Bottom Width: 25.0m	4	0.069	0.326	1683	61%	Y

3.4 Climate Change

To consider the effect of climate change in the drainage system, the project of rainfall increase of 11.1% for Mid-21st Century (2041-2060) and 16.0% for the and End of 21st Century (2081-2100) as well as design allowance in End of 21st Century of 12.1% as per requirements in Stormwater Drainage Manual (SDM) Corrigendum No. 1/2022 are adopted. Detailed calculations are provided in Appendix C.

The analysis indicated that the proposed drainage system would have sufficient capacity for the additional runoff from the proposed development with a 11.1% and 16% increase in rainfall intensity as well as 12.1% of design allowance. Hence, the proposed development would not cause adverse drainage impacts nor increase the flooding susceptibility of the surrounding areas.

In view of projected extreme sea levels due to climate change, the design water level by the end of the century is estimated to reach 5.01 mPD. The original Site formation level was approximately 3.0 mPD. Following the completion of the pond filling works, the existing Site levels have been raised and now range from approximately 4.0 mPD to 7.2 mPD.

With the increased formation levels, the majority of the Site will remain above the projected extreme sea level of 5.01 mPD. Therefore, only part of the Site is anticipated to be subject to adverse flooding impact arising from sea level rise under the projected climate change scenario. Therefore, portable flood barriers will be installed on the Site to mitigate possible flooding impacts. The portable flooding barriers will be placed on the Site whenever there an amber rainstorm signal, red rainstorm signal or black rainstorm signal is issued.

3.5 Recommendation

Upon detailed design stage, the Project Proponent will appoint engineer and contractor to design and to construct the proposed drainage system. The detailed arrangement of the proposed drainage system and drainage connections will be further investigated at the detailed design. Iron grating will be provided for the surface channels. Detailed information of the proposed drainage system will be prepared and submitted to DSD and relevant parties during the detailed design stage.

4 Conclusion

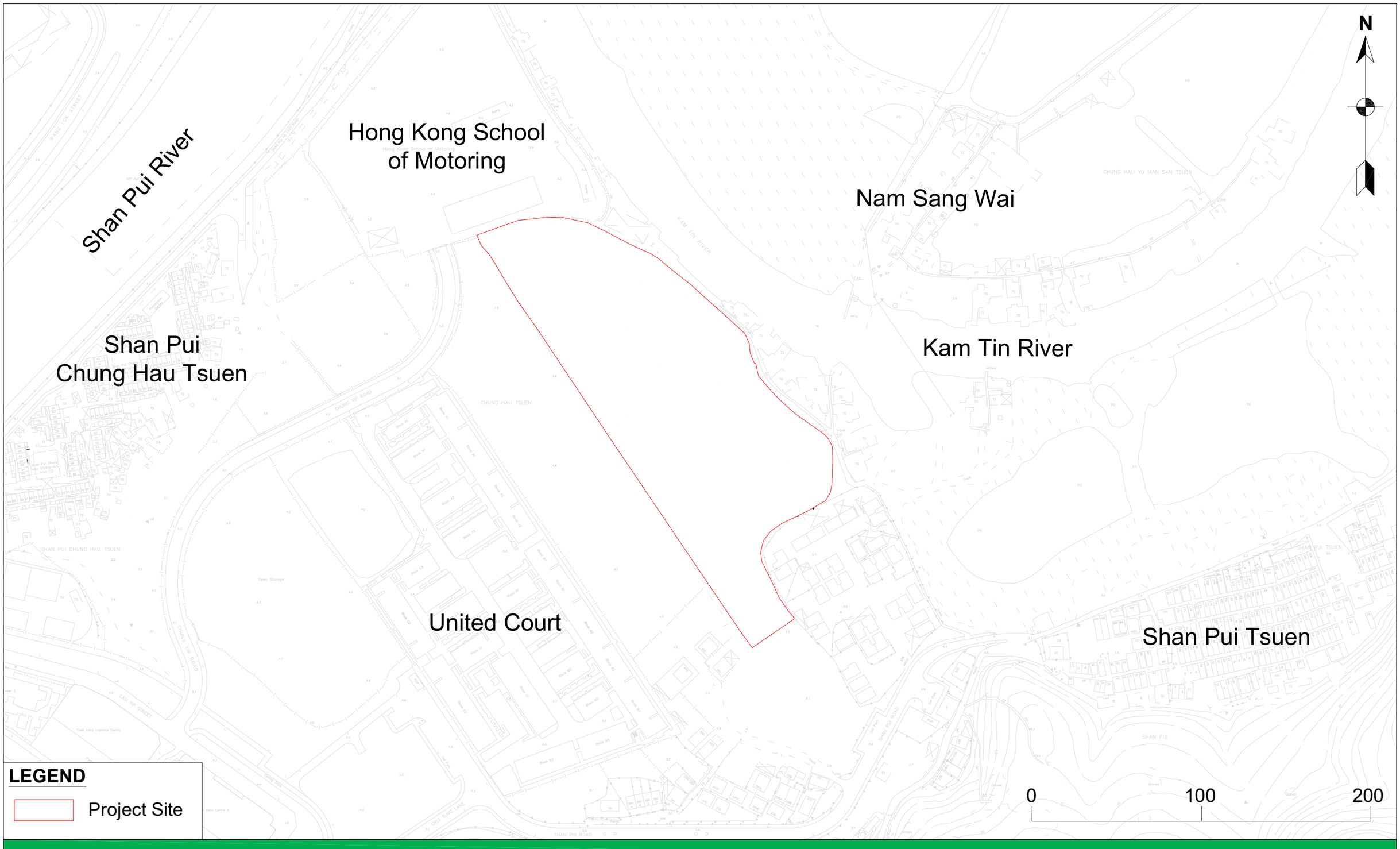
A Drainage Impact Assessment (DIA) has been conducted for the proposed development in Yuen Long, New Territories.

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 (with design allowance) due to climate change.

Surface runoff from the Site will be collected by a series of U-channels and circular pipes, then discharged to the Kam Tin River. The drainage analysis has demonstrated that the proposed drainage systems have adequate capacity to cater the surface runoff from the Site.

Based on the above, it is concluded that the proposed development will not result in any adverse drainage impacts.

Figures



URBAN GREEN

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

Site Location and Its Environs

Figure 2.1

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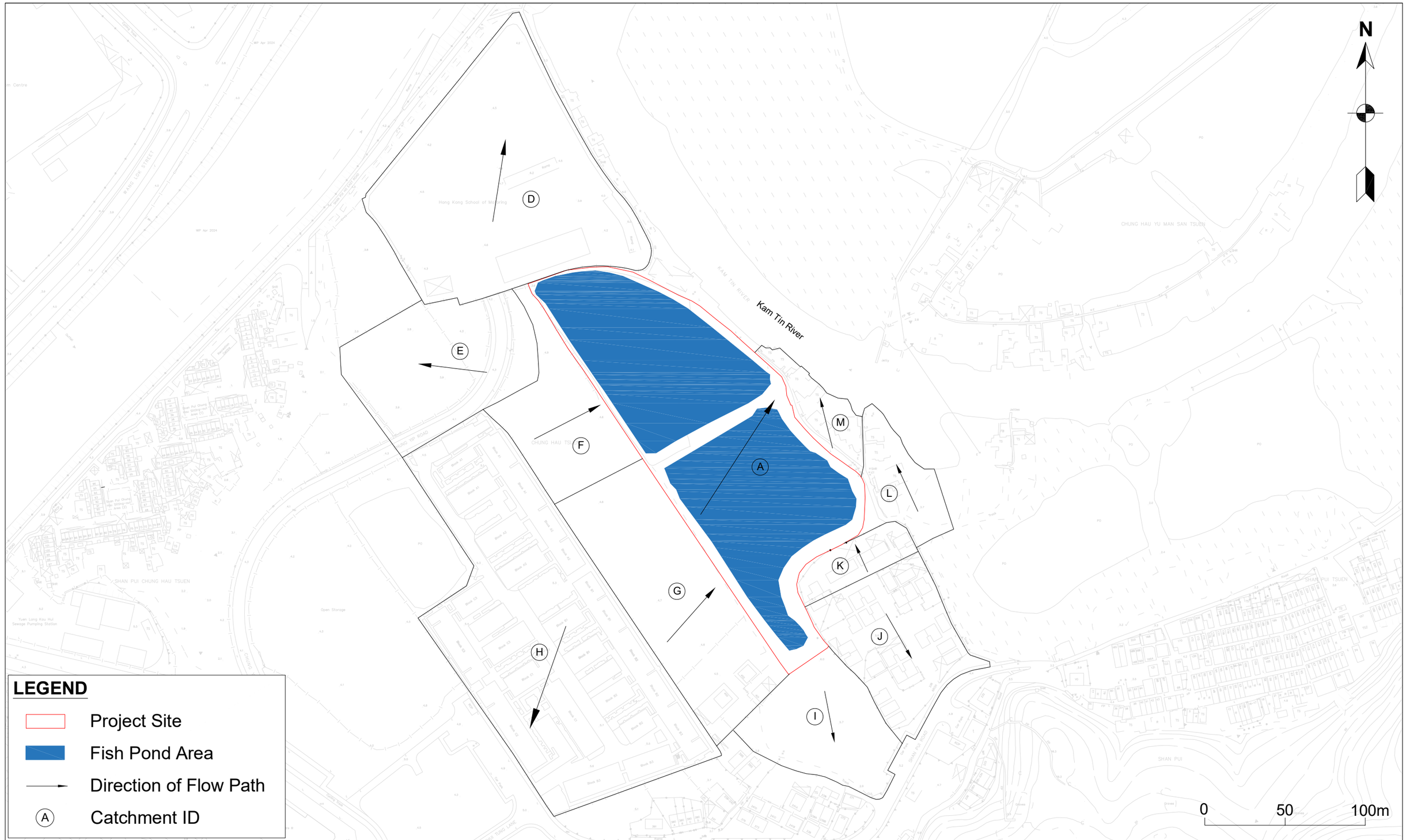

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Section 16 Application for Filling of Pond for Permitted Agricultural Use in Sub-section 1 and the Remaining Portion (Portion) of Section E of Lot No. 1212 in D.D. 115 and the Discrepant Areas (Portion) adjacent to Section E of Lot No. 1212 in D.D.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

Identified Catchment Areas before the Proposed Development

Figure 3.1A

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Identified Catchment Areas after the Proposed Development

Figure 3.1B

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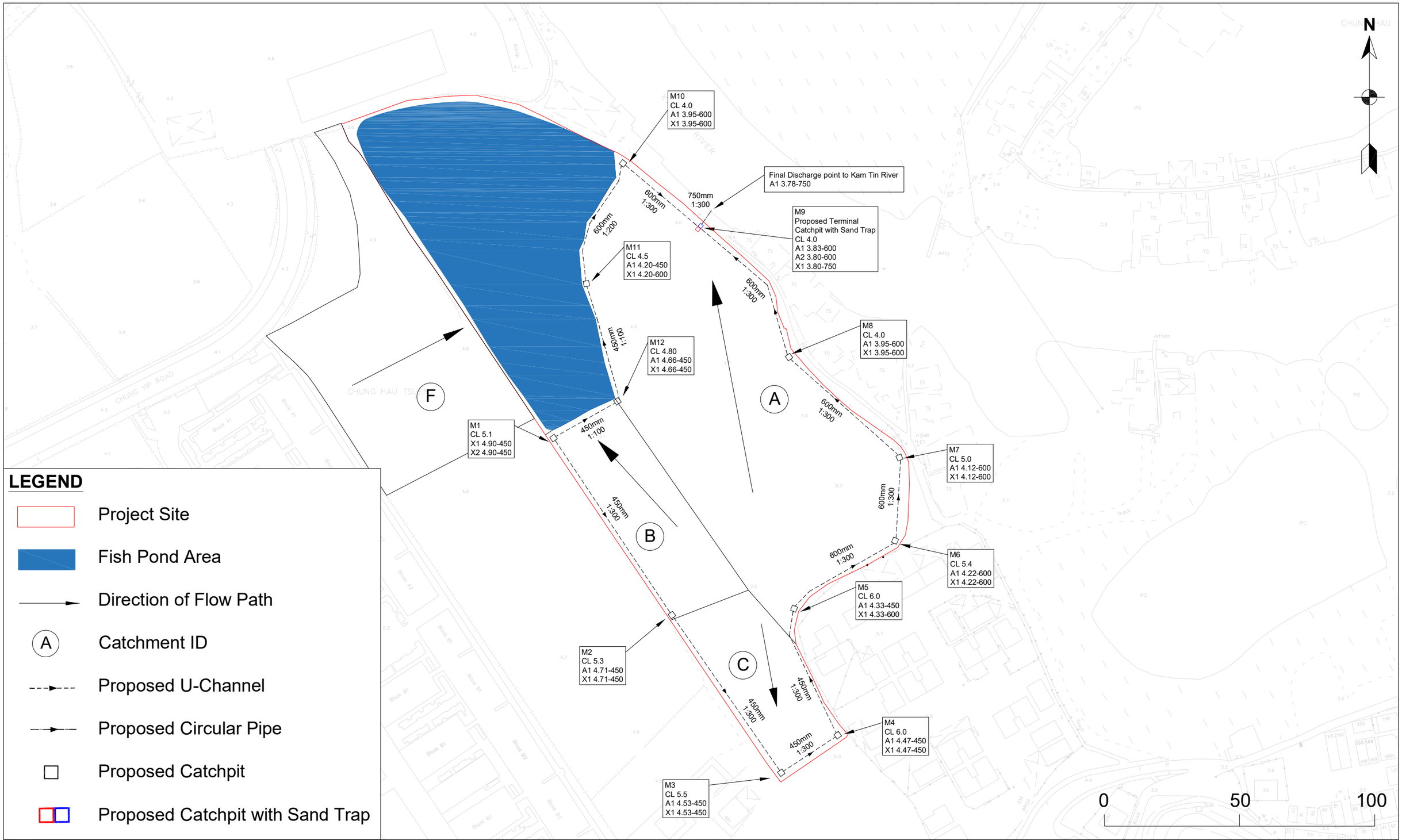

LEGEND

- Project Site
- Fish Pond Area
- Direction of Flow Path
- A — Catchment ID
- Proposed U-Channel
- Proposed Circular Pipe
- Proposed Catchpit
- Proposed Catchpit with Sand Trap

URBAN GREEN

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

Drainage Proposal

Figure 3.2

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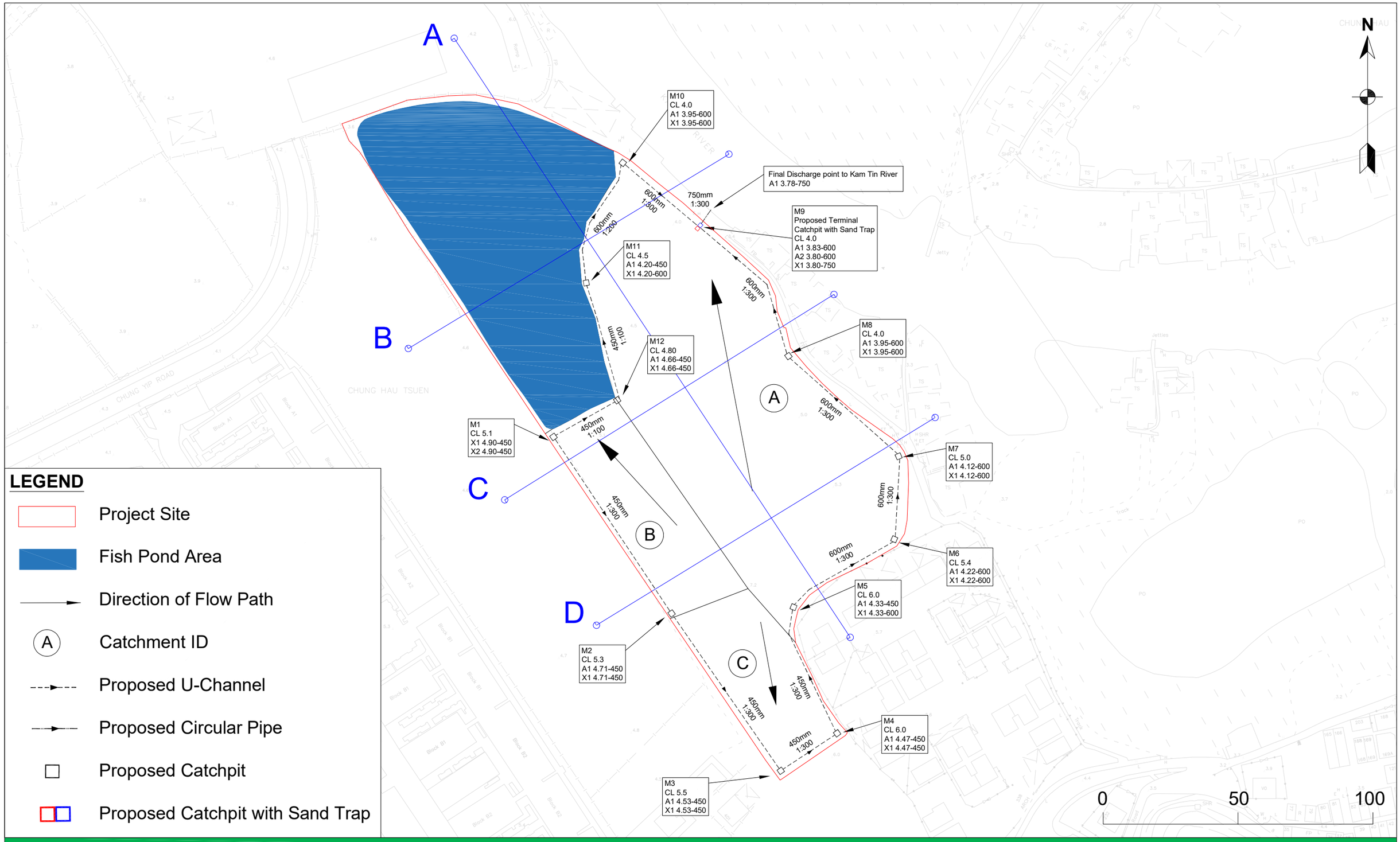

LEGEND

- Project Site
- Fish Pond Area
- Direction of Flow Path
- (A) Catchment ID
- Proposed U-Channel
- Proposed Circular Pipe
- Proposed Catchpit
- Proposed Catchpit with Sand Trap

URBAN GREEN

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

Cross Section of Existing and Proposed Ground Level

Figure 3.3

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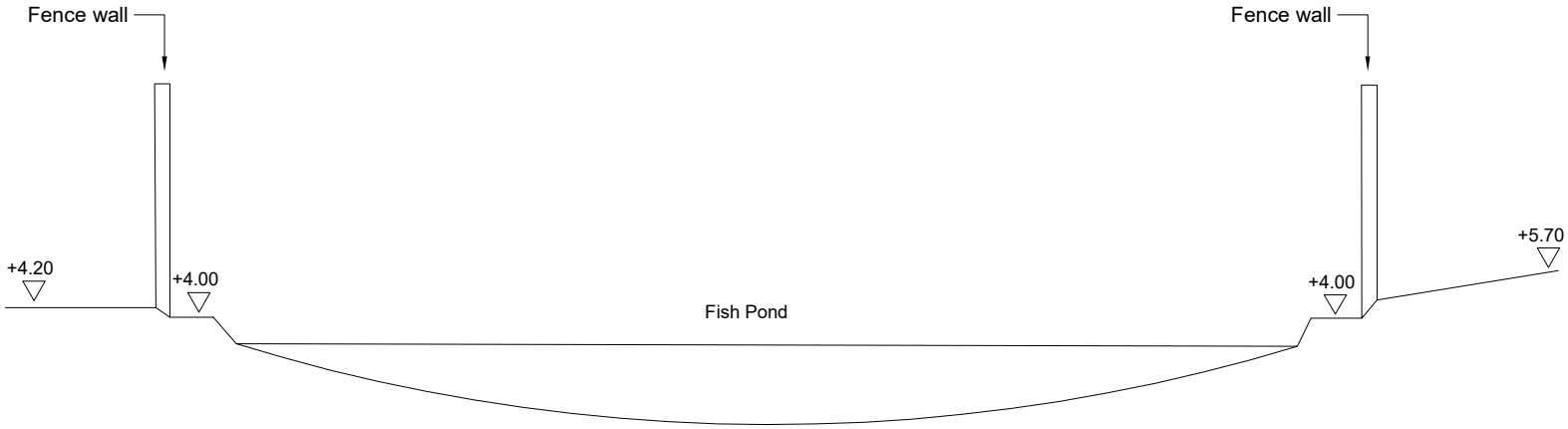
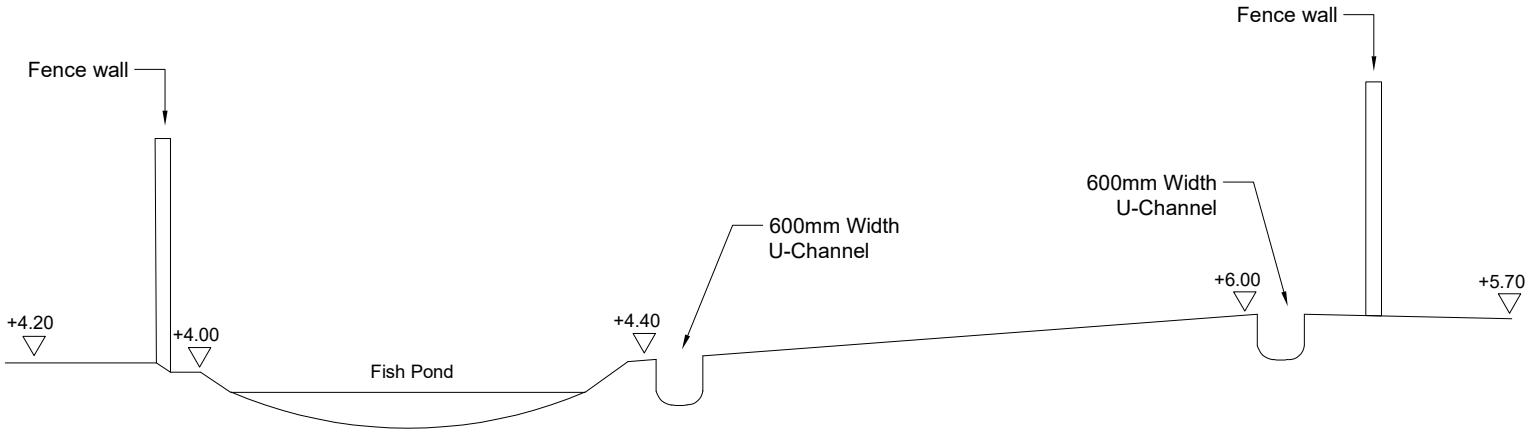


Existing Ground Level



Proposed Ground Level

Section A

NOT IN SCALE

URBAN GREEN

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

Cross Section - Section A

Figure 3.3A

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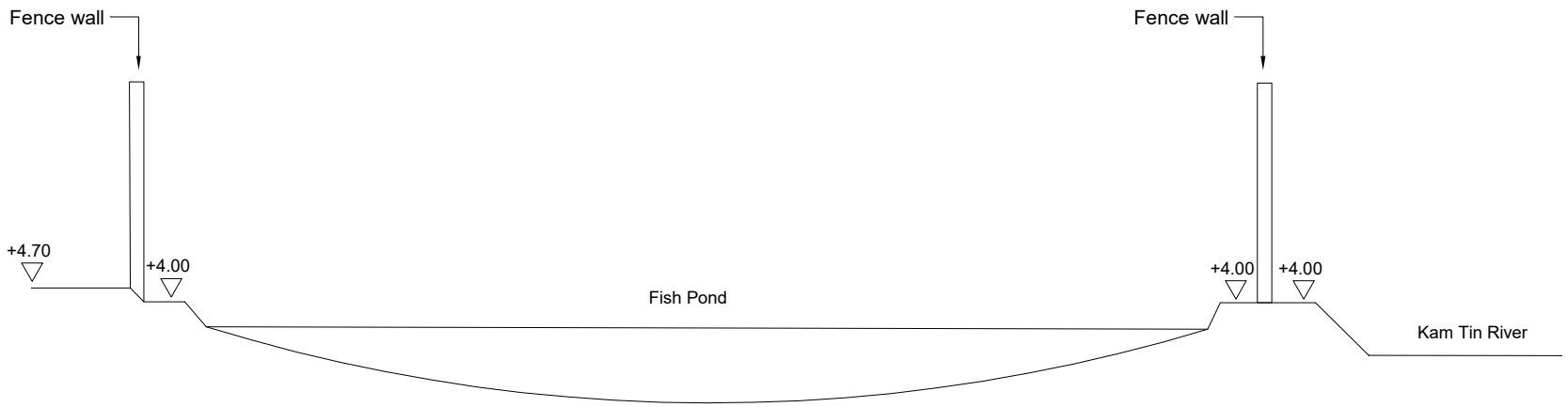
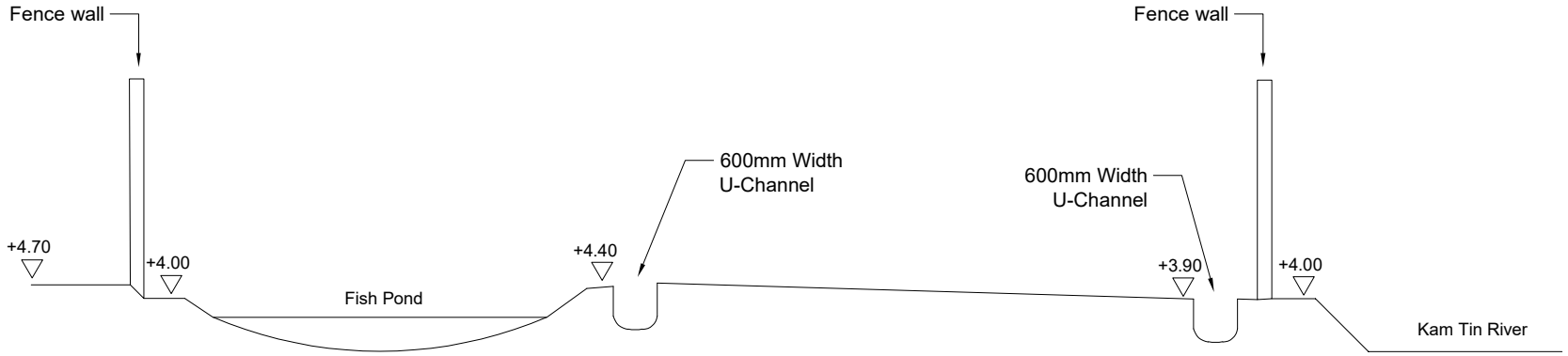


Existing Ground Level



Proposed Ground Level

Section B

NOT IN SCALE

URBAN GREEN

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

Cross Section - Section B

Figure 3.3B

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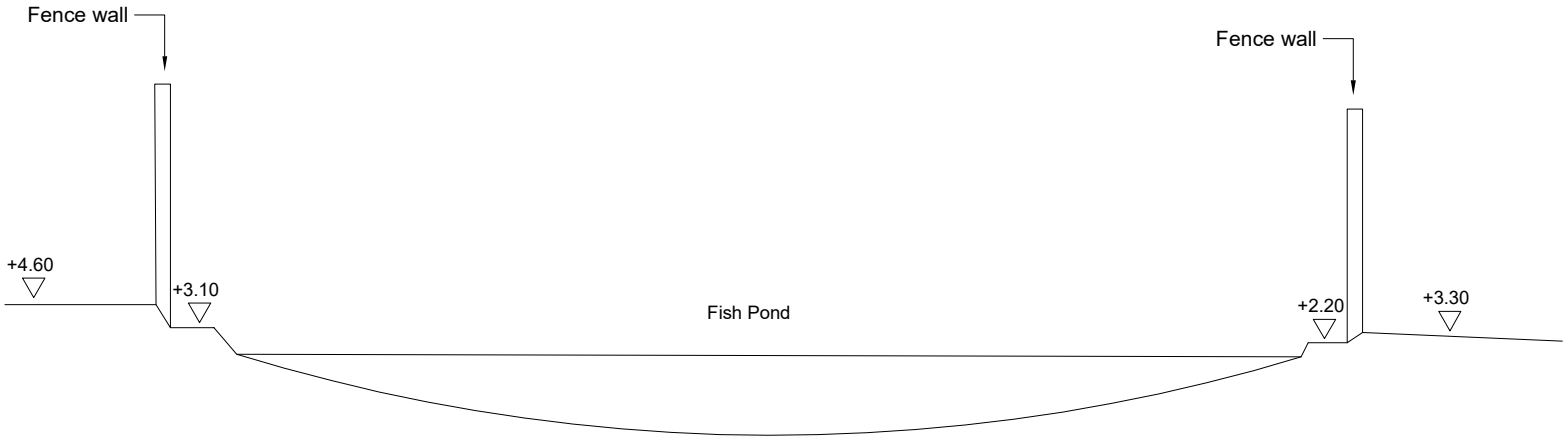

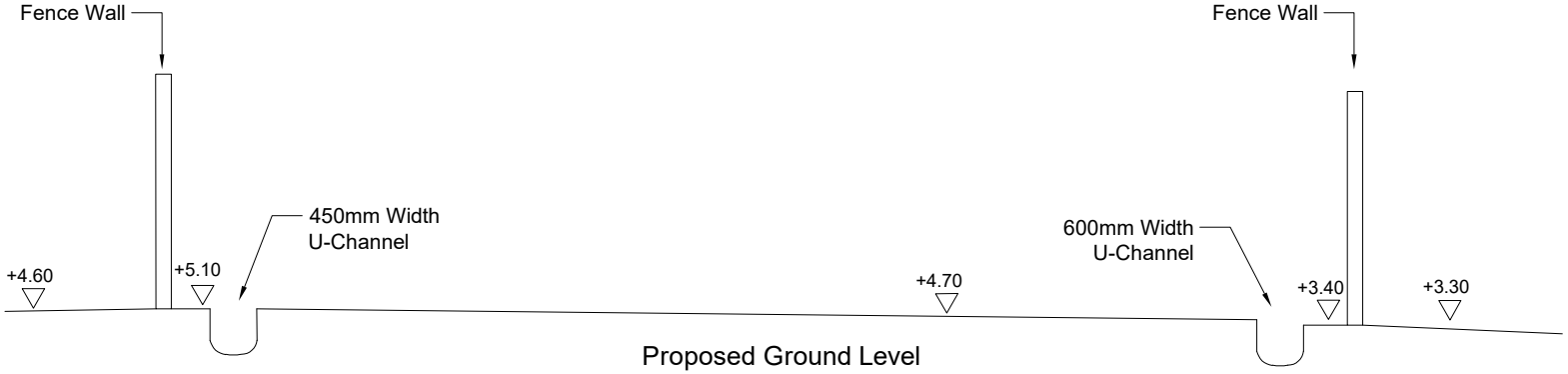

Section C

NOT IN SCALE

URBAN GREEN

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

Cross Section - Section C

Figure 3.3C

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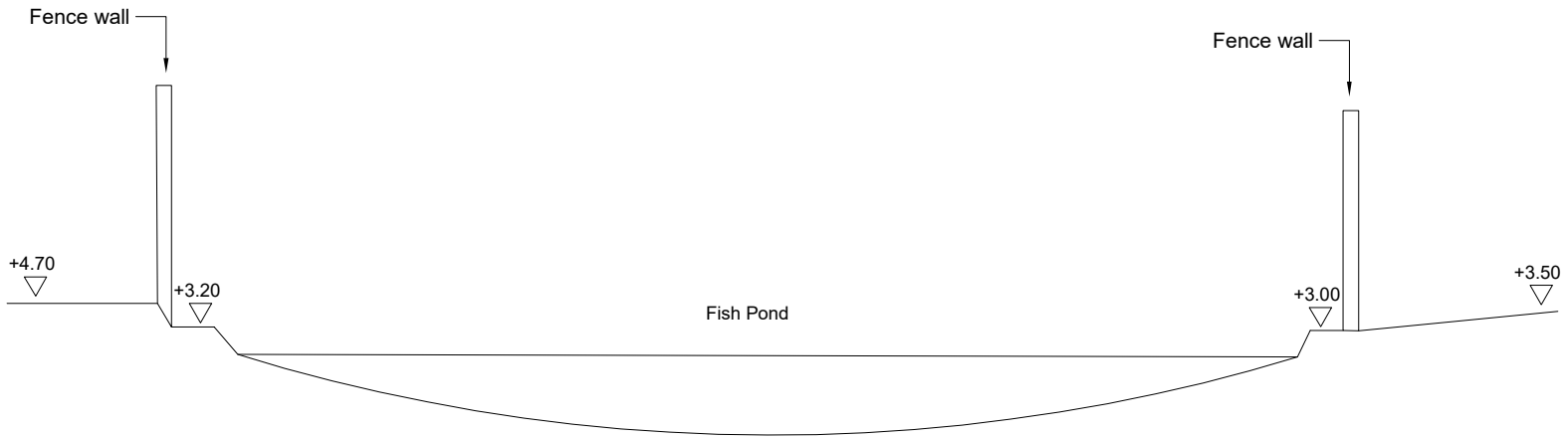

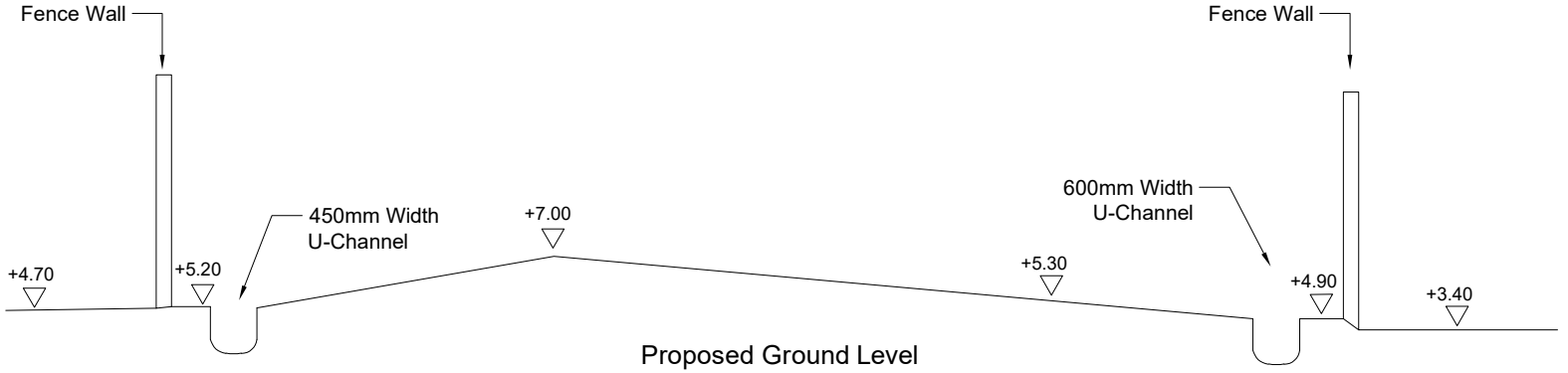

Section D

NOT IN SCALE

URBAN GREEN

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

Cross Section - Section D

Figure 3.3D

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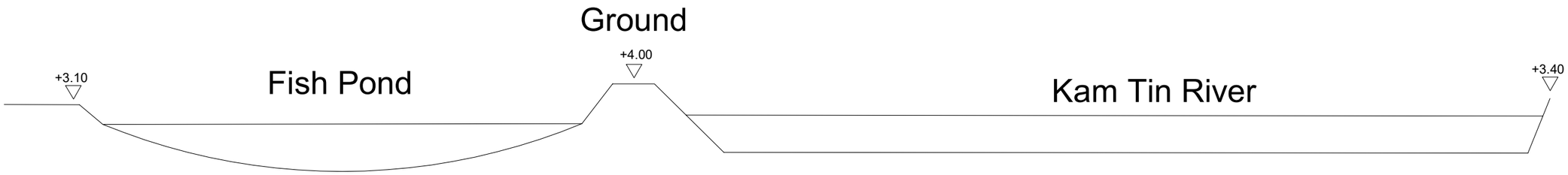
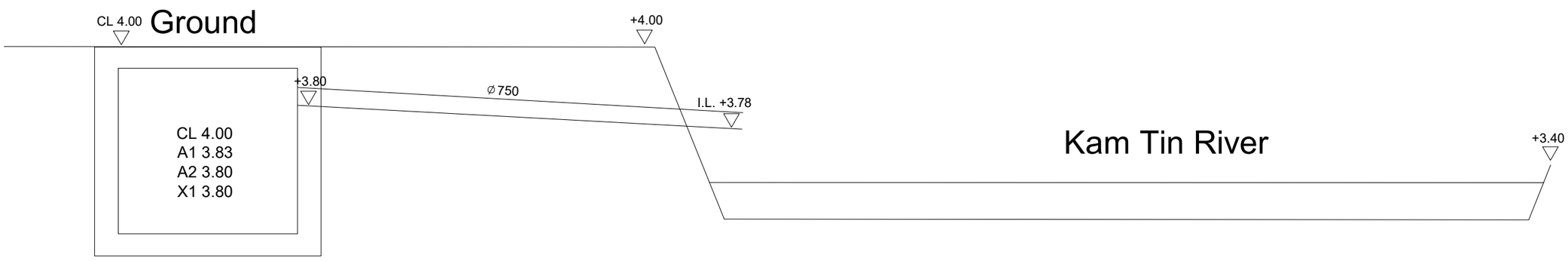


Stream Level Before the Proposed Development



Stream Level After the Proposed Development

Not in Scale

URBAN GREEN

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

Details of Proposed Connections to Kam Tin River

Figure 3.4

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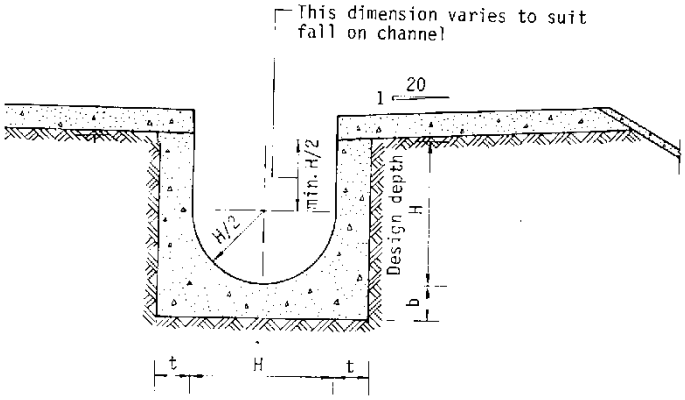
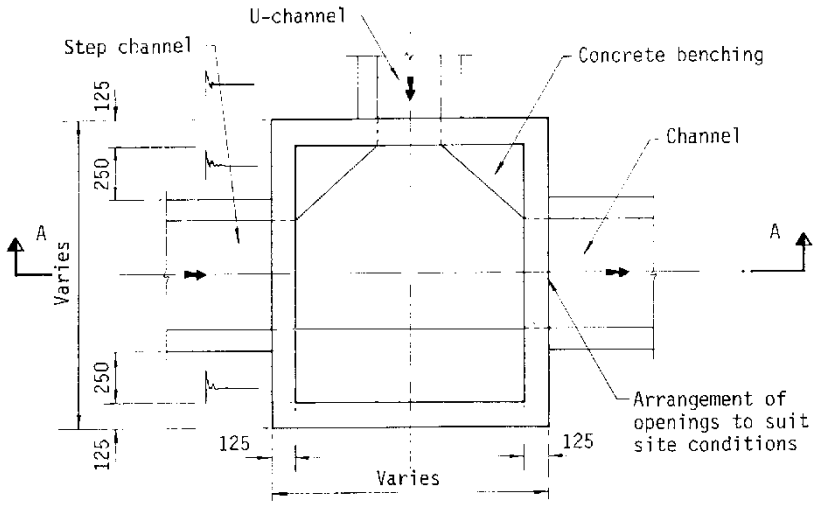
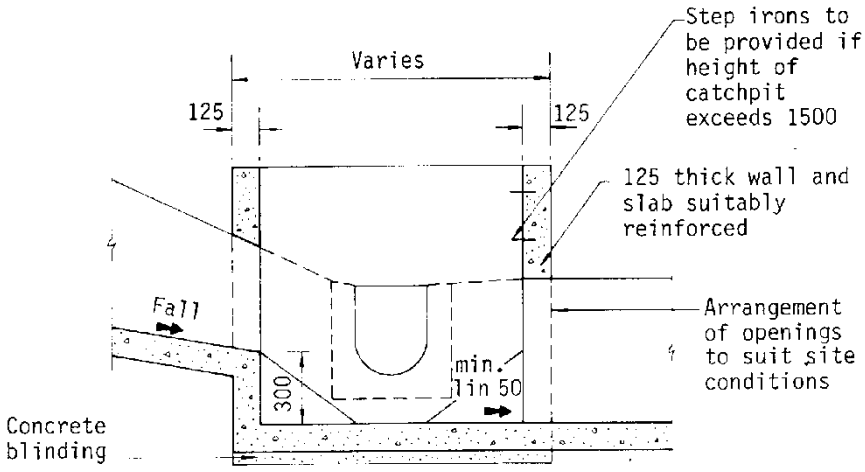


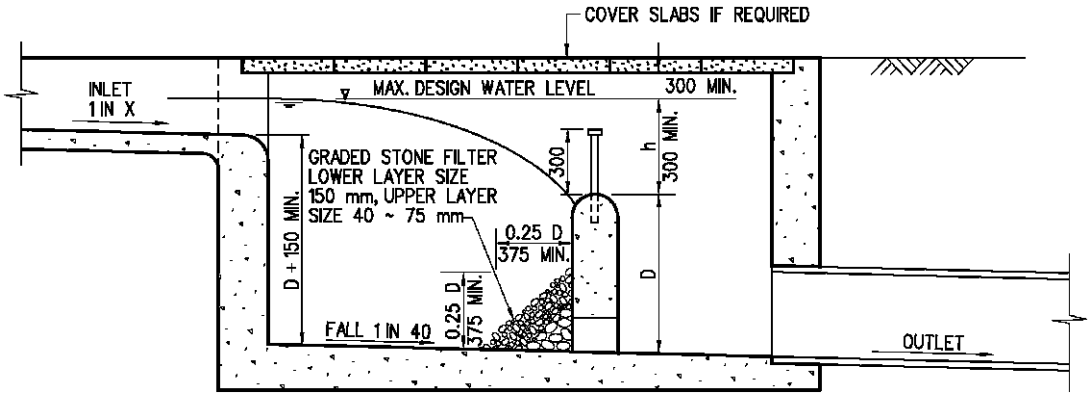
Typical Details of U-Channel



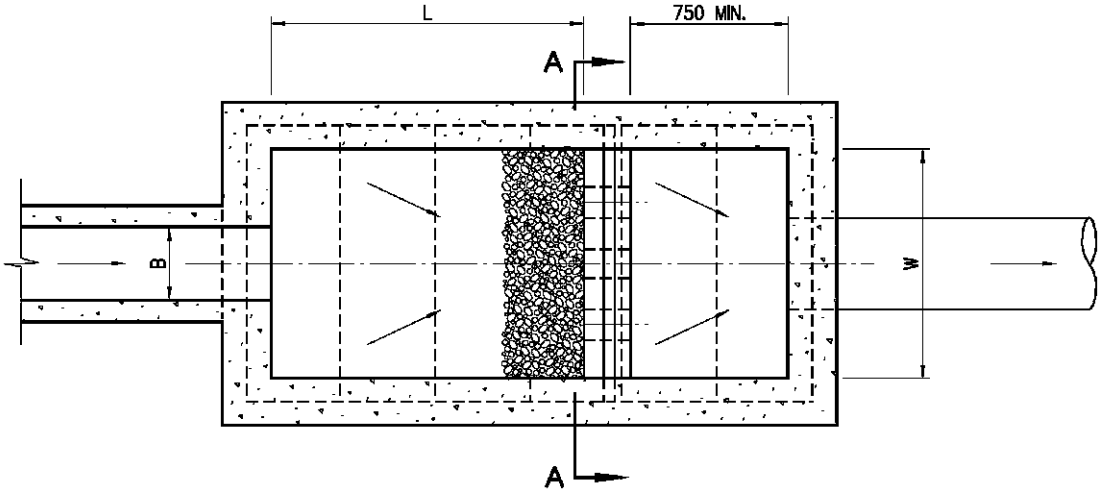
Typical Details of Catchpit



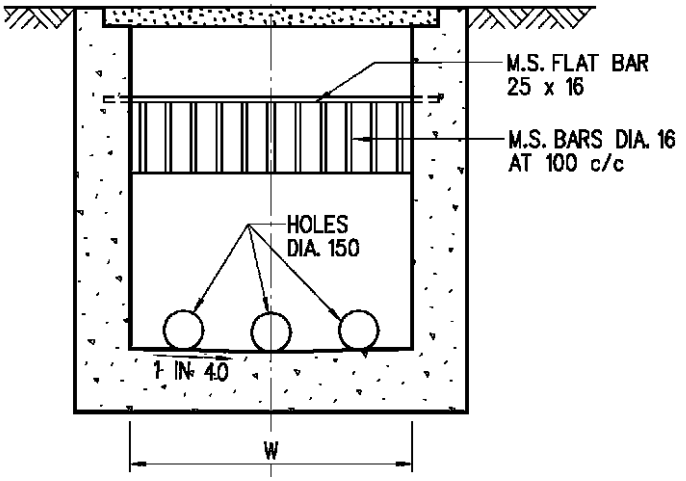
Section A-A



Typical Longitudinal Section of Sand Trap



Typical Plan of Sand Trap



Section A-A

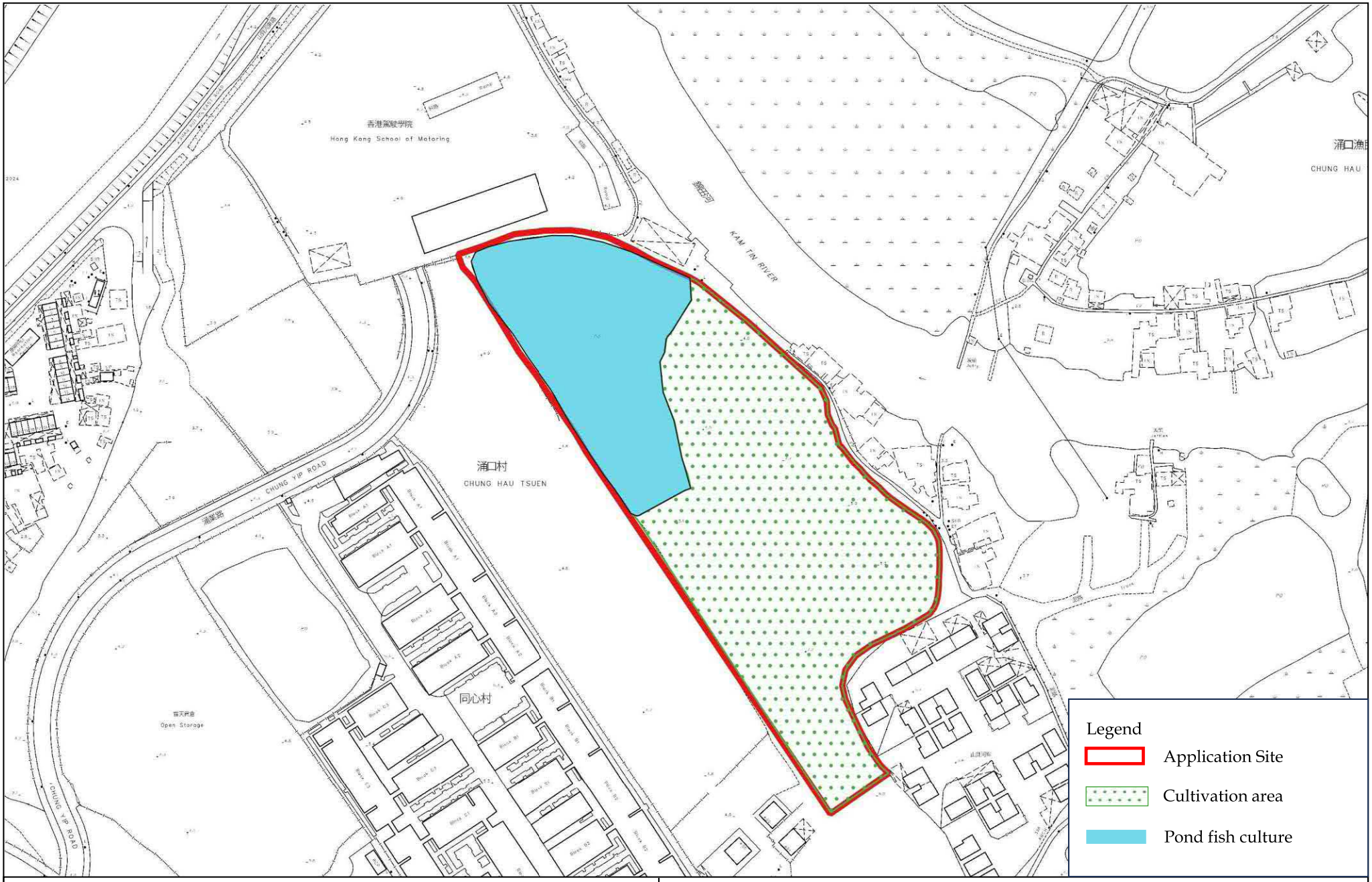
Notes:

1. All dimensions are in millimeters.
2. Size

   Depth: D not less than 750
   Width: $W \geq 3B$
   Length: $4.8D^{0.67} h^{0.5} X^{-0.5} \geq 4B$
3. Graded Stone Filter shall be crusher run granite aggregate.
4. Capacity D W L to be according to size and nature of catchment, providing detention time not less than 5 minutes for max. design flow of inlet.
5. Source: From DSD drawing No. DS 1025B.

Appendix A

Proposed Layout Plan



LCH Planning and Development Consultants Limited

Figure 7 : Indicative Layout Plan

(Extracted based on Aerial Photo no. A22836 taken on 5.10.1990 by Lands Department)

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

(Source: HK GEODATA STORE, HKSAR Government)

Appendix B

Detailed Drainage Analysis

Capacity Flow Estimation for Proposed Catchments and Drainage System with 50 Year Return Period

A.Calculation of All Catchment Runoff with Proposed Development

Catchment ID	Surface Type	Catchment Area (A), m^2	Catchment Area (A), km^2	Average Slope (H), m/100m	Flow Path Length (L), m	Inlet Time (t_0), min	Time of Concentration (t_c), min	Duration (t_d), min	a (50 year return period) [2]	b (50 year return period) [2]	c (50 year return period) [2]	Runoff Intensity, mm/hr	Runoff Coefficient (C)	C x A	Peak Runoff (Q_p), m^3/s
A	100% Grassland (heavysoil), flat	10,514	0.0105	2.11	151.30	7.46	7.46	7.46	505.5	3.29	0.355	218	0.25	0.0026	0.1590
B	100% Grassland (heavysoil), flat	2,504	0.0025	2.21	94.86	5.35	5.35	5.35	505.5	3.29	0.355	235	0.25	0.0006	0.0409
C	100% Grassland (heavysoil), flat	2,053	0.0021	1.66	72.15	4.40	4.40	4.40	505.5	3.29	0.355	245	0.25	0.0005	0.0350
F	100% Grassland (heavysoil), flat	5,350	0.0054	0.49	61.20	4.33	4.33	4.33	505.5	3.29	0.355	246	0.25	0.0013	0.0914
														Total	**0.3263**

B. Capacity Flow Estimation and Adequacy Check for Proposed U-Channels

Channel Segment	Shape	Diameter, m	Depth, m	Slope	Length, m	Manning's Roughness Coefficient [3]	Cross Section Area, m^2 [5]	Wetted Perimeter, m	Hydraulic Radius, m	Mean Velocity, m/s	Capacity Flow, m^3/s	Catchments Served	Runoff, m^3/s [1]	% of Capacity Flow	Sufficient Capacity? (Y/N)
M1-M2	U-Channel	0.450	0.450	0.003	76	0.016	0.163	1.157	0.14	0.98	0.159	B, F	0.066	42%	Y
M2-M3	U-Channel	0.450	0.450	0.003	69	0.016	0.163	1.157	0.14	0.98	0.159	B, C, F	0.101	64%	Y
M3-M4	U-Channel	0.450	0.450	0.003	23	0.016	0.163	1.157	0.14	0.98	0.159	B, C, F	0.101	64%	Y
M4-M5	U-Channel	0.450	0.450	0.003	49	0.016	0.163	1.157	0.14	0.98	0.159	B, C, F	0.101	64%	Y
M5-M6	U-Channel	0.600	0.600	0.003	44	0.016	0.289	1.542	0.19	1.18	0.342	A, B, C, F	0.181	53%	Y
M6-M7	U-Channel	0.600	0.600	0.003	29	0.016	0.289	1.542	0.19	1.18	0.342	A, B, C, F	0.181	53%	Y
M7-M8	U-Channel	0.600	0.600	0.003	53	0.016	0.289	1.542	0.19	1.18	0.342	A, B, C, F	0.181	53%	Y
M8-M9	U-Channel	0.600	0.600	0.003	59	0.016	0.289	1.542	0.19	1.18	0.342	A, B, C, F	0.181	53%	Y
M1-M12	U-Channel	0.450	0.450	0.010	25	0.016	0.163	1.157	0.14	1.69	0.275	B, F	0.066	24%	Y
M12-M11	U-Channel	0.450	0.450	0.010	44	0.016	0.163	1.157	0.14	1.69	0.275	A, B, F	0.146	53%	Y
M11-M10	U-Channel	0.600	0.600	0.005	47	0.016	0.289	1.542	0.19	1.45	0.419	A, B, F	0.146	35%	Y
M10-M9	U-Channel	0.600	0.600	0.003	35	0.016	0.289	1.542	0.19	1.18	0.342	A, B, C, F	0.146	43%	Y

C. Capacity Flow Estimation and Adequacy Check for Proposed Circular Pipes

Pipe Segment	Length	Level (out)	Level (in)	Diameter	Depth	A_w [5]	k_s [4]	v	s	g	V	Capacity Flow	Catchment Served	Q_p	Is $Q_c > Q_p$?	% of capacity
	m	mPD	mPD	m	m	m^2	m	m^2/s	-	m/s^2	m/s	m^3/s		m^3/s	Y/N	%
M9 to Kam Tin River	6	3.80	3.78	0.750	0.750	0.398	0.000006	1E-06	0.003	9.810	1.9929	0.792	A, B, C, F	0.326	Y	41%

Note:
[1] Runoff is calculated in accordance with DSD's "Stormwater Drainage Manual - Planning, Design and Management" (SDM), fifth edition, January 2018.
[2] 50 years return period of HKO Headquarters is adopted in the calculation according to Stormwater Drainage Manual - Corrigendum No. 1/2024.
[3] For the proposed U-channel, value of n for concrete-lined channels under fair condition (i.e. n = 0.016) is adopted in the calculation.
[4] For the proposed circular pipe, value of ks for uPVC (Pipes) under normal condition (i.e. 0.006 mm) is adopted in the calculation.
[5] 10% reduction in flow area has been considered as per the requirement in SDM (Section 9.3).

Appendix C

Detailed Drainage Analysis with Climate Change Considerations

Capacity Flow Estimation for Proposed Catchments and Drainage System with 50 Year Return Period (with rainfall increase of 11.1%)

A.Calculation of All Catchment Runoff with Proposed Development

Catchment ID	Surface Type	Catchment Area (A), m^2	Catchment Area (A), km^2	Average Slope (H), m/100m	Flow Path Length (L), m	Inlet Time (t_0), min	Time of Concentration (t_c), min	Duration (t_d), min	a (50 year return period) [2]	b (50 year return period) [2]	c (50 year return period) [2]	Runoff Intensity, mm/hr	Runoff Coefficient (C)	C x A	Peak Runoff (with rainfall increase of 11.1%) (Q_p), m^3/s
A	100% Grassland (heavysoil), flat	10,514	0.0105	2.11	151.30	7.46	7.46	7.46	505.5	3.29	0.355	218	0.25	0.0026	0.1766
B	100% Grassland (heavysoil), flat	2,504	0.0025	2.21	94.86	5.35	5.35	5.35	505.5	3.29	0.355	235	0.25	0.0006	0.0455
C	100% Grassland (heavysoil), flat	2,053	0.0021	1.66	72.15	4.40	4.40	4.40	505.5	3.29	0.355	245	0.25	0.0005	0.0388
F	100% Grassland (heavysoil), flat	5,350	0.0054	0.49	61.20	4.33	4.33	4.33	505.5	3.29	0.355	246	0.25	0.0013	0.1016
														Total	**0.3625**

B. Capacity Flow Estimation and Adequacy Check for Proposed U-Channels

Channel Segment	Shape	Diameter, m	Depth, m	Slope	Length, m	Manning's Roughness Coefficient [3]	Cross Section Area, m^2 [5]	Wetted Perimeter, m	Hydraulic Radius, m	Mean Velocity, m/s	Capacity Flow, m^3/s	Catchments Served	Runoff, m^3/s [1]	% of Capacity Flow	Sufficient Capacity? (Y/N)
M1-M2	U-Channel	0.450	0.450	0.003	76	0.016	0.163	1.157	0.14	0.98	0.159	B, F	0.074	46%	Y
M2-M3	U-Channel	0.450	0.450	0.003	69	0.016	0.163	1.157	0.14	0.98	0.159	B, C, F	0.112	71%	Y
M3-M4	U-Channel	0.450	0.450	0.003	23	0.016	0.163	1.157	0.14	0.98	0.159	B, C, F	0.112	71%	Y
M4-M5	U-Channel	0.450	0.450	0.003	49	0.016	0.163	1.157	0.14	0.98	0.159	B, C, F	0.112	71%	Y
M5-M6	U-Channel	0.600	0.600	0.003	44	0.016	0.289	1.542	0.19	1.18	0.342	A, B, C, F	0.201	59%	Y
M6-M7	U-Channel	0.600	0.600	0.003	29	0.016	0.289	1.542	0.19	1.18	0.342	A, B, C, F	0.201	59%	Y
M7-M8	U-Channel	0.600	0.600	0.003	53	0.016	0.289	1.542	0.19	1.18	0.342	A, B, C, F	0.201	59%	Y
M8-M9	U-Channel	0.600	0.600	0.003	59	0.016	0.289	1.542	0.19	1.18	0.342	A, B, C, F	0.201	59%	Y
M1-M12	U-Channel	0.450	0.450	0.010	25	0.016	0.163	1.157	0.14	1.69	0.275	B, F	0.074	27%	Y
M12-M11	U-Channel	0.450	0.450	0.010	44	0.016	0.163	1.157	0.14	1.69	0.275	A, B, F	0.162	59%	Y
M11-M10	U-Channel	0.600	0.600	0.005	47	0.016	0.289	1.542	0.19	1.45	0.419	A, B, F	0.162	39%	Y
M10-M9	U-Channel	0.600	0.600	0.003	35	0.016	0.289	1.542	0.19	1.18	0.342	A, B, C, F	0.162	47%	Y

C. Capacity Flow Estimation and Adequacy Check for Proposed Circular Pipes

Pipe Segment	Length	Level (out)	Level (in)	Diameter	Depth	A_w [5]	k_s [4]	v	s	g	V	Capacity Flow	Catchment Served	Q_p	Is $Q_c > Q_p$?	% of capacity
	m	mPD	mPD	m	m	m^2	m	m^2/s	-	m/s^2	m/s	m^3/s		m^3/s	Y/N	%
M9 to Kam Tin River	6	3.80	3.78	0.750	0.750	0.398	0.000006	1E-06	0.003	9.810	1.9929	0.792	A, B, C, F	0.362	Y	46%

Note:
[1] Runoff is calculated in accordance with DSD's "Stormwater Drainage Manual - Planning, Design and Management" (SDM), fifth edition, January 2018.
[2] 50 years return period of HKO Headquarters is adopted in the calculation according to Stormwater Drainage Manual - Corrigendum No. 1/2024.
[3] For the proposed U-channel, value of n for concrete-lined channels under fair condition (i.e. n = 0.016) is adopted in the calculation.
[4] For the proposed circular pipe, value of ks for uPVC (Pipes) under normal condition (i.e. 0.006 mm) is adopted in the calculation.
[5] 10% reduction in flow area has been considered as per the requirement in SDM (Section 9.3).

Capacity Flow Estimation for Proposed Catchments and Drainage System with 50 Year Return Period (with rainfall increase of 16% and 12.1% of design allowance in End of 21th Century)

A.Calculation of All Catchment Runoff with Proposed Development

Catchment ID	Surface Type	Catchment Area (A), m^2	Catchment Area (A), km^2	Average Slope (H), m/100m	Flow Path Length (L), m	Inlet Time (t_0), min	Time of Concentration (t_c), min	Duration (t_d), min	a (50 year return period) [2]	b (50 year return period) [2]	c (50 year return period) [2]	Runoff Intensity, mm/hr	Runoff Coefficient (C)	C x A	Peak Runoff (with rainfall increase of 16% and 12.1% of design allowance in End of 21th Centry) (Q_p), m^3/s
A	100% Grassland (heavysoil), flat	10,514	0.0105	2.11	151.30	7.46	7.46	7.46	505.5	3.29	0.355	218	0.25	0.0026	0.2067
B	100% Grassland (heavysoil), flat	2,504	0.0025	2.21	94.86	5.35	5.35	5.35	505.5	3.29	0.355	235	0.25	0.0006	0.0532
C	100% Grassland (heavysoil), flat	2,053	0.0021	1.66	72.15	4.40	4.40	4.40	505.5	3.29	0.355	245	0.25	0.0005	0.0455
F	100% Grassland (heavysoil), flat	5,350	0.0054	0.49	61.20	4.33	4.33	4.33	505.5	3.29	0.355	246	0.25	0.0013	0.1189
														Total	**0.4243**

B. Capacity Flow Estimation and Adequacy Check for Proposed U-Channels

Channel Segment	Shape	Diameter, m	Depth, m	Slope	Length, m	Manning's Roughness Coefficient [3]	Cross Section Area, m^2 [5]	Wetted Perimeter, m	Hydraulic Radius, m	Mean Velocity, m/s	Capacity Flow, m^3/s	Catchments Served	Runoff, m^3/s [1]	% of Capacity Flow	Sufficient Capacity? (Y/N)
M1-M2	U-Channel	0.450	0.450	0.003	76	0.016	0.163	1.157	0.14	0.98	0.159	B, F	0.086	54%	Y
M2-M3	U-Channel	0.450	0.450	0.003	69	0.016	0.163	1.157	0.14	0.98	0.159	B, C, F	0.132	83%	Y
M3-M4	U-Channel	0.450	0.450	0.003	23	0.016	0.163	1.157	0.14	0.98	0.159	B, C, F	0.132	83%	Y
M4-M5	U-Channel	0.450	0.450	0.003	49	0.016	0.163	1.157	0.14	0.98	0.159	B, C, F	0.132	83%	Y
M5-M6	U-Channel	0.600	0.600	0.003	44	0.016	0.289	1.542	0.19	1.18	0.342	A, B, C, F	0.235	69%	Y
M6-M7	U-Channel	0.600	0.600	0.003	29	0.016	0.289	1.542	0.19	1.18	0.342	A, B, C, F	0.235	69%	Y
M7-M8	U-Channel	0.600	0.600	0.003	53	0.016	0.289	1.542	0.19	1.18	0.342	A, B, C, F	0.235	69%	Y
M8-M9	U-Channel	0.600	0.600	0.003	59	0.016	0.289	1.542	0.19	1.18	0.342	A, B, C, F	0.235	69%	Y
M1-M12	U-Channel	0.450	0.450	0.010	25	0.016	0.163	1.157	0.14	1.69	0.275	B, F	0.086	31%	Y
M12-M11	U-Channel	0.450	0.450	0.010	44	0.016	0.163	1.157	0.14	1.69	0.275	A, B, F	0.189	69%	Y
M11-M10	U-Channel	0.600	0.600	0.005	47	0.016	0.289	1.542	0.19	1.45	0.419	A, B, F	0.189	45%	Y
M10-M9	U-Channel	0.600	0.600	0.003	35	0.016	0.289	1.542	0.19	1.18	0.342	A, B, C, F	0.189	55%	Y

C. Capacity Flow Estimation and Adequacy Check for Proposed Circular Pipes

Pipe Segment	Length	Level (out)	Level (in)	Diameter	Depth	A_w [5]	k_s [4]	v	s	g	V	Capacity Flow	Catchment Served	Q_p	Is $Q_c > Q_p$?	% of capacity
	m	mPD	mPD	m	m	m^2	m	m^2/s	-	m/s^2	m/s	m^3/s		m^3/s	Y/N	%
M9 to Kam Tin River	6	3.80	3.78	0.750	0.750	0.398	0.000006	1E-06	0.003	9.810	1.9929	0.792	A, B, C, F	0.424	Y	54%

Note:
[1] Runoff is calculated in accordance with DSD's "Stormwater Drainage Manual - Planning, Design and Management" (SDM), fifth edition, January 2018.
[2] 50 years return period of HKO Headquarters is adopted in the calculation according to Stormwater Drainage Manual - Corrigendum No. 1/2024.
[3] For the proposed U-channel, value of n for concrete-lined channels under fair condition (i.e. n = 0.016) is adopted in the calculation.
[4] For the proposed circular pipe, value of ks for uPVC (Pipes) under normal condition (i.e. 0.006 mm) is adopted in the calculation.
[5] 10% reduction in flow area has been considered as per the requirement in SDM (Section 9.3).

Appendix D

Detailed Drainage Analysis of the Existing Watercourse

Capacity Flow Estimation and Adequacy Check for Existing Watercourse

Existing Watercourse	Scenario	Top Width, m	Bottom Width, m	Depth, m [1] [2]	Length, m [3]	Slope [3]	Side Slope, m	Manning's Roughness Coefficient [4]	Flow Area, m^2	Wetted perimeter, m	Hydraulic radius, m	Discharge, m^3/s	Capacity Used, %	Sufficient Capacity? (Y/N)
Kam Tin River	Assumed Water Depth	34	25	3	13000	0.069	1.125	0.040	86	34.031	2.54	1059.14	60.98%	Y
	Actual River Depth	34	25	4	13000	0.069	1.125	0.040	120	37.042	3.25	1736.90		

Contribution from the Identified Catchments to the Existing Watercourse

Existing Watercourse	Top Width, m	Bottom Width, m	River Depth, m [2]	Slope [3]	Manning's Roughness Coefficient [4]	Cross Section Area, m^2	Wetted perimeter, m	Hydraulic radius, m	Mean velocity, m/s	Capacity flow, m^3/s	Catchments Served	Runoff, m^3/s	Contribution from Identified Catchments, %	Total Capacity Used in Kam Tin River, %	Sufficient Capacity? (Y/N)
Kam Tin River	34	25	4	0.069	0.040	118	37.042	3.19	14.26	1683.071	A, B, C, F	0.326	0.0194%	61.00%	Y

Note:

[1] The water depth of Kam Tin River is adopted from government press release on 6 August, 1999. As mentioned in the press release, the river is not able to withstand a rainstorm of 1 in 50 years return period before increasing to 4 meters depth. Therefore, it is assumed that the water depth of Kam Tin River is 3 meters under worse case scenario. (https://www.info.gov.hk/gia/general/199908/06/0806162.htm#:~:text=Upon%20completion%2C%20the%20upstream%20of,270%20cubic%20metres%20per%20second.)

[2] The depth of Kam Tin River is adopted from government press release on 6 August, 1999. (https://www.info.gov.hk/gia/general/199908/06/0806162.htm#:~:text=Upon%20completion%2C%20the%20upstream%20of,270%20cubic%20metres%20per%20second.)

[3] The slope and length of Kam Tin River is adopted from Guided Field Trip to Kam Tin River, Handbook for Tour Guides under the JC-WISE Water Initiative on Sustainability and Engagement. (https://www.socsc.hku.hk/jcwise/mrmc/workbook/KTRHandbookforTourGuides_Eng.pdf)

[4] A Manning's roughness coefficient of 0.040 for "Natural-stream channels — Winding, with some pools and shoals, clean with some weeds and stone" in good condition will be adopted for streams based on site observation.

Appendix E

Site Photos

Location of the natural stream on Site (Future location of the Proposed Drainage Pipe M9 to Kam Tin River)



No existing drainage facilities on Site





No existing drainage facilities on Site



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

Tree Preservation and Landscape Proposal

1st Submission

by

LanDes

Date: 18 March 2026

CONTENTS

1.0 Introduction

2.0 The Site

3.0 The Proposed Development

4.0 Existing Vegetation

5.0 Landscape Proposal

6.0 Planting Proposal

APPENDICES

Appendix I Tree Schedule, Tree Survey Plan and Photographic Record of Existing Trees

Appendix II Landscape Master Plan and Landscape Sections

Appendix III Planting Plans

Appendix IV Maintenance Schedule of Soft Landscape Works

1.0 Introduction

1.1 The filling of pond for permitted proposed agriculture use ("The Development") is located 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 in Nam Sang Wai, Yuen Long. The proposed area for cultivation was previously ponds and have been formed for more than two decades. It is currently abundant and overgrown. In order to reflect the current situation of the Site and to regularize the pond filling, a planning application for filling of pond is proposed. This proposal is prepared as part of the planning application for the proposed development.

1.2 This proposal describes the concepts and principles underlying the Master Landscape Plan of the Development. It describes the permitted agriculture use and planting design of the Site. A more comprehensive package of proposals will be formulated during the detailed design stage of the project.

1.3 This landscape and tree preservation proposal present:

- The existing tree vegetation;
- The Landscape Master Plan;
- Planting Proposal of the Development.

2.0 The Site

2.1 The Site is located at the far fringe of Nam Sang Wai. To the north of the Site is Kam Tin River while Yuen Long Kau Hui is located to its south. The access to the Site is via a existing local track road connecting to Shan Pui Road.

2.2 The site is a gently sloping land, ranging from **+7.2** mPD in the south to **+3.6** mPD in the north. It is covered by weeds and trees, with a pond identified to the northwest of the site. Existing trees are evenly distributed across the site. Most of them are in semi-mature size and exhibit poor tree form and health conditions. No Old and Valuable Trees (OVT) or protected species have been identified in accordance with DEVB TCW No. 5/2020 – Registration and Preservation of Old and Valuable Trees, and the Forests and Countryside Ordinance (Cap. 96), respectively.

2.3 The landscape character of the Site and its surroundings is a mixture of various land uses, including villages, e.g. Shan Pui Tsuen, Shan Pui Chung Hau Tsuen, low-rise residential developments, e.g. The Parcville, open storages and rural settlements.

3.0 The Proposed Development

3.1 The Site covers an area of about **21,929** m^2., including portion of Lot No. 1212 s.E R.P. of about **13,068** m^2., Lot No. 1212 s.E ss.1 of about **10** m^2 and its portion of Discrepant areas (portion) adjacent to Lot No. 1212 s.E of about **8,851** m^2. The permitted agricultural use involves rehabilitation of agricultural land (e.g. growing vegetables and crops) of Lot No. 1212 s.E R.P. and ss.1 and pond of a portion of Lot No. 1212 Discrepant Areas that would be considered for shrimp farming.

3.2 The proposed area for cultivation was previously ponds and have been formed since 2000. In order to regularize the ponds that have been filled for more than two decades, a planning application for filling of pond is submitted as refer to indicative layout plan in planning application. It is now rectified that the filling of pond would be about 2m thick with heavy soil, with an area of about **14,933** m^2.

3.3 The permitted agricultural use will be operated by experienced cultivators for agricultural use. The south portion will be for rehabilitation of agricultural land, and taking advantage of the existing pond in the north portion, shrimp farming will be considered under suitable situation.

3.4 As the Site is proposed for agricultural farmlands and pond for shrimp farming, the existing trees within Site will be removed for agricultural use. The detailed tree assessment shall refer to the **Para 4.0** below.

3.5 No parking spaces will be provided in the Site. Cultivators are expected to access the Site by public transportation (i.e. franchised bus, green minibus and taxis) or private vehicle(s) that parked in the surrounding carparks and then walk to the Site via the existing local track road.

4.0 Existing Vegetation

4.1 A tree survey has been carried out on **28.05.2025**. A total of **764** nos. of trees within the Application Site Boundary were recorded. The tree survey schedule, tree survey plan and photographic record of existing trees are shown in **Appendix I** and are outlined below:

Table 2.0 Composition of Surveyed Trees

No.	Tree Species	Chinese Name	Qty
1	*Acacia confusa*	台灣相思	1
2	*Artocarpus heterophyllus*	菠蘿蜜	1
3	*Bombax ceiba*	木棉	3
4	*Celtis sinensis*	朴樹	2
5	*Chrysophyllum cainito*	星蘋果	1
6	*Clausena lansium*	黃皮	1
7	*Dimocarpus longan*	龍眼	1
8	*Ficus religiosa*	菩提樹	1
9	*Hibiscus tiliaceus*	黃槿	1
10	*Leucaena leucocephala*	銀合歡	746
11	*Macaranga tanarius var. tomentosa*	血桐	4
12	*Mangifera indica*	杧果	1
13	*Sapium sebiferum*	烏桕	1
		Total:	**764**

4.2 The tree species recorded are mostly common species found in Hong Kong. A total of **13** species were identified, with heights ranging from **3** m to **18** m, crown spreads from **0.5** m to **18** m, and DBH (Diameter at Breast Height) from **106** mm to **564** mm. No Registered Old and Valuable Trees (OVTs) or protected species were recorded in this tree survey.

4.3 The Site is dominated by *Leucaena leucocephala* 銀合歡 (**746** nos.) which is a kind of self-seeding weed species in Hong Kong. They are propagated from the surrounding natural hillsides.

Retention of Trees

4.4 The site is proposed for agricultural use. Although no works is planned except for drainage works within the site, the existing vegetation should be cleared for cultivation. None of the 764 surveyed trees are proposed to be retained.

Felling and Transplantation of Trees

4.5 Trees in conflict with the proposed development shall be proposed to be transplanted if they fulfil all the criteria below:

a. trees have high amenity value;
b. trees with good form and health;
c. suitable access;
d. tree species able to be transplanted easily;
e. trees have suitable size and;
f. trees are young to semi-mature.

4.4 In this project, **764** existing trees within the Site Boundary should be cleared for agricultural purpose and cannot be retained in situ. **None** of the disturbed trees meet the criteria for transplantation.

4.6 When there is direct conflict with the proposed works and when the trees are not transplantable as described in the above criteria, trees are proposed to be felled.

4.7 Decisions are therefore made to fell any tree that is assessed to be of poor health condition and form and not cost effective for transplanting, all **764** nos. of the surveyed trees within Application Site are proposed to be felled. The justification for felling of trees has been shown in **Tree Schedule** in **Appendix I.** The factor for felling of trees are:

a. In direct conflict with the proposed permanent works or area required for construction;
b. Not transplantable; and
c. With poor health, form and amenity value.

4.8 **7** affected trees, namely **T770** – *Acacia confusa***, T38** – *Chrysophyllum caimito***, T6, T46, T348, T577** – *Macaranga tanarius var. tomentosa and* **T777** – *Sapium sebiferum* are common hillside species in Hong Kong. As they are propagated from the adjacent hillsides, their root systems are very

susceptible to environmental changes. This renders them a relatively low survival rate after transplantation. Hence, all of these trees are also proposed to be felled.

4.9 **4** fruit trees, i.e. **T37** – *Artocarpus heterophyllus*, **T41** – *Clausena lansium*, **T42** – *Dimocarpus longan* and **T40** – *Mangifera indica* are in conflict with the proposed works. Due to the nature of fruit tree species, its anticipated survival rate after transplantation is generally low. Therefore, it is proposed to be felled, instead of transplanted.

4.10 Another **7** disturbed trees, i.e. **T103, T139, T640** – *Bombax ceiba,* **T120, T446** – *Celtis sinensis,* **T352** – *Ficus religiosa,* **T760** – *Hibiscus tiliaceus* exhibited either poor tree form or health conditions. The transplantation of them would require substantial deformation of the trees and this would lead to irrecoverable tree form after transplantation. It is proposed to fell them and be compensated by quality trees.

4.11 Apart from the above, **746** undesirable species – *Leucaena leucocephala* are found within the Application Site. Their presence may pose potential danger to the users in future. They will be removed, for sake of public safety.

4.12 The summary of proposed treatment to existing trees within Application Site is shown as follows:

Table 2.0 Summary of Treatment to Existing Trees

Proposed Treatment to Existing Trees	**No. of Trees**
Number of Trees to be Retained	0
Number of Trees to be Felled	764 (including 746 undesirable species – *Leucaena leucocephala*)
Number of Trees to be Transplanted	0
Total Number of Trees in Survey	**764**

5.0 Landscape Proposal (Appendix II refers)

5.0.1 The aim of the landscape proposals is to respond to site conditions, development layout and function of the proposed development and to provide a quality landscape scheme. The main factors to be taken into consideration are:

- Response to the site context, both in terms of landscape character and visual amenity;
- Creation of a green setting by maximising the opportunity for soft landscape;
- Establishment of pleasant landscape areas which meet the varying needs of users; and
- Minimization of future maintenance requirements.

5.0.2 Landscape drawings showing the proposed landscape treatment for the proposed development, and their underlying principles have been attached in **Appendix II** for ease of reference.

- Hong Kong Planning Standards and Guidelines;
- Technical Guidelines on Landscape Treatment for Slopes (GEO Publication No. 1/2011);
- Design Manual: Barrier Free Access 2008 (Building Department);
- DEVB TC W No. 6/2015 - Maintenance of Vegetation and Hard Landscape Features;
- LAO Practice Note No. 6/2023 – Processing of Tree Preservation and Removal Proposals for Building Development in Private Projects – Compliance with Tree Preservation Clause under Lease;
- PlanD's PNPP No. 1/2019 – Processing and Compliance Checking of Landscape Submissions related to Planning Applications; and
- Guidance Notes for Application for Permission under Section 16 of the Town Planning Ordinance (Cap. 131).

5.1 Landscape Design Concept

5.1.1 The landscape concept mentioned below describe considerations, which had been considered as being general to the whole landscape design.

Minimisation of Extent of Site Formation Works

5.1.2 The site is a gently sloping land, ranging from **+7.2** mPD in the south to **+3.6** mPD in the north. No site formation works are proposed, except for tree felling and drainage works. The cultivation area will follow the existing landform to minimize the extent of site formation required.

Integration of the Proposed Development with the Surrounding Landscape

5.1.3 To provide a buffer between the site and the adjacent village houses, Approx. 10m wide edge planting beds is proposed along the eastern edge while 2m wide edge planting beds is provided along the southeast edges of the site. Please refer to the landscape section, drawing no. **LD101** in **Appendix II**, for reference. This will facilitate opportunities for new tree and groundcover plantings. More importantly, the existing pond to the north of the site—an important landscape resource—can be preserved in situ.

Planting Design

5.1.4 New Planting will be predominantly native and primary evergreen in nature. This will also help in promote a tranquil and harmonic environment to the users. The selection of plant combination enrich the colour complexity and visual gradation of the Proposed Development.

5.1.5 Where practicable, standard trees and groundcover are proposed. These soft landscape measures will ensure that the hard lines of the built form to be visually softened. The use of planting in heavy standard size would provide a more instant greening effect. Drawings showing the soft landscape treatment such as trees, shrubs, groundcovers and climbing plants shall refer to planting plan in **Appendix III**.

5.2 Soil Depth and Drainage for Planting

5.2.1 The requirement of soil depth is directly related to the planting design and its associated loading requirement upon structure. In general, the soil depth provided, with all drainage layers, water-proofing and protective screening exclusive is listed below:

Table 4.0 Planting Medium (Soil Depth)

Planting Type	**Soil Depth (Minimum)**
Tree/ Palm tree	1200mm
Shrub/ Climber	600mm
Groundcover/ Turf	300mm

5.3 Irrigation

5.3.1 The proposed irrigation system will be by tap water pipe for manual operation. Lockable water points will be provided at 40m centres covering the entire site. The proposed source of water supply is subject to final approval from the Water Supplies Department.

5.4 Future Maintenance

Soft Landscape Element

5.4.1 For the development, the softworks contractor will be responsible for maintenance of the planting during the establishment period allowed for in the construction contract, usually for the first year after the beginning of the schemes operational phase. This will ensure that the soft landscape measures are in a healthy condition prior to the finished scheme being handed back to the Applicant.

5.4.2 Ultimately the management office will employ maintenance staff to take care of all landscape areas within the site.

5.4.3 The maintenance schedule for soft landscape works has been included in **Appendix IV**. It is important to mention that tree risk assessment will be conducted at appropriate time to facilitate proper tree management and maintenance.

6.0 Planting Proposals (Appendix III refers)

6.1 In order to provide quality landscape for the proposed development, soft landscape works will be the major landscape element of the landscaping proposal and satisfy the following criteria:

- To compensate the loss of affected trees;
- To enhance the ecological value of the existing plantation; and
- To screen the cultivation area and reduce the visual impact to the nearby occupants.

6.2 The proposed planting species list is shown as follows and details shall refer to the Planting Plans in **Appendix III.**

Table 7.0 Proposed Planting Schedule

Botanical Name	Chinese Name	Size (mm)	Spacing (mm)	Native/ Exotic
TREES		**Height x Spread x DBH (mm)**		
Bauhinia blakeana	洋紫荊	2500x1500x50	5000	Native
Machilus breviflora	短序潤楠	2500x1500x50	5000	Native
Pongamia pinnata	水黃皮	2500x1500x50	5000	Native
Schefflera octophylla	鵝掌柴	2500x1500x50	5000	Native
Sterculia lanceolata	假蘋婆	2500x1500x50	5000	Native
Sapium dicolor	山烏桕	2500x1500x50	5000	Native
GROUNDCOVER		**Height x Spread (mm)**		
Wedelia chinensis	蟛蜞菊	200x200	200	Native

6.3 In this study area, a total of **764** trees within the Application Site Boundary were recorded. **None** of the surveyed trees will be retained in-situ while all **764** trees, including **746** number of *Leucaena leucocephala* inside the Site will be felled due to in conflict with the Development.

6.4 In accordance with para. 42 of Guidance Notes of LAO PN No. 6/2023, the compensatory planting for removal of *Leucaena leucocephala* is not required, due to its aggressive and invasive growing habits. **57** standard trees with average DBH approx. **50** mm are proposed to be planted to compensate the loss of **18** existing trees, excluding *Leucaena leucocephala*. All new trees within the Application Site Boundary will all be maintained by the Applicant.

6.5 In view of the above, the tree compensation proposal can achieve a ratio not less than 1:1 in terms of quality and quantity and is shown as the follows:

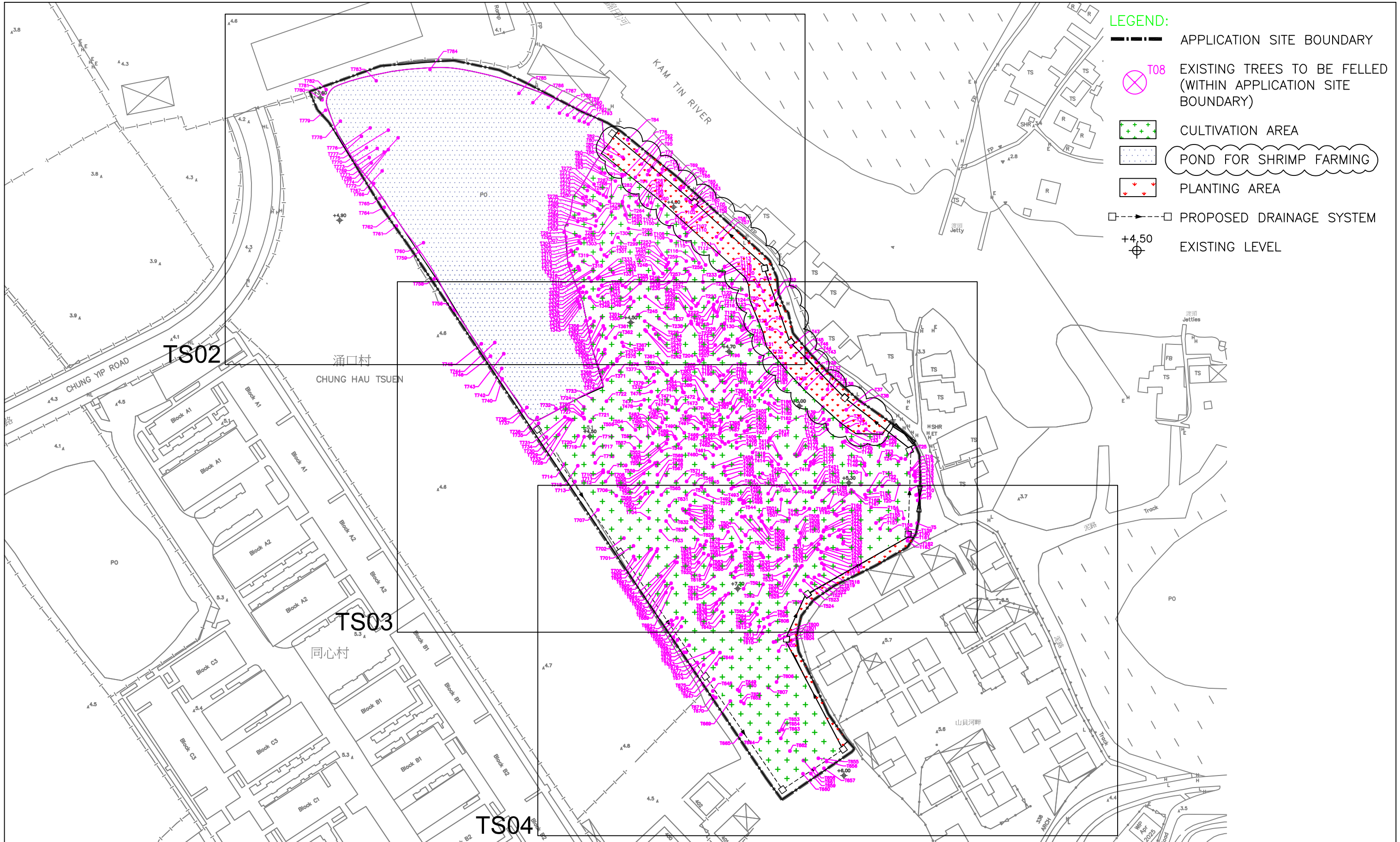
Quantity of loss of trees:	18 nos. (excluding **746** *Leucaena leucocephala*)
Quantity of compensatory trees:	57 nos.
Quantity compensation ratio	approx. 1:3.17

Appendix I

Tree Schedule, Tree Survey Plan

And

Photographic Record of Existing Trees



REVISION 校訂	DESCRIPTION 內容摘要	DRAWN 繪圖	DATE 日期	CHECKED 審核	APPROVED 審批
A	GENERAL AMENDMENT	CADD	17/03/2026	ANK	TEL

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PROJECT 工程項目
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

DRAWING TITLE 圖紙名稱
TREE SURVEY PLAN (OVERALL VIEW)

SCALE 比例	1:1200
DATE 日期	JUN 2025
REVISION 校訂	A
DRAWING NUMBER 圖號	TS01
DESIGNED 設計	TEL
DRAWN 繪圖	CAD
CHECKED 審核	TEL
APPROVED 審批	TEL

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CAD FILENAME : C2515-TS01A

LEGEND:

- APPLICATION SITE BOUNDARY
- T08 EXISTING TREES TO BE FELLED (WITHIN APPLICATION SITE BOUNDARY)
- CULTIVATION AREA
- POND FOR SHRIMP FARMING
- PLANTING AREA
- PROPOSED DRAINAGE SYSTEM
- +4.50 EXISTING LEVEL

KEY PLAN
SCALE 1:4500
0 20 40 60 80 100M

REVISION 校訂	DESCRIPTION 內容摘要	DRAWN 繪圖	DATE 日期	CHECKED 審核	APPROVED 審批
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PROJECT 工程項目
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

SCALE 比例: 1:500
DATE 日期: JUN 2025
DRAWING TITLE 圖紙名稱: TREE SURVEY PLAN (SHEET 1 OF 3)
REVISION 校訂: A
DRAWING NUMBER 圖號: TS02
DESIGNED 設計: TEL
DRAWN 繪圖: CAD
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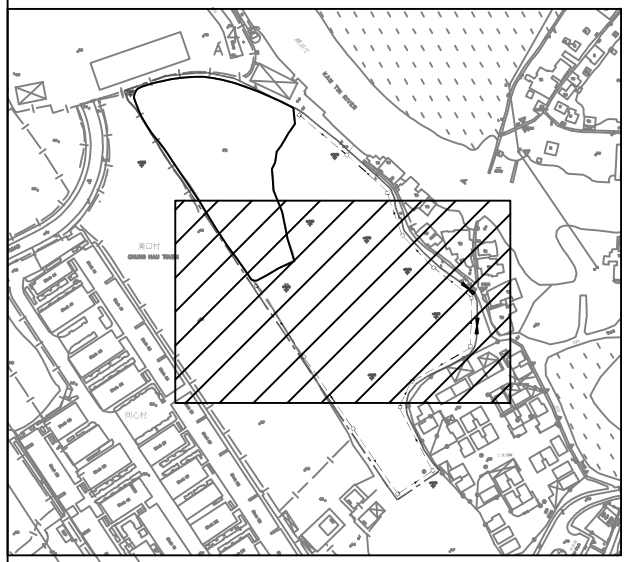
CAD FILENAME : C2515-TS02A

LEGEND:

- APPLICATION SITE BOUNDARY
- T08 EXISTING TREES TO BE FELLED (WITHIN APPLICATION SITE BOUNDARY)
- CULTIVATION AREA
- POND FOR SHRIMP FARMING
- PLANTING AREA
- PROPOSED DRAINAGE SYSTEM
- EXISTING LEVEL

N



KEY PLAN
SCALE 1:4500

0 20 40 60 80 100M

REVISION 校訂	DESCRIPTION 內容摘要	DRAWN 繪圖	DATE 日期	CHECKED 審核	APPROVED 審批
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PROJECT 工程項目
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

SCALE 比例: 1:500
DESIGNED 設計: TEL
DATE 日期: JUN 2025
DRAWN 繪圖: CAD
DRAWING TITLE 圖紙名稱: TREE SURVEY PLAN (SHEET 2 OF 3)
REVISION 校訂: A
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DRAWING NUMBER 圖號: TS03
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CAD FILENAME : C2515-TS03A

LEGEND:

- APPLICATION SITE BOUNDARY
- T08 EXISTING TREES TO BE FELLED (WITHIN APPLICATION SITE BOUNDARY)
- CULTIVATION AREA
- POND FOR SHRIMP FARMING
- PLANTING AREA
- PROPOSED DRAINAGE SYSTEM
- +4.50 EXISTING LEVEL

KEY PLAN
SCALE 1:4500
0 20 40 60 80 100M

REVISION 校訂	DESCRIPTION 內容摘要	DRAWN 繪圖	DATE 日期	CHECKED 審核	APPROVED 審批
A	GENERAL AMENDMENT	CADD	17/03/2026	ANK	TEL

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PROJECT 工程項目
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

DRAWING TITLE 圖紙名稱
TREE SURVEY PLAN
(SHEET 3 OF 3)

SCALE 比例 1:500
DATE 日期 JUN 2025
REVISION 校訂 A
DRAWING NUMBER 圖號 TS04
DESIGNED 設計 TEL
DRAWN 繪圖 CAD
CHECKED 審核 TEL
APPROVED 審批 TEL

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CAD FILENAME : C2515–TS04A

Tree Treatment Schedule at
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
Prepared by Ted Lam (R.L.A. No. R-073) on 28/05/2025
To be read in conjunction with Tree Survey Plan, dwg. no. C2515-TS01 to C2515-TS04

Tree	Photo No.	Species					Proposed Treatment	Remark[1]
No.		Scientific Name	Chinese Name	Height (m)	DBH[2] (mm)	Crown Spread (m)	(Retain/Transplant/Fell)	
T5	2	***Leucaena leucocephala***	銀合歡	6	300	5	Fell	invasive species, root-plate movement
T6	2	***Macaranga tanarius var. tomentosa***	血桐	7	223	8	Fell	cross branches
T7	2	***Leucaena leucocephala***	銀合歡	3	148	5.5	Fell	invasive species, trunk topped
T8	2	***Leucaena leucocephala***	銀合歡	12	389	9	Fell	invasive species, cavity in trunk, broken branch
T9	2	***Leucaena leucocephala***	銀合歡	8	160	4	Fell	invasive species, leaning
T10	2	***Leucaena leucocephala***	銀合歡	9	115	4	Fell	invasive species, root-plate movement
T11	2	***Leucaena leucocephala***	銀合歡	9	145	5	Fell	invasive species, root-plate movement, decay trunk
T12	2	***Leucaena leucocephala***	銀合歡	10	190	8	Fell	invasive species, root-plate movement
T13	2	***Leucaena leucocephala***	銀合歡	10	175	9	Fell	invasive species, root-plate movement
T14	2	***Leucaena leucocephala***	銀合歡	8	115	3	Fell	invasive species, leaning
T15	2	***Leucaena leucocephala***	銀合歡	10	180	7	Fell	invasive species, sapwood damaged at trunk
T16	2	***Leucaena leucocephala***	銀合歡	10	152	4.5	Fell	invasive species, broken branch
T17	2	***Leucaena leucocephala***	銀合歡	9	123	3	Fell	invasive species, dieback
T18	2	***Leucaena leucocephala***	銀合歡	10	255	8	Fell	invasive species, decay branch, broken branch
T19	2	***Leucaena leucocephala***	銀合歡	12	280	9	Fell	invasive species, broken branch
T20	2	***Leucaena leucocephala***	銀合歡	10	228	9	Fell	invasive species, root-plate movement
T21	2	***Leucaena leucocephala***	銀合歡	11	170	7	Fell	invasive species, leaning
T22	2	***Leucaena leucocephala***	銀合歡	10	313	8	Fell	invasive species, root-plate movement, decay trunk
T23	2	***Leucaena leucocephala***	銀合歡	8	375	12	Fell	invasive species, root-plate movement, cross branches
T24	2	***Leucaena leucocephala***	銀合歡	9	113	3.5	Fell	invasive species, cross trunks
T25	2	***Leucaena leucocephala***	銀合歡	9	226	6	Fell	invasive species, broken branch
T26	2	***Leucaena leucocephala***	銀合歡	8	125	3	Fell	invasive species, root-plate movement, decay trunk
T27	2	***Leucaena leucocephala***	銀合歡	7	139	5	Fell	invasive species, decay trunk
T28	2	***Leucaena leucocephala***	銀合歡	12	352	14	Fell	invasive species, decay trunk
T29	2	***Leucaena leucocephala***	銀合歡	12	230	8	Fell	invasive species, leaning
T30	2	***Leucaena leucocephala***	銀合歡	12	190	5	Fell	invasive species, root-plate movement
T31	2	***Leucaena leucocephala***	銀合歡	12	250	6	Fell	invasive species, decay branch
T32	2	***Leucaena leucocephala***	銀合歡	8	162	2	Fell	invasive species, trunk topped
T33	2	***Leucaena leucocephala***	銀合歡	13	290	6	Fell	invasive species, broken branch
T34	2	***Leucaena leucocephala***	銀合歡	12	200	8	Fell	invasive species, uproot

Tree	Photo No.	Species				Proposed Treatment	Remark[1]
No.		Scientific Name	Chinese Name	Height (m)	DBH[2] (mm)	Crown Spread (m)	(Retain/Transplant/Fell)	
T35	2	***Leucaena leucocephala***	銀合歡	11	135	4	Fell	invasive species, cross trunks
T36	2	***Leucaena leucocephala***	銀合歡	13	248	9	Fell	invasive species, cross branches, broken branch
T37	2	***Artocarpus heterophyllus***	菠蘿蜜	6.5	193	5.5	Fell	sapwood damaged at trunk
T38	2	***Chrysophyllum cainito***	星蘋果	7	255	6	Fell	cross trunks, broken branch
T40	2	***Mangifera indica***	杧果	7.5	267	4.5	Fell	decay trunk
T41	2	***Clausena lansium***	黃皮	6	120	4	Fell	decay in trunk
T42	2	***Dimocarpus longan***	龍眼	7	303	7	Fell	girdling root
T43	2	***Leucaena leucocephala***	銀合歡	10	200	8	Fell	invasive species, broken branch
T44	2	***Leucaena leucocephala***	銀合歡	8	195	5	Fell	invasive species, uproot, broken branch
T45	2	***Leucaena leucocephala***	銀合歡	11	220	8	Fell	invasive species, leaning, broken branch
T46	2	***Macaranga tanarius var. tomentosa***	血桐	5	127	5	Fell	leaning
T47	2	***Leucaena leucocephala***	銀合歡	8	115	3	Fell	invasive species, leaning
T48	2	***Leucaena leucocephala***	銀合歡	9	117	5	Fell	invasive species, leaning
T49	2	***Leucaena leucocephala***	銀合歡	8	169	7	Fell	invasive species, leaning
T50	2	***Leucaena leucocephala***	銀合歡	9	125	4	Fell	invasive species, leaning
T51	2	***Leucaena leucocephala***	銀合歡	9	140	4	Fell	invasive species, leaning
T52	2	***Leucaena leucocephala***	銀合歡	9	118	3	Fell	invasive species, leaning
T53	2	***Leucaena leucocephala***	銀合歡	6	125	4	Fell	invasive species, root-plate movement
T54	2	***Leucaena leucocephala***	銀合歡	6	191	5	Fell	invasive species, uproot, decay trunk
T57	2	***Leucaena leucocephala***	銀合歡	8	152	5	Fell	invasive species, leaning
T58	2	***Leucaena leucocephala***	銀合歡	9	134	5	Fell	invasive species, leaning
T59	2	***Leucaena leucocephala***	銀合歡	9	162	8	Fell	invasive species, uproot
T60	2	***Leucaena leucocephala***	銀合歡	12	148	4	Fell	invasive species, uproot
T61	2	***Leucaena leucocephala***	銀合歡	10	145	3.5	Fell	invasive species, leaning
T62	2	***Leucaena leucocephala***	銀合歡	11	252	10	Fell	invasive species
T63	2	***Leucaena leucocephala***	銀合歡	10	243	9	Fell	invasive species, uproot, cross branches
T64	2	***Leucaena leucocephala***	銀合歡	10	205	6	Fell	invasive species, root-plate movement, cross branches
T65	2	***Leucaena leucocephala***	銀合歡	11	179	5	Fell	invasive species, root-plate movement, dieback
T66	2	***Leucaena leucocephala***	銀合歡	8	145	5	Fell	invasive species, root-plate movement
T67	2	***Leucaena leucocephala***	銀合歡	7	126	6	Fell	invasive species, uproot
T68	2	***Leucaena leucocephala***	銀合歡	8	114	4	Fell	invasive species, uproot
T69	2	***Leucaena leucocephala***	銀合歡	9	148	3.5	Fell	invasive species, uproot, cross trunks
T70	2	***Leucaena leucocephala***	銀合歡	8	125	6	Fell	invasive species, root-plate movement
T71	2	***Leucaena leucocephala***	銀合歡	8	120	5	Fell	invasive species, root-plate movement
T72	2	***Leucaena leucocephala***	銀合歡	8	145	4	Fell	invasive species, uproot

Tree	Photo No.	Species				Proposed Treatment	Remark[1]
No.		Scientific Name	Chinese Name	Height (m)	DBH[2] (mm)	Crown Spread (m)	(Retain/Transplant/Fell)	
T73	2	***Leucaena leucocephala***	銀合歡	9	150	5	Fell	invasive species, leaning
T74	2	***Leucaena leucocephala***	銀合歡	9	205	5	Fell	invasive species, root-plate movement
T75	2	***Leucaena leucocephala***	銀合歡	10	170	8	Fell	invasive species, root-plate movement
T76	2	***Leucaena leucocephala***	銀合歡	9.5	195	3.5	Fell	invasive species, decay trunk
T80	2	***Leucaena leucocephala***	銀合歡	7	205	5	Fell	invasive species, uproot
T81	2	***Leucaena leucocephala***	銀合歡	9	244	7	Fell	invasive species, leaning
T82	2	***Leucaena leucocephala***	銀合歡	10	155	3	Fell	invasive species, decay branch
T84	2	***Leucaena leucocephala***	銀合歡	8	110	3	Fell	invasive species, root-plate movement
T85	2	***Leucaena leucocephala***	銀合歡	8	145	5	Fell	invasive species, root-plate movement, decay trunk
T86	2	***Leucaena leucocephala***	銀合歡	10	223	6	Fell	invasive species, root-plate movement
T87	2	***Leucaena leucocephala***	銀合歡	9	333	10	Fell	invasive species, root-plate movement, decay trunk
T88	2	***Leucaena leucocephala***	銀合歡	10	170	5.5	Fell	invasive species, uproot
T89	2	***Leucaena leucocephala***	銀合歡	7	271	4	Fell	invasive species, root-plate movement
T90	2	***Leucaena leucocephala***	銀合歡	9	172	4	Fell	invasive species, uproot
T91	2	***Leucaena leucocephala***	銀合歡	8	144	4	Fell	invasive species, decay trunk
T92	2	***Leucaena leucocephala***	銀合歡	9	154	2	Fell	invasive species, root-plate movement
T93	2	***Leucaena leucocephala***	銀合歡	11	133	2	Fell	invasive species, root-plate movement
T94	2	***Leucaena leucocephala***	銀合歡	11	242	5	Fell	invasive species, branch topped
T95	2	***Leucaena leucocephala***	銀合歡	9	116	1	Fell	invasive species, broken trunk
T96	2	***Leucaena leucocephala***	銀合歡	8	143	1	Fell	invasive species, trunk topped
T97	2	***Leucaena leucocephala***	銀合歡	11	177	5	Fell	invasive species, leaning, cross trunks
T98	2	***Leucaena leucocephala***	銀合歡	11	130	3	Fell	invasive species, root-plate movement
T99	2	***Leucaena leucocephala***	銀合歡	10	110	2	Fell	invasive species, trunk crooked
T100	2	***Leucaena leucocephala***	銀合歡	7.5	120	6	Fell	invasive species, uproot
T101	2	***Leucaena leucocephala***	銀合歡	11	182	6	Fell	invasive species, leaning
T102	2	***Leucaena leucocephala***	銀合歡	10	125	4	Fell	invasive species, leaning
T103	2	***Bombax ceiba***	木棉	7	262	1	Fell	decay trunk
T104	2	***Leucaena leucocephala***	銀合歡	7	234	7	Fell	invasive species, root-plate movement
T105	2	***Leucaena leucocephala***	銀合歡	9	132	4	Fell	invasive species, leaning, decay branch
T106	2	***Leucaena leucocephala***	銀合歡	8	117	2	Fell	invasive species, leaning, trunk topped
T107	2	***Leucaena leucocephala***	銀合歡	9	180	5	Fell	invasive species, broken trunk
T108	2	***Leucaena leucocephala***	銀合歡	11	125	4	Fell	invasive species, leaning
T109	2	***Leucaena leucocephala***	銀合歡	9	234	4	Fell	invasive species, root-plate movement
T110	2	***Leucaena leucocephala***	銀合歡	8	160	6	Fell	invasive species, decay branch
T111	2	***Leucaena leucocephala***	銀合歡	9	190	3	Fell	invasive species, root-plate movement, decay branch

Tree	Photo No.	Species				Proposed Treatment	Remark[1]
No.		Scientific Name	Chinese Name	Height (m)	DBH[2] (mm)	Crown Spread (m)	(Retain/Transplant/Fell)	
T112	2	***Leucaena leucocephala***	銀合歡	8	157	2	Fell	invasive species, leaning
T113	2	***Leucaena leucocephala***	銀合歡	7	130	5	Fell	invasive species, root-plate movement
T114	2	***Leucaena leucocephala***	銀合歡	10	119	7	Fell	invasive species, root-plate movement
T115	2	***Leucaena leucocephala***	銀合歡	9	190	5	Fell	invasive species, root-plate movement, decay branch
T116	2	***Leucaena leucocephala***	銀合歡	11	241	8	Fell	invasive species, root-plate movement
T117	2	***Leucaena leucocephala***	銀合歡	8	108	4	Fell	invasive species, trunk bending
T118	2	***Leucaena leucocephala***	銀合歡	9	170	6	Fell	invasive species, root-plate movement
T119	2	***Leucaena leucocephala***	銀合歡	9	160	6	Fell	invasive species, root-plate movement
T120	2	***Celtis sinensis***	朴樹	5	142	5	Fell	leaning, cross trunks
T121	2	***Leucaena leucocephala***	銀合歡	9	253	7	Fell	invasive species, root-plate movement
T122	2	***Leucaena leucocephala***	銀合歡	9	144	4.5	Fell	invasive species, root-plate movement, root rot
T123	2	***Leucaena leucocephala***	銀合歡	11	216	7	Fell	invasive species, broken branch
T124	2	***Leucaena leucocephala***	銀合歡	10	227	7	Fell	invasive species, leaning
T125	2	***Leucaena leucocephala***	銀合歡	8	143	4	Fell	invasive species, root-plate movement
T126	2	***Leucaena leucocephala***	銀合歡	10	165	6	Fell	invasive species, root-plate movement, decay trunk
T127	2	***Leucaena leucocephala***	銀合歡	11	185	5	Fell	invasive species, root-plate movement
T128	2	***Leucaena leucocephala***	銀合歡	7	130	6	Fell	invasive species, root-plate movement
T129	2	***Leucaena leucocephala***	銀合歡	9	261	6	Fell	invasive species, root-plate movement, broken branch
T130	2	***Leucaena leucocephala***	銀合歡	9	154	4	Fell	invasive species, leaning
T131	2	***Leucaena leucocephala***	銀合歡	8	188	5	Fell	invasive species, root-plate movement
T132	2	***Leucaena leucocephala***	銀合歡	9	116	3	Fell	invasive species, leaning
T133	2	***Leucaena leucocephala***	銀合歡	8	115	3	Fell	invasive species, leaning
T134	2	***Leucaena leucocephala***	銀合歡	9	244	8	Fell	invasive species, uproot
T135	2	***Leucaena leucocephala***	銀合歡	9	200	9	Fell	invasive species, root-plate movement
T136	2	***Leucaena leucocephala***	銀合歡	10	225	8	Fell	invasive species, root-plate movement
T137	2	***Leucaena leucocephala***	銀合歡	9	142	8	Fell	invasive species, root-plate movement
T138	2	***Leucaena leucocephala***	銀合歡	12	290	9	Fell	invasive species, leaning, broken branch
T139	2	***Bombax ceiba***	木棉	18	470	12	Fell	nil
T140	2	***Leucaena leucocephala***	銀合歡	10	238	8	Fell	invasive species, leaning
T141	2	***Leucaena leucocephala***	銀合歡	12	200	4	Fell	invasive species, root-plate movement
T142	2	***Leucaena leucocephala***	銀合歡	8	125	4	Fell	invasive species, leaning
T143	2	***Leucaena leucocephala***	銀合歡	9	170	5	Fell	invasive species, leaning, broken branch
T144	2	***Leucaena leucocephala***	銀合歡	11	127	2.5	Fell	invasive species, decay branch
T145	2	***Leucaena leucocephala***	銀合歡	10	140	4	Fell	invasive species, leaning
T146	2	***Leucaena leucocephala***	銀合歡	11	223	5	Fell	invasive species, root-plate movement

Tree No.	Photo No.	Species		Height (m)	DBH[2] (mm)	Crown Spread (m)	Proposed Treatment (Retain/Transplant/Fell)	Remark[1]
		Scientific Name	Chinese Name					
T147	2	***Leucaena leucocephala***	銀合歡	8	217	7	Fell	invasive species, leaning, cavity in trunk
T148	2	***Leucaena leucocephala***	銀合歡	9	235	6	Fell	invasive species, root-plate movement, broken branch
T149	2	***Leucaena leucocephala***	銀合歡	9	185	7	Fell	invasive species, broken trunk
T150	2	***Leucaena leucocephala***	銀合歡	9	225	9	Fell	invasive species, root-plate movement
T151	2	***Leucaena leucocephala***	銀合歡	9	125	2.5	Fell	invasive species, leaning
T152	2	***Leucaena leucocephala***	銀合歡	9	150	4	Fell	invasive species, leaning
T153	2	***Leucaena leucocephala***	銀合歡	10	157	4.5	Fell	invasive species, leaning
T154	2	***Leucaena leucocephala***	銀合歡	10	248	8	Fell	invasive species, root-plate movement
T155	2	***Leucaena leucocephala***	銀合歡	9	145	4	Fell	invasive species, root-plate movement, decay branch
T156	2	***Leucaena leucocephala***	銀合歡	9	124	3	Fell	invasive species, trunk topped
T157	2	***Leucaena leucocephala***	銀合歡	11	200	8	Fell	invasive species, root-plate movement
T158	2	***Leucaena leucocephala***	銀合歡	8	247	7	Fell	invasive species, broken trunk
T159	2	***Leucaena leucocephala***	銀合歡	7	233	6	Fell	invasive species, broken trunk
T160	2	***Leucaena leucocephala***	銀合歡	8	163	4	Fell	invasive species, uproot, broken trunk
T161	2	***Leucaena leucocephala***	銀合歡	7	237	6	Fell	invasive species, uproot, broken branch
T162	2	***Leucaena leucocephala***	銀合歡	9	284	8	Fell	invasive species, root-plate movement, broken branch
T163	2	***Leucaena leucocephala***	銀合歡	6	198	4	Fell	invasive species, trunk topped
T164	2	***Leucaena leucocephala***	銀合歡	7	128	7	Fell	invasive species, root-plate movement, cross trunks
T165	2	***Leucaena leucocephala***	銀合歡	9	121	1	Fell	invasive species, uproot
T166	2	***Leucaena leucocephala***	銀合歡	10	160	8	Fell	invasive species, root-plate movement
T167	2	***Leucaena leucocephala***	銀合歡	10	170	5	Fell	invasive species, root-plate movement
T168	2	***Leucaena leucocephala***	銀合歡	3	125	1	Fell	invasive species, uproot, trunk topped
T169	2	***Leucaena leucocephala***	銀合歡	9	167	4	Fell	invasive species, uproot
T170	2	***Leucaena leucocephala***	銀合歡	9	210	5	Fell	invasive species, root-plate movement, decay trunk
T171	2	***Leucaena leucocephala***	銀合歡	6	187	3	Fell	invasive species, decay trunk
T172	2	***Leucaena leucocephala***	銀合歡	11	121	3.5	Fell	invasive species, restricted root
T173	2	***Leucaena leucocephala***	銀合歡	10	148	5	Fell	invasive species, restricted root
T174	2	***Leucaena leucocephala***	銀合歡	12	123	4	Fell	invasive species, restricted root, root-plate movement
T175	2	***Leucaena leucocephala***	銀合歡	12	200	6	Fell	invasive species, restricted root, leaning
T176	2	***Leucaena leucocephala***	銀合歡	10	210	7	Fell	invasive species, restricted root, root-plate movement
T177	2	***Leucaena leucocephala***	銀合歡	8	174	4	Fell	invasive species, restricted root, leaning
T178	2	***Leucaena leucocephala***	銀合歡	8	155	6	Fell	invasive species, restricted root, leaning
T179	2	***Leucaena leucocephala***	銀合歡	9	120	3	Fell	invasive species, restricted root, leaning, broken branch
T180	2	***Leucaena leucocephala***	銀合歡	8	230	6	Fell	invasive species, root-plate movement, decay in trunk
T181	2	***Leucaena leucocephala***	銀合歡	10	314	8	Fell	invasive species, restricted root, root-plate movement

Tree No.	Photo No.	Species		Height (m)	DBH[2] (mm)	Crown Spread (m)	Proposed Treatment (Retain/Transplant/Fell)	Remark[1]
		Scientific Name	Chinese Name					
T182	2	***Leucaena leucocephala***	銀合歡	9	198	6	Fell	invasive species, root-plate movement, cross trunks
T183	2	***Leucaena leucocephala***	銀合歡	6	191	6	Fell	invasive species, leaning, broken branch
T184	2	***Leucaena leucocephala***	銀合歡	9	119	3	Fell	invasive species, leaning, broken branch
T185	2	***Leucaena leucocephala***	銀合歡	10	127	6	Fell	invasive species, restricted root, trunk bending
T186	2	***Leucaena leucocephala***	銀合歡	8	153	6	Fell	invasive species, restricted root, leaning
T187	2	***Leucaena leucocephala***	銀合歡	8	135	3	Fell	invasive species, restricted root, leaning
T188	2	***Leucaena leucocephala***	銀合歡	9	233	8	Fell	invasive species, root-plate movement, decay trunk
T189	2	***Leucaena leucocephala***	銀合歡	8	128	5	Fell	invasive species, restricted root, trunk topped
T190	2	***Leucaena leucocephala***	銀合歡	7	120	5	Fell	invasive species, leaning, cross trunks
T191	2	***Leucaena leucocephala***	銀合歡	9	134	8	Fell	invasive species, root-plate movement, decay trunk
T192	2	***Leucaena leucocephala***	銀合歡	6	140	5	Fell	invasive species, restricted root, root-plate movement
T193	2	***Leucaena leucocephala***	銀合歡	7	187	4	Fell	invasive species, restricted root, leaning, decay trunk
T194	2	***Leucaena leucocephala***	銀合歡	8	171	9	Fell	invasive species, root-plate movement, decay branch
T195	2	***Leucaena leucocephala***	銀合歡	11	120	6	Fell	invasive species, root-plate movement
T196	2	***Leucaena leucocephala***	銀合歡	12	181	6	Fell	invasive species, root-plate movement, decay trunk
T197	2	***Leucaena leucocephala***	銀合歡	10	160	8	Fell	invasive species, root-plate movement, cross branches
T198	2	***Leucaena leucocephala***	銀合歡	10	115	3	Fell	invasive species, uproot
T199	2	***Leucaena leucocephala***	銀合歡	9	126	8	Fell	invasive species, restricted root, root-plate movement
T200	2	***Leucaena leucocephala***	銀合歡	10	143	7	Fell	invasive species, restricted root, root-plate movement
T201	2	***Leucaena leucocephala***	銀合歡	11	130	3	Fell	invasive species, restricted root, leaning
T202	2	***Leucaena leucocephala***	銀合歡	12	190	7	Fell	invasive species, root-plate movement
T203	2	***Leucaena leucocephala***	銀合歡	10	120	3.5	Fell	invasive species, uproot
T204	2	***Leucaena leucocephala***	銀合歡	8	127	3	Fell	invasive species, leaning
T205	2	***Leucaena leucocephala***	銀合歡	9	336	5	Fell	invasive species, uproot
T206	2	***Leucaena leucocephala***	銀合歡	8	117	3	Fell	invasive species, uproot
T207	2	***Leucaena leucocephala***	銀合歡	11	150	5	Fell	invasive species, leaning
T208	2	***Leucaena leucocephala***	銀合歡	12	116	3.5	Fell	invasive species, leaning
T209	2	***Leucaena leucocephala***	銀合歡	10	158	9	Fell	invasive species
T210	2	***Leucaena leucocephala***	銀合歡	11	122	6	Fell	invasive species
T211	2	***Leucaena leucocephala***	銀合歡	9	135	7	Fell	invasive species, leaning
T212	2	***Leucaena leucocephala***	銀合歡	10	145	7	Fell	invasive species, leaning
T213	2	***Leucaena leucocephala***	銀合歡	13	255	9	Fell	invasive species, restricted root, leaning
T214	2	***Leucaena leucocephala***	銀合歡	9	137	5	Fell	invasive species, root-plate movement
T215	2	***Leucaena leucocephala***	銀合歡	8	153	4	Fell	invasive species, root-plate movement
T216	2	***Leucaena leucocephala***	銀合歡	12	175	5	Fell	invasive species, restricted root, leaning

Tree	Photo No.	Species				Proposed Treatment	Remark[1]
No.		Scientific Name	Chinese Name	Height (m)	DBH[2] (mm)	Crown Spread (m)	(Retain/Transplant/Fell)	
T217	2	***Leucaena leucocephala***	銀合歡	10	118	4	Fell	invasive species, root-plate movement
T218	2	***Leucaena leucocephala***	銀合歡	8	119	3	Fell	invasive species, restricted root, leaning
T219	2	***Leucaena leucocephala***	銀合歡	12	143	5	Fell	invasive species, restricted root, leaning
T220	2	***Leucaena leucocephala***	銀合歡	11	225	6	Fell	invasive species, restricted root, root-plate movement, decay trunk
T221	2	***Leucaena leucocephala***	銀合歡	9	135	3	Fell	invasive species, restricted root
T222	2	***Leucaena leucocephala***	銀合歡	12	123	8	Fell	invasive species, root-plate movement
T223	2	***Leucaena leucocephala***	銀合歡	10	170	9	Fell	invasive species, root-plate movement
T224	2	***Leucaena leucocephala***	銀合歡	10	135	8	Fell	invasive species, root-plate movement, restricted root
T225	2	***Leucaena leucocephala***	銀合歡	5	126	4	Fell	invasive species, root-plate movement, decay branch
T226	2	***Leucaena leucocephala***	銀合歡	8	121	7	Fell	invasive species, root-plate movement, decay branch
T227	2	***Leucaena leucocephala***	銀合歡	8	140	9	Fell	invasive species, root-plate movement
T228	2	***Leucaena leucocephala***	銀合歡	8	182	8	Fell	invasive species, root-plate movement, broken branch
T229	2	***Leucaena leucocephala***	銀合歡	9	146	6	Fell	invasive species, uproot
T230	2	***Leucaena leucocephala***	銀合歡	9	258	8	Fell	invasive species, root-plate movement, broken branch
T231	2	***Leucaena leucocephala***	銀合歡	5.5	185	4	Fell	invasive species, root-plate movement, trunk topped
T232	2	***Leucaena leucocephala***	銀合歡	12	354	10	Fell	invasive species, root-plate movement, decay branch
T233	2	***Leucaena leucocephala***	銀合歡	10	125	8	Fell	invasive species, root-plate movement
T234	2	***Leucaena leucocephala***	銀合歡	12	210	8	Fell	invasive species, root-plate movement, decay trunk
T235	2	***Leucaena leucocephala***	銀合歡	12	210	10	Fell	invasive species, uproot, cross branches
T236	2	***Leucaena leucocephala***	銀合歡	12	180	9	Fell	invasive species, root-plate movement, cross branches
T237	2	***Leucaena leucocephala***	銀合歡	9	130	5	Fell	invasive species, root-plate movement
T238	2	***Leucaena leucocephala***	銀合歡	9	151	5	Fell	invasive species, root-plate movement
T239	2	***Leucaena leucocephala***	銀合歡	11	208	8	Fell	invasive species, root-plate movement, broken branch
T240	2	***Leucaena leucocephala***	銀合歡	8	128	6	Fell	invasive species, root-plate movement, decay in trunk
T241	2	***Leucaena leucocephala***	銀合歡	12	180	10	Fell	invasive species, root-plate movement, cavity in trunk
T242	2	***Leucaena leucocephala***	銀合歡	12	200	11	Fell	invasive species, root-plate movement, decay branch
T243	2	***Leucaena leucocephala***	銀合歡	11	158	8	Fell	invasive species, root-plate movement, cross trunks
T244	2	***Leucaena leucocephala***	銀合歡	12	320	10	Fell	invasive species, cross trunks
T245	2	***Leucaena leucocephala***	銀合歡	10	126	7	Fell	invasive species, leaning
T246	2	***Leucaena leucocephala***	銀合歡	10	146	8	Fell	invasive species, root-plate movement, cross branches
T247	2	***Leucaena leucocephala***	銀合歡	12	250	8	Fell	invasive species, root-plate movement, decay trunk
T248	2	***Leucaena leucocephala***	銀合歡	11	162	7	Fell	invasive species, root-plate movement
T249	2	***Leucaena leucocephala***	銀合歡	6	133	6	Fell	invasive species, root-plate movement, decay trunk
T250	2	***Leucaena leucocephala***	銀合歡	11	141	7	Fell	invasive species, leaning
T251	2	***Leucaena leucocephala***	銀合歡	13	140	5	Fell	invasive species, leaning

Tree	Photo No.	Species				Proposed Treatment	Remark[1]
No.		Scientific Name	Chinese Name	Height (m)	DBH[2] (mm)	Crown Spread (m)	(Retain/Transplant/Fell)	
T252	2	***Leucaena leucocephala***	銀合歡	13	143	4.5	Fell	invasive species, uproot, decay trunk
T253	2	***Leucaena leucocephala***	銀合歡	11	155	5	Fell	invasive species, root-plate movement, decay trunk
T254	2	***Leucaena leucocephala***	銀合歡	13	251	9	Fell	invasive species, included bark
T255	2	***Leucaena leucocephala***	銀合歡	10	165	8	Fell	invasive species, root-plate movement, cross branches
T256	2	***Leucaena leucocephala***	銀合歡	12	178	8	Fell	invasive species, root-plate movement
T257	2	***Leucaena leucocephala***	銀合歡	10	180	8	Fell	invasive species, root-plate movement, trunk crooked
T258	2	***Leucaena leucocephala***	銀合歡	12	170	5	Fell	invasive species, root-plate movement, decay branch
T259	2	***Leucaena leucocephala***	銀合歡	11	145	4	Fell	invasive species, uproot, decay branch
T260	2	***Leucaena leucocephala***	銀合歡	8	125	6	Fell	invasive species, root-plate movement, decay branch
T261	2	***Leucaena leucocephala***	銀合歡	9	128	4	Fell	invasive species, broken branch
T262	2	***Leucaena leucocephala***	銀合歡	10	135	7	Fell	invasive species, leaning
T263	2	***Leucaena leucocephala***	銀合歡	12	210	5	Fell	invasive species, leaning
T264	2	***Leucaena leucocephala***	銀合歡	11	168	6	Fell	invasive species, root-plate movement
T265	2	***Leucaena leucocephala***	銀合歡	11	205	5	Fell	invasive species, root-plate movement, decay trunk
T266	2	***Leucaena leucocephala***	銀合歡	12	161	4.5	Fell	invasive species, cavity in trunk
T267	2	***Leucaena leucocephala***	銀合歡	10	123	3.5	Fell	invasive species, uproot, branch topped
T268	2	***Leucaena leucocephala***	銀合歡	11	165	3	Fell	invasive species, restricted root, leaning
T269	2	***Leucaena leucocephala***	銀合歡	7	121	3	Fell	invasive species, leaning, branch topped
T270	2	***Leucaena leucocephala***	銀合歡	12	179	5	Fell	invasive species, root-plate movement
T271	2	***Leucaena leucocephala***	銀合歡	9	178	7	Fell	invasive species, uproot, decay branch, crack in trunk
T272	2	***Leucaena leucocephala***	銀合歡	9	135	4	Fell	invasive species, leaning
T273	2	***Leucaena leucocephala***	銀合歡	10	344	6	Fell	invasive species, root-plate movement
T274	2	***Leucaena leucocephala***	銀合歡	9	157	4	Fell	invasive species, uproot
T275	2	***Leucaena leucocephala***	銀合歡	10	220	5	Fell	invasive species, restricted root, leaning
T276	2	***Leucaena leucocephala***	銀合歡	9	186	4.5	Fell	invasive species, restricted root, leaning
T277	2	***Leucaena leucocephala***	銀合歡	11	225	7	Fell	invasive species, restricted root, leaning
T278	2	***Leucaena leucocephala***	銀合歡	11	123	2	Fell	invasive species, restricted root, leaning
T279	2	***Leucaena leucocephala***	銀合歡	10	140	2	Fell	invasive species, uproot, cross trunks
T280	2	***Leucaena leucocephala***	銀合歡	11	127	2	Fell	invasive species, leaning, cross trunks
T281	2	***Leucaena leucocephala***	銀合歡	12	260	7	Fell	invasive species, restricted root, trunk bending
T282	2	***Leucaena leucocephala***	銀合歡	11	196	6	Fell	invasive species, restricted root, leaning
T283	2	***Leucaena leucocephala***	銀合歡	9	140	3	Fell	invasive species, uproot
T284	2	***Leucaena leucocephala***	銀合歡	10	118	2	Fell	invasive species, leaning
T285	2	***Leucaena leucocephala***	銀合歡	7	135	5	Fell	invasive species, uproot
T286	2	***Leucaena leucocephala***	銀合歡	5.5	127	3	Fell	invasive species, root-plate movement, trunk topped

Tree No.	Photo No.	Species		Height (m)	DBH[2] (mm)	Crown Spread (m)	Proposed Treatment (Retain/Transplant/Fell)	Remark[1]
		Scientific Name	Chinese Name					
T287	2	***Leucaena leucocephala***	銀合歡	11	122	3	Fell	invasive species, restricted root, leaning
T288	2	***Leucaena leucocephala***	銀合歡	12	206	5	Fell	invasive species, restricted root, root-plate movement
T289	2	***Leucaena leucocephala***	銀合歡	8	135	6	Fell	invasive species, restricted root, root-plate movement, decay trunk
T290	2	***Leucaena leucocephala***	銀合歡	12	290	3.5	Fell	invasive species, restricted root, leaning
T291	2	***Leucaena leucocephala***	銀合歡	9	269	8	Fell	invasive species, cross trunks
T292	2	***Leucaena leucocephala***	銀合歡	12	370	10	Fell	invasive species, restricted root, root-plate movement, decay branch
T293	2	***Leucaena leucocephala***	銀合歡	10	153	7	Fell	invasive species, restricted root, leaning
T294	2	***Leucaena leucocephala***	銀合歡	10	227	7	Fell	invasive species, leaning
T295	2	***Leucaena leucocephala***	銀合歡	11	118	2.5	Fell	invasive species, leaning
T296	2	***Leucaena leucocephala***	銀合歡	11	216	8	Fell	invasive species, restricted root, leaning
T297	2	***Leucaena leucocephala***	銀合歡	9	111	3	Fell	invasive species, restricted root, root-plate movement
T298	2	***Leucaena leucocephala***	銀合歡	9	120	7	Fell	invasive species, leaning
T299	2	***Leucaena leucocephala***	銀合歡	10	177	6	Fell	invasive species, uproot
T300	2	***Leucaena leucocephala***	銀合歡	12	188	5	Fell	invasive species, uproot, decay branch
T301	2	***Leucaena leucocephala***	銀合歡	10	145	6	Fell	invasive species, uproot
T302	2	***Leucaena leucocephala***	銀合歡	13	290	5	Fell	invasive species, cross trunks, heartwood damaged at trunk
T303	2	***Leucaena leucocephala***	銀合歡	12	326	12	Fell	invasive species, cross trunks, cavity in trunk
T304	2	***Leucaena leucocephala***	銀合歡	9	140	5	Fell	invasive species, leaning, broken trunk
T305	2	***Leucaena leucocephala***	銀合歡	12	160	4	Fell	invasive species, restricted root
T306	2	***Leucaena leucocephala***	銀合歡	11	133	2	Fell	invasive species, restricted root, leaning
T307	2	***Leucaena leucocephala***	銀合歡	11	145	3.5	Fell	invasive species, restricted root, leaning
T308	2	***Leucaena leucocephala***	銀合歡	13	158	5.5	Fell	invasive species, restricted root, leaning
T309	2	***Leucaena leucocephala***	銀合歡	13	157	5	Fell	invasive species, restricted root, leaning
T310	2	***Leucaena leucocephala***	銀合歡	13	130	4	Fell	invasive species, restricted root, leaning
T311	2	***Leucaena leucocephala***	銀合歡	12	195	5	Fell	invasive species, leaning
T312	2	***Leucaena leucocephala***	銀合歡	12	121	5	Fell	invasive species, leaning
T313	2	***Leucaena leucocephala***	銀合歡	12	370	10	Fell	invasive species, leaning
T314	2	***Leucaena leucocephala***	銀合歡	10	250	7	Fell	invasive species, uproot
T315	2	***Leucaena leucocephala***	銀合歡	14	200	7	Fell	invasive species, restricted root, leaning
T316	2	***Leucaena leucocephala***	銀合歡	12	219	7	Fell	invasive species, restricted root, leaning, broken branch
T317	2	***Leucaena leucocephala***	銀合歡	13	140	4	Fell	invasive species, decay in trunk
T318	2	***Leucaena leucocephala***	銀合歡	13	170	4.5	Fell	invasive species, leaning
T319	2	***Leucaena leucocephala***	銀合歡	13	145	5	Fell	invasive species, leaning
T320	2	***Leucaena leucocephala***	銀合歡	12	124	3.5	Fell	invasive species, restricted root
T321	2	***Leucaena leucocephala***	銀合歡	14	142	5	Fell	invasive species, restricted root

Tree	Photo No.	Species				Proposed Treatment	Remark[1]
No.		Scientific Name	Chinese Name	Height (m)	DBH[2] (mm)	Crown Spread (m)	(Retain/Transplant/Fell)	
T322	2	***Leucaena leucocephala***	銀合歡	10	155	7	Fell	invasive species, uproot, cross trunks
T323	2	***Leucaena leucocephala***	銀合歡	8	163	8	Fell	invasive species, uproot, cross trunks
T324	2	***Leucaena leucocephala***	銀合歡	10	180	8	Fell	invasive species, uproot, broken trunk
T325	2	***Leucaena leucocephala***	銀合歡	10	240	8	Fell	invasive species, uproot, decay trunk
T326	2	***Leucaena leucocephala***	銀合歡	8	280	4	Fell	invasive species, uproot, decay branch
T327	2	***Leucaena leucocephala***	銀合歡	11	113	3.5	Fell	invasive species, trunk bending
T328	2	***Leucaena leucocephala***	銀合歡	13	298	7	Fell	invasive species, uproot, broken trunk
T329	2	***Leucaena leucocephala***	銀合歡	13	235	9	Fell	invasive species, girdling root
T330	2	***Leucaena leucocephala***	銀合歡	10	126	7	Fell	invasive species, uproot, cross trunks
T331	2	***Leucaena leucocephala***	銀合歡	9	155	8	Fell	invasive species, uproot, cross trunks
T332	2	***Leucaena leucocephala***	銀合歡	7	155	3	Fell	invasive species, leaning, broken branch
T333	2	***Leucaena leucocephala***	銀合歡	10	160	7	Fell	invasive species, uproot
T334	2	***Leucaena leucocephala***	銀合歡	13	203	5	Fell	invasive species, leaning, cavity in trunk
T335	2	***Leucaena leucocephala***	銀合歡	10	140	6	Fell	invasive species, uproot, broken branch
T336	2	***Leucaena leucocephala***	銀合歡	13	163	8	Fell	invasive species, leaning
T337	2	***Leucaena leucocephala***	銀合歡	14	170	6	Fell	invasive species, restricted root, leaning
T338	2	***Leucaena leucocephala***	銀合歡	10	184	6	Fell	invasive species, leaning, cross trunks, decay branch
T339	2	***Leucaena leucocephala***	銀合歡	12	180	8	Fell	invasive species, leaning
T340	2	***Leucaena leucocephala***	銀合歡	9	140	5	Fell	invasive species, restricted root, uproot, crack in trunk
T341	2	***Leucaena leucocephala***	銀合歡	11	126	2.5	Fell	invasive species, included bark
T342	2	***Leucaena leucocephala***	銀合歡	12	180	3.5	Fell	invasive species, leaning
T343	2	***Leucaena leucocephala***	銀合歡	10	343	7	Fell	invasive species, leaning
T344	2	***Leucaena leucocephala***	銀合歡	12	209	4	Fell	invasive species, trunk topped
T345	2	***Leucaena leucocephala***	銀合歡	12	205	8	Fell	invasive species, root-plate movement
T346	2	***Leucaena leucocephala***	銀合歡	11	136	5	Fell	invasive species, leaning
T347	2	***Leucaena leucocephala***	銀合歡	12	214	8	Fell	invasive species, root-plate movement
T348	2	***Macaranga tanarius var. tomentosa***	血桐	5	135	5	Fell	leaning
T349	2	***Leucaena leucocephala***	銀合歡	12	145	6	Fell	invasive species, leaning
T350	2	***Leucaena leucocephala***	銀合歡	14	340	9	Fell	invasive species, root-plate movement, root rot
T351	2	***Leucaena leucocephala***	銀合歡	12	140	5	Fell	invasive species, uproot
T352	2	***Ficus religiosa***	菩提樹	12	231	5	Fell	leaning
T353	2	***Leucaena leucocephala***	銀合歡	13	167	6	Fell	invasive species, leaning, sapwood damaged at trunk
T354	2	***Leucaena leucocephala***	銀合歡	12	138	5	Fell	nil
T355	2	***Leucaena leucocephala***	銀合歡	10	235	7	Fell	invasive species, root-plate movement
T356	2	***Leucaena leucocephala***	銀合歡	9	220	7	Fell	invasive species, leaning, broken trunk

Tree	Photo No.	Species				Proposed Treatment	Remark[1]
No.		Scientific Name	Chinese Name	Height (m)	DBH[2] (mm)	Crown Spread (m)	(Retain/Transplant/Fell)	
T357	2	***Leucaena leucocephala***	銀合歡	8	140	8	Fell	invasive species, leaning
T358	2	***Leucaena leucocephala***	銀合歡	7	150	5	Fell	invasive species, root-plate movement
T359	2	***Leucaena leucocephala***	銀合歡	8	180	7	Fell	invasive species, restricted root, root-plate movement
T360	2	***Leucaena leucocephala***	銀合歡	12	145	6	Fell	invasive species, trunk crooked
T361	2	***Leucaena leucocephala***	銀合歡	12	157	5	Fell	invasive species, broken branch
T362	2	***Leucaena leucocephala***	銀合歡	9	194	5	Fell	invasive species, trunk topped
T363	2	***Leucaena leucocephala***	銀合歡	9	180	6	Fell	invasive species, leaning, decay in trunk
T364	2	***Leucaena leucocephala***	銀合歡	8	233	3	Fell	invasive species, leaning, broken trunk
T365	2	***Leucaena leucocephala***	銀合歡	9	135	8	Fell	invasive species, root-plate movement
T366	2	***Leucaena leucocephala***	銀合歡	9	170	7	Fell	invasive species, root-plate movement
T367	2	***Leucaena leucocephala***	銀合歡	10	125	8	Fell	invasive species, root-plate movement
T368	2	***Leucaena leucocephala***	銀合歡	10	130	6	Fell	invasive species, root-plate movement, cross trunks
T369	2	***Leucaena leucocephala***	銀合歡	11	325	9	Fell	invasive species, root-plate movement, decay trunk
T370	2	***Leucaena leucocephala***	銀合歡	12	128	5	Fell	invasive species, leaning, cross trunks
T371	2	***Leucaena leucocephala***	銀合歡	8	157	8	Fell	invasive species, root-plate movement, decay trunk
T372	2	***Leucaena leucocephala***	銀合歡	9	118	7	Fell	invasive species, root-plate movement, cross trunks
T373	2	***Leucaena leucocephala***	銀合歡	13	205	7	Fell	invasive species, trunk bending
T374	2	***Leucaena leucocephala***	銀合歡	13	160	6	Fell	invasive species, leaning
T375	2	***Leucaena leucocephala***	銀合歡	11	122	4	Fell	nil
T376	2	***Leucaena leucocephala***	銀合歡	12	160	8	Fell	invasive species, root-plate movement, cross branches
T377	2	***Leucaena leucocephala***	銀合歡	9	224	7	Fell	invasive species, root-plate movement, cross trunks
T378	2	***Leucaena leucocephala***	銀合歡	12	150	4.5	Fell	invasive species, restricted root, trunk topped
T379	2	***Leucaena leucocephala***	銀合歡	7	173	5	Fell	invasive species, root-plate movement
T380	2	***Leucaena leucocephala***	銀合歡	9	250	5	Fell	invasive species, leaning, broken trunk
T381	2	***Leucaena leucocephala***	銀合歡	12	218	7	Fell	invasive species, root-plate movement
T382	2	***Leucaena leucocephala***	銀合歡	8	119	5	Fell	invasive species, restricted root, leaning, broken trunk
T383	2	***Leucaena leucocephala***	銀合歡	12	226	10	Fell	invasive species, restricted root, root-plate movement
T384	2	***Leucaena leucocephala***	銀合歡	11	150	8	Fell	invasive species, uproot
T385	2	***Leucaena leucocephala***	銀合歡	12	193	6	Fell	invasive species, uproot, trunk topped
T386	2	***Leucaena leucocephala***	銀合歡	13	168	7	Fell	invasive species, leaning
T387	2	***Leucaena leucocephala***	銀合歡	14	252	9	Fell	invasive species, trunk topped
T388	2	***Leucaena leucocephala***	銀合歡	13	162	7	Fell	invasive species, leaning
T389	2	***Leucaena leucocephala***	銀合歡	14	188	8	Fell	invasive species, leaning, broken branch
T390	2	***Leucaena leucocephala***	銀合歡	13	163	5	Fell	invasive species, root-plate movement, trunk topped
T391	2	***Leucaena leucocephala***	銀合歡	13	147	7	Fell	invasive species, leaning

Tree	Photo No.	Species				Proposed Treatment	Remark[1]
No.		Scientific Name	Chinese Name	Height (m)	DBH[2] (mm)	Crown Spread (m)	(Retain/Transplant/Fell)	
T392	2	***Leucaena leucocephala***	銀合歡	8	167	3.5	Fell	invasive species, root-plate movement, branch topped
T393	2	***Leucaena leucocephala***	銀合歡	13	140	4	Fell	invasive species, leaning, broken branch
T394	2	***Leucaena leucocephala***	銀合歡	13	170	7	Fell	invasive species, root-plate movement, broken trunk
T395	2	***Leucaena leucocephala***	銀合歡	12	202	5	Fell	invasive species, restricted root, leaning, broken branch
T396	2	***Leucaena leucocephala***	銀合歡	15	210	10	Fell	invasive species, restricted root, leaning, broken branch
T397	2	***Leucaena leucocephala***	銀合歡	15	250	9	Fell	invasive species, restricted root, leaning, broken branch
T398	2	***Leucaena leucocephala***	銀合歡	16	127	7	Fell	invasive species, restricted root
T399	2	***Leucaena leucocephala***	銀合歡	13	142	6	Fell	invasive species, root-plate movement
T400	2	***Leucaena leucocephala***	銀合歡	7	150	5	Fell	invasive species, root-plate movement, decay trunk
T401	2	***Leucaena leucocephala***	銀合歡	12	122	5	Fell	invasive species, trunk bending
T402	2	***Leucaena leucocephala***	銀合歡	11	148	5	Fell	invasive species, leaning
T403	2	***Leucaena leucocephala***	銀合歡	11	122	4	Fell	invasive species, leaning
T404	2	***Leucaena leucocephala***	銀合歡	10	144	6	Fell	invasive species, root-plate movement, cross branches
T405	2	***Leucaena leucocephala***	銀合歡	13	292	9	Fell	invasive species, root-plate movement, cross branches
T406	2	***Leucaena leucocephala***	銀合歡	12	225	6	Fell	invasive species, root-plate movement, cross branches
T407	2	***Leucaena leucocephala***	銀合歡	14	183	4	Fell	invasive species, trunk topped
T408	2	***Leucaena leucocephala***	銀合歡	15	188	7	Fell	invasive species, leaning
T409	2	***Leucaena leucocephala***	銀合歡	13	127	6	Fell	invasive species, root-plate movement
T410	2	***Leucaena leucocephala***	銀合歡	13	175	7	Fell	invasive species, trunk bending, heartwood damaged at trunk
T411	2	***Leucaena leucocephala***	銀合歡	14	270	5	Fell	invasive species, restricted root, trunk bending
T412	2	***Leucaena leucocephala***	銀合歡	13	170	3.5	Fell	invasive species, broken branch, cross branches
T413	2	***Leucaena leucocephala***	銀合歡	15	383	10	Fell	invasive species, leaning, broken trunk
T414	2	***Leucaena leucocephala***	銀合歡	10	185	8	Fell	invasive species, restricted root, leaning, broken branch
T415	2	***Leucaena leucocephala***	銀合歡	9	138	7	Fell	invasive species, restricted root, leaning, broken trunk
T416	2	***Leucaena leucocephala***	銀合歡	14	147	8	Fell	invasive species, restricted root, leaning
T417	2	***Leucaena leucocephala***	銀合歡	13	220	9	Fell	invasive species, restricted root, trunk bending, broken branch
T418	2	***Leucaena leucocephala***	銀合歡	12	248	7	Fell	invasive species, restricted root, leaning, broken trunk
T419	2	***Leucaena leucocephala***	銀合歡	15	300	12	Fell	invasive species, restricted root, uproot, broken branch
T420	2	***Leucaena leucocephala***	銀合歡	13	216	8	Fell	invasive species, restricted root, leaning
T421	2	***Leucaena leucocephala***	銀合歡	11	125	5	Fell	invasive species
T422	2	***Leucaena leucocephala***	銀合歡	9	219	8	Fell	invasive species, decay branch
T423	2	***Leucaena leucocephala***	銀合歡	14	255	12	Fell	invasive species, restricted root, leaning
T424	2	***Leucaena leucocephala***	銀合歡	9	304	5	Fell	invasive species, decay trunk, broken branch
T425	2	***Leucaena leucocephala***	銀合歡	9	138	3.5	Fell	invasive species, broken trunk
T426	2	***Leucaena leucocephala***	銀合歡	15	200	10	Fell	invasive species, restricted root, broken branch

Tree	Photo No.	Species				Proposed Treatment	Remark[1]
No.		Scientific Name	Chinese Name	Height (m)	DBH[2] (mm)	Crown Spread (m)	(Retain/Transplant/Fell)	
T427	2	***Leucaena leucocephala***	銀合歡	17	343	10	Fell	invasive species, restricted root, broken branch
T428	2	***Leucaena leucocephala***	銀合歡	14	170	13	Fell	invasive species, leaning, broken branch
T429	2	***Leucaena leucocephala***	銀合歡	9	173	3	Fell	invasive species, leaning, trunk topped
T430	2	***Leucaena leucocephala***	銀合歡	13	175	7	Fell	invasive species, uproot, broken branch
T431	2	***Leucaena leucocephala***	銀合歡	13	132	6	Fell	invasive species, restricted root, leaning, broken branch
T432	2	***Leucaena leucocephala***	銀合歡	9	165	2	Fell	invasive species, restricted root, leaning, broken branch
T433	2	***Leucaena leucocephala***	銀合歡	7	293	5	Fell	invasive species, root-plate movement, broken branch
T434	2	***Leucaena leucocephala***	銀合歡	9	368	6	Fell	invasive species, uproot, broken branch
T435	2	***Leucaena leucocephala***	銀合歡	10	152	6	Fell	invasive species, leaning, broken trunk
T436	2	***Leucaena leucocephala***	銀合歡	14	140	7	Fell	invasive species, leaning, cross trunks
T437	2	***Leucaena leucocephala***	銀合歡	13	165	6	Fell	invasive species, leaning, cross trunks
T438	2	***Leucaena leucocephala***	銀合歡	11	191	4	Fell	invasive species, restricted root, leaning, decay in trunk
T439	2	***Leucaena leucocephala***	銀合歡	13	215	9	Fell	invasive species, trunk crooked, broken branch
T440	2	***Leucaena leucocephala***	銀合歡	10	142	4	Fell	invasive species, leaning, broken trunk
T441	2	***Leucaena leucocephala***	銀合歡	8	118	2	Fell	invasive species, leaning, broken trunk
T442	2	***Leucaena leucocephala***	銀合歡	13	198	10	Fell	invasive species, root-plate movement, decay trunk
T443	2	***Leucaena leucocephala***	銀合歡	10	186	7	Fell	invasive species, root-plate movement, decay trunk
T444	2	***Leucaena leucocephala***	銀合歡	15	285	10	Fell	invasive species, uproot, broken branch
T445	2	***Leucaena leucocephala***	銀合歡	9	257	8	Fell	invasive species, restricted root, uproot, broken branch
T446	2	***Celtis sinensis***	朴樹	9	175	8	Fell	restricted root
T447	2	***Leucaena leucocephala***	銀合歡	11	221	9	Fell	invasive species, root-plate movement, decay branch
T448	2	***Leucaena leucocephala***	銀合歡	13	178	8	Fell	invasive species, uproot, cross branches
T449	2	***Leucaena leucocephala***	銀合歡	14	185	9	Fell	invasive species, leaning, broken branch
T450	2	***Leucaena leucocephala***	銀合歡	9	175	2	Fell	invasive species, broken trunk
T451	2	***Leucaena leucocephala***	銀合歡	18	240	12	Fell	invasive species
T452	2	***Leucaena leucocephala***	銀合歡	12	235	5	Fell	invasive species, root-plate movement, broken trunk
T453	2	***Leucaena leucocephala***	銀合歡	16	318	12	Fell	invasive species, leaning, broken branch
T454	2	***Leucaena leucocephala***	銀合歡	18	195	10	Fell	invasive species, leaning
T455	2	***Leucaena leucocephala***	銀合歡	12	190	6	Fell	invasive species, leaning, broken branch
T456	2	***Leucaena leucocephala***	銀合歡	18	300	9	Fell	invasive species, heartwood damaged at trunk
T457	2	***Leucaena leucocephala***	銀合歡	13	124	5	Fell	invasive species, heartwood damaged at trunk
T458	2	***Leucaena leucocephala***	銀合歡	12	225	7	Fell	invasive species, root-plate movement, cross branches
T459	2	***Leucaena leucocephala***	銀合歡	18	297	12	Fell	invasive species, leaning, broken branch
T460	2	***Leucaena leucocephala***	銀合歡	13	185	9	Fell	invasive species, leaning, broken branch
T461	2	***Leucaena leucocephala***	銀合歡	14	212	6	Fell	invasive species, broken branch

Tree No.	Photo No.	Species		Height (m)	DBH[2] (mm)	Crown Spread (m)	Proposed Treatment (Retain/Transplant/Fell)	Remark[1]
		Scientific Name	Chinese Name					
T462	2	***Leucaena leucocephala***	銀合歡	15	190	5	Fell	invasive species, branch topped
T463	2	***Leucaena leucocephala***	銀合歡	12	180	8	Fell	invasive species, root-plate movement, broken branch
T464	2	***Leucaena leucocephala***	銀合歡	10	140	5	Fell	invasive species, root-plate movement
T465	2	***Leucaena leucocephala***	銀合歡	16	137	6	Fell	invasive species, leaning, heartwood damaged at trunk
T466	2	***Leucaena leucocephala***	銀合歡	13	190	8	Fell	invasive species, leaning
T467	2	***Leucaena leucocephala***	銀合歡	13	152	6	Fell	invasive species, leaning, broken branch
T468	2	***Leucaena leucocephala***	銀合歡	14	200	8	Fell	invasive species, leaning, broken branch
T469	2	***Leucaena leucocephala***	銀合歡	13	153	5	Fell	invasive species, restricted root, leaning, broken branch
T470	2	***Leucaena leucocephala***	銀合歡	7	128	7	Fell	invasive species, trunk bending, broken branch
T471	2	***Leucaena leucocephala***	銀合歡	13	138	5	Fell	invasive species, leaning, trunk topped
T472	2	***Leucaena leucocephala***	銀合歡	12	190	8	Fell	invasive species, leaning, cross branches
T473	2	***Leucaena leucocephala***	銀合歡	7	145	3	Fell	invasive species, leaning, branch topped
T474	2	***Leucaena leucocephala***	銀合歡	5	165	0.5	Fell	invasive species, trunk topped
T475	2	***Leucaena leucocephala***	銀合歡	12	125	3.5	Fell	invasive species, restricted root, leaning
T476	2	***Leucaena leucocephala***	銀合歡	11	155	8	Fell	invasive species, restricted root, leaning
T477	2	***Leucaena leucocephala***	銀合歡	8	140	8	Fell	invasive species, restricted root, leaning
T478	2	***Leucaena leucocephala***	銀合歡	9	163	6	Fell	invasive species, restricted root, leaning, broken branch
T479	2	***Leucaena leucocephala***	銀合歡	10	125	6	Fell	invasive species, restricted root, leaning, decay trunk
T480	2	***Leucaena leucocephala***	銀合歡	15	192	10	Fell	invasive species, broken branch
T481	2	***Leucaena leucocephala***	銀合歡	13	163	7	Fell	invasive species, leaning
T482	2	***Leucaena leucocephala***	銀合歡	13	147	5	Fell	invasive species, leaning
T483	2	***Leucaena leucocephala***	銀合歡	15	165	5	Fell	invasive species
T484	2	***Leucaena leucocephala***	銀合歡	11	203	2	Fell	invasive species, decay trunk, trunk topped
T485	2	***Leucaena leucocephala***	銀合歡	13	220	4	Fell	invasive species, trunk topped
T486	2	***Leucaena leucocephala***	銀合歡	15	215	8	Fell	invasive species, broken branch
T487	2	***Leucaena leucocephala***	銀合歡	11	145	5	Fell	invasive species, trunk crooked
T488	2	***Leucaena leucocephala***	銀合歡	13	177	5	Fell	invasive species, leaning, trunk topped
T489	2	***Leucaena leucocephala***	銀合歡	14	215	3.5	Fell	invasive species, decay in trunk, trunk topped
T490	2	***Leucaena leucocephala***	銀合歡	10	173	5	Fell	invasive species, broken trunk
T491	2	***Leucaena leucocephala***	銀合歡	15	246	5	Fell	invasive species, broken branch
T492	2	***Leucaena leucocephala***	銀合歡	14	190	4	Fell	invasive species, broken trunk
T493	2	***Leucaena leucocephala***	銀合歡	9	116	3.5	Fell	invasive species, leaning
T494	2	***Leucaena leucocephala***	銀合歡	13	290	6	Fell	invasive species, broken trunk
T495	2	***Leucaena leucocephala***	銀合歡	9	185	3	Fell	invasive species, leaning, broken branch
T496	2	***Leucaena leucocephala***	銀合歡	11	200	2.5	Fell	invasive species, leaning, broken branch

Tree No.	Photo No.	Species		Height (m)	DBH[2] (mm)	Crown Spread (m)	Proposed Treatment (Retain/Transplant/Fell)	Remark[1]
		Scientific Name	Chinese Name					
T497	2	***Leucaena leucocephala***	銀合歡	12	121	5	Fell	invasive species, root-plate movement, broken branch
T498	2	***Leucaena leucocephala***	銀合歡	14	173	4	Fell	invasive species, broken branch
T499	2	***Leucaena leucocephala***	銀合歡	14	165	5	Fell	invasive species, leaning
T500	2	***Leucaena leucocephala***	銀合歡	13	200	3	Fell	invasive species, leaning
T501	2	***Leucaena leucocephala***	銀合歡	18	198	10	Fell	invasive species, broken branch
T502	2	***Leucaena leucocephala***	銀合歡	18	160	2	Fell	invasive species, broken trunk
T503	2	***Leucaena leucocephala***	銀合歡	16	219	10	Fell	invasive species, broken branch
T504	2	***Leucaena leucocephala***	銀合歡	15	218	8	Fell	invasive species, trunk bending
T505	2	***Leucaena leucocephala***	銀合歡	10	188	5	Fell	invasive species, broken trunk
T506	2	***Leucaena leucocephala***	銀合歡	13	160	8	Fell	invasive species, trunk bending
T507	2	***Leucaena leucocephala***	銀合歡	12	226	7	Fell	invasive species, root-plate movement, decay in trunk
T508	2	***Leucaena leucocephala***	銀合歡	12	140	4	Fell	invasive species, uproot
T509	2	***Leucaena leucocephala***	銀合歡	16	225	10	Fell	invasive species, leaning, cavity in trunk
T510	2	***Leucaena leucocephala***	銀合歡	10	120	8	Fell	invasive species, leaning
T511	2	***Leucaena leucocephala***	銀合歡	13	174	4	Fell	invasive species, leaning, broken branch
T512	2	***Leucaena leucocephala***	銀合歡	12	125	3.5	Fell	invasive species, leaning, decay branch
T513	2	***Leucaena leucocephala***	銀合歡	12	207	9	Fell	invasive species, leaning
T514	2	***Leucaena leucocephala***	銀合歡	10	164	8	Fell	invasive species, root-plate movement, decay branch, cross branches
T515	2	***Leucaena leucocephala***	銀合歡	13	124	5	Fell	invasive species, broken branch
T516	2	***Leucaena leucocephala***	銀合歡	12	188	8	Fell	invasive species, root-plate movement, cross branches
T517	2	***Leucaena leucocephala***	銀合歡	8	199	6	Fell	invasive species, leaning, cross branches
T518	2	***Leucaena leucocephala***	銀合歡	8	134	5	Fell	invasive species, leaning, broken branch
T519	2	***Leucaena leucocephala***	銀合歡	9	150	7	Fell	invasive species, leaning, cross trunks
T520	2	***Leucaena leucocephala***	銀合歡	8	180	4	Fell	invasive species, broken branch
T521	2	***Leucaena leucocephala***	銀合歡	14	214	8	Fell	invasive species, leaning, broken branch
T522	2	***Leucaena leucocephala***	銀合歡	12	206	9	Fell	invasive species, broken branch
T523	2	***Leucaena leucocephala***	銀合歡	12	217	9	Fell	invasive species, leaning, broken branch
T524	2	***Leucaena leucocephala***	銀合歡	8	264	6	Fell	invasive species, root-plate movement, cross branches
T525	2	***Leucaena leucocephala***	銀合歡	14	222	8	Fell	invasive species, trunk bending
T526	2	***Leucaena leucocephala***	銀合歡	10	124	7	Fell	invasive species, uproot, broken branch
T527	2	***Leucaena leucocephala***	銀合歡	5	190	4	Fell	invasive species, leaning, trunk topped
T528	2	***Leucaena leucocephala***	銀合歡	11	210	7	Fell	invasive species, root-plate movement
T529	2	***Leucaena leucocephala***	銀合歡	10	138	6	Fell	invasive species, leaning
T530	2	***Leucaena leucocephala***	銀合歡	10	185	9	Fell	invasive species, root-plate movement
T531	2	***Leucaena leucocephala***	銀合歡	5	160	4	Fell	invasive species, uproot, decay trunk

Tree	Photo No.	Species				Proposed Treatment	Remark[1]
No.		Scientific Name	Chinese Name	Height (m)	DBH[2] (mm)	Crown Spread (m)	(Retain/Transplant/Fell)	
T532	2	***Leucaena leucocephala***	銀合歡	12	124	5	Fell	invasive species, trunk bending
T533	2	***Leucaena leucocephala***	銀合歡	10	189	6	Fell	invasive species, uproot, decay trunk
T534	2	***Leucaena leucocephala***	銀合歡	5	145	1.5	Fell	invasive species, trunk topped
T535	2	***Leucaena leucocephala***	銀合歡	11	120	4	Fell	invasive species
T536	2	***Leucaena leucocephala***	銀合歡	13	148	5	Fell	invasive species, leaning
T537	2	***Leucaena leucocephala***	銀合歡	12	153	4	Fell	invasive species, broken branch
T538	2	***Leucaena leucocephala***	銀合歡	13	170	6	Fell	invasive species, cross trunks, trunk bending
T539	2	***Leucaena leucocephala***	銀合歡	12	217	6	Fell	invasive species, broken branch
T540	2	***Leucaena leucocephala***	銀合歡	10	170	5	Fell	invasive species, trunk topped
T541	2	***Leucaena leucocephala***	銀合歡	15	250	10	Fell	invasive species, broken branch
T542	2	***Leucaena leucocephala***	銀合歡	12	142	3	Fell	invasive species, leaning
T543	2	***Leucaena leucocephala***	銀合歡	11	210	6	Fell	invasive species, root-plate movement
T544	2	***Leucaena leucocephala***	銀合歡	12	175	5	Fell	invasive species, broken branch
T545	2	***Leucaena leucocephala***	銀合歡	14	223	10	Fell	invasive species, root-plate movement, cross branches
T546	2	***Leucaena leucocephala***	銀合歡	15	232	9	Fell	invasive species, decay trunk
T547	2	***Leucaena leucocephala***	銀合歡	8	170	4	Fell	invasive species, cross branches, broken branch
T548	2	***Leucaena leucocephala***	銀合歡	13	152	5	Fell	invasive species, trunk bending, decay branch
T549	2	***Leucaena leucocephala***	銀合歡	12	147	4	Fell	invasive species, broken branch
T550	2	***Leucaena leucocephala***	銀合歡	15	170	3	Fell	invasive species, root-plate movement, broken branch
T551	2	***Leucaena leucocephala***	銀合歡	11	145	6	Fell	invasive species, leaning, broken branch
T552	2	***Leucaena leucocephala***	銀合歡	13	184	7	Fell	invasive species, leaning, broken branch
T553	2	***Leucaena leucocephala***	銀合歡	12	193	6	Fell	invasive species, leaning
T554	2	***Leucaena leucocephala***	銀合歡	9	177	8	Fell	invasive species, leaning
T555	2	***Leucaena leucocephala***	銀合歡	13	233	8	Fell	invasive species, uproot, cross trunks
T556	2	***Leucaena leucocephala***	銀合歡	9	150	6	Fell	invasive species, leaning, trunk crooked
T557	2	***Leucaena leucocephala***	銀合歡	10	158	4	Fell	invasive species, leaning, broken trunk
T558	2	***Leucaena leucocephala***	銀合歡	13	180	7	Fell	invasive species, leaning
T559	2	***Leucaena leucocephala***	銀合歡	12	195	5	Fell	invasive species, leaning, crack in trunk
T560	2	***Leucaena leucocephala***	銀合歡	12	216	8	Fell	invasive species, leaning, broken branch
T561	2	***Leucaena leucocephala***	銀合歡	13	215	6	Fell	invasive species, uproot
T562	2	***Leucaena leucocephala***	銀合歡	12	272	4	Fell	invasive species, restricted root, uproot, decay trunk
T563	2	***Leucaena leucocephala***	銀合歡	15	136	5.5	Fell	invasive species, leaning, heartwood damaged at trunk
T564	2	***Leucaena leucocephala***	銀合歡	15	225	9	Fell	invasive species, restricted root, broken branch
T565	2	***Leucaena leucocephala***	銀合歡	11	165	8	Fell	invasive species, root-plate movement
T566	2	***Leucaena leucocephala***	銀合歡	16	222	10	Fell	invasive species, restricted root, leaning, broken branch

Tree No.	Photo No.	Species		Height (m)	DBH[2] (mm)	Crown Spread (m)	Proposed Treatment (Retain/Transplant/Fell)	Remark[1]
		Scientific Name	Chinese Name					
T567	2	***Leucaena leucocephala***	銀合歡	9	147	7	Fell	invasive species, root-plate movement, cross branches
T568	2	***Leucaena leucocephala***	銀合歡	15	190	8	Fell	invasive species, broken branch
T569	2	***Leucaena leucocephala***	銀合歡	11	200	3.5	Fell	invasive species, leaning, broken branch
T570	2	***Leucaena leucocephala***	銀合歡	10	175	5	Fell	invasive species, leaning, cross branches
T571	2	***Leucaena leucocephala***	銀合歡	11	250	6	Fell	invasive species, trunk bending, broken branch
T572	2	***Leucaena leucocephala***	銀合歡	16	177	7	Fell	invasive species, restricted root, leaning
T573	2	***Leucaena leucocephala***	銀合歡	16	290	15	Fell	invasive species, restricted root, broken branch
T574	2	***Leucaena leucocephala***	銀合歡	15	252	8	Fell	invasive species, restricted root, broken branch
T575	2	***Leucaena leucocephala***	銀合歡	14	185	12	Fell	invasive species, restricted root
T576	2	***Leucaena leucocephala***	銀合歡	13	155	8	Fell	invasive species, restricted root, trunk crooked
T577	2	***Macaranga tanarius var. tomentosa***	血桐	5.5	168	6	Fell	restricted root, cavity in trunk, trunk crooked
T578	2	***Leucaena leucocephala***	銀合歡	15	341	15	Fell	invasive species, root-plate movement, decay branch
T579	2	***Leucaena leucocephala***	銀合歡	9	140	3	Fell	invasive species, leaning, trunk topped
T580	2	***Leucaena leucocephala***	銀合歡	8	145	7	Fell	invasive species, root-plate movement, fungal fruiting bodies at trunk
T581	2	***Leucaena leucocephala***	銀合歡	16	233	10	Fell	invasive species, restricted root, decay in trunk
T582	2	***Leucaena leucocephala***	銀合歡	10	150	3	Fell	invasive species, leaning, broken branch
T583	2	***Leucaena leucocephala***	銀合歡	14	233	8	Fell	invasive species, heartwood damaged at trunk
T584	2	***Leucaena leucocephala***	銀合歡	13	185	7	Fell	invasive species, leaning
T585	2	***Leucaena leucocephala***	銀合歡	14	180	6	Fell	invasive species, leaning, broken branch
T586	2	***Leucaena leucocephala***	銀合歡	14	155	5	Fell	invasive species, trunk crooked, decay in trunk
T587	2	***Leucaena leucocephala***	銀合歡	7	132	3	Fell	invasive species, trunk topped
T588	2	***Leucaena leucocephala***	銀合歡	11	180	3	Fell	invasive species, cavity in trunk, broken trunk
T589	2	***Leucaena leucocephala***	銀合歡	12	133	4	Fell	invasive species, trunk crooked
T590	2	***Leucaena leucocephala***	銀合歡	16	177	7	Fell	invasive species, restricted root, leaning
T591	2	***Leucaena leucocephala***	銀合歡	14	210	7	Fell	invasive species, leaning
T592	2	***Leucaena leucocephala***	銀合歡	13	208	7	Fell	invasive species, leaning, cavity in trunk
T593	2	***Leucaena leucocephala***	銀合歡	14	173	5	Fell	invasive species, cross trunks, broken branch
T594	2	***Leucaena leucocephala***	銀合歡	14	170	5	Fell	invasive species, leaning, crack in trunk
T595	2	***Leucaena leucocephala***	銀合歡	15	220	6	Fell	invasive species, leaning, crack in trunk
T596	2	***Leucaena leucocephala***	銀合歡	18	273	14	Fell	invasive species, broken branch
T597	2	***Leucaena leucocephala***	銀合歡	15	153	6	Fell	invasive species, restricted root
T598	2	***Leucaena leucocephala***	銀合歡	9	175	6	Fell	invasive species, restricted root, root-plate movement, cross branches
T599	2	***Leucaena leucocephala***	銀合歡	12	333	10	Fell	invasive species, root-plate movement, decay branch
T600	2	***Leucaena leucocephala***	銀合歡	12	205	9	Fell	invasive species, root-plate movement, cross branches
T601	2	***Leucaena leucocephala***	銀合歡	11	123	4	Fell	invasive species, leaning

Tree No.	Photo No.	Species		Height (m)	DBH[2] (mm)	Crown Spread (m)	Proposed Treatment (Retain/Transplant/Fell)	Remark[1]
		Scientific Name	Chinese Name					
T602	2	***Leucaena leucocephala***	銀合歡	15	163	7	Fell	invasive species, leaning, broken branch
T603	2	***Leucaena leucocephala***	銀合歡	9	140	5	Fell	invasive species, leaning
T604	2	***Leucaena leucocephala***	銀合歡	11	212	8	Fell	invasive species, leaning, cross trunks
T605	2	***Leucaena leucocephala***	銀合歡	18	291	10	Fell	invasive species, trunk crooked
T606	2	***Leucaena leucocephala***	銀合歡	18	283	10	Fell	invasive species, included bark
T607	2	***Leucaena leucocephala***	銀合歡	13	256	8	Fell	invasive species, leaning, decay trunk
T608	2	***Leucaena leucocephala***	銀合歡	14	233	7	Fell	invasive species, restricted root, leaning
T609	2	***Leucaena leucocephala***	銀合歡	7	200	5	Fell	invasive species, restricted root, leaning, broken branch
T610	2	***Leucaena leucocephala***	銀合歡	9	174	6	Fell	invasive species, restricted root, trunk crooked
T611	2	***Leucaena leucocephala***	銀合歡	16	260	9	Fell	invasive species, leaning, restricted root, broken branch
T612	2	***Leucaena leucocephala***	銀合歡	18	417	14	Fell	invasive species, leaning, cross trunks
T613	2	***Leucaena leucocephala***	銀合歡	16	277	9	Fell	invasive species, leaning, broken branch
T614	2	***Leucaena leucocephala***	銀合歡	15	217	8	Fell	invasive species, leaning
T615	2	***Leucaena leucocephala***	銀合歡	16	260	10	Fell	invasive species, leaning, broken branch
T616	2	***Leucaena leucocephala***	銀合歡	4	190	2	Fell	invasive species, leaning, trunk topped
T617	2	***Leucaena leucocephala***	銀合歡	16	185	8	Fell	invasive species, restricted root
T618	2	***Leucaena leucocephala***	銀合歡	12	158	3	Fell	invasive species, restricted root, leaning
T619	2	***Leucaena leucocephala***	銀合歡	12	185	6	Fell	invasive species, leaning, broken branch
T620	2	***Leucaena leucocephala***	銀合歡	16	257	4	Fell	invasive species, leaning, cross trunks
T621	2	***Leucaena leucocephala***	銀合歡	6	125	2	Fell	invasive species, trunk topped
T622	2	***Leucaena leucocephala***	銀合歡	10	151	6	Fell	invasive species, broken branch, cross branches
T623	2	***Leucaena leucocephala***	銀合歡	12	191	9	Fell	invasive species, root-plate movement, cross branches
T624	2	***Leucaena leucocephala***	銀合歡	10	138	3	Fell	invasive species, leaning
T625	2	***Leucaena leucocephala***	銀合歡	10	150	5	Fell	invasive species, leaning, broken branch
T626	2	***Leucaena leucocephala***	銀合歡	13	212	5	Fell	invasive species, restricted root, broken branch
T627	2	***Leucaena leucocephala***	銀合歡	12	268	9	Fell	invasive species, restricted root, broken branch, decay branch
T628	2	***Leucaena leucocephala***	銀合歡	7	106	3	Fell	invasive species, leaning, decay trunk, broken branch
T629	2	***Leucaena leucocephala***	銀合歡	12	155	9	Fell	invasive species, restricted root, root-plate movement, cross trunks
T630	2	***Leucaena leucocephala***	銀合歡	8	185	5	Fell	invasive species, restricted root, cross trunks
T631	2	***Leucaena leucocephala***	銀合歡	14	255	10	Fell	invasive species, restricted root, broken branch
T632	2	***Leucaena leucocephala***	銀合歡	9	197	7	Fell	invasive species, restricted root, trunk topped
T633	2	***Leucaena leucocephala***	銀合歡	11	255	7	Fell	invasive species, restricted root, leaning, broken branch
T634	2	***Leucaena leucocephala***	銀合歡	18	322	10	Fell	invasive species, restricted root, broken trunk, broken branch
T635	2	***Leucaena leucocephala***	銀合歡	18	280	9	Fell	invasive species, restricted root, leaning, broken branch
T636	2	***Leucaena leucocephala***	銀合歡	16	210	8	Fell	invasive species, restricted root, leaning, broken branch

Tree No.	Photo No.	Species		Height (m)	DBH[2] (mm)	Crown Spread (m)	Proposed Treatment (Retain/Transplant/Fell)	Remark[1]
		Scientific Name	Chinese Name					
T637	2	***Leucaena leucocephala***	銀合歡	13	200	7	Fell	invasive species, leaning, broken branch
T638	2	***Leucaena leucocephala***	銀合歡	13	180	3	Fell	invasive species, root-plate movement
T639	2	***Leucaena leucocephala***	銀合歡	12	192	7	Fell	invasive species, leaning
T640	2	***Bombax ceiba***	木棉	5	135	2.5	Fell	restricted root, trunk topped
T641	2	***Leucaena leucocephala***	銀合歡	8	140	6	Fell	invasive species, restricted root, root-plate movement, decay branch
T642	2	***Leucaena leucocephala***	銀合歡	11	205	9	Fell	invasive species, restricted root, leaning, cavity in trunk base
T643	2	***Leucaena leucocephala***	銀合歡	9	136	5	Fell	invasive species, leaning, cross branches
T644	2	***Leucaena leucocephala***	銀合歡	14	168	9	Fell	invasive species, leaning, cross branches
T645	2	***Leucaena leucocephala***	銀合歡	18	280	10	Fell	invasive species, trunk bending, cross branches
T646	2	***Leucaena leucocephala***	銀合歡	16	220	8	Fell	invasive species, trunk bending, broken branch
T647	2	***Leucaena leucocephala***	銀合歡	12	200	6	Fell	invasive species, trunk bending
T648	2	***Leucaena leucocephala***	銀合歡	13	205	9	Fell	invasive species, broken branch
T649	2	***Leucaena leucocephala***	銀合歡	9	177	5	Fell	invasive species, leaning
T650	2	***Leucaena leucocephala***	銀合歡	12	225	9	Fell	invasive species, root-plate movement, broken branch
T651	2	***Leucaena leucocephala***	銀合歡	11	138	8	Fell	invasive species, uproot, cross trunks
T652	2	***Leucaena leucocephala***	銀合歡	10	200	5	Fell	invasive species, trunk crooked, cross trunks, broken trunk
T653	2	***Leucaena leucocephala***	銀合歡	10	235	9	Fell	invasive species, trunk crooked, cavity in trunk
T654	2	***Leucaena leucocephala***	銀合歡	13	282	8	Fell	invasive species, root-plate movement
T655	2	***Leucaena leucocephala***	銀合歡	14	277	6	Fell	invasive species, uproot, broken branch
T656	2	***Leucaena leucocephala***	銀合歡	12	252	5	Fell	invasive species, leaning, broken branch
T657	2	***Leucaena leucocephala***	銀合歡	14	330	10	Fell	invasive species, restricted root, cavity in trunk, cross trunks
T658	2	***Leucaena leucocephala***	銀合歡	11	416	10	Fell	invasive species, restricted root, broken branch
T659	2	***Leucaena leucocephala***	銀合歡	12	361	8	Fell	invasive species, restricted root, leaning
T660	2	***Leucaena leucocephala***	銀合歡	9	260	7	Fell	invasive species, restricted root, leaning, broken branch
T661	2	***Leucaena leucocephala***	銀合歡	9	304	8	Fell	invasive species, decay trunk, broken branch
T662	2	***Leucaena leucocephala***	銀合歡	11	218	7	Fell	invasive species, root-plate movement, broken branch
T663	2	***Leucaena leucocephala***	銀合歡	8	190	5	Fell	invasive species, root-plate movement, broken branch
T664	2	***Leucaena leucocephala***	銀合歡	8	180	6	Fell	invasive species, root-plate movement
T665	2	***Leucaena leucocephala***	銀合歡	6	200	7	Fell	invasive species, root-plate movement
T669	2	***Leucaena leucocephala***	銀合歡	7	143	4	Fell	invasive species, leaning
T670	2	***Leucaena leucocephala***	銀合歡	7	128	3	Fell	invasive species, root-plate movement
T671	2	***Leucaena leucocephala***	銀合歡	4	153	1	Fell	invasive species, leaning, trunk topped
T672	2	***Leucaena leucocephala***	銀合歡	11	195	5	Fell	invasive species, leaning, decay branch
T674	2	***Leucaena leucocephala***	銀合歡	9	130	4	Fell	invasive species, leaning
T675	2	***Leucaena leucocephala***	銀合歡	8	154	4	Fell	invasive species, leaning

Tree	Photo No.	Species				Proposed Treatment	Remark[1]
No.		Scientific Name	Chinese Name	Height (m)	DBH[2] (mm)	Crown Spread (m)	(Retain/Transplant/Fell)	
T676	2	***Leucaena leucocephala***	銀合歡	7	160	6	Fell	invasive species, leaning
T677	2	***Leucaena leucocephala***	銀合歡	6	167	3.5	Fell	invasive species, trunk topped
T678	2	***Leucaena leucocephala***	銀合歡	7	163	5	Fell	invasive species, root-plate movement, broken branch
T679	2	***Leucaena leucocephala***	銀合歡	8	220	5	Fell	invasive species, root-plate movement
T680	2	***Leucaena leucocephala***	銀合歡	8	133	5.5	Fell	invasive species, trunk crooked
T681	2	***Leucaena leucocephala***	銀合歡	8	218	6	Fell	invasive species, root-plate movement
T682	2	***Leucaena leucocephala***	銀合歡	7	180	5	Fell	invasive species, leaning
T683	2	***Leucaena leucocephala***	銀合歡	8	150	5	Fell	invasive species, trunk bending
T684	2	***Leucaena leucocephala***	銀合歡	9	212	5	Fell	invasive species, leaning
T685	2	***Leucaena leucocephala***	銀合歡	7	165	3.5	Fell	invasive species, trunk topped
T686	2	***Leucaena leucocephala***	銀合歡	8	155	4	Fell	invasive species, trunk crooked
T687	2	***Leucaena leucocephala***	銀合歡	10	190	4	Fell	invasive species, leaning
T689	2	***Leucaena leucocephala***	銀合歡	14	288	12	Fell	invasive species, broken branch, cross branches
T690	2	***Leucaena leucocephala***	銀合歡	11	165	4	Fell	invasive species, root-plate movement
T691	2	***Leucaena leucocephala***	銀合歡	8	125	3	Fell	invasive species, uproot, cross branches
T692	2	***Leucaena leucocephala***	銀合歡	14	210	10	Fell	invasive species, trunk bending, decay branch
T693	2	***Leucaena leucocephala***	銀合歡	13	160	5	Fell	invasive species, leaning
T694	2	***Leucaena leucocephala***	銀合歡	15	252	8	Fell	invasive species, leaning, cross trunks
T695	2	***Leucaena leucocephala***	銀合歡	5	160	0.5	Fell	invasive species, leaning, trunk topped
T696	2	***Leucaena leucocephala***	銀合歡	15	157	7	Fell	invasive species, broken branch
T697	2	***Leucaena leucocephala***	銀合歡	15	143	8	Fell	invasive species, leaning
T698	2	***Leucaena leucocephala***	銀合歡	13	158	5	Fell	invasive species, broken branch
T699	2	***Leucaena leucocephala***	銀合歡	11	150	5	Fell	invasive species, leaning
T700	2	***Leucaena leucocephala***	銀合歡	11	283	9	Fell	invasive species, leaning, broken branch
T701	2	***Leucaena leucocephala***	銀合歡	13	197	6	Fell	invasive species, leaning, crack in trunk
T702	2	***Leucaena leucocephala***	銀合歡	14	247	12	Fell	invasive species, root-plate movement
T703	2	***Leucaena leucocephala***	銀合歡	10	150	5	Fell	invasive species, root-plate movement
T704	2	***Leucaena leucocephala***	銀合歡	13	320	6	Fell	invasive species, leaning, heartwood damaged at trunk
T705	2	***Leucaena leucocephala***	銀合歡	12	254	12	Fell	invasive species, restricted root, leaning
T706	2	***Leucaena leucocephala***	銀合歡	12	537	15	Fell	invasive species, root-plate movement, cavity in trunk
T707	2	***Leucaena leucocephala***	銀合歡	9	190	5	Fell	invasive species, leaning, decay branch
T708	2	***Leucaena leucocephala***	銀合歡	11	320	12	Fell	invasive species, leaning, broken branch
T709	2	***Leucaena leucocephala***	銀合歡	12	240	9	Fell	invasive species, broken branch, cross trunks
T710	2	***Leucaena leucocephala***	銀合歡	10	160	5	Fell	invasive species, leaning, broken branch
T711	2	***Leucaena leucocephala***	銀合歡	7	145	4	Fell	invasive species, leaning, decay branch

Tree No.	Photo No.	Species		Height (m)	DBH[2] (mm)	Crown Spread (m)	Proposed Treatment (Retain/Transplant/Fell)	Remark[1]
		Scientific Name	Chinese Name					
T712	2	***Leucaena leucocephala***	銀合歡	5	172	2	Fell	invasive species, leaning, trunk topped
T713	2	***Leucaena leucocephala***	銀合歡	10	135	3	Fell	invasive species
T714	2	***Leucaena leucocephala***	銀合歡	11	210	8	Fell	invasive species, leaning
T715	2	***Leucaena leucocephala***	銀合歡	12	269	10	Fell	invasive species, leaning
T716	2	***Leucaena leucocephala***	銀合歡	11	150	3	Fell	invasive species, leaning, trunk topped
T717	2	***Leucaena leucocephala***	銀合歡	9	162	3	Fell	invasive species, broken trunk
T718	2	***Leucaena leucocephala***	銀合歡	14	220	7	Fell	invasive species, root-plate movement
T719	2	***Leucaena leucocephala***	銀合歡	14	230	9	Fell	invasive species, leaning, broken branch
T720	2	***Leucaena leucocephala***	銀合歡	15	285	7	Fell	invasive species, leaning, broken branch
T721	2	***Leucaena leucocephala***	銀合歡	12	205	8	Fell	invasive species, root-plate movement
T722	2	***Leucaena leucocephala***	銀合歡	11	250	7	Fell	invasive species, leaning
T723	2	***Leucaena leucocephala***	銀合歡	12	365	9	Fell	invasive species, leaning, broken trunk
T724	2	***Leucaena leucocephala***	銀合歡	12	145	3	Fell	invasive species, leaning, crack in trunk
T725	2	***Leucaena leucocephala***	銀合歡	7	183	1.5	Fell	invasive species, trunk topped
T726	2	***Leucaena leucocephala***	銀合歡	11	184	5	Fell	invasive species, leaning, cross branches
T727	2	***Leucaena leucocephala***	銀合歡	11	165	3	Fell	invasive species, leaning, trunk topped
T728	2	***Leucaena leucocephala***	銀合歡	12	155	4	Fell	invasive species, trunk bending
T729	2	***Leucaena leucocephala***	銀合歡	13	268	8	Fell	invasive species, leaning
T730	2	***Leucaena leucocephala***	銀合歡	8	173	7	Fell	invasive species, broken trunk
T731	2	***Leucaena leucocephala***	銀合歡	12	210	5	Fell	invasive species, leaning
T732	2	***Leucaena leucocephala***	銀合歡	12	429	16	Fell	invasive species, root-plate movement
T733	2	***Leucaena leucocephala***	銀合歡	11	332	7	Fell	invasive species, trunk bending, broken trunk
T734	2	***Leucaena leucocephala***	銀合歡	14	427	10	Fell	invasive species, leaning, decay in trunk
T735	2	***Leucaena leucocephala***	銀合歡	13	276	16	Fell	invasive species, root-plate movement, broken branch
T736	2	***Leucaena leucocephala***	銀合歡	10	358	12	Fell	invasive species, root-plate movement, cross trunks, broken trunk
T737	2	***Leucaena leucocephala***	銀合歡	10	564	18	Fell	invasive species, root-plate movement, broken trunk, broken branch
T738	2	***Leucaena leucocephala***	銀合歡	9	200	7	Fell	invasive species, leaning
T740	2	***Leucaena leucocephala***	銀合歡	9	145	5	Fell	invasive species, cross branches
T742	2	***Leucaena leucocephala***	銀合歡	8	300	6	Fell	invasive species, root-plate movement
T743	2	***Leucaena leucocephala***	銀合歡	8	155	4	Fell	invasive species, leaning, cavity in trunk
T744	2	***Leucaena leucocephala***	銀合歡	8	389	9	Fell	invasive species, leaning, cavity in trunk
T745	2	***Leucaena leucocephala***	銀合歡	9	245	6	Fell	invasive species, leaning, broken trunk
T746	2	***Leucaena leucocephala***	銀合歡	10	165	6	Fell	invasive species, root-plate movement
T756	2	***Leucaena leucocephala***	銀合歡	10	150	6	Fell	invasive species, root-plate movement
T758	2	***Leucaena leucocephala***	銀合歡	8	145	5	Fell	invasive species, leaning

Tree No.	Photo No.	Species		Height (m)	DBH[2] (mm)	Crown Spread (m)	Proposed Treatment (Retain/Transplant/Fell)	Remark[1]
		Scientific Name	Chinese Name					
T759	2	***Leucaena leucocephala***	銀合歡	8	120	5	Fell	invasive species, trunk topped
T760	2	***Hibiscus tiliaceus***	黃槿	6	396	14	Fell	leaning
T761	2	***Leucaena leucocephala***	銀合歡	11	260	10	Fell	invasive species, leaning
T762	2	***Leucaena leucocephala***	銀合歡	10	175	6	Fell	invasive species, uproot
T764	2	***Leucaena leucocephala***	銀合歡	8	157	4	Fell	invasive species, leaning
T765	2	***Leucaena leucocephala***	銀合歡	12	291	12	Fell	invasive species, root-plate movement, broken branch
T766	2	***Leucaena leucocephala***	銀合歡	11	262	10	Fell	invasive species, restricted root, cross trunks
T767	2	***Leucaena leucocephala***	銀合歡	9	197	7	Fell	invasive species, leaning, broken branch
T768	2	***Leucaena leucocephala***	銀合歡	10	170	7	Fell	invasive species, root-plate movement
T769	2	***Leucaena leucocephala***	銀合歡	10	190	6	Fell	invasive species, root-plate movement, decay branch
T770	2	***Acacia confusa***	台灣相思	8	325	8	Fell	trunk bending, decay in trunk
T771	2	***Leucaena leucocephala***	銀合歡	10	137	4	Fell	invasive species, root-plate movement, decay trunk
T772	2	***Leucaena leucocephala***	銀合歡	9	167	5	Fell	invasive species, leaning, heartwood damaged at trunk
T773	2	***Leucaena leucocephala***	銀合歡	9	143	4	Fell	invasive species, leaning
T774	2	***Leucaena leucocephala***	銀合歡	4	113	5	Fell	invasive species, leaning, cross branches
T775	2	***Leucaena leucocephala***	銀合歡	6	126	4	Fell	invasive species, broken branch
T776	2	***Leucaena leucocephala***	銀合歡	8	160	6	Fell	invasive species, restricted root, leaning
T777	2	***Sapium sebiferum***	烏桕	10	306	8	Fell	leaning
T778	2	***Leucaena leucocephala***	銀合歡	12	200	6	Fell	invasive species, leaning
T779	2	***Leucaena leucocephala***	銀合歡	9	468	12	Fell	invasive species, restricted root, root-plate movement
T780	2	***Leucaena leucocephala***	銀合歡	12	145	4	Fell	invasive species, restricted root
T781	2	***Leucaena leucocephala***	銀合歡	12	166	5	Fell	invasive species, restricted root, cross trunks
T782	2	***Leucaena leucocephala***	銀合歡	13	140	6	Fell	invasive species, leaning
T783	2	***Leucaena leucocephala***	銀合歡	11	297	7	Fell	invasive species, restricted root, leaning
T784	2	***Leucaena leucocephala***	銀合歡	14	200	9	Fell	invasive species, restricted root
T785	2	***Leucaena leucocephala***	銀合歡	6	140	5	Fell	invasive species, restricted root, leaning
T786	2	***Leucaena leucocephala***	銀合歡	8	180	6	Fell	invasive species, restricted root, leaning
T787	2	***Leucaena leucocephala***	銀合歡	9	160	5	Fell	invasive species, restricted root, leaning
T788	2	***Leucaena leucocephala***	銀合歡	8	130	8	Fell	invasive species, restricted root, leaning

Tree No.	Photo No.	Species		Height (m)	DBH[2] (mm)	Crown Spread (m)	Proposed Treatment (Retain/Transplant/Fell)	Remark[1]
		Scientific Name	Chinese Name					
T789	2	***Leucaena leucocephala***	銀合歡	8	140	6	Fell	invasive species, restricted root, leaning
T790	2	***Leucaena leucocephala***	銀合歡	8	205	7	Fell	invasive species, restricted root, leaning
T791	2	***Leucaena leucocephala***	銀合歡	7	150	5	Fell	invasive species, restricted root, leaning
T792	2	***Leucaena leucocephala***	銀合歡	9	200	7	Fell	invasive species, restricted root, leaning
T793	2	***Leucaena leucocephala***	銀合歡	8	191	7	Fell	invasive species, restricted root, leaning

Summary Table

Tree to be Retained	0
Tree to be Transplanted	0
Tree to be Felled	764 (including 746 nos. of Leucaena leucocephala)
Total Number of Existing Trees	764

[1] Please state whether the OVT, potentially registrable OVT, trees of rare or protected species, trees with ecological and historical significance, etc. within and/or adjacent to the site is likely to be affected by the proposed development.

2 DBH of a tree refers to its diameter at breast height (i.e. measuprooted at 1.3m above ground level)



T5



T5



T6



T6



T7



T7



T8



T8

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant

Photographic Record of Existing Trees

LanDes

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



T9



T9



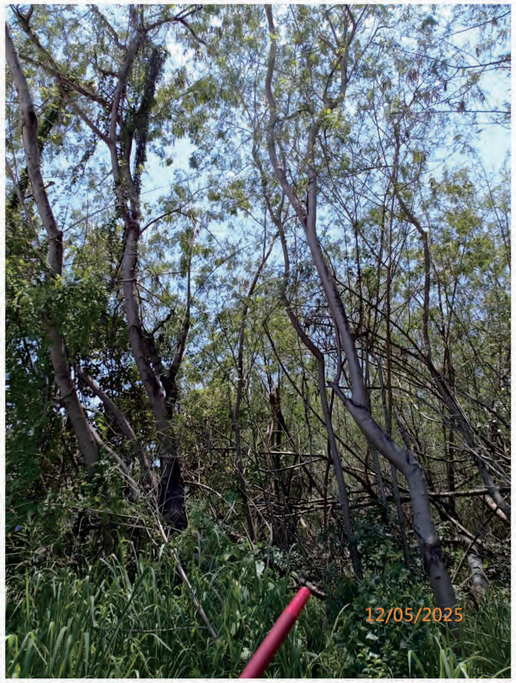
T10



T10



T11



T11



T12



T12

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T13



T13



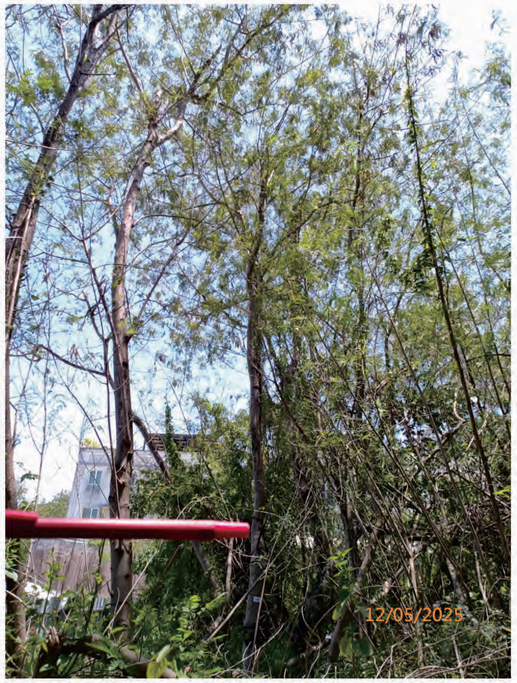
T14



T14



T15



T15



T16



T16

LEGEND :

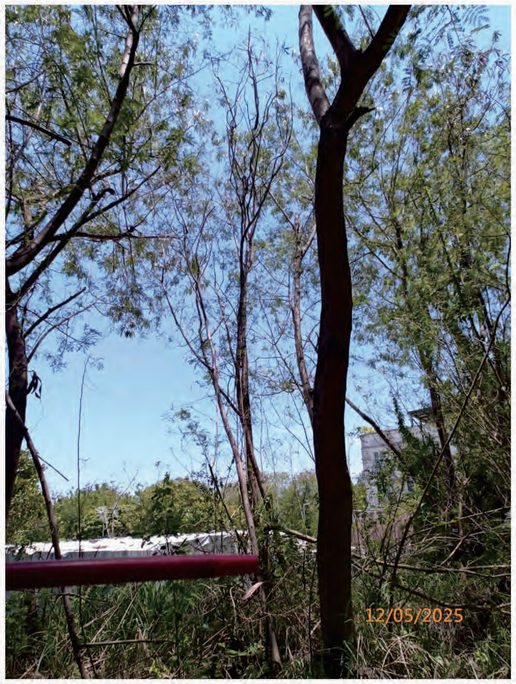
(R) - Retain

(F) - Fell

(T) - Transplant



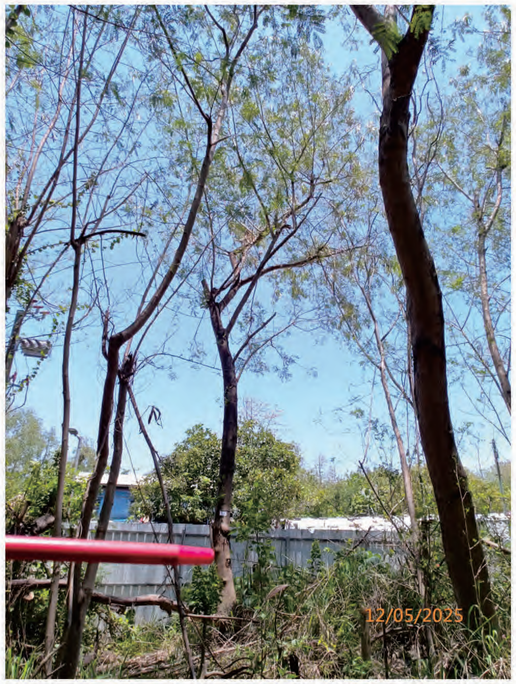
T17



T17



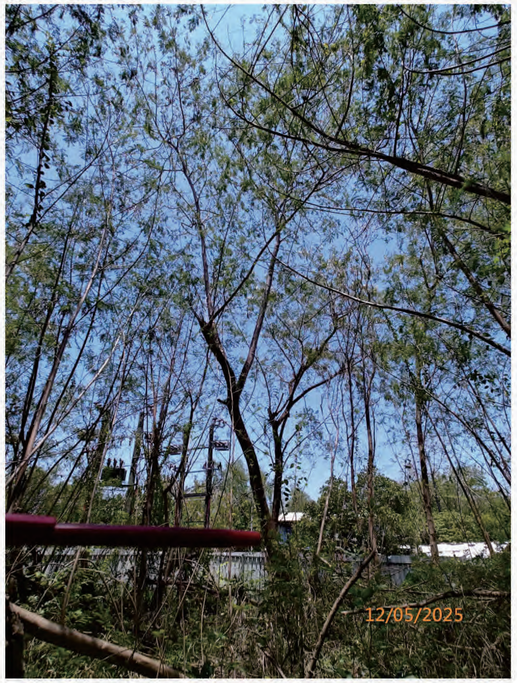
T18



T18



T19



T19



T20



T20

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T21



T21



T22



T22



T23



T23



T24



T24

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T25



T25



T26



T26



T27



T27



T28



T28

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T29



T29



T30



T30



T31



T31



T32



T32

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T33



T33



T34



T34



T35



T35



T36



T36

LEGEND :

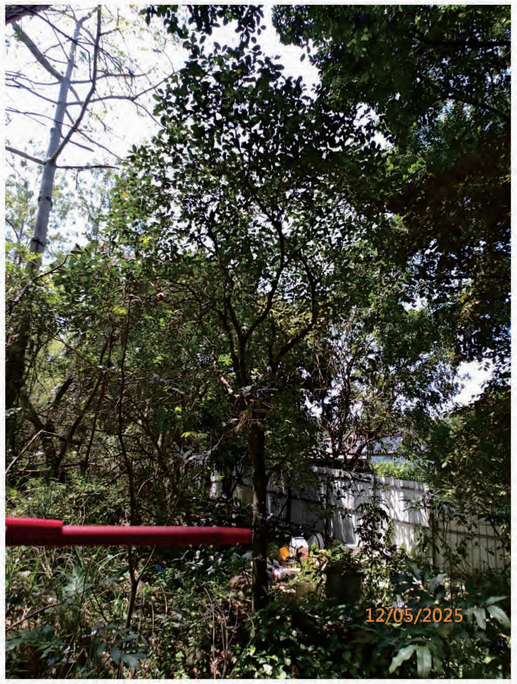
(R) - Retain

(F) - Fell

(T) - Transplant



T37



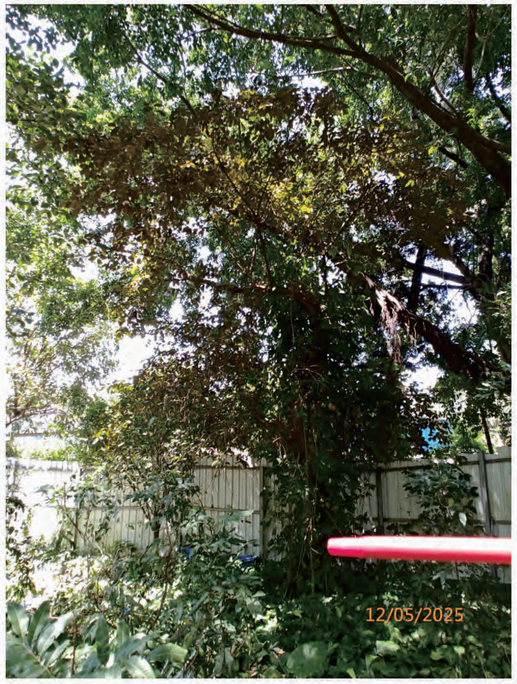
T37



T37 - Restricted Root



T38



T38



T38 - Broken Branch



T40



T40

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T40 - Co-dominant Trunks with Included Bark



T41



T41



T42



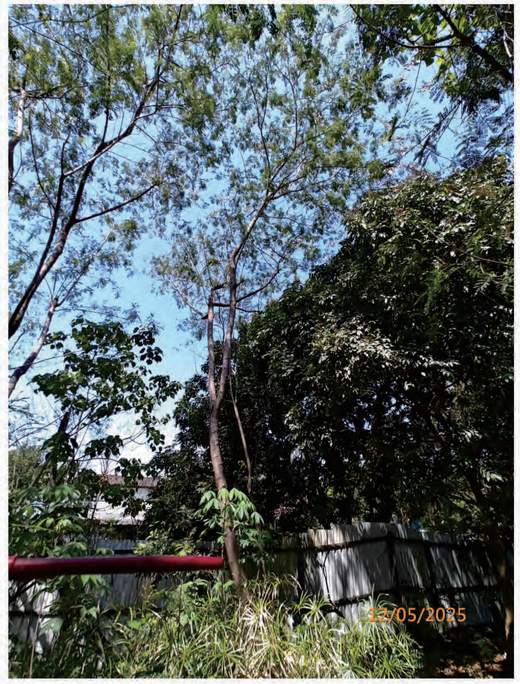
T42



T42 - Co-dominant Trunks with Included Bark



T43



T43

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T44



T44



T45



T45



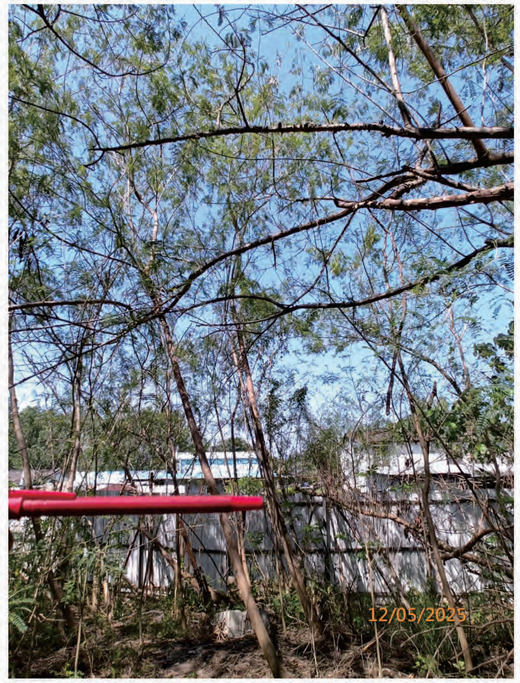
T46



T46



T47



T47

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



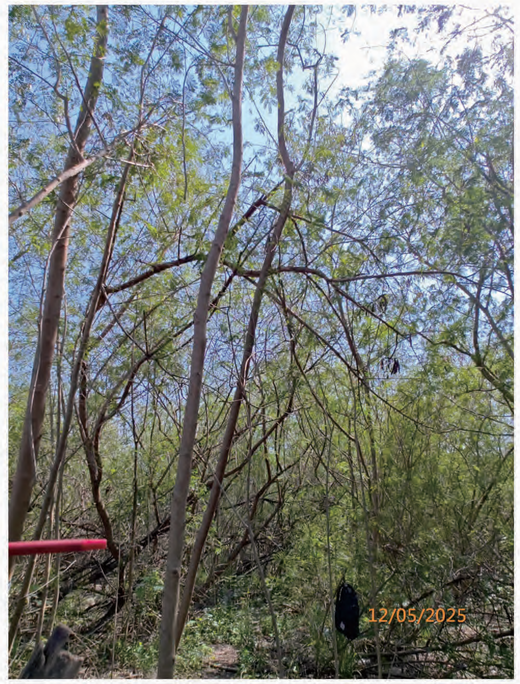
T48



T48



T49



T49



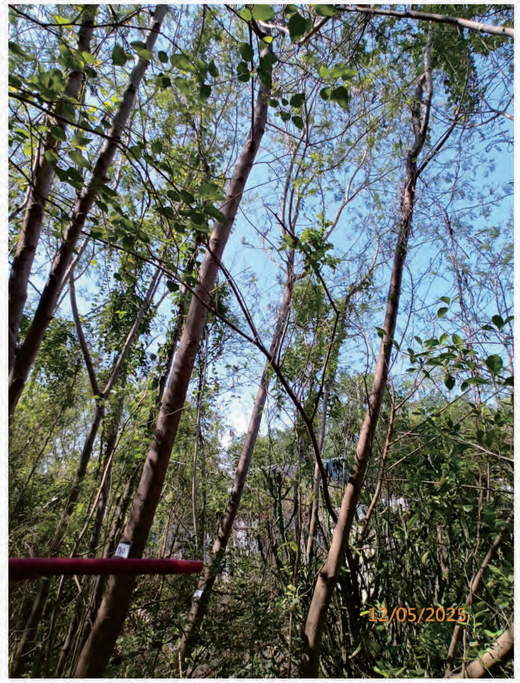
T50



T50



T51



T51

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T52



T52



T53



T53



T54



T54



T57



T57

LEGEND :

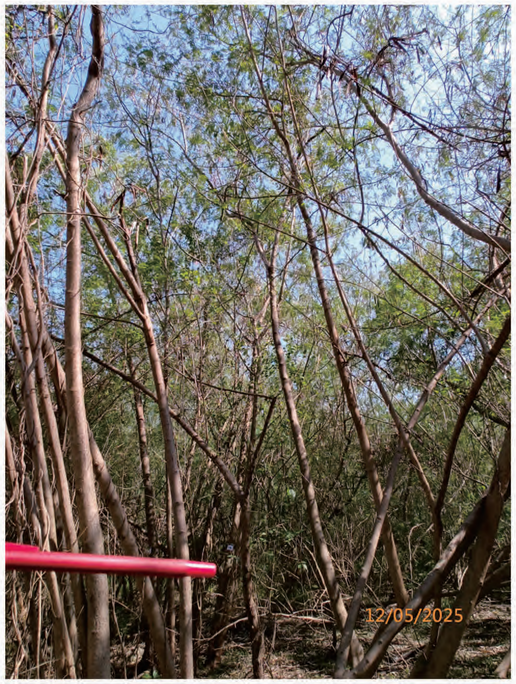
(R) - Retain

(F) - Fell

(T) - Transplant



T58



T58



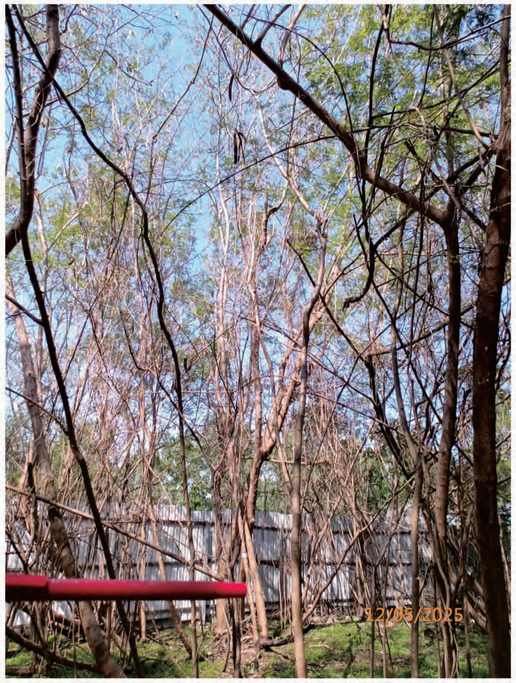
T59



T59



T60



T60



T61



T61

LEGEND :

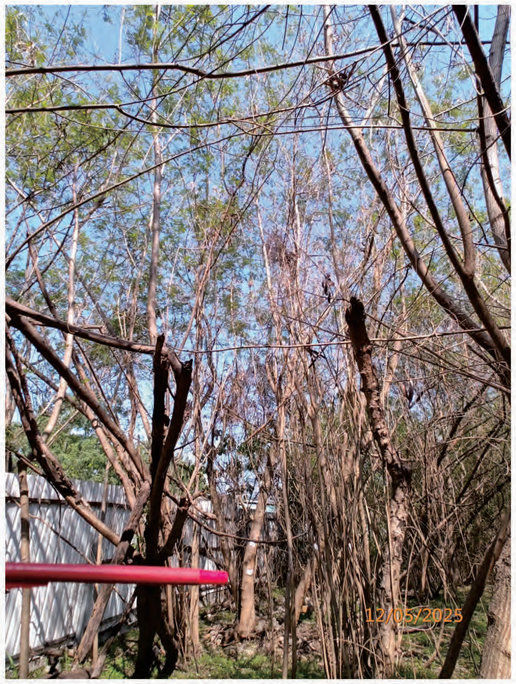
(R) - Retain

(F) - Fell

(T) - Transplant



T62



T62



T63



T63



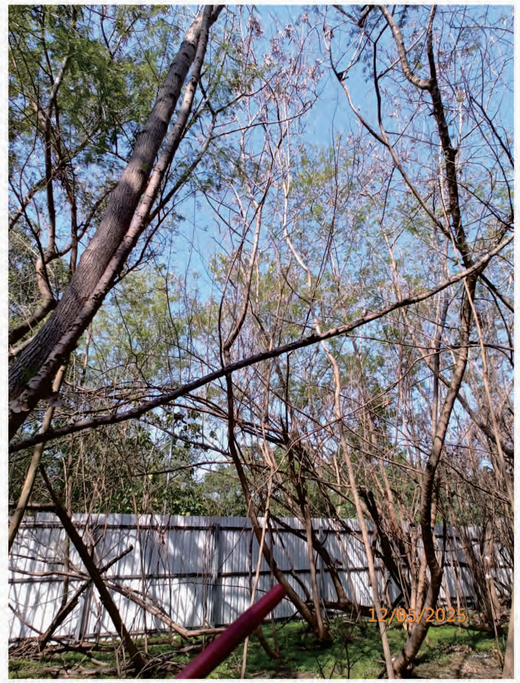
T64



T64



T65



T65

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant

Photographic Record of Existing Trees

LanDes

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



T66



T66



T67



T67



T68



T68



T69



T69

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T70



T70



T71



T71



T72



T72



T73



T73

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T74



T74



T75



T75



T76



T76



T80



T80

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T81



T81



T82



T82



T84



T84



T85



T85

LEGEND :

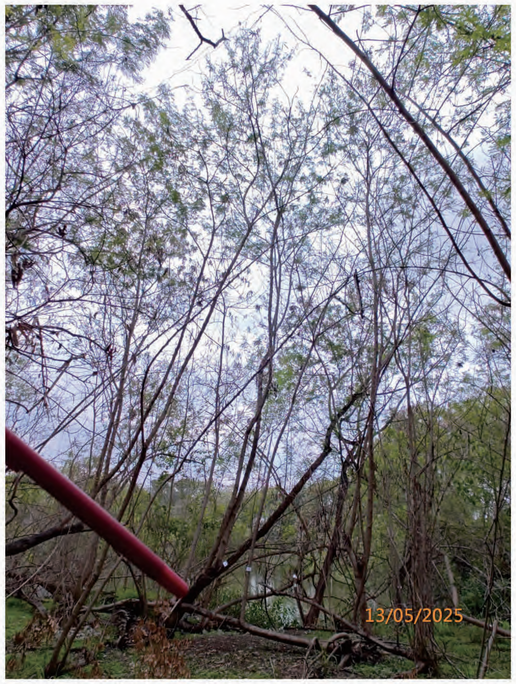
(R) - Retain

(F) - Fell

(T) - Transplant



T86



T86



T87



T87



T88



T88



T89



T89

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T90



T90



T91



T91



T92



T92



T93



T93

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T94



T94



T95



T95



T96



T96



T97



T97

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T98



T98



T99



T99

T100

T100

T101

T101

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T102



T102



T103



T103



T104



T104



T105



T105

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T106



T106



T107



T107



T108



T108



T109



T109

LEGEND :

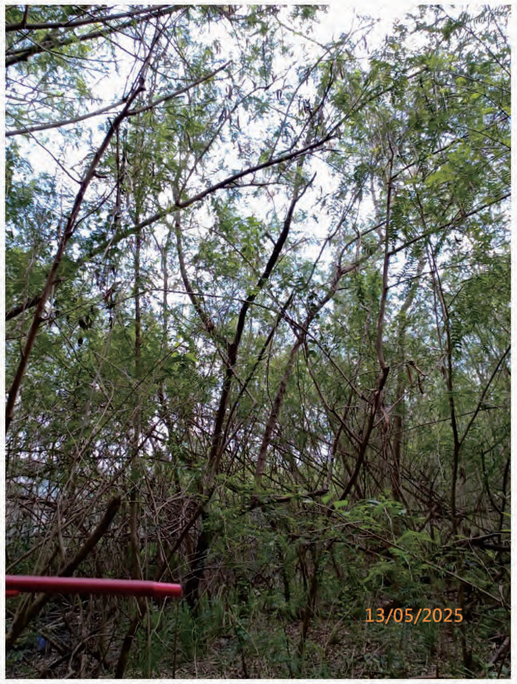
(R) - Retain

(F) - Fell

(T) - Transplant



T110



T110



T111



T111



T112



T112



T113



T113

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T114



T114



T115



T115



T116



T116



T117



T117

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T118



T118



T119



T119



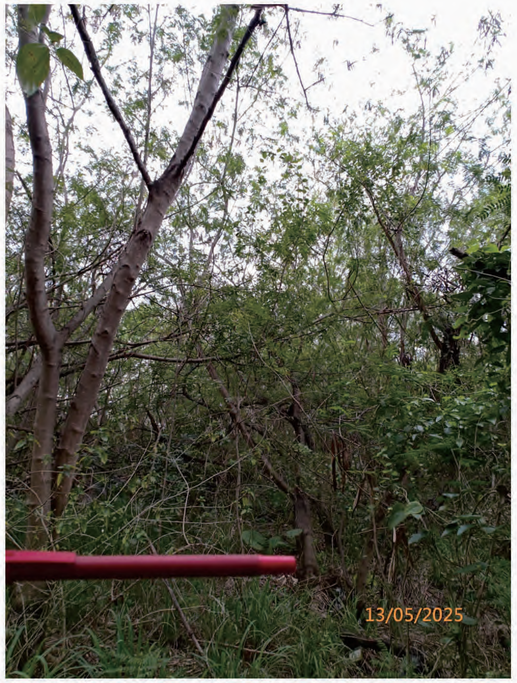
T120



T120



T121



T121

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T122



T122



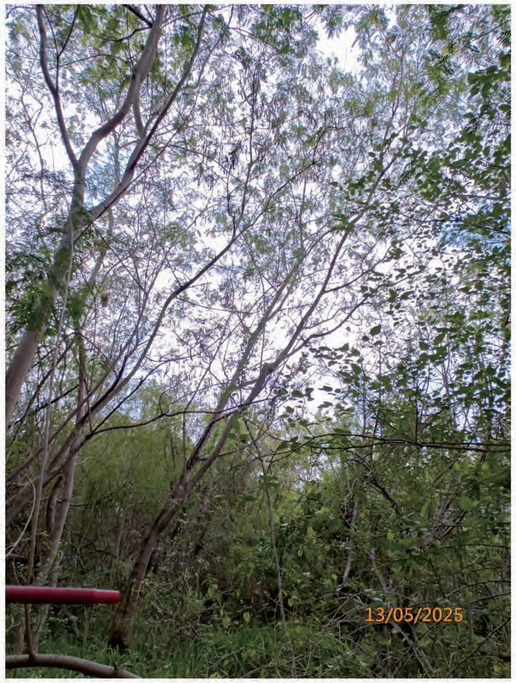
T123



T123



T124



T124



T125



T125

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T126



T126



T127



T127



T128



T128



T129



T129

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T130



T130



T131



T131



T132



T132



T133



T133

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T134



T134



T135



T135



T136



T136



T137



T137

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T138



T138



T139



T139



T140



T140



T141



T141

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T142



T142



T143



T143



T144



T144



T145



T145

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T146



T146



T147



T147



T148



T148



T149



T149

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T150



T150



T151



T151



T152



T152



T153



T153

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T154



T154



T155



T155



T156



T156



T157



T157

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



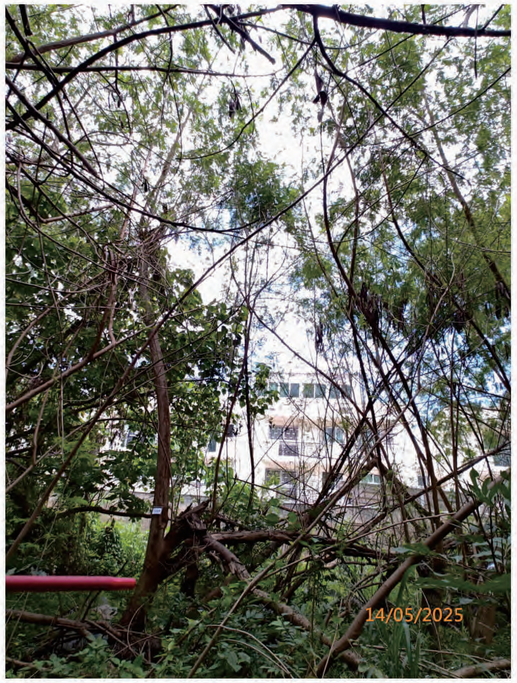
T158



T158



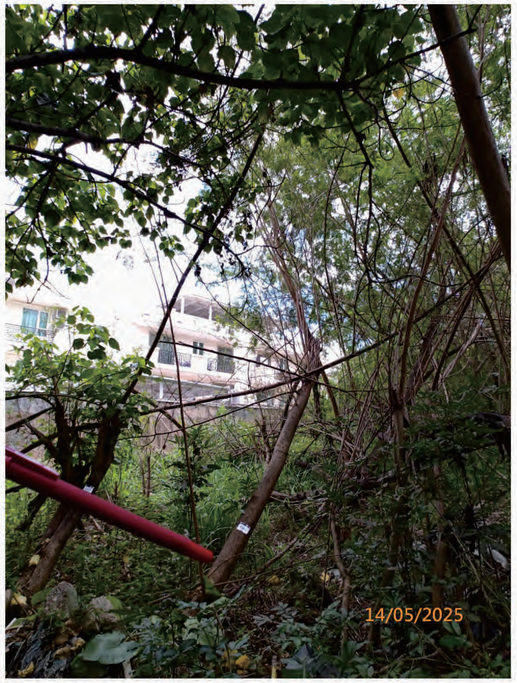
T159



T159



T160



T160



T161



T161

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



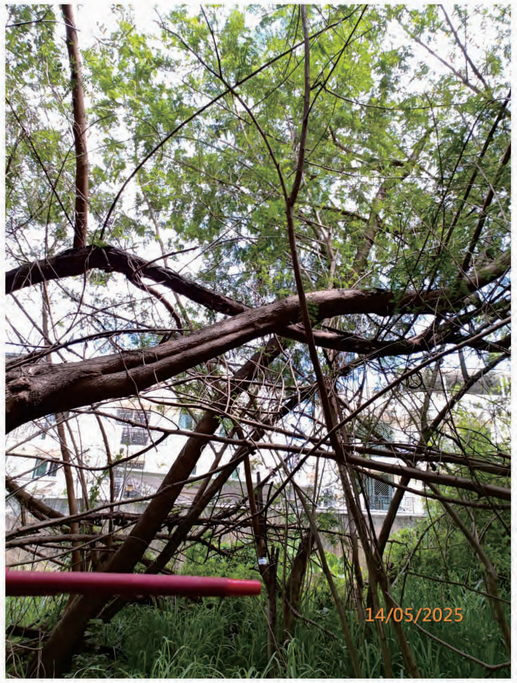
T162



T162



T163



T163



T164



T164



T165



T165

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T166



T166



T167



T167



T168



T168



T169



T169

LEGEND :

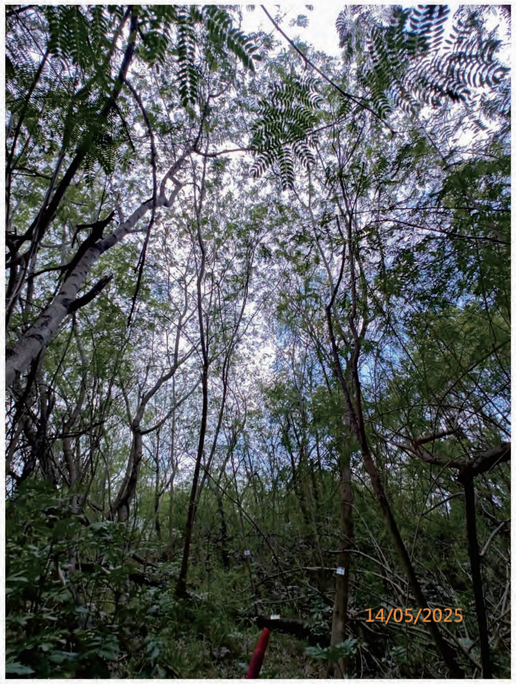
(R) - Retain

(F) - Fell

(T) - Transplant



T170



T170



T171



T171



T172



T172



T173



T173

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



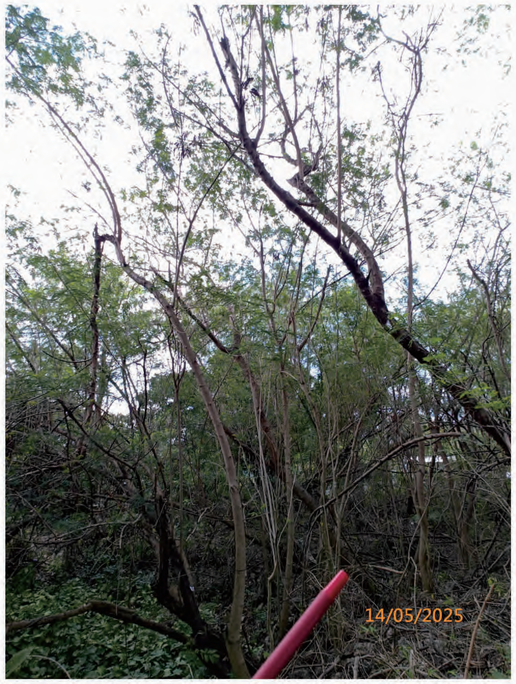
T174



T174



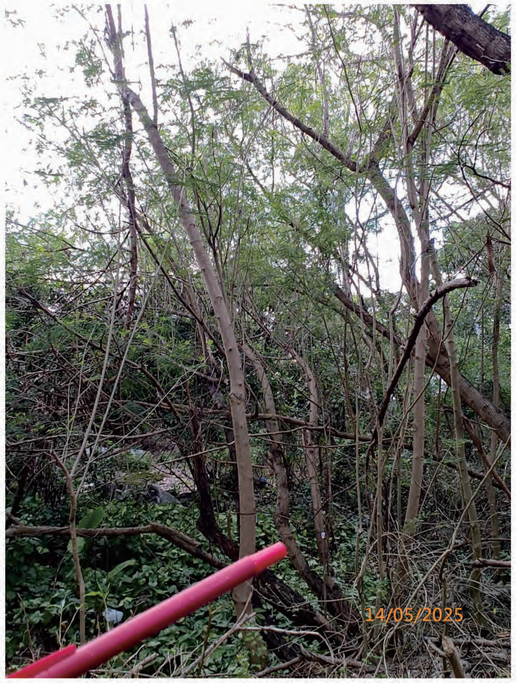
T175



T175



T176



T176



T177



T177

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



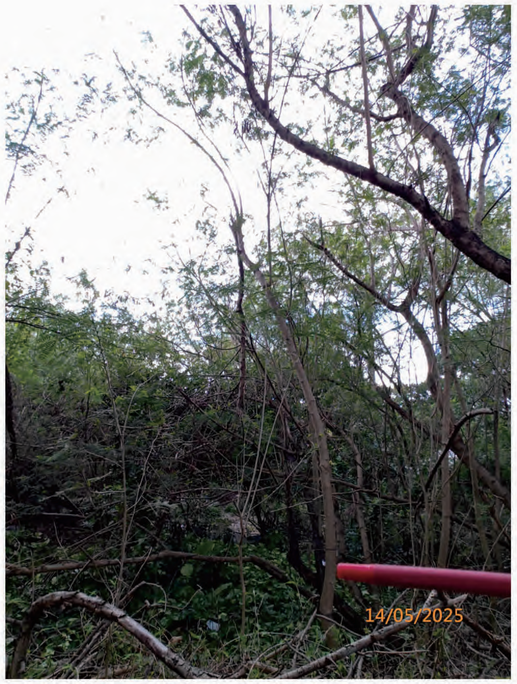
T178



T178



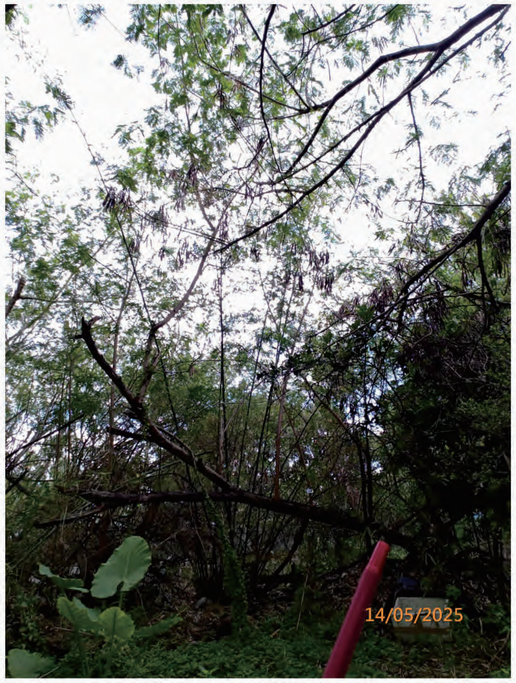
T179



T179



T180



T180



T181



T181

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T182



T182



T183



T183

T184

T184

T185

T185

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T186



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T187



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T188



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T189



T189

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T190



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T193

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T194



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T197

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T198



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T200



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T201



T201

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T202



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T205



T205

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T206



T206



T207



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T209



T209

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T210



T210



T211



T211



T212



T212



T213



T213

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T214



T214



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T215



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T217



T217

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T218



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T219



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T220



T221



T221

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T222



T222



T223



T223



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T224



T225



T225

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T226



T226



T227



T227



T228



T228



T229



T229

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T230



T230



T231



T231



T232



T232



T233



T233

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T234



T234



T235



T235



T236



T236



T237



T237

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T238



T238



T239



T239



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T241



T241

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T242



T242



T243



T243



T244



T244



T245



T245

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T246



T246



T247



T247



T248



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T249



T249

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T250



T250



T251



T251



T252



T252



T253



T253

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T254



T254



T255



T255



T256



T256



T257



T257

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T258



T258



T259



T259



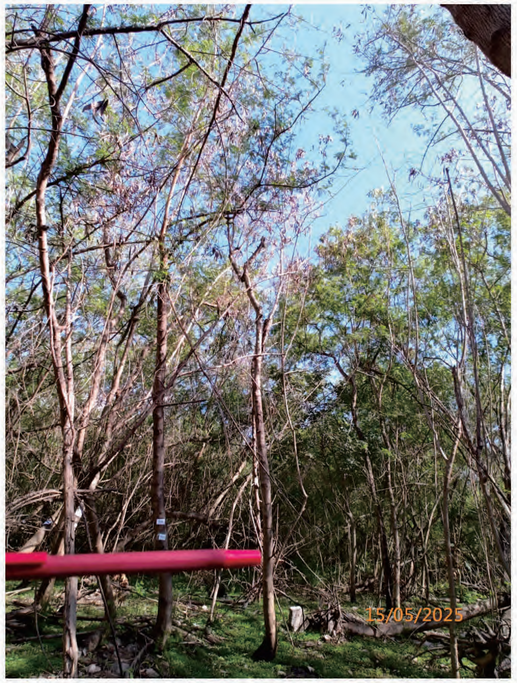
T260



T260



T261



T261

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T262



T262



T263



T263



T264



T264



T265



T265

LEGEND :

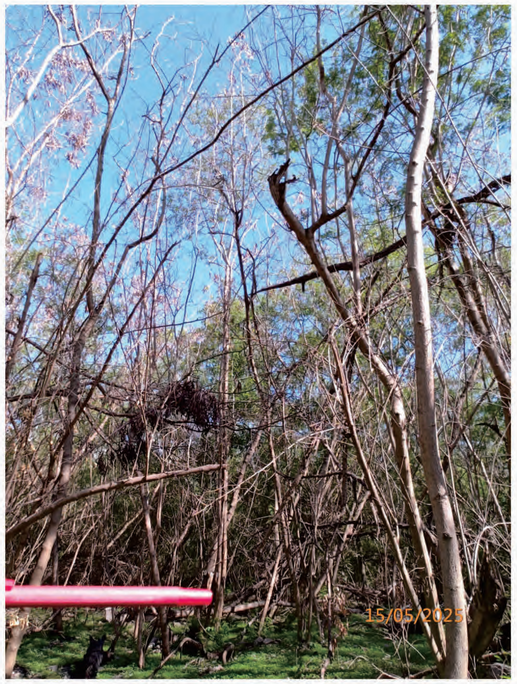
(R) - Retain

(F) - Fell

(T) - Transplant



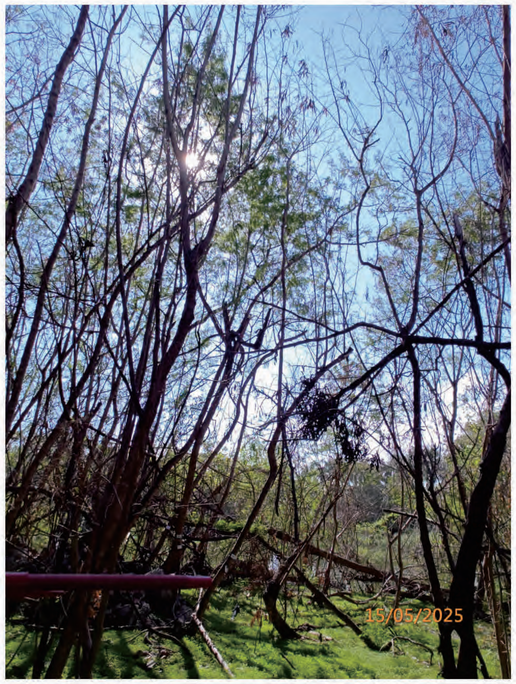
T266



T266



T267



T267



T268



T268



T269



T269

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T270



T270



T271



T271



T272



T272



T273



T273

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T274



T274



T275



T275



T276



T276



T277



T277

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T278



T278



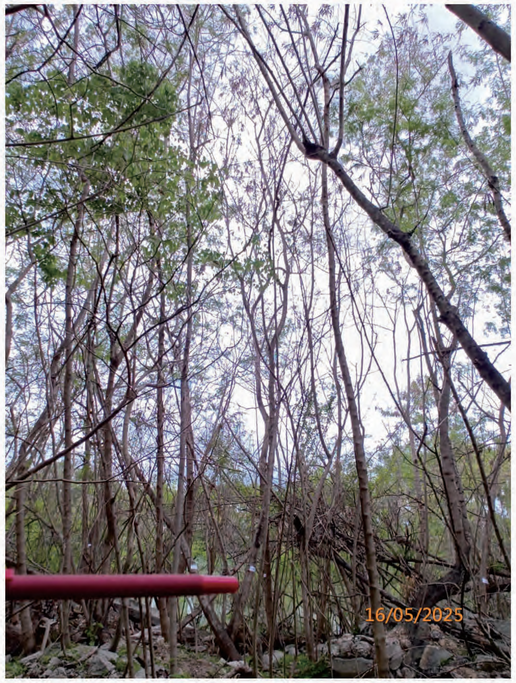
T279



T279



T280



T280



T281



T281

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T282



T282



T283



T283



T284



T284



T285



T285

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T286



T286



T287



T287



T288



T288



T289



T289

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



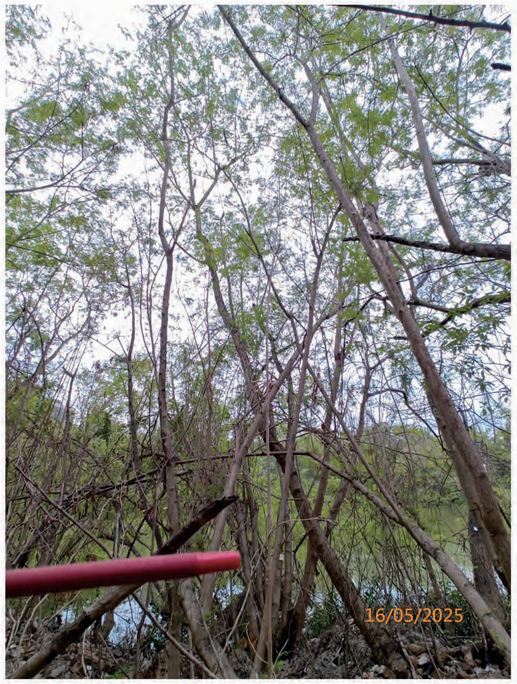
T290



T290



T291



T291



T292



T292



T293



T293

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T294



T294



T295



T295



T296



T296



T297



T297

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T298



T298



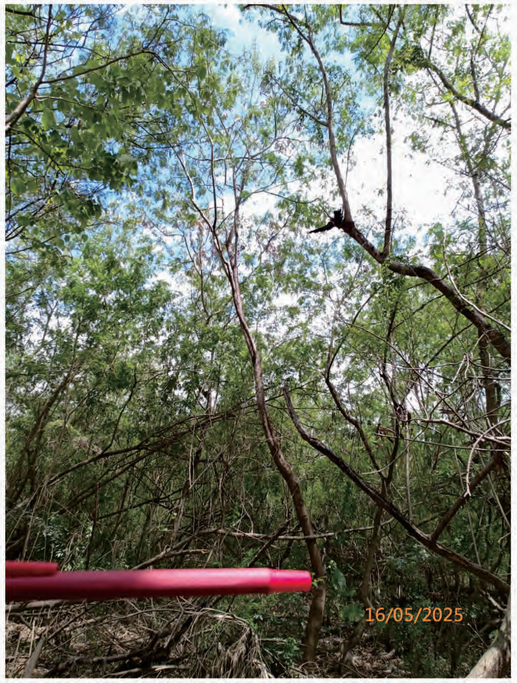
T299



T299



T300



T300



T301



T301

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T302



T302



T303



T303



T304



T304



T305



T305

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T306



T306



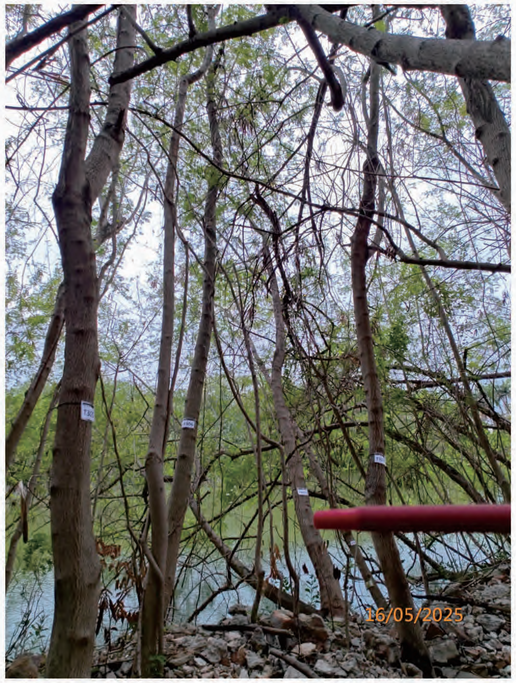
T307



T307



T308



T308



T309



T309

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T310



T310



T311



T311



T312



T312



T313



T313

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T314



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T316



T316



T317



T317

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T318



T318



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T320



T320



T321



T321

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T322



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T323



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T324



T324



T325



T325

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T326



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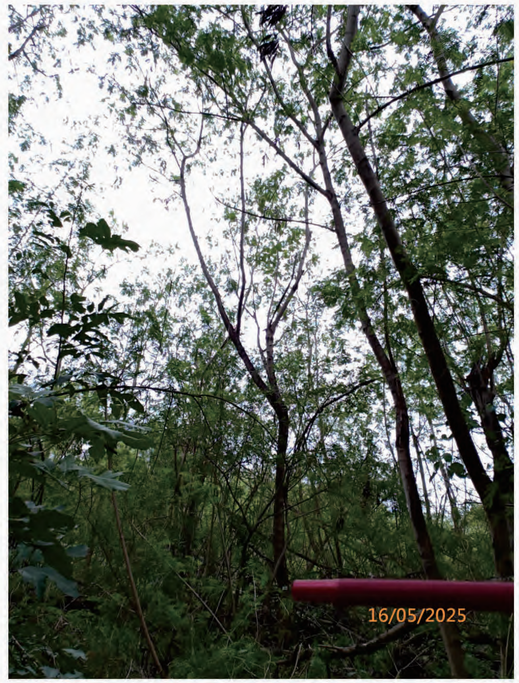
T328



T329



T329

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T330



T330



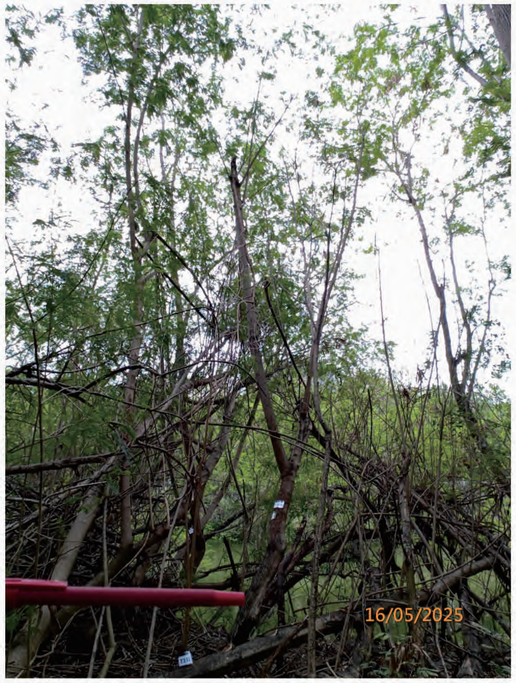
T331



T331



T332



T332



T333



T333

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T334



T334



T335



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T336



T336



T337



T337

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T338



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T341



T341

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T342



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T345



T345

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T346



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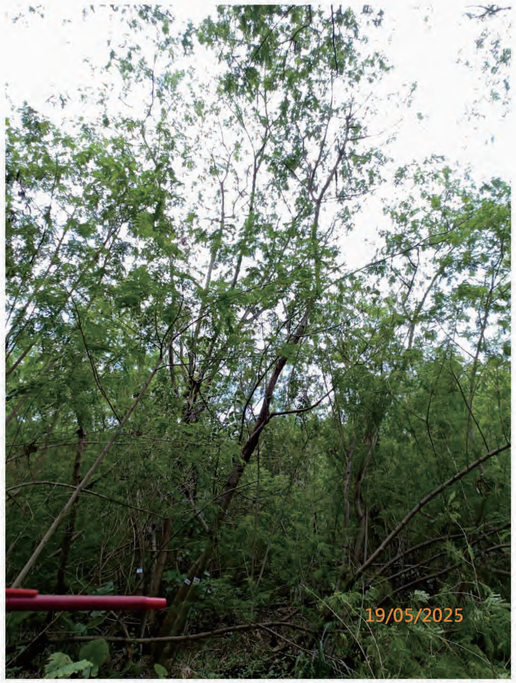
T348



T348



T349



T349

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T350



T350



T351



T351



T352



T352



T353



T353

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



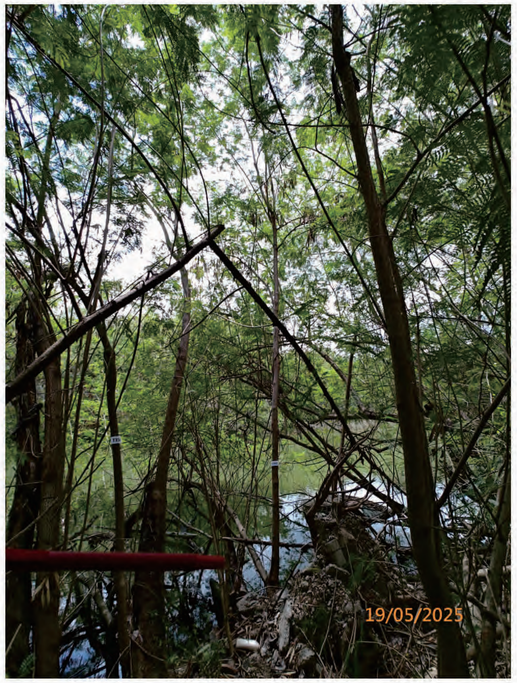
T354



T354



T355



T355



T356



T356



T357



T357

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T358



T358



T359



T359



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T361



T361

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T362



T362



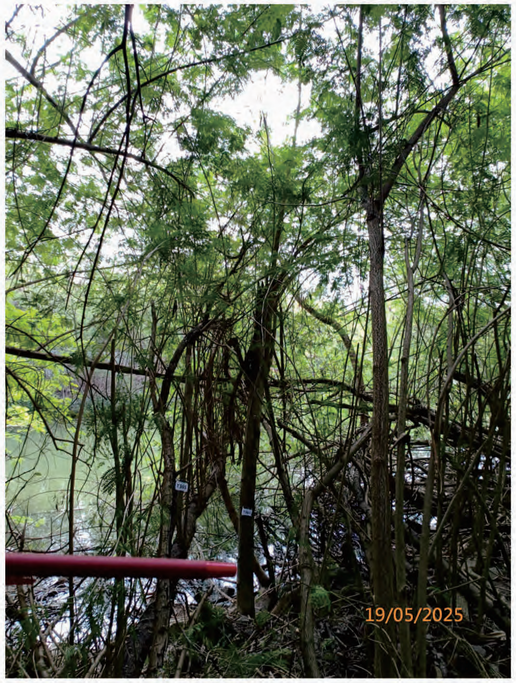
T363



T363



T364



T364



T365



T365

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T366



T366



T367



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T368



T368



T369



T369

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T370



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T373

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T374



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T377

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T378



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T381

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T382



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T385

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T386



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T389



T389

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T390



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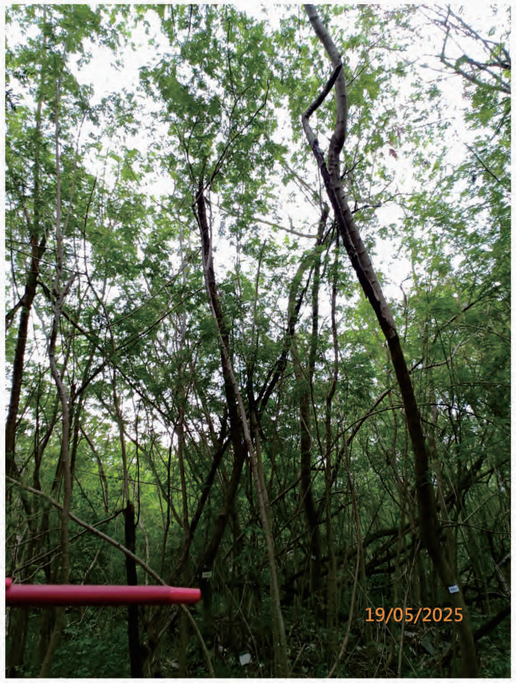
T392



T392



T393



T393

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T394



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T397



T397

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T398



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T401



T401

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T402



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T405

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



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T409

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



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T413

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T414



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T417

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



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T421



T421

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T422



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T425

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T426



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T429

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T430



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T433



T433

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T434



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T437

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T438



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T441

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



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T445



T445

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T446



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T449

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T450



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T453



T453

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T454



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T457



T457

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T458



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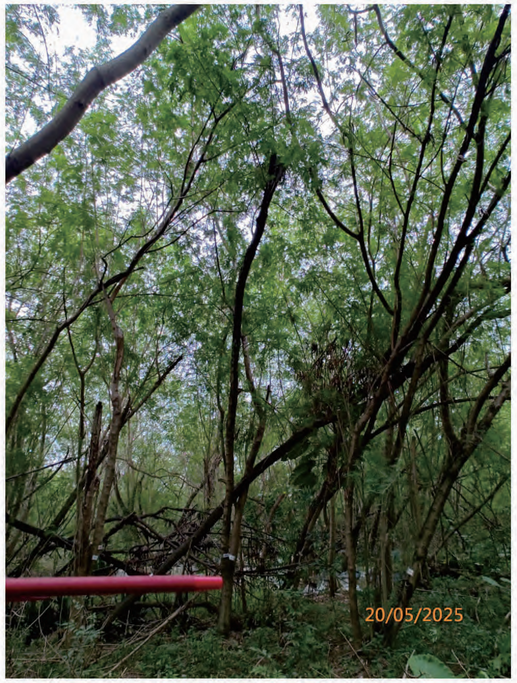
T460



T460



T461



T461

LEGEND :

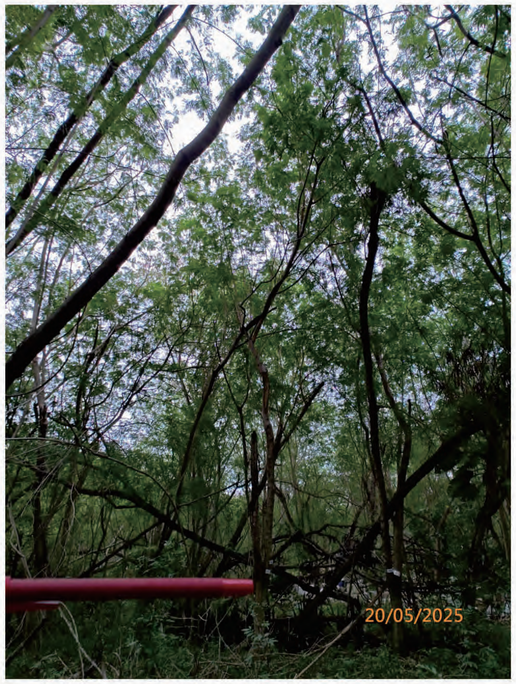
(R) - Retain

(F) - Fell

(T) - Transplant



T462



T462



T463



T463



T464



T464



T465



T465

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T466



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T467



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T469



T469

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T470



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T473



T473

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T474



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T477



T477

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T478



T478



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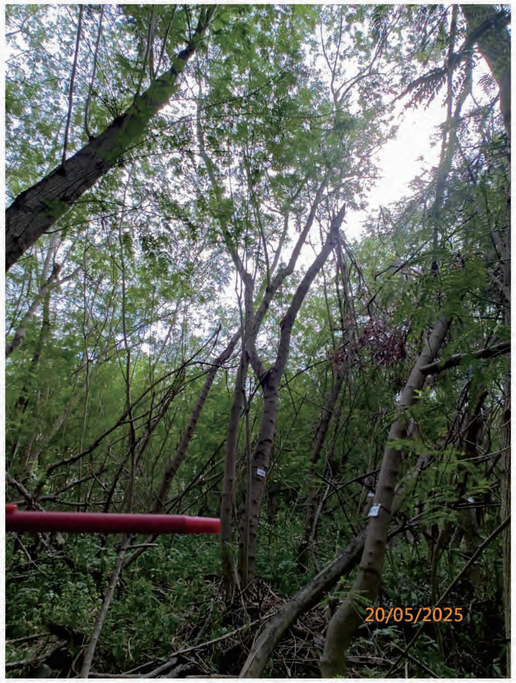
T479



T480



T480



T481



T481

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



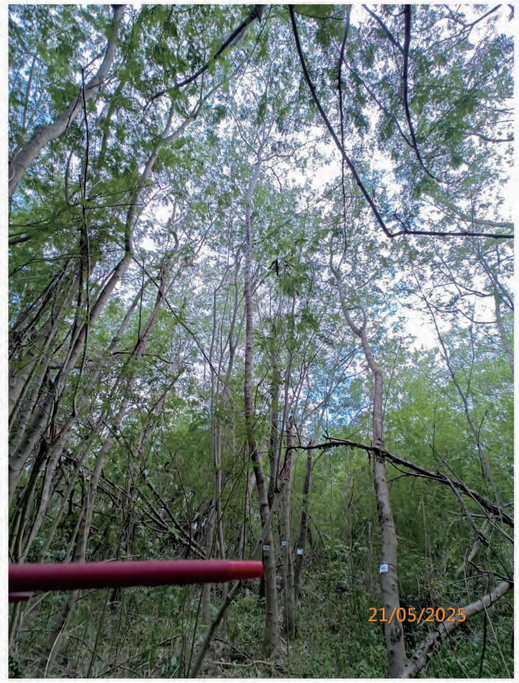
T482



T482



T483



T483



T484



T484



T485



T485

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T486



T486



T487



T487



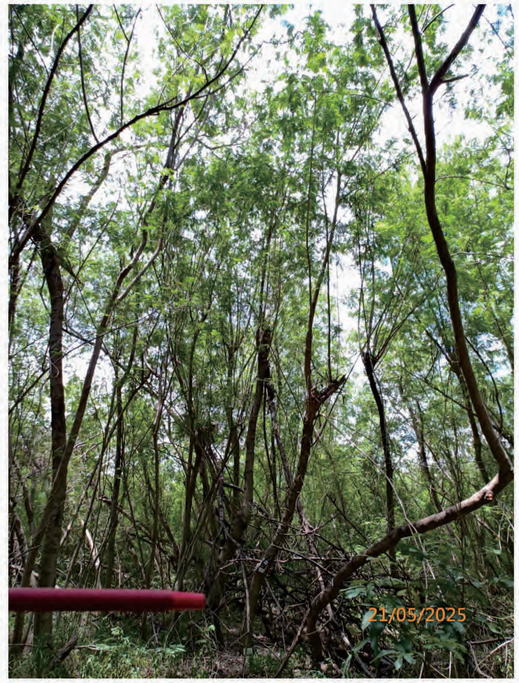
T488



T488



T489



T489

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



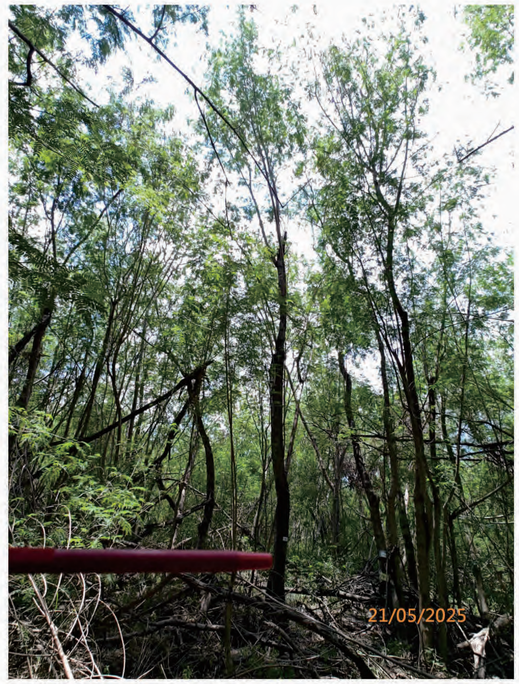
T490



T490



T491



T491



T492



T492



T493



T493

LEGEND :

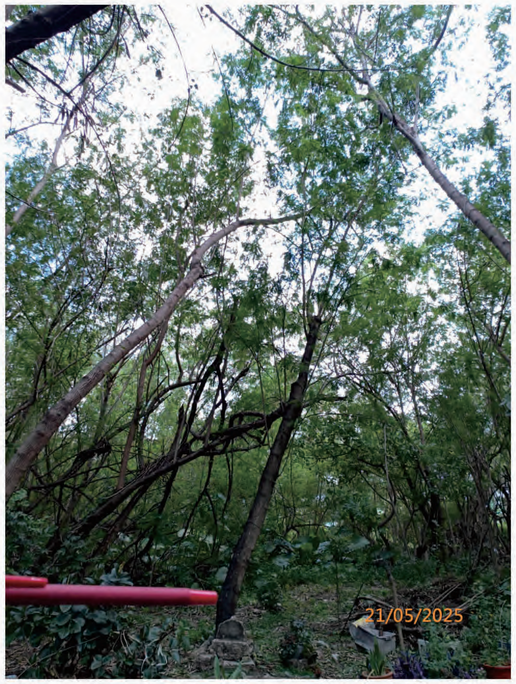
(R) - Retain

(F) - Fell

(T) - Transplant



T494



T494



T495



T495



T496



T496



T497



T497

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T498



T498



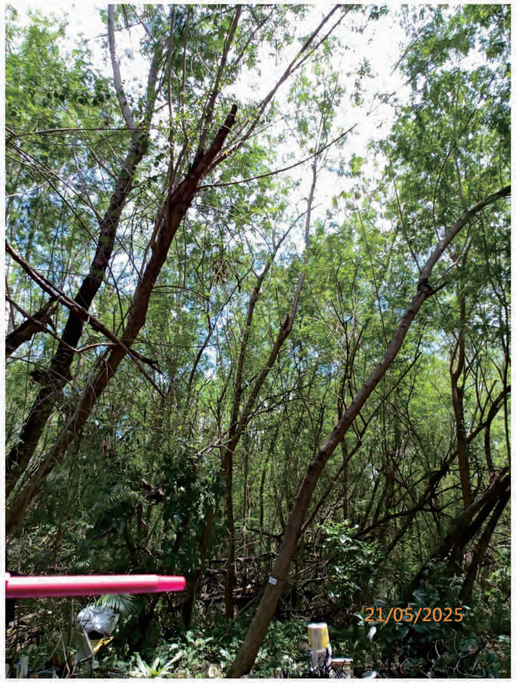
T499



T499



T500



T500



T501



T501

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T502



T502



T503



T503



T504



T504



T505



T505

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T506



T506



T507



T507



T508



T508



T509



T509

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



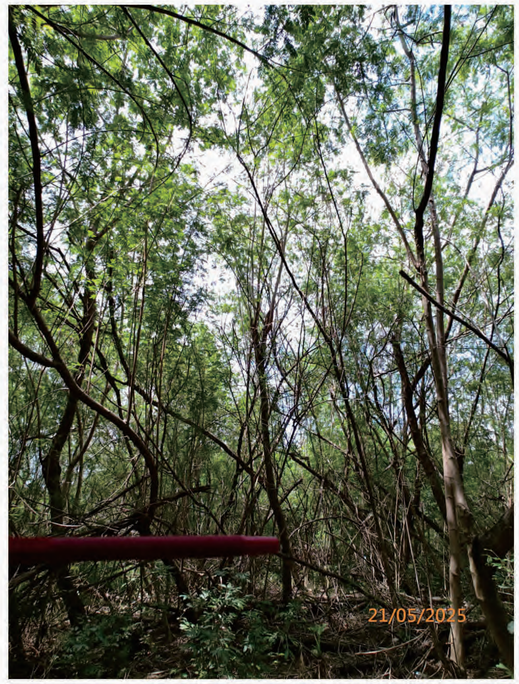
T510



T510



T511



T511



T512



T512



T513



T513

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T514



T514



T515



T515



T516



T516



T517



T517

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T518



T518



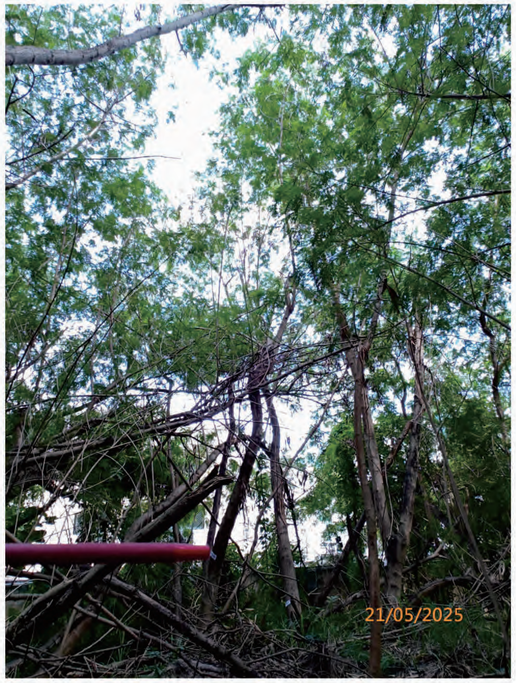
T519



T519



T520



T520



T521



T521

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



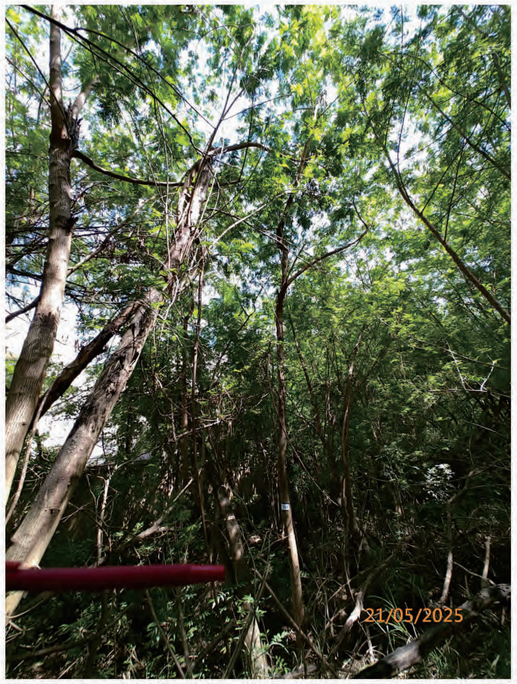
T522



T522



T523



T523



T524



T524



T525



T525

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T526



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T527



T527



T528



T528



T529



T529

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T530



T530



T531



T531



T532



T532



T533



T533

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



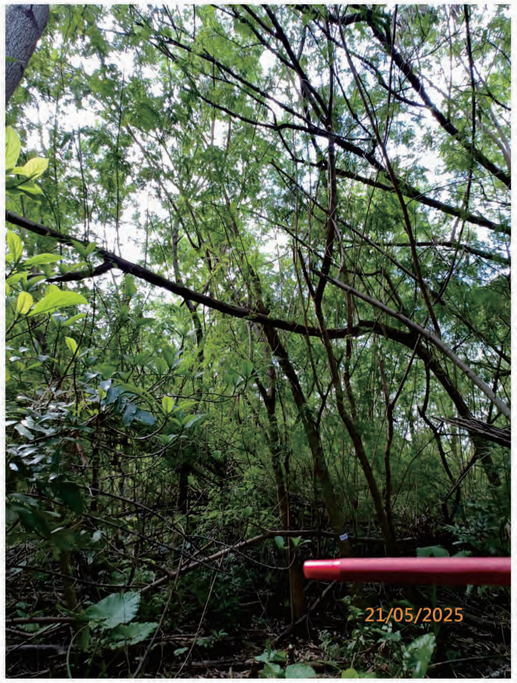
T534



T534



T535



T535



T536



T536



T537



T537

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T538



T538



T539



T539



T540



T540



T541



T541

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T542



T542



T543



T543



T544



T544



T545



T545

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T546



T546



T547



T547



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T548



T549



T549

LEGEND :

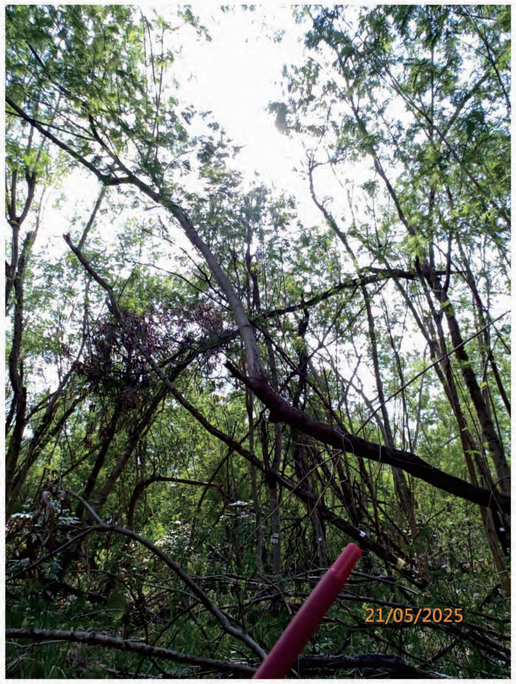
(R) - Retain

(F) - Fell

(T) - Transplant



T550



T550



T551



T551



T552



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T553



T553

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T554



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T555



T556



T556



T557



T557

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T558



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T560



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T561



T561

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T562



T562



T563



T563



T564



T564



T565



T565

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T566



T566



T567



T567



T568



T568



T569



T569

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T570



T570



T571



T571



T572



T572



T573



T573

LEGEND :

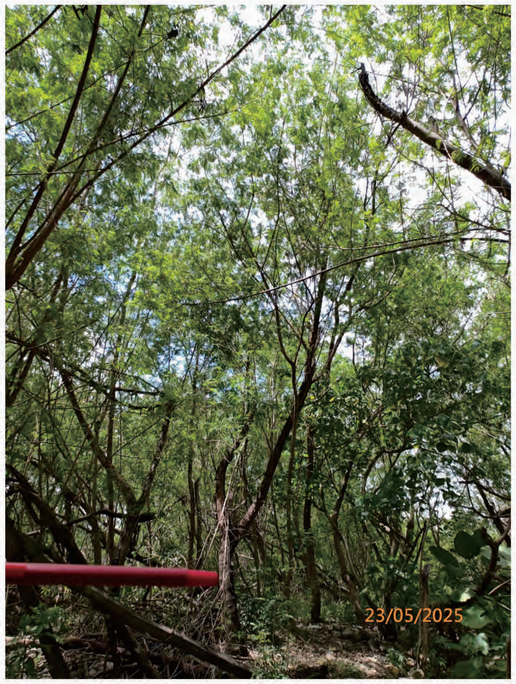
(R) - Retain

(F) - Fell

(T) - Transplant



T574



T574



T575



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T577



T577

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T578



T578



T579



T579



T580



T580



T581



T581

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T582



T582



T583



T583



T584



T584



T585



T585

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T586



T586



T587



T587



T588



T588



T589



T589

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T590



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T591



T592



T592



T593



T593

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T594



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T597



T597

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T598



T598



T599



T599



T600



T600



T601



T601

LEGEND :

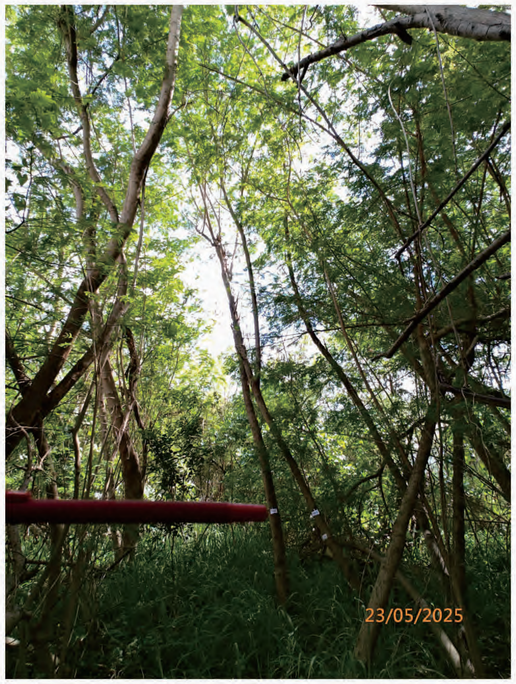
(R) - Retain

(F) - Fell

(T) - Transplant



T602



T602



T603



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T604



T604



T605



T605

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T606



T606



T607



T607



T608



T608



T609



T609

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T610



T610



T611



T611



T612



T612



T613



T613

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T614



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T615



T615



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T617



T617

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T618



T618



T619



T619



T620



T620



T621



T621

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T622



T622



T623



T623



T624



T624



T625



T625

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T626



T626



T627



T627



T628



T628



T629



T629

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T630



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T631



T631



T632



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T633



T633

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T634



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T635



T635



T636



T636



T637



T637

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T638



T638



T639



T639



T640



T640



T640 - Trunk Topped



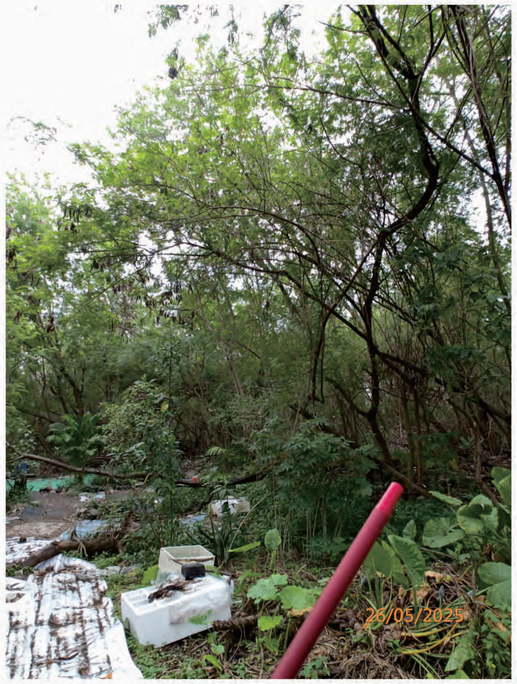
T641

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T641



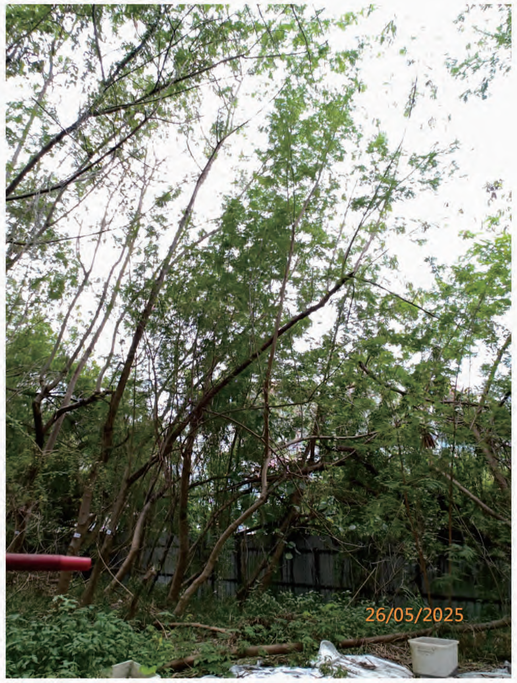
T642



T642



T643



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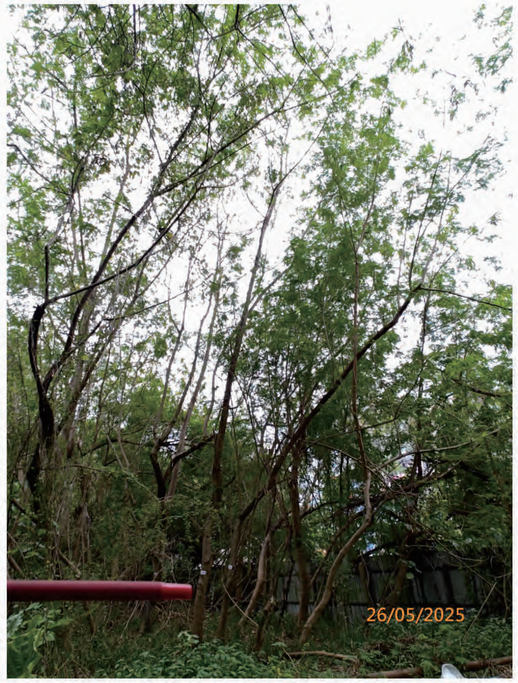
T644



T644



T645

LEGEND :

(R) - Retain

(F) - Fell

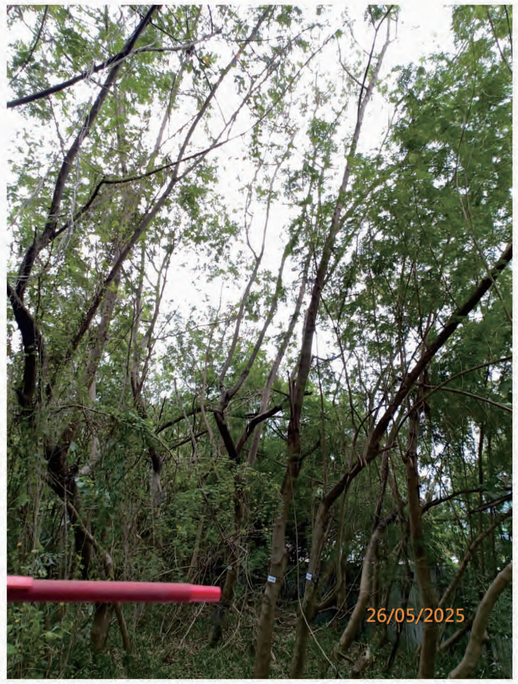
(T) - Transplant



T645



T646



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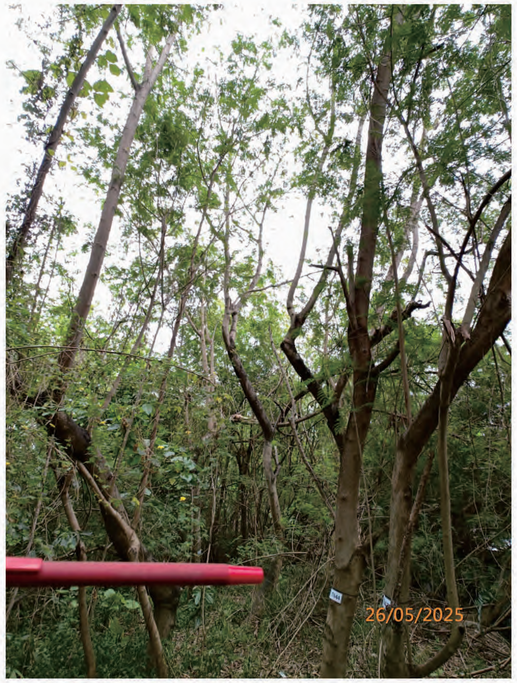
T647



T647



T648



T648



T649

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T649



T650



T650



T651



T651



T652



T652



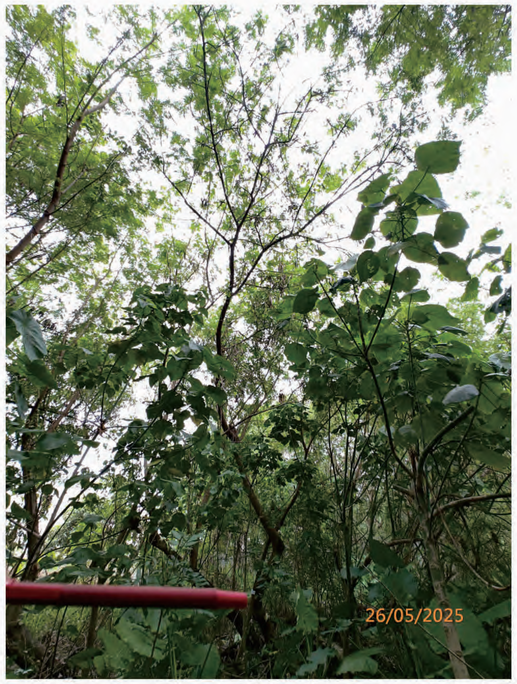
T653

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T653



T654



T654



T655



T655



T656



T656



T657

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T657



T658



T658



T659



T659



T660



T660



T661

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T661



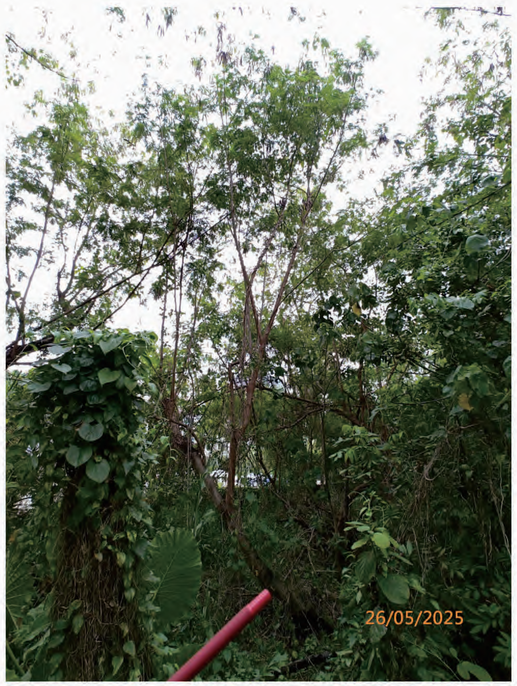
T662



T662



T663



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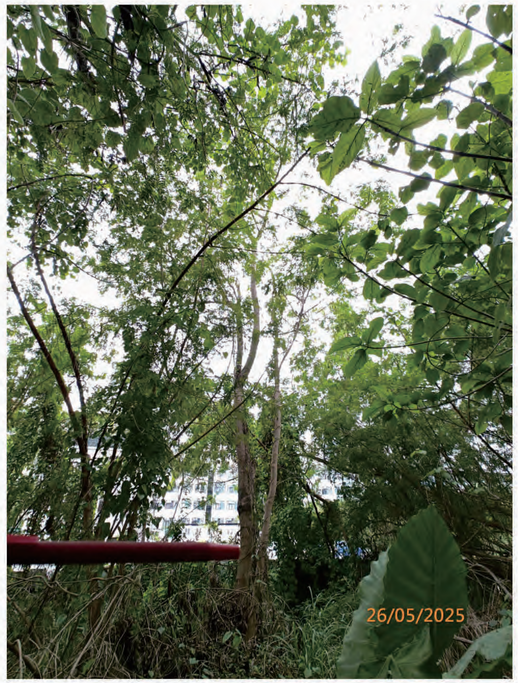
T664



T664



T665

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T665



T669



T669



T670



T670



T671



T671



T672

LEGEND :

(R) - Retain

(F) - Fell

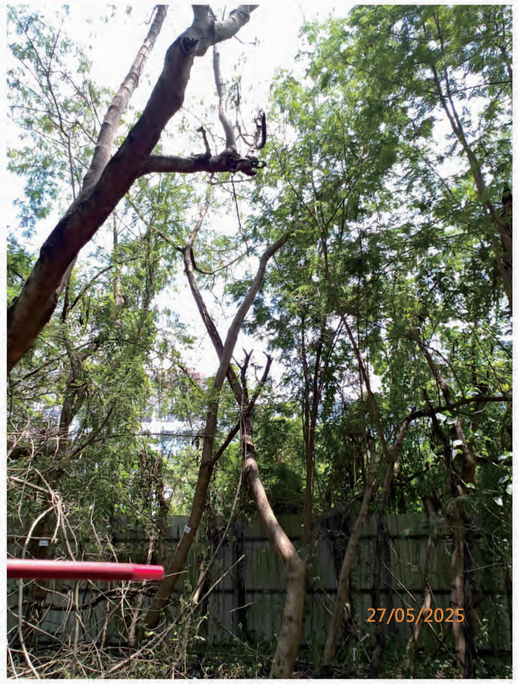
(T) - Transplant



T672



T674



T674



T675



T675



T676



T676



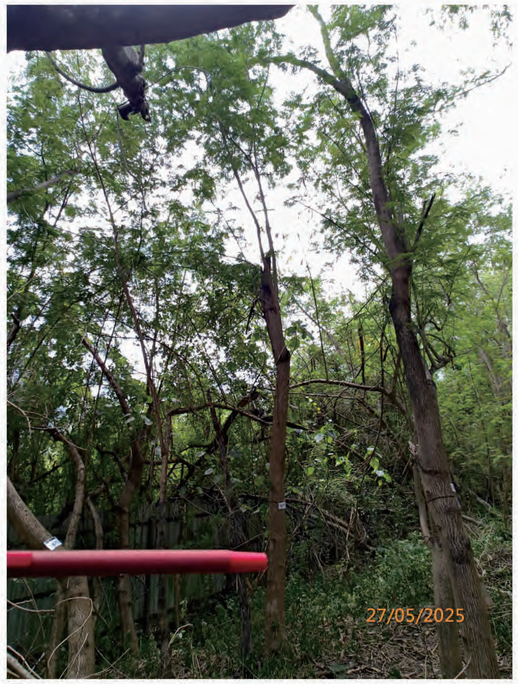
T677

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T677



T678



T678



T679



T679



T680



T680



T681

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T681



T682



T628



T683



T683



T684



T684



T685

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T685



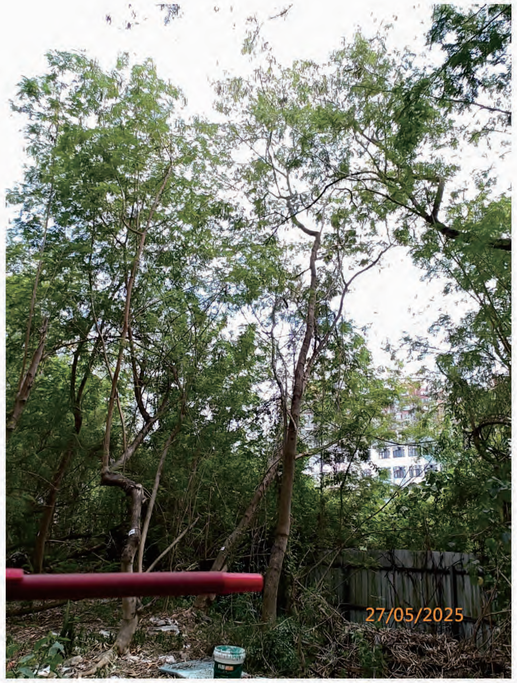
T686



T686



T687



T687



T689



T689



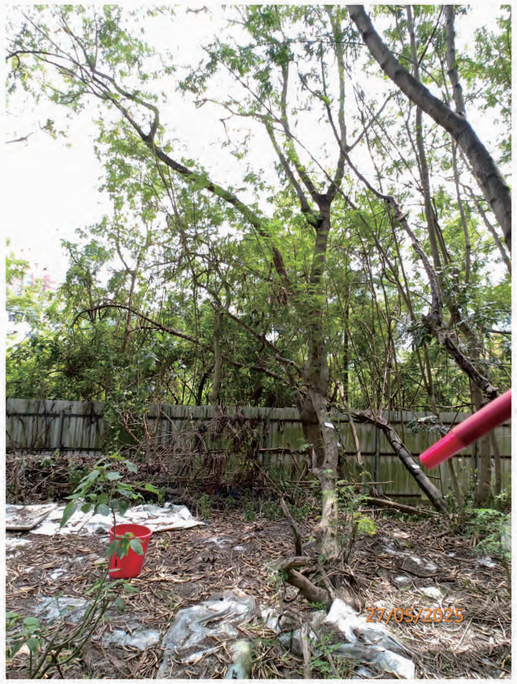
T690

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T690



T691



T691



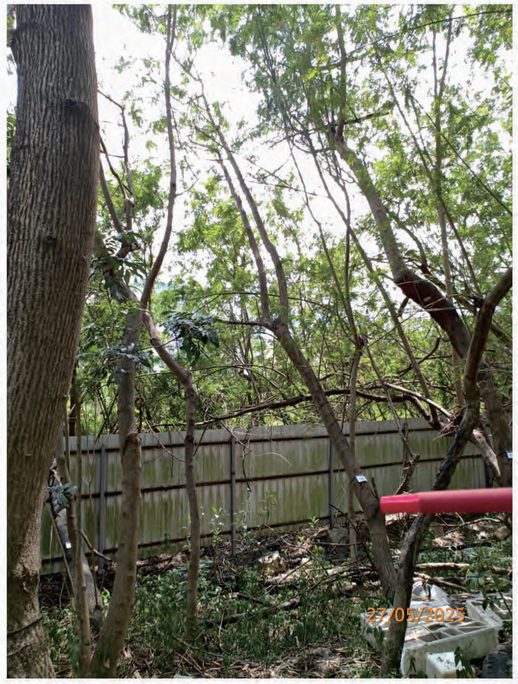
T692



T692



T693



T693



T694

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T694



T695



T695



T696



T696



T697



T697



T698

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T698



T699



T699



T700



T700



T701



T701



T702

LEGEND :

(R) - Retain

(F) - Fell

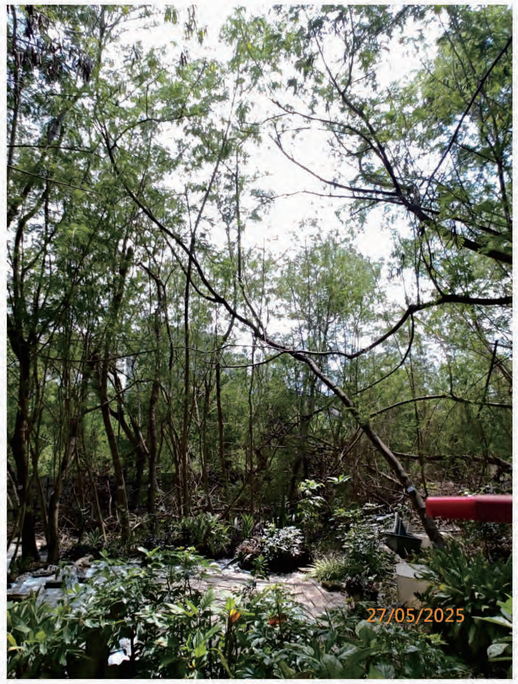
(T) - Transplant



T702



T703



T703



T704



T705



T705



T706

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T706



T707



T707



T708



T708



T709



T709



T710

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T710



T711



T711



T712



T713



T713



T714

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T714



T715



T715



T716



T716



T717



T717



T718

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T718



T719



T719



T720



T720



T721



T721



T722

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T722



T723



T723



T724



T724



T725



T725



T726

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T726



T727



T727



T728



T728



T729



T729



T730

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T730



T731



T731



T732



T732



T733



T733



T734

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T734



T735



T735



T736



T736



T737



T737



T738

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T738



T740



T740



T742



T743



T743



T744

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T744



T745



T745



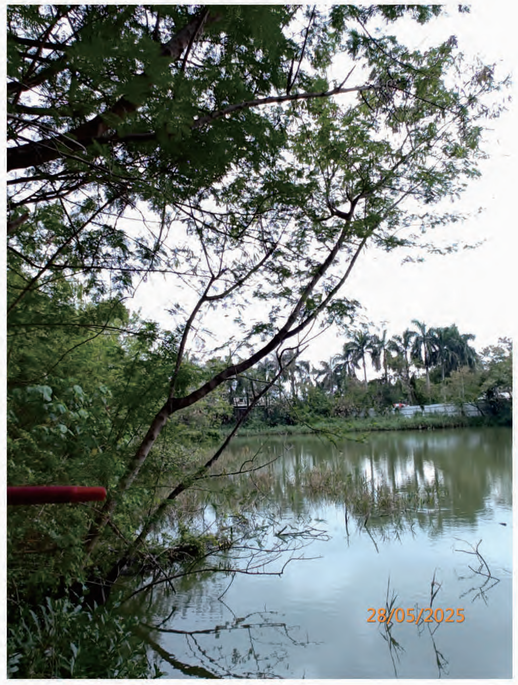
T746



T746



T756



T756



T758

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T758



T759



T759



T760



T760



T761



T761



T762

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T762



T764



T764



T765



T765



T766



T766



T767

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T767



T768



T768



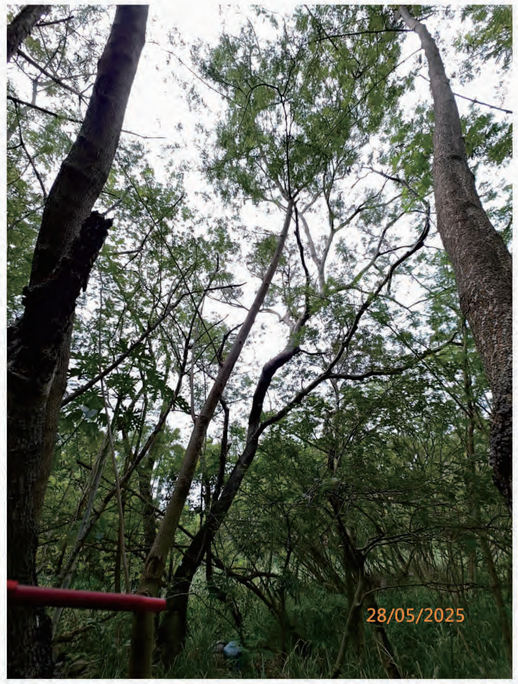
T769



T769



T770



T770



T771

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T771



T772



T772



T773



T773



T774



T774



T775

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T775



T776



T776



T777



T777



T778



T778



T779

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T779



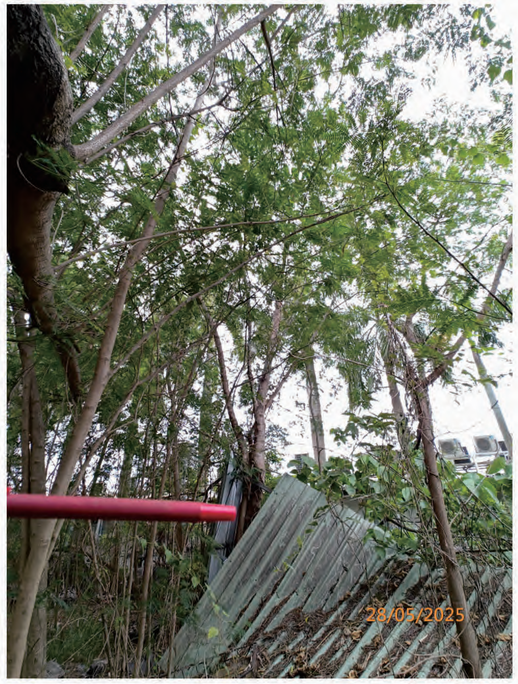
T70



T780



T781



T781



T782



T782



T783

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant

Photographic Record of Existing Trees

LanDes

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



T783



T784



T784



T785



T785



T785



T786



T787

LEGEND :

(R) - Retain

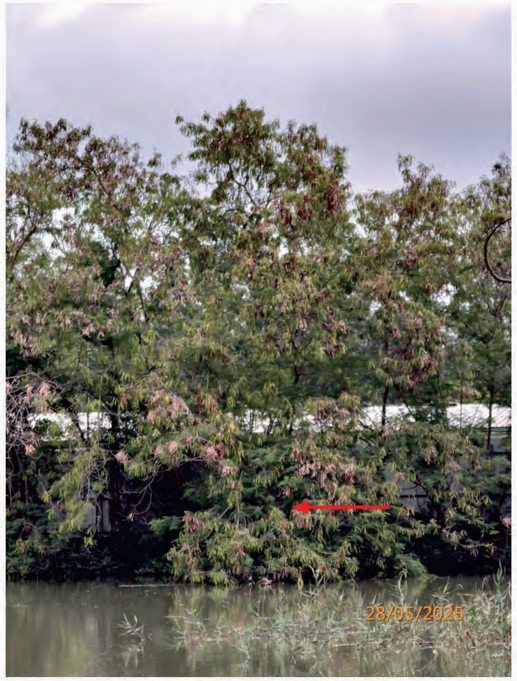
(F) - Fell

(T) - Transplant

Photographic Record of Existing Trees

LanDes

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



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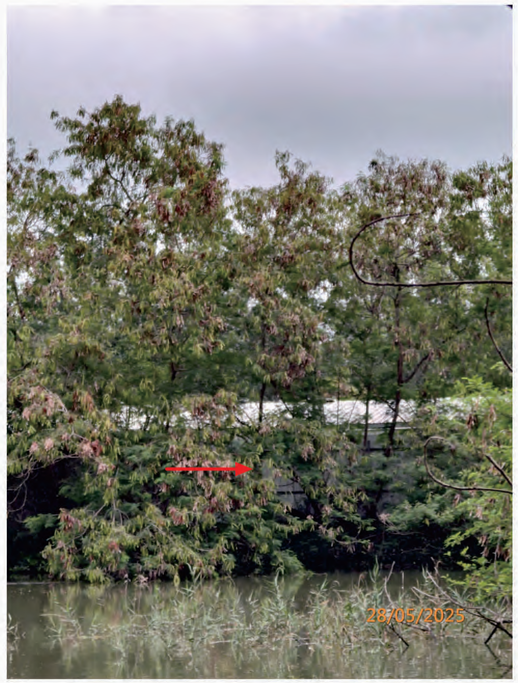
T788



T788



T789



T789



T790



T790



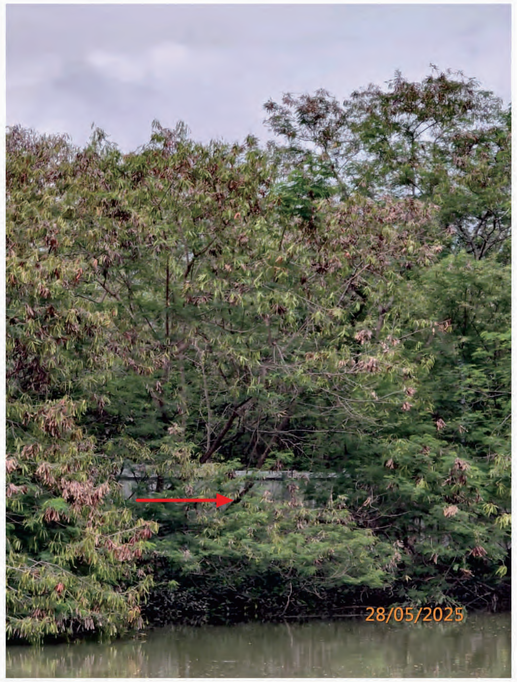
T791

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T791



T792



T792



T793



T793

LEGEND :

(R) - Retain

(F) - Fell

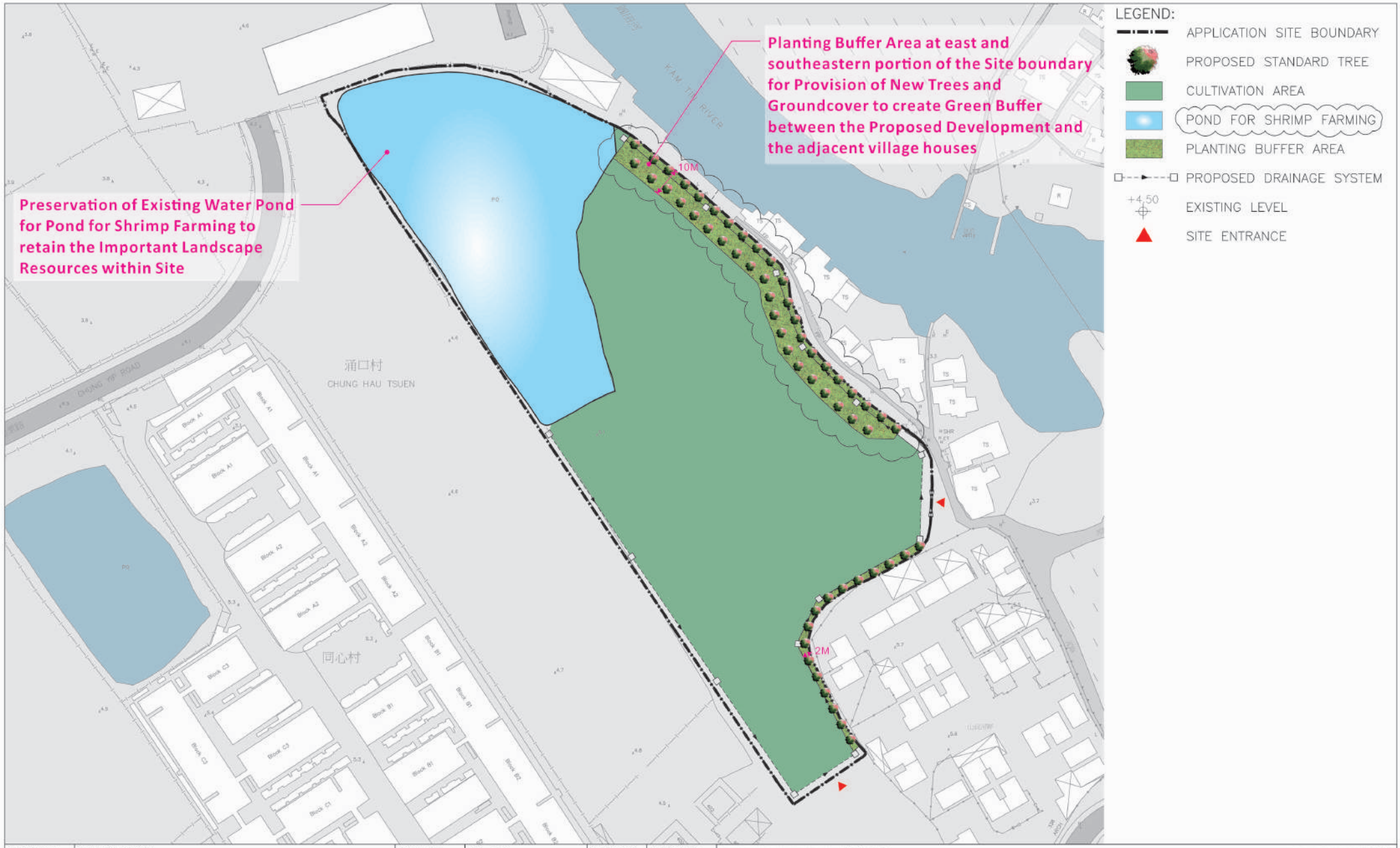
(T) - Transplant

Appendix II

Landscape Master Plan

And

Landscape Sections



REVISION 校訂	DESCRIPTION 內容摘要	DRAWN 繪圖	DATE 日期	CHECKED 審核	APPROVED 審批
A	GENERAL AMENDMENT	CADD	17/03/2026	ANK	TEL

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PROJECT 工程項目
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

DRAWING TITLE 圖紙名稱
LANDSCAPE MASTER PLAN

SCALE 比例 1:1200
DATE 日期 JUN 2025
REVISION 校訂 A
DRAWING NUMBER 圖號 LMP01
DESIGNED 設計 TEL
DRAWN 繪圖 CAD
CHECKED 審核 TEL
APPROVED 審批 TEL

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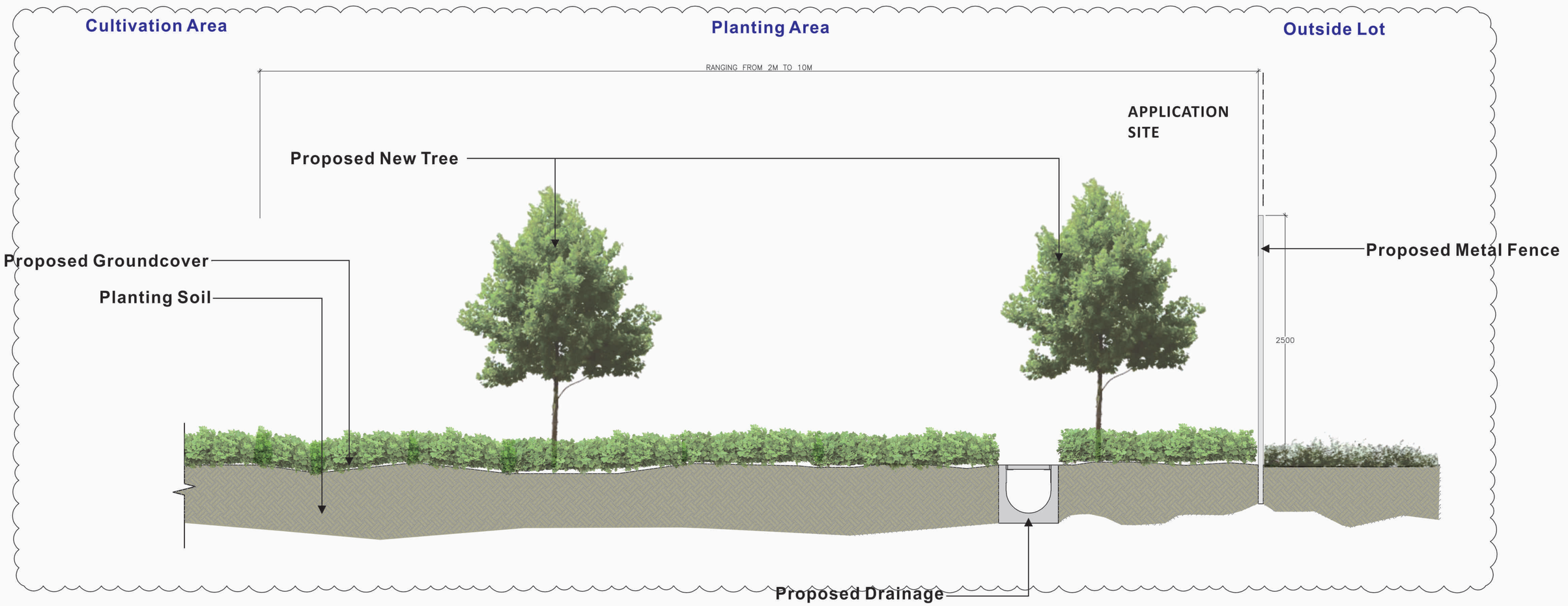
FLAT B, 16/F, YUE ON COMMERCIAL BUILDING, 385 - 387 LOCKHART ROAD, WAN CHAI, HONG KONG
TELEPHONE 2868 0880 FACSIMILE 2868 2203

CAD FILENAME : C2515-LMP01A



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DRAWING TITLE 圖紙名稱
TYPICAL SECTION OF PLANTING AREA

SCALE 比例 1:40
DATE 日期 JUN 2025
REVISION 校訂 A
DRAWING NUMBER 圖號 LD101
DESIGNED 設計 TEL
DRAWN 繪圖 CAD
CHECKED 審核 TEL
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LANDSCAPE PLANNING, DESIGN AND CONSTRUCTION 景觀規劃及設計,景觀建築
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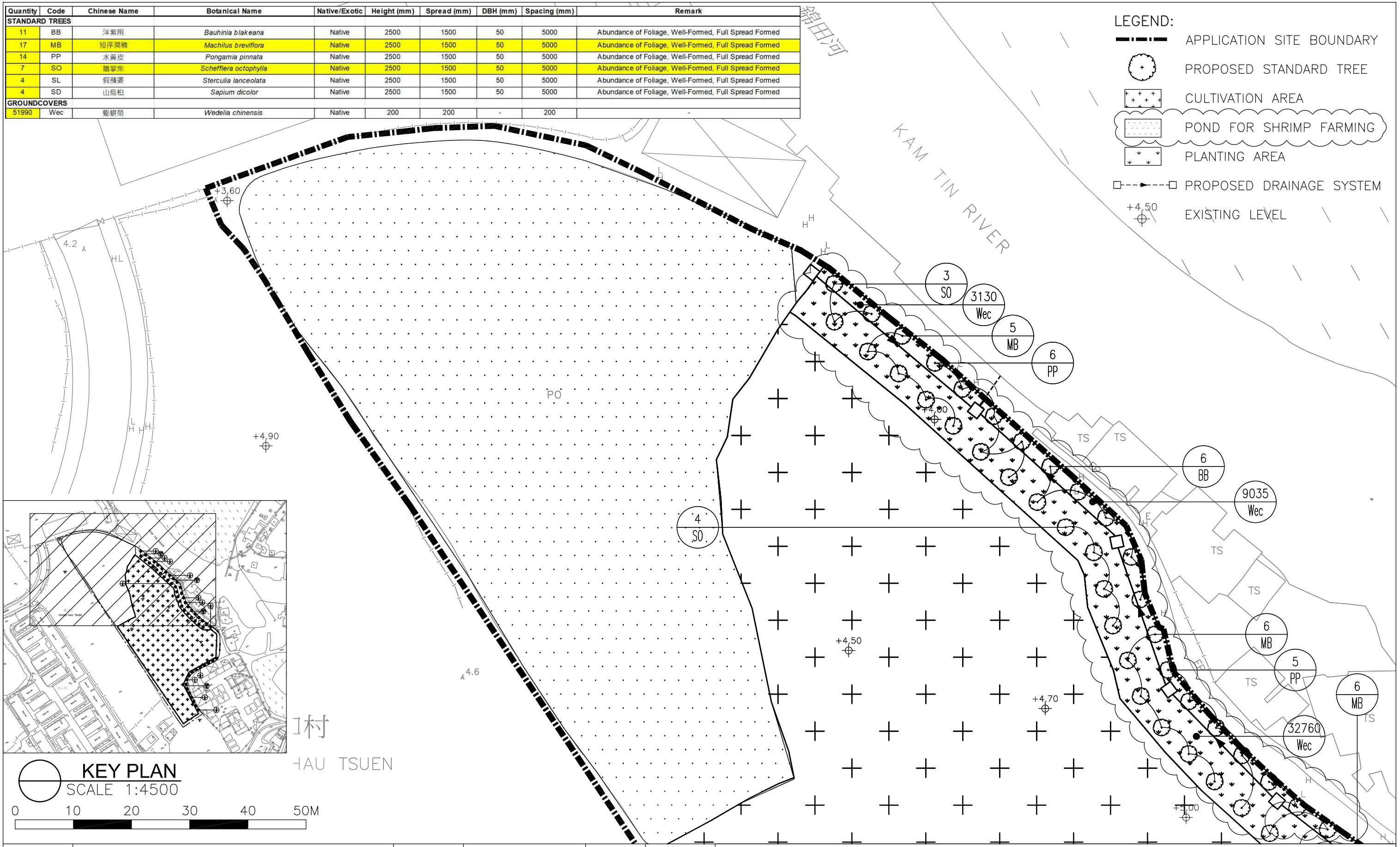
TELEPHONE 2868 0980 FACSIMILE 2868 2203 電話:(八五二) 二八六八 零八零 傳真:(八五二) 二八六八 二二零三

CAD FILENAME : C2515–LD101A

Appendix III

Planting Plans

Quantity	Code	Chinese Name	Botanical Name	Native/Exotic	Height (mm)	Spread (mm)	DBH (mm)	Spacing (mm)	Remark
STANDARD TREES									
11	BB	洋紫荊	*Bauhinia blakeana*	Native	2500	1500	50	5000	Abundance of Foliage, Well-Formed, Full Spread Formed
17	MB	短序潤楠	*Machilus breviflora*	Native	2500	1500	50	5000	Abundance of Foliage, Well-Formed, Full Spread Formed
14	PP	水黃皮	*Pongamia pinnata*	Native	2500	1500	50	5000	Abundance of Foliage, Well-Formed, Full Spread Formed
7	SO	鵝掌柴	*Schefflera octophylla*	Native	2500	1500	50	5000	Abundance of Foliage, Well-Formed, Full Spread Formed
4	SL	假蘋婆	*Sterculia lanceolata*	Native	2500	1500	50	5000	Abundance of Foliage, Well-Formed, Full Spread Formed
4	SD	山烏桕	*Sapium dicolor*	Native	2500	1500	50	5000	Abundance of Foliage, Well-Formed, Full Spread Formed
GROUNDCOVERS									
51990	Wec	蟛蜞菊	*Wedelia chinensis*	Native	200	200	-	200	-



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A	GENERAL AMENDMENT	CADD	17/03/2026	ANK	TEL

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PROJECT 工程項目
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

DRAWING TITLE 圖紙名稱
PLANTING PLAN
(SHEET 1 OF 2)

SCALE 比例: 1:600
DATE 日期: JUN 2025
REVISION 校訂: A
DRAWING NUMBER 圖號: PT01

DESIGNED 設計: TEL
DRAWN 繪圖: CAD
CHECKED 審核: TEL
APPROVED 審批: TEL

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LANDSCAPE PLANNING, DESIGN AND CONSTRUCTION 景觀規劃及設計,景觀建築
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TELEPHONE 2868 0980 FACSIMILE 2868 2203 電話:(八五二) 二八六八 零九八零 傳真:(八五二) 二八六八 二二零三

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REVISION 校訂	DESCRIPTION 內容摘要	DRAWN 繪圖	DATE 日期	CHECKED 審核	ANK	TEL	APPROVED 審批
A	GENERAL AMENDMENT	CADD	17/03/2026				

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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

DRAWING TITLE 圖紙名稱
PLANTING PLAN (SHEET 2 OF 2)

DRAWING NUMBER 圖號
PT02

REVISION 校訂
A

SCALE 比例
1:600

DATE 日期
JUN 2025

DESIGNED 設計
DRAWN 繪圖
CAD
CHECKED 審核
APPROVED 審批
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TELEPHONE 2866 0990 FACSIMILE 2866 2203

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CAD FILENAME : C2515-PT02A

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KEY PLAN
SCALE 1:4500
0 10 20 30 40 50M

LEGEND:
- APPLICATION SITE BOUNDARY
- PROPOSED STANDARD TREE
- CULTIVATION AREA
- POND FOR SHRIMP FARMING
- PLANTING AREA
- PROPOSED DRAINAGE SYSTEM
- +4.50 EXISTING LEVEL

山貝河畔
Track
污糞站
TS
H SHR
H ET
+6.00
+7.20
+5.30
+5.00
+4.50
4.5 A
4.8
4.6
4.7
4.5
4.6
4.5
4.4
402
7065 Wec
3 PP
4 SD
4 SL
5 BB

Appendix IV

Maintenance Schedule

Of

Soft Landscape Works

OPERATIONS	SPRING			SUMMER			AUTUMN			WINTER			REMARKS
	March	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	
DISEASE CONTROL INSPECTION	O	O	O	O	O	O	O	O	O	O	O	O	Treatment immediately after detection
FERTILIZATION Applications	O						O						
GENERAL PLANT INSPECTION	O	O	O	O	O	O	O	O	O	O	O	O	Treatment immediately after detection
IRRIGATION Watering operation	D	D	D	D	D	D	D	D	D	D	D	D	Early morning / late afternoon, as appropriate
PROTECTION Inspection of fence, tree grates, guards, stakes & ties	O			O			O			O			Inspection also after heavy storms and adverse weather. Treatments immediately after detection
FIRMING UP of plants & supports	O			O			O			O			Inspection also after heavy storms and adverse weather. Firm-up operations immediately after detection
WEEDING Weeding operation & litter collection	O	O	O	O	O	O	O	O	O	O	O	O	Additional litter inspection & collection after heavy use
THINNING INSPECTION	O						O						Thinning operations in appropriate pruning season
MULCH Topping up	O						O						And following run off caused by rain / wind storm
PRUNING	O						O						As appropriate
FORKING OVER	O						O						As appropriate
TREE RISK ASSESSMENT	O												As appropriate

KEY:
D = once daily W = once weekly 2W = twice weekly
Bi-W = Bi-weekly O = once R = repeat if necessary

Desktop Review on Nearby Ecological Baseline Condition

1. Introduction

1.1.1 The Application Site is located at the far fringe of Nam Sang Wai, connecting to Shan Pui Road via a local track road. 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".

1.1.2 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 pond for shrimp farming. Development within the WBA causing negative impacts on the ecological value of the WCA should be avoided unless appropriate mitigation measures are implemented.

1.1.3 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, EcoIA shall be exempted for 'Agricultural Use (except in SSSI Zone)' for this s.16 planning application.

1.1.4 A desktop review on the nearby ecological baseline condition has been prepared and conducted to evaluate the potential ecological impact associated with the Proposed Development within the Application Site.

2 The Site

2.1.1 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.

2.1.2 The area surrounding Nam Sang Wai largely consists a number of fishponds that are managed for fish farming and many are being abandoned. Part of Nam Sang Wai is occupied by active fishponds is also subject to disturbance from fish farming activities and from the residents of farming and domestic structures. Wetland habitats, including but not limited to reedbeds, wet grasslands, active and abandoned fishponds, have been observed in Nam Sang Wai.

2.1.3 In addition to the active and more recently abandoned fishponds, there is a number of fishponds which were abandoned many years ago and which have undergone ecological succession due to siltation and colonisation of vegetation.

1.1.1 Nam Sang Wai lies at the intertidal confluence of the Kam Tin Main Drainage Channel (KTMDC) to the east and the Shan Pui River Channel (SPRC) to the west. Both rivers have been channelised with construction completed in 1997.

3 Relevant Legislation, Standards and Guidelines

3.1.1 Relevant legislation, standards, guidelines and related documents that are relevant to this literature review as follows: -

- Forests and Countryside Ordinance (Cap. 96) and its subsidiary legislation, the Forestry Regulations (Cap. 96A);
- Wild Animals Protection Ordinance (WAPO) (Cap. 170);
- Country Parks Ordinance (Cap. 208) and its subsidiary legislation;
- Environmental Impact Assessment Ordinance (EIAO) (Cap. 499) and the Technical Memorandum on Environmental Impact Assessment Process (EIAO-TM);
- Protection of Endangered Species of Animals and Plants Ordinance (Cap. 586) and its subsidiary legislation;
- Hong Kong Planning Standards and Guidelines Chapter 10, "Conservation";
- Planning, Environment &. Lands Branch Technical Circular No. 1/97 / Works Branch Technical Circular No. 4/97, "Guidelines for Implementing the Policy on Off-site Ecological Mitigation Measures";
- EIAO Guidance Note (GN) No. 3/2010 – Flexibility and Enforceability of Mitigation Measures Proposed in an EIA Report;
- EIAO GN No. 6/2010 - Some Observations on Ecological Assessment from the Environmental Impact Assessment Ordinance Perspective;
- EIAO GN No. 7/2023 – Ecological Baseline Survey for Ecological Assessment; and
- EIAO GN No. 10/2023 – Methodologies for Terrestrial and Freshwater Ecological Baseline Surveys.

3.1.2 The following Mainland legislation have also been made reference to this literature review: -

- List of Wild Animals under State Priority Conservation, promulgated by the National Forestry and Grassland Administration and the

Ministry of Agricultural and Rural Affairs; and

- List of Wild Plants under the State Priority Protection, promulgated by the National Forestry and Grassland Administration and the Ministry of Agriculture and Rural Affairs.

3.1.3 Other international conventions and guidelines that are relevant to this literature review include the followings: -

- Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES);
- International Union for Conservation of Nature (IUCN) Red List of Threatened Species; and
- United Nations Convention on Biological Diversity.

4 Literature Review

4.1.1 The following previous studies and information sources were reviewed for this literature review: -

- Proposed Temporary Transitional Housing and Ancillary Uses for a Period of 3 Years with Filling of Land and Excavation of Land (Approved planning application No. A/YL-NSW-281);
- Proposed Residential Development and Minor Relaxation of Plot Ratio and Building Height Restrictions with Filling of Land and Excavation of Land (Approved planning application No. A/YL-NSW-282);
- Proposed Comprehensive Development with Wetland Enhancement (CDWE) at Nam Sang Wai and Lut Chau (EIA No. AEIAR-266/2025) approved with condition on 5 June 2025;
- Yuen Long Barrage Scheme (EIA No. AEIAR-228/2021) approved without conditions on 24 May 2021;
- Improvement of Yuen Long Town Nullah (Town Centre Section) (EIA No. AEIAR-223/2020) approved with condition on 31 July 2020;
- Yuen Long Effluent Polishing Plant (EIA No. AEIAR-220/2019);
- Annual Reports and other publications of The Hong Kong Bird Watching Society (HKBWS);
- Porcupine! – Newsletter of Division of Ecology & Biodiversity of University of Hong Kong;
- The Terrestrial Biodiversity Survey conducted by the University of Hong Kong;
- Hong Kong Biodiversity – Newsletter of the Agriculture, Fisheries and

Conservation Department (AFCD); and

- Other publications by the AFCD; and
- Other publications by the Environmental Protection Department (EPD).

4.1.2 Referring to the Hong Kong Environmental Database (HKED) published by the EPD, in which refers to the habitats identified from the approved EIAs, it is noted the Application Site was identified as pond and plantation habitats under Yuen Long Barrage Scheme (EIA No. AEIAR-228/2021), as summarized in **Diagram 1** below.



Diagram 1 Existing Ecological Condition of the Subject Site
(Source: Environmental Protection Department, HKSAR Government)

4.1.3 Locations of the above approved planning applications are illustrated in **Diagram 2** below.

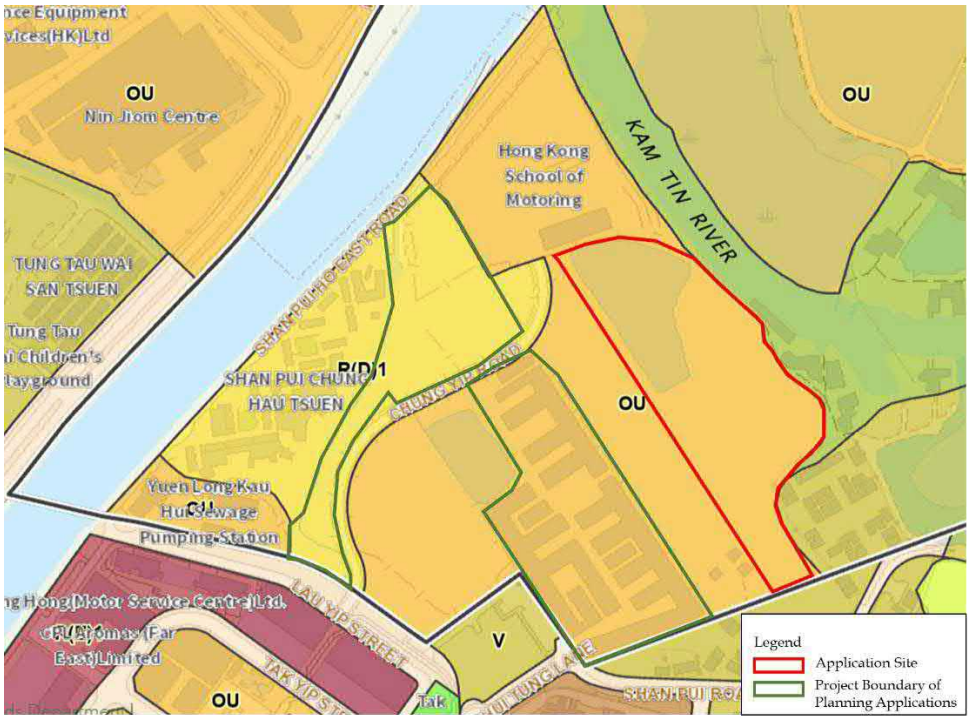


Diagram 2 Previous Approved Planning Applications with submitted and approved Ecological Impact Assessments near the Subject Site
(Source: Town Planning Board, HKSAR Government)

4.1.4 Locations of the above approved EIAs are illustrated in **Diagram 3** below.



Diagram 3 Previous Approved Environmental Impact Assessments near the Subject Site

(Source: Environmental Protection Department, HKSAR Government)

5 Methodology

5.1.1 The Assessment Area includes all areas within 500 metres from the Project Boundary, shown in **Diagram 4**.

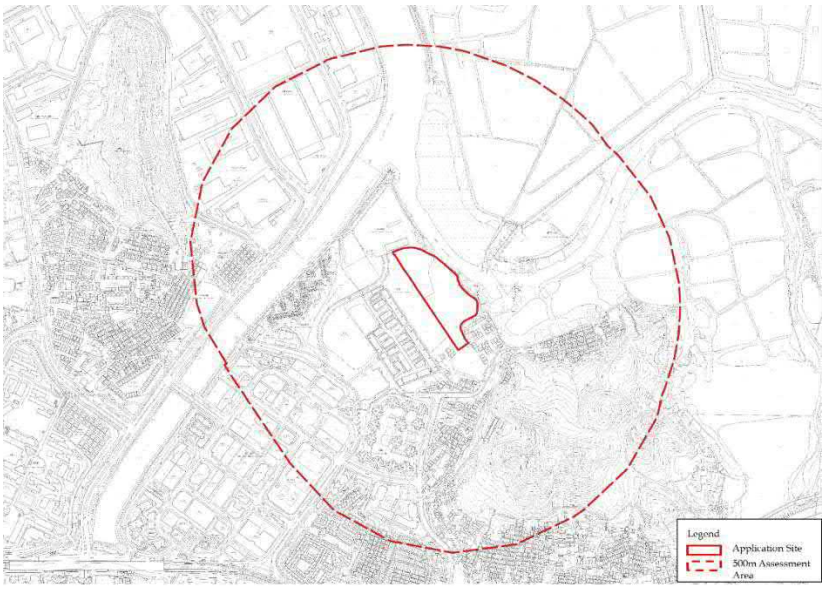


Diagram 4 Assessment Area of the Subject Site

5.1.2 The Application Site is located within the WBA surrounded by the Hong Kong School of Motoring, the KTMDC and residential areas. The planning 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 existing ponds, while the planning intention of the WCA is to conserve the ecological value of the fish ponds which form an integral part of the wetland ecosystem in the Deep Bay Area. It comprises the existing and contiguous, active or abandoned fish ponds in the Deep Bay Area, which should all be conserved. New development within the WCA would not be allowed unless it is required to support the conservation of the ecological value of the area or the development is an essential infrastructural project with overriding public interest.

6 Desktop Review

6.1.1 A desktop review on the nearby ecological baseline condition was carried out to evaluate the potential ecological impact associated with the Proposed Development within the Application Site.

6.1.2 Findings of relevant studies or surveys in the vicinity of the Application Site were reviewed and summarized in **Table 1** below.

Relevant Literature	Habitat and Vegetation	Avifauna	Mammal	Herpetofauna	Butterfly and Odonate	Firefly	Fisheries
Proposed Temporary Transitional Housing and Ancillary Uses for a Period of 3 Years with Filling of Land and Excavation of Land (Approved planning application No. A/YL-NSW-281)	✓	✓			✓	✓	
Proposed Residential Development and Minor Relaxation of Plot Ratio and Building Height Restrictions with Filling of Land and Excavation of Land (Approved planning application No. A/YL-NSW-282)	✓	✓	✓	✓	✓		
Proposed Comprehensive Development with Wetland Enhancement (CDWE) at Nam Sang Wai and Lut Chau (EIA No. AEIAR-266/2025)	✓	✓	✓	✓	✓	✓	✓
Yuen Long Barrage Scheme (EIA No. AEIAR-228/2021)	✓	✓	✓	✓	✓		✓
Improvement of Yuen Long Town Nullah (Town Centre Section) (EIA No. AEIAR-223/2020)	✓	✓	✓	✓	✓	✓	✓
Monthly Waterbird Monitoring Winter Report 2022-2023. Mai Po Inner Deep Bay Ramsar Site Waterbird Monitoring Programme, Monthly Waterbird Monitoring		✓					
Monthly Waterbird Monitoring Summer Report 2022. Mai Po Inner Deep Bay Ramsar Site Waterbird Monitoring Programme, Monthly Waterbird Monitoring		✓					
The List of Wild Plants and Wild Animals Under Special State Protection under the Law of the People's Republic of China on the Protection of Wildlife		✓	✓				

Table 1 Relevant studies or surveys on Desktop Review

(Source: Environmental Protection Department and Town Planning Board, HKSAR Government)

Habitat and Vegetation

6.1.3 The above relevant studies or surveys recorded that Nam Sang Wai mostly comprised active and abandoned fishponds (some of which had been colonised by reedbed or grassland), while other habitats included mangrove, watercourses, terrestrial grassland, plantation, temporary structures (houses and other buildings) and other developed areas (roads).

6.1.4 Surveys of the approved planning application No. A/YL-NSW/282 recorded that most of the forementioned Assessment Area were covered by *developed area/wasteland*, other habitats including but not limited to *plantation*, *channelized watercourse* and *reedbed* were also recorded. Most of the plantation were planted for screening and greening purpose that dominated by landscaping and horticultural. It is understood that all the recorded species were commonly found in the urban area in Hong Kong.

6.1.5 Referring to the latest approved EIA report under EIA No. AEIAR-266/2025, active fishponds at Nam Sang Wai were maintained with mostly *open water* and little emergent vegetation, whilst *abandoned fishponds* had been progressively colonised by vegetation to varying extents, so that some retained open water while others were overgrown with grasses. *Grassland* was dominated by common grass species, survey findings also observed that most habitat types at Nam Sang Wai were *wetland* (which mostly dominated by reedbed), only a small area of secondary *woodland* was present to the south of Shan Pui Tsuen and Shan Pui Hung Tin Tsuen, this area was also heavily influenced by human activities.

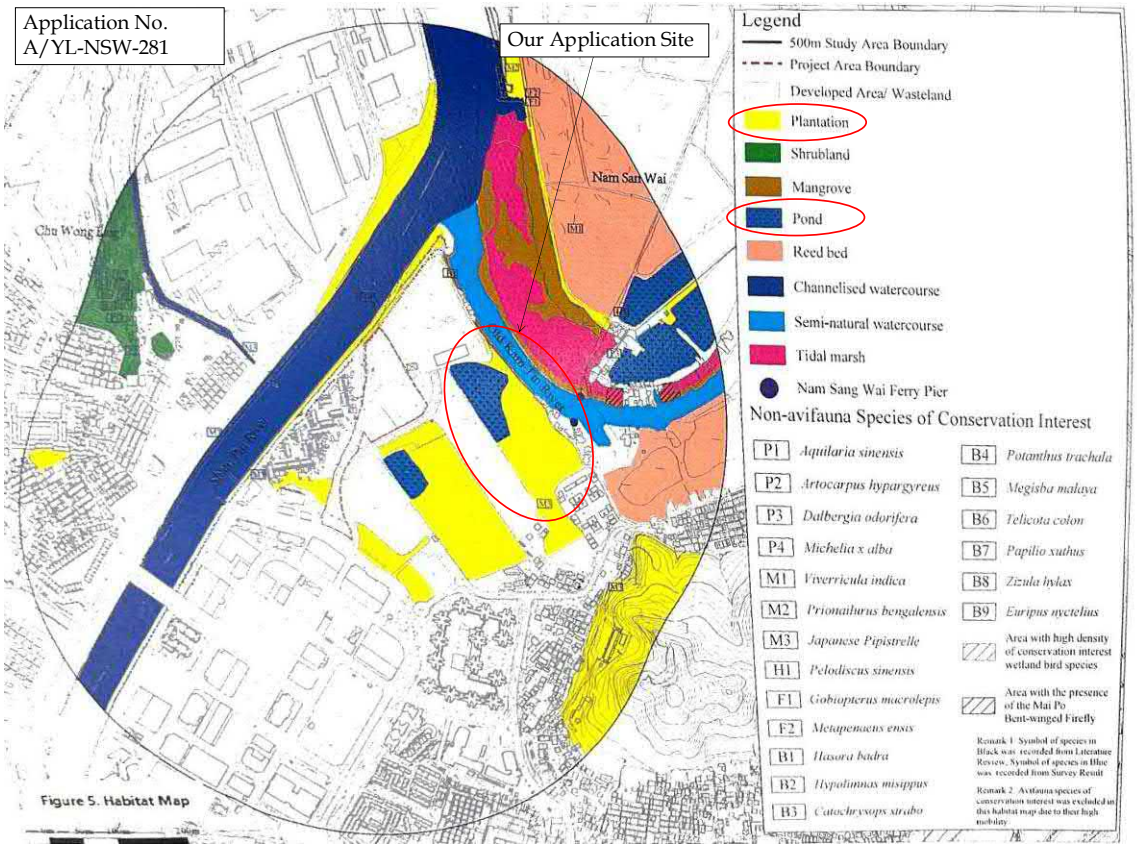
6.1.6 Both approved planning application No. A/YL-NSW-282 and EIA No. AEIAR-266/2025 noted that most of the ponds within Nam Sang Wai were abandoned for a period of years, none flora species of conservation interest were recorded.

6.1.7 Other habitats including *grassland* was recorded in the survey of the approved planning application No. A/YL-NSW-281, the exotic *Brachiaria mutuca* was recorded, in which is a common lowland weed that readily colonizes wet areas in *wasteland*. *Mangroves* belt was also recorded along a section of Nam Sang Wai Road immediately adjacent to the grassland across the KTMDC. The *Mangroves* habitat was dominated by mangrove species as well as mangrove associate species that were commonly found in Hong Kong.

6.1.8 The Application Site is currently fenced off, largely paved with vegetations covering a major portion of the site and an abandoned pond is situated in the northwest. Specifically, all studies and surveys also illustrated that the Application Site were covered by *plantation* and *abundant pond*, directly reflecting the current condition of our Application Site.

6.1.9 Of which, referring to habitat maps under the approved planning application No. A/YL-NSW-281, A/YL-NSW-282, EIA No. AEIAR-266/2025, EIA No. AEIAR-228/2021, and EIA No. AEIAR-223/2020, our Application Site was covered by plantation and pond, with tidal watercourse and/or semi-natural

watercourse, tidal marsh, mangrove, reedbed were observed to the north and east of the Application Site. Based on the HKED published by the EPD in **Diagram 1**, our Application Site was also covered by plantation and pond. Maps of surveyed habitat and plantation extracted from the relevant studies or surveys are provided in **Diagram 5.**



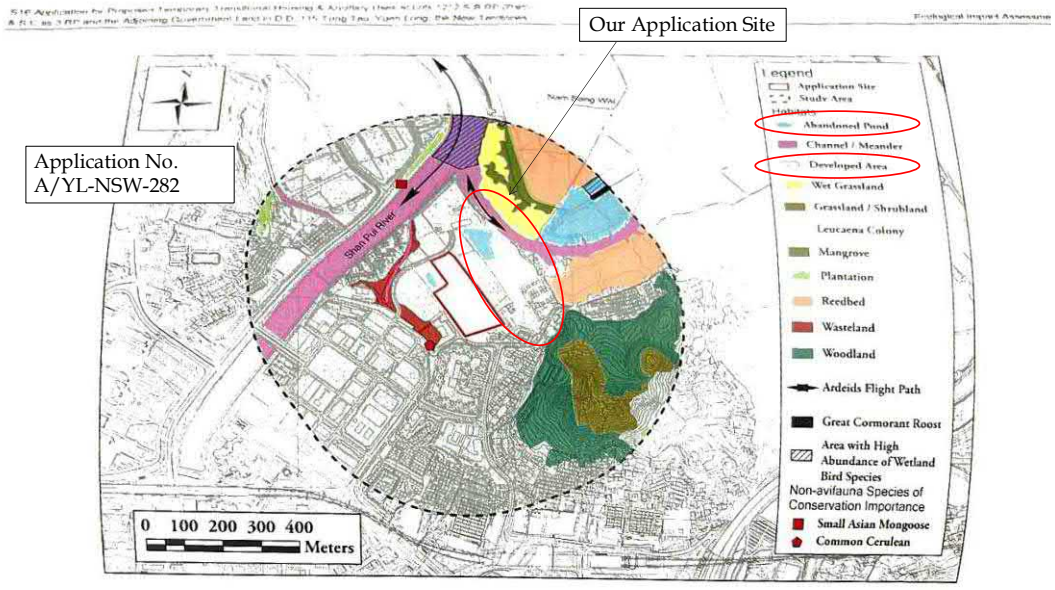
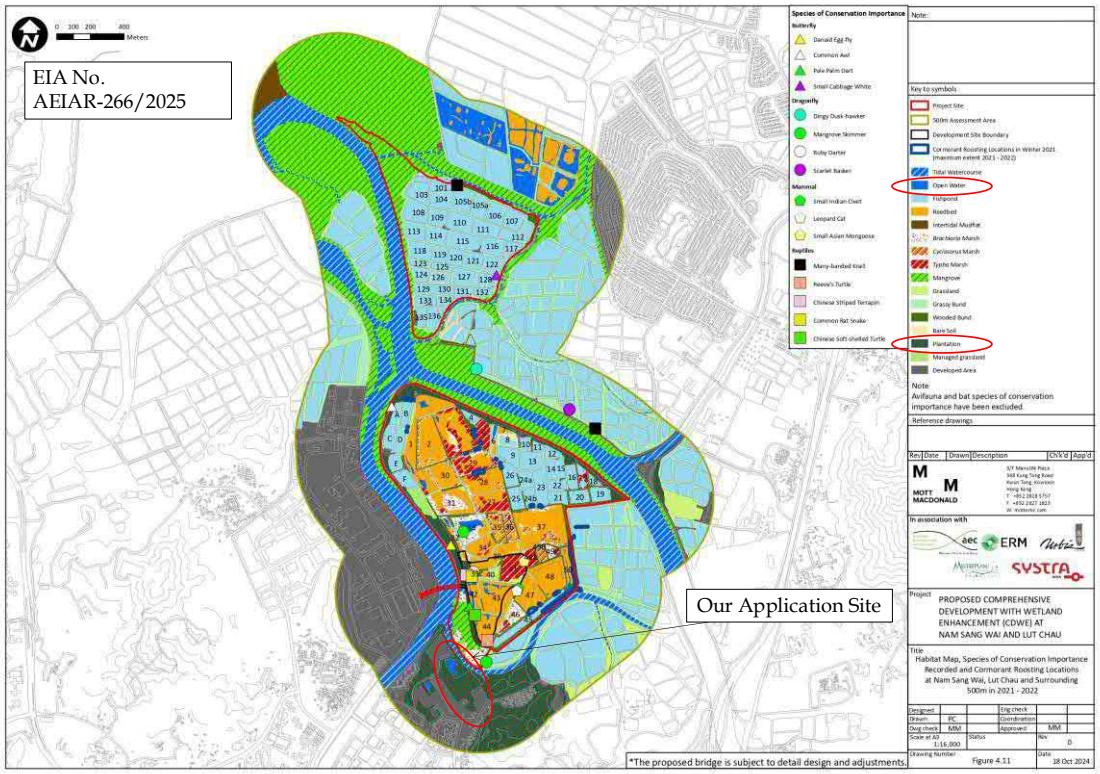
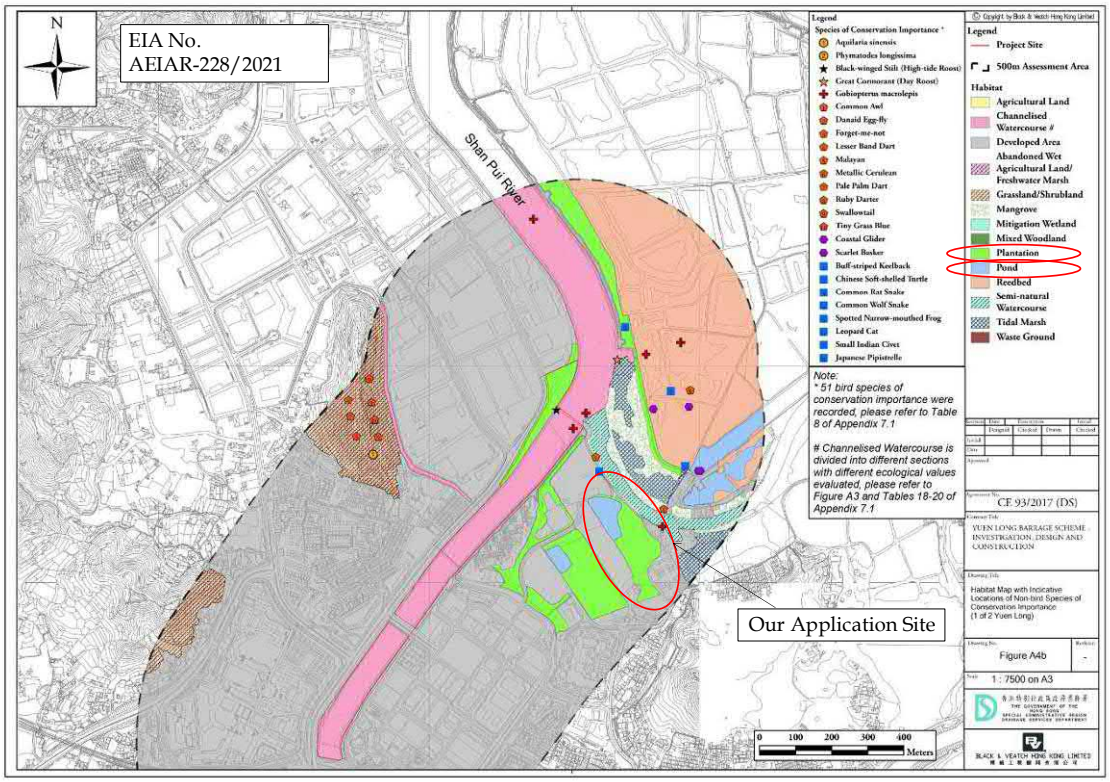


Figure 4 Major Flight Paths and Locations of High Abundance of Wetland birds and Non-avifauna Fauna Species of Conservation Importance within Study A




N
EIA No.
AEIAR-228/2021
Shan Pui River
Our Application Site
Legend
Species of Conservation Importance *
Aquilaria sinensis
Phymatodes longissima
Black-winged Stilt (High-tide Roost)
Great Cormorant (Day Roost)
Gobiopterus macrolepis
Common Awl
Danaid Egg-fly
Forget-me-not
Lesser Band Dart
Malayan
Metallic Cerulean
Pale Palm Dart
Ruby Darter
Swallowtail
Tiny Grass Blue
Coastal Glider
Scarlet Basker
Buff-striped Keelback
Chinese Soft-shelled Turtle
Common Rat Snake
Common Wolf Snake
Spotted Narrow-mouthed Frog
Leopard Cat
Small Indian Civet
Japanese Pipistrelle
Note:
* 51 bird species of conservation importance were recorded, please refer to Table 8 of Appendix 7.1
# Channelised Watercourse is divided into different sections with different ecological values evaluated, please refer to Figure A3 and Tables 18-20 of Appendix 7.1
Legend
Project Site
500m Assessment Area
Habitat
Agricultural Land
Channelised Watercourse #
Developed Area
Abandoned Wet Agricultural Land/ Freshwater Marsh
Grassland/Shrubland
Mangrove
Mitigation Wetland
Mixed Woodland
Plantation
Pond
Reedbed
Semi-natural Watercourse
Tidal Marsh
Waste Ground
CE 93/2017 (DS)
YUEN LONG BARRAGE SCHEME - INVESTIGATION, DESIGN AND CONSTRUCTION
Habitat Map with Indicative Locations of Non-bird Species of Conservation Importance (1 of 2 Yuen Long)
Figure A4b
1 : 7500 on A3
0 100 200 300 400 Meters

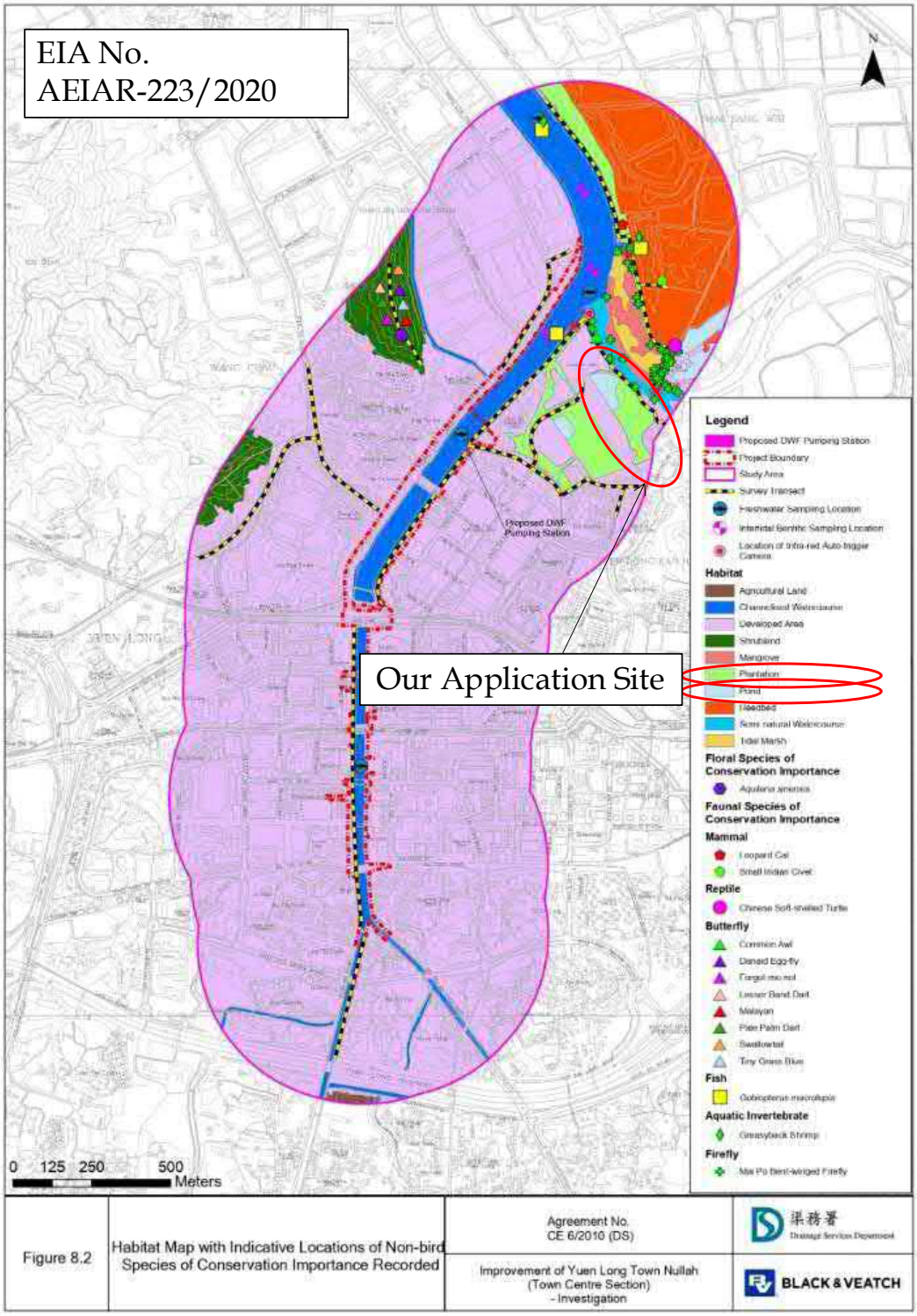


Diagram 5 Surveyed Habitat and Plantation Extracted from Relevant Studies or Surveys for Literature Review

(Source: Environmental Protection Department and Town Planning Board, HKSAR Government)

Avifauna

6.1.10 Referring to the above relevant studies or surveys recorded, all survey findings were similar. Based on the latest EIA No. AEIAR-266/2025, waterbirds and wetland birds were recorded foraging or roosting as Nam Sang Wai is dominated by fishponds.

6.1.11 Some waterbird species recorded, including but not limited to Little Grebe, Yellow Bittern, Common Moorhen and White-breasted Waterhen, are known to breed in fishponds and reedbeds in Hong Kong. The only confirmed breeding behaviour took place in the Shan Pui River Egretry. The total number of nests at the Egretry has decreased significantly since the first recorded in the 2019 breeding season, the cause of the decline is unknown but similar declines were noted at other Egretries in the Deep Bay Area in 2022 (Anon 2022). This might be related to the absence of obstacle along the KTMDC and SPRC, and the presence of foraging habitats (i.e. mudflat) in these rivers (approved planning application No. A/YL-NSW-281).

6.1.12 Noted from the Monthly Waterbird Monitoring Summer Report 2022 and Winter Report 2022-2023 by the HKBWS, the recorded waterbird groups were less than the survey conducted in the year 2021 summer and winter.

6.1.13 No significant waterbird flight path was recorded in the Assessment Area.

Mammal

6.1.14 To summarize the above relevant studies or surveys, a small amount of mammal species was recorded. Of which, Leopard Cat (*Prionailurus bengalensis*), Small Indian Civet (*Viverricula indica*), Small Asian Mongoose (*Herpestes javanicus*) and Japanese Pipistrelle (*Pipistrellus abramus*) were considered of conservation importance.

6.1.15 Currently, no species with conservation importance was recorded within the Assessment Area throughout the ecological surveys from the above relevant studies or surveys listed in **Table 1**. Based on the EIA No. AEIAR-266/2025, Japanese Pipistrelles were recorded along Yau Pok Road and Nam Sang Wai Road.

6.1.16 Special attention was paid to the Eurasian Otter in Nam Sang Wai. Although no recorded under the above ecological surveys from the above relevant studies or surveys listed in **Table 1**, McMillan *et al.* (2019) mapped Eurasian Otter in the southern side of Nam Sang Wai, with AFCD has also recorded Eurasian Otter between 2012 to 2017 at the northern tip of Nam Sang Wai (AFCD biodiversity survey data (unpublished)). Of which, the most recent published record in Nam Sang Wai under year 2011.

Herpetofauna

6.1.17 Based on the above relevant studies or surveys, small amount of amphibian species and reptile species were recorded respectively. All species were common throughout Hong Kong, and none were considered of conservation

importance.

Butterfly and Odonate

6.1.18 According to the above relevant studies or surveys, the butterflies recorded in Nam Sang Wai were largely common and widespread species that feed on common flora during larval and adult stages (DSD, 2002, DSD, 2004, and MLI Ltd, 2008). The recorded butterflies among the above relevant studies or surveys include species of conservation importance namely *Common Awl*, *Pale Palm Dart, Danaid Egg-fly*, *Grass Demon (Udaspes folus)*, *Spotless Grass Yellow (Eurema laeta)* and *Small Cabbage White (Pieris rapae)*, all of which are considered of Local Concern (LC), with the Hong Kong status of rare to very rare (Fellowes *et al.* 2002).

6.1.19 No dragonflies were recorded at the Assessment Area and the vicinity of Nam Sang Wai.

Firefly

6.1.20 Survey on the Mai Po Bent-winged Firefly (MPBWF) has been recorded under the EIA No. AEIAR-266/2025. Only small numbers of the MPBWF were observed in the mangroves along KTMDC. Besides, referring to the EIA Nos. AEIAR-223/2020 and AEIAR-228/2021, small numbers were present in the *mangrove* habitat in Shan Pui River.

Fisheries

6.1.21 Noted that pond fish culture has long been practised in the New Territories. Mostly, only primarily freshwater and brackish water species were included for pond fishing, while certain high-value marine species have also been cultured in diluted seawater by fish farms in recent years.

6.1.22 Referring to the above relevant studies or surveys, the recorded fish ponds at Nam Sang Wai which were actively managed for fish production, while the surrounding environment in Nam Sang Wai were generally in poor context due to human disturbances. These include the storage of materials unrelated to fisheries (i.e. abandoned vehicles, containers, construction materials, general waste), dumping of toxic materials and construction waste, burning of waste, suction dredging of fishponds into adjacent creeks connected to Deep Bay Area, and the destruction of mangroves to expand fishponds (EIA No. AEIAR-266/2025).

6.1.23 No capture fisheries nor other forms of aquaculture, including marine fish culture and oyster culture, were identified within or near the Assessment Area.

7 Identification and Evaluation of Potential Impacts

7.1.1 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.



Diagram 6 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 Lands Department, HKSAR Government)

7.1.2 The Proposed Development will be operated by 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 abandoned pond in the northwest portion, pond for shrimp farming would also be considered.

Sustainable Pond Management

7.1.3 Taking the opportunity of this brackish water nature for the existing pond, this Application intends to investigate the possibility to convert the existing abandoned pond into an intertidal shrimp pond. Repair works will be carried out to repair the broken and non-functional gate into an operational sluice gate, which will be used to manage water levers by exploiting tidal movements, as well as to restore the bund to stabilize its edge and boundary. The existing bunds and water channels inside the Application Site will be maintained and restored.

7.1.4 To adopt sustainable pond management, during normal operation, the shrimp larvae will be stocked into the pond naturally. No chemical, feeds or additives should be adopted, the shrimp should rely on natural organic detritus with the tidal flow to raise sustainably. The proposed shrimp species include greasyback shrimp (*Metapenaeus ensis*), in which is common in Hong Kong, associated with brackish water nature of the subject pond.

7.1.5 Hence, no regular artificial feeding will be required as its growing method relies on the natural organic detritus with tidal flow. Passive harvest will be adopted by sluice netting during high tide periods. As the Proposed Development will be operated daily tentatively around 7a.m. to 5p.m. daytime, the future users will highly align with low tide forecasts provided by the Hong Kong Observatory (HKO)[1].

Sustainable Crop Farming

7.1.6 Adjacent to the existing pond, the agricultural area will further utilize fertile, well-drained soils enriched by proximity to the wetland ecosystem. Organic farming method shall also be adopted, by using pond water for irrigation to recycle nutrients and minimize waste. The proposed growing vegetables and crops include radish (*Raphanus sativus*), chives (*Allium schoenoprasum*), beets (*Beta vulgaris*), spinach oleracea, chenopodium quinoa, etc. will be considered due to their salt tolerance.

7.1.7 Organic farming method shall be adopted with integrated pest management (IPM) techniques, such as introducing beneficial insects (i.e. ladybugs for aphid control), using neem oil and/or marine extracts from natural deterrence for organic farmer use, and deploying physical barriers to control the potential flea beetle problems as also recommended by the AFCD.

7.1.8 As the future cultivators and pond farmers will occasionally work and support different sites nearby for harvesting and when managing pond bunds, no any temporary structures for storage of farm equipment and/or aquaculture supplies shall be allowed during operation phase.

7.1.9 Refer to **Section 6** above, it noted that findings of all studies and surveys have summarized our Application Site were *plantation* and *pond* habitats. There Proposed Development involves proposed cultivation incorporated with plantation provision (i.e. as 38 nos. of standard trees and groundcover) listed in the Tree Preservation and Landscaping Proposal in **Annex 5**.

7.1.10 As part of the Proposed Development will be regularized the ponds that have been filled for more than two decades, thus pond culture will be proposed in the existing abandoned pond. Habitat loss to species is unlikely happened, with no net loss of open water and fishpond. The Application Site was not the habitat for wetland bird and/or waterbird species. There will be no loss of pond area due to the proposed pond culture and no significant increase in human disturbance to habitats is anticipated comparing with the current status of the abundant pond.

[1] It is noted that the traditional practice shall be harvested during night and/or early morning as the shrimps are more active. To minimise possible impact to the surroundings at night time, the future operator will be limited to harvest during daytime tentatively around 7a.m. to 5p.m. only.

7.1.11 Further to the latest information, clearance and construction works including earthwork for repairment of a functional sluice gate and restoration of bund, and felling of existing trees would be involved. Repairing works, including geotextile and installation of piles, will be carried out by hand, so as to keep the interventions to the surroundings minimal. No pollution of air or water shall arise from a large number of different sources and could occur during construction, operation or both.

7.1.12 Fragmentation impacts arise where development or other human activities impede or sever ecological linkages between or within habitats and areas. Construction of a development between habitats which show ecological linkage may result in the loss of these links and thus a decrease in the suitability of the habitat for particular species and a reduction in the overall value of the habitat. Mitigation measures as discussed in **Section 8** will be proposed to reduce the potential impacts, the overall impact shall be minor.

8 Identification of Ecological Impacts

8.1.1 The implementation of the permitted agricultural use will include earthwork and felling of existing trees in the initial stage. Construction works generally involve site clearance, substructure and/or superstructure, concreting of drains, and landscaping work.

Construction Phase – Direct Impacts

8.1.2 *Habitat Loss* – As the Site is currently overgrown, the felling of trees shall involve the complete removal of trees indicated, the direct impact due to the loss of plantation area is considered as sensitive with permanent loss of area of *plantation*. However, as identified in previous EIA reports, the ecological value of the *plantation* habitat is considered low with most tress are exotic species, and the ecological linkage of the *plantation* habitat are poor.

8.1.3 Potential impacts on Eurasian Otter and other mammal species of conservation importance include direct habitat loss and disturbance. Due to the lack of recent records on Eurasian Otter within the Site, low impact severity during construction phase is predicted. Compensatory planting will be proposed under the Tree Preservation and Landscaping Proposal in **Annex 5**.

8.1.4 No additional pond filling is proposed apart from the existing filled area. it is noteworthy that there is no reduction of the identified *pond* habitat within the Application Site. The Application Site is not served by any drainage system to direct surface runoff, and existing water gate has been broken. The proposed drainage system has been designed to be sufficient in handling the surface runoff within the Application Site. Repair works of the existing functional sluice gate and the restoration of bunds are also proposed at the channel opening to the northeast connecting to the old meander of Kam Tin River. There will be temporary impact to the pond habitat with these human

activities. The direct impact due to the loss of existing pond area is considered minor.

Construction Phase – Indirect Impacts

8.1.5 *Water Quality* – During the construction phase, watercourses, aquatic and the intertidal habitats (i.e. tidal marsh and mangrove) nearby would be potentially impacted by construction works and further surface runoff, especially during rainstorm. Repairing works, including geotextile and installation of piles, will be carried out by hand, so as to keep the interventions to the surroundings minimal. To minimize the potential ecological impacts, the programme of site clearance is expected to be completed around 2026Q1, and hence earthworks will be taken place during dry season to ensure the pond will be drained and dried naturally.

8.1.6 Elevated suspended solid levels caused by site runoff could increase the suspended solids load in the water bodies, and could further lower dissolved oxygen levels. It may temporarily reduce aquatic life cycle, or may change in its distribution. If without control, the potential impact due to runoff to these habitats is considered **moderate**.

8.1.7 Regarding the proposed drainage system, the *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)* would be adopted where applicable to minimise the potential water quality impacts from the construction works.

8.1.8 For the repair works of the sluice gate and restoration of bund, the proposed work is not considered to affect stability of pond bunds or resulting in seepage of bunds in adjacent ponds. Hence, the Proposed Development is not considered to result in hydrological disruptions outside the Application Site.

8.1.9 Similar approaches have been adopted to minimize construction works inside the watercourse and thus reduce direct water quality impact to Shan Pui River and Kam Tin River. 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 to proper handle and dispose any construction site discharges. The potential of these impacts will be greatly reduced to acceptable level. Hence, the potential ecological impacts to downstream to the works area including the confluence of Shan Pui River and Kam Tin River from the excavation works are considered **minor**.

8.1.10 *Construction noise disturbance* – Potential response of waterbirds to noise disturbance varies from minor response like its head turning scanning to behavioural changes like taking flight, reducing feeding/roosting time or increasing agonistic behaviour, depending on the sensitivity of the waterbirds and the level of disturbance (Platteeuw & Henkens, 1997). Noted that

sensitivity of each waterbird to the level of noise disturbance varies among different species, residents nearby may generally tolerant of disturbance than the birds (Klein *et al*. 1995). Referring to the proposal, the programme of site clearance is expected to be completed around 2026Q1. Given that various waterbirds and wetland birds have been recorded in Nam Sang Wai, impact from construction noise disturbance is considered **moderate** for migratory/ overwintering waterbirds if unmitigated.

8.1.11 Noted that there is no established criteria/threshold for construction noise tolerance of waterbirds in Hong Kong or similar urbanized environment, quieter construction method and or equipment will be prioritised and adopted as far as practicable. All the construction works will be conducted between tentatively 7a.m. to 5p.m. daytime 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. With proper measures, noise impact is expected to be minimal.

8.1.12 *Air quality impact* – Given that dust and human activities will increase during construction phase, it might temporarily reduce the abundance and distribution of mangrove and habitats adjacent to the Site. With the implementation of mitigation measures and good site practices to minimise the potential dust impact during the construction phase, no adverse air quality impact due to the proposed works is anticipated. The impacts of construction dust disturbance on terrestrial and wetland habitats, vegetation and other associated mangrove are therefore considered **minor**.

8.1.13 *Artificial Lighting/Glare* – Artificial lighting/glare could affect light sensitive wildlife. Given that the construction works would be conducted between tentatively 7a.m. to 5p.m. daytime on any day not being a Sunday or general holiday. Working lights might only be turned on during cloudy days with low light intensity. In any cases, there will be no working lights after 5p.m. daytime. Due to the sensitivity of nocturnal animals, the impacts of construction lighting/glare disturbance are considered **insignificant**.

8.1.14 *Impacts on recognized sites* – 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". With the implementation of good site practices, other recognized sites within the Assessment Area include Wetland Conservation Area (WCA) and "Conservation Area" ("CA") zone under the Outline Zoning Plan (OZP) will not be affected directly. Potential impacts are not anticipated.

<u>Operational Phase – Direct Impacts</u>

8.1.15 *Habitat loss* – Without the Proposed Development, the Site will still be abundant and overgrown. The planting proposal as recommended in **Annex**

5 includes 57 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).

8.1.16 With the farming activities on the Application Site, it would convert the *plantation* habitat into *agricultural land* habitat, with ecological value to be low to very low. Any impacts on Eurasian Otter are also predicted to be of very low severity due to the lack of recent records within the Site. It is anticipated that there will be degradation of ecological value from low to very low on the plantation habitat.

8.1.17 Noted that the Proposed Development also involves restoration of abandoned pond for shrimp farming. Such restoration does not change the original context of pond, but to re-activate the pond, repairment of a functional sluice gate on the existing location. Net effect to be integrated with surrounding wetland is anticipated under proper sustainable pond management to rely on natural organic detritus with the tidal flow. Potential impacts are considered **minimal**.

Operational Phase – Indirect Impacts

8.1.18 *Water quality* – The surface runoff generated from the Application Site will be discharged to the proposed U-channel system. The drainage analysis, as demonstrated in the **Drainage Impact Assessment** in **Annex 4**, has demonstrated that the proposed drainage systems have adequate capacity to cater the surface runoff from the Site.

8.1.19 During operation phase, no chemical, feeds or additives should be adopted for shrimp farming, as its growing method relies on the natural organic detritus with tidal flow. Passive harvest will be adopted by sluice netting during high tide periods. No adverse impacts on the aquatic communities or the associated waterbirds and wetland birds are anticipated, whilst the pond for shrimp farming may serve as habitat for piscivorous birds compared to the baseline condition. Therefore, water quality impact is not anticipated.

8.1.20 For crop farming, organic farming method with integrated pest management (IPM) techniques will be adopted, such as introducing beneficial insects (i.e. ladybugs for aphid control), using neem oil and/or marine extracts from natural deterrence for organic farmer use, and deploying physical barriers like netting to control the potential flea beetle problems as also recommended by the AFCD.

8.1.21 Fertilization will rely on on-site composting of crop residues and pond sludge at the pond, to recycle the aerobic composting piles that prevent soil subsidence commonly found in reclaimed wetlands or water bodies. No artificial pesticides and fertilisers will be employed. Proper nutrient management will be adopted by avoiding larger fertiliser dose with small and

split applications, and only with fully matured compost. No organic fertiliser shall be applied before and after heavy rain, and to irrigate in short pulse to avoid excess water washing the organic nutrients away. By applying a smart fertilization plan, it is anticipated to minimise any potential pollution risk.

8.1.22 As the Proposed Development is not considered to affect stability of pond bunds or resulting in seepage of bunds in adjacent ponds. No significant increase is anticipated to the change of hydrodynamics at the old meander of Kam Tin River, thus the potential impacts due to change of hydrodynamics are considered **minor**.

8.1.23 *Air quality and noise* – The Proposed Development will be for rehabilitation of agricultural land and pond culture for intertidal shrimps. No air and noise emission activities will be involved and no powered equipment will be deployed. Therefore, air quality and noise impacts are not expected.

8.1.24 *Light impact* – The Proposed Development will only operate during daytime daily tentatively around 7a.m. to 5p.m.[2]. No artificial lighting and/or glare is allowed. On the other hand, the existing lighting sources (i.e., village houses, low-rise residential development, the Yuen Long INNOPARK, etc.) are already present within and near the Site. As suggested by the nearby approved EIA (EIA No. AEIAR-228/2021), fauna inhabiting in habitats near the Project Site have probably habituated to lightings, and hence sensitive species might not be present in these areas. No significant adverse impact to nocturnal fauna in nearby areas is anticipated. Potential impacts are considered **minor**.

8.1.25 *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), or any relevant ordinances and guidelines. Potential impacts are considered **minor**.

8.1.26 *Impacts on recognized sites* – The Site is located within WBA and is near the WCA and "CA" zone. As the future cultivators and pond farmers will occasionally work and support different sites nearby for harvesting and when managing pond bunds, no any temporary structures for storage of farm equipment and/or aquaculture supplies shall be allowed during operation phase. 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. In addition, the impact to habitats in Nam Sang Wai are considered **minor** as the

[2] It is noted that the traditional practice shall be harvested during night and/or early morning as the shrimps are more active. To minimise possible impact to the surroundings at night time, the future operator will be limited to harvest during daytime tentatively around 7a.m. to 5p.m. only. They are highly advised to align with low tide forecasts provided by the Hong Kong Observatory (HKO).

operational phase disturbance (i.e. noise, human disturbance) will be very limited.

9 Mitigation and Enhancement Measures

9.1.1 Mitigation measures are proposed during both construction and operation phases, 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.

9.1.2 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 not have irreversible adverse ecological impact to the surrounding area and do not undermine the integrity of the wetland ecosystem.

9.1.3 Precautionary measures will be carried out, including but not limited to no substantial piling works, no night time construction works, adjusting outdoor lighting to lower intensity, tree planting along the site boundary, adopting good site practices, etc..

9.1.4 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 tentatively 7a.m. to 5p.m. daytime 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.
- As the Proposed Development is not considered to affect stability of pond bunds or resulting in seepage of bunds in adjacent ponds. Hence, the Proposed Development is not considered to result in hydrological disruptions outside the Application Site.
- 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 tentatively 7a.m. to 5p.m. daytime. Therefore, light pollution is not anticipated.

9.1.5 The following mitigation measures are proposed to avoid and minimise impacts and disturbance to the surrounding habitats during operation phase as follows: -

Air Quality and Noise

- The Proposed Development will be for rehabilitation of agricultural land and pond for shrimp farming. No air and noise emission activities will be involved and no powered machinery will be deployed. 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.
- Naturally feeding for the shrimp will be employed with no artificial feeding nor antibiotics/ pesticides/ herbicides. Desilting and degrading of pond during will be minimised.
- Proper fertilization plan to minimise the deployment of organic fertilization to prevent degradation of water quality.

Light Impact

- The Proposed Development will only operate during daytime daily tentatively around 7a.m. to 5p.m.. No artificial lighting and/or glare is allowed. No light pollution is anticipated.

Waste Management

- Waste collection and wastewater treatment facilities will be provided with reference to *Good Agricultural Practices for Crop Production* and *Good Aquaculture Practices – Environmental Management of Pond Fish Culture* published by the AFCD.

10 Conclusions

10.1.1 A desktop review have been conducted making reference to the completed and approved studies and surveys, to evaluate the potential ecological impact associated with the Proposed Development within the Application Site.

10.1.2 The Proposed Development with the proposed operation of pond culture and cultivation activities will make effective use of idle lands and abandoned ponds contribute to environmental decline and reduced productivity, with minor ecological impact to the local context of Nam Snag Wai as compared to the baseline condition.

10.1.3 Direct habitat loss arising from the Proposed Development is considered minor, with no net permanent loss of pond area under the Proposed Development. The existing *plantation* habitat of low ecological importance will be gradually converted to *agricultural land* habitat of low to very low ecological importance under the Application. There will be minor impact to the ecological value of the *pond* habitat with minimal human activities. No direct or indirect disruption to the species during construction and operational phases. The cumulative impacts with other concurrent developments were considered minor.

10.1.4 To address potential impacts on wildlife during the construction and operational phases of the Project, mitigation measures will be adopted to ensure no unacceptable adverse infrastructural nor environmental impacts on the surrounding environment during construction or operational phases.

11 References

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- Proposed Temporary Transitional Housing and Ancillary Uses for a Period of 3 Years with Filling of Land and Excavation of Land (Approved planning application No. A/YL-NSW-281) Download from: https://www.tpb.gov.hk/en/papers/RNTPC/FSYLE/A-YL-NSW-281/A_YL_NSW_281_Mainpaper.pdf

- Proposed Residential Development and Minor Relaxation of Plot Ratio and Building Height Restrictions with Filling of Land and Excavation of Land (Approved planning application No. A/YL-NSW-282) Download from: https://www.tpb.gov.hk/en/papers/RNTPC/FSYLE/A_YL-NSW_282/A_YL_NSW_282_Mainpaper.pdf

- Proposed Comprehensive Development with Wetland Enhancement (CDWE) at Nam Sang Wai and Lut Chau (EIA No. AEIAR-266/2025) Download from: https://www.epd.gov.hk/eia/files/applications/en/pp_234/eia_5872/progress/action_172864/HTML/Cover.htm

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- Yuen Long Barrage Scheme (EIA No. AEIAR-228/2021) Download from: https://www.epd.gov.hk/eia/files/applications/en/pp_307/eia_1928/progress/action_1679/YLBS_EIA.htm

Filling of Pond for Permitted Agricultural Use for a Period of 3 Years in "Other Specified Uses" annotated "Comprehensive Development to include Wetland Restoration Area" ("OU(CDWRA)") and "Village Type Development" ("V") zones, Lots 1212 S.E ss.1 and 1212 S.E RP (Part) in D.D. 115 and adjoining Discrepant Areas (Part), Nam Sang Wai, Yuen Long, New Territories

Section 16 Planning Application No. A/YL-NSW/357

Annex 7 Consolidated Response to Comments Table

No.	Comments Received	Our Responses
A. *Comments from Agriculture, Fisheries and Conservation Department (Subject Officer: Dr. Azaria WONG, Tel: 2150 6932)*		
Date: 24 November 2025		
From nature conservation perspective:		/
Planning Statement		/
Executive Summary		/
1.	It is stated that "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.". Please elaborate how the existing ecological value and biodiviersity could be enhanced. This comment also applies to S.4.1.9.	Relevant statements have been revised. Kindly note that the Proposed Development involves rehabilitation and cultivation, including planting area for agricultural use and pond for shrimp farming, to be compatible with the surrounding environment. Direct habitat loss arising from the Proposed Development is considered minimal, no net permanent loss of the area of plantation nor pond area under the Proposed Development. No direct or indirect disruption to the species during operational phase. The cumulative impacts with other concurrent developments were considered minor. With the implementation of proposed mitigation measures, no unacceptable adverse infrastructural nor environmental impacts are anticipated during construction or operational phases.
S.1.1.4 -		/
2.	It is stated that "It is currently covered with vegetation without sensitive ecological resources." Please provide supporting	**Section 1.1.4** has been revised.

No.	Comments Received	Our Responses
	information for this statement, and advise whether ecological survey and literature review have been conducted.	A desktop review on the nearby ecological baseline condition has been and conducted and supplemented in **Annex 6**.
S.2 -		/
3.	Please provide information about the ecological conditions of the site and the vicinity. Please advise whether the proposed construction works would adversely impact the ecologically sensitive receivers e.g. watercourse, fireflies, mangrove in the vicinity of the site during the construction phase.	A desktop review on the nearby ecological baseline condition has been and conducted and supplemented in **Annex 6**. Direct habitat loss arising from the Proposed Development is considered minimal, no net permanent loss of the area of plantation nor pond area under the Proposed Development. The existing *plantation* habitat of low ecological importance will be gradually converted to *agricultural land* habitat of low to very low ecological importance under the Application. There will be minor impact to the ecological value of the *pond* habitat with minimal human activities. No direct or indirect disruption to the species during construction and operational phases. The cumulative impacts with other concurrent developments were considered minor. Please refer to **Sections 3.3.6** and **3.6.12** and **Section 9 in Annex 6** for the proposed mitigation measures during construction and operation phases respectively, no adverse environmental and ecological impacts are anticipated from the Proposed Development.
S.3 -		/
4.	The information on the proposed construction works is still limited. Please advise whether there are any other construction works in addition to tree felling and drainage works, and whether there are any structures to be erected / installed at the site apart from the metal fence . If affirmative, please provide details about the works/ structure and illustrate and figures for illustration.	Further to the latest information, clearance and construction works including for repairment of a functional sluice gate and restoration of bund, and felling of existing trees would be involved, 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. Repairing works, including geotextile and installation of piles, will be carried out by hand, so as to keep

No.	Comments Received	Our Responses
		the interventions to the surroundings minimal. Further details on the proposed vehicular access of clearance arrangement have been shown in **Diagram 4**.
5.	Please advise whether there will be any light, noise, water pollution etc,. that would adversely impact the ecologically sensitive receivers e.g. watercourse, fireflies, mangrove in the vicinity of the site during the construction phase and the operation phase.	Please refer to **Sections 3.3.6** and **3.6.12** and **Section 9 in Annex 6** for the proposed mitigation measures during construction and operation phases respectively, no adverse environmental and ecological impacts are anticipated from the Proposed Development.
S.3.6 -		/
6.	Please advise whether there will be night-time operation that may adversely affect the ecological sensitive receivers in the vicinity.	The Proposed Development would be operated daily tentatively around 7a.m. to 5p.m. daytime. No artificial lighting and/or glare is allowed. **Section 3.6.1** has been supplemented.
7.	The pond at the northwestern portion of the site is proposed for pond fish culture for freshwater fish. However, during our recent inspection, it was found that the pond was not enclosed. It was connected to the Kam Tin River Meander to the east and the water was brackish. The applicant is advised to clarify how the proposed pond culture would be carried out and whether any earthworks would be conducted at the pond.	Please note this Application also applies to regularize the existing filled ponds, no additional pond filling is proposed apart from the existing filled area. Based on the latest information, we noted that the existing pond is not fully enclosed. Earthworks will be conducted for the repairment of a functional sluice gate and restoration of bund, to allow sustainable pond culture management. Further details on the operation arrangement of shrimp farming have been supplemented in **Sections 3.6.2** to **3.6.5**, subject to the actual operation by the future users.
S.4.2.2 -		/
8.	It is stated in Section 4.2.2 that "as considered by the Agriculture, Fisheries and Conservation Department (AFCD), EcoIA could be exempted for 'Agricultural Use (except in SSSI Zone)' for this s.16 planning application." Please be clarified that whether the requirement of EcoIA under TPB PG-12C could be exempted is	Kindly note that this Proposed Development falls within an area designated as "OU(CDWRA)" and "V" zones on the Approved Nam Sang Wai OZP No. S/YL-NSW/11, which 'Agricultural Use' falls into Column 1 that is always permitted by the Board. In accordance

No.	Comments Received	Our Responses
	subject to the view of PlanD and/or Town Planning Board. The same comment applies to S.5.3.3.	with the TPB PG-No. 12C, EcoIA could be exempted for 'Agricultural Use (except in SSSI Zone)'. **Section 4.2.2** has been revised accordingly.
From fisheries perspective:		
9.	We have no objection to use the area for pond fish culture and cultivation purpose. The applicant is reminded to adopt appropriate measures to prevent deterioration of water quality of the fishpond and surrounding watercourses during site formation and operation.	Noted.
From agricultural perspective:		/
10.	We have no comments from agricultural perspective.	/
Date: 12 December 2025		
Most of the further information (FI) is not directly relevant to our previous comments. Some information therein is misleading, incorrect and/or different from the other application materials. The conclusions drawn are not supported by sound reasoning. As the information on ecological baseline, ecological impacts and mitigation measures are unclear, we have reservation on the application.		Noted.
Please find our specific comments on the FI below, which give some examples on the more obvious parts of the submission that require revision. The applicant is advised to provide specific response that are relevant and specific to our comments, and well supported by ecological data and scientifically sound assessment.		Noted.
From nature conservation perspective:		
RtC no. 1		
Our comment about how the existing ecological value and biodiviersity could be enhanced has not been addressed.		Relevant statements have been revised. Kindly note that the Proposed Development involves rehabilitation and cultivation, including planting area for agricultural use and pond for shrimp farming, to be compatible with the surrounding environment.

No.	Comments Received	Our Responses
		Direct habitat loss arising from the Proposed Development is considered minimal, no net permanent loss of the area of plantation nor pond area under the Proposed Development. The existing *plantation* habitat of low ecological importance will be gradually converted to *agricultural land* habitat of low to very low ecological importance under the Application. There will be minor impact to the ecological value of the *pond* habitat with minimal human activities. No direct or indirect disruption to the species during construction and operational phases. The cumulative impacts with other concurrent developments were considered minor.
Please explain what are "degraded lands" and how they contribute to environmental decline.		Degraded lands refer to areas where the land has undergone a reduction or loss in its environmental and/or economic complexity by pollution and other human activities. Various environmental concerns may occur, including vegetation removal and soil disturbance, leading to declines in species diversity. Term of "degraded lands" originally mentioned in **Section 5.4.1** has been removed and revised. Please note the existing condition of our Application Site which is currently covered by plantation and abundant pond, but abandoned and overgrown. Further details on the tree surveys have been supplemented in **Annex 5 Tree Preservation and Landscape Proposal**.
The statement of "no species were recorded within the project site" is incorrect.		Relevant statements in **Annex 6** have been removed.
The project site is well vegetated. Please clarify what do "developed area habitats" refer to.		Please note the existing condition of our Application Site which is currently covered by plantation and abundant pond, but abandoned and overgrown. Term of "developed area habitats" originally mentioned in **Section 7.1.3 of Annex 6** has been removed and revised.
RtC no. 2		

No.	Comments Received	Our Responses
Our comment about the ecological resources has not been addressed.		**Section 1.1.4** has been revised. A desktop research on the nearby ecological baseline condition has been and conducted and supplemented in **Annex 6**.
RtC no. 3		
The statement of "no species were recorded within the project site" is incorrect.		Relevant statements in **Annex 6** have been removed.
The project site is well vegetated. Please clarify what do "developed are habitats" refer to.		Term of "degraded lands" originally mentioned in **Section 5.4.1** has been removed and revised. Please note the existing condition of our Application Site which is currently covered by plantation and abundant pond, but abandoned and overgrown. Further details on the tree surveys have been supplemented in **Annex 5 Tree Preservation and Landscape Proposal**.
S.3.6.3 is not about mitigation measures.		Typo. Please refer to **Sections 3.3.6** and **3.6.12** and **Section 9 in Annex 6** for the proposed mitigation measures during construction and operation phases respectively.
Please see my comments on Annex 6 below.		/
RtC no. 4		
The RtC has not addressed my comments about the impacts on the specified ecological sensitive receivers specifically.		The Site is located within WBA and is near the WCA and "CA" zone. As the future cultivators and pond farmers will occasionally work and support different sites nearby for harvesting and when managing pond bunds, no any temporary structures for storage of farm equipment and/or aquaculture supplies shall be allowed during operation phase. 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. In addition, the habitats in Nam Sang Wai are considered **insignificant** as the operational phase disturbance (i.e. noise, human disturbance) will be very limited.

No.	Comments Received	Our Responses
		Regarding the proposed operation arrangement, the Proposed Development would be operated daily tentatively around 7a.m. to 5p.m. daytime, to minimise the possible impacts to the ecological sensitive receivers in the vicinity.
S.3.6.3 is not about mitigation measures.		Please refer to **Sections 3.3.6** and **3.6.12** and **Section 9 in Annex 6** for the proposed mitigation measures during construction and operation phases respectively.
RtC. no. 5		
My comments about ecological impacts have not been addressed.		Please refer to **Sections 3.3.6** and **3.6.12** and **Section 9 in Annex 6** for the proposed mitigation measures during construction and operation phases respectively, no adverse environmental and ecological impacts are anticipated from the Proposed Development.
RtC no. 6		
- The operating hour of 7am to 7pm goes beyond daytime.		Based on the latest proposal by our Applicant, the Proposed Development would be operated daily tentatively around 7a.m. to 5p.m. daytime. **Section 3.6.1** has been revised accordingly.
RtC no. 7		
- My comments about how the proposed pond culture would be carried out and whether any earthworks would be conducted at the pond have not been addressed.		Based on the latest information, we noted that the existing pond is not fully enclosed. Earthworks will be conducted for the repairment of a functional sluice gate and restoration of bund, to allow sustainable pond culture management. Further details on the operation arrangement of shrimp farming have been supplemented in **Sections 3.6.2** to **3.6.5**, subject to the actual operation by the future users.
RtC no. 8		
- My comment is still valid for Section 1.1.3 of Annex 6.		**Section 1.1.3** of Annex 6 has been revised accordingly.
Annex 6		
S.2.1.2		

No.	Comments Received	Our Responses
The statement "The area surrounding Nam Sang Wai was formerly active fishponds, but these were filled over the course of the channelisation works and it is now largely grassland and plantation woodland" is not supported by the fact that there are a number of fishponds and other wetland habitats in the area.		**Section 2.1.2** of Annex 6 has been revised accordingly.
S.3.1.2		
The statement "all the above have been reviewed and approved by the AFCD" is misleading. Please delete. This comment also applies to S.9.1.1.		Relevant statement in **Sections 6.1.2** and **9.1.1** of Annex 6 have been removed.
S.6		
It is unclear whether the ecological information presented refers to Nam Sang Wai, the assessment area of the reviewed literature or the assessment area of the current application. Please revise for clarity.		**Section 6.1.2 of Annex 6** has been supplemented. Kindly note that relevant studies or surveys are found in the vicinity of the Application Site and most of them fall within their assessment area as provided in **Diagram 5 of Annex 6**.
S.6.1.15		
Please quote the source of "the present ecological survey and data from AFCD".		Relevant statement in **Section 6.1.14** of Annex 6 has been removed.
S.7.1.3		
-	The statement that "no species were recorded within the Project Site" is not supported by the findings that the Project Site were plantation and pond. Please revise.	Relevant statement in **Section 7.1.3** of Annex 6 has been removed.
-	The sentences "Direct habitat loss arising from the Proposed Development including the footprint of the development (primary impact) and habitat which will be lost due to the conversion of one type of wetland habitat to another to mitigate for the wetland area to be developed (secondary impact) are minimal. Developed area habitats within the assessment area mostly fall within the WBA as well as our Project Site, thus developed area habitats is of low ecological value. There will be no net permanent loss of the area of plantation" are incorrect as	Relevant statement in **Section 7.1.3** of Annex 6 has been removed.

No.	Comments Received	Our Responses
	the entire plantation on the application site will be lost as provided in other application material.	
-	No Annex 5 has ben provided.	**Annex 5 (Tree Preservation and Landscaping Proposal)** has been supplemented to your side for your review.
S.7.1.4		
The sentence of "No direct or indirect disruption to the species, and hence the net effect of the changes to habitat areas and water areas within the Project Site will be ecologically positive" is not logically sound.		Relevant statement in **Section 7.1.4** of Annex 6 has been removed.
S.9.1.2		
-	The first two sentences are misleading.	Relevant statement in **Section 9.1.1** of Annex 6 has been removed.
-	The drainage impact is outside the purview of AFCD.	Noted.
From fisheries perspective:		
S 6.1.22 of Literature Review on Ecological Baseline Condition		
-	The statement "*Referring to the above relevant studies or surveys, the recorded fish ponds at Nam Sang Wai which were actively managed for fish production*" appears to contradict the subsequent statement "*the physical environment were generally in poor context due to improper management practices and unauthorized activities*". Please clarify.	**Section 6.1.21** of Annex 6 has been revised accordingly.
-	It is further stated that "*These include the storage of materials unrelated to fisheries (i.e. abandoned vehicles, containers, construction materials, general waste), illegal dumping of toxic materials and construction waste, burning of waste, suction dredging of fishponds into adjacent creeks connected to c and the destruction of mangroves to expand fishponds*". Please clarify from which relevant studies or surveys these examples were derived.	The relevant statement is extracted from the Proposed Comprehensive Development with Wetland Enhancement (CDWE) at Nam Sang Wai and Lut Chau (EIA No. AEIAR-266/2025). **Section 6.1.21** of Annex 6 has been supplemented accordingly to include the source of extraction.
S 3.6 of Replacement pages for Planning Statement		
-	It is noted that shrimps may also cultured with fish in the existing pond at the Project Site. As the cultivation requirements, such as pond area, water depth, aeration, and	Based on the latest proposal by our Applicant, the Proposed Development would only involve pond fish culture for freshwater fish. Details of the proposed operation arrangement has been

No.	Comments Received	Our Responses
	bottom type vary between shrimp and fish culture, please clarify whether reprofiling of the existing pond will be required to carry our shrimp and fish cultivation separately. If so, please specific the design and confirm whether additional pond/ land filling will be required.	provided in **Section 3.6.2 – 3.6.3**, subject to the actual operation by the future users.
-	Please clarify whether the scale of proposed cultivation would be commercial.	In view of the size of Application Site, the proposed cultivation targets for self-use, and hence no economically or commercially viable for commercial farming will be involved. A small size of pond fish culture is anticipated with the adoption of traditional polyculture techniques throughout the operation as mentioned in **Sections 3.6.2** and **3.6.3**.
-	Regarding point 7 of the RtC, it appears the responses does not address the comment: "*However, during our recent inspection, it was found that the pond was not enclosed. It was connected to the Kam Tin River Meander to the east and the water was brackish. The applicant is advised to clarify how the proposed pond culture would be carried out and whether any earthworks would be conducted at the pond*". Please clarify.	Please refer to the above response to RtC no.7.
From agricultural perspective:		
We have no comments on the further information from agricultural perspective.		Noted.
Date: 16 March 2026 (Comments on Further Information submitted on 27 February 2026)		
1.	It is stated in the RtC that there will be no permanent loss of area of plantation. This statement contradicts with the proposed tree felling at the application site. Please revise.	Well noted. There will be permanent loss of area of plantation. **Section 8.1.2** of **Desktop Review on Nearby Ecological Baseline Condition (Annex 6)** has been supplemented accordingly.
2.	Please check whether the existing pond is connected to the old meander of Kam Tin River, instead of Shan Pui River as stated in the submission.	Please note the existing pond is connected to the old meander of Kam Tin River via a broken concrete water gate. Relevant sections in **Planning Statement** and **Annex 6** have been revised accordingly.
3.	Please consider to plant buffer planting along the entire site boundary facing the old meander of Kam Tin River to minimize disturbance to the wetlands and associated wildlife.	Thanks for your comment. To minimize potential disturbance, the Applicant has further improved the planting proposal. Approximate 10m wide edge planting beds is proposed along the eastern edge

No.	Comments Received	Our Responses
		while approximate 2m wide edge planting beds is provided along the south edges of the site. Please note the total new tree provision with nos. of 57 is proposed with the approximately 1 : 3.17 compensation ration 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*). **Sections 3.5.3-3.5.5** of **Planning Statement**, **Sections 5 and 6, Landscape Master Plan and Landscape Section (Appendix II)** and **Planting Plans (Appendix III)** in **Tree Preservation and Landscaping Proposal (Annex 5)** have been updated respectively.
4.	The constriction restriction stated in S.3.4.6 does not tally with other parts of the submission. Please revise.	**Section 3.4.6** of **Planning Statement** has been revised accordingly. Please note that all the construction works will be conducted between tentatively 7a.m. to 5p.m. daytime on any day not being a Sunday or general holiday.
5.	Desktop Review S.5.3.3: Please delete "The exemption of EcoIA for this s.16 planning application has also been considered by the AFCD".	Relevant statement originally in **Section 5.3.3** of **Planning Statement** has been removed accordingly.
B. ***Comments from Drainage Services Department*** ***(Subject Officer: Ms. Jessica KWAN, Tel: 3965 8924)***		
Date: 12 December 2025		
1.	With reference to the applicant's submission, it is noted that pond (about 14,933 m2) originally located at the southern portion of application site was filled with soil that the ground level of application site is raised by about 2m. Since the pond originally located within application site functions as retention area for collecting surface runoff from the vicinity during rainfall but there is no substantiation to show how the overland flow from adjacent areas would not be interrupted by the	Noted.

No.	Comments Received	Our Responses
	proposed pond and land filling works under the subject application and in View of large area of the application site (i.e. about 21,929 m2), I have reservation on the proposed application rom drainage point of View unless the applicant can submit satisfactory Drainage Impact Assessment (DIA) during planning application stage. The DIA should include but not limited to all adverse drainage impacts on the drainage system, existing natural streams, village drains, ditches, the adjacent areas and etc resulting from the proposed development, along with recommendations for mitigation measures, improvement works and other measures and works. In preparing the BIA, the applicant could make reference to DSD Advice Note No. Application of the Drainage Impact Assessment Process to Private Sector Projects". The applicant should employ a qualified engineer (Registered Professional Engineer in the Civil Engineering discipline) to prepare for drainage submission. The drainage submission should be signed and certified by a qualified engineer.	
2.	I have the following comments on the submitted drainage proposal.	/
A. Specific Comments		
1)	Cross sections showing the proposed drainage facilities and existing and proposed ground levels of the captioned site with respect to the adjacent areas should be given.	**Figures 3.3**, **3.3A** and **3.3B** of the **DIA** have been supplemented accordingly.
2)	The proposal should indicate how the runoff (the flow direction) within the application site and from the adjacent areas would be discharged to the proposed drainage system.	**Figure 3.1** of the DIA has been revised accordingly.
3)	Peripheral surface channels shall be provided to collect the surface runoff accrued on the application site and to intercept the overland flow from the adjacent lands. It is noted that there is proposed land filling works under the subject application.	**Figure 3.2** of the DIA has been revised accordingly.

No.	Comments Received	Our Responses
	Proper surface channels should be provided at the lower platform and wall toe to collect the overland flow to/ from adjacent areas. The applicant should review the proposed drainage system.	
4)	The applicant should demonstrate with hydraulic calculation that the proposed drainage facilities are adequate to collect, convey and discharge the surface runoff accrued on the application site and the overland flow intercepted from the adjacent lands.	**Appendix B** of the DIA has been supplemented accordingly.
5)	Section 3.4 & Appendix C: The applicant should explain why rainfall increase at the end of 21st century (with design allowance) as per requirements in Stormwater Drainage Manual (SDM) Corrigendum No. 1/2022 is not adopted in the submitted hydraulic calculation. In addition, the applicant should advise if deposition of sediment in the proposed drainage system has been considered as per the requirement in SDM (Section 9.3).	**Appendix C** of the DIA has been supplemented accordingly. Please note about 12.1% of rainfall increase at the end of 21st century (with design allowance) as per requirements in the Stormwater Drainage Manual (SDM) Corrigendum No. 1/2022 has been adopted.
6)	The applicant should demonstrate the existing facilities to be discharged to have sufficient capacity to cater for any additional flow generated due to the subject application.	It is clarified that no any existing drainage facilities are provided within the Application Site. Hence, no additional flow will be generated from the Site.
7)	Sand trap or provision alike should be clearly indicated on the proposed drainage plan and provided before the collected runoff is discharged to the public drainage facilities.	**Figures 3.2** and **3.5** of the DIA have been supplemented accordingly.
8)	Standard details should be provided to indicate the sectional details of the proposed drainage facilities. For the construction details of the proposed drainage facilities, reference should be made to current CEDD'S standard drawings.	**Figures 3.4** and **3.5** of the DIA have been supplemented accordingly.
9)	The cover levels and invert levels of the proposed drainage facilities should be shown on the drainage plan. The applicant should also clarify invert level of the existing watercourse mentioned in the submitted proposal.	**Figure** 3.2 of the DIA has been supplemented accordingly.

No.	Comments Received	Our Responses
10)	The applicant should provide details for the connection of the proposed and existing drainage system mentioned in the proposal.	**Figure** 3.2 of the DIA has been supplemented accordingly.
11)	Consideration should be given to provide granting for the surface channels.	Noted.
B.	General Comments	
1)	The proposed development should neither obstruct overland flow nor adversely affect any existing natural streams, village drains, ditches and the adjacent areas, etc.	Noted.
2)	Where walls or hoarding are erected are laid along the site boundary, adequate openings should be provided to intercept the existing overland flow passing through the site.	Noted.
3)	The applicant is required to rectify the drainage system if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by a failure of the drainage system.	Noted.
4)	The applicant should submit form HBPl to this Division for application of technical audit for any proposed connection to DSD's drainage facilities.	Noted.
5)	The applicant should consult DLO/YL and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works.	Noted.
6)	Connection to existing watercourse should be designed and constructed to prevent back flows at the drainage outlet when water level at the existing watercourse is high.	Noted.
7)	The applicant should ensure that all runoff currently directed towards the pond would be intercepted and redirected to the proposed drainage system.	Noted.
8)	The applicant should ensure that the proposed development must not obstruct overland flow or existing flow paths. All	Noted.

No.	Comments Received	Our Responses
	existing flow paths as well as the runoff falling onto and passing though the site will be intercepted and disposed of via proper discharge points. Free flow condition of the adjacent drains, channels and watercourses should be maintained at all time during and after the development.	
	9) The applicant should be reminded to comply with "DSD Technical Circular No. 1/2017 Temporary Flow Diversions and Temporary Works Affecting Capacity in Stormwater Drainage Systems" if the proposed works under the application involve the construction of permanent or temporary works within, over or adjacent to DSD's stormwater drainage systems	Noted.
Date: 23 February 2026		
	A. Specific Comments	/
1.	The applicant should review size of the proposed drainage facilities at the downstream of the proposed sand trap M10. Size of the proposed drainage facilities at the downstream should be equal to / larger than that at the upstream;	The size of the proposed circular pipe from M10 (now updated as M9) to Kam Tin River is 750mm. Please refer to **Figure 3.2** of the **Drainage Impact Assessment (DIA)**.
2.	Figures 3.2 & 3.3: The applicant should clarify discrepancies of sizes of the proposed drainage facilities shown on the submitted plans. The applicant should update the hydraulic calculation in Appendix C if necessary;	The figures have been updated accordingly. Please refer to **Figures 3.2 and 3.3** of the **DIA**.
3.	The extreme sea level due to climate change by the end of the 21st century under a 50-year return period is 5.01mPD. The design of any structures/drainage facilities should consider this to minimize flood risk;	The level of the Site has been raised by about 2m. Please refer to **Section 3.4** of the **DIA** and **Section 3.2.1** of the **planning statement**.
4.	The applicant should clarify invert level of the existing watercourse mentioned in the submitted proposal;	The invert level of the existing Kam Tin River is 3.4 mPD. Please refer to **Figure 3.4** of the **DIA**.
5.	Cross Sections showing the proposed drainage facilities and existing and proposed ground levels of the captioned site with respect to the adjacent areas should be given;	The figures have been updated accordingly with the ground levels with respect to the adjacent areas. Please refer to **Figures 3.3A to 3.3D** of the **DIA**.

No.	Comments Received	Our Responses
6.	Peripheral surface channels shall be provided to collect the surface runoff accrued on the application site and to intercept the overland flow from the adjacent lands. It is noted that there is proposed land filling works under the subject application. Proper surface channels should be provided at the lower platform and wall toe to collect the overland flow to/ from adjacent areas. The applicant should review the proposed drainage system;	Peripheral surface channels are provided on the Site. Please refer to **Figure 3.2** of the **DIA**. Overland flow from adjacent areas has been considered in the calculation. Wall openings will be provided for the flow from Catchment F. Please refer to **Section 3.2** and **Appendix B** of the **DIA**.
7.	The applicant should demonstrate with hydraulic calculation that the proposed drainage facilities are adequate to collect, convey and discharge the surface runoff accrued on the application site and the overland flow intercepted from the adjacent lands;	The calculations have been updated accordingly. Please refer to **Appendices B and C** of the **DIA**.
8.	The applicant should demonstrate the existing facilities to be discharged to have sufficient capacity to cater for any additional flow generated due to the subject application;	The Site only contributed about 0.02% of the runoff in Kam Tin River. Please refer to **Appendix D** of the **DIA**.
9.	The applicant should provide details for the connection of the proposed and existing drainage system mentioned in the proposal; and	The details of the existing condition and the proposed drainage system have been provided in **Figure 3.4** of the **DIA**.
10.	Consideration should be given to provide granting for the surface channels.	Iron grating will be provided for the surface channels. Please refer to **Section 3.5** of the **DIA**.
B.	General Comments	/
1.	For the construction details of the proposed drainage facilities, reference should be made to current CEDD's standard drawings;	Noted.
2.	The proposed development should neither obstruct overland flow nor adversely affect any existing natural streams, village drains, ditches and the adjacent areas, etc.;	Noted.
3.	Where walls or hoarding are erected are laid along the site boundary, adequate openings should be provided to intercept the existing overland flow passing through the site;	Overland flow from adjacent areas has been considered in the calculation. Wall openings will be provided for the flow from Catchment F. Please refer to **Section 3.2** and **Appendix B** of the **DIA**.

No.	Comments Received	Our Responses
4.	The applicant is required to rectify the drainage system if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by a failure of the drainage system;	Noted.
5.	The applicant should submit form HBPl to this Division for application of technical audit for any proposed connection to DSD's drainage facilities;	Noted.
6.	The applicant should consult DLO/YL and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works;	Noted.
7.	Connection to existing watercourse should be designed and constructed to prevent back flows at the drainage outlet when water level at the existing watercourse is high;	Noted.
8.	The applicant should ensure that all runoff currently directed towards the pond would be intercepted and redirected to the proposed drainage system;	Peripheral surface channels are provided on the Site. Please refer to **Figure 3.2** of the **DIA**.
9.	The applicant should ensure that the proposed development must not obstruct overland flow or existing flow paths. All existing flow paths as well as the runoff falling onto and passing though the site will be intercepted and disposed of via proper discharge points. Free flow condition of the adjacent drains, channels and watercourses should be maintained at all time during and after the development;	Overland flow from adjacent areas has been considered in the calculation. Wall openings will be provided for the flow from Catchment F. Please refer to **Section 3.2** and **Appendix B** of the **DIA**.
10.	The applicant should be reminded to comply with "DSD Technical Circular No. 1/2017 Temporary Flow Diversions and Temporary Works Affecting Capacity in Stormwater Drainage Systems" if the proposed works under the application involve the construction of permanent or temporary works within, over or adjacent to DSD's stormwater drainage systems; and	Noted.

No.	Comments Received	Our Responses
11.	There is no assessment for the potential drainage impact to the adjoining area and also the impact due to the filling of pond in the submission.	Overland flow from adjacent areas has been considered in the calculation. Wall openings will be provided for the flow from Catchment F. Please refer to **Section 3.2** and **Appendix B** of the **DIA**.
Date: 26 March 2026		
1.	The applicant should employ a qualified engineer (Registered Professional Engineer in the Civil Engineering discipline) to prepare for drainage submission. The drainage submission should be signed and certified by a qualified engineer;	The DIA is signed and certified by a qualified engineer, Ir. Leung Wing Kit. Please refer to the **DIA**.
2.	Para. 3.1 & Appendices B & C: The applicant should review roughness coefficient of the proposed stormwater pipe;	The roughness coefficient of the proposed stormwater pipe is changed to 0.006mm. Please refer to **Para. 3.1** and **Appendix B and C** of the **DIA**.
3.	Para. 3.2 & Figures 3.2 & 3.3: A sand trap/desilting type catchpit should be provided prior to connection to the proposed stormwater terminal manhole or to the downstream public stormwater drainage system;	Catchpit with sand traps is provided prior to connection to the proposed stormwater terminal manhole. Please refer to **Figure 3.2** and **Figure 3.3** of **DIA**.
4.	R-t-C No. 8 & Appendix D: In addition to calculating the utilization of the existing watercourse (Kam Tin River) from the subject site, the Consultant should also provide an assessment of the overall utilization of the existing drainage system;	There is no existing drainage system within the Site and to Kam Tin River. Please refer to **Appendix E** of **DIA**. The overall utilization of the existing watercourse (Kam Tin River) has been calculated. Please refer to **Appendix D** of **DIA**.
5.	Table 3.1: Please use "paved"/"unpaved" ratio instead of using "water bodies" & "heavy soil";	Paved and unpaved ratio was used. Please refer to **Table 3.1** of the **DIA**.
6.	Para. 3.4: Please be reminded that the extreme sea level due to climate change by the end of the 21st century under a 50-year return period is 5.01mPD. The design of any structures/drainage facilities should consider this to minimize flood risk. If part of the Site is anticipated to be subject to adverse flooding impact under a 50-year return period, the applicant should propose appropriate mitigate measures. In addition, it is crucial to ensure that the flooded water does not overflow into the adjacent area;	Portable flood barriers will be used on Site when there is heavy rain. Please refer to **Para. 3.4** of the **DIA**.

No.	Comments Received	Our Responses
7.	The applicant should demonstrate with hydraulic calculation that the proposed drainage facilities are adequate to collect, convey and discharge the surface runoff accrued on the application site and the overland flow intercepted from the adjacent lands; and	Calculations are provided. Please refer to **Appendix B and C** of the **DIA**.
8.	The applicant should demonstrate the existing facilities to be discharged to have sufficient capacity to cater for any additional flow generated due to the subject application.	The existing watercourse has sufficient capacity to cater for the flow generated from the Site. Please refer to **Appendix D** of the **DIA**.
C. ***Comments from Transport Department*** ***(Subject Officer: Ms. Chan Sai Tung, Tel: 2399 2191)***		
Date: 23 March 2026		
1.	Figure 6 doesn't show the ingress/ egress points as mentioned in Para. 3.7.2 of the Planning Statement, please clarify.	**Para 3.3.2 and 3.7.2** and **Figure 6** of the Planning Statement have been revised and supplemented accordingly. Please note two ingress / egress points with the entrance gate will be provided along the southeastern and southern edges of the Application Site Boundary, from the south of the Remaining Portion (Portion) 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. The aforementioned ingress / egress points would be adopted in both construction and operation phases. Consent from the owner(s) of Lots (i.e. Remaining Portion of Lot No. 19 and Lot No. 20 in D.D. 115) would be obtained for the possible vehicular access entering the Site under the construction phase, whilst no vehicular access will be provided during operation phase, thus, the future users and cultivators are expected to access the Site by foot via the existing local track road.
D. ***Public Comments Received***		

No.	Comments Received	Our Responses
Date: 24 November 2025		
1.	Concerns on the ecological impact brought by the Proposed Development, suggests no further filling of land shall be conducted and reinstate the previous fish pond.	Please note this Application also applies to regularize the existing filled ponds, no additional pond filling is proposed apart from the existing filled area. The direct impact due to filling would be insignificant. Compared to the "without project" scenario, the Proposed Development will significantly enhance the aquaculture environment and the quality of fisheries resources in promoting sustainable rehabilitation and fisheries.
2.	Concerns on the ecological impact brought by the Proposed Development due to its location within the Wetland Buffer Area and closer to the Wetland Conservation Area.	Based on the desktop research, the potential ecological impacts from adjacent studies and developments have been evaluated and supplemented in **Annex 6**, no adverse impact on the natural habitat was anticipated. Hence, the cumulative impacts with other concurrent developments were considered insignificant. This Proposed Development is in line with the planning 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.
3.	Concerns on the potential visual impact from the proposed metal fence to be proposed along the Application Site boundary.	Provision of new tree planting would be included 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. The visual impact would be insignificant.
Date: 2 April 2026		
4.	Whether a review on the ecological perspective has been conducted	A Desktop Review on Nearby Ecological Baseline Condition has been conducted. The Proposed Development with the proposed operation of pond culture and cultivation activities will make

No.	Comments Received	Our Responses
		effective use of idle lands and abandoned ponds contribute to environmental decline and reduced productivity, with minor ecological impact to the local context of Nam Snag Wai as compared to the baseline condition. There is no net permanent loss of pond area under the Proposed Development compared to the existing condition.
5.	Whether there is detail on the agricultural activities	Further details of the agricultural activities have been provided in the Planning Statement and the relevant impact has been reviewed in the Desktop Review on Nearby Ecological Baseline Condition.
6.	The rational for erection of metal fence	The metal fence has been erected on the Application Site for years already. To minimise landscape and visual impacts, buffer planting and metal fence of about 2.5m in height would be maintained along the Application Site Boundary to prevent direct visual contact from outside.
7.	Whether the filled pond area will be restored	Refer to the Planning Statement, 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. There is currently no enforcement action from the Town Planning Board regarding the filled pond area. An enforcement notice was issued in 2009 regarding part of the Application Site, and it was subsequently satisfied by the Planning Authority that the action has been discontinued and reasonable steps have been taken. The purpose of this application is also to rectify the reasonable steps that have been taken as required by the notice.

No.	Comments Received	Our Responses
		If the filled area is going to dig up again, construction works would be required and adverse impacts would be brought to the surrounding ecological environment. Thus, the Applicant would like to purse to agricultural activity that is always permitted under the Outline Zoning Plan with minimum disturbance to the existing ecological environment.

LCH Planning and Development
Consultants Limited

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

September 2025
Report : Version 1.0

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 21,828.5 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 21,828.5 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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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 <u>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</u>.

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 21,828.5 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 13,070 sq.m., Sub-section 1 of Section E Lot No. 1212 in D.D. 115 of about 9.5 sq.m., and its portion of Discrepant Areas (Portion) adjacent to Section E of Lot No. 1212 in D.D. 115 of about 8,749 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	9.5
Remaining Portion of Section E of Lot No. 1212 in D.D. 115	13,070
Discrepant Areas adjacent to Section E of Lot No. 1212 in D.D. 115	8,749

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 21,828.5 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.

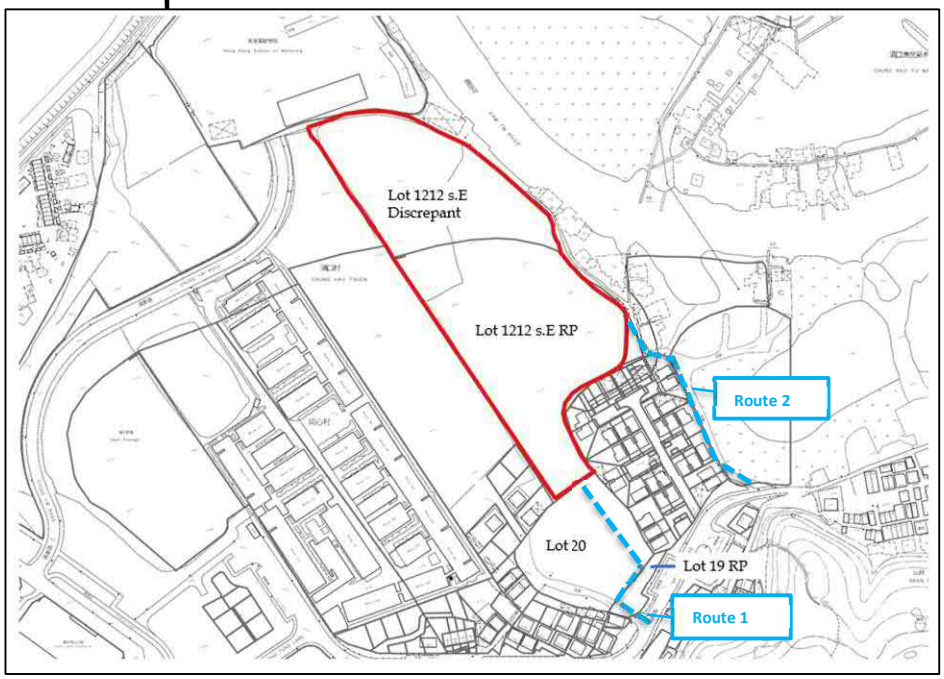


Diagram 4 Proposed Clearance Arrangement
(Source: HKSAR Government)

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 I 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* (山烏桕) 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 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.

3.6.3 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 2007 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.

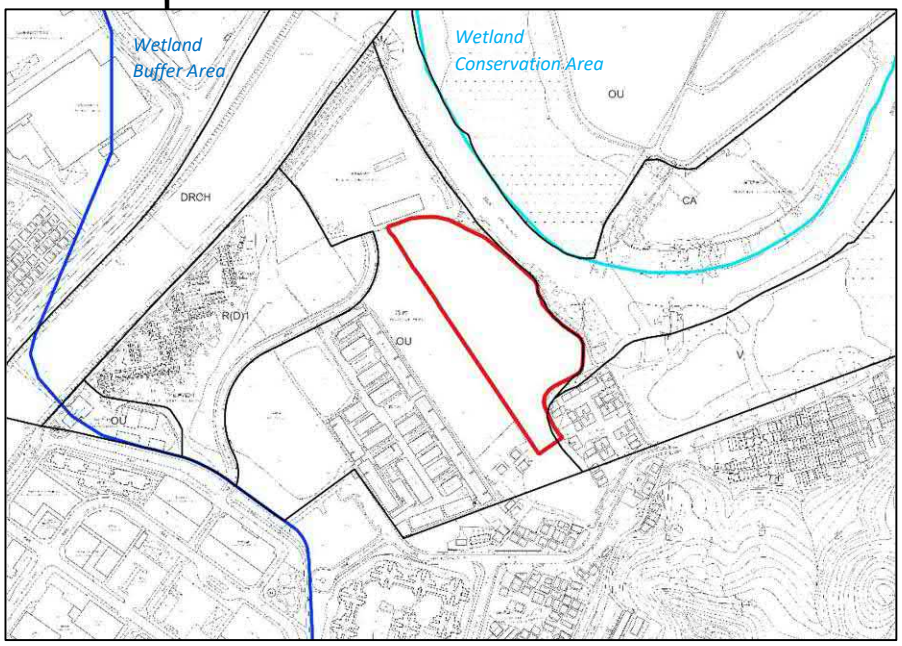


Diagram 7 Boundary of Wetland Buffer Area
(Source: Town Planning Board and CSDI Portal, HKSAR Government)

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.

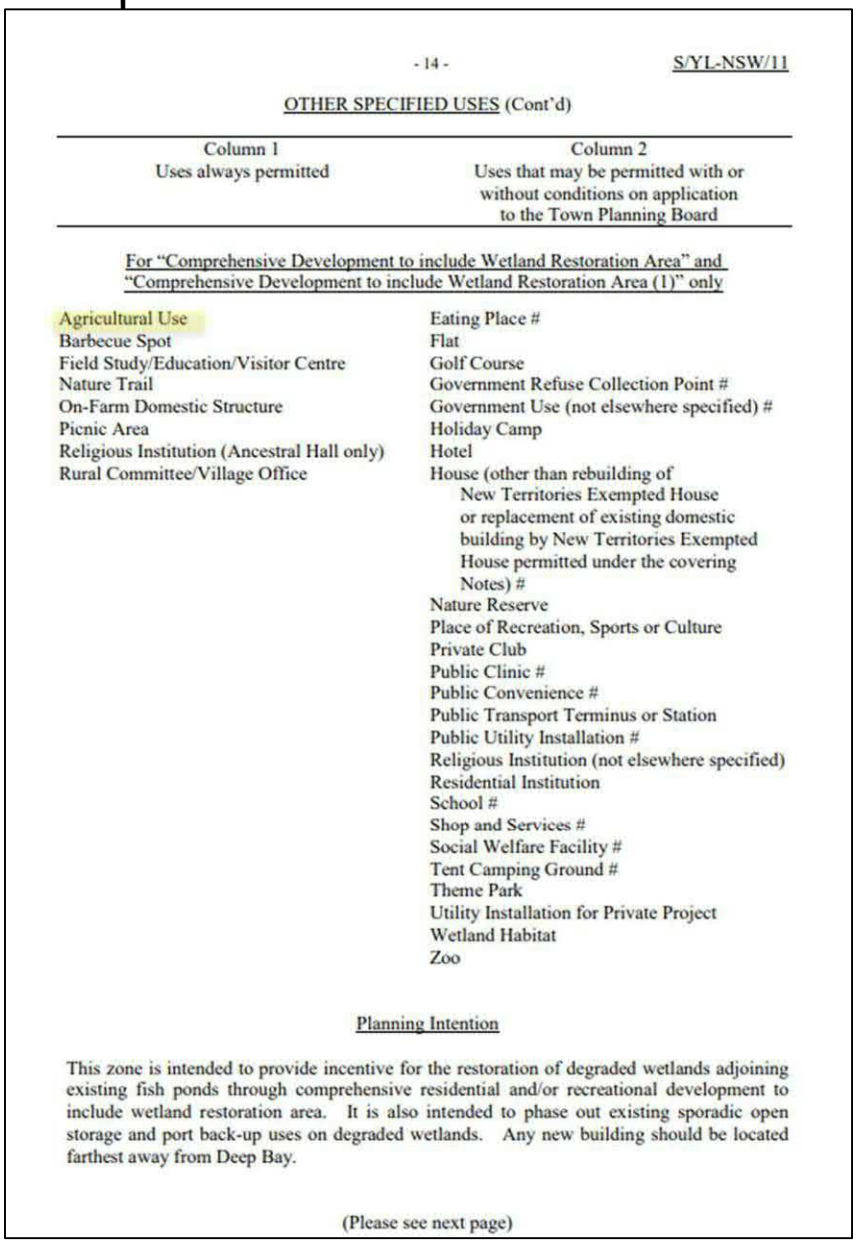
4.3 Statutory Planning Context

4.3.1 The Site falls within areas zoned as "OU(CDWRA)" (of about 21,704.5 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

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

Agricultural Use
Barbecue Spot
Field Study/Education/Visitor Centre
Nature Trail
On-Farm Domestic Structure
Picnic Area
Religious Institution (Ancestral Hall only)
Rural Committee/Village Office

Eating Place #
Flat
Golf Course
Government Refuse Collection Point #
Government Use (not elsewhere specified) #
Holiday Camp
Hotel
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)

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.

(Please see next page)

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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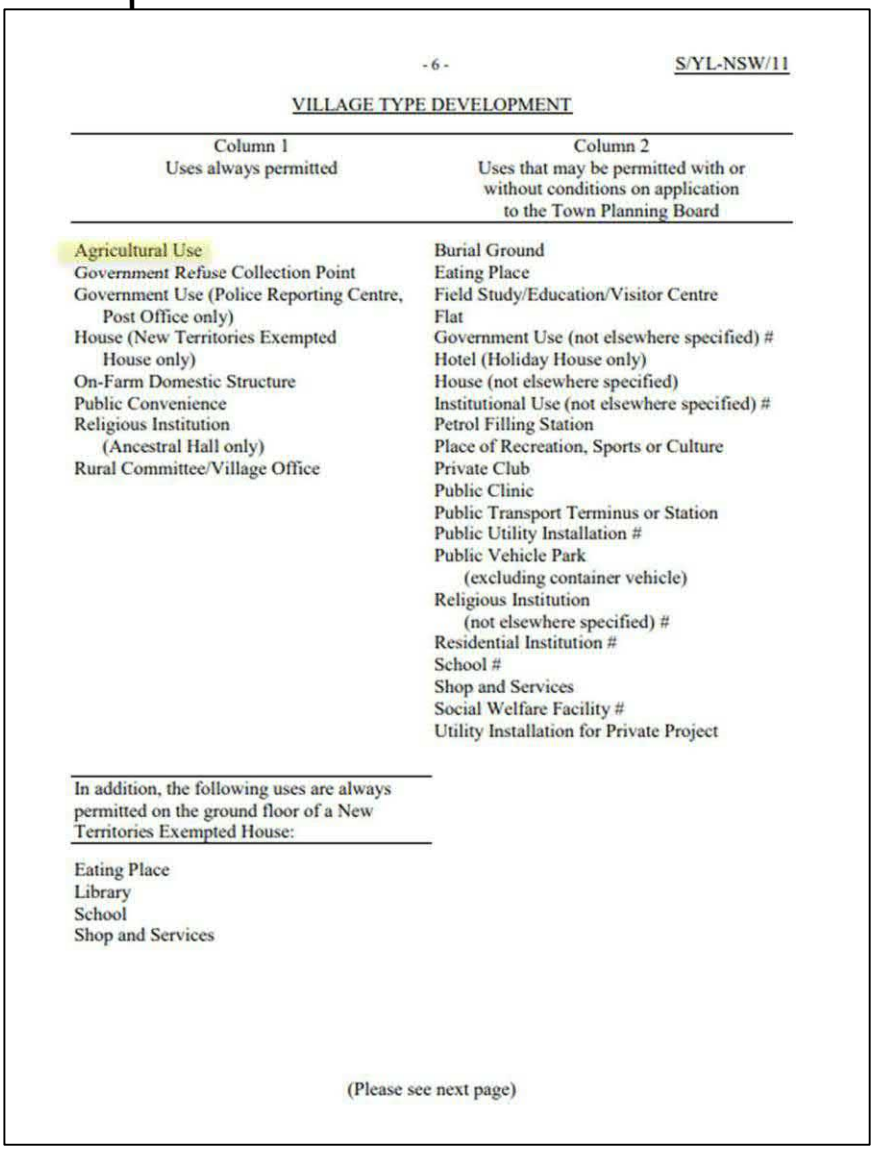

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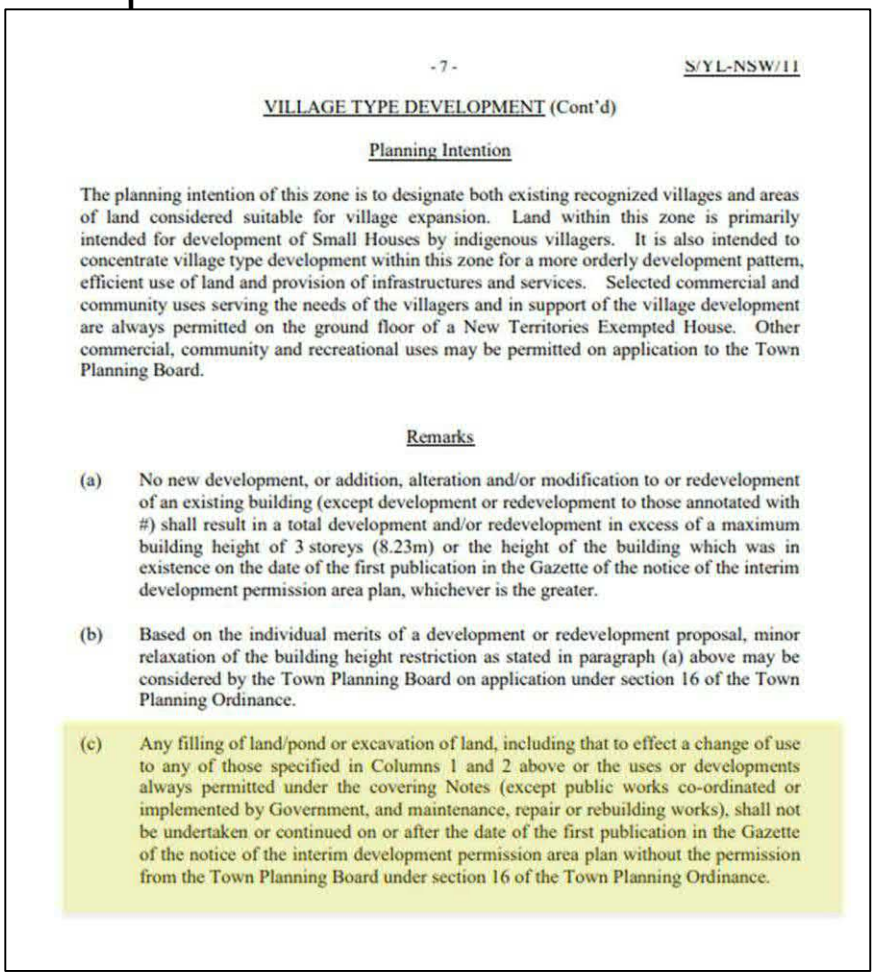
VILLAGE TYPE DEVELOPMENT

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Agricultural Use Government Refuse Collection Point Government Use (Police Reporting Centre, Post Office only) House (New Territories Exempted House only) On-Farm Domestic Structure Public Convenience Religious Institution (Ancestral Hall only) Rural Committee/Village Office	Burial Ground Eating Place Field Study/Education/Visitor Centre Flat Government Use (not elsewhere specified) # Hotel (Holiday House only) House (not elsewhere specified) Institutional Use (not elsewhere specified) # 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.

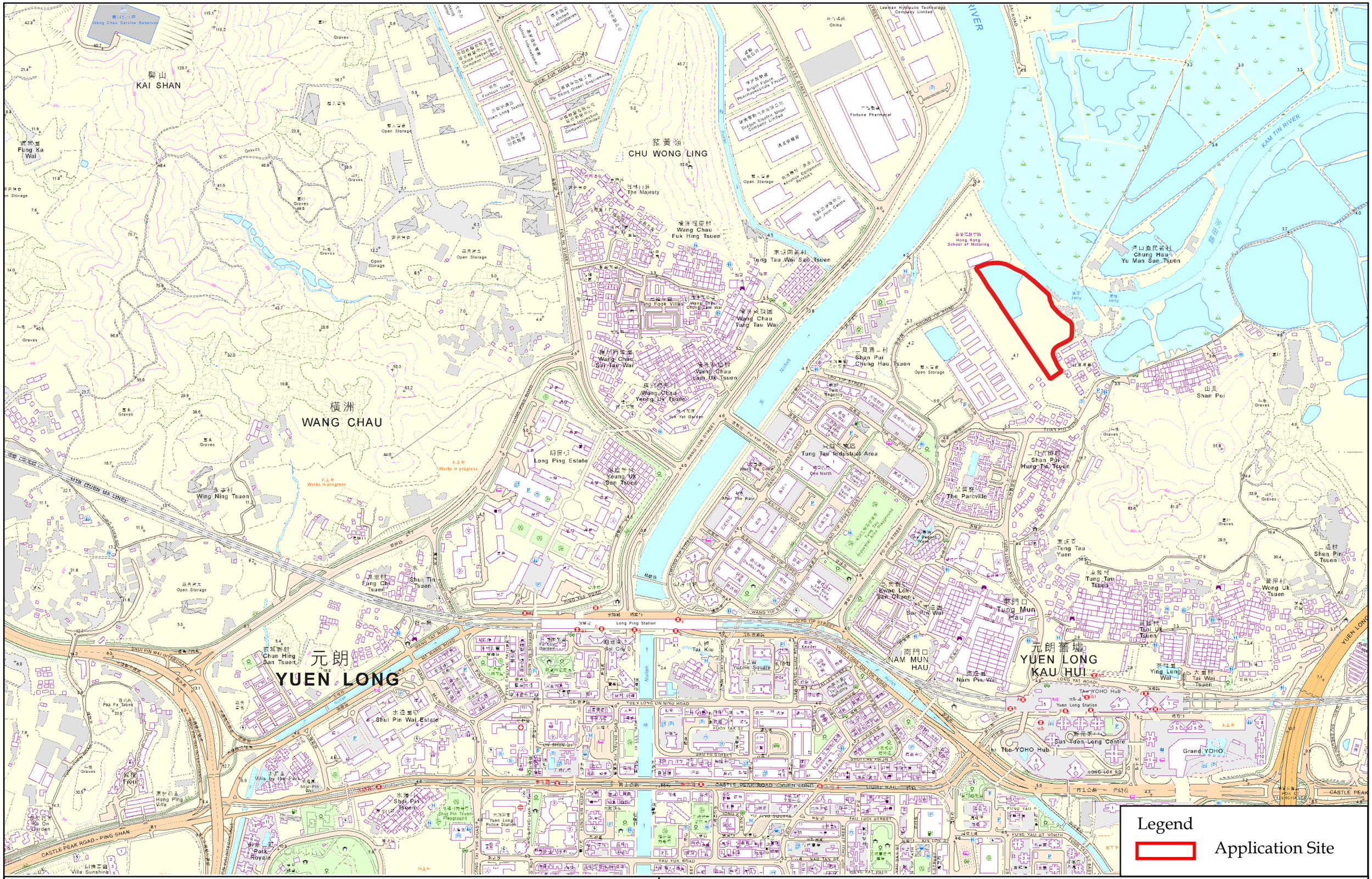
5.7.2 The Site falls within the area of WBA is in line with the planning intention for restoration of degraded wetlands adjoining the existing fish ponds. The Application Site will retain its original agriculture use and will adhere to the relevant mitigation measures and requirements outlined in the 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.



Legend

Application Site

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Figure 1: Location Plan

(For reference only. Not to scale.)

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

(Source: HK GEODATA STORE, HKSAR Government)

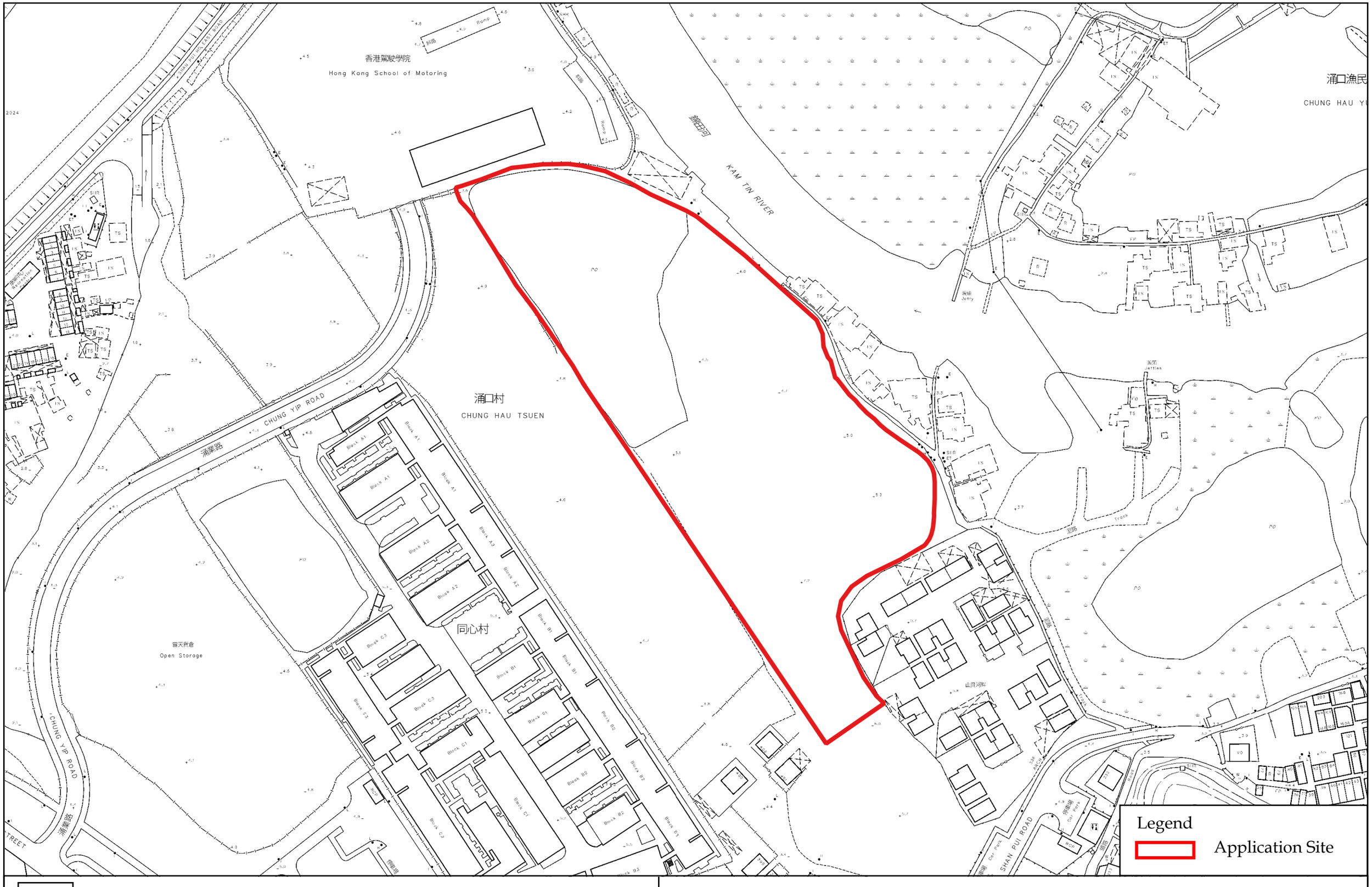

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Figure 2: Site Plan

(For reference only. Not to scale.)

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

(Source: HK GEODATA STORE, HKSAR Government)

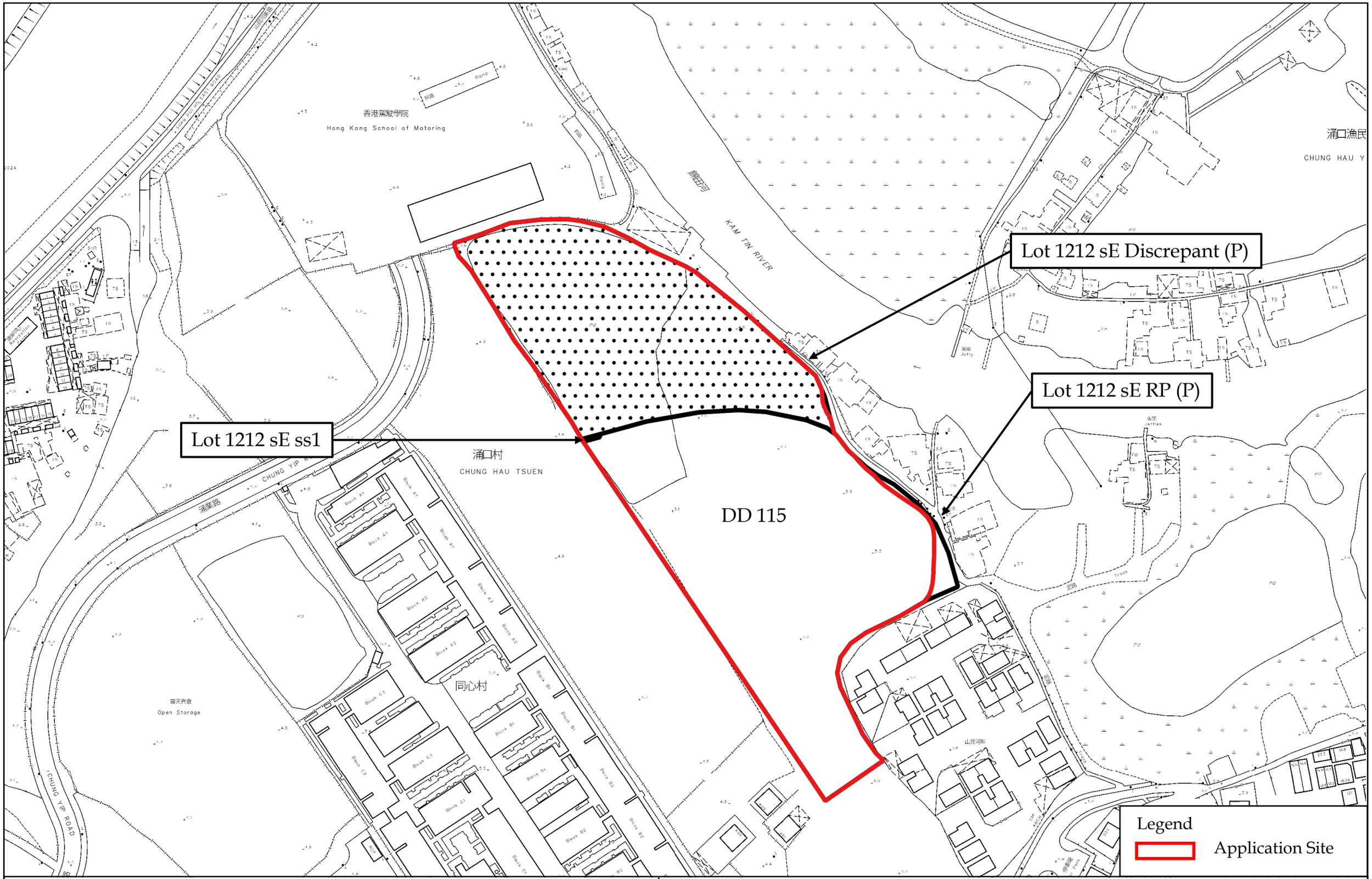

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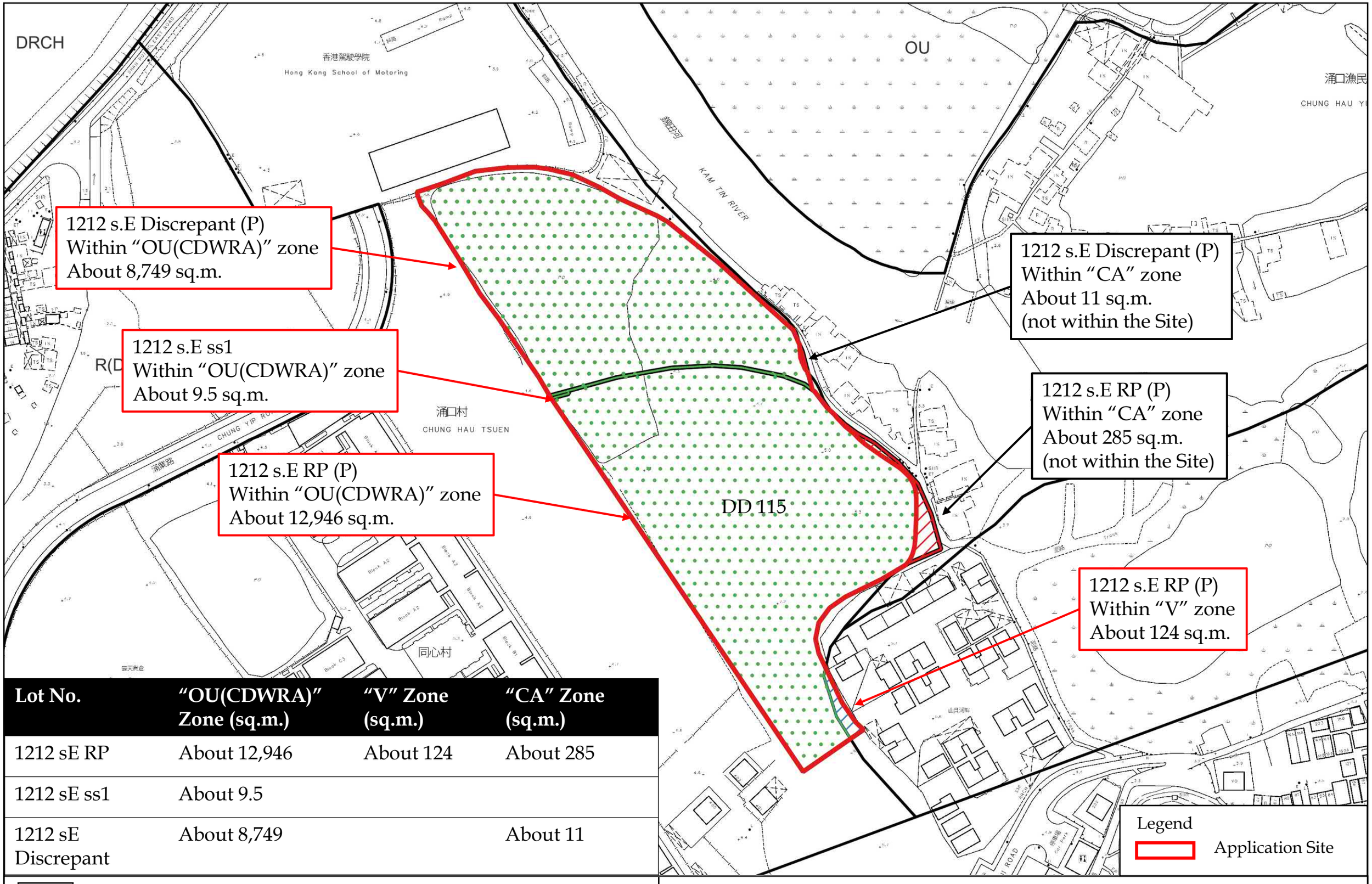
Figure 3a: Land Status

(For reference only. Not to scale.)

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

(Source: HK GEODATA STORE, HKSAR Government)



Lot No.	"OU(CDWRA)" Zone (sq.m.)	"V" Zone (sq.m.)	"CA" Zone (sq.m.)
1212 sE RP	About 12,946	About 124	About 285
1212 sE ss1	About 9.5		
1212 sE Discrepant	About 8,749		About 11

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Figure 3b: Land Status

(For reference only. Not to scale.)

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

(Source: HK GEODATA STORE, HKSAR Government)

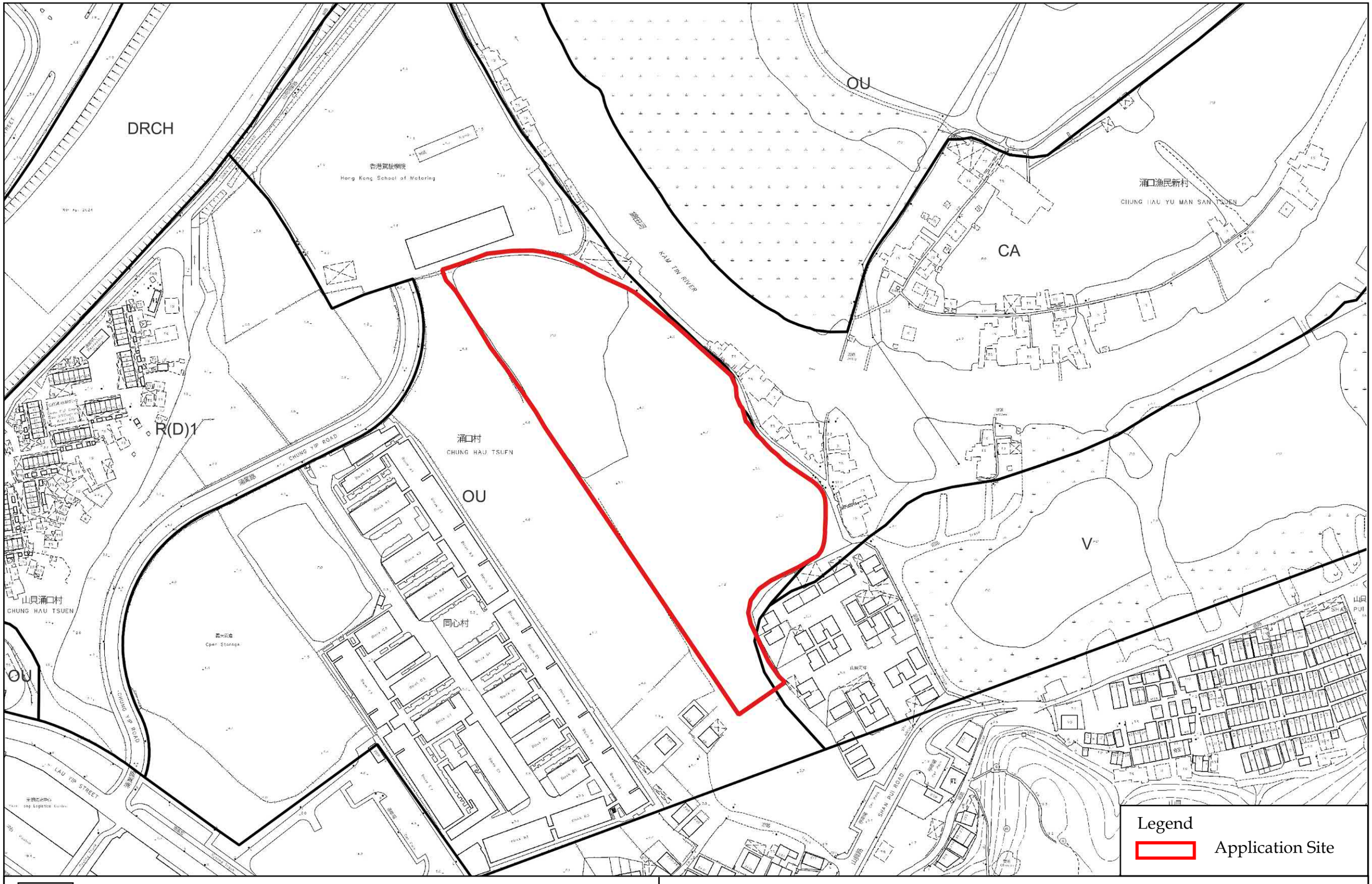

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Figure 4: Extract of Outline Zoning Plan

(For reference only. Not to scale.)

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

(Source: HK GEODATA STORE, HKSAR Government)





Photos taken on October 2024

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Figure 5: Existing Condition

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

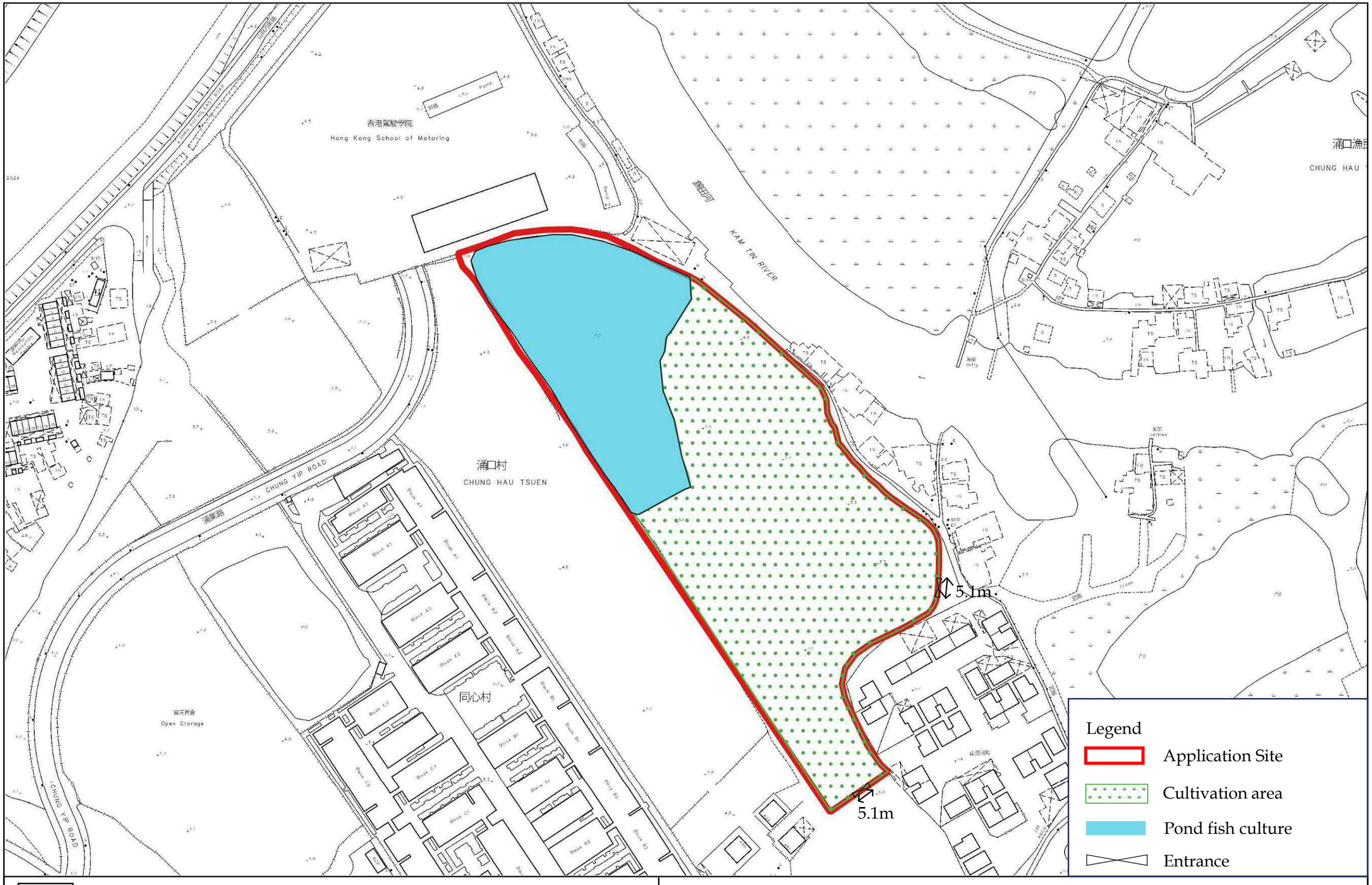

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Figure 6: Indicative Layout Plan

(For reference only. Not to scale.)

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

(Source: HK GEODATA STORE, HKSAR Government)

Application Site Area: about 21,828.5 sq.m.
Estimated Site Levels dated back to 1990: from about +3.0mPD

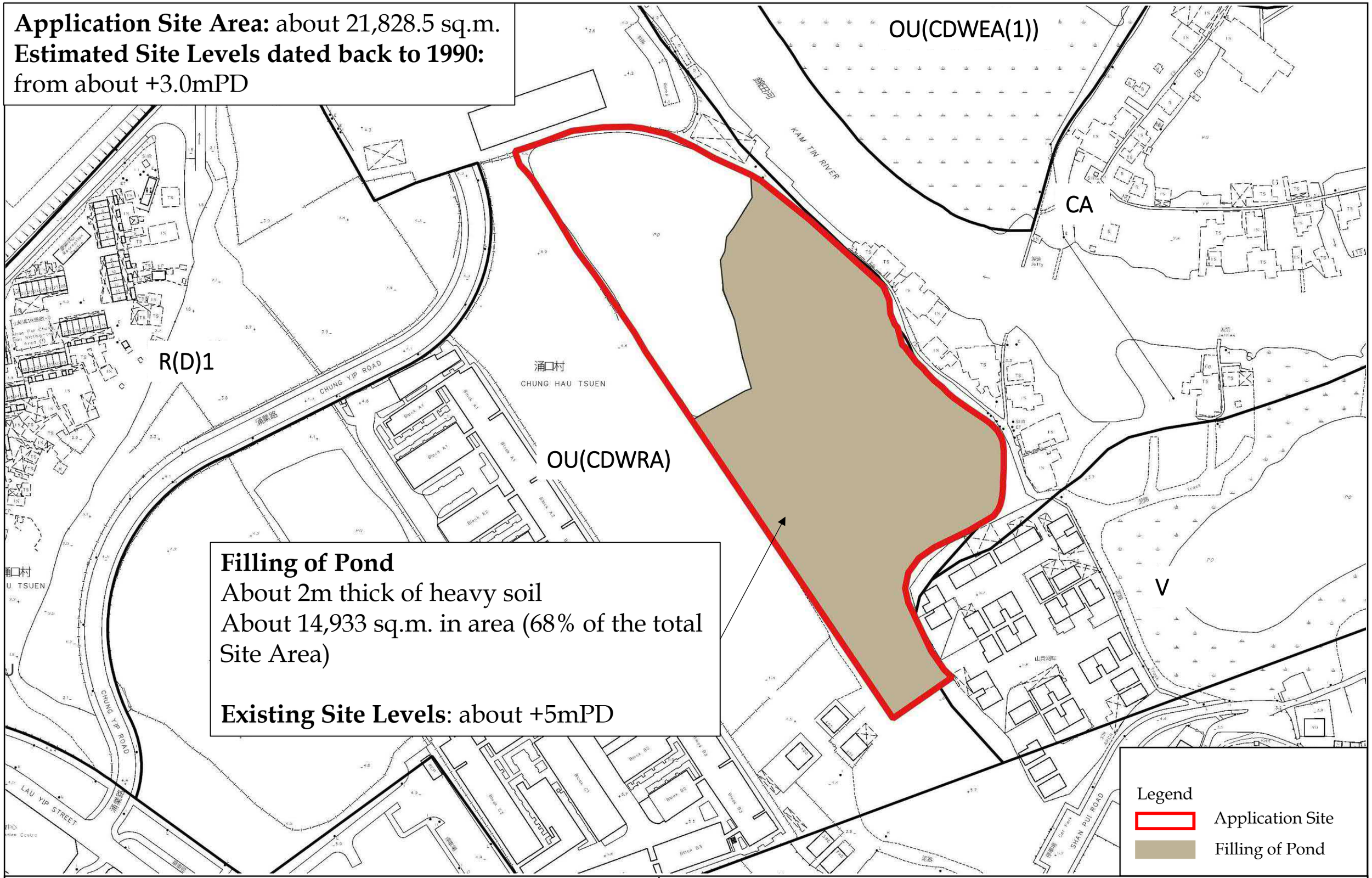

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Figure 7: Land Filling Plan

(For reference only. Not to scale.)

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

(Source: HK GEODATA STORE, HKSAR Government)



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Annex 1a: Aerial Photos

(Extracted based on Aerial Photo no. CS32480 taken in 2011 by Lands Department)

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

(Source: HKMS, HKSAR Government)



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Annex 1b: Aerial Photos

(Extracted based on Aerial Photo no.CS52340 taken in 2014 by Lands Department)

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

(Source: HKMS, HKSAR Government)



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Annex 1c: Aerial Photos

(Extracted based on Aerial Photo no.E019635C taken in 2017 by Lands Department)

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

(Source: HKMS, HKSAR Government)



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Annex 1d: Aerial Photos

(Extracted based on Aerial Photo no. E072761C taken in 2019 by Lands Department)

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

(Source: HKMS, HKSAR Government)



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Annex 1e: Aerial Photos

(Extracted based on Aerial Photo no. E186967C taken in 2023 by Lands Department)

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

(Source: HKMS, HKSAR Government)



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Annex 1f: Aerial Photos

(Extracted based on Aerial Photo no. E237024C taken in 2024 by Lands Department)

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

(Source: HKMS, HKSAR Government)

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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

Drainage Impact Assessment Report

Reference: P159-DIA-I1
Date: 16 September 2025
Confidential

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

Drainage Impact Assessment Report

Reference: P159-DIA-I1

Date: 16 September 2025

Issue	Status	Prepared By	Date	Checked by	Date	Approved By	Date
1	-	Elvis Liu	Sep 25	Cheryl Chan	Sep 25	Joan Choi	Sep 25

23/F Wui Tat Centre, 55 Connaught Road West, Hong Kong
Tel: (852) 31141144

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Appendix C Detailed Drainage Analysis with Climate Change Considerations

1 Introduction

1.1 Background

The planning application is for filling a 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 in Nam Sang Wai, Yuen Long, New Territories (hereafter as "the Site").

The Site mainly falls within an area designated as "Other Specified Uses" annotated as "Comprehensive Development to include Wetland Restoration Area" ("OU(CDWRA)") zone with a small portion in an area designed as "Village Type Development" ("V") zone on the Approved Nam Sang Wai Outline Zoning Plan No. S/YL-NSW/11 ("NSW OZP"). According to the Notes of the NSW OZP for "OU(CDWRA)" and "V" zones, 'Agricultural Use' falls into Column 1 that is always permitted by the Board.

The 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 use aligns with the guideline's intention to protect the ecological integrity of the fishponds and wetlands within the sensitive Wetland Conservation Area ("WCA") through the rehabilitation of agricultural area and fishponds.

The proposed area for cultivation was previously ponds and had been formed for more than two decades. It is currently covered with vegetation. In order to reflect the current situation of the Site and to regularize the pond filling, a planning application for filling of pond is proposed.

This proposal demonstrates that the proposed agricultural use is always permitted under the NSW OZP and the filling of pond is to reflect the current condition of the Site.

Due to concerns about possible drainage impact arising from the proposed development, Urban Green Consultants Ltd. (UGC) has been commissioned to

conduct a Drainage Impact Assessment (DIA) to demonstrate the acceptability of drainage impact upon the surrounding environment.

1.2 Study Objectives

The objectives of this DIA are to assess the possible drainage impacts that may be caused by the proposed development and to recommend mitigation measures to alleviate such impacts if necessary.

1.3 Report Structure

The remaining chapters of this report are shown below:

Chapter 2 – Site Context

Chapter 3 – Drainage Analysis

Chapter 4 – Conclusion

2 Site Context

2.1 Current Site Conditions and its Environs

The Site covers a total area of about 21,828.5 m^2, including portion of Lot 1212 s.E R.P. of about 13,070 m^2., Lot 1212 s.E ss.1 of about 9.5 m^2., and a portion of Discrepant Areas (Portion) adjacent to Lot 1212 s.E of about 8,749 m^2. The Site is currently fenced off, largely paved with vegetations covering a major portion of the site and a pond situated in the northwest.

The Site is located at the far fringe of Nam Sang Wai. The surrounding environment of the Site is in rural village context intermixed with temporary uses. The Site is surrounded by Shan Pui Tsuen and Shan Pui Chung Hau Tsuen, with other low-rise residential developments. The immediate northwest of the Site is the Hong Kong School of Motoring, while to the southwest is the transitional housing project of United Court providing about 1800 units. Figure 2.1 shows the Site location and its environs.

2.2 Existing Drainage Condition

A site survey was conducted on 7 May 2025. The Site is not served by any drainage system to direct surface runoff. Part of the runoff overflows directly into the Kam Tin River.

3 Drainage Analysis

3.1 Assessment Methodology and Assumptions

This DIA has adopted the Rational Method for runoff estimation:

$$Q_p = 0.278\ i \sum C_j\ A_j$$

where
Q_p is peak runoff (m^3/s);
i is rainfall intensity (mm/hr);
A_j is the jth catchment (km^2);
C_j is the runoff coefficient of the jth catchment (dimensionless).

The details of the Rational Method can be referred to the *Stormwater Drainage Manual* (SDM) (DSD, 2018).

Based on a 1:50 year flood protection standard in the SDM and the estimated time of concentration, the appropriate rainfall intensities (i) were calculated based on linear interpolation of the intermediate table values.

The assumptions of this DIA are summarised below:

- Rainstorm return period – 1 in 50 years
- Runoff coefficient for flatted grassland (heavy soil) – 0.25
- Manning's roughness coefficient for the proposed U-channels – 0.016

3.2 Design Parameters

Based on the geographical characteristics of the Site and its surroundings, 3 catchments (Catchment A, B and C) were identified as shown in Figure 3.1.

Surface runoff from catchments A, B and C will be collected by a series of the proposed U-channels and discharged to the Kam Tin River via proposed U-channels M1 – M14. The drainage proposal is shown in Figure 3.2.

The surface runoff from the Site has been estimated and presented in Appendix B.

3.3 Assessment Results

Detailed calculations of the estimated on-site catchment runoffs to the proposed drainage system are provided in Appendix B. The assessment results are summarized in Table 3.1.

Table 3.1 Estimated Runoffs to Proposed Drainage System

Channel Segment	Diameter / Width, m	Depth, m	Gradient	Catchment Runoff, m3/s	Capacity, m3/s	% of capacity flow	Sufficient Capacity?
M1-M2	0.600	0.600	0.005	0.041	0.499	8%	Y
M2-M3	0.600	0.600	0.005	0.076	0.499	15%	Y
M3-M4	0.600	0.600	0.005	0.076	0.499	15%	Y
M4-M5	0.600	0.600	0.005	0.076	0.499	15%	Y
M5-M6	0.600	0.600	0.005	0.076	0.499	15%	Y
M6-M7	0.600	0.600	0.005	0.235	0.499	47%	Y
M7-M8	0.600	0.600	0.005	0.235	0.499	47%	Y
M8-M9	0.600	0.600	0.005	0.235	0.499	47%	Y
M9-M10	0.600	0.600	0.005	0.235	0.499	47%	Y
M10-M11	0.600	0.600	0.005	0.235	0.499	47%	Y

Channel Segment	Diameter / Width, m	Depth, m	Gradient	Catchment Runoff, m3/s	Capacity, m3/s	% of capacity flow	Sufficient Capacity?
M11-M12	0.600	0.600	0.005	0.235	0.499	47%	Y
M12-M13	0.600	0.600	0.005	0.235	0.499	47%	Y
M14-M13	0.600	0.600	0.005	0.159	0.499	32%	Y
M13 to Kam Tin River	0.600	0.600	0.005	0.235	0.499	47%	Y

Based on the results in Appendix B, the proposed drainage system has adequate capacity to cater the surface runoff from the proposed development.

3.4 Climate Change

Climate change projections for Hong Kong estimate the increases in rainfall intensity of 11.1% and 16.0% for the Mid-21st Century (2041-2060) and End of 21st Century (2081-2100) respectively. To assess the impact to the surface water drainage system, both uplift percentages were applied to the rainfall intensity to estimate the increased runoff and quantify any projected capacity requirement. The assessment has been included in Appendix C.

The analysis indicated that the proposed drainage system would have sufficient capacity for the additional runoff from the proposed development with a 11.1% and 16% increase in rainfall intensity due to Climate Change. Hence, the proposed development would not cause adverse drainage impacts nor increase the flooding susceptibility of the surrounding areas.

4 Conclusion

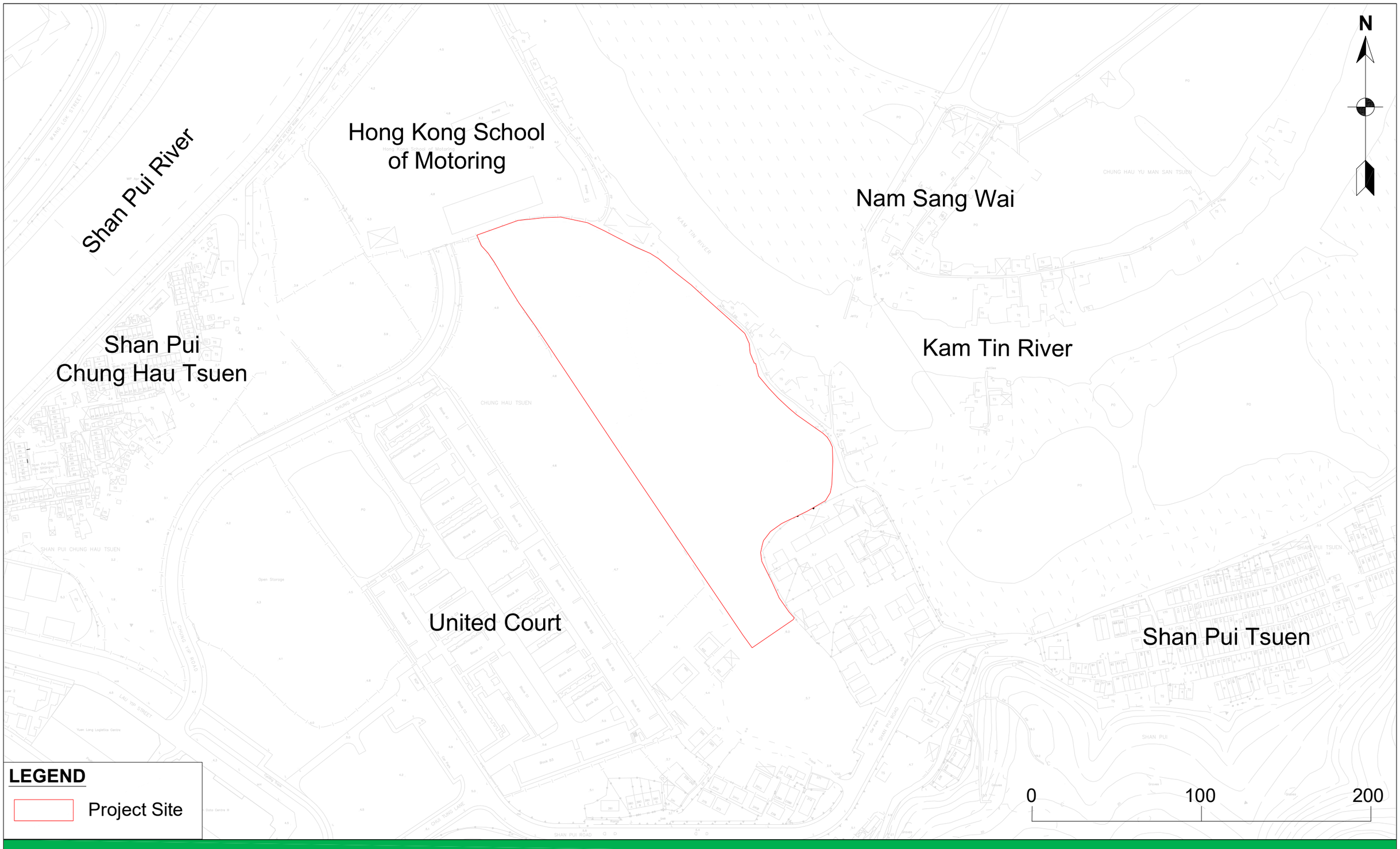
A Drainage Impact Assessment (DIA) has been conducted for the proposed development in Yuen Long, New Territories.

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.

Surface runoff from the Site will be collected by a series of U-channels and discharged to the Kam Tin River. The drainage analysis has demonstrated that the proposed drainage systems have adequate capacity to cater the surface runoff from the Site.

Based on the above, it is concluded that the proposed development will not result in any adverse drainage impacts.

Figures



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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

Site Location and Its Environs

Figure 2.1

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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

Identified Catchment Areas

Figure 3.1

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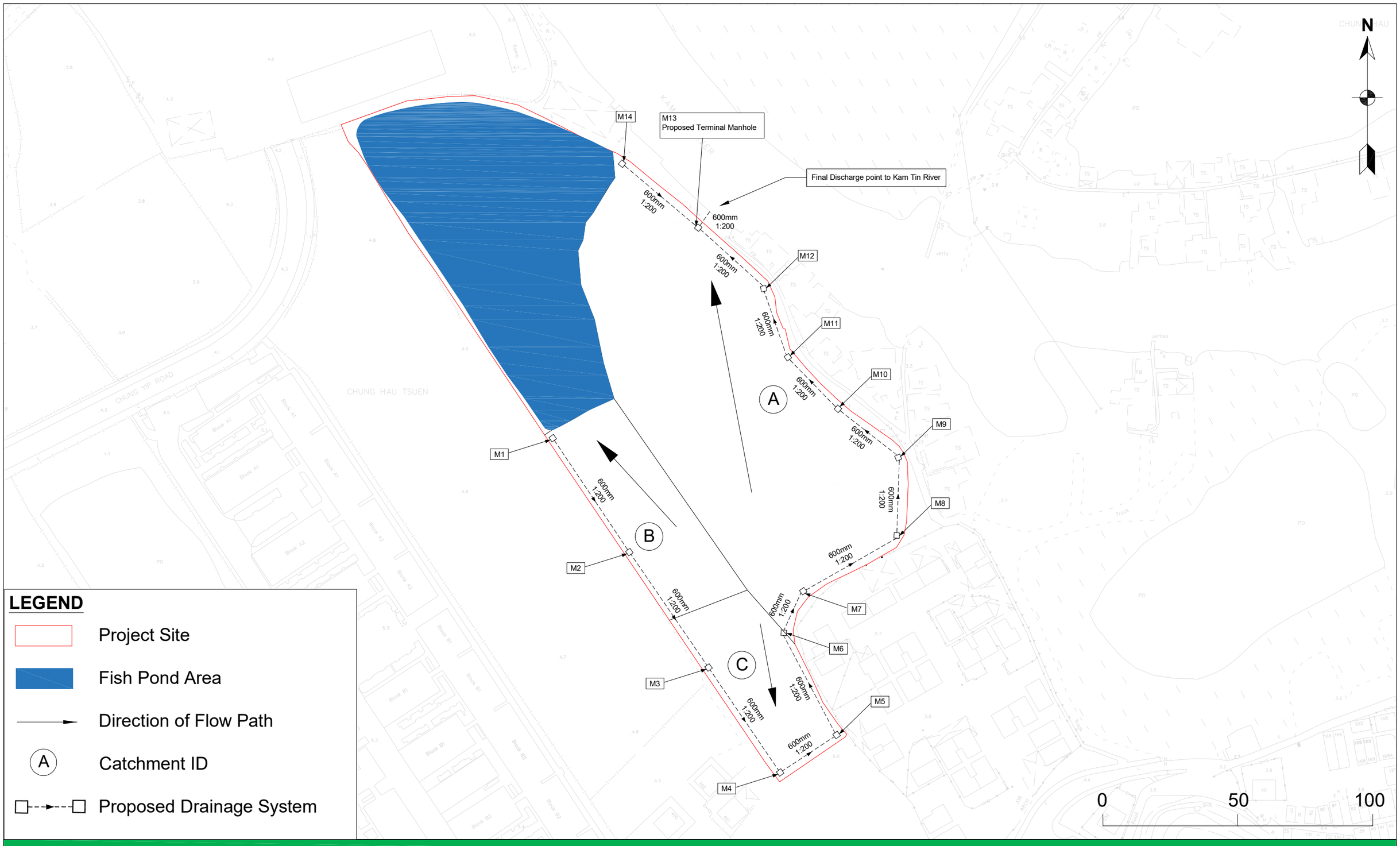

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Section 16 Application for Filling of Pond for Permitted Agricultural Use in Sub-section 1 and the Remaining Portion (Portion) of Section E of Lot No. 1212 in D.D. 115 and the Discrepant Areas (Portion) adjacent to Section E of Lot No. 1212 in D.D.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

Drainage Proposal

Figure 3.2

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Appendix A

Proposed Layout Plan

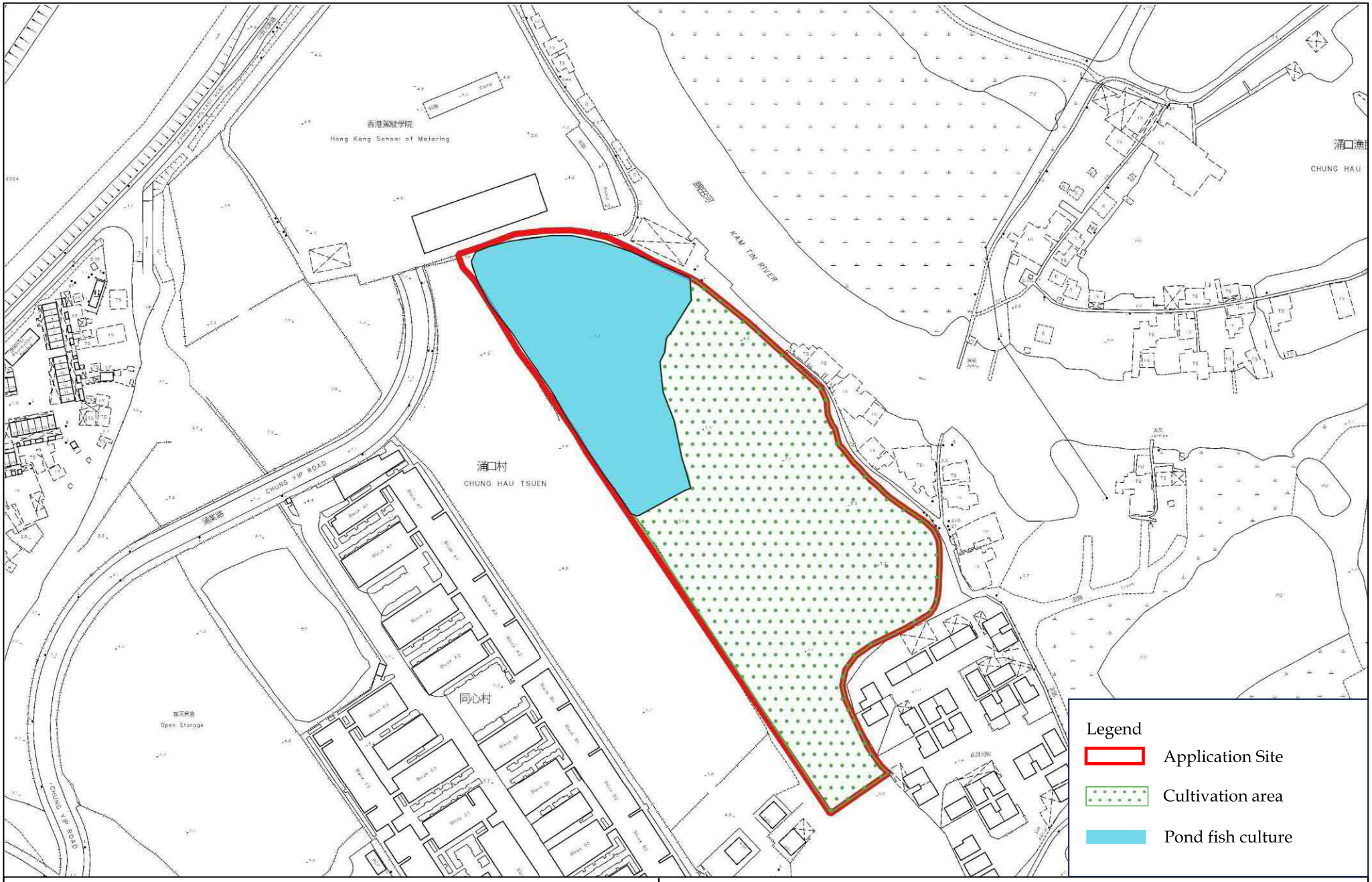

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Figure 7 : Indicative Layout Plan

(Extracted based on Aerial Photo no. A22836 taken on 5.10.1990 by Lands Department)

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

(Source: HK GEODATA STORE, HKSAR Government)

Appendix B

Detailed Drainage Analysis

Capacity Flow Estimation for Proposed Catchments and Drainage System with 50 Year Return Period

A.Calculation of All Catchment Runoff with Proposed Development

Catchment ID	Surface Type	Catchment Area (A), m^2	Catchment Area (A), km^2	Average Slope (H), m/100m	Flow Path Length (L), m	Inlet Time (t_0), min	Time of Concentration (t_c), min	Duration (t_d), min	a (50 year return period) [2]	b (50 year return period) [2]	c (50 year return period) [2]	Runoff Intensity mm/hr	Runoff Coefficient (C)	C x A	Peak Runoff (Q_p), m^3/s
A	100% Grassland (heavysoil), flat	10,514	0.0105	2.11	151.30	7.46	7.46	7.46	505.5	3.29	0.355	218	0.25	0.0026	0.1590
B	100% Grassland (heavysoil), flat	2,504	0.0025	2.21	94.86	5.35	5.35	5.35	505.5	3.29	0.355	235	0.25	0.0006	0.0409
C	100% Grassland (heavysoil), flat	2,053	0.0021	1.66	72.15	4.40	4.40	4.40	505.5	3.29	0.355	245	0.25	0.0005	0.0350
														Total	**0.2349**

B. Capacity Flow Estimation and Adequacy Check for Proposed Drainage System

Pipe Segement	Shape	Diameter, m	Depth, m	Slope	Length, m	Manning's Roughness Coefficient [3]	Cross Section Area, m^2	Wetted Perimeter, m	Hydraulic Radius, m	Mean Velocity, m/s	Capacity Flow, m^3/s	Catchments Served	Runoff, m^3/s [1]	% of Capacity Flow	Sufficient Capacity? (Y/N)
M1-M2	U-Channel	0.600	0.600	0.005	48.82	0.016	0.321	1.542	0.21	1.55	0.499	B	0.041	8%	Y
M2-M3	U-Channel	0.600	0.600	0.005	49.81	0.016	0.321	1.542	0.21	1.55	0.499	B, C	0.076	15%	Y
M3-M4	U-Channel	0.600	0.600	0.005	45.08	0.016	0.321	1.542	0.21	1.55	0.499	B, C	0.076	15%	Y
M4-M5	U-Channel	0.600	0.600	0.005	23.07	0.016	0.321	1.542	0.21	1.55	0.499	B, C	0.076	15%	Y
M5-M6	U-Channel	0.600	0.600	0.005	40.74	0.016	0.321	1.542	0.21	1.55	0.499	B, C	0.076	15%	Y
M6-M7	U-Channel	0.600	0.600	0.005	15.17	0.016	0.321	1.542	0.21	1.55	0.499	A, B, C	0.235	47%	Y
M7-M8	U-Channel	0.600	0.600	0.005	38.55	0.016	0.321	1.542	0.21	1.55	0.499	A, B, C	0.235	47%	Y
M8-M9	U-Channel	0.600	0.600	0.005	26.91	0.016	0.321	1.542	0.21	1.55	0.499	A, B, C	0.235	47%	Y
M9-M10	U-Channel	0.600	0.600	0.005	26.80	0.016	0.321	1.542	0.21	1.55	0.499	A, B, C	0.235	47%	Y
M10-M11	U-Channel	0.600	0.600	0.005	24.61	0.016	0.321	1.542	0.21	1.55	0.499	A, B, C	0.235	47%	Y
M11-M12	U-Channel	0.600	0.600	0.005	24.96	0.016	0.321	1.542	0.21	1.55	0.499	A, B, C	0.235	47%	Y
M12-M13	U-Channel	0.600	0.600	0.005	31.29	0.016	0.321	1.542	0.21	1.55	0.499	A, B, C	0.235	47%	Y
M14-M13	U-Channel	0.600	0.600	0.005	34.80	0.016	0.321	1.542	0.21	1.55	0.499	A	0.159	32%	Y
M13 to Kam Tin River	U-Channel	0.600	0.600	0.005	6.30	0.016	0.321	1.542	0.21	1.55	0.499	A, B, C	0.235	47%	Y

Note:
[1] Runoff is calculated in accordance with DSD's "Stormwater Drainage Manual - Planning, Design and Management" (SDM), fifth edition, January 2018..
[2] 50 years return period of HKO Headquarters is adopted in the calculation according to Stormwater Drainage Manual - Corrigendum No. 1/2024.
[3] For the proposed U-channel, value of n for concrete-lined channels under fair condition (i.e. n = 0.016) is adopted in the calculation.

Appendix C

Detailed Drainage Analysis with Climate Change Considerations

Capacity Flow Estimation for Proposed Catchments and Drainage System with 50 Year Return Period (Rainfall increased 11.1% due to climate change)

A.Calculation of All Catchment Runoff with Proposed Development

Catchment ID	Surface Type	Catchment Area (A), m^2	Catchment Area (A), km^2	Average Slope (H), m/100m	Flow Path Length (L), m	Inlet Time (t_0), min	Time of Concentration (t_c), min	Duration (t_d), min	a (50 year return period) [2]	b (50 year return period) [2]	c (50 year return period) [2]	Runoff Intensity with 11.1% Increase, mm/hr	Runoff Coefficient (C)	C x A	Peak Runoff (Q_p), m^3/s
A	100% Grassland (heavysoil), flat	10,514	0.0105	2.11	151.30	7.46	7.46	7.46	505.5	3.29	0.355	242	0.25	0.0026	0.1766
B	100% Grassland (heavysoil), flat	2,504	0.0025	2.21	94.86	5.35	5.35	5.35	505.5	3.29	0.355	261	0.25	0.0006	0.0455
C	100% Grassland (heavysoil), flat	2,053	0.0021	1.66	72.15	4.40	4.40	4.40	505.5	3.29	0.355	272	0.25	0.0005	0.0388
														Total	**0.2610**

B. Capacity Flow Estimation and Adequacy Check for Proposed Drainage System

Pipe Segement	Shape	Diameter, m	Depth, m	Slope	Length, m	Manning's Roughness Coefficient [3]	Cross Section Area, m^2	Wetted Perimeter, m	Hydraulic Radius, m	Mean Velocity, m/s	Capacity Flow, m^3/s	Catchments Served	Runoff, m^3/s [1]	% of Capacity Flow	Sufficient Capacity? (Y/N)
M1-M2	U-Channel	0.600	0.600	0.005	48.82	0.016	0.321	1.542	0.21	1.55	0.499	B	0.045	9%	Y
M2-M3	U-Channel	0.600	0.600	0.005	49.81	0.016	0.321	1.542	0.21	1.55	0.499	B, C	0.084	17%	Y
M3-M4	U-Channel	0.600	0.600	0.005	45.08	0.016	0.321	1.542	0.21	1.55	0.499	B, C	0.084	17%	Y
M4-M5	U-Channel	0.600	0.600	0.005	23.07	0.016	0.321	1.542	0.21	1.55	0.499	B, C	0.084	17%	Y
M5-M6	U-Channel	0.600	0.600	0.005	40.74	0.016	0.321	1.542	0.21	1.55	0.499	B, C	0.084	17%	Y
M6-M7	U-Channel	0.600	0.600	0.005	15.17	0.016	0.321	1.542	0.21	1.55	0.499	A, B, C	0.261	52%	Y
M7-M8	U-Channel	0.600	0.600	0.005	38.55	0.016	0.321	1.542	0.21	1.55	0.499	A, B, C	0.261	52%	Y
M8-M9	U-Channel	0.600	0.600	0.005	26.91	0.016	0.321	1.542	0.21	1.55	0.499	A, B, C	0.261	52%	Y
M9-M10	U-Channel	0.600	0.600	0.005	26.80	0.016	0.321	1.542	0.21	1.55	0.499	A, B, C	0.261	52%	Y
M10-M11	U-Channel	0.600	0.600	0.005	24.61	0.016	0.321	1.542	0.21	1.55	0.499	A, B, C	0.261	52%	Y
M11-M12	U-Channel	0.600	0.600	0.005	24.96	0.016	0.321	1.542	0.21	1.55	0.499	A, B, C	0.261	52%	Y
M12-M13	U-Channel	0.600	0.600	0.005	31.29	0.016	0.321	1.542	0.21	1.55	0.499	A, B, C	0.261	52%	Y
M14-M13	U-Channel	0.600	0.600	0.005	34.80	0.016	0.321	1.542	0.21	1.55	0.499	A	0.177	35%	Y
M13 to Kam Tin River	U-Channel	0.600	0.600	0.005	6.30	0.016	0.321	1.542	0.21	1.55	0.499	A, B, C	0.261	52%	Y

Note:
[1] Runoff is calculated in accordance with DSD's "Stormwater Drainage Manual - Planning, Design and Management" (SDM), fifth edition, January 2018..
[2] 50 years return period of HKO Headquarters is adopted in the calculation according to Stormwater Drainage Manual - Corrigendum No. 1/2024.
[3] For the proposed U-channel, value of n for concrete-lined channels under fair condition (i.e. n = 0.016) is adopted in the calculation.

Capacity Flow Estimation for Proposed Catchments and Drainage System with 50 Year Return Period (Rainfall increased by 16% due to climate change)

A.Calculation of All Catchment Runoff with Proposed Development

Catchment ID	Surface Type	Catchment Area (A), m^2	Catchment Area (A), km^2	Average Slope (H), m/100m	Flow Path Length (L), m	Inlet Time (t_0), min	Time of Concentration (t_c), min	Duration (t_d), min	a (50 year return period) [2]	b (50 year return period) [2]	c (50 year return period) [2]	Runoff Intensity with 16% Increase, mm/hr	Runoff Coefficient (C)	C x A	Peak Runoff (Q_p), m^3/s
A	100% Grassland (heavysoil), flat	10,514	0.0105	2.11	151.30	7.46	7.46	7.46	505.5	3.29	0.355	252	0.25	0.0026	0.1844
B	100% Grassland (heavysoil), flat	2,504	0.0025	2.21	94.86	5.35	5.35	5.35	505.5	3.29	0.355	273	0.25	0.0006	0.0475
C	100% Grassland (heavysoil), flat	2,053	0.0021	1.66	72.15	4.40	4.40	4.40	505.5	3.29	0.355	284	0.25	0.0005	0.0406
														Total	**0.2725**

B. Capacity Flow Estimation and Adequacy Check for Proposed Drainage System

Pipe Segement	Shape	Diameter, m	Depth, m	Slope	Length, m	Manning's Roughness Coefficient [3]	Cross Section Area, m^2	Wetted Perimeter, m	Hydraulic Radius, m	Mean Velocity, m/s	Capacity Flow, m^3/s	Catchments Served	Runoff, m^3/s [1]	% of Capacity Flow	Sufficient Capacity? (Y/N)
M1-M2	U-Channel	0.600	0.600	0.005	48.82	0.016	0.321	1.542	0.21	1.55	0.499	B	0.047	10%	Y
M2-M3	U-Channel	0.600	0.600	0.005	49.81	0.016	0.321	1.542	0.21	1.55	0.499	B, C	0.088	18%	Y
M3-M4	U-Channel	0.600	0.600	0.005	45.08	0.016	0.321	1.542	0.21	1.55	0.499	B, C	0.088	18%	Y
M4-M5	U-Channel	0.600	0.600	0.005	23.07	0.016	0.321	1.542	0.21	1.55	0.499	B, C	0.088	18%	Y
M5-M6	U-Channel	0.600	0.600	0.005	40.74	0.016	0.321	1.542	0.21	1.55	0.499	B, C	0.088	18%	Y
M6-M7	U-Channel	0.600	0.600	0.005	15.17	0.016	0.321	1.542	0.21	1.55	0.499	A, B, C	0.272	55%	Y
M7-M8	U-Channel	0.600	0.600	0.005	38.55	0.016	0.321	1.542	0.21	1.55	0.499	A, B, C	0.272	55%	Y
M8-M9	U-Channel	0.600	0.600	0.005	26.91	0.016	0.321	1.542	0.21	1.55	0.499	A, B, C	0.272	55%	Y
M9-M10	U-Channel	0.600	0.600	0.005	26.80	0.016	0.321	1.542	0.21	1.55	0.499	A, B, C	0.272	55%	Y
M10-M11	U-Channel	0.600	0.600	0.005	24.61	0.016	0.321	1.542	0.21	1.55	0.499	A, B, C	0.272	55%	Y
M11-M12	U-Channel	0.600	0.600	0.005	24.96	0.016	0.321	1.542	0.21	1.55	0.499	A, B, C	0.272	55%	Y
M12-M13	U-Channel	0.600	0.600	0.005	31.29	0.016	0.321	1.542	0.21	1.55	0.499	A, B, C	0.272	55%	Y
M14-M13	U-Channel	0.600	0.600	0.005	34.80	0.016	0.321	1.542	0.21	1.55	0.499	A	0.184	37%	Y
M13 to Kam Tin River	U-Channel	0.600	0.600	0.005	6.30	0.016	0.321	1.542	0.21	1.55	0.499	A, B, C	0.272	55%	Y

Note:
[1] Runoff is calculated in accordance with DSD's "Stormwater Drainage Manual - Planning, Design and Management" (SDM), fifth edition, January 2018..
[2] 50 years return period of HKO Headquarters is adopted in the calculation according to Stormwater Drainage Manual - Corrigendum No. 1/2024.
[3] For the proposed U-channel, value of n for concrete-lined channels under fair condition (i.e. n = 0.016) is adopted in the calculation.

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

Tree Preservation and Landscape Proposal

1st Submission

by

LanDes

Date: 4 July 2025

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APPENDICES

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Appendix II Landscape Master Plan and Landscape Sections

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1.0 Introduction

1.1 The filling of pond for permitted proposed agriculture use ("The Development") is located 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 in Nam Sang Wai, Yuen Long. The proposed area for cultivation was previously ponds and have been formed for more than two decades. It is currently covered with vegetation. In order to reflect the current situation of the Site and to regularize the pond filling, a planning application for filling of pond is proposed. This proposal is prepared as part of the planning application for the proposed development.

1.2 This proposal describes the concepts and principles underlying the Master Landscape Plan of the Development. It describes the permitted agriculture use and planting design of the Site. A more comprehensive package of proposals will be formulated during the detailed design stage of the project.

1.3 This landscape and tree preservation proposal present:

- The existing tree vegetation;
- The Landscape Master Plan;
- Planting Proposal of the Development.

2.0 The Site

2.1 The Site is located at the far fringe of Nam Sang Wai. To the north of the Site is Kam Tin River while Yuen Long Kau Hui is located to its south. The access to the Site is via a existing local track road connecting to Shan Pui Road.

2.2 The site is a gently sloping land, ranging from **+7.2** mPD in the south to **+3.6** mPD in the north. It is covered by weeds and trees, with a pond identified to the northwest of the site. Existing trees are evenly distributed across the site. Most of them are in semi-mature size and exhibit poor tree form and health conditions. No Old and Valuable Trees (OVT) or protected species have been identified in accordance with DEVB TCW No. 5/2020 – Registration and Preservation of Old and Valuable Trees, and the Forests and Countryside Ordinance (Cap. 96), respectively.

2.3 The landscape character of the Site and its surroundings is a mixture of various land uses, including villages, e.g. Shan Pui Tsuen, Shan Pui Chung Hau Tsuen, low-rise residential developments, e.g. The Parcville, open storages and rural settlements.

3.0 The Proposed Development

3.1 The Site covers an area of about **21,828.5** m^2., including portion of Lot No. 1212 s.E R.P. of about **13,070** m^2., Lot No. 1212 s.E ss.1 of about **9.5** m^2 and its portion of Discrepant areas (portion) adjacent to Lot No. 1212 s.E of about **8,749** m^2. The permitted agricultural use involves rehabilitation of agricultural land (e.g. growing vegetables and crops) of Lot No. 1212 s.E R.P. and ss.1 and pond fish culture of a portion of Lot No. 1212 Discrepant Areas that uses traditional fishing method.

3.2 The proposed area for cultivation was previously ponds and have been formed since 2000. In order to regularize the ponds that have been filled for more than two decades, a planning application for filling of pond is submitted as refer to indicative layout plan in planning application. It is now rectified that the filling of pond would be about 2m thick with heavy soil, with an area of about **14,933** m^2.

3.3 The permitted agricultural use will be operated by experienced cultivators for agricultural use. The south portion will be for rehabilitation of agricultural land, and taking advantage of the existing pond in the north portion, fish farming will be considered under suitable situation.

3.4 As the Site is proposed for agricultural farmlands and pond fish culture, the existing trees within Site will be removed for agricultural use. The detailed tree assessment shall refer to the **Para 4.0** below.

3.5 No parking spaces will be provided in the Site. Cultivators are expected to access the Site by public transportation (i.e. franchised bus, green minibus and taxis) or private vehicle(s) that parked in the surrounding carparks and then walk to the Site via the existing local track road.

4.0 Existing Vegetation

4.1 A tree survey has been carried out on **28.05.2025**. A total of **764** nos. of trees within the Application Site Boundary were recorded. The tree survey schedule, tree survey plan and photographic record of existing trees are shown in **Appendix I** and are outlined below:

Table 2.0 Composition of Surveyed Trees

No.	Tree Species	Chinese Name	Qty
1	*Acacia confusa*	台灣相思	1
2	*Artocarpus heterophyllus*	菠蘿蜜	1
3	*Bombax ceiba*	木棉	3
4	*Celtis sinensis*	朴樹	2
5	*Chrysophyllum cainito*	星蘋果	1
6	*Clausena lansium*	黃皮	1
7	*Dimocarpus longan*	龍眼	1
8	*Ficus religiosa*	菩提樹	1
9	*Hibiscus tiliaceus*	黃槿	1
10	*Leucaena leucocephala*	銀合歡	746
11	*Macaranga tanarius var. tomentosa*	血桐	4
12	*Mangifera indica*	杧果	1
13	*Sapium sebiferum*	烏桕	1
		Total:	**764**

4.2 The tree species recorded are mostly common species found in Hong Kong. A total of **13** species were identified, with heights ranging from **3** m to **18** m, crown spreads from **0.5** m to **18** m, and DBH (Diameter at Breast Height) from **106** mm to **564** mm. No Registered Old and Valuable Trees (OVTs) or protected species were recorded in this tree survey.

4.3 The Site is dominated by *Leucaena leucocephala* 銀合歡 (**746** nos.) which is a kind of self-seeding weed species in Hong Kong. They are propagated from the surrounding natural hillsides.

Retention of Trees

4.4 The site is proposed for agricultural use. Although no works is planned except for drainage works within the site, the existing vegetation should be cleared for cultivation. None of the 764 surveyed trees are proposed to be retained.

Felling and Transplantation of Trees

4.5 Trees in conflict with the proposed development shall be proposed to be transplanted if they fulfil all the criteria below:

a. trees have high amenity value;
b. trees with good form and health;
c. suitable access;
d. tree species able to be transplanted easily;
e. trees have suitable size and;
f. trees are young to semi-mature.

4.4 In this project, **764** existing trees within the Site Boundary should be cleared for agricultural purpose and cannot be retained in situ. **None** of the disturbed trees meet the criteria for transplantation.

4.6 When there is direct conflict with the proposed works and when the trees are not transplantable as described in the above criteria, trees are proposed to be felled.

4.7 Decisions are therefore made to fell any tree that is assessed to be of poor health condition and form and not cost effective for transplanting, all **764** nos. of the surveyed trees within Application Site are proposed to be felled. The justification for felling of trees has been shown in **Tree Schedule** in **Appendix I.** The factor for felling of trees are:

a. In direct conflict with the proposed permanent works or area required for construction;
b. Not transplantable; and
c. With poor health, form and amenity value.

4.8 **7** affected trees, namely **T770** – *Acacia confusa***, T38** – *Chrysophyllum caimito***, T6, T46, T348, T577** – *Macaranga tanarius var. tomentosa and* **T777** – *Sapium sebiferum* are common hillside species in Hong Kong. As they are propagated from the adjacent hillsides, their root systems are very

susceptible to environmental changes. This renders them a relatively low survival rate after transplantation. Hence, all of these trees are also proposed to be felled.

4.9 **4** fruit trees, i.e. **T37** – *Artocarpus heterophyllus*, **T41** – *Clausena lansium*, **T42** – *Dimocarpus longan* and **T40** – *Mangifera indica* are in conflict with the proposed works. Due to the nature of fruit tree species, its anticipated survival rate after transplantation is generally low. Therefore, it is proposed to be felled, instead of transplanted.

4.10 Another **7** disturbed trees, i.e. **T103, T139, T640** – *Bombax ceiba,* **T120, T446** – *Celtis sinensis,* **T352** – *Ficus religiosa,* **T760** – *Hibiscus tiliaceus* exhibited either poor tree form or health conditions. The transplantation of them would require substantial deformation of the trees and this would lead to irrecoverable tree form after transplantation. It is proposed to fell them and be compensated by quality trees.

4.11 Apart from the above, **746** undesirable species – *Leucaena leucocephala* are found within the Application Site. Their presence may pose potential danger to the users in future. They will be removed, for sake of public safety.

4.12 The summary of proposed treatment to existing trees within Application Site is shown as follows:

Table 2.0 Summary of Treatment to Existing Trees

Proposed Treatment to Existing Trees	**No. of Trees**
Number of Trees to be Retained	0
Number of Trees to be Felled	764 (including 746 undesirable species – *Leucaena leucocephala*)
Number of Trees to be Transplanted	0
Total Number of Trees in Survey	**764**

5.0 Landscape Proposal (Appendix II refers)

5.0.1 The aim of the landscape proposals is to respond to site conditions, development layout and function of the proposed development and to provide a quality landscape scheme. The main factors to be taken into consideration are:

- Response to the site context, both in terms of landscape character and visual amenity;
- Creation of a green setting by maximising the opportunity for soft landscape;
- Establishment of pleasant landscape areas which meet the varying needs of users; and
- Minimization of future maintenance requirements.

5.0.2 Landscape drawings showing the proposed landscape treatment for the proposed development, and their underlying principles have been attached in **Appendix II** for ease of reference.

- Hong Kong Planning Standards and Guidelines;
- Technical Guidelines on Landscape Treatment for Slopes (GEO Publication No. 1/2011);
- Design Manual: Barrier Free Access 2008 (Building Department);
- DEVB TC W No. 6/2015 - Maintenance of Vegetation and Hard Landscape Features;
- LAO Practice Note No. 6/2023 – Processing of Tree Preservation and Removal Proposals for Building Development in Private Projects – Compliance with Tree Preservation Clause under Lease;
- PlanD's PNPP No. 1/2019 – Processing and Compliance Checking of Landscape Submissions related to Planning Applications; and
- Guidance Notes for Application for Permission under Section 16 of the Town Planning Ordinance (Cap. 131).

5.1 Landscape Design Concept

5.1.1 The landscape concept mentioned below describe considerations, which had been considered as being general to the whole landscape design.

Minimisation of Extent of Site Formation Works

5.1.2 The site is a gently sloping land, ranging from **+7.2** mPD in the south to **+3.6** mPD in the north. No site formation works are proposed, except for tree felling and drainage works. The cultivation area will follow the existing landform to minimize the extent of site formation required.

Integration of the Proposed Development with the Surrounding Landscape

5.1.3 To provide a buffer between the site and the adjacent village houses, edge planting beds (at least 2m wide) are proposed along the east and southeast edges of the site. Please refer to the landscape

section, drawing no. **LD101** in **Appendix II**, for reference. This will facilitate opportunities for new tree and groundcover plantings. More importantly, the existing pond to the north of the site—an important landscape resource—can be preserved in situ.

Planting Design

5.1.3 New Planting will be predominantly native and primary evergreen in nature. This will also help in promote a tranquil and harmonic environment to the users. The selection of plant combination enrich the colour complexity and visual gradation of the Proposed Development.

5.1.4 Where practicable, standard trees and groundcover are proposed. These soft landscape measures will ensure that the hard lines of the built form to be visually softened. The use of planting in heavy standard size would provide a more instant greening effect. Drawings showing the soft landscape treatment such as trees, shrubs, groundcovers and climbing plants shall refer to planting plan in **Appendix III**.

5.2 Soil Depth and Drainage for Planting

5.2.1 The requirement of soil depth is directly related to the planting design and its associated loading requirement upon structure. In general, the soil depth provided, with all drainage layers, water-proofing and protective screening exclusive is listed below:

Table 4.0 Planting Medium (Soil Depth)

Planting Type	**Soil Depth (Minimum)**
Tree/ Palm tree	1200mm
Shrub/ Climber	600mm
Groundcover/ Turf	300mm

5.3 Irrigation

5.3.1 The proposed irrigation system will be by tap water pipe for manual operation. Lockable water points will be provided at 40m centres covering the entire site. The proposed source of water supply is subject to final approval from the Water Supplies Department.

5.4 Future Maintenance

Soft Landscape Element

5.4.1 For the development, the softworks contractor will be responsible for maintenance of the planting during the establishment period allowed for in the construction contract, usually for the first year after the beginning of the schemes operational phase. This will ensure that the soft landscape measures are in a healthy condition prior to the finished scheme being handed back to the Applicant.

5.4.2 Ultimately the management office will employ maintenance staff to take care of all landscape areas within the site.

5.4.3 The maintenance schedule for soft landscape works has been included in **Appendix IV**. It is important to mention that tree risk assessment will be conducted at appropriate time to facilitate proper tree management and maintenance.

6.0 Planting Proposals (Appendix III refers)

6.1 In order to provide quality landscape for the proposed development, soft landscape works will be the major landscape element of the landscaping proposal and satisfy the following criteria:

- To compensate the loss of affected trees;
- To enhance the ecological value of the existing plantation; and
- To screen the cultivation area and reduce the visual impact to the nearby occupants.

6.2 The proposed planting species list is shown as follows and details shall refer to the Planting Plans in **Appendix III.**

Table 7.0 Proposed Planting Schedule

Botanical Name	Chinese Name	Size (mm)	Spacing (mm)	Native/ Exotic
TREES		**Height x Spread x DBH (mm)**		
Bauhinia blakeana	洋紫荊	2500x1500x50	5000	Native
Pongamia pinnata	水黃皮	2500x1500x50	5000	Native
Sterculia lanceolata	假蘋婆	2500x1500x50	5000	Native
Sapium dicolor	山烏桕	2500x1500x50	5000	Native
GROUNDCOVER		**Height x Spread (mm)**		
Wedelia chinensis	蟛蜞菊	200x200	200	Native

6.3 In this study area, a total of **764** trees within the Application Site Boundary were recorded. **None** of the surveyed trees will be retained in-situ while all **764** trees, including **746** number of *Leucaena leucocephala* inside the Site will be felled due to in conflict with the Development.

6.4 In accordance with para. 42 of Guidance Notes of LAO PN No. 6/2023, the compensatory planting for removal of *Leucaena leucocephala* is not required, due to its aggressive and invasive growing habits. **38** standard trees with average DBH approx. **50** mm are proposed to be planted to compensate the loss of **18** existing trees, excluding *Leucaena leucocephala*. All new trees within the Application Site Boundary will all be maintained by the Applicant.

6.5 In view of the above, the tree compensation proposal can achieve a ratio not less than 1:1 in terms of quality and quantity and is shown as the follows:

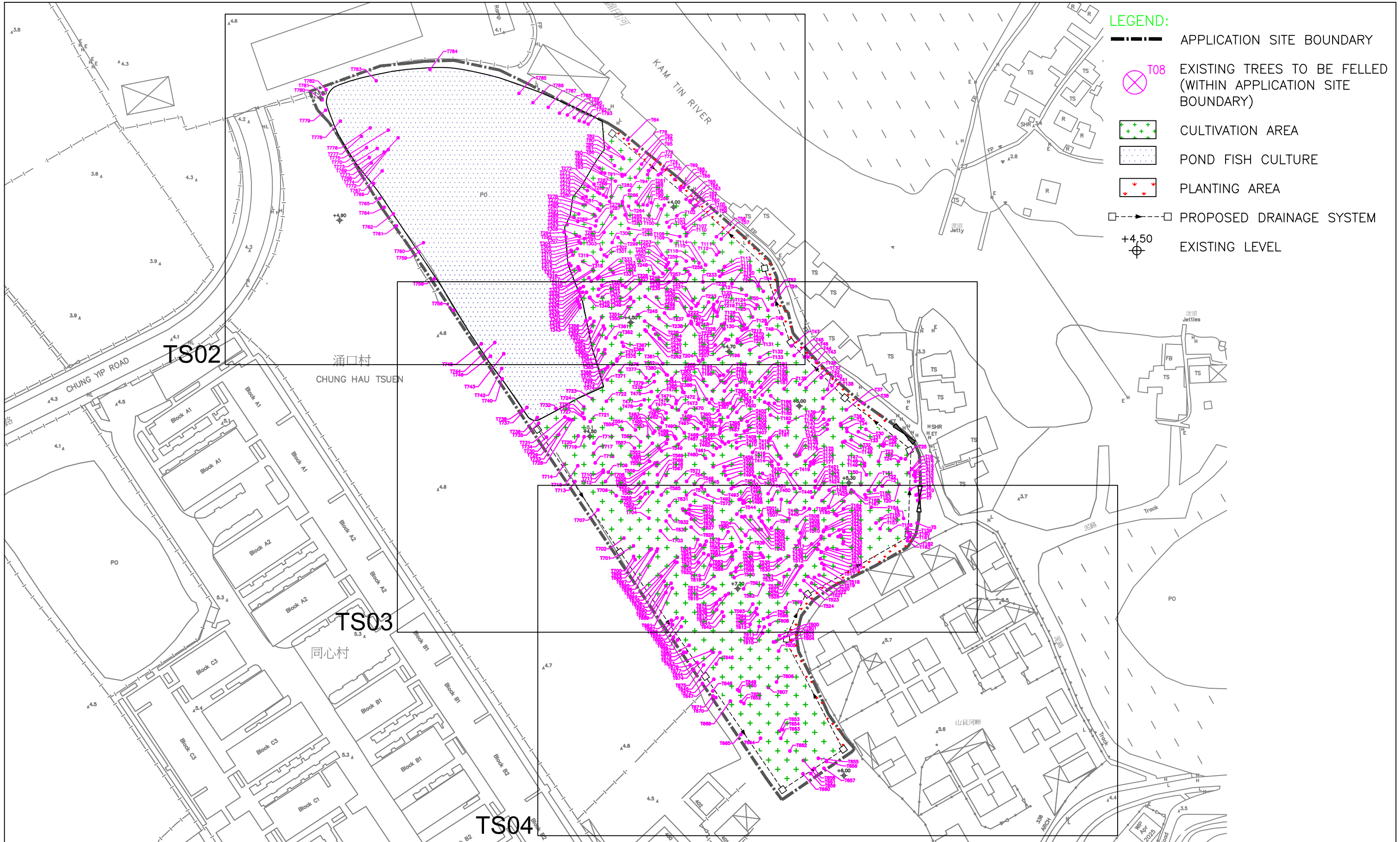
Quantity of loss of trees:	18 nos. (excluding **746** *Leucaena leucocephala*)
Quantity of compensatory trees:	38 nos.
Quantity compensation ratio	approx. 1:2.11

Appendix I

Tree Schedule, Tree Survey Plan

And

Photographic Record of Existing Trees



REVISION 校訂	DESCRIPTION 內容摘要	DRAWN 繪圖	DATE 日期	CHECKED 審核	APPROVED 審批

DO NOT SCALE FROM THIS DRAWING 勿按圖量比例

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PROJECT 工程項目
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

DRAWING TITLE 圖紙名稱
TREE SURVEY PLAN (OVERALL VIEW)

SCALE 比例	1:1200
DESIGNED 設計	TEL
DATE 日期	JUN 2025
DRAWN 繪圖	CAD
REVISION 校訂	–
CHECKED 審核	TEL
DRAWING NUMBER 圖號	TS01
APPROVED 審批	TEL

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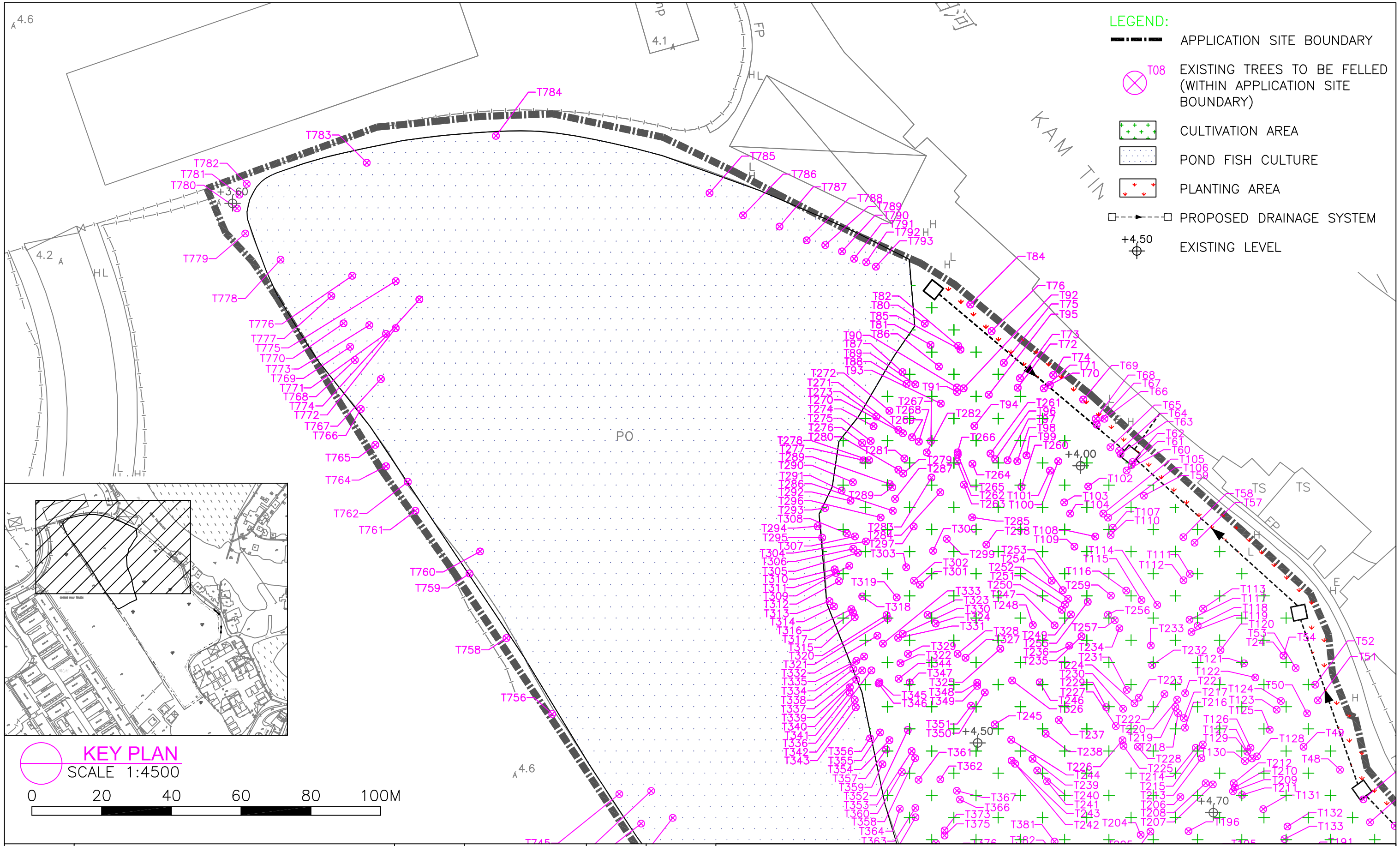

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DRAWING TITLE 圖紙名稱
TREE SURVEY PLAN
(SHEET 1 OF 3)

SCALE 比例	1:500
DATE 日期	JUN 2025
REVISION 校訂	–
DRAWING NUMBER 圖號	TS02
DESIGNED 設計	TEL
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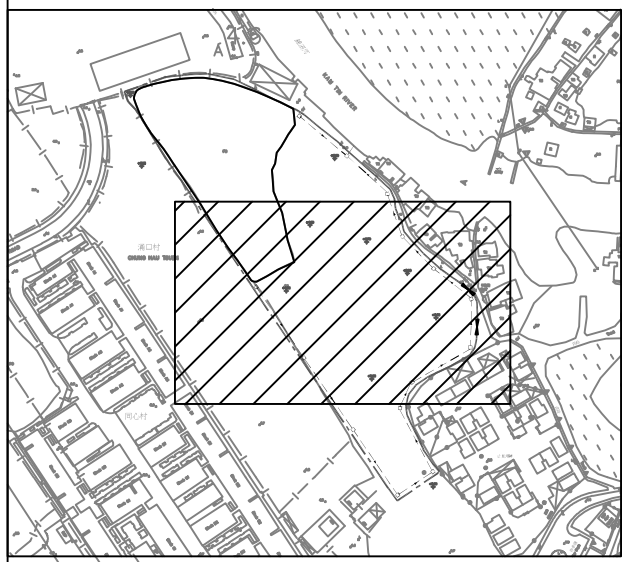
CAD FILENAME : C2515–TS02

LEGEND:

- APPLICATION SITE BOUNDARY
- T08 EXISTING TREES TO BE FELLED (WITHIN APPLICATION SITE BOUNDARY)
- CULTIVATION AREA
- POND FISH CULTURE
- PLANTING AREA
- PROPOSED DRAINAGE SYSTEM
- EXISTING LEVEL

N



KEY PLAN
SCALE 1:4500

0 20 40 60 80 100M

REVISION 校訂	DESCRIPTION 內容摘要	DRAWN 繪圖	DATE 日期	CHECKED 審核	APPROVED 審批

DO NOT SCALE FROM THIS DRAWING 勿按圖量比例

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PROJECT 工程項目
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

SCALE 比例: 1:500
DESIGNED 設計: TEL
DATE 日期: JUN 2025
DRAWN 繪圖: CAD
DRAWING TITLE 圖紙名稱: TREE SURVEY PLAN (SHEET 2 OF 3)
REVISION 校訂: –
CHECKED 審核: TEL
DRAWING NUMBER 圖號: TS03
APPROVED 審批: TEL

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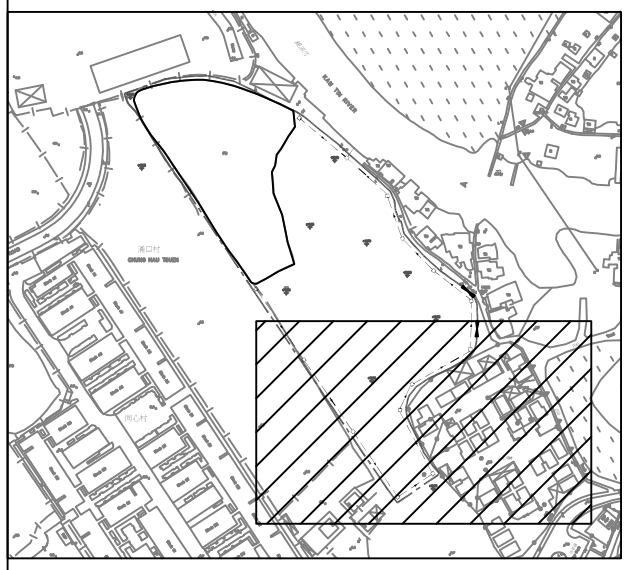
TELEPHONE 2868 0980 FACSIMILE 2868 2203 電話:(八五二) 二八六八 零八零 傳真:(八五二) 二八六八 二二零三

CAD FILENAME : C2515–TS03

LEGEND:

- APPLICATION SITE BOUNDARY
- T08 EXISTING TREES TO BE FELLED (WITHIN APPLICATION SITE BOUNDARY)
- CULTIVATION AREA
- POND FISH CULTURE
- PLANTING AREA
- PROPOSED DRAINAGE SYSTEM
- +4.50 EXISTING LEVEL



KEY PLAN
SCALE 1:4500
0 20 40 60 80 100M

REVISION 校訂	DESCRIPTION 內容摘要	DRAWN 繪圖	DATE 日期	CHECKED 審核	APPROVED 審批

DO NOT SCALE FROM THIS DRAWING 勿按圖量比例

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PROJECT 工程項目
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

SCALE 比例: 1:500
DESIGNED 設計: TEL
DATE 日期: JUN 2025
DRAWN 繪圖: CAD
DRAWING TITLE 圖紙名稱: TREE SURVEY PLAN (SHEET 3 OF 3)
REVISION 校訂: –
CHECKED 審核: TEL
DRAWING NUMBER 圖號: TS04
APPROVED 審批: TEL

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TELEPHONE 2868 0980 FACSIMILE 2868 2203 電話:(八五二) 二八六八 零九八零 傳真:(八五二) 二八六八 二二零三

CAD FILENAME : C2515–TS04

Tree Treatment Schedule at
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
Prepared by Ted Lam (R.L.A. No. R-073) on 28/05/2025
To be read in conjunction with Tree Survey Plan, dwg. no. C2515-TS01 to C2515-TS04

Tree	Photo No.	Species					Proposed Treatment	Remark[1]
No.		Scientific Name	Chinese Name	Height (m)	DBH[2] (mm)	Crown Spread (m)	(Retain/Transplant/Fell)	
T5	2	***Leucaena leucocephala***	銀合歡	6	300	5	Fell	invasive species, root-plate movement
T6	2	***Macaranga tanarius var. tomentosa***	血桐	7	223	8	Fell	cross branches
T7	2	***Leucaena leucocephala***	銀合歡	3	148	5.5	Fell	invasive species, trunk topped
T8	2	***Leucaena leucocephala***	銀合歡	12	389	9	Fell	invasive species, cavity in trunk, broken branch
T9	2	***Leucaena leucocephala***	銀合歡	8	160	4	Fell	invasive species, leaning
T10	2	***Leucaena leucocephala***	銀合歡	9	115	4	Fell	invasive species, root-plate movement
T11	2	***Leucaena leucocephala***	銀合歡	9	145	5	Fell	invasive species, root-plate movement, decay trunk
T12	2	***Leucaena leucocephala***	銀合歡	10	190	8	Fell	invasive species, root-plate movement
T13	2	***Leucaena leucocephala***	銀合歡	10	175	9	Fell	invasive species, root-plate movement
T14	2	***Leucaena leucocephala***	銀合歡	8	115	3	Fell	invasive species, leaning
T15	2	***Leucaena leucocephala***	銀合歡	10	180	7	Fell	invasive species, sapwood damaged at trunk
T16	2	***Leucaena leucocephala***	銀合歡	10	152	4.5	Fell	invasive species, broken branch
T17	2	***Leucaena leucocephala***	銀合歡	9	123	3	Fell	invasive species, dieback
T18	2	***Leucaena leucocephala***	銀合歡	10	255	8	Fell	invasive species, decay branch, broken branch
T19	2	***Leucaena leucocephala***	銀合歡	12	280	9	Fell	invasive species, broken branch
T20	2	***Leucaena leucocephala***	銀合歡	10	228	9	Fell	invasive species, root-plate movement
T21	2	***Leucaena leucocephala***	銀合歡	11	170	7	Fell	invasive species, leaning
T22	2	***Leucaena leucocephala***	銀合歡	10	313	8	Fell	invasive species, root-plate movement, decay trunk
T23	2	***Leucaena leucocephala***	銀合歡	8	375	12	Fell	invasive species, root-plate movement, cross branches
T24	2	***Leucaena leucocephala***	銀合歡	9	113	3.5	Fell	invasive species, cross trunks
T25	2	***Leucaena leucocephala***	銀合歡	9	226	6	Fell	invasive species, broken branch
T26	2	***Leucaena leucocephala***	銀合歡	8	125	3	Fell	invasive species, root-plate movement, decay trunk
T27	2	***Leucaena leucocephala***	銀合歡	7	139	5	Fell	invasive species, decay trunk
T28	2	***Leucaena leucocephala***	銀合歡	12	352	14	Fell	invasive species, decay trunk
T29	2	***Leucaena leucocephala***	銀合歡	12	230	8	Fell	invasive species, leaning
T30	2	***Leucaena leucocephala***	銀合歡	12	190	5	Fell	invasive species, root-plate movement
T31	2	***Leucaena leucocephala***	銀合歡	12	250	6	Fell	invasive species, decay branch
T32	2	***Leucaena leucocephala***	銀合歡	8	162	2	Fell	invasive species, trunk topped
T33	2	***Leucaena leucocephala***	銀合歡	13	290	6	Fell	invasive species, broken branch
T34	2	***Leucaena leucocephala***	銀合歡	12	200	8	Fell	invasive species, uproot

Tree	Photo No.	Species				Proposed Treatment	Remark[1]
No.		Scientific Name	Chinese Name	Height (m)	DBH[2] (mm)	Crown Spread (m)	(Retain/Transplant/Fell)	
T35	2	***Leucaena leucocephala***	銀合歡	11	135	4	Fell	invasive species, cross trunks
T36	2	***Leucaena leucocephala***	銀合歡	13	248	9	Fell	invasive species, cross branches, broken branch
T37	2	***Artocarpus heterophyllus***	菠蘿蜜	6.5	193	5.5	Fell	sapwood damaged at trunk
T38	2	***Chrysophyllum cainito***	星蘋果	7	255	6	Fell	cross trunks, broken branch
T40	2	***Mangifera indica***	杧果	7.5	267	4.5	Fell	decay trunk
T41	2	***Clausena lansium***	黃皮	6	120	4	Fell	decay in trunk
T42	2	***Dimocarpus longan***	龍眼	7	303	7	Fell	girdling root
T43	2	***Leucaena leucocephala***	銀合歡	10	200	8	Fell	invasive species, broken branch
T44	2	***Leucaena leucocephala***	銀合歡	8	195	5	Fell	invasive species, uproot, broken branch
T45	2	***Leucaena leucocephala***	銀合歡	11	220	8	Fell	invasive species, leaning, broken branch
T46	2	***Macaranga tanarius var. tomentosa***	血桐	5	127	5	Fell	leaning
T47	2	***Leucaena leucocephala***	銀合歡	8	115	3	Fell	invasive species, leaning
T48	2	***Leucaena leucocephala***	銀合歡	9	117	5	Fell	invasive species, leaning
T49	2	***Leucaena leucocephala***	銀合歡	8	169	7	Fell	invasive species, leaning
T50	2	***Leucaena leucocephala***	銀合歡	9	125	4	Fell	invasive species, leaning
T51	2	***Leucaena leucocephala***	銀合歡	9	140	4	Fell	invasive species, leaning
T52	2	***Leucaena leucocephala***	銀合歡	9	118	3	Fell	invasive species, leaning
T53	2	***Leucaena leucocephala***	銀合歡	6	125	4	Fell	invasive species, root-plate movement
T54	2	***Leucaena leucocephala***	銀合歡	6	191	5	Fell	invasive species, uproot, decay trunk
T57	2	***Leucaena leucocephala***	銀合歡	8	152	5	Fell	invasive species, leaning
T58	2	***Leucaena leucocephala***	銀合歡	9	134	5	Fell	invasive species, leaning
T59	2	***Leucaena leucocephala***	銀合歡	9	162	8	Fell	invasive species, uproot
T60	2	***Leucaena leucocephala***	銀合歡	12	148	4	Fell	invasive species, uproot
T61	2	***Leucaena leucocephala***	銀合歡	10	145	3.5	Fell	invasive species, leaning
T62	2	***Leucaena leucocephala***	銀合歡	11	252	10	Fell	invasive species
T63	2	***Leucaena leucocephala***	銀合歡	10	243	9	Fell	invasive species, uproot, cross branches
T64	2	***Leucaena leucocephala***	銀合歡	10	205	6	Fell	invasive species, root-plate movement, cross branches
T65	2	***Leucaena leucocephala***	銀合歡	11	179	5	Fell	invasive species, root-plate movement, dieback
T66	2	***Leucaena leucocephala***	銀合歡	8	145	5	Fell	invasive species, root-plate movement
T67	2	***Leucaena leucocephala***	銀合歡	7	126	6	Fell	invasive species, uproot
T68	2	***Leucaena leucocephala***	銀合歡	8	114	4	Fell	invasive species, uproot
T69	2	***Leucaena leucocephala***	銀合歡	9	148	3.5	Fell	invasive species, uproot, cross trunks
T70	2	***Leucaena leucocephala***	銀合歡	8	125	6	Fell	invasive species, root-plate movement
T71	2	***Leucaena leucocephala***	銀合歡	8	120	5	Fell	invasive species, root-plate movement
T72	2	***Leucaena leucocephala***	銀合歡	8	145	4	Fell	invasive species, uproot

Tree	Photo No.	Species				Proposed Treatment	Remark[1]
No.		Scientific Name	Chinese Name	Height (m)	DBH[2] (mm)	Crown Spread (m)	(Retain/Transplant/Fell)	
T73	2	***Leucaena leucocephala***	銀合歡	9	150	5	Fell	invasive species, leaning
T74	2	***Leucaena leucocephala***	銀合歡	9	205	5	Fell	invasive species, root-plate movement
T75	2	***Leucaena leucocephala***	銀合歡	10	170	8	Fell	invasive species, root-plate movement
T76	2	***Leucaena leucocephala***	銀合歡	9.5	195	3.5	Fell	invasive species, decay trunk
T80	2	***Leucaena leucocephala***	銀合歡	7	205	5	Fell	invasive species, uproot
T81	2	***Leucaena leucocephala***	銀合歡	9	244	7	Fell	invasive species, leaning
T82	2	***Leucaena leucocephala***	銀合歡	10	155	3	Fell	invasive species, decay branch
T84	2	***Leucaena leucocephala***	銀合歡	8	110	3	Fell	invasive species, root-plate movement
T85	2	***Leucaena leucocephala***	銀合歡	8	145	5	Fell	invasive species, root-plate movement, decay trunk
T86	2	***Leucaena leucocephala***	銀合歡	10	223	6	Fell	invasive species, root-plate movement
T87	2	***Leucaena leucocephala***	銀合歡	9	333	10	Fell	invasive species, root-plate movement, decay trunk
T88	2	***Leucaena leucocephala***	銀合歡	10	170	5.5	Fell	invasive species, uproot
T89	2	***Leucaena leucocephala***	銀合歡	7	271	4	Fell	invasive species, root-plate movement
T90	2	***Leucaena leucocephala***	銀合歡	9	172	4	Fell	invasive species, uproot
T91	2	***Leucaena leucocephala***	銀合歡	8	144	4	Fell	invasive species, decay trunk
T92	2	***Leucaena leucocephala***	銀合歡	9	154	2	Fell	invasive species, root-plate movement
T93	2	***Leucaena leucocephala***	銀合歡	11	133	2	Fell	invasive species, root-plate movement
T94	2	***Leucaena leucocephala***	銀合歡	11	242	5	Fell	invasive species, branch topped
T95	2	***Leucaena leucocephala***	銀合歡	9	116	1	Fell	invasive species, broken trunk
T96	2	***Leucaena leucocephala***	銀合歡	8	143	1	Fell	invasive species, trunk topped
T97	2	***Leucaena leucocephala***	銀合歡	11	177	5	Fell	invasive species, leaning, cross trunks
T98	2	***Leucaena leucocephala***	銀合歡	11	130	3	Fell	invasive species, root-plate movement
T99	2	***Leucaena leucocephala***	銀合歡	10	110	2	Fell	invasive species, trunk crooked
T100	2	***Leucaena leucocephala***	銀合歡	7.5	120	6	Fell	invasive species, uproot
T101	2	***Leucaena leucocephala***	銀合歡	11	182	6	Fell	invasive species, leaning
T102	2	***Leucaena leucocephala***	銀合歡	10	125	4	Fell	invasive species, leaning
T103	2	***Bombax ceiba***	木棉	7	262	1	Fell	decay trunk
T104	2	***Leucaena leucocephala***	銀合歡	7	234	7	Fell	invasive species, root-plate movement
T105	2	***Leucaena leucocephala***	銀合歡	9	132	4	Fell	invasive species, leaning, decay branch
T106	2	***Leucaena leucocephala***	銀合歡	8	117	2	Fell	invasive species, leaning, trunk topped
T107	2	***Leucaena leucocephala***	銀合歡	9	180	5	Fell	invasive species, broken trunk
T108	2	***Leucaena leucocephala***	銀合歡	11	125	4	Fell	invasive species, leaning
T109	2	***Leucaena leucocephala***	銀合歡	9	234	4	Fell	invasive species, root-plate movement
T110	2	***Leucaena leucocephala***	銀合歡	8	160	6	Fell	invasive species, decay branch
T111	2	***Leucaena leucocephala***	銀合歡	9	190	3	Fell	invasive species, root-plate movement, decay branch

Tree	Photo No.	Species				Proposed Treatment	Remark[1]
No.		Scientific Name	Chinese Name	Height (m)	DBH[2] (mm)	Crown Spread (m)	(Retain/Transplant/Fell)	
T112	2	***Leucaena leucocephala***	銀合歡	8	157	2	Fell	invasive species, leaning
T113	2	***Leucaena leucocephala***	銀合歡	7	130	5	Fell	invasive species, root-plate movement
T114	2	***Leucaena leucocephala***	銀合歡	10	119	7	Fell	invasive species, root-plate movement
T115	2	***Leucaena leucocephala***	銀合歡	9	190	5	Fell	invasive species, root-plate movement, decay branch
T116	2	***Leucaena leucocephala***	銀合歡	11	241	8	Fell	invasive species, root-plate movement
T117	2	***Leucaena leucocephala***	銀合歡	8	108	4	Fell	invasive species, trunk bending
T118	2	***Leucaena leucocephala***	銀合歡	9	170	6	Fell	invasive species, root-plate movement
T119	2	***Leucaena leucocephala***	銀合歡	9	160	6	Fell	invasive species, root-plate movement
T120	2	***Celtis sinensis***	朴樹	5	142	5	Fell	leaning, cross trunks
T121	2	***Leucaena leucocephala***	銀合歡	9	253	7	Fell	invasive species, root-plate movement
T122	2	***Leucaena leucocephala***	銀合歡	9	144	4.5	Fell	invasive species, root-plate movement, root rot
T123	2	***Leucaena leucocephala***	銀合歡	11	216	7	Fell	invasive species, broken branch
T124	2	***Leucaena leucocephala***	銀合歡	10	227	7	Fell	invasive species, leaning
T125	2	***Leucaena leucocephala***	銀合歡	8	143	4	Fell	invasive species, root-plate movement
T126	2	***Leucaena leucocephala***	銀合歡	10	165	6	Fell	invasive species, root-plate movement, decay trunk
T127	2	***Leucaena leucocephala***	銀合歡	11	185	5	Fell	invasive species, root-plate movement
T128	2	***Leucaena leucocephala***	銀合歡	7	130	6	Fell	invasive species, root-plate movement
T129	2	***Leucaena leucocephala***	銀合歡	9	261	6	Fell	invasive species, root-plate movement, broken branch
T130	2	***Leucaena leucocephala***	銀合歡	9	154	4	Fell	invasive species, leaning
T131	2	***Leucaena leucocephala***	銀合歡	8	188	5	Fell	invasive species, root-plate movement
T132	2	***Leucaena leucocephala***	銀合歡	9	116	3	Fell	invasive species, leaning
T133	2	***Leucaena leucocephala***	銀合歡	8	115	3	Fell	invasive species, leaning
T134	2	***Leucaena leucocephala***	銀合歡	9	244	8	Fell	invasive species, uproot
T135	2	***Leucaena leucocephala***	銀合歡	9	200	9	Fell	invasive species, root-plate movement
T136	2	***Leucaena leucocephala***	銀合歡	10	225	8	Fell	invasive species, root-plate movement
T137	2	***Leucaena leucocephala***	銀合歡	9	142	8	Fell	invasive species, root-plate movement
T138	2	***Leucaena leucocephala***	銀合歡	12	290	9	Fell	invasive species, leaning, broken branch
T139	2	***Bombax ceiba***	木棉	18	470	12	Fell	nil
T140	2	***Leucaena leucocephala***	銀合歡	10	238	8	Fell	invasive species, leaning
T141	2	***Leucaena leucocephala***	銀合歡	12	200	4	Fell	invasive species, root-plate movement
T142	2	***Leucaena leucocephala***	銀合歡	8	125	4	Fell	invasive species, leaning
T143	2	***Leucaena leucocephala***	銀合歡	9	170	5	Fell	invasive species, leaning, broken branch
T144	2	***Leucaena leucocephala***	銀合歡	11	127	2.5	Fell	invasive species, decay branch
T145	2	***Leucaena leucocephala***	銀合歡	10	140	4	Fell	invasive species, leaning
T146	2	***Leucaena leucocephala***	銀合歡	11	223	5	Fell	invasive species, root-plate movement

Tree No.	Photo No.	Species		Height (m)	DBH[2] (mm)	Crown Spread (m)	Proposed Treatment (Retain/Transplant/Fell)	Remark[1]
		Scientific Name	Chinese Name					
T147	2	***Leucaena leucocephala***	銀合歡	8	217	7	Fell	invasive species, leaning, cavity in trunk
T148	2	***Leucaena leucocephala***	銀合歡	9	235	6	Fell	invasive species, root-plate movement, broken branch
T149	2	***Leucaena leucocephala***	銀合歡	9	185	7	Fell	invasive species, broken trunk
T150	2	***Leucaena leucocephala***	銀合歡	9	225	9	Fell	invasive species, root-plate movement
T151	2	***Leucaena leucocephala***	銀合歡	9	125	2.5	Fell	invasive species, leaning
T152	2	***Leucaena leucocephala***	銀合歡	9	150	4	Fell	invasive species, leaning
T153	2	***Leucaena leucocephala***	銀合歡	10	157	4.5	Fell	invasive species, leaning
T154	2	***Leucaena leucocephala***	銀合歡	10	248	8	Fell	invasive species, root-plate movement
T155	2	***Leucaena leucocephala***	銀合歡	9	145	4	Fell	invasive species, root-plate movement, decay branch
T156	2	***Leucaena leucocephala***	銀合歡	9	124	3	Fell	invasive species, trunk topped
T157	2	***Leucaena leucocephala***	銀合歡	11	200	8	Fell	invasive species, root-plate movement
T158	2	***Leucaena leucocephala***	銀合歡	8	247	7	Fell	invasive species, broken trunk
T159	2	***Leucaena leucocephala***	銀合歡	7	233	6	Fell	invasive species, broken trunk
T160	2	***Leucaena leucocephala***	銀合歡	8	163	4	Fell	invasive species, uproot, broken trunk
T161	2	***Leucaena leucocephala***	銀合歡	7	237	6	Fell	invasive species, uproot, broken branch
T162	2	***Leucaena leucocephala***	銀合歡	9	284	8	Fell	invasive species, root-plate movement, broken branch
T163	2	***Leucaena leucocephala***	銀合歡	6	198	4	Fell	invasive species, trunk topped
T164	2	***Leucaena leucocephala***	銀合歡	7	128	7	Fell	invasive species, root-plate movement, cross trunks
T165	2	***Leucaena leucocephala***	銀合歡	9	121	1	Fell	invasive species, uproot
T166	2	***Leucaena leucocephala***	銀合歡	10	160	8	Fell	invasive species, root-plate movement
T167	2	***Leucaena leucocephala***	銀合歡	10	170	5	Fell	invasive species, root-plate movement
T168	2	***Leucaena leucocephala***	銀合歡	3	125	1	Fell	invasive species, uproot, trunk topped
T169	2	***Leucaena leucocephala***	銀合歡	9	167	4	Fell	invasive species, uproot
T170	2	***Leucaena leucocephala***	銀合歡	9	210	5	Fell	invasive species, root-plate movement, decay trunk
T171	2	***Leucaena leucocephala***	銀合歡	6	187	3	Fell	invasive species, decay trunk
T172	2	***Leucaena leucocephala***	銀合歡	11	121	3.5	Fell	invasive species, restricted root
T173	2	***Leucaena leucocephala***	銀合歡	10	148	5	Fell	invasive species, restricted root
T174	2	***Leucaena leucocephala***	銀合歡	12	123	4	Fell	invasive species, restricted root, root-plate movement
T175	2	***Leucaena leucocephala***	銀合歡	12	200	6	Fell	invasive species, restricted root, leaning
T176	2	***Leucaena leucocephala***	銀合歡	10	210	7	Fell	invasive species, restricted root, root-plate movement
T177	2	***Leucaena leucocephala***	銀合歡	8	174	4	Fell	invasive species, restricted root, leaning
T178	2	***Leucaena leucocephala***	銀合歡	8	155	6	Fell	invasive species, restricted root, leaning
T179	2	***Leucaena leucocephala***	銀合歡	9	120	3	Fell	invasive species, restricted root, leaning, broken branch
T180	2	***Leucaena leucocephala***	銀合歡	8	230	6	Fell	invasive species, root-plate movement, decay in trunk
T181	2	***Leucaena leucocephala***	銀合歡	10	314	8	Fell	invasive species, restricted root, root-plate movement

Tree No.	Photo No.	Species		Height (m)	DBH[2] (mm)	Crown Spread (m)	Proposed Treatment (Retain/Transplant/Fell)	Remark[1]
		Scientific Name	Chinese Name					
T182	2	***Leucaena leucocephala***	銀合歡	9	198	6	Fell	invasive species, root-plate movement, cross trunks
T183	2	***Leucaena leucocephala***	銀合歡	6	191	6	Fell	invasive species, leaning, broken branch
T184	2	***Leucaena leucocephala***	銀合歡	9	119	3	Fell	invasive species, leaning, broken branch
T185	2	***Leucaena leucocephala***	銀合歡	10	127	6	Fell	invasive species, restricted root, trunk bending
T186	2	***Leucaena leucocephala***	銀合歡	8	153	6	Fell	invasive species, restricted root, leaning
T187	2	***Leucaena leucocephala***	銀合歡	8	135	3	Fell	invasive species, restricted root, leaning
T188	2	***Leucaena leucocephala***	銀合歡	9	233	8	Fell	invasive species, root-plate movement, decay trunk
T189	2	***Leucaena leucocephala***	銀合歡	8	128	5	Fell	invasive species, restricted root, trunk topped
T190	2	***Leucaena leucocephala***	銀合歡	7	120	5	Fell	invasive species, leaning, cross trunks
T191	2	***Leucaena leucocephala***	銀合歡	9	134	8	Fell	invasive species, root-plate movement, decay trunk
T192	2	***Leucaena leucocephala***	銀合歡	6	140	5	Fell	invasive species, restricted root, root-plate movement
T193	2	***Leucaena leucocephala***	銀合歡	7	187	4	Fell	invasive species, restricted root, leaning, decay trunk
T194	2	***Leucaena leucocephala***	銀合歡	8	171	9	Fell	invasive species, root-plate movement, decay branch
T195	2	***Leucaena leucocephala***	銀合歡	11	120	6	Fell	invasive species, root-plate movement
T196	2	***Leucaena leucocephala***	銀合歡	12	181	6	Fell	invasive species, root-plate movement, decay trunk
T197	2	***Leucaena leucocephala***	銀合歡	10	160	8	Fell	invasive species, root-plate movement, cross branches
T198	2	***Leucaena leucocephala***	銀合歡	10	115	3	Fell	invasive species, uproot
T199	2	***Leucaena leucocephala***	銀合歡	9	126	8	Fell	invasive species, restricted root, root-plate movement
T200	2	***Leucaena leucocephala***	銀合歡	10	143	7	Fell	invasive species, restricted root, root-plate movement
T201	2	***Leucaena leucocephala***	銀合歡	11	130	3	Fell	invasive species, restricted root, leaning
T202	2	***Leucaena leucocephala***	銀合歡	12	190	7	Fell	invasive species, root-plate movement
T203	2	***Leucaena leucocephala***	銀合歡	10	120	3.5	Fell	invasive species, uproot
T204	2	***Leucaena leucocephala***	銀合歡	8	127	3	Fell	invasive species, leaning
T205	2	***Leucaena leucocephala***	銀合歡	9	336	5	Fell	invasive species, uproot
T206	2	***Leucaena leucocephala***	銀合歡	8	117	3	Fell	invasive species, uproot
T207	2	***Leucaena leucocephala***	銀合歡	11	150	5	Fell	invasive species, leaning
T208	2	***Leucaena leucocephala***	銀合歡	12	116	3.5	Fell	invasive species, leaning
T209	2	***Leucaena leucocephala***	銀合歡	10	158	9	Fell	invasive species
T210	2	***Leucaena leucocephala***	銀合歡	11	122	6	Fell	invasive species
T211	2	***Leucaena leucocephala***	銀合歡	9	135	7	Fell	invasive species, leaning
T212	2	***Leucaena leucocephala***	銀合歡	10	145	7	Fell	invasive species, leaning
T213	2	***Leucaena leucocephala***	銀合歡	13	255	9	Fell	invasive species, restricted root, leaning
T214	2	***Leucaena leucocephala***	銀合歡	9	137	5	Fell	invasive species, root-plate movement
T215	2	***Leucaena leucocephala***	銀合歡	8	153	4	Fell	invasive species, root-plate movement
T216	2	***Leucaena leucocephala***	銀合歡	12	175	5	Fell	invasive species, restricted root, leaning

Tree	Photo No.	Species				Proposed Treatment	Remark[1]
No.		Scientific Name	Chinese Name	Height (m)	DBH[2] (mm)	Crown Spread (m)	(Retain/Transplant/Fell)	
T217	2	***Leucaena leucocephala***	銀合歡	10	118	4	Fell	invasive species, root-plate movement
T218	2	***Leucaena leucocephala***	銀合歡	8	119	3	Fell	invasive species, restricted root, leaning
T219	2	***Leucaena leucocephala***	銀合歡	12	143	5	Fell	invasive species, restricted root, leaning
T220	2	***Leucaena leucocephala***	銀合歡	11	225	6	Fell	invasive species, restricted root, root-plate movement, decay trunk
T221	2	***Leucaena leucocephala***	銀合歡	9	135	3	Fell	invasive species, restricted root
T222	2	***Leucaena leucocephala***	銀合歡	12	123	8	Fell	invasive species, root-plate movement
T223	2	***Leucaena leucocephala***	銀合歡	10	170	9	Fell	invasive species, root-plate movement
T224	2	***Leucaena leucocephala***	銀合歡	10	135	8	Fell	invasive species, root-plate movement, restricted root
T225	2	***Leucaena leucocephala***	銀合歡	5	126	4	Fell	invasive species, root-plate movement, decay branch
T226	2	***Leucaena leucocephala***	銀合歡	8	121	7	Fell	invasive species, root-plate movement, decay branch
T227	2	***Leucaena leucocephala***	銀合歡	8	140	9	Fell	invasive species, root-plate movement
T228	2	***Leucaena leucocephala***	銀合歡	8	182	8	Fell	invasive species, root-plate movement, broken branch
T229	2	***Leucaena leucocephala***	銀合歡	9	146	6	Fell	invasive species, uproot
T230	2	***Leucaena leucocephala***	銀合歡	9	258	8	Fell	invasive species, root-plate movement, broken branch
T231	2	***Leucaena leucocephala***	銀合歡	5.5	185	4	Fell	invasive species, root-plate movement, trunk topped
T232	2	***Leucaena leucocephala***	銀合歡	12	354	10	Fell	invasive species, root-plate movement, decay branch
T233	2	***Leucaena leucocephala***	銀合歡	10	125	8	Fell	invasive species, root-plate movement
T234	2	***Leucaena leucocephala***	銀合歡	12	210	8	Fell	invasive species, root-plate movement, decay trunk
T235	2	***Leucaena leucocephala***	銀合歡	12	210	10	Fell	invasive species, uproot, cross branches
T236	2	***Leucaena leucocephala***	銀合歡	12	180	9	Fell	invasive species, root-plate movement, cross branches
T237	2	***Leucaena leucocephala***	銀合歡	9	130	5	Fell	invasive species, root-plate movement
T238	2	***Leucaena leucocephala***	銀合歡	9	151	5	Fell	invasive species, root-plate movement
T239	2	***Leucaena leucocephala***	銀合歡	11	208	8	Fell	invasive species, root-plate movement, broken branch
T240	2	***Leucaena leucocephala***	銀合歡	8	128	6	Fell	invasive species, root-plate movement, decay in trunk
T241	2	***Leucaena leucocephala***	銀合歡	12	180	10	Fell	invasive species, root-plate movement, cavity in trunk
T242	2	***Leucaena leucocephala***	銀合歡	12	200	11	Fell	invasive species, root-plate movement, decay branch
T243	2	***Leucaena leucocephala***	銀合歡	11	158	8	Fell	invasive species, root-plate movement, cross trunks
T244	2	***Leucaena leucocephala***	銀合歡	12	320	10	Fell	invasive species, cross trunks
T245	2	***Leucaena leucocephala***	銀合歡	10	126	7	Fell	invasive species, leaning
T246	2	***Leucaena leucocephala***	銀合歡	10	146	8	Fell	invasive species, root-plate movement, cross branches
T247	2	***Leucaena leucocephala***	銀合歡	12	250	8	Fell	invasive species, root-plate movement, decay trunk
T248	2	***Leucaena leucocephala***	銀合歡	11	162	7	Fell	invasive species, root-plate movement
T249	2	***Leucaena leucocephala***	銀合歡	6	133	6	Fell	invasive species, root-plate movement, decay trunk
T250	2	***Leucaena leucocephala***	銀合歡	11	141	7	Fell	invasive species, leaning
T251	2	***Leucaena leucocephala***	銀合歡	13	140	5	Fell	invasive species, leaning

Tree	Photo No.	Species				Proposed Treatment	Remark[1]
No.		Scientific Name	Chinese Name	Height (m)	DBH[2] (mm)	Crown Spread (m)	(Retain/Transplant/Fell)	
T252	2	***Leucaena leucocephala***	銀合歡	13	143	4.5	Fell	invasive species, uproot, decay trunk
T253	2	***Leucaena leucocephala***	銀合歡	11	155	5	Fell	invasive species, root-plate movement, decay trunk
T254	2	***Leucaena leucocephala***	銀合歡	13	251	9	Fell	invasive species, included bark
T255	2	***Leucaena leucocephala***	銀合歡	10	165	8	Fell	invasive species, root-plate movement, cross branches
T256	2	***Leucaena leucocephala***	銀合歡	12	178	8	Fell	invasive species, root-plate movement
T257	2	***Leucaena leucocephala***	銀合歡	10	180	8	Fell	invasive species, root-plate movement, trunk crooked
T258	2	***Leucaena leucocephala***	銀合歡	12	170	5	Fell	invasive species, root-plate movement, decay branch
T259	2	***Leucaena leucocephala***	銀合歡	11	145	4	Fell	invasive species, uproot, decay branch
T260	2	***Leucaena leucocephala***	銀合歡	8	125	6	Fell	invasive species, root-plate movement, decay branch
T261	2	***Leucaena leucocephala***	銀合歡	9	128	4	Fell	invasive species, broken branch
T262	2	***Leucaena leucocephala***	銀合歡	10	135	7	Fell	invasive species, leaning
T263	2	***Leucaena leucocephala***	銀合歡	12	210	5	Fell	invasive species, leaning
T264	2	***Leucaena leucocephala***	銀合歡	11	168	6	Fell	invasive species, root-plate movement
T265	2	***Leucaena leucocephala***	銀合歡	11	205	5	Fell	invasive species, root-plate movement, decay trunk
T266	2	***Leucaena leucocephala***	銀合歡	12	161	4.5	Fell	invasive species, cavity in trunk
T267	2	***Leucaena leucocephala***	銀合歡	10	123	3.5	Fell	invasive species, uproot, branch topped
T268	2	***Leucaena leucocephala***	銀合歡	11	165	3	Fell	invasive species, restricted root, leaning
T269	2	***Leucaena leucocephala***	銀合歡	7	121	3	Fell	invasive species, leaning, branch topped
T270	2	***Leucaena leucocephala***	銀合歡	12	179	5	Fell	invasive species, root-plate movement
T271	2	***Leucaena leucocephala***	銀合歡	9	178	7	Fell	invasive species, uproot, decay branch, crack in trunk
T272	2	***Leucaena leucocephala***	銀合歡	9	135	4	Fell	invasive species, leaning
T273	2	***Leucaena leucocephala***	銀合歡	10	344	6	Fell	invasive species, root-plate movement
T274	2	***Leucaena leucocephala***	銀合歡	9	157	4	Fell	invasive species, uproot
T275	2	***Leucaena leucocephala***	銀合歡	10	220	5	Fell	invasive species, restricted root, leaning
T276	2	***Leucaena leucocephala***	銀合歡	9	186	4.5	Fell	invasive species, restricted root, leaning
T277	2	***Leucaena leucocephala***	銀合歡	11	225	7	Fell	invasive species, restricted root, leaning
T278	2	***Leucaena leucocephala***	銀合歡	11	123	2	Fell	invasive species, restricted root, leaning
T279	2	***Leucaena leucocephala***	銀合歡	10	140	2	Fell	invasive species, uproot, cross trunks
T280	2	***Leucaena leucocephala***	銀合歡	11	127	2	Fell	invasive species, leaning, cross trunks
T281	2	***Leucaena leucocephala***	銀合歡	12	260	7	Fell	invasive species, restricted root, trunk bending
T282	2	***Leucaena leucocephala***	銀合歡	11	196	6	Fell	invasive species, restricted root, leaning
T283	2	***Leucaena leucocephala***	銀合歡	9	140	3	Fell	invasive species, uproot
T284	2	***Leucaena leucocephala***	銀合歡	10	118	2	Fell	invasive species, leaning
T285	2	***Leucaena leucocephala***	銀合歡	7	135	5	Fell	invasive species, uproot
T286	2	***Leucaena leucocephala***	銀合歡	5.5	127	3	Fell	invasive species, root-plate movement, trunk topped

Tree No.	Photo No.	Species		Height (m)	DBH[2] (mm)	Crown Spread (m)	Proposed Treatment (Retain/Transplant/Fell)	Remark[1]
		Scientific Name	Chinese Name					
T287	2	***Leucaena leucocephala***	銀合歡	11	122	3	Fell	invasive species, restricted root, leaning
T288	2	***Leucaena leucocephala***	銀合歡	12	206	5	Fell	invasive species, restricted root, root-plate movement
T289	2	***Leucaena leucocephala***	銀合歡	8	135	6	Fell	invasive species, restricted root, root-plate movement, decay trunk
T290	2	***Leucaena leucocephala***	銀合歡	12	290	3.5	Fell	invasive species, restricted root, leaning
T291	2	***Leucaena leucocephala***	銀合歡	9	269	8	Fell	invasive species, cross trunks
T292	2	***Leucaena leucocephala***	銀合歡	12	370	10	Fell	invasive species, restricted root, root-plate movement, decay branch
T293	2	***Leucaena leucocephala***	銀合歡	10	153	7	Fell	invasive species, restricted root, leaning
T294	2	***Leucaena leucocephala***	銀合歡	10	227	7	Fell	invasive species, leaning
T295	2	***Leucaena leucocephala***	銀合歡	11	118	2.5	Fell	invasive species, leaning
T296	2	***Leucaena leucocephala***	銀合歡	11	216	8	Fell	invasive species, restricted root, leaning
T297	2	***Leucaena leucocephala***	銀合歡	9	111	3	Fell	invasive species, restricted root, root-plate movement
T298	2	***Leucaena leucocephala***	銀合歡	9	120	7	Fell	invasive species, leaning
T299	2	***Leucaena leucocephala***	銀合歡	10	177	6	Fell	invasive species, uproot
T300	2	***Leucaena leucocephala***	銀合歡	12	188	5	Fell	invasive species, uproot, decay branch
T301	2	***Leucaena leucocephala***	銀合歡	10	145	6	Fell	invasive species, uproot
T302	2	***Leucaena leucocephala***	銀合歡	13	290	5	Fell	invasive species, cross trunks, heartwood damaged at trunk
T303	2	***Leucaena leucocephala***	銀合歡	12	326	12	Fell	invasive species, cross trunks, cavity in trunk
T304	2	***Leucaena leucocephala***	銀合歡	9	140	5	Fell	invasive species, leaning, broken trunk
T305	2	***Leucaena leucocephala***	銀合歡	12	160	4	Fell	invasive species, restricted root
T306	2	***Leucaena leucocephala***	銀合歡	11	133	2	Fell	invasive species, restricted root, leaning
T307	2	***Leucaena leucocephala***	銀合歡	11	145	3.5	Fell	invasive species, restricted root, leaning
T308	2	***Leucaena leucocephala***	銀合歡	13	158	5.5	Fell	invasive species, restricted root, leaning
T309	2	***Leucaena leucocephala***	銀合歡	13	157	5	Fell	invasive species, restricted root, leaning
T310	2	***Leucaena leucocephala***	銀合歡	13	130	4	Fell	invasive species, restricted root, leaning
T311	2	***Leucaena leucocephala***	銀合歡	12	195	5	Fell	invasive species, leaning
T312	2	***Leucaena leucocephala***	銀合歡	12	121	5	Fell	invasive species, leaning
T313	2	***Leucaena leucocephala***	銀合歡	12	370	10	Fell	invasive species, leaning
T314	2	***Leucaena leucocephala***	銀合歡	10	250	7	Fell	invasive species, uproot
T315	2	***Leucaena leucocephala***	銀合歡	14	200	7	Fell	invasive species, restricted root, leaning
T316	2	***Leucaena leucocephala***	銀合歡	12	219	7	Fell	invasive species, restricted root, leaning, broken branch
T317	2	***Leucaena leucocephala***	銀合歡	13	140	4	Fell	invasive species, decay in trunk
T318	2	***Leucaena leucocephala***	銀合歡	13	170	4.5	Fell	invasive species, leaning
T319	2	***Leucaena leucocephala***	銀合歡	13	145	5	Fell	invasive species, leaning
T320	2	***Leucaena leucocephala***	銀合歡	12	124	3.5	Fell	invasive species, restricted root
T321	2	***Leucaena leucocephala***	銀合歡	14	142	5	Fell	invasive species, restricted root

Tree	Photo No.	Species				Proposed Treatment	Remark[1]
No.		Scientific Name	Chinese Name	Height (m)	DBH[2] (mm)	Crown Spread (m)	(Retain/Transplant/Fell)	
T322	2	***Leucaena leucocephala***	銀合歡	10	155	7	Fell	invasive species, uproot, cross trunks
T323	2	***Leucaena leucocephala***	銀合歡	8	163	8	Fell	invasive species, uproot, cross trunks
T324	2	***Leucaena leucocephala***	銀合歡	10	180	8	Fell	invasive species, uproot, broken trunk
T325	2	***Leucaena leucocephala***	銀合歡	10	240	8	Fell	invasive species, uproot, decay trunk
T326	2	***Leucaena leucocephala***	銀合歡	8	280	4	Fell	invasive species, uproot, decay branch
T327	2	***Leucaena leucocephala***	銀合歡	11	113	3.5	Fell	invasive species, trunk bending
T328	2	***Leucaena leucocephala***	銀合歡	13	298	7	Fell	invasive species, uproot, broken trunk
T329	2	***Leucaena leucocephala***	銀合歡	13	235	9	Fell	invasive species, girdling root
T330	2	***Leucaena leucocephala***	銀合歡	10	126	7	Fell	invasive species, uproot, cross trunks
T331	2	***Leucaena leucocephala***	銀合歡	9	155	8	Fell	invasive species, uproot, cross trunks
T332	2	***Leucaena leucocephala***	銀合歡	7	155	3	Fell	invasive species, leaning, broken branch
T333	2	***Leucaena leucocephala***	銀合歡	10	160	7	Fell	invasive species, uproot
T334	2	***Leucaena leucocephala***	銀合歡	13	203	5	Fell	invasive species, leaning, cavity in trunk
T335	2	***Leucaena leucocephala***	銀合歡	10	140	6	Fell	invasive species, uproot, broken branch
T336	2	***Leucaena leucocephala***	銀合歡	13	163	8	Fell	invasive species, leaning
T337	2	***Leucaena leucocephala***	銀合歡	14	170	6	Fell	invasive species, restricted root, leaning
T338	2	***Leucaena leucocephala***	銀合歡	10	184	6	Fell	invasive species, leaning, cross trunks, decay branch
T339	2	***Leucaena leucocephala***	銀合歡	12	180	8	Fell	invasive species, leaning
T340	2	***Leucaena leucocephala***	銀合歡	9	140	5	Fell	invasive species, restricted root, uproot, crack in trunk
T341	2	***Leucaena leucocephala***	銀合歡	11	126	2.5	Fell	invasive species, included bark
T342	2	***Leucaena leucocephala***	銀合歡	12	180	3.5	Fell	invasive species, leaning
T343	2	***Leucaena leucocephala***	銀合歡	10	343	7	Fell	invasive species, leaning
T344	2	***Leucaena leucocephala***	銀合歡	12	209	4	Fell	invasive species, trunk topped
T345	2	***Leucaena leucocephala***	銀合歡	12	205	8	Fell	invasive species, root-plate movement
T346	2	***Leucaena leucocephala***	銀合歡	11	136	5	Fell	invasive species, leaning
T347	2	***Leucaena leucocephala***	銀合歡	12	214	8	Fell	invasive species, root-plate movement
T348	2	***Macaranga tanarius var. tomentosa***	血桐	5	135	5	Fell	leaning
T349	2	***Leucaena leucocephala***	銀合歡	12	145	6	Fell	invasive species, leaning
T350	2	***Leucaena leucocephala***	銀合歡	14	340	9	Fell	invasive species, root-plate movement, root rot
T351	2	***Leucaena leucocephala***	銀合歡	12	140	5	Fell	invasive species, uproot
T352	2	***Ficus religiosa***	菩提樹	12	231	5	Fell	leaning
T353	2	***Leucaena leucocephala***	銀合歡	13	167	6	Fell	invasive species, leaning, sapwood damaged at trunk
T354	2	***Leucaena leucocephala***	銀合歡	12	138	5	Fell	nil
T355	2	***Leucaena leucocephala***	銀合歡	10	235	7	Fell	invasive species, root-plate movement
T356	2	***Leucaena leucocephala***	銀合歡	9	220	7	Fell	invasive species, leaning, broken trunk

Tree	Photo No.	Species				Proposed Treatment	Remark[1]
No.		Scientific Name	Chinese Name	Height (m)	DBH[2] (mm)	Crown Spread (m)	(Retain/Transplant/Fell)	
T357	2	***Leucaena leucocephala***	銀合歡	8	140	8	Fell	invasive species, leaning
T358	2	***Leucaena leucocephala***	銀合歡	7	150	5	Fell	invasive species, root-plate movement
T359	2	***Leucaena leucocephala***	銀合歡	8	180	7	Fell	invasive species, restricted root, root-plate movement
T360	2	***Leucaena leucocephala***	銀合歡	12	145	6	Fell	invasive species, trunk crooked
T361	2	***Leucaena leucocephala***	銀合歡	12	157	5	Fell	invasive species, broken branch
T362	2	***Leucaena leucocephala***	銀合歡	9	194	5	Fell	invasive species, trunk topped
T363	2	***Leucaena leucocephala***	銀合歡	9	180	6	Fell	invasive species, leaning, decay in trunk
T364	2	***Leucaena leucocephala***	銀合歡	8	233	3	Fell	invasive species, leaning, broken trunk
T365	2	***Leucaena leucocephala***	銀合歡	9	135	8	Fell	invasive species, root-plate movement
T366	2	***Leucaena leucocephala***	銀合歡	9	170	7	Fell	invasive species, root-plate movement
T367	2	***Leucaena leucocephala***	銀合歡	10	125	8	Fell	invasive species, root-plate movement
T368	2	***Leucaena leucocephala***	銀合歡	10	130	6	Fell	invasive species, root-plate movement, cross trunks
T369	2	***Leucaena leucocephala***	銀合歡	11	325	9	Fell	invasive species, root-plate movement, decay trunk
T370	2	***Leucaena leucocephala***	銀合歡	12	128	5	Fell	invasive species, leaning, cross trunks
T371	2	***Leucaena leucocephala***	銀合歡	8	157	8	Fell	invasive species, root-plate movement, decay trunk
T372	2	***Leucaena leucocephala***	銀合歡	9	118	7	Fell	invasive species, root-plate movement, cross trunks
T373	2	***Leucaena leucocephala***	銀合歡	13	205	7	Fell	invasive species, trunk bending
T374	2	***Leucaena leucocephala***	銀合歡	13	160	6	Fell	invasive species, leaning
T375	2	***Leucaena leucocephala***	銀合歡	11	122	4	Fell	nil
T376	2	***Leucaena leucocephala***	銀合歡	12	160	8	Fell	invasive species, root-plate movement, cross branches
T377	2	***Leucaena leucocephala***	銀合歡	9	224	7	Fell	invasive species, root-plate movement, cross trunks
T378	2	***Leucaena leucocephala***	銀合歡	12	150	4.5	Fell	invasive species, restricted root, trunk topped
T379	2	***Leucaena leucocephala***	銀合歡	7	173	5	Fell	invasive species, root-plate movement
T380	2	***Leucaena leucocephala***	銀合歡	9	250	5	Fell	invasive species, leaning, broken trunk
T381	2	***Leucaena leucocephala***	銀合歡	12	218	7	Fell	invasive species, root-plate movement
T382	2	***Leucaena leucocephala***	銀合歡	8	119	5	Fell	invasive species, restricted root, leaning, broken trunk
T383	2	***Leucaena leucocephala***	銀合歡	12	226	10	Fell	invasive species, restricted root, root-plate movement
T384	2	***Leucaena leucocephala***	銀合歡	11	150	8	Fell	invasive species, uproot
T385	2	***Leucaena leucocephala***	銀合歡	12	193	6	Fell	invasive species, uproot, trunk topped
T386	2	***Leucaena leucocephala***	銀合歡	13	168	7	Fell	invasive species, leaning
T387	2	***Leucaena leucocephala***	銀合歡	14	252	9	Fell	invasive species, trunk topped
T388	2	***Leucaena leucocephala***	銀合歡	13	162	7	Fell	invasive species, leaning
T389	2	***Leucaena leucocephala***	銀合歡	14	188	8	Fell	invasive species, leaning, broken branch
T390	2	***Leucaena leucocephala***	銀合歡	13	163	5	Fell	invasive species, root-plate movement, trunk topped
T391	2	***Leucaena leucocephala***	銀合歡	13	147	7	Fell	invasive species, leaning

Tree	Photo No.	Species				Proposed Treatment	Remark[1]
No.		Scientific Name	Chinese Name	Height (m)	DBH[2] (mm)	Crown Spread (m)	(Retain/Transplant/Fell)	
T392	2	***Leucaena leucocephala***	銀合歡	8	167	3.5	Fell	invasive species, root-plate movement, branch topped
T393	2	***Leucaena leucocephala***	銀合歡	13	140	4	Fell	invasive species, leaning, broken branch
T394	2	***Leucaena leucocephala***	銀合歡	13	170	7	Fell	invasive species, root-plate movement, broken trunk
T395	2	***Leucaena leucocephala***	銀合歡	12	202	5	Fell	invasive species, restricted root, leaning, broken branch
T396	2	***Leucaena leucocephala***	銀合歡	15	210	10	Fell	invasive species, restricted root, leaning, broken branch
T397	2	***Leucaena leucocephala***	銀合歡	15	250	9	Fell	invasive species, restricted root, leaning, broken branch
T398	2	***Leucaena leucocephala***	銀合歡	16	127	7	Fell	invasive species, restricted root
T399	2	***Leucaena leucocephala***	銀合歡	13	142	6	Fell	invasive species, root-plate movement
T400	2	***Leucaena leucocephala***	銀合歡	7	150	5	Fell	invasive species, root-plate movement, decay trunk
T401	2	***Leucaena leucocephala***	銀合歡	12	122	5	Fell	invasive species, trunk bending
T402	2	***Leucaena leucocephala***	銀合歡	11	148	5	Fell	invasive species, leaning
T403	2	***Leucaena leucocephala***	銀合歡	11	122	4	Fell	invasive species, leaning
T404	2	***Leucaena leucocephala***	銀合歡	10	144	6	Fell	invasive species, root-plate movement, cross branches
T405	2	***Leucaena leucocephala***	銀合歡	13	292	9	Fell	invasive species, root-plate movement, cross branches
T406	2	***Leucaena leucocephala***	銀合歡	12	225	6	Fell	invasive species, root-plate movement, cross branches
T407	2	***Leucaena leucocephala***	銀合歡	14	183	4	Fell	invasive species, trunk topped
T408	2	***Leucaena leucocephala***	銀合歡	15	188	7	Fell	invasive species, leaning
T409	2	***Leucaena leucocephala***	銀合歡	13	127	6	Fell	invasive species, root-plate movement
T410	2	***Leucaena leucocephala***	銀合歡	13	175	7	Fell	invasive species, trunk bending, heartwood damaged at trunk
T411	2	***Leucaena leucocephala***	銀合歡	14	270	5	Fell	invasive species, restricted root, trunk bending
T412	2	***Leucaena leucocephala***	銀合歡	13	170	3.5	Fell	invasive species, broken branch, cross branches
T413	2	***Leucaena leucocephala***	銀合歡	15	383	10	Fell	invasive species, leaning, broken trunk
T414	2	***Leucaena leucocephala***	銀合歡	10	185	8	Fell	invasive species, restricted root, leaning, broken branch
T415	2	***Leucaena leucocephala***	銀合歡	9	138	7	Fell	invasive species, restricted root, leaning, broken trunk
T416	2	***Leucaena leucocephala***	銀合歡	14	147	8	Fell	invasive species, restricted root, leaning
T417	2	***Leucaena leucocephala***	銀合歡	13	220	9	Fell	invasive species, restricted root, trunk bending, broken branch
T418	2	***Leucaena leucocephala***	銀合歡	12	248	7	Fell	invasive species, restricted root, leaning, broken trunk
T419	2	***Leucaena leucocephala***	銀合歡	15	300	12	Fell	invasive species, restricted root, uproot, broken branch
T420	2	***Leucaena leucocephala***	銀合歡	13	216	8	Fell	invasive species, restricted root, leaning
T421	2	***Leucaena leucocephala***	銀合歡	11	125	5	Fell	invasive species
T422	2	***Leucaena leucocephala***	銀合歡	9	219	8	Fell	invasive species, decay branch
T423	2	***Leucaena leucocephala***	銀合歡	14	255	12	Fell	invasive species, restricted root, leaning
T424	2	***Leucaena leucocephala***	銀合歡	9	304	5	Fell	invasive species, decay trunk, broken branch
T425	2	***Leucaena leucocephala***	銀合歡	9	138	3.5	Fell	invasive species, broken trunk
T426	2	***Leucaena leucocephala***	銀合歡	15	200	10	Fell	invasive species, restricted root, broken branch

Tree	Photo No.	Species				Proposed Treatment	Remark[1]
No.		Scientific Name	Chinese Name	Height (m)	DBH[2] (mm)	Crown Spread (m)	(Retain/Transplant/Fell)	
T427	2	***Leucaena leucocephala***	銀合歡	17	343	10	Fell	invasive species, restricted root, broken branch
T428	2	***Leucaena leucocephala***	銀合歡	14	170	13	Fell	invasive species, leaning, broken branch
T429	2	***Leucaena leucocephala***	銀合歡	9	173	3	Fell	invasive species, leaning, trunk topped
T430	2	***Leucaena leucocephala***	銀合歡	13	175	7	Fell	invasive species, uproot, broken branch
T431	2	***Leucaena leucocephala***	銀合歡	13	132	6	Fell	invasive species, restricted root, leaning, broken branch
T432	2	***Leucaena leucocephala***	銀合歡	9	165	2	Fell	invasive species, restricted root, leaning, broken branch
T433	2	***Leucaena leucocephala***	銀合歡	7	293	5	Fell	invasive species, root-plate movement, broken branch
T434	2	***Leucaena leucocephala***	銀合歡	9	368	6	Fell	invasive species, uproot, broken branch
T435	2	***Leucaena leucocephala***	銀合歡	10	152	6	Fell	invasive species, leaning, broken trunk
T436	2	***Leucaena leucocephala***	銀合歡	14	140	7	Fell	invasive species, leaning, cross trunks
T437	2	***Leucaena leucocephala***	銀合歡	13	165	6	Fell	invasive species, leaning, cross trunks
T438	2	***Leucaena leucocephala***	銀合歡	11	191	4	Fell	invasive species, restricted root, leaning, decay in trunk
T439	2	***Leucaena leucocephala***	銀合歡	13	215	9	Fell	invasive species, trunk crooked, broken branch
T440	2	***Leucaena leucocephala***	銀合歡	10	142	4	Fell	invasive species, leaning, broken trunk
T441	2	***Leucaena leucocephala***	銀合歡	8	118	2	Fell	invasive species, leaning, broken trunk
T442	2	***Leucaena leucocephala***	銀合歡	13	198	10	Fell	invasive species, root-plate movement, decay trunk
T443	2	***Leucaena leucocephala***	銀合歡	10	186	7	Fell	invasive species, root-plate movement, decay trunk
T444	2	***Leucaena leucocephala***	銀合歡	15	285	10	Fell	invasive species, uproot, broken branch
T445	2	***Leucaena leucocephala***	銀合歡	9	257	8	Fell	invasive species, restricted root, uproot, broken branch
T446	2	***Celtis sinensis***	朴樹	9	175	8	Fell	restricted root
T447	2	***Leucaena leucocephala***	銀合歡	11	221	9	Fell	invasive species, root-plate movement, decay branch
T448	2	***Leucaena leucocephala***	銀合歡	13	178	8	Fell	invasive species, uproot, cross branches
T449	2	***Leucaena leucocephala***	銀合歡	14	185	9	Fell	invasive species, leaning, broken branch
T450	2	***Leucaena leucocephala***	銀合歡	9	175	2	Fell	invasive species, broken trunk
T451	2	***Leucaena leucocephala***	銀合歡	18	240	12	Fell	invasive species
T452	2	***Leucaena leucocephala***	銀合歡	12	235	5	Fell	invasive species, root-plate movement, broken trunk
T453	2	***Leucaena leucocephala***	銀合歡	16	318	12	Fell	invasive species, leaning, broken branch
T454	2	***Leucaena leucocephala***	銀合歡	18	195	10	Fell	invasive species, leaning
T455	2	***Leucaena leucocephala***	銀合歡	12	190	6	Fell	invasive species, leaning, broken branch
T456	2	***Leucaena leucocephala***	銀合歡	18	300	9	Fell	invasive species, heartwood damaged at trunk
T457	2	***Leucaena leucocephala***	銀合歡	13	124	5	Fell	invasive species, heartwood damaged at trunk
T458	2	***Leucaena leucocephala***	銀合歡	12	225	7	Fell	invasive species, root-plate movement, cross branches
T459	2	***Leucaena leucocephala***	銀合歡	18	297	12	Fell	invasive species, leaning, broken branch
T460	2	***Leucaena leucocephala***	銀合歡	13	185	9	Fell	invasive species, leaning, broken branch
T461	2	***Leucaena leucocephala***	銀合歡	14	212	6	Fell	invasive species, broken branch

Tree No.	Photo No.	Species		Height (m)	DBH[2] (mm)	Crown Spread (m)	Proposed Treatment (Retain/Transplant/Fell)	Remark[1]
		Scientific Name	Chinese Name					
T462	2	***Leucaena leucocephala***	銀合歡	15	190	5	Fell	invasive species, branch topped
T463	2	***Leucaena leucocephala***	銀合歡	12	180	8	Fell	invasive species, root-plate movement, broken branch
T464	2	***Leucaena leucocephala***	銀合歡	10	140	5	Fell	invasive species, root-plate movement
T465	2	***Leucaena leucocephala***	銀合歡	16	137	6	Fell	invasive species, leaning, heartwood damaged at trunk
T466	2	***Leucaena leucocephala***	銀合歡	13	190	8	Fell	invasive species, leaning
T467	2	***Leucaena leucocephala***	銀合歡	13	152	6	Fell	invasive species, leaning, broken branch
T468	2	***Leucaena leucocephala***	銀合歡	14	200	8	Fell	invasive species, leaning, broken branch
T469	2	***Leucaena leucocephala***	銀合歡	13	153	5	Fell	invasive species, restricted root, leaning, broken branch
T470	2	***Leucaena leucocephala***	銀合歡	7	128	7	Fell	invasive species, trunk bending, broken branch
T471	2	***Leucaena leucocephala***	銀合歡	13	138	5	Fell	invasive species, leaning, trunk topped
T472	2	***Leucaena leucocephala***	銀合歡	12	190	8	Fell	invasive species, leaning, cross branches
T473	2	***Leucaena leucocephala***	銀合歡	7	145	3	Fell	invasive species, leaning, branch topped
T474	2	***Leucaena leucocephala***	銀合歡	5	165	0.5	Fell	invasive species, trunk topped
T475	2	***Leucaena leucocephala***	銀合歡	12	125	3.5	Fell	invasive species, restricted root, leaning
T476	2	***Leucaena leucocephala***	銀合歡	11	155	8	Fell	invasive species, restricted root, leaning
T477	2	***Leucaena leucocephala***	銀合歡	8	140	8	Fell	invasive species, restricted root, leaning
T478	2	***Leucaena leucocephala***	銀合歡	9	163	6	Fell	invasive species, restricted root, leaning, broken branch
T479	2	***Leucaena leucocephala***	銀合歡	10	125	6	Fell	invasive species, restricted root, leaning, decay trunk
T480	2	***Leucaena leucocephala***	銀合歡	15	192	10	Fell	invasive species, broken branch
T481	2	***Leucaena leucocephala***	銀合歡	13	163	7	Fell	invasive species, leaning
T482	2	***Leucaena leucocephala***	銀合歡	13	147	5	Fell	invasive species, leaning
T483	2	***Leucaena leucocephala***	銀合歡	15	165	5	Fell	invasive species
T484	2	***Leucaena leucocephala***	銀合歡	11	203	2	Fell	invasive species, decay trunk, trunk topped
T485	2	***Leucaena leucocephala***	銀合歡	13	220	4	Fell	invasive species, trunk topped
T486	2	***Leucaena leucocephala***	銀合歡	15	215	8	Fell	invasive species, broken branch
T487	2	***Leucaena leucocephala***	銀合歡	11	145	5	Fell	invasive species, trunk crooked
T488	2	***Leucaena leucocephala***	銀合歡	13	177	5	Fell	invasive species, leaning, trunk topped
T489	2	***Leucaena leucocephala***	銀合歡	14	215	3.5	Fell	invasive species, decay in trunk, trunk topped
T490	2	***Leucaena leucocephala***	銀合歡	10	173	5	Fell	invasive species, broken trunk
T491	2	***Leucaena leucocephala***	銀合歡	15	246	5	Fell	invasive species, broken branch
T492	2	***Leucaena leucocephala***	銀合歡	14	190	4	Fell	invasive species, broken trunk
T493	2	***Leucaena leucocephala***	銀合歡	9	116	3.5	Fell	invasive species, leaning
T494	2	***Leucaena leucocephala***	銀合歡	13	290	6	Fell	invasive species, broken trunk
T495	2	***Leucaena leucocephala***	銀合歡	9	185	3	Fell	invasive species, leaning, broken branch
T496	2	***Leucaena leucocephala***	銀合歡	11	200	2.5	Fell	invasive species, leaning, broken branch

Tree No.	Photo No.	Species		Height (m)	DBH[2] (mm)	Crown Spread (m)	Proposed Treatment (Retain/Transplant/Fell)	Remark[1]
		Scientific Name	Chinese Name					
T497	2	***Leucaena leucocephala***	銀合歡	12	121	5	Fell	invasive species, root-plate movement, broken branch
T498	2	***Leucaena leucocephala***	銀合歡	14	173	4	Fell	invasive species, broken branch
T499	2	***Leucaena leucocephala***	銀合歡	14	165	5	Fell	invasive species, leaning
T500	2	***Leucaena leucocephala***	銀合歡	13	200	3	Fell	invasive species, leaning
T501	2	***Leucaena leucocephala***	銀合歡	18	198	10	Fell	invasive species, broken branch
T502	2	***Leucaena leucocephala***	銀合歡	18	160	2	Fell	invasive species, broken trunk
T503	2	***Leucaena leucocephala***	銀合歡	16	219	10	Fell	invasive species, broken branch
T504	2	***Leucaena leucocephala***	銀合歡	15	218	8	Fell	invasive species, trunk bending
T505	2	***Leucaena leucocephala***	銀合歡	10	188	5	Fell	invasive species, broken trunk
T506	2	***Leucaena leucocephala***	銀合歡	13	160	8	Fell	invasive species, trunk bending
T507	2	***Leucaena leucocephala***	銀合歡	12	226	7	Fell	invasive species, root-plate movement, decay in trunk
T508	2	***Leucaena leucocephala***	銀合歡	12	140	4	Fell	invasive species, uproot
T509	2	***Leucaena leucocephala***	銀合歡	16	225	10	Fell	invasive species, leaning, cavity in trunk
T510	2	***Leucaena leucocephala***	銀合歡	10	120	8	Fell	invasive species, leaning
T511	2	***Leucaena leucocephala***	銀合歡	13	174	4	Fell	invasive species, leaning, broken branch
T512	2	***Leucaena leucocephala***	銀合歡	12	125	3.5	Fell	invasive species, leaning, decay branch
T513	2	***Leucaena leucocephala***	銀合歡	12	207	9	Fell	invasive species, leaning
T514	2	***Leucaena leucocephala***	銀合歡	10	164	8	Fell	invasive species, root-plate movement, decay branch, cross branches
T515	2	***Leucaena leucocephala***	銀合歡	13	124	5	Fell	invasive species, broken branch
T516	2	***Leucaena leucocephala***	銀合歡	12	188	8	Fell	invasive species, root-plate movement, cross branches
T517	2	***Leucaena leucocephala***	銀合歡	8	199	6	Fell	invasive species, leaning, cross branches
T518	2	***Leucaena leucocephala***	銀合歡	8	134	5	Fell	invasive species, leaning, broken branch
T519	2	***Leucaena leucocephala***	銀合歡	9	150	7	Fell	invasive species, leaning, cross trunks
T520	2	***Leucaena leucocephala***	銀合歡	8	180	4	Fell	invasive species, broken branch
T521	2	***Leucaena leucocephala***	銀合歡	14	214	8	Fell	invasive species, leaning, broken branch
T522	2	***Leucaena leucocephala***	銀合歡	12	206	9	Fell	invasive species, broken branch
T523	2	***Leucaena leucocephala***	銀合歡	12	217	9	Fell	invasive species, leaning, broken branch
T524	2	***Leucaena leucocephala***	銀合歡	8	264	6	Fell	invasive species, root-plate movement, cross branches
T525	2	***Leucaena leucocephala***	銀合歡	14	222	8	Fell	invasive species, trunk bending
T526	2	***Leucaena leucocephala***	銀合歡	10	124	7	Fell	invasive species, uproot, broken branch
T527	2	***Leucaena leucocephala***	銀合歡	5	190	4	Fell	invasive species, leaning, trunk topped
T528	2	***Leucaena leucocephala***	銀合歡	11	210	7	Fell	invasive species, root-plate movement
T529	2	***Leucaena leucocephala***	銀合歡	10	138	6	Fell	invasive species, leaning
T530	2	***Leucaena leucocephala***	銀合歡	10	185	9	Fell	invasive species, root-plate movement
T531	2	***Leucaena leucocephala***	銀合歡	5	160	4	Fell	invasive species, uproot, decay trunk

Tree	Photo No.	Species				Proposed Treatment	Remark[1]
No.		Scientific Name	Chinese Name	Height (m)	DBH[2] (mm)	Crown Spread (m)	(Retain/Transplant/Fell)	
T532	2	***Leucaena leucocephala***	銀合歡	12	124	5	Fell	invasive species, trunk bending
T533	2	***Leucaena leucocephala***	銀合歡	10	189	6	Fell	invasive species, uproot, decay trunk
T534	2	***Leucaena leucocephala***	銀合歡	5	145	1.5	Fell	invasive species, trunk topped
T535	2	***Leucaena leucocephala***	銀合歡	11	120	4	Fell	invasive species
T536	2	***Leucaena leucocephala***	銀合歡	13	148	5	Fell	invasive species, leaning
T537	2	***Leucaena leucocephala***	銀合歡	12	153	4	Fell	invasive species, broken branch
T538	2	***Leucaena leucocephala***	銀合歡	13	170	6	Fell	invasive species, cross trunks, trunk bending
T539	2	***Leucaena leucocephala***	銀合歡	12	217	6	Fell	invasive species, broken branch
T540	2	***Leucaena leucocephala***	銀合歡	10	170	5	Fell	invasive species, trunk topped
T541	2	***Leucaena leucocephala***	銀合歡	15	250	10	Fell	invasive species, broken branch
T542	2	***Leucaena leucocephala***	銀合歡	12	142	3	Fell	invasive species, leaning
T543	2	***Leucaena leucocephala***	銀合歡	11	210	6	Fell	invasive species, root-plate movement
T544	2	***Leucaena leucocephala***	銀合歡	12	175	5	Fell	invasive species, broken branch
T545	2	***Leucaena leucocephala***	銀合歡	14	223	10	Fell	invasive species, root-plate movement, cross branches
T546	2	***Leucaena leucocephala***	銀合歡	15	232	9	Fell	invasive species, decay trunk
T547	2	***Leucaena leucocephala***	銀合歡	8	170	4	Fell	invasive species, cross branches, broken branch
T548	2	***Leucaena leucocephala***	銀合歡	13	152	5	Fell	invasive species, trunk bending, decay branch
T549	2	***Leucaena leucocephala***	銀合歡	12	147	4	Fell	invasive species, broken branch
T550	2	***Leucaena leucocephala***	銀合歡	15	170	3	Fell	invasive species, root-plate movement, broken branch
T551	2	***Leucaena leucocephala***	銀合歡	11	145	6	Fell	invasive species, leaning, broken branch
T552	2	***Leucaena leucocephala***	銀合歡	13	184	7	Fell	invasive species, leaning, broken branch
T553	2	***Leucaena leucocephala***	銀合歡	12	193	6	Fell	invasive species, leaning
T554	2	***Leucaena leucocephala***	銀合歡	9	177	8	Fell	invasive species, leaning
T555	2	***Leucaena leucocephala***	銀合歡	13	233	8	Fell	invasive species, uproot, cross trunks
T556	2	***Leucaena leucocephala***	銀合歡	9	150	6	Fell	invasive species, leaning, trunk crooked
T557	2	***Leucaena leucocephala***	銀合歡	10	158	4	Fell	invasive species, leaning, broken trunk
T558	2	***Leucaena leucocephala***	銀合歡	13	180	7	Fell	invasive species, leaning
T559	2	***Leucaena leucocephala***	銀合歡	12	195	5	Fell	invasive species, leaning, crack in trunk
T560	2	***Leucaena leucocephala***	銀合歡	12	216	8	Fell	invasive species, leaning, broken branch
T561	2	***Leucaena leucocephala***	銀合歡	13	215	6	Fell	invasive species, uproot
T562	2	***Leucaena leucocephala***	銀合歡	12	272	4	Fell	invasive species, restricted root, uproot, decay trunk
T563	2	***Leucaena leucocephala***	銀合歡	15	136	5.5	Fell	invasive species, leaning, heartwood damaged at trunk
T564	2	***Leucaena leucocephala***	銀合歡	15	225	9	Fell	invasive species, restricted root, broken branch
T565	2	***Leucaena leucocephala***	銀合歡	11	165	8	Fell	invasive species, root-plate movement
T566	2	***Leucaena leucocephala***	銀合歡	16	222	10	Fell	invasive species, restricted root, leaning, broken branch

Tree No.	Photo No.	Species		Height (m)	DBH[2] (mm)	Crown Spread (m)	Proposed Treatment (Retain/Transplant/Fell)	Remark[1]
		Scientific Name	Chinese Name					
T567	2	***Leucaena leucocephala***	銀合歡	9	147	7	Fell	invasive species, root-plate movement, cross branches
T568	2	***Leucaena leucocephala***	銀合歡	15	190	8	Fell	invasive species, broken branch
T569	2	***Leucaena leucocephala***	銀合歡	11	200	3.5	Fell	invasive species, leaning, broken branch
T570	2	***Leucaena leucocephala***	銀合歡	10	175	5	Fell	invasive species, leaning, cross branches
T571	2	***Leucaena leucocephala***	銀合歡	11	250	6	Fell	invasive species, trunk bending, broken branch
T572	2	***Leucaena leucocephala***	銀合歡	16	177	7	Fell	invasive species, restricted root, leaning
T573	2	***Leucaena leucocephala***	銀合歡	16	290	15	Fell	invasive species, restricted root, broken branch
T574	2	***Leucaena leucocephala***	銀合歡	15	252	8	Fell	invasive species, restricted root, broken branch
T575	2	***Leucaena leucocephala***	銀合歡	14	185	12	Fell	invasive species, restricted root
T576	2	***Leucaena leucocephala***	銀合歡	13	155	8	Fell	invasive species, restricted root, trunk crooked
T577	2	***Macaranga tanarius var. tomentosa***	血桐	5.5	168	6	Fell	restricted root, cavity in trunk, trunk crooked
T578	2	***Leucaena leucocephala***	銀合歡	15	341	15	Fell	invasive species, root-plate movement, decay branch
T579	2	***Leucaena leucocephala***	銀合歡	9	140	3	Fell	invasive species, leaning, trunk topped
T580	2	***Leucaena leucocephala***	銀合歡	8	145	7	Fell	invasive species, root-plate movement, fungal fruiting bodies at trunk
T581	2	***Leucaena leucocephala***	銀合歡	16	233	10	Fell	invasive species, restricted root, decay in trunk
T582	2	***Leucaena leucocephala***	銀合歡	10	150	3	Fell	invasive species, leaning, broken branch
T583	2	***Leucaena leucocephala***	銀合歡	14	233	8	Fell	invasive species, heartwood damaged at trunk
T584	2	***Leucaena leucocephala***	銀合歡	13	185	7	Fell	invasive species, leaning
T585	2	***Leucaena leucocephala***	銀合歡	14	180	6	Fell	invasive species, leaning, broken branch
T586	2	***Leucaena leucocephala***	銀合歡	14	155	5	Fell	invasive species, trunk crooked, decay in trunk
T587	2	***Leucaena leucocephala***	銀合歡	7	132	3	Fell	invasive species, trunk topped
T588	2	***Leucaena leucocephala***	銀合歡	11	180	3	Fell	invasive species, cavity in trunk, broken trunk
T589	2	***Leucaena leucocephala***	銀合歡	12	133	4	Fell	invasive species, trunk crooked
T590	2	***Leucaena leucocephala***	銀合歡	16	177	7	Fell	invasive species, restricted root, leaning
T591	2	***Leucaena leucocephala***	銀合歡	14	210	7	Fell	invasive species, leaning
T592	2	***Leucaena leucocephala***	銀合歡	13	208	7	Fell	invasive species, leaning, cavity in trunk
T593	2	***Leucaena leucocephala***	銀合歡	14	173	5	Fell	invasive species, cross trunks, broken branch
T594	2	***Leucaena leucocephala***	銀合歡	14	170	5	Fell	invasive species, leaning, crack in trunk
T595	2	***Leucaena leucocephala***	銀合歡	15	220	6	Fell	invasive species, leaning, crack in trunk
T596	2	***Leucaena leucocephala***	銀合歡	18	273	14	Fell	invasive species, broken branch
T597	2	***Leucaena leucocephala***	銀合歡	15	153	6	Fell	invasive species, restricted root
T598	2	***Leucaena leucocephala***	銀合歡	9	175	6	Fell	invasive species, restricted root, root-plate movement, cross branches
T599	2	***Leucaena leucocephala***	銀合歡	12	333	10	Fell	invasive species, root-plate movement, decay branch
T600	2	***Leucaena leucocephala***	銀合歡	12	205	9	Fell	invasive species, root-plate movement, cross branches
T601	2	***Leucaena leucocephala***	銀合歡	11	123	4	Fell	invasive species, leaning

Tree No.	Photo No.	Species		Height (m)	DBH[2] (mm)	Crown Spread (m)	Proposed Treatment (Retain/Transplant/Fell)	Remark[1]
		Scientific Name	Chinese Name					
T602	2	***Leucaena leucocephala***	銀合歡	15	163	7	Fell	invasive species, leaning, broken branch
T603	2	***Leucaena leucocephala***	銀合歡	9	140	5	Fell	invasive species, leaning
T604	2	***Leucaena leucocephala***	銀合歡	11	212	8	Fell	invasive species, leaning, cross trunks
T605	2	***Leucaena leucocephala***	銀合歡	18	291	10	Fell	invasive species, trunk crooked
T606	2	***Leucaena leucocephala***	銀合歡	18	283	10	Fell	invasive species, included bark
T607	2	***Leucaena leucocephala***	銀合歡	13	256	8	Fell	invasive species, leaning, decay trunk
T608	2	***Leucaena leucocephala***	銀合歡	14	233	7	Fell	invasive species, restricted root, leaning
T609	2	***Leucaena leucocephala***	銀合歡	7	200	5	Fell	invasive species, restricted root, leaning, broken branch
T610	2	***Leucaena leucocephala***	銀合歡	9	174	6	Fell	invasive species, restricted root, trunk crooked
T611	2	***Leucaena leucocephala***	銀合歡	16	260	9	Fell	invasive species, leaning, restricted root, broken branch
T612	2	***Leucaena leucocephala***	銀合歡	18	417	14	Fell	invasive species, leaning, cross trunks
T613	2	***Leucaena leucocephala***	銀合歡	16	277	9	Fell	invasive species, leaning, broken branch
T614	2	***Leucaena leucocephala***	銀合歡	15	217	8	Fell	invasive species, leaning
T615	2	***Leucaena leucocephala***	銀合歡	16	260	10	Fell	invasive species, leaning, broken branch
T616	2	***Leucaena leucocephala***	銀合歡	4	190	2	Fell	invasive species, leaning, trunk topped
T617	2	***Leucaena leucocephala***	銀合歡	16	185	8	Fell	invasive species, restricted root
T618	2	***Leucaena leucocephala***	銀合歡	12	158	3	Fell	invasive species, restricted root, leaning
T619	2	***Leucaena leucocephala***	銀合歡	12	185	6	Fell	invasive species, leaning, broken branch
T620	2	***Leucaena leucocephala***	銀合歡	16	257	4	Fell	invasive species, leaning, cross trunks
T621	2	***Leucaena leucocephala***	銀合歡	6	125	2	Fell	invasive species, trunk topped
T622	2	***Leucaena leucocephala***	銀合歡	10	151	6	Fell	invasive species, broken branch, cross branches
T623	2	***Leucaena leucocephala***	銀合歡	12	191	9	Fell	invasive species, root-plate movement, cross branches
T624	2	***Leucaena leucocephala***	銀合歡	10	138	3	Fell	invasive species, leaning
T625	2	***Leucaena leucocephala***	銀合歡	10	150	5	Fell	invasive species, leaning, broken branch
T626	2	***Leucaena leucocephala***	銀合歡	13	212	5	Fell	invasive species, restricted root, broken branch
T627	2	***Leucaena leucocephala***	銀合歡	12	268	9	Fell	invasive species, restricted root, broken branch, decay branch
T628	2	***Leucaena leucocephala***	銀合歡	7	106	3	Fell	invasive species, leaning, decay trunk, broken branch
T629	2	***Leucaena leucocephala***	銀合歡	12	155	9	Fell	invasive species, restricted root, root-plate movement, cross trunks
T630	2	***Leucaena leucocephala***	銀合歡	8	185	5	Fell	invasive species, restricted root, cross trunks
T631	2	***Leucaena leucocephala***	銀合歡	14	255	10	Fell	invasive species, restricted root, broken branch
T632	2	***Leucaena leucocephala***	銀合歡	9	197	7	Fell	invasive species, restricted root, trunk topped
T633	2	***Leucaena leucocephala***	銀合歡	11	255	7	Fell	invasive species, restricted root, leaning, broken branch
T634	2	***Leucaena leucocephala***	銀合歡	18	322	10	Fell	invasive species, restricted root, broken trunk, broken branch
T635	2	***Leucaena leucocephala***	銀合歡	18	280	9	Fell	invasive species, restricted root, leaning, broken branch
T636	2	***Leucaena leucocephala***	銀合歡	16	210	8	Fell	invasive species, restricted root, leaning, broken branch

Tree No.	Photo No.	Species		Height (m)	DBH[2] (mm)	Crown Spread (m)	Proposed Treatment (Retain/Transplant/Fell)	Remark[1]
		Scientific Name	Chinese Name					
T637	2	***Leucaena leucocephala***	銀合歡	13	200	7	Fell	invasive species, leaning, broken branch
T638	2	***Leucaena leucocephala***	銀合歡	13	180	3	Fell	invasive species, root-plate movement
T639	2	***Leucaena leucocephala***	銀合歡	12	192	7	Fell	invasive species, leaning
T640	2	***Bombax ceiba***	木棉	5	135	2.5	Fell	restricted root, trunk topped
T641	2	***Leucaena leucocephala***	銀合歡	8	140	6	Fell	invasive species, restricted root, root-plate movement, decay branch
T642	2	***Leucaena leucocephala***	銀合歡	11	205	9	Fell	invasive species, restricted root, leaning, cavity in trunk base
T643	2	***Leucaena leucocephala***	銀合歡	9	136	5	Fell	invasive species, leaning, cross branches
T644	2	***Leucaena leucocephala***	銀合歡	14	168	9	Fell	invasive species, leaning, cross branches
T645	2	***Leucaena leucocephala***	銀合歡	18	280	10	Fell	invasive species, trunk bending, cross branches
T646	2	***Leucaena leucocephala***	銀合歡	16	220	8	Fell	invasive species, trunk bending, broken branch
T647	2	***Leucaena leucocephala***	銀合歡	12	200	6	Fell	invasive species, trunk bending
T648	2	***Leucaena leucocephala***	銀合歡	13	205	9	Fell	invasive species, broken branch
T649	2	***Leucaena leucocephala***	銀合歡	9	177	5	Fell	invasive species, leaning
T650	2	***Leucaena leucocephala***	銀合歡	12	225	9	Fell	invasive species, root-plate movement, broken branch
T651	2	***Leucaena leucocephala***	銀合歡	11	138	8	Fell	invasive species, uproot, cross trunks
T652	2	***Leucaena leucocephala***	銀合歡	10	200	5	Fell	invasive species, trunk crooked, cross trunks, broken trunk
T653	2	***Leucaena leucocephala***	銀合歡	10	235	9	Fell	invasive species, trunk crooked, cavity in trunk
T654	2	***Leucaena leucocephala***	銀合歡	13	282	8	Fell	invasive species, root-plate movement
T655	2	***Leucaena leucocephala***	銀合歡	14	277	6	Fell	invasive species, uproot, broken branch
T656	2	***Leucaena leucocephala***	銀合歡	12	252	5	Fell	invasive species, leaning, broken branch
T657	2	***Leucaena leucocephala***	銀合歡	14	330	10	Fell	invasive species, restricted root, cavity in trunk, cross trunks
T658	2	***Leucaena leucocephala***	銀合歡	11	416	10	Fell	invasive species, restricted root, broken branch
T659	2	***Leucaena leucocephala***	銀合歡	12	361	8	Fell	invasive species, restricted root, leaning
T660	2	***Leucaena leucocephala***	銀合歡	9	260	7	Fell	invasive species, restricted root, leaning, broken branch
T661	2	***Leucaena leucocephala***	銀合歡	9	304	8	Fell	invasive species, decay trunk, broken branch
T662	2	***Leucaena leucocephala***	銀合歡	11	218	7	Fell	invasive species, root-plate movement, broken branch
T663	2	***Leucaena leucocephala***	銀合歡	8	190	5	Fell	invasive species, root-plate movement, broken branch
T664	2	***Leucaena leucocephala***	銀合歡	8	180	6	Fell	invasive species, root-plate movement
T665	2	***Leucaena leucocephala***	銀合歡	6	200	7	Fell	invasive species, root-plate movement
T669	2	***Leucaena leucocephala***	銀合歡	7	143	4	Fell	invasive species, leaning
T670	2	***Leucaena leucocephala***	銀合歡	7	128	3	Fell	invasive species, root-plate movement
T671	2	***Leucaena leucocephala***	銀合歡	4	153	1	Fell	invasive species, leaning, trunk topped
T672	2	***Leucaena leucocephala***	銀合歡	11	195	5	Fell	invasive species, leaning, decay branch
T674	2	***Leucaena leucocephala***	銀合歡	9	130	4	Fell	invasive species, leaning
T675	2	***Leucaena leucocephala***	銀合歡	8	154	4	Fell	invasive species, leaning

Tree	Photo No.	Species				Proposed Treatment	Remark[1]
No.		Scientific Name	Chinese Name	Height (m)	DBH[2] (mm)	Crown Spread (m)	(Retain/Transplant/Fell)	
T676	2	***Leucaena leucocephala***	銀合歡	7	160	6	Fell	invasive species, leaning
T677	2	***Leucaena leucocephala***	銀合歡	6	167	3.5	Fell	invasive species, trunk topped
T678	2	***Leucaena leucocephala***	銀合歡	7	163	5	Fell	invasive species, root-plate movement, broken branch
T679	2	***Leucaena leucocephala***	銀合歡	8	220	5	Fell	invasive species, root-plate movement
T680	2	***Leucaena leucocephala***	銀合歡	8	133	5.5	Fell	invasive species, trunk crooked
T681	2	***Leucaena leucocephala***	銀合歡	8	218	6	Fell	invasive species, root-plate movement
T682	2	***Leucaena leucocephala***	銀合歡	7	180	5	Fell	invasive species, leaning
T683	2	***Leucaena leucocephala***	銀合歡	8	150	5	Fell	invasive species, trunk bending
T684	2	***Leucaena leucocephala***	銀合歡	9	212	5	Fell	invasive species, leaning
T685	2	***Leucaena leucocephala***	銀合歡	7	165	3.5	Fell	invasive species, trunk topped
T686	2	***Leucaena leucocephala***	銀合歡	8	155	4	Fell	invasive species, trunk crooked
T687	2	***Leucaena leucocephala***	銀合歡	10	190	4	Fell	invasive species, leaning
T689	2	***Leucaena leucocephala***	銀合歡	14	288	12	Fell	invasive species, broken branch, cross branches
T690	2	***Leucaena leucocephala***	銀合歡	11	165	4	Fell	invasive species, root-plate movement
T691	2	***Leucaena leucocephala***	銀合歡	8	125	3	Fell	invasive species, uproot, cross branches
T692	2	***Leucaena leucocephala***	銀合歡	14	210	10	Fell	invasive species, trunk bending, decay branch
T693	2	***Leucaena leucocephala***	銀合歡	13	160	5	Fell	invasive species, leaning
T694	2	***Leucaena leucocephala***	銀合歡	15	252	8	Fell	invasive species, leaning, cross trunks
T695	2	***Leucaena leucocephala***	銀合歡	5	160	0.5	Fell	invasive species, leaning, trunk topped
T696	2	***Leucaena leucocephala***	銀合歡	15	157	7	Fell	invasive species, broken branch
T697	2	***Leucaena leucocephala***	銀合歡	15	143	8	Fell	invasive species, leaning
T698	2	***Leucaena leucocephala***	銀合歡	13	158	5	Fell	invasive species, broken branch
T699	2	***Leucaena leucocephala***	銀合歡	11	150	5	Fell	invasive species, leaning
T700	2	***Leucaena leucocephala***	銀合歡	11	283	9	Fell	invasive species, leaning, broken branch
T701	2	***Leucaena leucocephala***	銀合歡	13	197	6	Fell	invasive species, leaning, crack in trunk
T702	2	***Leucaena leucocephala***	銀合歡	14	247	12	Fell	invasive species, root-plate movement
T703	2	***Leucaena leucocephala***	銀合歡	10	150	5	Fell	invasive species, root-plate movement
T704	2	***Leucaena leucocephala***	銀合歡	13	320	6	Fell	invasive species, leaning, heartwood damaged at trunk
T705	2	***Leucaena leucocephala***	銀合歡	12	254	12	Fell	invasive species, restricted root, leaning
T706	2	***Leucaena leucocephala***	銀合歡	12	537	15	Fell	invasive species, root-plate movement, cavity in trunk
T707	2	***Leucaena leucocephala***	銀合歡	9	190	5	Fell	invasive species, leaning, decay branch
T708	2	***Leucaena leucocephala***	銀合歡	11	320	12	Fell	invasive species, leaning, broken branch
T709	2	***Leucaena leucocephala***	銀合歡	12	240	9	Fell	invasive species, broken branch, cross trunks
T710	2	***Leucaena leucocephala***	銀合歡	10	160	5	Fell	invasive species, leaning, broken branch
T711	2	***Leucaena leucocephala***	銀合歡	7	145	4	Fell	invasive species, leaning, decay branch

Tree No.	Photo No.	Species		Height (m)	DBH[2] (mm)	Crown Spread (m)	Proposed Treatment (Retain/Transplant/Fell)	Remark[1]
		Scientific Name	Chinese Name					
T712	2	***Leucaena leucocephala***	銀合歡	5	172	2	Fell	invasive species, leaning, trunk topped
T713	2	***Leucaena leucocephala***	銀合歡	10	135	3	Fell	invasive species
T714	2	***Leucaena leucocephala***	銀合歡	11	210	8	Fell	invasive species, leaning
T715	2	***Leucaena leucocephala***	銀合歡	12	269	10	Fell	invasive species, leaning
T716	2	***Leucaena leucocephala***	銀合歡	11	150	3	Fell	invasive species, leaning, trunk topped
T717	2	***Leucaena leucocephala***	銀合歡	9	162	3	Fell	invasive species, broken trunk
T718	2	***Leucaena leucocephala***	銀合歡	14	220	7	Fell	invasive species, root-plate movement
T719	2	***Leucaena leucocephala***	銀合歡	14	230	9	Fell	invasive species, leaning, broken branch
T720	2	***Leucaena leucocephala***	銀合歡	15	285	7	Fell	invasive species, leaning, broken branch
T721	2	***Leucaena leucocephala***	銀合歡	12	205	8	Fell	invasive species, root-plate movement
T722	2	***Leucaena leucocephala***	銀合歡	11	250	7	Fell	invasive species, leaning
T723	2	***Leucaena leucocephala***	銀合歡	12	365	9	Fell	invasive species, leaning, broken trunk
T724	2	***Leucaena leucocephala***	銀合歡	12	145	3	Fell	invasive species, leaning, crack in trunk
T725	2	***Leucaena leucocephala***	銀合歡	7	183	1.5	Fell	invasive species, trunk topped
T726	2	***Leucaena leucocephala***	銀合歡	11	184	5	Fell	invasive species, leaning, cross branches
T727	2	***Leucaena leucocephala***	銀合歡	11	165	3	Fell	invasive species, leaning, trunk topped
T728	2	***Leucaena leucocephala***	銀合歡	12	155	4	Fell	invasive species, trunk bending
T729	2	***Leucaena leucocephala***	銀合歡	13	268	8	Fell	invasive species, leaning
T730	2	***Leucaena leucocephala***	銀合歡	8	173	7	Fell	invasive species, broken trunk
T731	2	***Leucaena leucocephala***	銀合歡	12	210	5	Fell	invasive species, leaning
T732	2	***Leucaena leucocephala***	銀合歡	12	429	16	Fell	invasive species, root-plate movement
T733	2	***Leucaena leucocephala***	銀合歡	11	332	7	Fell	invasive species, trunk bending, broken trunk
T734	2	***Leucaena leucocephala***	銀合歡	14	427	10	Fell	invasive species, leaning, decay in trunk
T735	2	***Leucaena leucocephala***	銀合歡	13	276	16	Fell	invasive species, root-plate movement, broken branch
T736	2	***Leucaena leucocephala***	銀合歡	10	358	12	Fell	invasive species, root-plate movement, cross trunks, broken trunk
T737	2	***Leucaena leucocephala***	銀合歡	10	564	18	Fell	invasive species, root-plate movement, broken trunk, broken branch
T738	2	***Leucaena leucocephala***	銀合歡	9	200	7	Fell	invasive species, leaning
T740	2	***Leucaena leucocephala***	銀合歡	9	145	5	Fell	invasive species, cross branches
T742	2	***Leucaena leucocephala***	銀合歡	8	300	6	Fell	invasive species, root-plate movement
T743	2	***Leucaena leucocephala***	銀合歡	8	155	4	Fell	invasive species, leaning, cavity in trunk
T744	2	***Leucaena leucocephala***	銀合歡	8	389	9	Fell	invasive species, leaning, cavity in trunk
T745	2	***Leucaena leucocephala***	銀合歡	9	245	6	Fell	invasive species, leaning, broken trunk
T746	2	***Leucaena leucocephala***	銀合歡	10	165	6	Fell	invasive species, root-plate movement
T756	2	***Leucaena leucocephala***	銀合歡	10	150	6	Fell	invasive species, root-plate movement
T758	2	***Leucaena leucocephala***	銀合歡	8	145	5	Fell	invasive species, leaning

Tree No.	Photo No.	Species		Height (m)	DBH[2] (mm)	Crown Spread (m)	Proposed Treatment (Retain/Transplant/Fell)	Remark[1]
		Scientific Name	Chinese Name					
T759	2	***Leucaena leucocephala***	銀合歡	8	120	5	Fell	invasive species, trunk topped
T760	2	***Hibiscus tiliaceus***	黃槿	6	396	14	Fell	leaning
T761	2	***Leucaena leucocephala***	銀合歡	11	260	10	Fell	invasive species, leaning
T762	2	***Leucaena leucocephala***	銀合歡	10	175	6	Fell	invasive species, uproot
T764	2	***Leucaena leucocephala***	銀合歡	8	157	4	Fell	invasive species, leaning
T765	2	***Leucaena leucocephala***	銀合歡	12	291	12	Fell	invasive species, root-plate movement, broken branch
T766	2	***Leucaena leucocephala***	銀合歡	11	262	10	Fell	invasive species, restricted root, cross trunks
T767	2	***Leucaena leucocephala***	銀合歡	9	197	7	Fell	invasive species, leaning, broken branch
T768	2	***Leucaena leucocephala***	銀合歡	10	170	7	Fell	invasive species, root-plate movement
T769	2	***Leucaena leucocephala***	銀合歡	10	190	6	Fell	invasive species, root-plate movement, decay branch
T770	2	***Acacia confusa***	台灣相思	8	325	8	Fell	trunk bending, decay in trunk
T771	2	***Leucaena leucocephala***	銀合歡	10	137	4	Fell	invasive species, root-plate movement, decay trunk
T772	2	***Leucaena leucocephala***	銀合歡	9	167	5	Fell	invasive species, leaning, heartwood damaged at trunk
T773	2	***Leucaena leucocephala***	銀合歡	9	143	4	Fell	invasive species, leaning
T774	2	***Leucaena leucocephala***	銀合歡	4	113	5	Fell	invasive species, leaning, cross branches
T775	2	***Leucaena leucocephala***	銀合歡	6	126	4	Fell	invasive species, broken branch
T776	2	***Leucaena leucocephala***	銀合歡	8	160	6	Fell	invasive species, restricted root, leaning
T777	2	***Sapium sebiferum***	烏桕	10	306	8	Fell	leaning
T778	2	***Leucaena leucocephala***	銀合歡	12	200	6	Fell	invasive species, leaning
T779	2	***Leucaena leucocephala***	銀合歡	9	468	12	Fell	invasive species, restricted root, root-plate movement
T780	2	***Leucaena leucocephala***	銀合歡	12	145	4	Fell	invasive species, restricted root
T781	2	***Leucaena leucocephala***	銀合歡	12	166	5	Fell	invasive species, restricted root, cross trunks
T782	2	***Leucaena leucocephala***	銀合歡	13	140	6	Fell	invasive species, leaning
T783	2	***Leucaena leucocephala***	銀合歡	11	297	7	Fell	invasive species, restricted root, leaning
T784	2	***Leucaena leucocephala***	銀合歡	14	200	9	Fell	invasive species, restricted root
T785	2	***Leucaena leucocephala***	銀合歡	6	140	5	Fell	invasive species, restricted root, leaning
T786	2	***Leucaena leucocephala***	銀合歡	8	180	6	Fell	invasive species, restricted root, leaning
T787	2	***Leucaena leucocephala***	銀合歡	9	160	5	Fell	invasive species, restricted root, leaning
T788	2	***Leucaena leucocephala***	銀合歡	8	130	8	Fell	invasive species, restricted root, leaning

Tree No.	Photo No.	Species		Height (m)	DBH[2] (mm)	Crown Spread (m)	Proposed Treatment (Retain/Transplant/Fell)	Remark[1]
		Scientific Name	Chinese Name					
T789	2	***Leucaena leucocephala***	銀合歡	8	140	6	Fell	invasive species, restricted root, leaning
T790	2	***Leucaena leucocephala***	銀合歡	8	205	7	Fell	invasive species, restricted root, leaning
T791	2	***Leucaena leucocephala***	銀合歡	7	150	5	Fell	invasive species, restricted root, leaning
T792	2	***Leucaena leucocephala***	銀合歡	9	200	7	Fell	invasive species, restricted root, leaning
T793	2	***Leucaena leucocephala***	銀合歡	8	191	7	Fell	invasive species, restricted root, leaning

Summary Table

Tree to be Retained	0
Tree to be Transplanted	0
Tree to be Felled	764 (including 746 nos. of Leucaena leucocephala)
Total Number of Existing Trees	764

[1] Please state whether the OVT, potentially registrable OVT, trees of rare or protected species, trees with ecological and historical significance, etc. within and/or adjacent to the site is likely to be affected by the proposed development.

2 DBH of a tree refers to its diameter at breast height (i.e. measuprooted at 1.3m above ground level)



T5



T5



T6



T6



T7



T7



T8



T8

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant

Photographic Record of Existing Trees

LanDes

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



T9



T9



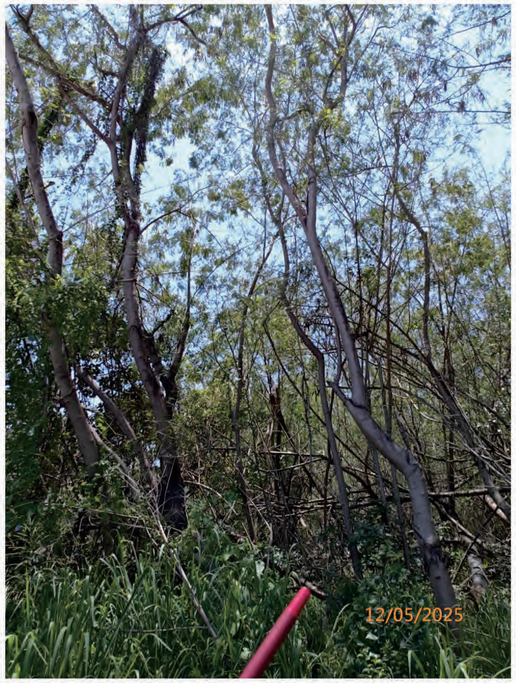
T10



T10



T11



T11



T12



T12

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T13



T13



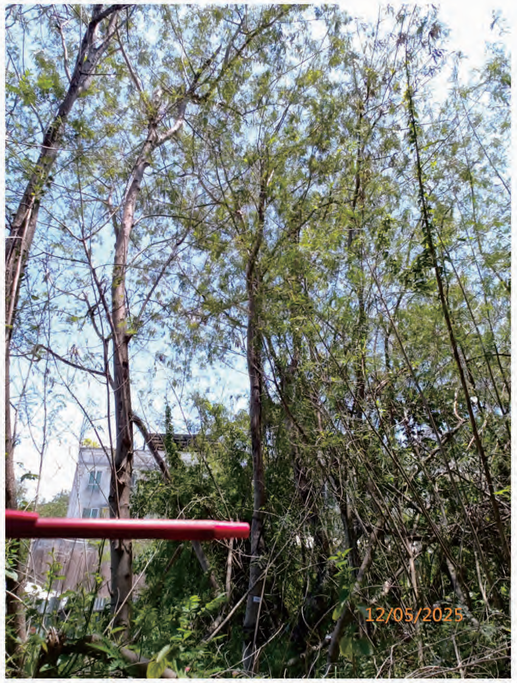
T14



T14



T15



T15



T16



T16

LEGEND :

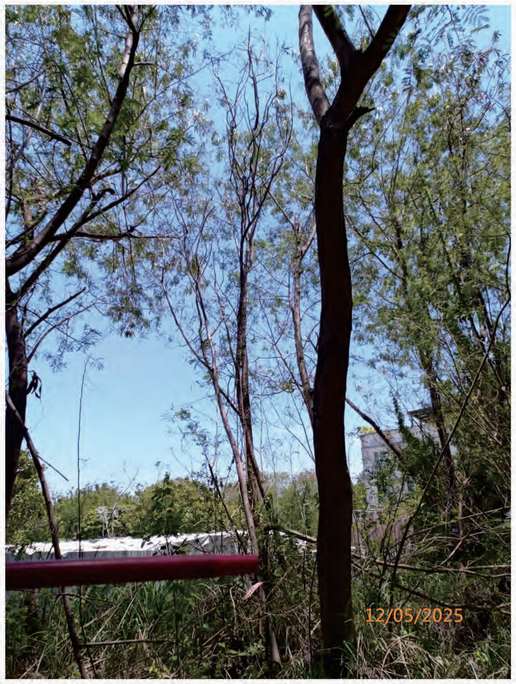
(R) - Retain

(F) - Fell

(T) - Transplant



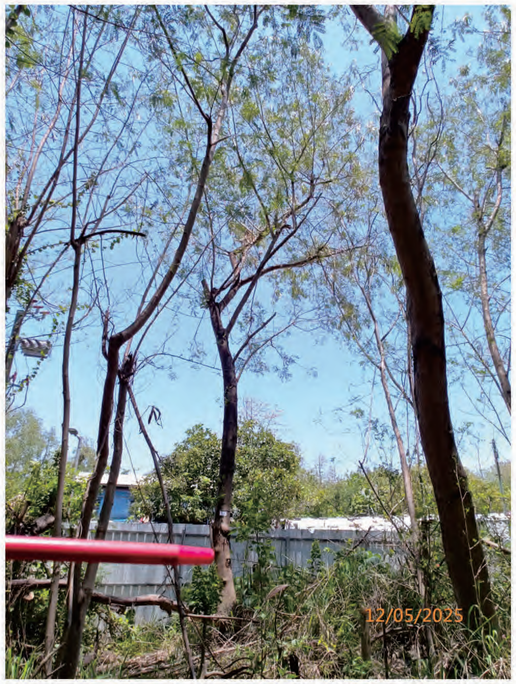
T17



T17



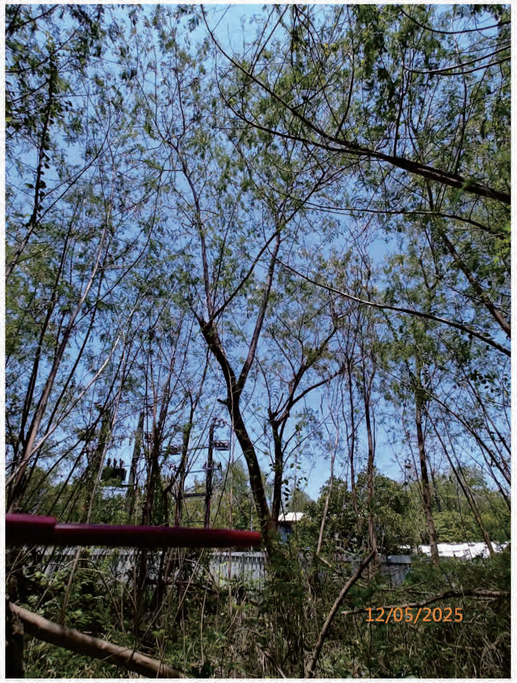
T18



T18



T19



T19



T20



T20

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T21



T21



T22



T22



T23



T23



T24



T24

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T25



T25



T26



T26



T27



T27



T28



T28

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T29



T29



T30



T30



T31



T31



T32



T32

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T33



T33



T34



T34



T35



T35



T36



T36

LEGEND :

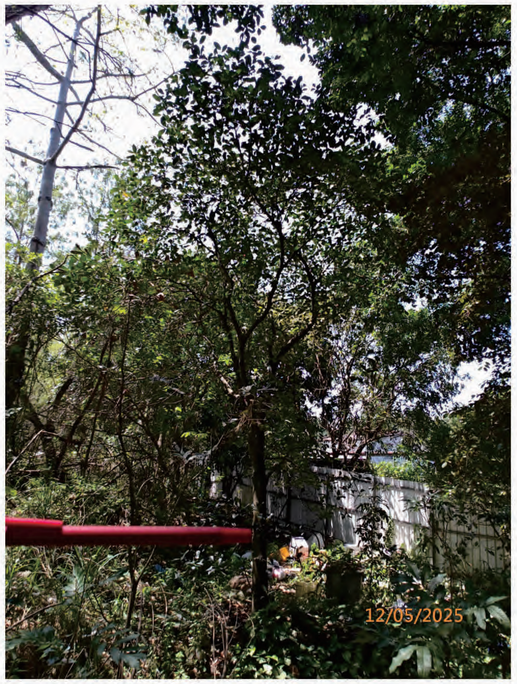
(R) - Retain

(F) - Fell

(T) - Transplant



T37



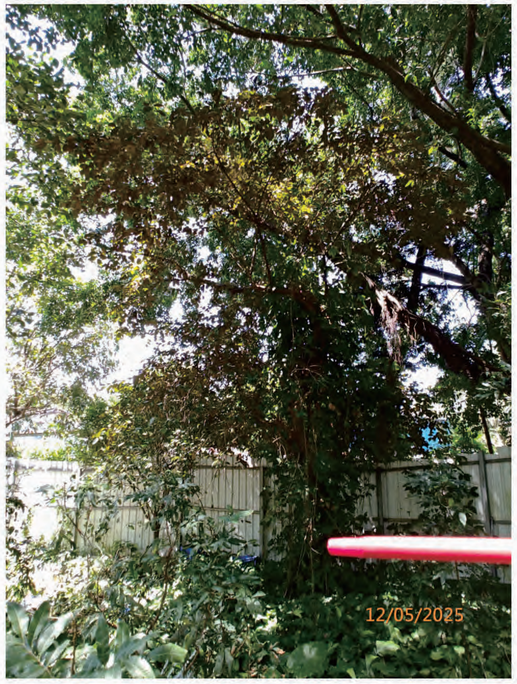
T37



T37 - Restricted Root



T38



T38



T38 - Broken Branch



T40



T40

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T40 - Co-dominant Trunks with Included Bark



T41



T41



T42



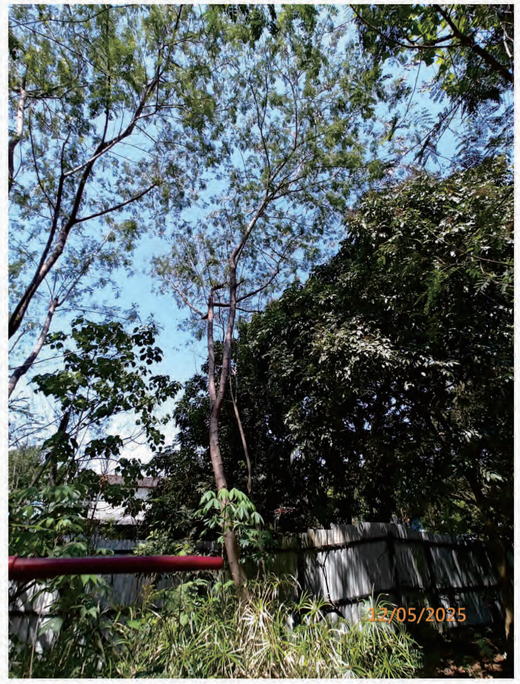
T42



T42 - Co-dominant Trunks with Included Bark



T43



T43

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T44



T44



T45



T45



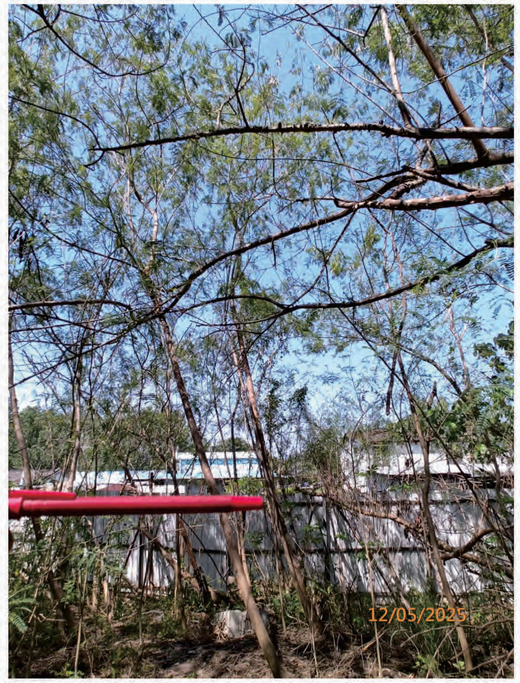
T46



T46



T47



T47

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



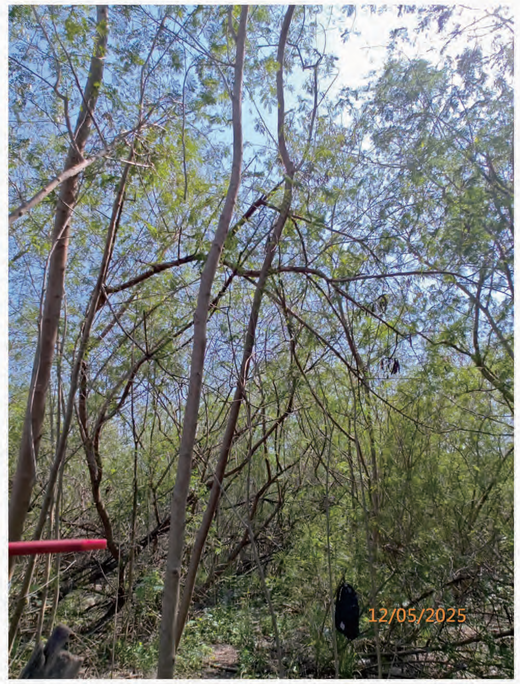
T48



T48



T49



T49



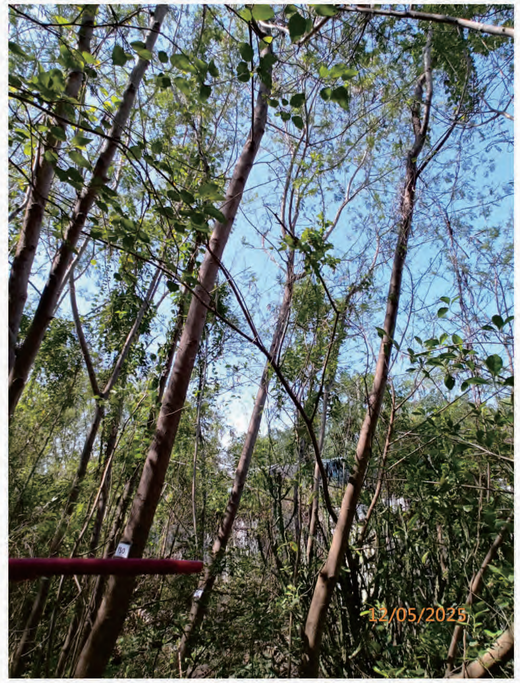
T50



T50



T51



T51

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T52



T52



T53



T53



T54



T54



T57



T57

LEGEND :

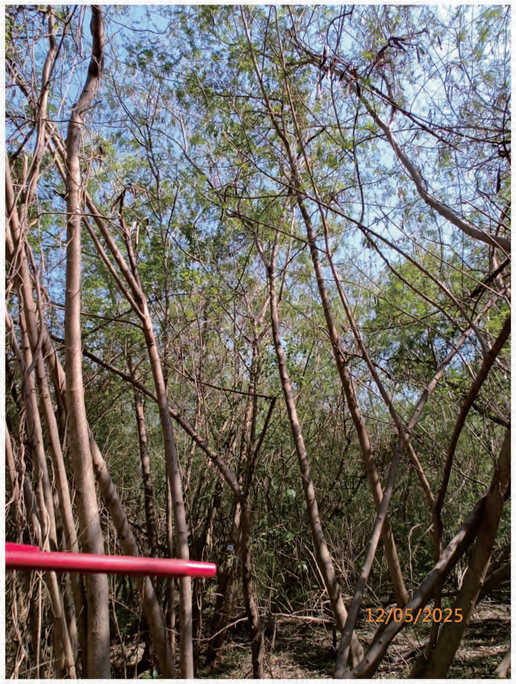
(R) - Retain

(F) - Fell

(T) - Transplant



T58



T58



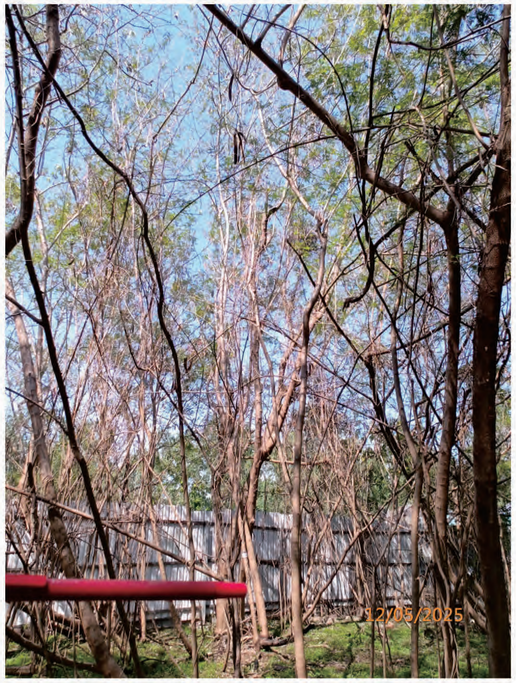
T59



T59



T60



T60



T61



T61

LEGEND :

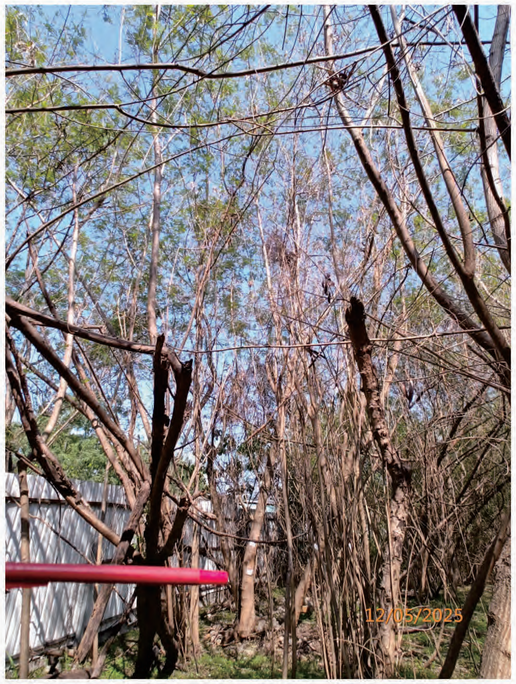
(R) - Retain

(F) - Fell

(T) - Transplant



T62



T62



T63



T63



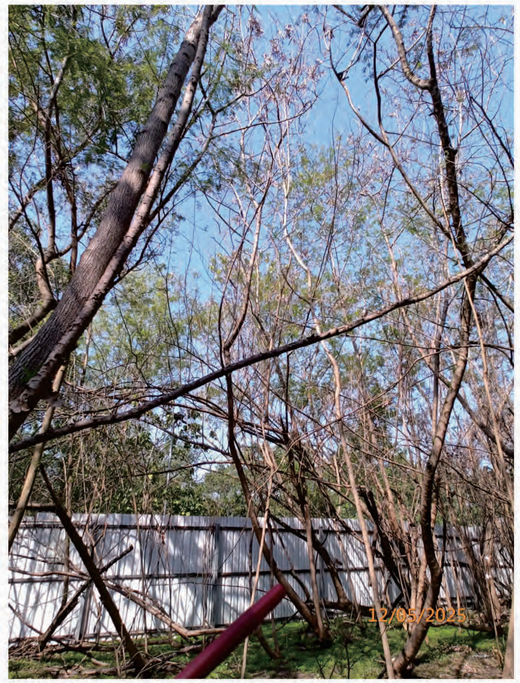
T64



T64



T65



T65

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant

Photographic Record of Existing Trees

LanDes

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



T66



T66



T67



T67



T68



T68



T69



T69

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T70



T70



T71



T71



T72



T72



T73



T73

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T74



T74



T75



T75



T76



T76



T80



T80

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T81



T81



T82



T82



T84



T84



T85



T85

LEGEND :

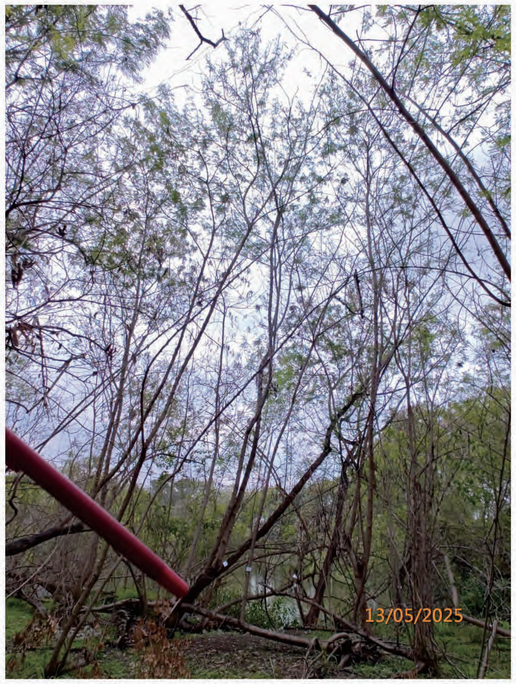
(R) - Retain

(F) - Fell

(T) - Transplant



T86



T86



T87



T87



T88



T88



T89



T89

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T90



T90



T91



T91



T92



T92



T93



T93

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T94



T94



T95



T95



T96



T96



T97



T97

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T98



T98



T99



T99

T100

T100

T101

T101

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T102



T102



T103



T103



T104



T104



T105



T105

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T106



T106



T107



T107



T108



T108



T109



T109

LEGEND :

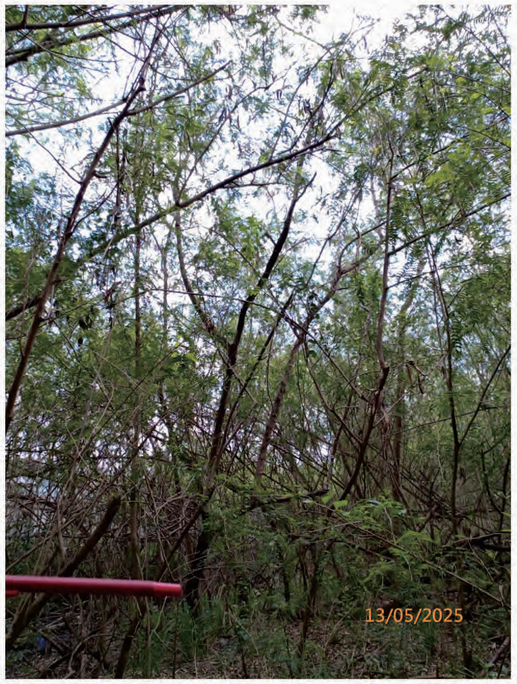
(R) - Retain

(F) - Fell

(T) - Transplant



T110



T110



T111



T111



T112



T112



T113



T113

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T114



T114



T115



T115



T116



T116



T117



T117

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T118



T118



T119



T119



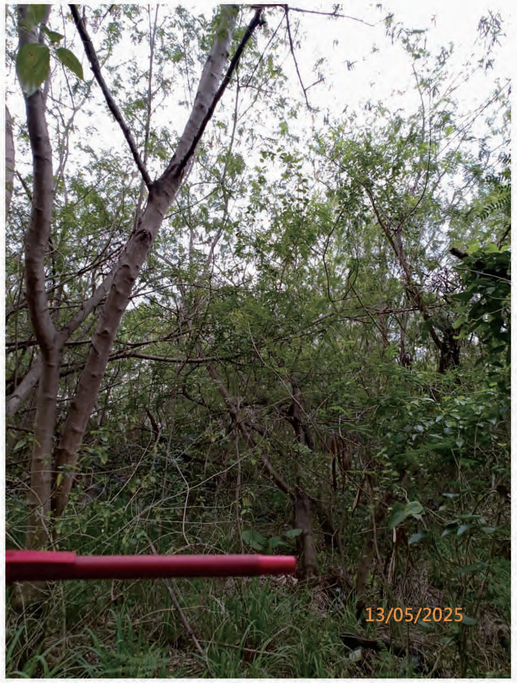
T120



T120



T121



T121

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T122



T122



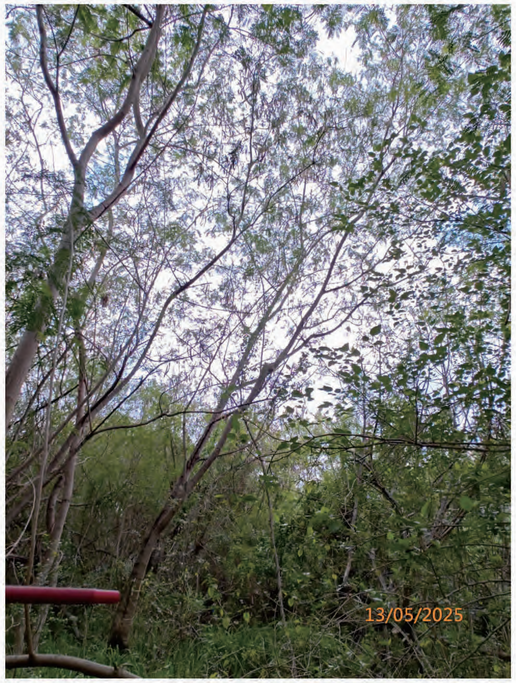
T123



T123



T124



T124



T125



T125

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T126



T126



T127



T127



T128



T128



T129



T129

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T130



T130



T131



T131



T132



T132



T133



T133

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T134



T134



T135



T135



T136



T136



T137



T137

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T138



T138



T139



T139



T140



T140



T141



T141

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T142



T142



T143



T143



T144



T144



T145



T145

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T146



T146



T147



T147



T148



T148



T149



T149

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T150



T150



T151



T151



T152



T152



T153



T153

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T154



T154



T155



T155



T156



T156



T157



T157

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



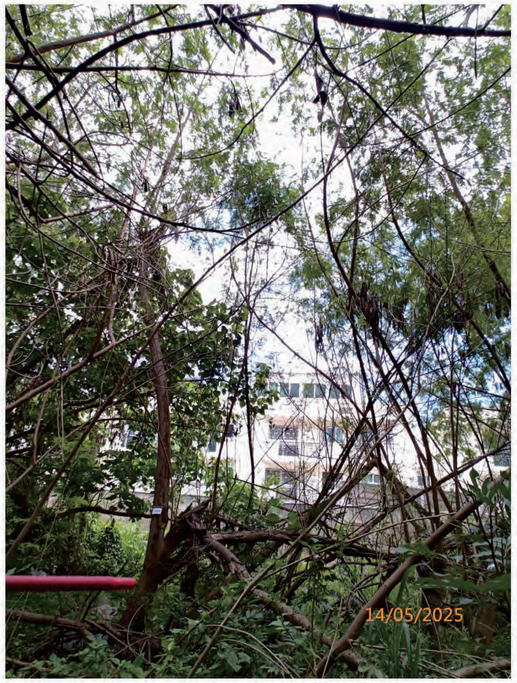
T158



T158



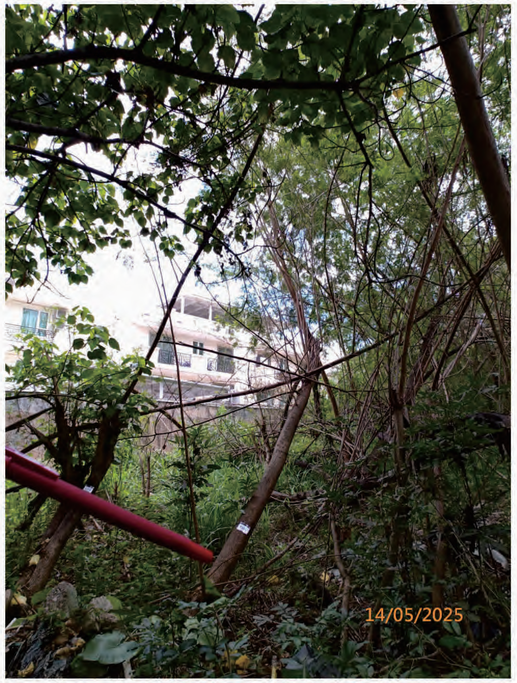
T159



T159



T160



T160



T161



T161

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



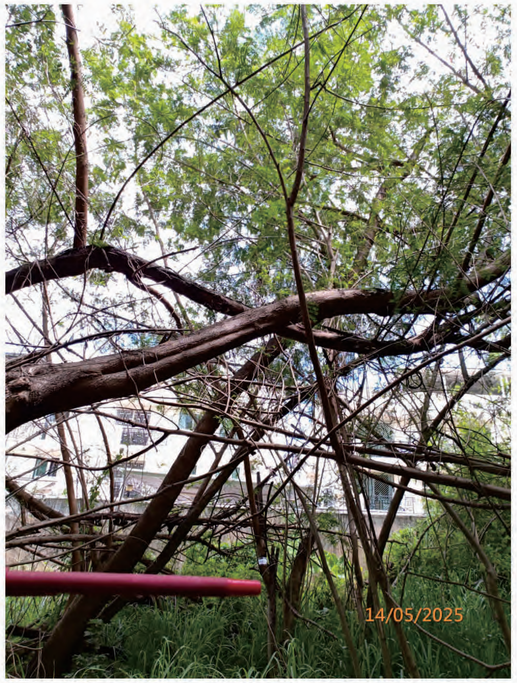
T162



T162



T163



T163



T164



T164



T165



T165

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T166



T166



T167



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T168



T168



T169



T169

LEGEND :

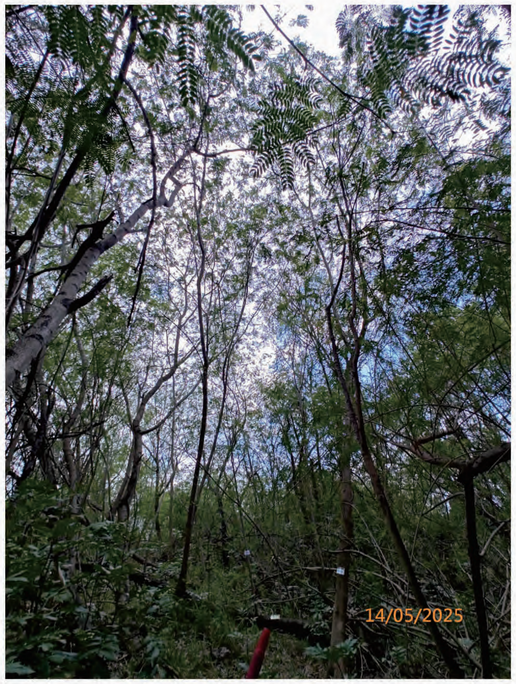
(R) - Retain

(F) - Fell

(T) - Transplant



T170



T170



T171



T171



T172



T172



T173



T173

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



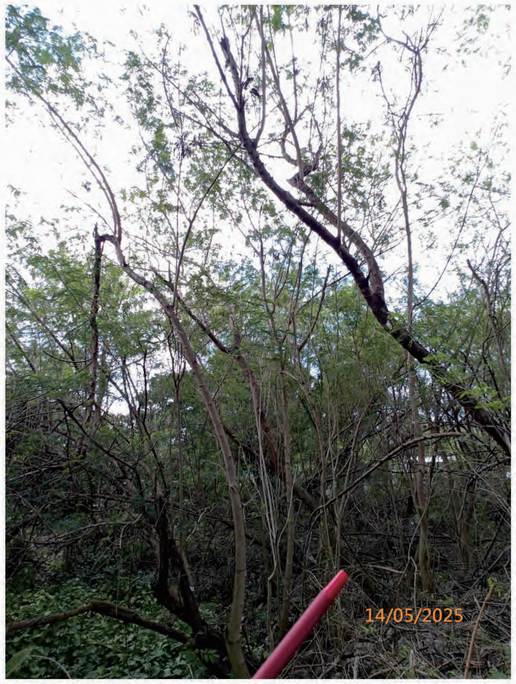
T174



T174



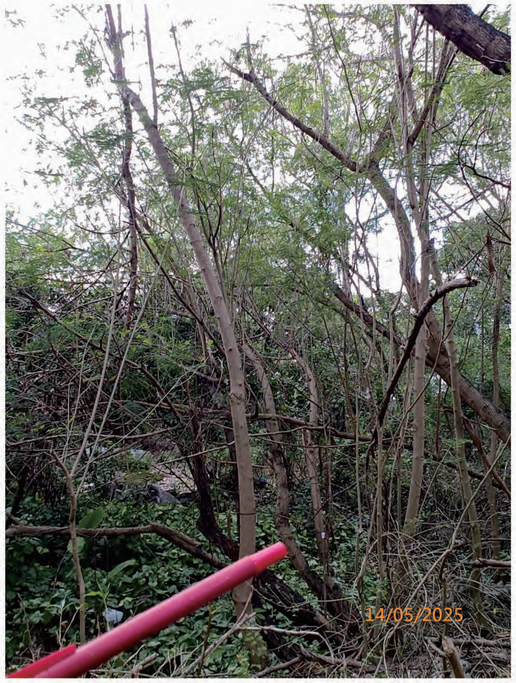
T175



T175



T176



T176



T177



T177

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



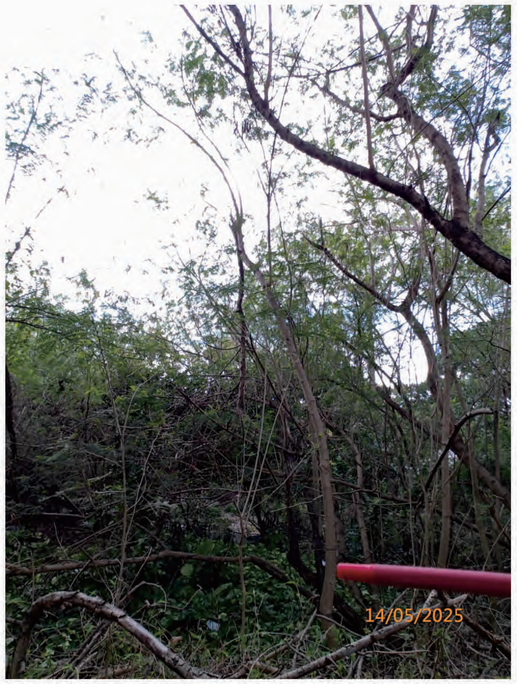
T178



T178



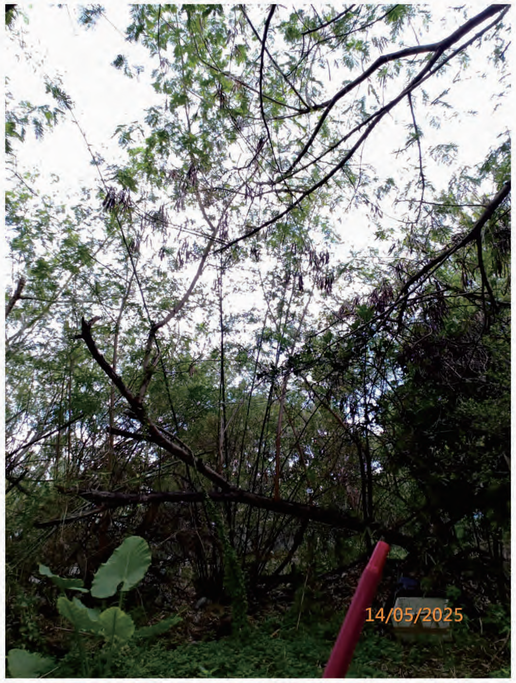
T179



T179



T180



T180



T181



T181

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T182



T182



T183



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T184

T184

T185

T185

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T186



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T189

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T190



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T193

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



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T197

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T198



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T201

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T202



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T205

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T206



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T209

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



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T213

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



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T217

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



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T221

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



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T225

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



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T229

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



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T233

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



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LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



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T241

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



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T245

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



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T249

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T250



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T253

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



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T257



T257

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T258



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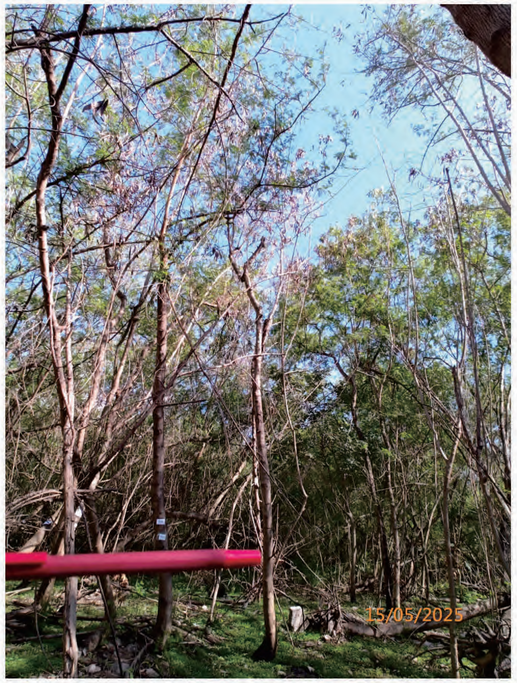
T261



T261

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T262



T262



T263



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T264



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T265



T265

LEGEND :

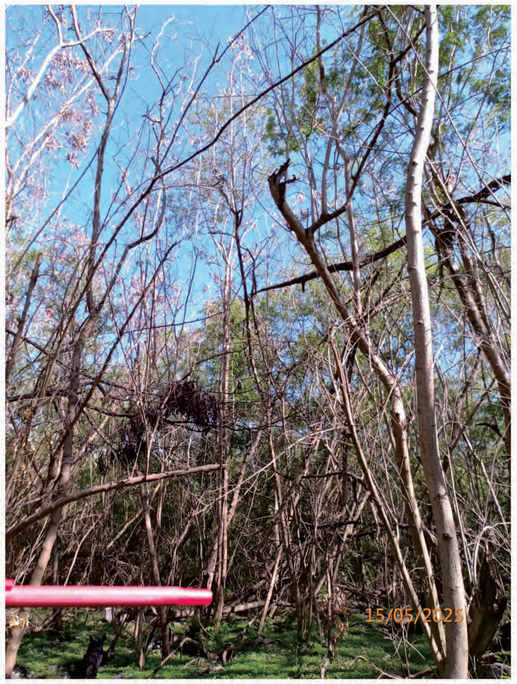
(R) - Retain

(F) - Fell

(T) - Transplant



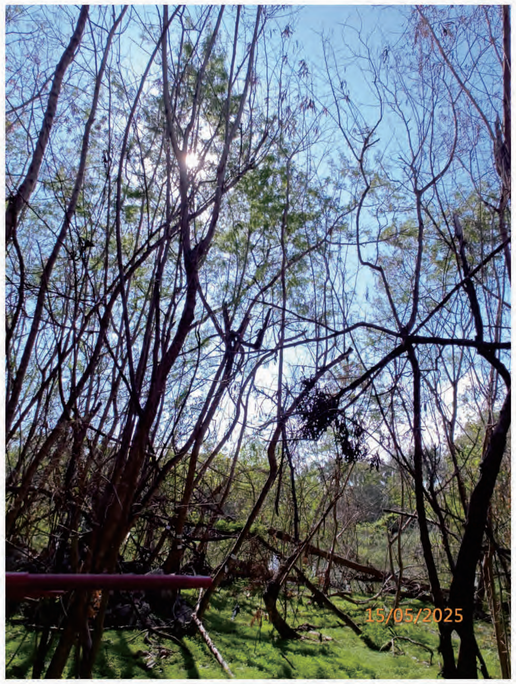
T266



T266



T267



T267



T268



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T269



T269

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T270



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T273

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T274



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T277



T277

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T278



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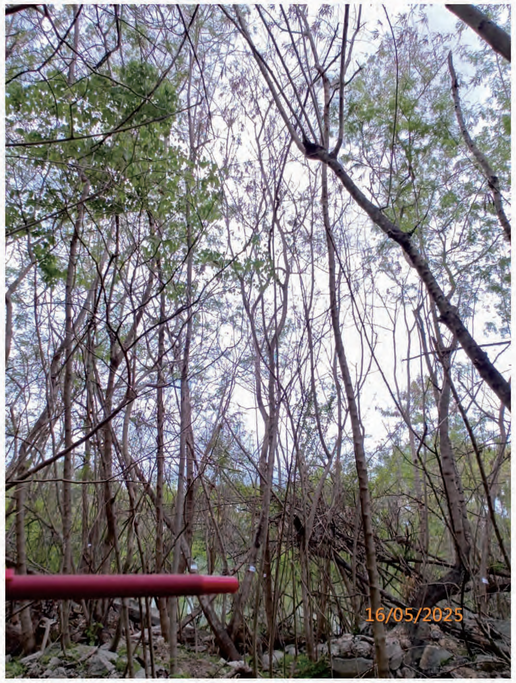
T280



T280



T281



T281

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T282



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T283



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T285



T285

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T286



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T289



T289

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



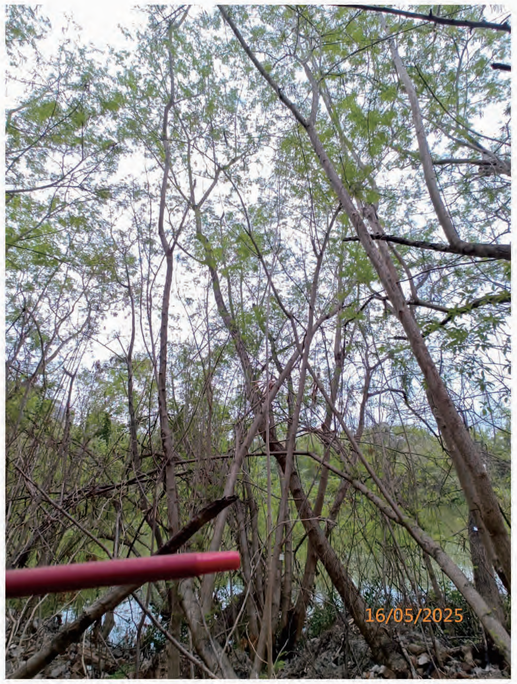
T290



T290



T291



T291



T292



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T293



T293

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



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T297

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T298



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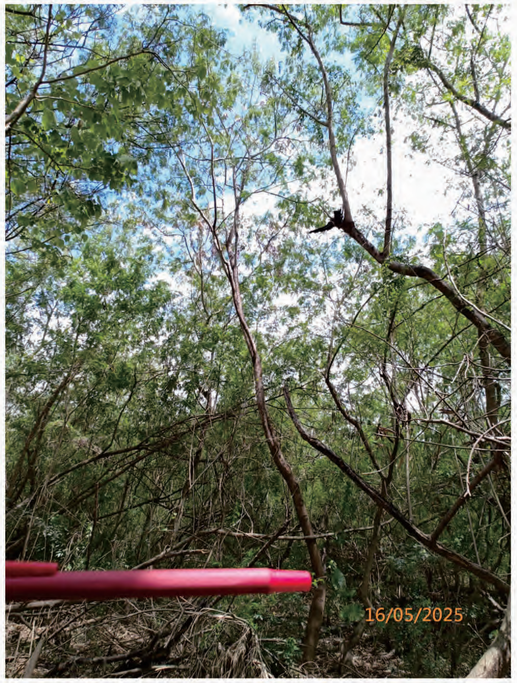
T300



T300



T301



T301

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T302



T302



T303



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T304



T304



T305



T305

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T306



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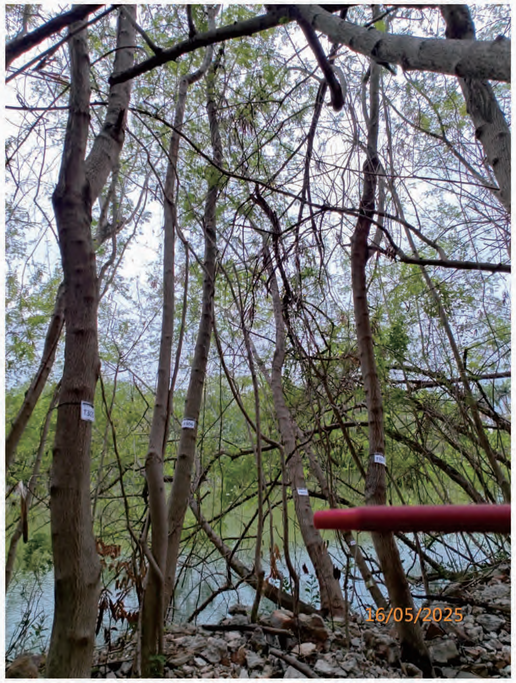
T308



T308



T309



T309

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T310



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T313

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



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T317

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



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T321

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



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T325

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



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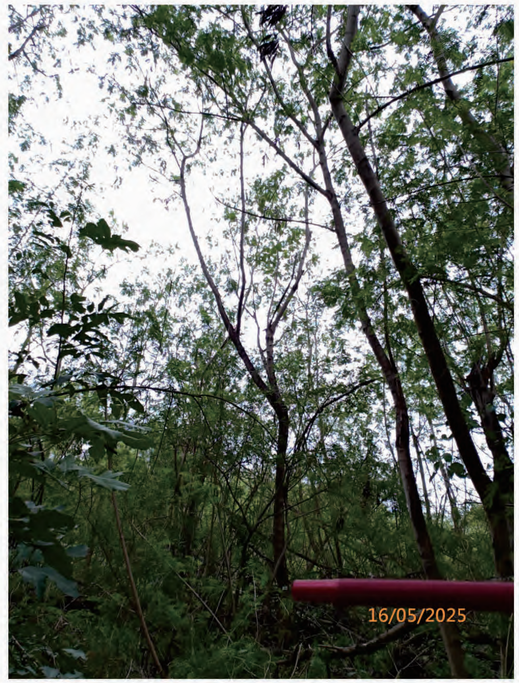


T329

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T330



T330



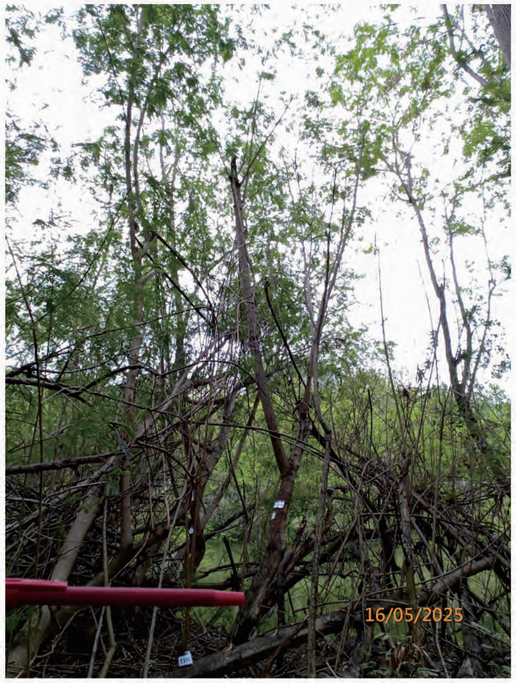
T331



T331



T332



T332



T333



T333

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



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T337

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



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LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



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T345

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



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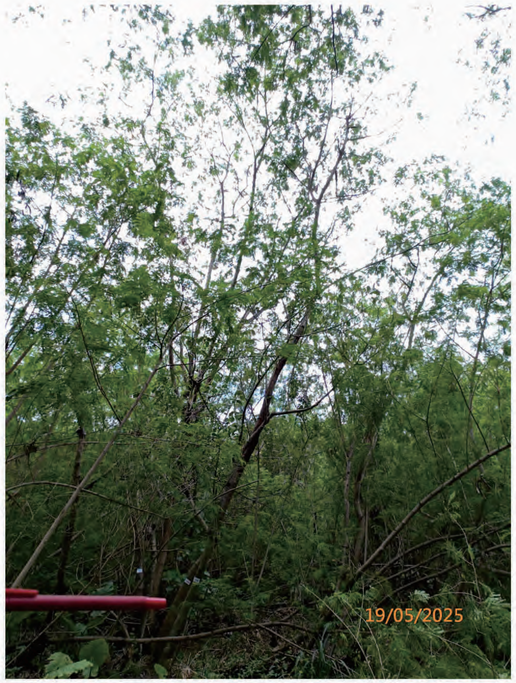

T349

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T350



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T353

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T354



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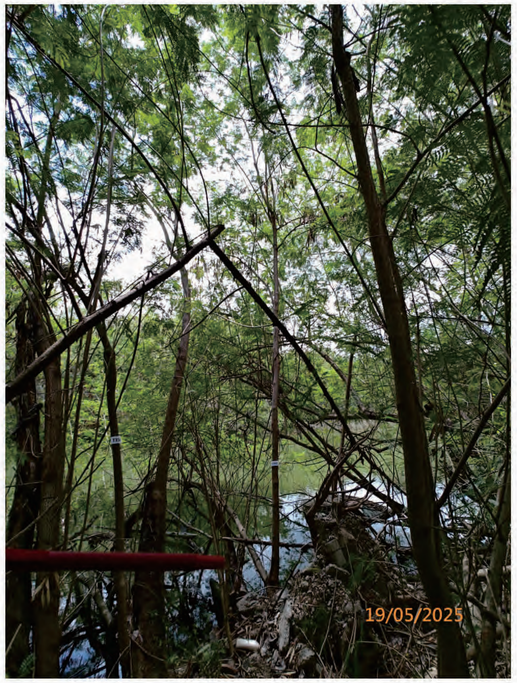
T355



T355



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T357

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



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T361

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



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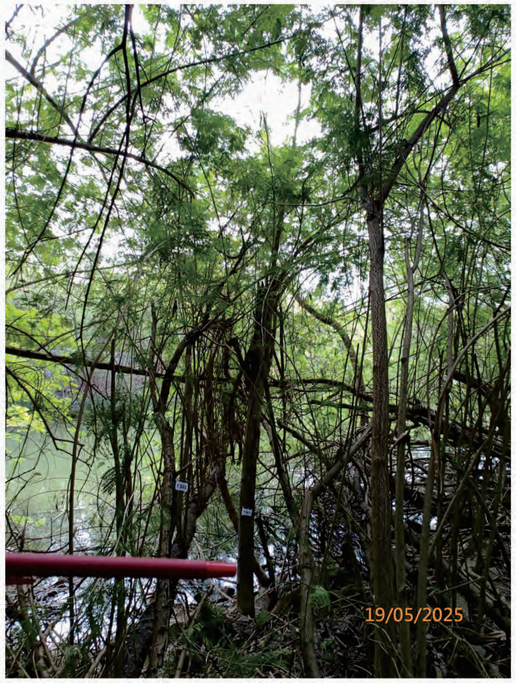
T364



T364



T365



T365

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



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LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



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LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



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LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



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LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



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LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



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LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



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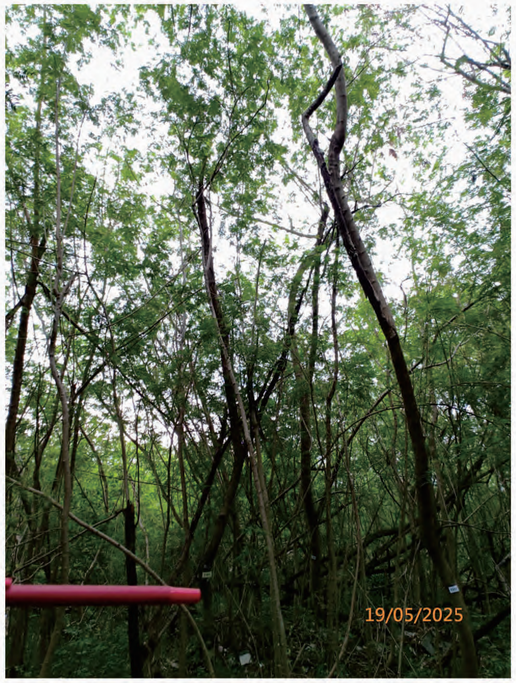

T392



T393



T393

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



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LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



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LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



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LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



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LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



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LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



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LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



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LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



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LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



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LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



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LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



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LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



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LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



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LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



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LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



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LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



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T457

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T458



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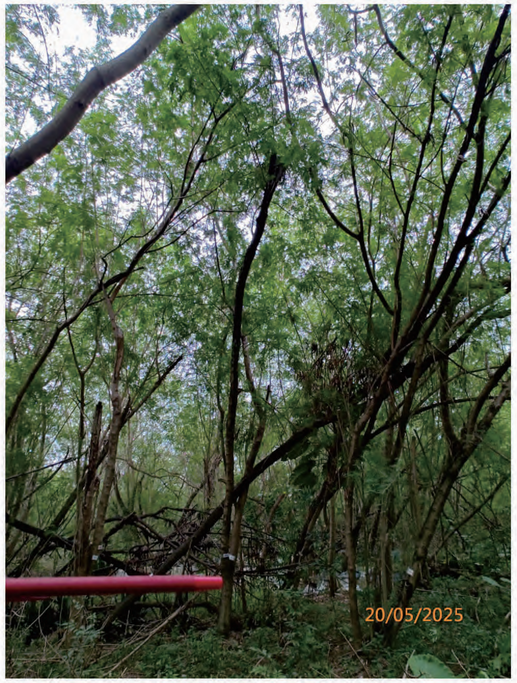
T461



T461

LEGEND :

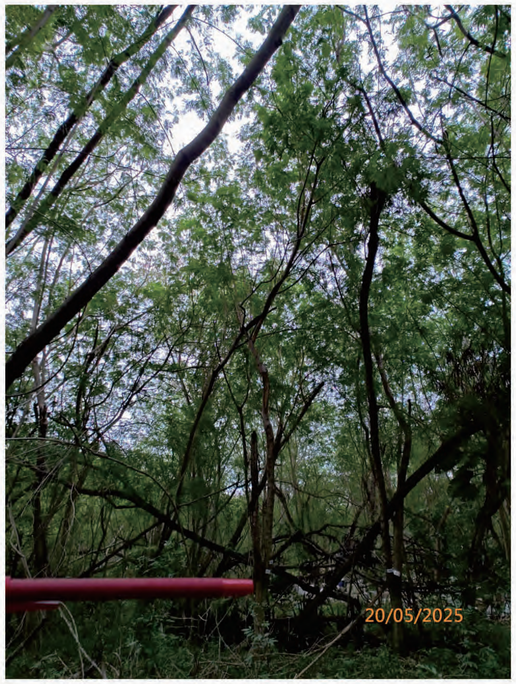
(R) - Retain

(F) - Fell

(T) - Transplant



T462



T462



T463



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T464



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T465



T465

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T466



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T469



T469

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T470



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T473



T473

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T474



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T476



T476



T477



T477

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T478



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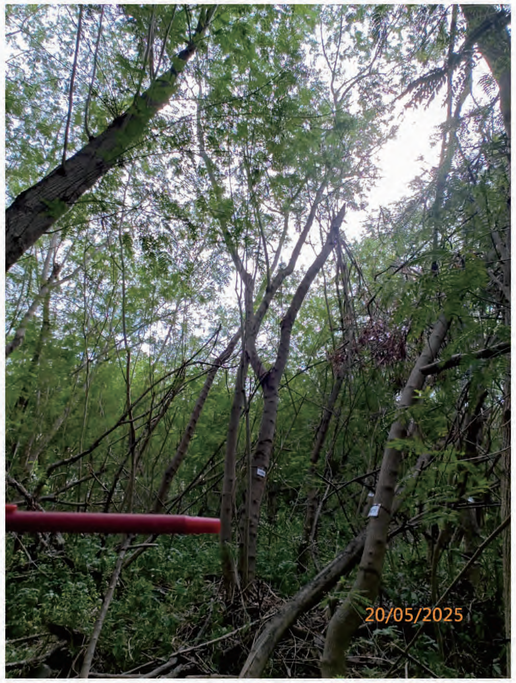
T479



T480



T480



T481



T481

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



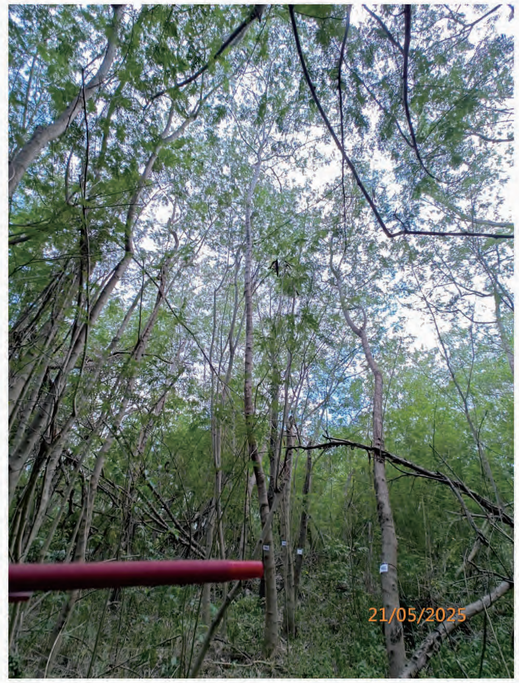
T482



T482



T483



T483



T484



T484



T485



T485

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T486



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T487



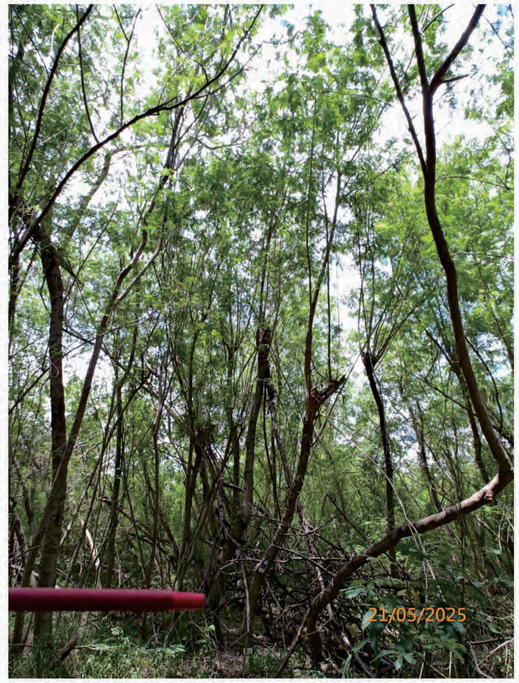
T488



T488



T489



T489

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



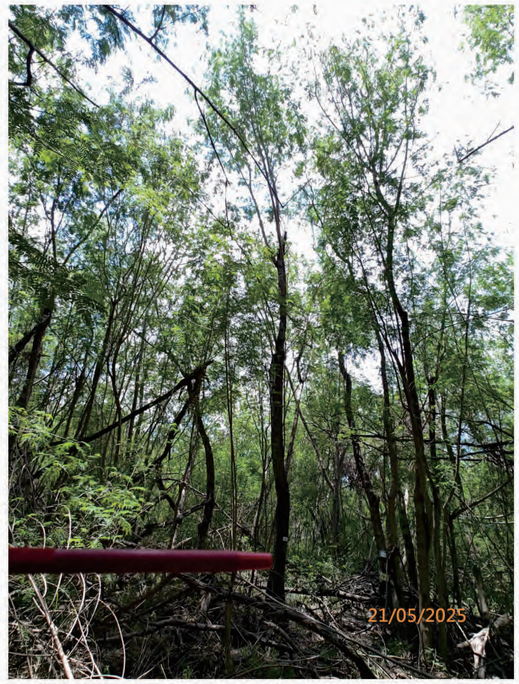
T490



T490



T491



T491



T492



T492



T493



T493

LEGEND :

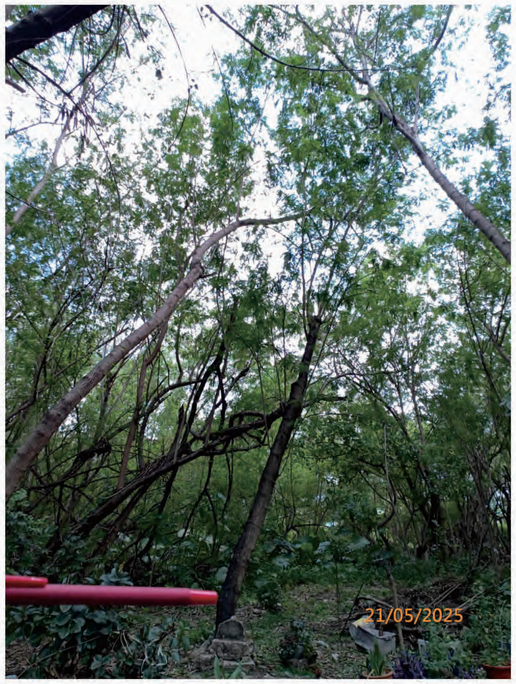
(R) - Retain

(F) - Fell

(T) - Transplant



T494



T494



T495



T495



T496



T496



T497



T497

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T498



T498



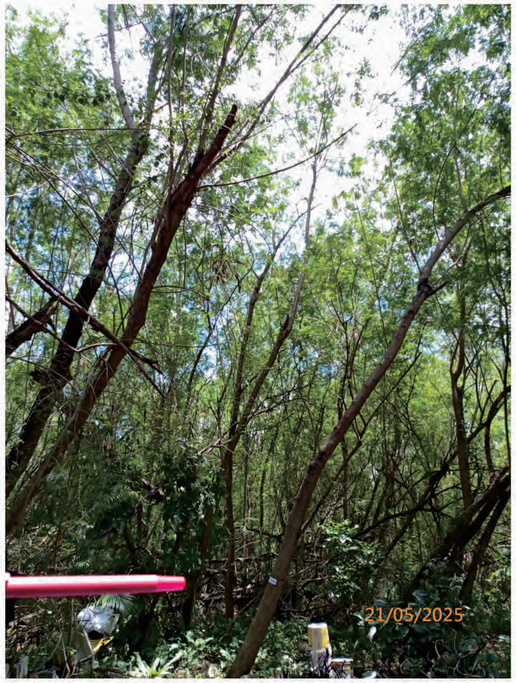
T499



T499



T500



T500



T501



T501

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T502



T502



T503



T503



T504



T504



T505



T505

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T506



T506



T507



T507



T508



T508



T509



T509

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



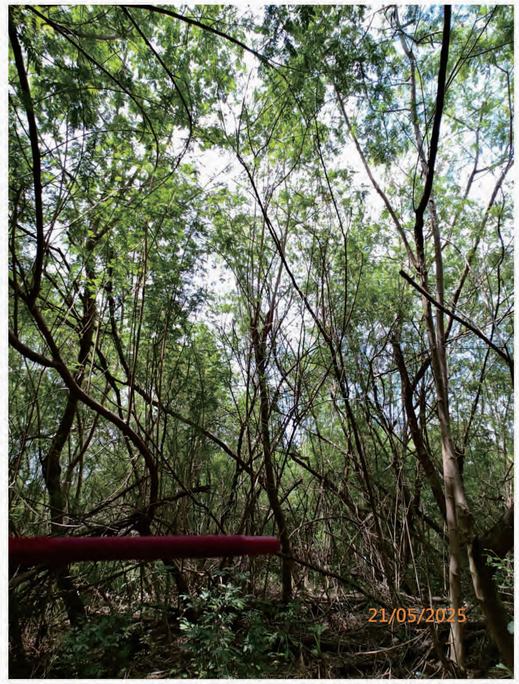
T510



T510



T511



T511



T512



T512



T513



T513

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T514



T514



T515



T515



T516



T516



T517



T517

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T518



T518



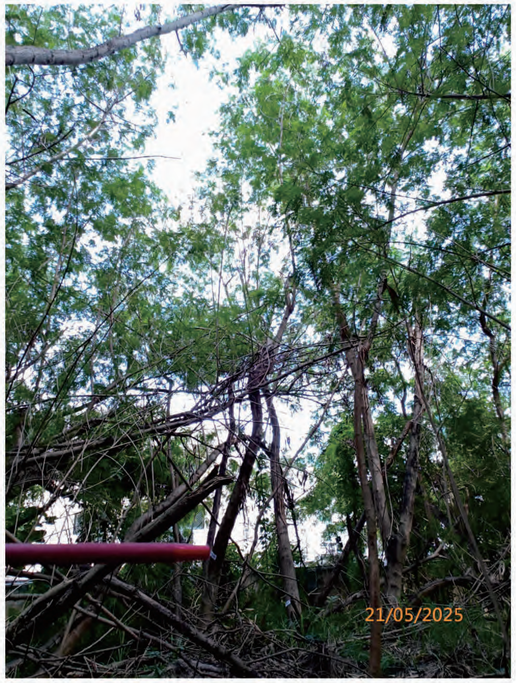
T519



T519



T520



T520



T521



T521

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



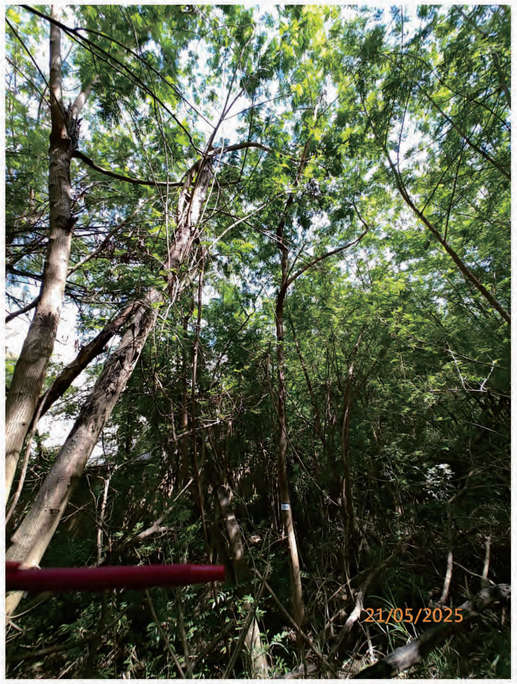
T522



T522



T523



T523



T524



T524



T525



T525

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T526



T526



T527



T527



T528



T528



T529



T529

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T530



T530



T531



T531



T532



T532



T533



T533

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



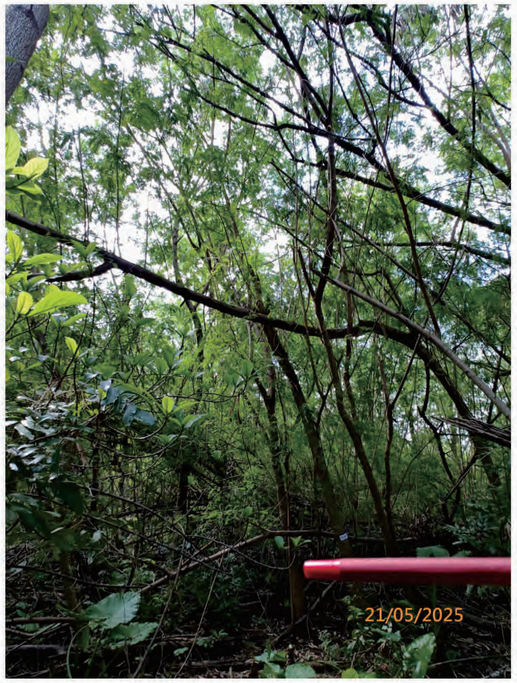
T534



T534



T535



T535



T536



T536



T537



T537

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T538



T538



T539



T539



T540



T540



T541



T541

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T542



T542



T543



T543



T544



T544



T545



T545

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T546



T546



T547



T547



T548



T548



T549



T549

LEGEND :

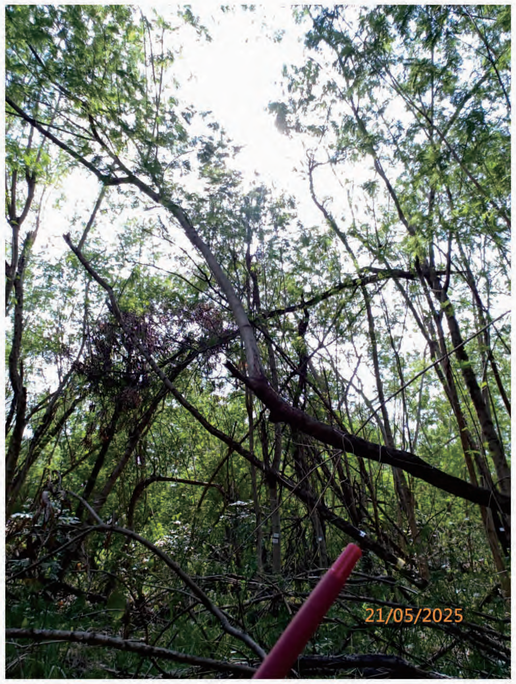
(R) - Retain

(F) - Fell

(T) - Transplant



T550



T550



T551



T551



T552



T552



T553



T553

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T554



T554



T555



T555



T556



T556



T557



T557

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T558



T558



T559



T559



T560



T560



T561



T561

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T562



T562



T563



T563



T564



T564



T565



T565

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T566



T566



T567



T567



T568



T568



T569



T569

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T570



T570



T571



T571



T572



T572



T573



T573

LEGEND :

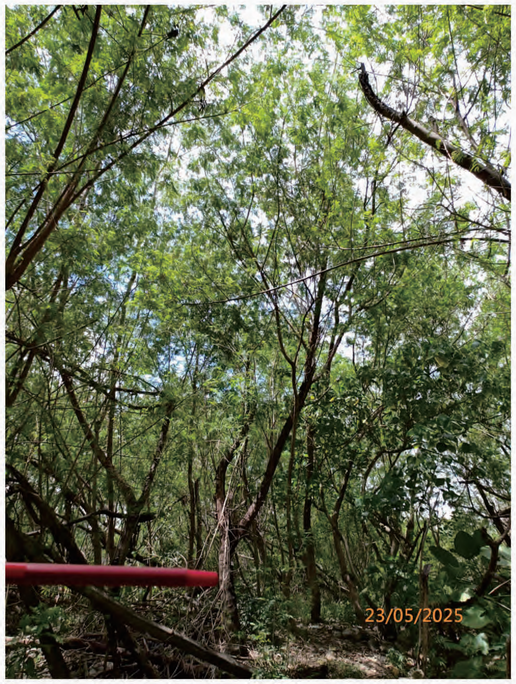
(R) - Retain

(F) - Fell

(T) - Transplant



T574



T574



T575



T575



T576



T576



T577



T577

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T578



T578



T579



T579



T580



T580



T581



T581

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T582



T582



T583



T583



T584



T584



T585



T585

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T586



T586



T587



T587



T588



T588



T589



T589

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T590



T590



T591



T591



T592



T592



T593



T593

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T594



T594



T595



T595



T596



T596



T597



T597

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T598



T598



T599



T599



T600



T600



T601



T601

LEGEND :

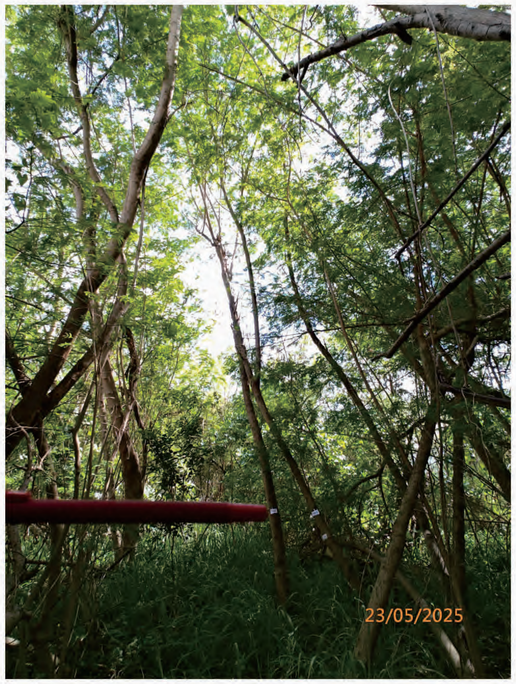
(R) - Retain

(F) - Fell

(T) - Transplant



T602



T602



T603



T603



T604



T604



T605



T605

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T606



T606



T607



T607



T608



T608



T609



T609

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T610



T610



T611



T611



T612



T612



T613



T613

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T614



T614



T615



T615



T616



T616



T617



T617

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T618



T618



T619



T619



T620



T620



T621



T621

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T622



T622



T623



T623



T624



T624



T625



T625

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T626



T626



T627



T627



T628



T628



T629



T629

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T630



T630



T631



T631



T632



T632



T633



T633

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T634



T634



T635



T635



T636



T636



T637



T637

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T638



T638



T639



T639



T640



T640



T640 - Trunk Topped



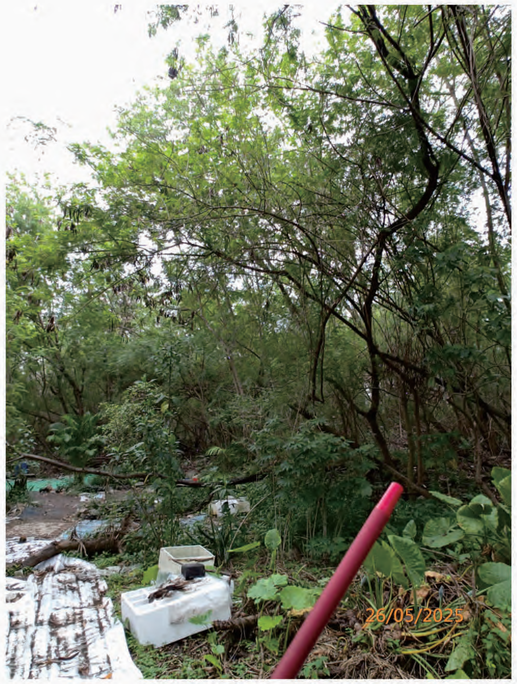
T641

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T641



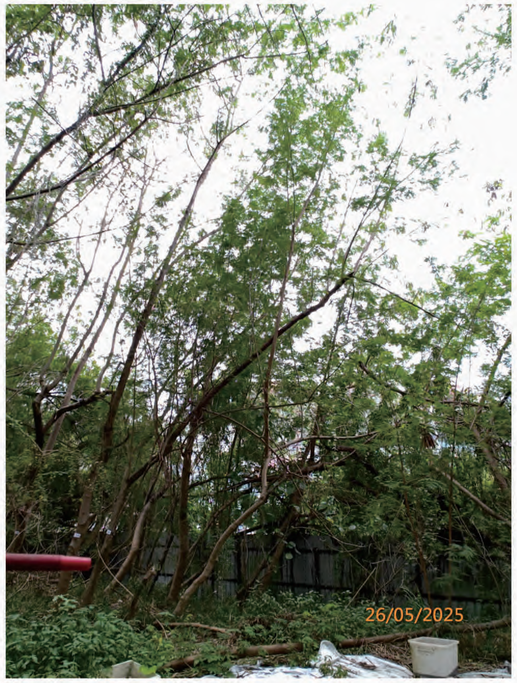
T642



T642



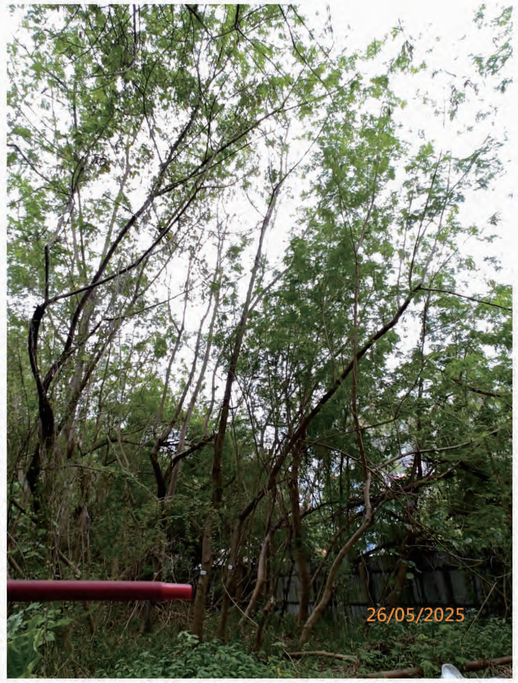
T643



T643



T644



T644



T645

LEGEND :

(R) - Retain

(F) - Fell

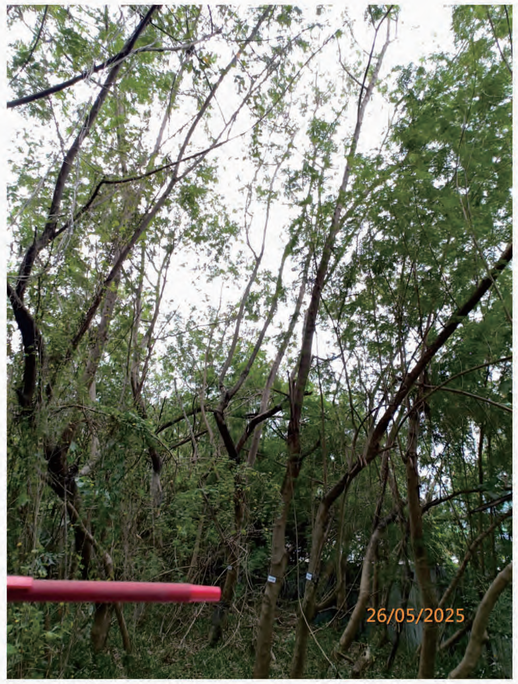
(T) - Transplant



T645



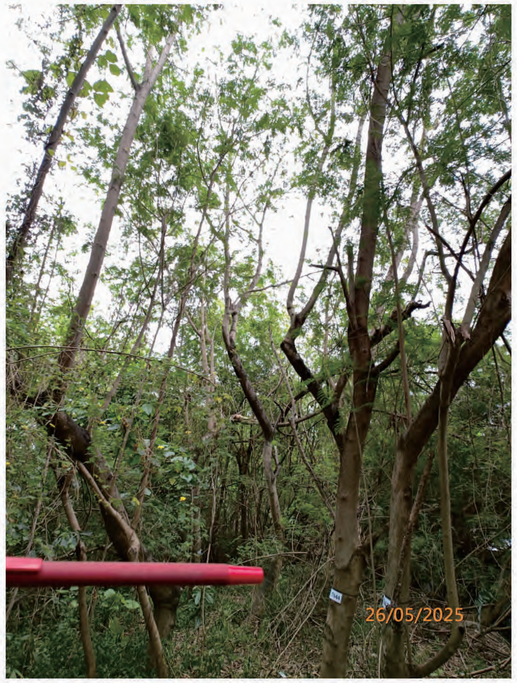
T646



T646



T647



T647



T648



T648



T649

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T649



T650



T650



T651



T651



T652



T652



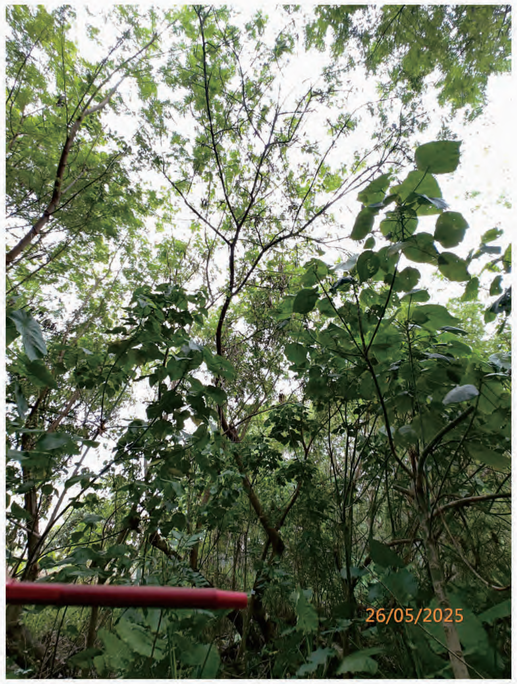
T653

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T653



T654



T654



T655



T655



T656



T656



T657

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T657



T658



T658



T659



T659



T660



T660



T661

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T661



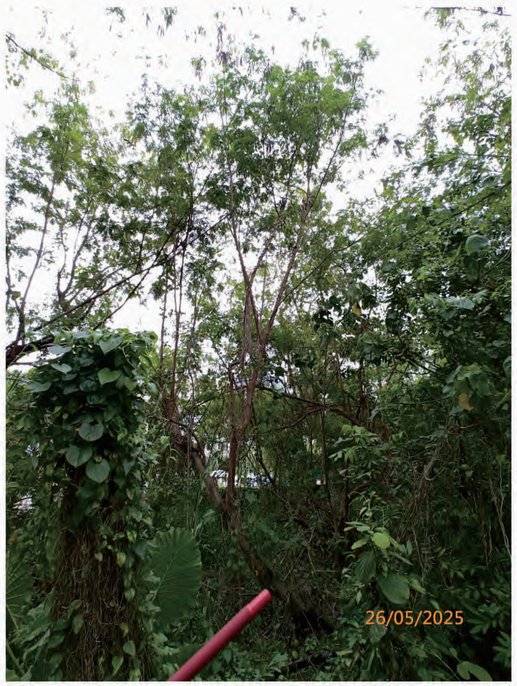
T662



T662



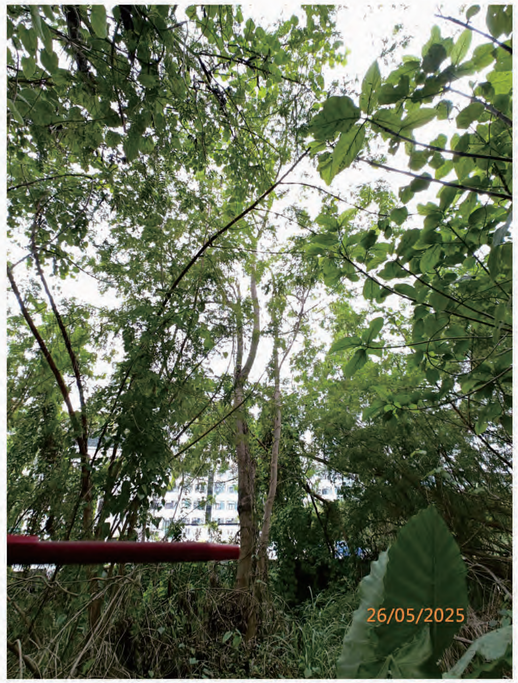
T663



T663



T664



T664



T665

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T665



T669



T669



T670



T670



T671



T671



T672

LEGEND :

(R) - Retain

(F) - Fell

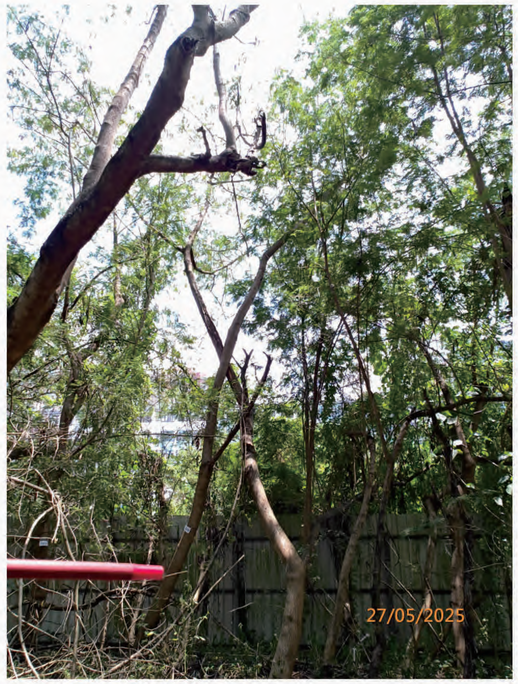
(T) - Transplant



T672



T674



T674



T675



T675



T676



T676



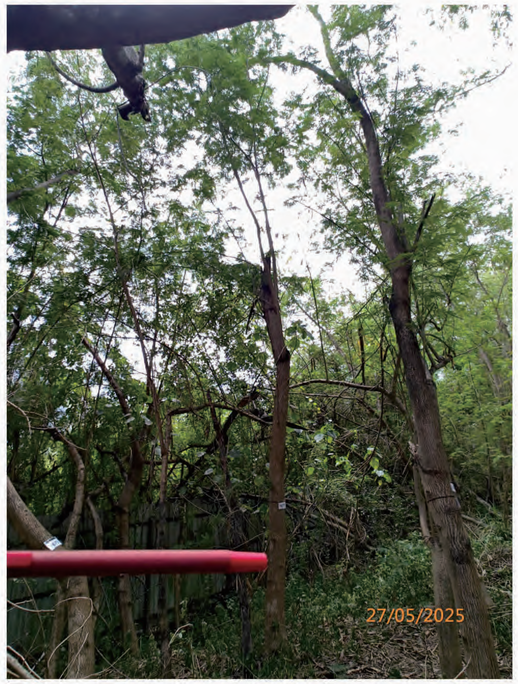
T677

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T677



T678



T678



T679



T679



T680



T680



T681

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T681



T682



T628



T683



T683



T684



T684



T685

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T685



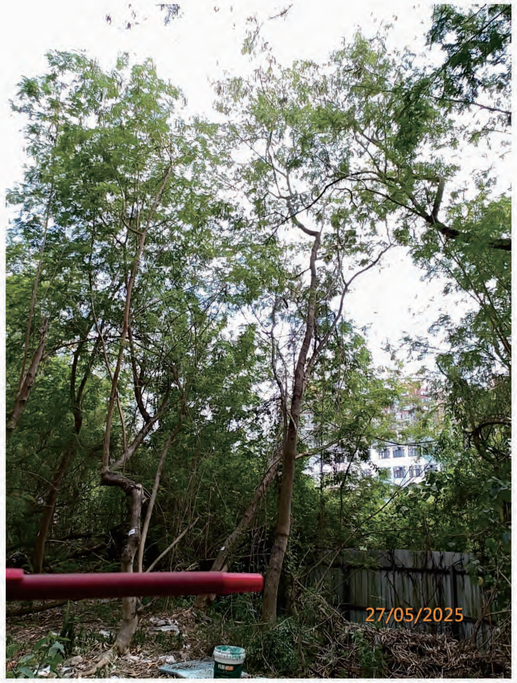
T686



T686



T687



T687



T689



T689



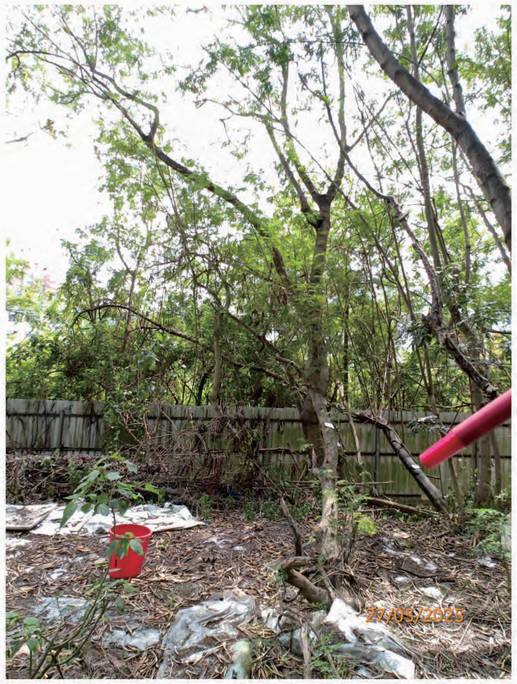
T690

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T690



T691



T691



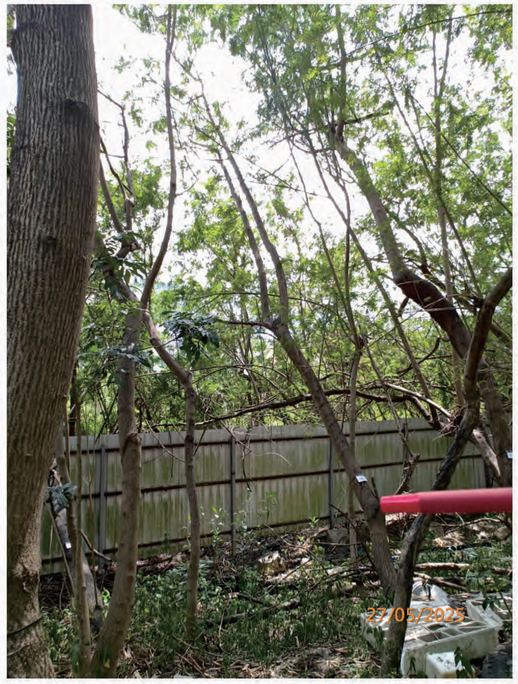
T692



T692



T693



T693



T694

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T694



T695



T695



T696



T696



T697



T697



T698

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T698



T699



T699



T700



T700



T701



T701



T702

LEGEND :

(R) - Retain

(F) - Fell

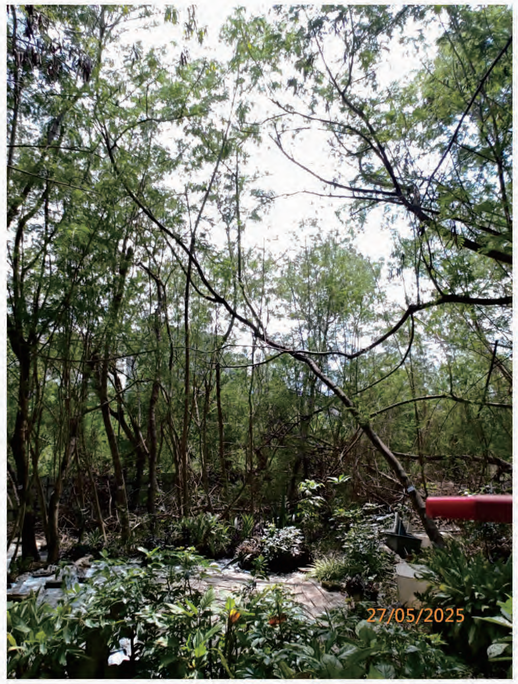
(T) - Transplant



T702



T703



T703



T704



T705



T705



T706

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T706



T707



T707



T708



T708



T709



T709



T710

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T710



T711



T711



T712



T713



T713



T714

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T714



T715



T715



T716



T716



T717



T717



T718

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T718



T719



T719



T720



T720



T721



T721



T722

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T722



T723



T723



T724



T724



T725



T725



T726

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T726



T727



T727



T728



T728



T729



T729



T730

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T730



T731



T731



T732



T732



T733



T733



T734

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T734



T735



T735



T736



T736



T737



T737



T738

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T738



T740



T740



T742



T743



T743



T744

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T744



T745



T745



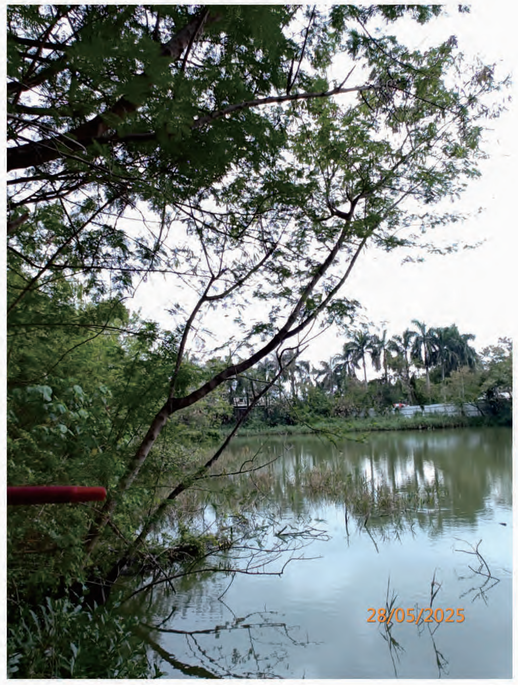
T746



T746



T756



T756



T758

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T758



T759



T759



T760



T760



T761



T761



T762

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T762



T764



T764



T765



T765



T766



T766



T767

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T767



T768



T768



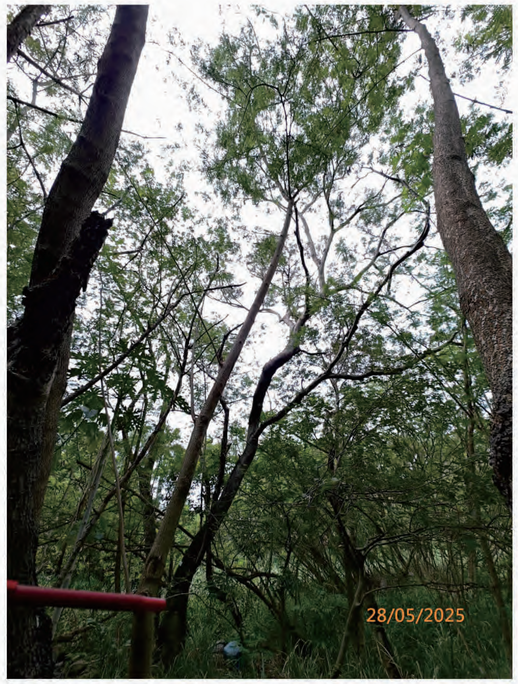
T769



T769



T770



T770



T771

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T771



T772



T772



T773



T773



T774



T774



T775

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T775



T776



T776



T777



T777



T778



T778



T779

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T779



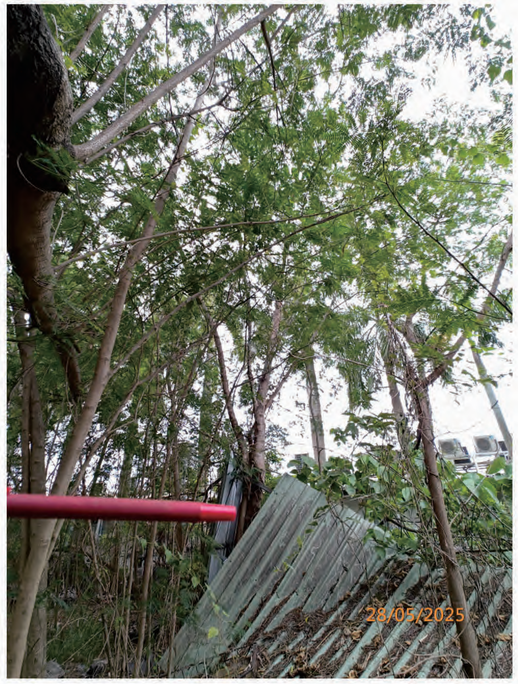
T70



T780



T781



T781



T782



T782



T783

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant

Photographic Record of Existing Trees

LanDes

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



T783



T784



T784



T785



T785



T785



T786



T787

LEGEND :

(R) - Retain

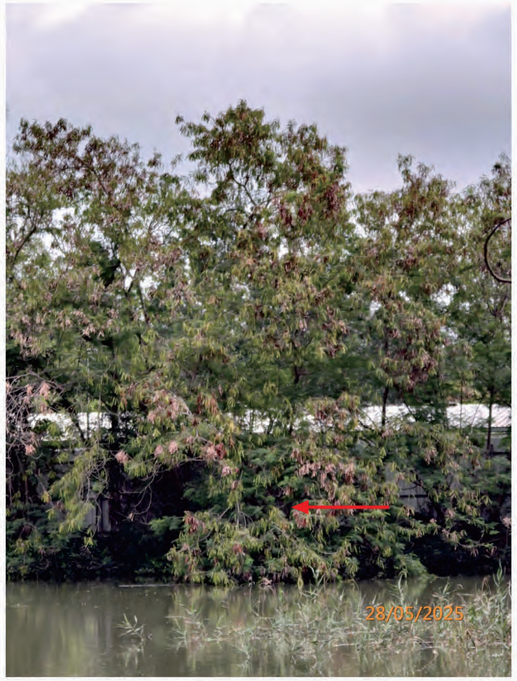
(F) - Fell

(T) - Transplant

Photographic Record of Existing Trees

LanDes

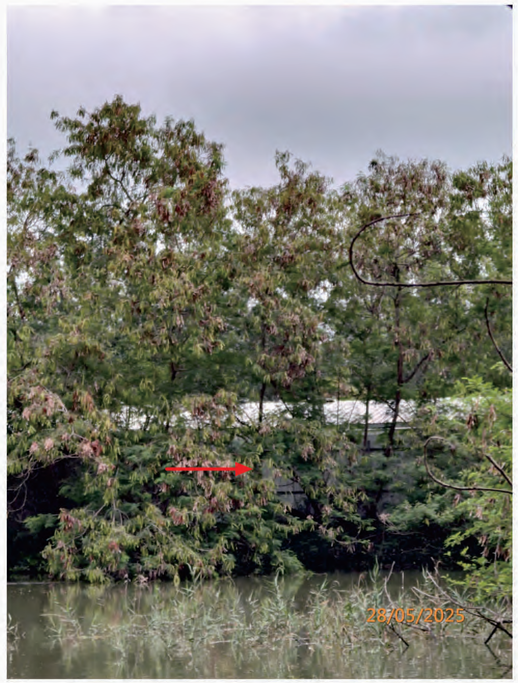
SECTION 16 APPLICATION FOR FILLING OF POND FOR PERMITTED AGRICULTURAL USE IN SUB-SECTION 1 AND THE REMAINING PORTION (PORTION) OF SECTION E OF LOT NO. 1212 IN D.D. 115 AND THE DISCREPANT AREAS (PORTION)ADJACENT TO SECTION E OF LOT NO. 1212 IN D.D. 115, NAM SANG WAI, YUEN LONG, NEW TERRITORIES



T787



T788



T788



T789



T789



T790



T790



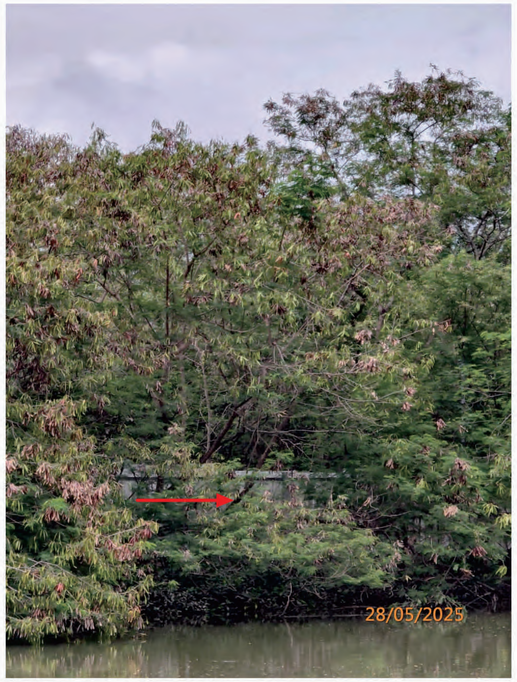
T791

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant



T791



T792



T792



T793



T793

LEGEND :

(R) - Retain

(F) - Fell

(T) - Transplant

Appendix II

Landscape Master Plan

And

Landscape Sections



REVISION 校訂	DESCRIPTION 內容摘要	DRAWN 繪圖	DATE 日期	CHECKED 審核	APPROVED 審批

DO NOT SCALE FROM THIS DRAWING 勿按圖量比例

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PROJECT 工程項目
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

DRAWING TITLE 圖紙名稱
LANDSCAPE MASTER PLAN

SCALE 比例 1:1200
DATE 日期 JUN 2025
REVISION 校訂 –
DRAWING NUMBER 圖號 LMP01

DESIGNED 設計 TEL
DRAWN 繪圖 CAD
CHECKED 審核 TEL
APPROVED 審批 TEL

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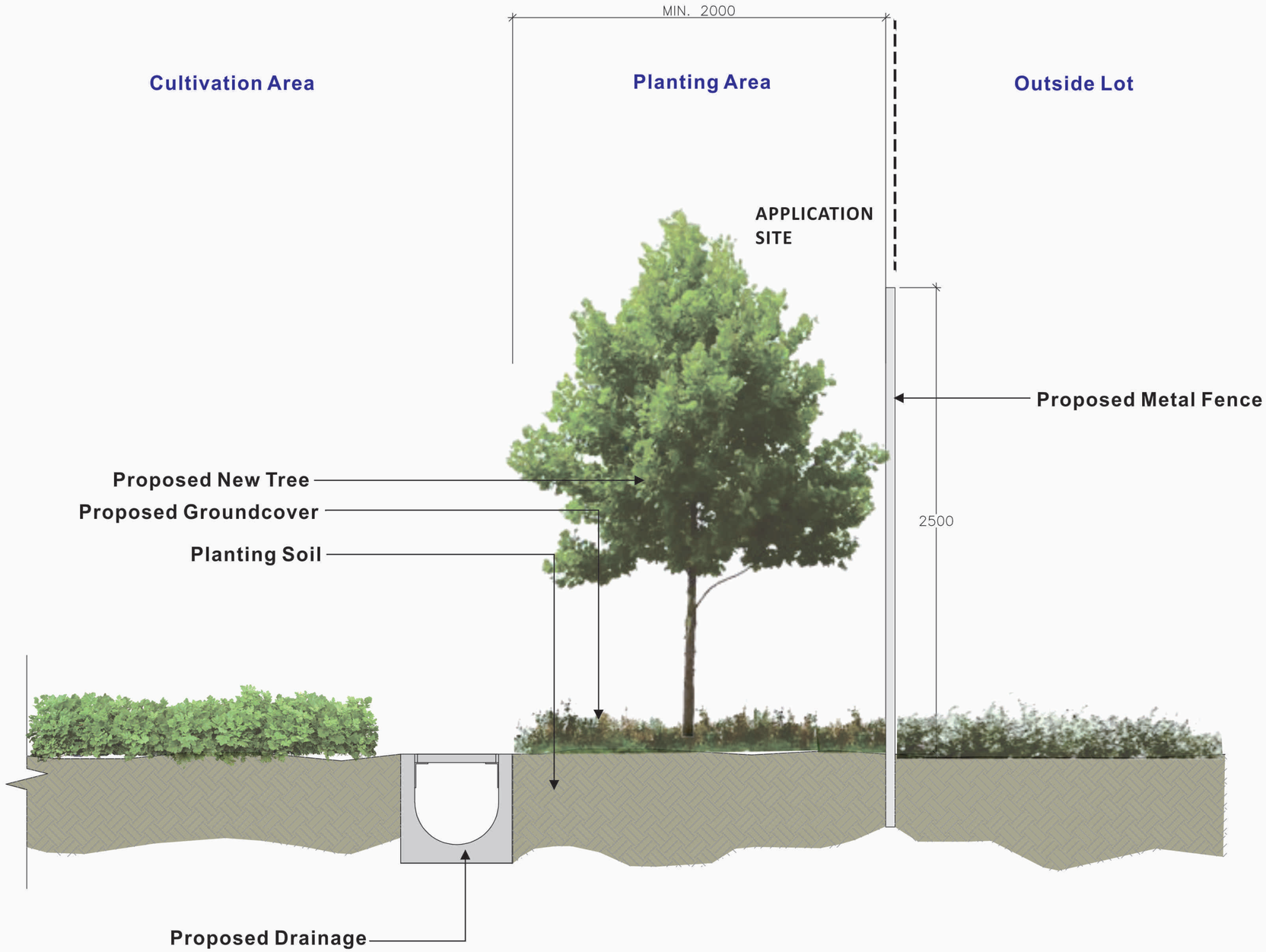
TELEPHONE 2868 0980 FACSIMILE 2868 2203 電話:(八五二) 二八六八 零九八零 傳真:(八五二) 二八六八 二二零三

CAD FILENAME : C2515–LMP01



REVISION 校訂	DESCRIPTION 內容摘要	DRAWN 繪圖	DATE 日期	CHECKED 審核	APPROVED 審批

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PROJECT 工程項目
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DRAWING TITLE 圖紙名稱
TYPICAL SECTION OF PLANTING AREA

SCALE 比例: 1:25
DATE 日期: JUN 2025
REVISION 校訂: –
DRAWING NUMBER 圖號: LD101

DESIGNED 設計: TEL
DRAWN 繪圖: CAD
CHECKED 審核: TEL
APPROVED 審批: TEL

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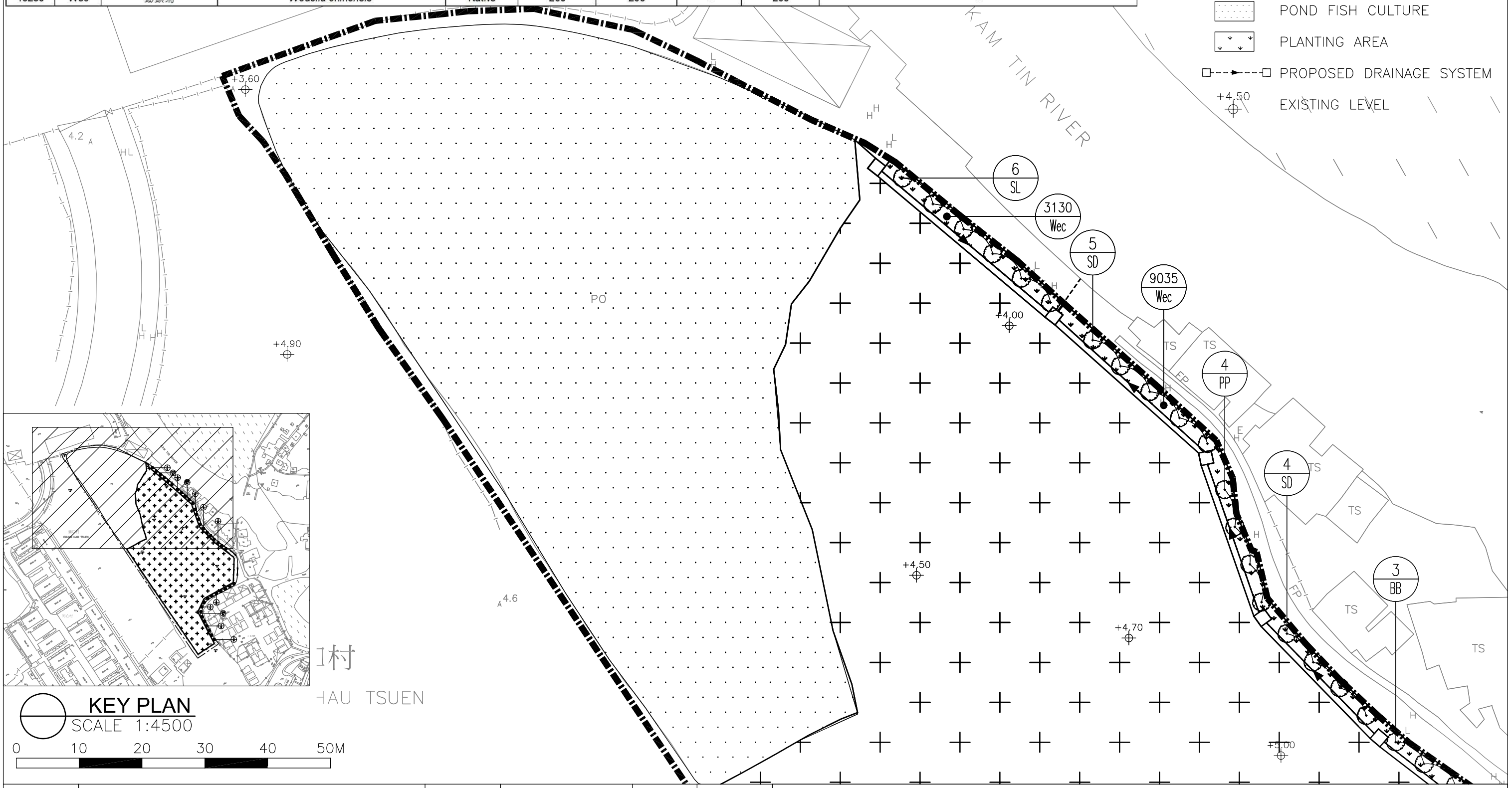
CAD FILENAME : C2515–LD101

Appendix III

Planting Plans

Quantity	Code	Chinese Name	Botanical Name	Native/Exotic	Height (mm)	Spread (mm)	DBH (mm)	Spacing (mm)	Remark
STANDARD TREES									
8	BB	洋紫荊	*Bauhinia blakeana*	Native	2500	1500	50	5000	Abundance of Foliage, Well-Formed, Full Spread Formed
7	PP	水黃皮	*Pongamia pinnata*	Native	2500	1500	50	5000	Abundance of Foliage, Well-Formed, Full Spread Formed
10	SL	假蘋婆	*Sterculia lanceolata*	Native	2500	1500	50	5000	Abundance of Foliage, Well-Formed, Full Spread Formed
13	SD	山烏桕	*Sapium dicolor*	Native	2500	1500	50	5000	Abundance of Foliage, Well-Formed, Full Spread Formed
GROUNDCOVERS									
19230	Wec	蟛蜞菊	*Wedelia chinensis*	Native	200	200	-	200	-



REVISION 校訂	DESCRIPTION 內容摘要	DRAWN 繪圖	DATE 日期	CHECKED 審核	APPROVED 審批

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PROJECT 工程項目
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

DRAWING TITLE 圖紙名稱
PLANTING PLAN
(SHEET 1 OF 2)

SCALE 比例: 1:600
DATE 日期: JUN 2025
REVISION 校訂: –
DRAWING NUMBER 圖號: PT01
DESIGNED 設計: TEL
DRAWN 繪圖: CAD
CHECKED 審核: TEL
APPROVED 審批: TEL

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CAD FILENAME : C2515–PT01

LEGEND:

- APPLICATION SITE BOUNDARY
- PROPOSED STANDARD TREE
- CULTIVATION AREA
- POND FISH CULTURE
- PLANTING AREA
- PROPOSED DRAINAGE SYSTEM
- +4.50 EXISTING LEVEL

+5.00 +4.50 +5.30 +7.20 +6.00

5 BB

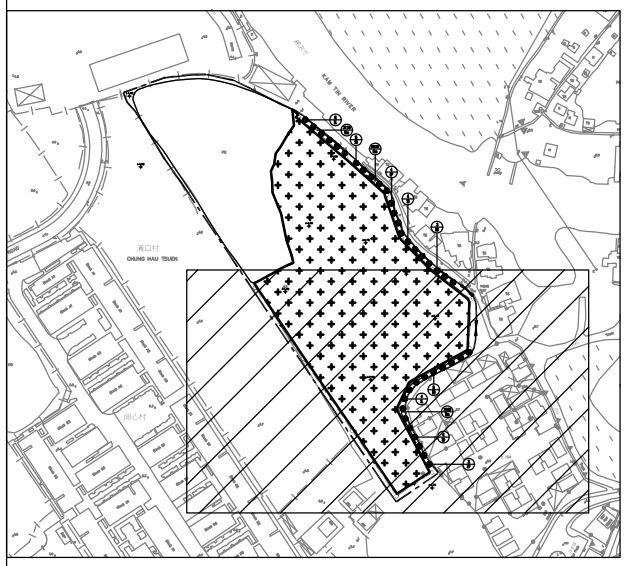
4 SL

7065 Wec

4 SD

3 PP

泥路 山貝河畔 Track



KEY PLAN
SCALE 1:4500
0 10 20 30 40 50M

REVISION 校訂	DESCRIPTION 內容摘要	DRAWN 繪圖	DATE 日期	CHECKED 審核	APPROVED 審批

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DRAWING TITLE 圖紙名稱
PLANTING PLAN
(SHEET 2 OF 2)

SCALE 比例 1:600
DATE 日期 JUN 2025
REVISION 校訂 –
DRAWING NUMBER 圖號 PT02

DESIGNED 設計 TEL
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TELEPHONE 2868 0980 FACSIMILE 2868 2203 電話:(八五二) 二八六八 零九八零 傳真:(八五二) 二八六八 二二零三

CAD FILENAME : C2515–PT02

Appendix IV

Maintenance Schedule

Of

Soft Landscape Works

OPERATIONS	SPRING			SUMMER			AUTUMN			WINTER			REMARKS
	March	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	
DISEASE CONTROL INSPECTION	O	O	O	O	O	O	O	O	O	O	O	O	Treatment immediately after detection
FERTILIZATION Applications	O						O						
GENERAL PLANT INSPECTION	O	O	O	O	O	O	O	O	O	O	O	O	Treatment immediately after detection
IRRIGATION Watering operation	D	D	D	D	D	D	D	D	D	D	D	D	Early morning / late afternoon, as appropriate
PROTECTION Inspection of fence, tree grates, guards, stakes & ties	O			O			O			O			Inspection also after heavy storms and adverse weather. Treatments immediately after detection
FIRMING UP of plants & supports	O			O			O			O			Inspection also after heavy storms and adverse weather. Firm-up operations immediately after detection
WEEDING Weeding operation & litter collection	O	O	O	O	O	O	O	O	O	O	O	O	Additional litter inspection & collection after heavy use
THINNING INSPECTION	O						O						Thinning operations in appropriate pruning season
MULCH Topping up	O						O						And following run off caused by rain / wind storm
PRUNING	O						O						As appropriate
FORKING OVER	O						O						As appropriate
TREE RISK ASSESSMENT	O												As appropriate

KEY:
D = once daily W = once weekly 2W = twice weekly
Bi-W = Bi-weekly O = once R = repeat if necessary

SECRETARY FOR JUSTICE V. CHAU KA CHIK TSO AND OTHERS

Judgment Information

Date	**8 Dec, 2011**
Action No.	**FACV5/2011**
Neutral Cit.	**[2011] HKCFA 86**
Parallel Cit.	**(2011) 14 HKCFAR 889** **[2013] 2 HKC 303**

FACV No. 5 of 2011

IN THE COURT OF FINAL APPEAL OF THE

HONG KONG SPECIAL ADMINISTRATIVE REGION

FINAL APPEAL NO. 5 OF 2011 (CIVIL)

(ON APPEAL FROM CACV NO. 26 OF 2010)

_____

Between:

SECRETARY FOR JUSTICE	Appellant
and	
CHAU KA CHIK TSO by its manager CHAU FUK SZE (now replaced by CHOW LAP YAN and CHAU MOU LIN TOMMY) duly registered under the New Territories Ordinance, Cap.97	1st Respondent
LAM CHI-FAI	2nd Respondent
LAM CHI-KIN ANDREW	3rd Respondent
LAM CHI-LEUNG	4th Respondent
LAM CHI-KWONG	5th Respondent
LAM SAI-KIT	6th Respondent
LAM YUET-YAU	7th Respondent
LAM TZE-CHUN	8th Respondent
LAM CHUN-SING	9th Respondent
LAM PING-CHUNG	10th Respondent
LAM WING-LAU	11st Respondent
LAM KWOK-KEE	12nd Respondent
LAM TZE-CHOI	13rd Respondent
LAM SHUI-LUN	14th Respondent
LAM NGOK-CHING	15th Respondent

Court: Mr Justice Bokhary PJ, Mr Justice Chan PJ, Mr Justice Ribeiro PJ, Mr Justice Litton NPJ and Lord Scott of Foscote NPJ

Dates of Hearing: 15 to 17 November 2011

Date of Judgment: 8 December 2011

JUDGMENT

Mr Justice Bokhary PJ :

1. I agree with the judgment of Lord Scott of Foscote NPJ.

Mr Justice Chan PJ :

2. I have had the advantage of reading the judgments in draft of Mr Justice Ribeiro PJ and Lord Scott of Foscote NPJ. I agree that this appeal must be dismissed.

3. It is common ground that the doctrine of encroachment applies to the facts of this case. There is also no dispute as to the effect of the doctrine when it is applied to the case of an encroachment by a tenant on land adjoining the demised land. But the legal basis of the doctrine is, in the words of Neuberger LJ in *Tower Hamlets LBC v Barrett* [2006] 1 P. & C.R. 9, para.82, "somewhat obscure and confused". I would however prefer the analysis given by Mr Justice Ribeiro which is based on the presumption and estoppel arising from the application of the doctrine. There are judicial statements which tend to support this as the basis of the doctrine (see the cases cited in paragraphs 33-39, 42-50 and 62). It also seems to me that if the presumption that the tenant intends to occupy the encroached area as part of the demised land would ultimately benefit the tenant as well as the landlord, they should both be precluded from denying that this state of affairs exists after a sufficiently long lapse of time.

4. However, I have some difficulty in fitting the provisions of the Limitation Ordinance, Cap 347 (in particular ss 7 and 17) into the doctrine of encroachment in an encroachment case without doing violence to the language of these provisions. In my view, the limitation period is only relevant in determining the period after which the landlord cannot be heard to say that the tenant is not holding the demised land together with the encroached area upon the same terms until the end of the lease. But by virtue of the doctrine of encroachment, the landlord's right to possession of the encroached area is not barred forever and his title in this area is not extinguished (which would have been the consequence had ss 7 and 17 of the Ordinance applied). The landlord's right of possession to this area is, as it were, only "suspended": it is retained and can be exercised again at the end of the lease. Furthermore, far from having the landlord's title extinguished, during the remaining term of the lease, both the landlord and the tenant are bound by the covenants under the lease (which may benefit the landlord) in relation to the encroached area as they are in relation to the demised land.

5. Mr Edward Chan SC for the Government accepts that the Respondents have uninterrupted possession of the encroached areas in this case since at least 1924. But he submits that by reason of the New Territories (Renewable Government Leases) Ordinance, Cap 152 (" Renewal Ordinance "), the period between 1924 and 1973 has to be discounted and that for the purpose of calculating the limitation period (in this case 60 years), time has to start afresh in 1973 in which case, the Government's right to recover possession of the encroached areas is not barred until the end of the new lease which was extended by the New Territories Leases (Extension) Ordinance, Cap 150 to 2047.

6. The linchpin of his case is that the Respondents' possession of the encroached areas came to an end upon renewal in 1973 by the Renewal Ordinance which took effect as a termination of the old lease and the

granting of a new lease. He relies on the statement of Pennycuick VC in *Smirk v Lyndale Developments Ltd* [1975] 1 Ch 317 , at 333. He argues that the Respondents cannot add the period of possession before 1973 to the period after 1973 (the "no adding up rule") and that this effect, he submits, is the logical consequence of the rule that a tenant who encroaches on the adjoining land of his landlord has to give up the encroached area at the end of the lease (the "coterminous rule").

7. With respect, I do not consider Pennycuick VC's statement (the so-called "no adding up rule") helpful. No authority was cited by the learned Vice Chancellor in support of this proposition. Nor has this statement regarding the "no adding up rule" been the subject matter of judicial discussion in subsequent cases. In the *Smirk* case, there was no right of renewal (unlike in the present case) and the question there was whether there was a new tenancy with a new landlord. On this issue, Pennycuick VC found that there were two tenancies and held that "there can be no ground for treating a period of two different tenancies as continuous for present purposes." On appeal, the English Court of Appeal overturned this finding of fact which formed the basis of the learned VC's proposition.

8. Mr Chan further contends, not without some force, that the Privy Council case of *Chung Ping Kwan & others v Lam Island Development Co. Ltd* [1997] AC 38 does not apply to the present case. *Lam Island* was a case in which the trespasser's adverse possession against the Crown lessee was held to have continued, notwithstanding the renewal of the Crown lease under the Renewal Ordinance for the reason that the Crown, as a result of the Crown lessee's right of renewal contained in the original Crown lease, did not have any opportunity to exercise its right to possession upon renewal. In the present case, Mr Chan argues, the Government did have the right under the encroachment doctrine to re-possess the encroached areas at the end of the original lease on 30 June 1973, and hence the reasoning in *Lam Island* does not apply.

9. While I would agree that the situation in *Lam Island* is quite different from the present case, I do not think this argument can advance the Government's case. The Respondents (or their predecessors in title) started to occupy the encroached areas in about 1924. Since then, they have been holding as lessees the same demised land together with the same encroached areas, albeit under two leases, one after the other. Under the doctrine of encroachment, they hold the demised land and the encroached areas subject to the same covenants until 2047 and I do not think the Government can now dispute this state of affairs or is entitled to evict the Respondents from the encroached areas before then.

Mr Justice Ribeiro PJ:

A. The issues

10. On 6 July 1916, the Crown sold by public auction a lot known as Lot 1212 in Demarcation District 115 in Yuen Long with boundaries enclosing 18 acres of land for agricultural use. The lease granted by the Crown was for a term of 75 years from 1 July 1898 with a right of renewal for a further term of 24 years less the last three days.

11. On 21 May 1924, the Lot was divided into five sections and each section sold by the then Crown lessee to persons including the respondents' predecessors in title. The respondents are the current Government lessees of three of the five sections of the Lot.

12. It was found by the trial judge [1] that since some point in time between 1916 and 1924 (when aerial photographs of the area were taken) the respondents and their predecessors, as well as the Government lessees of the other sections of the Lot and their predecessors, have been occupying an adjoining portion of Government land extending beyond the northern boundary of the Lot with a total area of 6.67 acres. The land so occupied was used to enlarge the fishponds maintained on the leased land. The Judge found that the Government was unaware of their occupation of this additional land until some time in the 1980s when large scale maps of the area were prepared.

13. In December 2000, the respondents and the Government lessees of the other sections of the Lot brought proceedings against the Government seeking Orders establishing their right to the additional

land. They sought first to argue that the northern boundary had been incorrectly drawn and ought to have enclosed the additional 6.67 acres; alternatively, that they were entitled by virtue of the common law doctrine of encroachment to a leasehold interest in the additional land until 30 June 2047; in the further alternative, that their occupation of the additional land had resulted in their acquisition of a possessory title extinguishing the Government's title to that land; and finally, that they were entitled to the additional land on the basis of a proprietary estoppel.

14. On 30 March 2001, the Government issued a counterclaim for a declaration that the additional land was Government land and for possession thereof in the event that the respondents should be found to be in adverse possession.

15. Before this Court, the respondents rely solely on the common law principle of encroachment as the basis for their title to the additional land, having abandoned the other grounds previously advanced. This Court is therefore asked to determine whether the respondents or the Government are presently entitled to the land in question, applying the common law doctrine of encroachment in the context of the Limitation Ordinance. [2] It also requires consideration of the effect, if any, of the New Territories (Renewable Government Leases) Ordinance [3] (" the Renewal Ordinance ") on the operation of that doctrine.

B. The doctrine of encroachment

B.1 The effect of the doctrine

16. Before examining the authorities, it may be helpful to identify in outline the circumstances when the doctrine of encroachment applies and what results from its application.

17. The doctrine addresses the position of a tenant who encroaches upon adjoining or adjacent land beyond the boundaries of the land demised to him under his lease. Such encroachment may be (as in the present case) upon land which belongs to his landlord. Or it may be upon land belonging to a third party. As we shall see, the principle operates quite differently in each of those two cases.

18. Of course, if the tenant occupies the additional land with the express or implied agreement of the person entitled to it (whom I shall call the "owner" for convenience), or encroaches in circumstances estopping the owner from complaining about the encroacher's conduct, the doctrine has no application. Similarly, the principle does not require consideration where, before expiry of the limitation period, the owner objects to the encroachment as an act of trespass and promptly takes steps to recover possession of the encroached upon land.

19. The doctrine is only likely to be relevant where the tenant's encroachment provokes no pertinent reaction on the part of the owner and endures over a sufficient period for the tenant to mount a limitation defence should the owner seek to recover the land encroached upon.

20. Where the area of encroachment belongs to a third party, the doctrine takes effect where, on the facts, the tenant has by adverse possession barred the third party's right of action and extinguished his title to the land. Then under the doctrine, a presumption arises (unless previously rebutted) that the encroached upon land has been occupied as an addition to the landlord's land and the right to possession vests in the landlord at the end of the tenancy. The land encroached upon is not treated as land acquired by the tenant by adverse possession for his own benefit.

21. Where the encroachment area belongs to the tenant's landlord, the doctrine functions quite differently. The landlord's interest in the land is not extinguished by limitation but the doctrine operates to deem the tenant to have acquired a leasehold interest in the land encroached upon to be held on the same terms as his tenancy, and to be surrendered up to his landlord and the end of its term.

22. I would respectfully adopt the rationale of the doctrine advanced by Neuberger LJ (as Lord Neuberger of Abbotsbury then was) in a case involving an encroachment on a third party's land as follows:

> "...the doctrine summarised by Parke B in *Kingsmill's* case appears to be based in part on fairness and in part on practicality. The tenant will normally have been able to encroach on the adjoining land because he was the tenant of his landlord's land: hence the perception that it is just that he should acquire possessory title of the adjoining land for the benefit of his landlord (see eg per Willes J in *Whitmore's* case, cited above). Further, the land to which possessory title is acquired will often be small, will often adjoin the demised land, and will normally have been enjoyed for at least 12 years together with the demised land. Thus, it would normally be much more practical for the freehold of that land to be vested in a person who owns the demised land (ie the landlord), rather than in someone who (after the end of the tenancy concerned) has no interest in it (ie the tenant)." [4]

B.2 The legal basis of the doctrine of encroachment

B.2a Uneasiness as to the basis of the doctrine

23. The doctrine has been the subject of some judicial discomfort. Thus, in *AG v Tomline* , [5] Thesiger LJ noted:

> "... there is a difference of opinion among Judges as to the exact grounds of the doctrine that encroachments made by tenants enure for the benefit of their landlords."

And in *Whitmore v Humphries* , [6] Willes J called it "a branch of the law which involves considerations of some nicety".

24. In *Smirk v Lyndale Developments Ltd* , [7] Pennycuick VC commented: "The law on this point ... has got into something of a tangle." And although the Court of Appeal in *Smirk* credited Pennycuick VC with "untangling" the law, [8] Neuberger LJ in *Tower Hamlets LBC v Barrett* , [9] still felt constrained to describe the doctrine as one "whose unsatisfactory nature is plain".

25. The unease engendered by the doctrine is especially felt in cases involving a tenant's encroachment upon his landlord's land. While the authorities indicate that the expiry of the limitation period for actions to recover land is in some way relevant to the operation of the doctrine, the precise relationship between the limitation period and the doctrine has not been explored in any detail.

26. In Hong Kong, that period is 60 years from the date on which the right of action accrued where the Government seeks to recover Government land [10] and 12 years in the case of land recovery actions brought by anyone else. [11] Section 17 of the Limitation Ordinance, which derives from section 16 of the Limitation Act 1939, [12] lays down the consequence of expiry of the limitation period:

> "Subject to [presently immaterial provisions], at the expiration of the period prescribed by this Ordinance for any person to bring an action to recover land ..., the title of that person to the land shall be extinguished."

27. In cases where the encroachment doctrine is not engaged, the extinguishment of the landlord's title follows as a matter of course from the fact that the limitation period has expired. As Lord Browne-Wilkinson stated in *J A Pye (Oxford) Ltd v Graham* :

> "It is to be noted that the right of action to recover the land is barred whenever twelve years have elapsed from the time when any right of action accrued: it does not have to be a period immediately before action brought. In the case of unregistered land, on the expiration of the limitation period regulating the recovery of the land, the title of the paper owner is extinguished: Act of 1980 section 17." [13]

28. What effect then do these provisions have on the doctrine? If, as a few of the authorities appear to suggest, expiry of the limitation period for actions to recover land is a constituent component of the doctrine, how can the doctrine result in giving only partial effect to the Limitation Ordinance? In other words, if limitation is an ingredient of the doctrine, the premise must be that the tenant's occupation of the land encroached upon constitutes adverse possession sufficient to start time running and, upon expiry of 12 or 60 years as the case may be, is sufficient to bar the right of the landlord to recover that land. But if that is the true analysis, why is the landlord's interest not then extinguished pursuant to section 17? Why instead is the landlord's interest merely transformed under the doctrine into a reversionary interest allowing the landlord to recover possession of the land at the end of the encroaching tenant's lease? If, on the other hand, the limitation period is *not* a constituent component of the doctrine, then why, after the limitation period has expired, is the landlord unable to recover the encroached upon land until the encroaching tenant's lease determines?

29. Before attempting to address these difficulties, it should be noted that the doctrine as applied to encroachments by the tenant onto land belonging to a third party operates differently. In such cases, the doctrine proceeds on the basis that the Limitation Ordinance takes effect in full, not only barring the third party's right to recover the land, but also extinguishing his title to it. What the doctrine then does is to deprive the tenant of the benefit of such extinguishment by deeming possessory title to the encroachment area to vest in the landlord at the end of the tenancy.

30. I turn now to consider how the encroachment doctrine functions in cases involving a tenant's encroachment on his landlord's land in the light of the authorities. The conclusion which I shall come to is that the doctrine does not operate by relying on some form of partial application of the provisions of the Limitation Ordinance. It operates to prevent that Ordinance from being relied on by the tenant at all. I will also conclude that the consequence of the tenant acquiring a leasehold interest in the land encroached upon coterminous with his tenancy flows from the presumption and estoppel forming part of the doctrine and not from limitation barring the landlord's right of action.

B.2b The central themes of the doctrine

31. Two principal themes, which are closely related, run through the cases establishing the doctrine. The first involves a rebuttable presumption that the encroaching tenant occupies the land in question as an addition to the holding demised under his lease; and the second involves an estoppel preventing the tenant from asserting rights inconsistent with the aforesaid presumption. As appears from the authorities, it is a distinct species of estoppel which arises in consequence of the relationship between the parties: since the tenant is able to make the encroachment only by virtue of having been given possession of the demised land by his landlord, the doctrine does not permit the tenant to assert that his occupation of the encroachment is other than as part of his demised holding and in particular estops him from claiming that he has barred his landlord's right of action and extinguished his landlord's title by adverse possession.

B.2c Presumption, estoppel and Statute of Limitations

32. The presumption and the estoppel are applicable both in cases involving encroachment upon the landlord's land and encroachment upon land belonging to a third party.

33. In *Andrew v Hailes* , [14] the tenant encroached upon a third party's land, building a bakehouse and offices on it and occupying it for over 20 years. When his landlord served on him notice to quit, he gave up the land demised under his tenancy but sought to keep the encroached upon land for himself. The Court held that he had to surrender up that land to his landlord, its decision being based on the presumption and the estoppel. Lord Campbell CJ stated: [15]

> "I think it must be considered that the encroachment in this case was held by the defendant as part of the demised premises; and that being so, I think the defendant is not at liberty to deny that it was part

of them. I proceed on what the civil law calls *exceptio personalis* , and the common law an estoppel, and say that the tenant cannot deny this." [16]

34. Coleridge J pointed out that the presumption depends on the inference to be drawn from the facts and stated its effect:

"... if at the end of the term, that boundary has been confused by enclosing adjacent ground, a very strong presumption arises that the enclosed land is part of the holding: and the tenant is not entitled to meet it by shewing that, though he occupied the enclosure as part of the holding, it was an encroachment." [17]

35. Erle J formulated the presumption as follows:

"... when the power to encroach is derived from the occupation of the premises held from a landlord, and the encroachment is occupied as if it was part of the holding, then, at the end of the tenancy, the presumption as between the landlord and tenant, is that it is part of the holding, and it belongs to the landlord." [18]

36. Lord Campbell CJ's formulation of the presumption was adopted by Parke B in *Kingsmill v Millard* , [19] in the following terms:

"It is laid down in all the cases – whether the inclosed land is part of the waste, or belongs to the landlord or third party – that the presumption is, that the tenant has inclosed it for the benefit of his landlord, unless he has done some act disclaiming the landlord's title. I am disposed to discard the definition, that the encroachment is made 'for the benefit of the landlord', and to adopt that of Lord Campbell, viz that the encroachment must be considered as annexed to the holding, unless it clearly appears that the tenant made it for his own benefit."

37. His Lordship went on to hold that the presumption gives rise to an estoppel:

"... if the landlord is allowed to remain under the belief that the encroachment is part of the farm, the tenant is estopped from denying it, and must render it up at the end of the term as a portion of the holding." [20]

38. *Whitmore v Humphries* , [21] was a case involving an encroachment on the landlord's land. The tenant was held by Willes J to have encroached on manorial waste belonging to his landlord by enclosing an adjoining piece of common pursuant to an agreement that such encroachment should be held "on the same terms as are usually applicable to encroachments by virtue of the law". [22] Willes J stated the general rule as to the presumption as follows:

"By the rule of law applicable to this subject the landlord is entitled at the determination of the tenancy to recover from the tenant, not only the land originally demised, but also any land which the tenant may have added to it by encroachment from the waste, such encroachment being deemed to be made by him as tenant as an addition to his holding, and consequently for the benefit of his landlord, unless it is made under circumstances which shew an intention to hold it for his own benefit alone, and not as part of his holding under the landlord." [23]

39. Willes J went to hold that an estoppel arose which excluded application of the Statute of Limitations:

"If the general provisions of the statute [of Limitations] apply when the encroachment is on the land of the landlord, what becomes of the general rule of law applicable to all encroachments, namely, that the tenant is estopped from denying that the encroachment forms part of the holding - which, with reference to such a case, is really only another way of saying that he holds in such a way as that the Statute of Limitations does not apply? The case of an encroachment is a peculiar case in the law, which treats it as being part of the holding. It follows obviously that the general provisions of the Statute of Limitations do not apply to it." [24]

B.2d A possible way out of the conundrum

40. In my view, Willes J's decision suggests a way out of the doctrinal difficulties mentioned above. But for intervention of the doctrine, an encroaching tenant who has occupied the land encroached upon for longer than the limitation period might well be able factually to set up adverse possession as the basis for both barring his landlord's right of action to recover the land and extinguishing his landlord's title to it. However, the doctrine gives the landlord some protection by presuming that the tenant's occupation of the encroachment area is as an annex to his demised holding and estopping the tenant from contending that his possession is adverse to his landlord.

41. The limitation period is still important since the doctrine is only needed and only comes into play to defeat a potential plea of adverse possession barring the landlord's right of action after the period has run out. However, the doctrine does not incorporate as an ingredient the operation of any provisions of the Limitation Ordinance to bar the landlords right of action. It is not the law of limitation, but the combined effect of the presumption and the estoppel arising under the doctrine, that converts the tenant's occupation in such circumstances into a leasehold interest in the encroachment area. After the prescribed statutory period, the presumption equally applies to the landlord who benefits from the doctrine so that he is deemed to have granted the tenant a leasehold interest over the land encroached upon on the same terms as the existing tenancy. It is for that reason, and not because his right of action has been extinguished as against a trespasser, that the landlord cannot recover possession of the area of encroachment until the lease comes to an end.

B.2e Subsequent authorities

42. *Attorney-General v Tomline* ***[25]*** was a case involving a copyhold tenement, but Fry J considered the principles governing encroachments on leasehold land belonging to the landlord to be applicable. [26] His Lordship adopted Willes J's approach to the effect of the estoppel on the Statute of Limitations:

> ".. it being an encroachment, I think I am not at liberty to give that full effect to the Statute of Limitations which I must have given to it, if it were not proved that the land had been an encroachment. I say that upon the authority of the principle laid down in *Whitmore v Humphries* [citing the passage from Willes J's judgment set out above]. ... I say that, there being an encroachment adjoining a holding, I am not at liberty to give that full effect to the statute which it would have had if it had not been shewn that the land was an encroachment in the neighbourhood of an existing holding." [27]

43. Elaborating on this theme, his Lordship stated:

> "Another way in which the case has been put is this, that there is a personal incapacity on the part of the tenant to deny that the encroachment was part of his original holding. That view was thus expressed by Lord *Campbell* in *Andrews v Hailes* : 'I think it must be considered that the encroachment in this case was held by the Defendant as part of the demised premises; and, that being so, I think the Defendant is not at liberty to deny that it was part of them. I proceed on what the civil law calls *exceptio personalis* , and the common law an estoppel, and say that the tenant cannot deny this.' That is to say, he cannot deny that the land acquired by the encroachment was part of his original holding and the same view is expressed by Mr Justice Willes in his elaborate judgment in *Whitmore v Humphries* to which I have already referred." [28]

44. The Court of Appeal overturned Fry J's decision holding that, even assuming the doctrine applicable to copyholds, it did not apply in the case at hand since factually the presumption had been rebutted so that there was nothing to exclude operation of the Statute of Limitations. [29] The Court did not, however, cast doubt on Fry J's approach to the consequences of the estoppel in cases where the presumption was

unrebutted and the doctrine of encroachment was applicable. Cotton LJ acknowledged the principle as explained by Willes J in *Whitmore v Humphries* and added:

> "... looking at the circumstances under which these questions as to accretions as between landlord and tenant have arisen, it may well be that they rest upon the principle that the lessee, being in a fiduciary position, is not at liberty to dispute his landlord's title to encroachments, the absolute title of the tenant to which might materially depreciate the value of the original premises when given up to the landlord, a principle which could hardly apply to encroachments by a copyholder." [30]

45. Similarly, Charles J in *Tabor v Godfrey* , [31] held that the Statute of Limitations was excluded by operation of the doctrine:

> "... I think twelve years have elapsed of occupation of this strip of land inconsistent with the user of it as a right of way; and I should, apart from the legal question here, have to hold, certainly as to the strip, that the defendant had acquired a right to the freehold under the statute. But that is not the true inference, nor do I think the Statute of Limitations has anything to do with the case. But I do think that in the events which have happened, both the landlord and the tenant have treated this strip as part of the land demised. At the end of the lease the tenant could not have set up that the strip was his own, or said that it was not part of the land included in the lease. A tenant who enters under one title cannot turn round and say that he entered under another."

46. His Lordship held on the other hand, that the landlord could not eject the tenant from the land encroached upon during the term of his lease since, the presumption and estoppel applying equally to the landlord, he was bound to treat the tenant as lawfully holding the encroachment as part of his demise :

> "The principle is that a man who gets in by reason of being tenant must take land as under his original take. That is the reason why it is said that a tenant who has occupied an encroachment has occupied it for the benefit of his landlord. ... The principle is that he comes in and has it as part of his take, and although the lease excludes it, yet the way in which the landlord has permitted him to occupy, the encroachment must be taken as included in the demise. I am therefore of opinion that the plaintiffs fail and that the defendant is in the right as to the strip of ground, for by what has happened the landlord has indicated by the mode in which he has allowed the tenant to use it that the strip is included in the holding. There will therefore be judgment for the defendant as to trespasses on the strip of land, as I am of opinion that the defendant is entitled to occupy it." [32]

47. *Perrott (J F) & Co Ltd v Cohen* [33] was a case where the tenant had built lavatories on the encroached upon land belonging to his landlord. After expiry of the lease, the landlord made a claim for dilapidations under the covenants for repair in the lease on the basis that the lavatories on the encroachment had become part of the demised holding, held upon the same terms. That claim was upheld by the Court of Appeal. As Somervell LJ noted, the only possible conclusion on the facts was that the lavatories had been occupied throughout by the defendant as if they were part of the property demised. [34] That raised an estoppel against the tenant asserting that he had held it on any other basis, his Lordship stating:

> " That being so, it is right to treat the lavatories as part of the demised premises; and the tenant - who of course at one time wanted the lavatories so treated - cannot now adopt the other position and say: 'Although I have occupied them, although I have treated them as part of the demised premises as against my landlords when their solicitor suggested they were not part of the demised premises, I shall now change my position and claim that they were not included in the demise'." [35]

48. Cohen LJ, took *Tabor v Godfrey* [36] and *Hastings (Lord) v Saddler* , [37] to be laying down a principle to the following effect:

> "...where a tenant has occupied land of the landlord's not included in the demised premises, according to the terms of the demise, but adjoining them, and, after the tenancy has determined, the landlord seeks to eject his former tenant therefrom, but the tenant relies on the Statute of Limitations, the proper question for the judge to put to the jury, or to decide himself if there is no jury, is: 'Do you think

> the land was occupied by the tenant as a mere extension of the locus of his tenancy? If you do, you should find a verdict for the landlord. If you think the tenant took possession not as a tenant, but with the object or desire simply of benefiting himself and so as to acquire the ownership of the land occupied under the Statute of Limitations, you should find for the tenant'." [38]

49. His Lordship was accordingly of the view that the Statute of Limitations could not be relied on as a defence by the tenant where the presumption that his occupation was "as a mere extension of the locus of his tenancy" was unrebutted; but that the opposite was true where the tenant's occupation was not subject to the presumption and the estoppel.

50. Denning LJ stated that the doctrine gave rise to a principle akin to an estoppel, which precluded the tenant from asserting that his occupation was adverse to the landlord so as to acquire a title under the Limitation Act:

> "The principle underlying the cases on encroachment is not perhaps strictly an estoppel, but it is akin to it. If a tenant takes possession of adjoining property and by his conduct represents that he is holding it under the demise, then, if the landlord acts on that representation by allowing the tenant to remain in possession, the tenant cannot afterwards assert that he is holding it on any other footing. The tenant cannot, for instance, claim that he is holding it adversely to the landlord so as to acquire a title under the Limitation Act of 1939; nor can he claim that he is only a licensee, who has all the benefits of occupation but, none of the burdens of the lease." [39]

51. This is significant since an estoppel (or something akin to an estoppel) which prevents the tenant from contending that his possession is adverse to the landlord, prevents him from saying that time has started running for limitation purposes at all. Thus, section 13(1) of the Limitation Ordinance states:

> "No right of action to recover land shall be deemed to accrue unless the land is in the possession of some person in whose favour the period of limitation can run (hereafter in this section referred to as adverse possession) and where under the foregoing provisions of this Ordinance any such right of action is deemed to accrue on a certain date and no person is in adverse possession on that date, the right of action shall not be deemed to accrue unless and until adverse possession is taken of the land."

52. I shall return to the judgment of Pennycuick VC in *Smirk v Lyndale Developments Ltd* [40] when dealing with the Government's arguments regarding the effect of the Renewal Ordinance. For present purposes, what is important is Pennycuick VC's finding (reversed on appeal) that the tenant's holding had been subject to two different tenancies and consequently his Lordship's statement as follows:

> "It seems to me, however, that the break in the tenancy necessarily negates [the claim that the tenant held the encroached upon land as an extension of the locus of his tenancy]. Whatever accrued or accruing right the plaintiff may have had in 1968 to include the blue plot in his tenancy from British Railways, this right must have determined with his tenancy under British Railways, and obviously no new right can have accrued against the defendants during the short time in which they have been his landlords. There can be no ground for treating a period of two different tenancies as continuous for present purposes. Contrast the position where a possessory title is acquired by successive squatters, or against successive freeholders. The tenant, so long as the presumption applies, can do no more than acquire an addition to the subject matter of the tenancy and his interest in that additional subject matter must necessarily determine together with his interest in the original subject matter." [41]

53. Pennycuick VC was evidently taking the view that such right as the tenant might wish to claim had to "accrue" for some requisite period – presumably for a time in excess of the relevant limitation period – and that since (as he found) such accrual had been interrupted by the termination and immediate renewal of the initial tenancy, the tenant's claim was dismissed.

54. I have to confess that I find this an unsatisfactory passage. In so far as the passage may suggest that a necessary ingredient of the doctrine is that time must accrue so that the Statute of Limitations operates to bar the landlord's action, I respectfully disagree. As stated previously, while I recognize that the limitation period is important in a practical sense since the doctrine only becomes relevant where the tenant might

otherwise be able to set up a possessory title based on adverse possession, my view is that it is by virtue of the doctrine and not of any provisions of the Statute of Limitations, that the tenant acquires a leasehold interest in the encroachment area and prevents recovery by the landlord until the end of his tenancy.

55. Secondly, even if it were thought necessary for time to accrue for limitation purposes, such accrual must surely relate to the period of the tenant's occupation of the land rather than the duration of the lease or leases under which the adjacent demised land was held during the period of the encroachment. I would accordingly with respect decline to adopt Pennycuick VC's reasoning contained in the cited passage.

56. His Lordship's decision was reversed in the Court of Appeal where their Lordships held that as a matter of fact, the tenancy had not been interrupted. But, again with respect, I am unable fully to accept Lawton LJ's formulation of the principle. His Lordship stated :

> "...at the very end of the case, when counsel were actually addressing him, Pennycuick V-C called their attention to the position in law which would arise if there had been a change of tenancy at about the time when the defendants distributed new rent books. The point which he raised with counsel was a pertinent one for this reason: on the law as untangled, if the plaintiff had established a possessory title to the land at the back of no 191 Victoria Road, the effect of such a title would have been that the landlords could not have evicted him from that land, but the plaintiff's title would not have extended beyond the period of his own tenancy. In other words, he could not sell that land or otherwise dispose of it; he held it because it was part of his tenancy and when his tenancy came to an end he would have to give it up." [42]

57. If, as his Lordship postulates, the tenant "established a possessory title" to the property, it is hard to see how it can be said at the same time that "the effect of such a title would have been that the landlords could not have evicted him from that land, but the plaintiff's title would not have extended beyond the period of his own tenancy". Surely the tenant's acquisition of a possessory title would entail extinguishing the landlord's title.

58. The last English authority that may be mentioned is *Tower Hamlets LBC v Barrett* . [43] It was a case in which (among other issues) the doctrine had to be considered in circumstances involving encroachment by the then tenants onto the land of a third party for the purpose of determining whether the doctrine resulted in attributing to the tenants themselves their then landlord's acknowledgement of the third party's title for limitation purposes.

59. Being a third party case, the limitation period was plainly a necessary ingredient of the doctrine. It was only if the third party's title was extinguished by the tenant's adverse possession that possessory title in the land encroached upon would vest in the landlord, to be enjoyed in the meantime by the tenant as part of his demised holding and with possession to be surrendered up to his landlord at the end of the tenancy. Neuberger LJ dealt accordingly with adverse possession and the limitation period:

> "As a matter of principle, once the 12 years of adverse possession have been established, the paper owner loses his title, and someone, either the landlord or the tenant, acquires it. The ownership of land should not, in my view, be in limbo, or be treated as being in limbo, save where statute requires it. Once the 12 years are up, one would expect that either the landlord or the tenant obtains possessory title to the land. If it is the landlord who then acquires title, the land is added to the holding comprised in the tenancy; if it is the tenant, then he holds the freehold of the land in possession." [44]

60. I take Neuberger LJ to have had it in mind that the tenant might acquire the possessory title in his own right if the presumption had previously been rebutted but that such title would vest in the landlord otherwise.

61. Neuberger LJ did mention *obiter* tenants who encroach on land belonging to their landlord. After citing the then current edition of *Megarry and Wade* , [45] *Tabor v Godfrey* , *Smirk v Lyndale Developments* and *Woodfall on Landlord and Tenant* , [46] his Lordship noted:

> "... a tenant can insist, against the will of his landlord, on remaining on land of his landlord, on which he has encroached for more than 12 years, for the remainder of his tenancy." [47]

As it was unnecessary to do so, his Lordship did not delve any deeper into the question and the doctrinal basis of his statement is unclear.

62. In *Amatek Ltd v Googoorewon Pty Ltd* , [48] the High Court of Australia described the doctrine as "founded on a kind of estoppel". Referring to "a line of cases in which *Kingsmill v Millard* is the leading authority", their Honours stated:

> "The basic principle on which these cases proceed is that, as between a landlord and a tenant who has encroached during his term on land not held under the tenancy, the area encroached upon is presumed to be part of the holding to be rendered up at the end of the term. [The presumption and its limitations are discussed by Pennycuick V-C in *Smirk v Lyndale Developments* [1975] Ch 317 , at 323-332, whose judgment on this aspect of the case was approved by the Court of Appeal: see at 337, 340, 341. See *Woodfall's Law of Landlord and Tenant* , 28th ed, vol 1, paras 19.007, 19.008] These cases are founded on a kind of estoppel as between the landlord and the tenant which precludes the tenant from denying the landlord's title not only to the land demised but also to land of which the tenant got possession 'by virtue of being tenant of the demised premises, and [which] he occupied ... as part of these premises' [per Lord Campbell CJ in *Andrews v Hailes* (1853) 2 El & Bl 349, at 354 ; 118 ER 797 , at 799; see also *Tabor v Godfrey* (1895) 64 LJQB (NS) 245, at 247]." [49]

63. Notwithstanding the citation of *Smirk* in the quoted passage, it appears to me that the present legal analysis is consistent with the High Court's approach. It is not suggested by their Honours that the landlord's right to recover the land encroached upon is barred by any statute. It is the estoppel which "precludes the tenant from denying the landlord's title" to the area of encroachment, resulting in the tenant acquiring his interest in that land, to be rendered up at the end of the term.

B.2f Conclusion as to the doctrine

64. In my view, the authorities discussed above show that in cases involving encroachment on the landlord's land, the doctrine operates by giving effect to the presumption and the estoppel discussed above. If the limitation period has not yet expired, the tenant may of course be ejected and cannot plead the Limitation Ordinance to meet the landlord's claim. However, upon expiry of the limitation period, the doctrine comes into play and the Limitation Ordinance would still not provide a defence to the landlord's claim. This is because the doctrine operates so that the tenant is presumed to have occupied the encroachment on the same terms as apply to his demised holding and he is estopped from asserting that he was, on the contrary, in adverse possession. In such cases, the presumption applies equally to the landlord. The doctrine protects his interest from being destroyed by operation of the Limitation Ordinance but the price extracted by the law for such protection is that the landlord must accept that the tenant has acquired a leasehold interest over the encroachment, with possession to be recovered by the landlord only after determination of the lease.

65. In the present case, it is common ground that the presumption that the respondents held the additional land as part of the demised holding has not been rebutted. It is also common ground that they have occupied such land continuously since at least 1924. It follows that the 60 year limitation period applicable to Government claims to recover land expired in 1984, when, subject to the effect (if any) of the Renewal Ordinance, the doctrine took effect, estopping the respondents from asserting, contrary to the presumption, that they have, by adverse possession, acquired a possessory title and extinguished the Government's title. Since the presumption applies equally to the Government (subject to the Renewal Ordinance) it became bound to accept that the respondents had acquired a leasehold interest in the additional land on the terms of their Government leases, expiring at the end of their term.

B.2g Statutory construction and estoppel

66. I have had the benefit of reading in draft, the judgment of Lord Scott of Foscote NPJ who has adopted a different approach in arriving at our common destination. Under that approach, the landlord's right of action is barred under section 7 of the Limitation Ordinance after expiry of the limitation period, but the consequence is that the tenant acquires a leasehold interest in the land encroached upon coterminous with his tenancy over the demised land. The doctrinal difficulties I have adverted to are avoided by construing section 17 so that it only extinguishes the landlord's title to the extent of the encroaching tenant's presumed intention, limiting such extinguishment to the term of the tenancy. It is an approach with the great attraction of simplicity and it is accordingly with regret that I do not feel able, for the reasons which follow, to adopt it.

67. In the first place, I do not consider it a construction capable of being accommodated within the language of the Ordinance. If section 7 is engaged, it prohibits the bringing of any action to recover the encroached upon land after the limitation period. The right of action so barred is barred permanently, which is why limitation statutes are said to be "statutes of repose". [50] That is not what happens under the doctrine as accepted by the approach under discussion, since the landlord's right of action against the encroacher revives when the tenancy of the adjacent demised land terminates. Neither does the approach give effect to section 17 which provides that at the expiration of the prescribed period, the title of the person whose right of action is barred "shall be extinguished". Under the doctrine as accepted by the approach, the landlord's title is not extinguished. Instead, he retains a reversionary interest in the land encroached upon which falls into possession at the end of the tenancy.

68. Secondly, the law of limitation operates through barring, after the prescribed period, the right of action which had accrued to the person entitled until then to recover the land. In principle, the bar must affect the entire interest that person had which had been protected by that right of action. Thus, for instance, in *Chung Ping Kwan v Lam Island Development Co Ltd* , [51] the lessee's right of action was held to have been barred not only in respect of the existing estate of the owner but also a new estate derived from the right of renewal contained in the old lease. It is difficult to see how the right to recover the land can be barred but affect only part of the owner's interest in the land.

69. Section 17 brings certainty to the position as to title. Where the person against whom adverse possession has run can no longer recover the land, his title is extinguished. And the person in whose favour adverse possession has run acquires a possessory title to the extent of the entire title of the person dispossessed. Thus, as pointed out by Lord Browne-Wilkinson in the passage from *J A Pye (Oxford) Ltd v Graham* cited is Section B2.a above, [52] extinguishment of the landlord's title follows as a matter of course from the moment that the limitation period expired. However, the construction of section 17 adopted modifies that section's effect depending on the encroacher's (or trespasser's) actual or presumed intention. While it is well established that a trespasser's intention to possess is an essential requirement of adverse possession, [53] I am unaware of any suggestion in the authorities that where the encroacher has succeeded in barring the right of action through adverse possession, the nature of his actual or presumed intention may have the consequence of limiting section 17's effect on the paper owner's title. This is likely, in my view, to introduce uncertainty regarding title to the land after expiry of the limitation period.

70. It is also my view that the approach fails to give sufficient weight to the authorities which developed the doctrine of encroachment. It ignores, for instance, all the references to estoppel in the judgments cited above since on the adopted approach, estoppel apparently has no role to play. On the proposed construction of the statute, there is no need to estop the tenant at all. I also note that doubt has been cast on whether estoppel by representation has anything to do with the doctrine. I would only state that for my part, I do not consider the cases to be concerned with any estoppel by representation. The estoppel the authorities refer to appears to me arise out of the presumption based on the relationship between the parties. It is, in my view, a species of estoppel by convention [54] – a presumed convention based on the presumption applicable to both parties that the encroaching tenant's occupation of the encroached upon land is as an addition to his demise.

C. The effect of the Renewal Ordinance

71. As indicated in Section A of this judgment, the original Government lease granting the relevant sections of the Lot to the respondents and their predecessors in title was for a term of 75 years from 1 July 1898 with a right of renewal for a further term of 24 years less the last three days. The 75 year portion of the term was therefore due to expire on 30 June 1973. This was the position affecting numerous leases since the Crown's practice, prior to 1959, had been to grant leases specifying an initial term of 75 years with the aforesaid right to renew.

72. On 9 May 1969, about four years before the initial term was due to expire, the Renewal Ordinance was passed.

(a) Section 3 deals with the Ordinance's application:

"This Ordinance applies to every Government lease existing immediately before the expiration of the 30th day of June 1973 under which land in the New Territories is demised for a term of seventy-five years from the 1st day of July 1898 and which contains a right of renewal for a further term of twenty-four years less three days, other than [certain immaterial exceptions]."

(b) Section 4(2) deems the right to renew contained in the respondents' leases to have been duly exercised:

"In the case of an existing Government lease of a lot which has been divided into sections before the 1st day of July 1973, the right of renewal contained in the lease shall be deemed to have been exercised by the persons entitled to that right and on that date there shall be deemed to be granted to such persons separate new Government leases of the land respectively held by them immediately before that date under the existing Government lease."

(c) Section 4(3) then sets out the terms of the renewed lease.

73. As Lord Nicholls of Birkenhead pointed out in *Chung Ping Kwan v Lam Island Development Co Ltd* , [55] one of the main purposes of the Renewal Ordinance was to avoid the administrative inconvenience of multiple renewal notices and multiple grants of new leases. Accordingly, as his Lordship there stated:

"...the Ordinance should be approached on the footing that, save as otherwise provided, the Ordinance was intended to achieve the same result as would have occurred if a new lease had been granted pursuant to the right of renewal. The deemed new lease is to be regarded as having the like consequences in law as would have followed from an actual exercise of the renewal option and an actual grant of a new lease." [56]

74. That the deemed renewal under the Renewal Ordinance results in a new Government lease being granted was also recognized by Lord Hoffmann NPJ in *Chan Tin Shi v Li Tin Sung* [57] :

"Section 4(1) of that Ordinance said that the options to renew in the existing leases should be deemed to have been exercised and that 'a new Government lease' should be deemed to have been granted. That undoubtedly created a new leasehold interest. Because the lease created by the option was a new estate, the Privy Council in *Chung Ping Kwan & Others v Lam Island Development Co Ltd* [1997] AC 38 had to consider whether adverse possession under the Limitation Ordinance barred not only the existing estate of the owner but also a new estate derived from a right which existed in the old lease."

75. It is this aspect of the Renewal Ordinance that Mr Edward Chan SC, appearing for the Government, emphasises. He relies on the passage in the judgment of Pennycuick VC in the *Smirk* decision discussed in Section B2.e above, for his contention that the break in the respondents' tenancies in 1973 prevented their acquisition of a leasehold interest in the encroachment area. I set out the passage again for convenience:

> "It seems to me, however, that the break in the tenancy necessarily negates [the claim that the tenant held the encroached upon land as an extension of the locus of his tenancy]. Whatever accrued or accruing right the plaintiff may have had in 1968 to include the blue plot in his tenancy from British Railways, this right must have determined with his tenancy under British Railways, and obviously no new right can have accrued against the defendants during the short time in which they have been his landlords. There can be no ground for treating a period of two different tenancies as continuous for present purposes. Contrast the position where a possessory title is acquired by successive squatters, or against successive freeholders. The tenant, so long as the presumption applies, can do no more than acquire an addition to the subject matter of the tenancy and his interest in that additional subject matter must necessarily determine together with his interest in the original subject matter." [58]

76. This passage certainly suggests that Pennycuick VC thought that the tenant acquires no rights against his landlord where his holding is separable into two tenancies, with the initial tenancy being determined prior to expiry of the limitation period, followed by the grant of a fresh tenancy which has only run for a shorter time than the limitation period, even though the holding as tenant covers overall a continuous period exceeding the limitation period.

77. As previously indicated, I am unable to agree with that passage. It should be noted that, as Lawton LJ explained in the Court of Appeal, the possible relevance of a break in the tenancy was raised by Pennycuick VC only at the very end of the case, when counsel were making their final submissions. [59] No authority is cited for the proposition that such a break "necessarily negates" the claim to a leasehold interest pursuant to the encroachment doctrine. Nor is there any explanation as to why in principle a surrender and re-grant of the tenancy, where occupation of the land encroached upon is seamless, should have such effect. The legal point was not explored in the Court of Appeal since their Lordships overturned Pennycuick VC's finding that there had been a break in the tenancy as a matter of fact.

78. Mr Chan SC relies on the passage as the basis for rejecting the respondents' claim to a leasehold interest over the encroached upon land. He submits that Pennycuick VC was right to recognize a "no adding up rule", that is, a rule whereby the Court refuses to add up the initial and renewed tenancy terms, treating them as continuous for the purposes of exceeding the limitation period in the context of the encroachment doctrine. Mr Chan submits that such a rule logically follows from what he calls "the coterminous rule", namely, the well established rule that any leasehold interest acquired under the doctrine by an encroaching tenant expires coterminously with his tenancy. Since, Mr Chan argues, a tenant whose occupation of an encroachment has matured into a leasehold interest must surrender up the land on expiry of his tenancy, a tenant whose tenancy has run for less than the limitation period ought logically to be treated as having acquired nothing, and must set the clock ticking afresh under the subsequent tenancy. As Mr Chan puts it, the rights acquired by the encroaching tenant can only attach to a particular tenancy.

79. I cannot accept that argument. It appears to me to proceed on a mistaken view of the nature of the encroachment doctrine. Because of the presumption and the estoppel, the tenant is precluded from asserting that his occupation is by way of adverse possession and so prevents him from relying on the Limitation Ordinance against his landlord. In this way, the doctrine prevents the tenant from acquiring what might otherwise be the statutory rights flowing from adverse possession under the Ordinance. The leasehold interest acquired by the encroaching tenant is the result of applying the presumption and estoppel to both the tenant and the landlord under the doctrine. It does not depend on the tenant somehow "clocking up" time under an undivided tenancy as suggested by the "no adding up rule".

80. Even if, which I do not accept, acquisition of the leasehold interest depends upon the accrual of an uninterrupted period of time exceeding the limitation period, such accrual would have to relate to the period of occupation of the area of encroachment and not to the duration of the lease over the demised land. It would not depend or whether the tenancy of the adjacent demised land was granted under a single lease or under two back-to-back leases.

81. It therefore does not matter that the effect of the Renewal Ordinance was to determine the tenancy at the end of its original 75 year term and then immediately to deem a fresh tenancy granted for 24 years less

the last three days. The respondents and their predecessors in title occupied the land encroached upon seamlessly for over 60 years. The doctrine therefore came into play, precluding any claim by the respondents based on adverse possession since they occupied the encroachment areas throughout as Government lessees and are presumed to have occupied those areas as an annex to their demised holdings, estopped from claiming otherwise.

82. The respondents are therefore entitled to a leasehold interest in the additional land. That interest is to be enjoyed until the end of their respective tenancies as Government lessees of the Lot. By operation of the New Territories Leases (Extension) Ordinance, [60] as explained in *Chan Tin Shi v Li Tin Sung* , [61] those tenancies terminate at the expiry of 30 June 2047.

D. Conclusion

83. I would accordingly dismiss the appeal.

Mr Justice Litton NPJ :

84. Lot 1212, sold by the government at public auction in July 1916, lies in a coastal plain near Yuen Long. It was, at that time, marsh land, lying between two small rivers, the Shan Pui River and the Kam Tin River, subject to tidal influence.

85. Over the years, by dint of hard manual labour, plants and vegetation were removed from the land, embankments ("bunds") were built up and the land was converted into large fish ponds.

86. An aerial photograph taken in November 1924 shows the bunds in place, enclosing large ponds.

87. It is common ground that the bunds at the northern end of Lot 1212, and to a small extent at the north-west corner, were constructed beyond the lot boundary, encroaching on about 6.67 acres of government land.

88. Lot 1212 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 who were using those ponds for fish farming had, without a doubt, exclusive possession over the whole.

89. Upon the facts as stated above, it is clear that the grantees were, in terms of s.13(1) of the Limitation Ordinance, Cap.347 [62] , in "adverse possession" of the encroached portions of the land, and time began to run in their favour from 1924, if not earlier. The government's right of action to take back the land then accrued and was, if nothing else intervened, barred by limitation in 1984, under s.7(1) of the Limitation Ordinance [63] .

90. The broad question arising on this appeal is this: What consequence in law flows from the fact that the encroachment was not by strangers to the government but by lessees on their lessor's adjoining land, having been put into the position to encroach, in the way they did, by the grant of Lot 1212 (a grant of a term expiring on 30 June 1973, subject to a right to a further term of 24 years less 3 days)?

91. In this regard, I have had the advantage of reading in draft Lord Scott NPJ's judgment and I wholly agree with it. It seems to me that, on the facts of this case, the termination of the first term on 30 June 1973 is irrelevant to the result. The government's right of action continued to run so long as the grantees and their successors in title were in adverse possession : which they undoubtedly were, beyond 30 June 1973. Time ran out against the government, under s.7(1), in 1984.

92. As to the effect in law of the government's action for possession being barred after 1984, I have no difficulty in construing s.17 [64] in the way proposed by Lord Scott NPJ : That is to say, that the extinguishment of the lessor's title is only to the extent as the law presumes : Namely, that the lessee simply intended all along to have the encroached land annexed to his demise and to be subject to the

same terms and conditions of the demise. To this extent the lessor's right of possession of the encroached land is "extinguished" in terms of s.17. A word, like the word "extinguished" in s.17, takes its meaning from the context in which it is used. [65] The common law doctrine of encroachment has evolved over the years from medieval concepts of land holding in England. It sits uncomfortably in the context of the Hong Kong Limitation Ordinance. When, as between lessor and lessee, all that could be attributed by law to the lessee is an intention to exclude the lessor from the encroached land *for the duration of the lease* , it would be extraordinary to give to the word "extinguished" in s.17 a greater meaning.

93. On the facts of this case, the presumption imposed by law, arising from the relationship of the parties, would seem consistent with the reality on the ground. In the various fishponds, the same piece of water covered both the demised land and the encroached land. The fish swimming in the ponds knew no imaginary boundary; nor, in reality, did the grantees or their agents tending to the daily business of fish-farming. To them a fishpond was a fishpond, irrespective of who owned the bottom of the pond.

94. I too would dismiss this appeal.

Lord Scott of Foscote NPJ :

95. This is an appeal from the judgment of the Court of Appeal handed down on 14 February 2011. The main judgment was given by Rogers VP. Le Pichon JA and Kwan JA agreed with that judgment and Kwan JA added some helpful observations of her own.

96. This litigation commenced with an action brought by some 15 plaintiffs against the Hong Kong Government, represented by the Secretary for Justice. Each of the plaintiffs was the lessee of a plot of land in the New Territories. The original lease, of a Lot of some 18 acres, had been granted in 1916 but, subsequently although pre-1924, the Lot had been divided into five sections and the sections had devolved separately from one another. Each of the plaintiffs is a lessee of one or other of the sections. The term granted by the original lease was a term of 75 years from 1 July 1898 but the lease conferred a right for the term to be renewed for a further term of 24 years less 3 days.

97. The New Territories (Renewable Government Leases) Ordinance, Cap. 152 , made on 19 May 1969 applied to this lease (see s.3). Section 4(2) of the Ordinance said that:

> "In the case of an existing Government lease of a lot which has been divided into sections before the 1st day of July 1973, the right of renewal contained in the lease shall be deemed to have been exercised by the persons entitled to that right and on that date there shall be deemed to be granted to such persons separate new Government leases of the land respectively held by them immediately before that date under the existing Government lease." (see also ss 4(3) and (4))

So, as at 1 July 1973 each of the lessees of the respective sections of the demised Lot was deemed to have been granted a new lease of his or her section for a further 24 years less 3 days. There is, or was, a dispute between the parties as to what land was comprised in that "new lease" but that the leasehold interest of each lessee in the land comprised in his or her section was continued under this Ordinance is not in dispute.

98. 30 June 1997 was the date on which the United Kingdom's rights in relation to the New Territories would expire. So it is not surprising to find that an agreement was reached between the United Kingdom Government and the Government of the People's Republic of China as to what would happen to land titles relating to land in the New Territories after that date. The agreement, embodied in the Sino-British Joint Declaration signed in Beijing on 19 December 1984, was given effect by the New Territories Leases (Extension) Ordinance, Cap. 150 . The Ordinance was expressed by s.2 to apply to "every New Territories lease ... that, but for this Ordinance, would expire before 30 June 1997" (with certain exceptions not here relevant) and provided, in s.6, that the term of every lease to which the Ordinance applied was "extended, from the date on which it would, apart from this Ordinance, expire, until the expiry of 30 June 2047, without payment of any additional premium". It is not in dispute that the term of the lease of each of the plaintiffs entitling him or her to possession of his or her section has been extended under this Ordinance.

99. To the north or north-west of the Lot comprised in the original lease lies an area of land that prior to 1924 appears to have been used by the lessees of the respective sections as fishponds for fish farming. It is not in dispute that the then lessees constructed embankments ("bunds") to enclose an additional area of some 6.67 acres within the demised Lot and that bunds were also constructed to divide the 6.67 acres into five parts so that, in effect, one such part became incorporated into each of the five sections and the lessee or lessees for the time being of that section enjoyed exclusive possession of that part.

100. It is important to note, first, that the enclosed area (i.e. the 6.67 acres) was never the subject of any lease or right of possession granted by the Government, secondly, that since at latest 1924 the lessee or lessees for the time being of each section has, or have, been in exclusive occupation of the part of the 6.67 acres enclosed within the section in question with no interruption to that occupation in fact or, until the Government's counterclaim for possession served on 30 March 2001, in law, and, thirdly, that the Government was unaware of this unauthorized occupation of its land until some time in the 1980s.

101. The plaintiffs' action against the Government was brought in order to establish, on various alternative bases, that they were entitled to remain in occupation of the part of the 6.67-acre area adjoining their respective sections. One basis of claim was that the 6.67 acres had been included in the original demise of the Lot. This claim failed on the facts at the trial of the action and has not been revived. Another basis was that the Government's title to the 6.67 acres had been extinguished by adverse possession of over 60 years and that the plaintiffs had become the owners of their respective parts of the 6.67 acres. This, too, failed at first instance and is no longer contended. A third basis of claim was that, by virtue of the plaintiffs' occupation of the 6.67 acres for over 60 years, the part adjoining each of the sections had become annexed to that section during the continuance of the demise of that section. This basis of claim was rejected by the trial judge but was accepted by the Court of Appeal and is the only basis of claim that has been relied on in this Court.

102. The claim relied on in this Court, as briefly described in the previous paragraph, requires a careful look, first, at the relevant provisions of the Limitation Ordinance, Cap. 347 , and, secondly, at the judge-made principles of the concept of encroachment by a lessee on to adjoining land of the lessee's landlord. Let me start with the Limitation Ordinance.

The Limitation Ordinan ce

103. The current Ordinance, "to consolidate and amend the law relating to the limitation of actions and arbitrations", was made on 11 June 1965. It is relevant to notice that the primary purpose of this, and predecessor Limitation Ordinances, was to deal with "the limitation of actions ...", not with the acquisition of rights. As Lord Hoffmann observed towards the end of the judgment of the Privy Council that he delivered in *Sze To Chun Keung v. Kung Kwok Wai David* [1997] 1 WLR 1232 at 1236:

> "... the Limitation Ordinance is not concerned with whether the defendant has acquired a title but with whether the plaintiffs' right of action has been barred."

104. Section 7(1) provides that:

> "(1) No action shall be brought by the Crown to recover any land after the expiration of 60 years from the date on which the right of action accrued to the Crown ..."

It is common ground that the right of the Crown to recover possession of the enclosed 6.67 acres must have accrued when the bunds, enclosing the area and excluding all others, were constructed by the plaintiffs' predecessors in title, that is to say, at latest 1924. It is common ground, also, that during the next 60 years the plaintiffs remained in exclusive occupation of their respective parts of the 6.67 acres and that nothing was done by the Government to challenge that occupation until, at earliest, December 2001. So why do the Government contend that they were entitled in December 2001 to recover possession of the enclosed areas, thereby putting an end to some 77 years of undisturbed possession?

105. The submissions of Mr Edward Chan SC, leading counsel for the Government before this Court, seem to me to propose two possible answers to that question. First, it is submitted that, during that long period of exclusive occupation, the plaintiffs were not, for limitation of action purposes, in "adverse possession" of their respective enclosed areas. Second, it is submitted that case law on the concept of "encroachment" requires the conclusion that on the expiry of the term granted by the original lease, that is to say, 30 June 1973 in the present case, the requisite 60-year period had not yet expired, had to commence afresh on the commencement of the deemed new grant and had not expired by December 2001. I must examine these submissions in turn.

Adverse possession

106. The concept of adverse possession is central to the operation of statutes of limitation in the common law. But in considering that concept it is important, it seems to me, to keep in mind the purpose of statutes of limitation. In *Adnam v. Earl of Sandwich* (1877) 2 QBD 485 Field J explained, at 489, that:

> "The legitimate object of all Statutes of Limitation is no doubt to quiet long continued possession, but they all rest upon the broad and intelligible principle that persons, who have at some anterior time been rightfully entitled to land or other property or money, have, by default and neglect on their part to assert their rights, slept upon them for so long a time as to render it inequitable that they should be entitled to disturb a lengthened enjoyment or immunity to which they have in some sense been tacit parties …"

In *Trustees of Dundee Harbour v. Dougal* (1852) 1 Macq. HL 321 Lord St Leonards had commented that "In all well regulated countries the quieting of possession is held an important point of policy". The policy recommended by these dicta is advanced if the required "possession" is an actual, factual possession, regardless of the paper title owner's intentions regarding the land (see *JA Pye (Oxford) Ltd v. Graham* [2003] 1 AC 419 per Lord Browne-Wilkinson at 433 to 438), and by regarding the requirement that the possession be "adverse" as placing the necessary restriction on the circumstances in which actual, factual possession can lead to the barring of the true owner's right of action.

107. In my opinion, the factual quality of the plaintiffs' occupation of their respective parts of the 6.67 acres post 1924 has represented for limitation of action purposes "adverse possession", subject only to Mr Chan's submission that because this occupation has represented an encroachment by lessees on adjoining land of their lessor and because it is to be presumed that they made their encroachment for the purpose of adding their respective parts of the 6.67 acres to their respective demised land, their possession cannot be regarded as adverse to their lessor.

Encroachment

108. The principle of "encroachment" is that if a tenant goes into, and remains in, occupation of land belonging to his landlord, it is to be presumed, particularly if the encroached-upon land is adjoining the demised land, that the tenant's encroachment is intended by him to annex the encroached-upon land to his demised land so as to enable him to occupy and use the encroached-upon land as if it were part and parcel of the demised land (see *Kingsmill v. Millard* (1855) 11 Exch 313 at 318). The presumption, although imposed by judge-made law, is a rebuttable one and can be rebutted by evidence that the tenant intended to occupy the encroached-upon land not simply as tenant but as owner.

109. It is not in dispute that this presumption does apply to the encroachment by the plaintiffs, or by their respective predecessors-in-title, on to the parts of the 6.67 acres adjoining their respective sections. Nor is it in dispute that the presumption has not been rebutted. The plaintiffs, it follows, are bound to accept that they, and their predecessors, have occupied their respective parts of the 6.67 acres as annexes to their demised land and on the same terms as those on which they hold their demised land under their leases. But the oddity, or one of the oddities, of the encroachment presumption is that it is unilateral. It binds the

encroaching lessee, unless rebutted, but it does not bind the lessor until, either, by his conduct or by the nature of his acquiescence he accepts the presumption, or, by the expiry of the relevant limitation period, he becomes unable to recover possession of the encroached-upon land and must, perforce, accept the presumption.

110. This feature of the presumption, namely, that it does not, and cannot, initially at least, bind the landlord, the owner of the encroached-upon land, is important. It follows that the landlord can, so long as he is not bound by the presumption, treat the encroacher, his tenant of the demised land, as a trespasser on the encroached-upon land and obtain against him all or any of the remedies that the law allows against a trespasser. These remedies include an order ejecting the encroacher from the encroached-upon land, an injunction against re-entry, payment of mesne profits and damages for trespass.

111. It seems to me to follow, also, that so long as the landlord, the owner of the encroached-upon land, remains entitled to treat the encroacher, his tenant of the demised land, as a trespasser vis-a-vis the encroached-upon land, it cannot be denied that the trespasser's possession of the encroached-upon land is "adverse" to the landlord for limitation purposes. And it follows from this that if the owner of the encroached-upon land does nothing, whether through inertia or through ignorance of the encroachment is immaterial, time for limitation purposes may run and if the limitation period expires the landlord will lose the right to treat the encroacher as a trespasser and will no longer be able to seek an order ejecting the trespasser from the encroached-upon land. On the expiry of the limitation period the encroacher will no longer be a trespasser and will be able, for the time being at least, to resist an order for possession sought by the landlord.

112. But the effect of the encroaching trespasser's adverse possession is, as it seems to me, necessarily limited by the unrebutted presumption. The encroacher's presumed intention is to occupy the land in question as an annex to his or her demised land. The encroacher will, therefore, on the termination of the demise of the demised land, be under an obligation to deliver up to the landlord not only the demised land but also the encroached-upon land held as an annex to the demised land. To that extent, therefore, the encroacher's possession of the encroached-upon land has not been "adverse" to the landlord. It seems to me, as a matter of principle, that the effect of a trespasser's possession must depend upon the trespasser's intentions. If the trespasser's intentions are to take possession of the land in a capacity not that of full ownership but limited in some way, then it seems to me that the consequences of that possession, if it has continued for the requisite limitation period, should, in principle, be limited accordingly. It should be no part of the function of statutes of limitation to give long enjoyed possession of land a consequence never intended by the possessor. I know of no authority to the contrary.

113. I conclude, therefore, that if a lessee enters into and remains in possession of land belonging to his lessor and adjoining the demised land and does so with the intention, presumed and unrebutted or simply proved, of thereby enlarging the demised land and treating the encroached-upon land as annexed to the demised land, his (the lessee's) possession is adverse possession, for he is in complete and exclusive possession and is, unless the lessor has consented to the encroachment, undoubtedly a trespasser. But it is a limited adverse possession, for it does not deny, and indeed accepts, the right of the lessor, the owner, to recover possession on the termination of the demise. It is adverse only for the limited purpose of acquiring a title during the continued currency of the demise. In such a case, there is, in my opinion, no reason why, if the possession continues uninterrupted for the requisite limitation period, the encroacher should not obtain, in effect, a leasehold title to the encroached-upon land for a period commensurate with the term for which he holds the demised land, and every reason why, on the expiry of that term, the lessor should be entitled to recover possession not only of the demised land but also of the encroached-upon land. Section 9(1) of the Limitation Ordinance would, in my opinion, apply.

114. A similar situation might well arise in relation to settled land. Suppose a case in which a stately home and the park around it are settled upon trust for A for life with remainder to B. And suppose that A encroaches upon land belonging to B adjoining the park and remains in that occupation of B's land for the requisite limitation period with no acknowledgment of B's title and no interruption of the occupation. Suppose also that there is no means of access to the encroached-upon land other than from the park or

from B's surrounding land. I would easily assume in such a case that it had been A's intention to occupy the encroached-upon land as an annex to the settled land and that it had not been A's intention to occupy the land adversely to B's right to recover the land after A's death. It would be absurd to suppose that A intended to acquire by his wrongful occupation of B's land any greater interest than a life interest. Why should the statutes of limitation do more than give effect to A's intention?

Estoppel

115. An understanding of the judge-made principles regarding the encroachment presumption is, in my opinion, not assisted by treating the presumption as creating an estoppel by representation. In *Perrott (J.F.) & Co. Ltd v. Cohen* [1951] 1 KB 705 Denning LJ said, at 710, that the "principle underlying the cases on encroachment is not perhaps strictly an estoppel, but it is akin to it". He then gave this explanation:

> "If a tenant takes possession of adjoining property and by his conduct represents that he is holding it under the demise, then, if the landlord acts on that representation by allowing the tenant to remain in possession, the tenant cannot afterwards assert that he is holding it on any other footing ... The reason is because the tenant has by his conduct made a representation that was intended to be binding, was intended to be acted on, and was in fact acted on; and he cannot be allowed to go back on it."

Neither of the other two members of the Court, Somervell and Cohen LLJ, made any reference to estoppel but regarded the case as one where both landlord and tenant had "... treated these lavatories as part of the land demised" (p.708), an entirely unexceptionable way in which a landlord can become bound by a presumption that initially would bind only the tenant.

116. Denning LJ's explanation, cited above, seems to me, if I may respectfully say so, to be a classic description of a representation by conduct acted on by the representee and that has accordingly become binding on the representor. But it does not explain the presumption. It is well settled that adverse possession for the requisite period can lead to the true owner's right to recover possession becoming barred by the statutes of limitation whether or not he, the true owner, knows that the trespasser has taken possession of some of his land. The key to acquisition of a possessory title is the adverse possession. The true owner's knowledge of it is irrelevant. It is otherwise with an estoppel by representation. Unless the representee has knowledge of the representation and acts on it in some way, the representor is not estopped from changing his mind and withdrawing the representation. The tenant who encroaches upon his landlord's adjoining land is presumed to be doing so in order to annex the encroached-upon land to the land of which he is tenant. Unless and until he can rebut that presumption, the presumption is binding on him. But the landlord, the owner of the encroached-upon land, may know nothing about it. He may be ignorant that his tenant has taken possession of some of his adjoining land and may have done nothing, either positively or by knowing acquiescence, to act on that assumption. True it may be that the tenant is barred from denying that he has taken possession of the encroached-upon land as owner, rather than as tenant. The unrebutted presumption has that effect. But unless the landlord knows of the encroachment and has consented to or acquiesced in the tenant's occupation of that additional land, the ingredients for an estoppel are not, in my opinion, present. It would, in my opinion, unacceptably distort the law relating to estoppel by representation to treat the effect of the presumption as creating, without more, such an estoppel.

117. For example, consider the present case, and the facts as they might have been. The encroachments commenced at latest in 1924 but it may have been earlier. The Government appears not to have known about the encroachments until some date in the 1980s. Whether, prior to that date, the 60-year limitation period prescribed by s.7(1) of the Limitation Ordinance had expired is uncertain. It may well have expired. Suppose it had done so, and that, post its expiry but before the Government had any knowledge of the encroachments, the plaintiffs had made it unequivocally clear to the Government that they were repudiating the Government's title to the encroached-upon land. What, in those supposed circumstances would have been the plaintiffs' and the Government's respective rights over the encroached-upon land?

118. The encroachment presumption, previously unrebutted, would hold the plaintiffs bound to accept that their possession of the encroached-upon land had been as lessees and not as outright owners. The Government would be entitled to rely on that presumption even though unaware of it or of the encroachments. The unrebutted presumption would provide the Government, the lessors, with sufficient and proper protection. But their reliance on an estoppel, or, at least, on an estoppel based on an express or implied representation, would be, in my opinion, a broken reed. The plaintiffs, the lessees, could respond that since the Government had been unaware of the encroachments and could not claim to have acted to their detriment on any representation capable of being drawn from the plaintiffs having taken and retained possession of land adjoining their demised land, no estoppel could be raised against them.

119. The plaintiffs could, of course, be described as being estopped from denying the Government's title to the encroached-upon land. "Estopped" is a word capable of meaning, simply, "barred" (see The New Shorter Oxford English Dictionary Vol. 1 1993 Edition) and the reason why the plaintiffs could be described as being "estopped" or "barred" would not be because of reliance by the Government on an estoppel but because of reliance by the Government on the unrebutted encroachment presumption.

120. In my opinion, therefore, in cases where the presumption applies and has not been rebutted, confusion is apt to be caused by treating the effect of the presumption as if it were brought about by an estoppel. In some cases the facts might well justify reliance on an estoppel. But not in all. Reliance on the unrebutted presumption after the expiry of the requisite limitation period would, in my opinion, always provide sufficient and proper protection for a lessor's proprietary interests. Reliance on an estoppel would not always do so.

Consequences

121. The consequences, in cases where the encroachment presumption that binds the encroacher cannot be, or has not been, rebutted, will depend upon what, if any, action is taken by the owner of the encroached-upon land in response to the encroachment.

(1) If the owner of the encroached-upon land has adopted the presumption, or has through conduct or knowing acquiescence become barred from denying it, both parties, tenant and landlord, will be bound to treat the encroached-upon land as annexed to the demised land and held by the tenant on the terms of the demise.

(2) If the owner of the encroached-upon land has done nothing and the relevant limitation period barring an action to recover possession of the encroached-upon land has expired, the owner will be unable to recover possession of that land until the termination of the demise. But the tenant, still bound by the unrebutted presumption, will be bound on the termination of the demise to deliver up possession both of the demised land and of the encroached-upon land to his landlord, the owner of both.

(3) But if the owner of the encroached-upon land, having done nothing to adopt the presumption, remains not bound by it, then, if the relevant limitation period has not yet expired, the owner can, by action, pursue the remedies available against trespassers and, accordingly, recover possession of the land.

These are, in my opinion, the principles that must be applied to determine this appeal.

122. So –

(1) The Government, lessor of the demised land and owner of the 6.67 acres of encroached-upon land, has done nothing to adopt the presumption and is not bound by it.

(2) The encroachers, the respective lessees of the sections, bound by the unrebutted presumption, have been, vis-a-vis the owner of the encroached-upon land, their lessor, trespassers. Their possession has,

therefore, been possession adverse to their lessor. The 60-year limitation period having expired in or shortly after 1984, the lessor has become, for the time being, barred by s.7 of the Ordinance from bringing an action to recover possession.

(3) But the lessees remain bound by the presumption. The most they can acquire through the expiration of the 60-year limitation period is the right to defeat a possession action and, accordingly, to remain in possession until the termination of their leases. Their possession has been adverse so far as the Government's right to recover possession during the currency of the leases is concerned but has not, on account of the presumption, been adverse to the Government's right to recover possession thereafter. To put the point another way, the lessees cannot, in my opinion, obtain a greater title by their adverse possession than that which corresponds to the possessory intentions imputed to them by the presumption.

123. It has been suggested that s.17 of the Limitation Ordinance is not consistent with the conclusions I have expressed. I do not agree. Section 17 provides that:

"... at the expiration of the period prescribed by this Ordinance for any person to bring an action to recover land ... the title of that person to the land shall be extinguished."

This provision requires that the title in question be identified. If the adverse possession that has been established has been adverse possession by a person, necessarily a trespasser, who claims, or who is presumed by the encroachment presumption to claim, only a term of years and not outright ownership, then the right of the owner to possession during that term of years is extinguished and the owner's title becomes a reversionary interest. All that is extinguished is the right during that term of years to enjoy the property free from that term of years. It cannot, in my opinion, possibly have been the intention of the legislators to give to the adverse possession of a possessor, whose intentions are limited to acquiring a leasehold title for a term of years only, an effect which extends beyond that intention. I would, for my part, decline to attribute to the legislators so perverse an intention and would, in a case like the present one, limit the effect of s.17 accordingly.

The adding-up rule

124. Mr Chan submitted that the limitation period of 60 years that commenced in 1924 had been interrupted by the cesser on 30 June 1973 of the term of the original lease, that the period had, perforce, to commence running afresh on 1 July 1973 when the further term of 24 years less 3 days commenced and that the period had not expired by December 2001 when the counterclaim for possession was served.

125. I am unable for a number of reasons to accept this submission. First, it seems to me unacceptably artificial to regard the Government as having acquired in 1924 a right of action to recover possession of the 6.67 acres that became spent on 30 June 1973 and as having acquired a fresh, identical right of action on 1 July 1973. The right of action acquired in 1924 was the same right of action, in respect of the same land, exercisable for the same reason, as the right of action exercisable on 1 July 1973. The notion that the deemed grant of the demised land made under s.4 of the 1969 New Territories (Renewable Government Leases) Ordinance had determined the original right of action and given rise to a new identical one seems to me misconceived. The trespass was the same wrongful act before and after 1 July 1973 and the potential right of action the Government had to remedy that wrongful act was the same right of action before and after that date.

126. Moreover, *Smirk v. Lyndale Developments Ltd* [1975] 1 Ch. 317 is, in my opinion, the only authority of any weight that supports the notion that a period of adverse possession accrued under one lease cannot be added to a period of adverse possession accrued under its successor lease. This authority was naturally relied on by Mr Chan. It is, however, distinguishable. In *Smirk* there was no right of renewal included in the terms of the original tenancy. There was, therefore, at least an opportunity for the original lessor to determine the tenancy. In the present case, however, the original demise did contain a right of renewal and at no point of time did the lessor, the Government, have the ability to bring to an end the interest of any of

the lessees in their respective sections. Even if the no adding-up rule for which *Smirk* stands as authority is good law, and I do not want to express an opinion on that, the rule seems to me inapplicable to a case where the original lease did confer a right of renewal and the right was duly exercised. In such a case the possession by a trespasser of encroached-upon land adjoining the land comprised in the original lease, who continues in that possession when the term granted by the original lease is renewed pursuant to a right of renewal contained in the original lease, does not, in my opinion, commence a new period of adverse possession when the new lease is granted. The reasons why not are explained by Lord Nicholls of Birkenhead in giving the judgment of the Privy Council in the *Chung Ping Kwan & Others v. Lam Island Development Ltd* [1997] AC 38 .

Conclusion

127. For the reasons I have given, I would dismiss this appeal. I am relieved to have been able to come to this conclusion for two overriding reasons. First, if 77 years of undisturbed possession had not sufficed to entitle the plaintiffs to retain that possession against the Government, the Limitation Ordinance would have failed to achieve the policy of limitation statutes to which I referred in para.106 above. Second, if the plaintiffs' possession of the encroached-upon 6.67 acres had enabled them to defeat the Government's title thereto that is expectant on the termination of the leases, the result of the case would have contradicted the long line of common law authority establishing that a tenant who goes into possession of adjoining land belonging to his landlord is presumed to do so for the purpose of enlarging his demised land and not for the purpose of acquiring an outright title against his landlord.

Mr Justice Bokhary PJ :

128. The appeal is unanimously dismissed with an order *nisi* as to costs in favour of the respondents, such order to become absolute 21 days from today unless written submissions seeking some other order as to costs are delivered to the Registrar within that period in which case any submissions in reply are to be delivered to the Registrar in writing within 21 days thereafter. Counsel on both sides are thanked for their assistance.

(Kemal Bokhary) Permanent Judge	(Patrick Chan) Permanent Judge	(R A V Ribeiro) Permanent Judge

(Henry Litton) Non-Permanent Judge	(Lord Scott of Foscote) Non-Permanent Judge

Mr Edward Chan SC, Mr Mok Yeuk Chi and Mr Anthony Chan (instructed by the Department of Justice) for the Appellant

Mr John Mcdonnel QC, Mr Benjamin Chain (instructed by Messrs Y.S. Lau & Partners) for the 1st, 11th to 15th Respondents

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[1] Deputy High Court Judge L Chan, HCA 10670/2000 (30 December 2009).

[2] Cap 347 .

[3] Cap 152 .

[4] *Tower Hamlets LBC v Barrett* [2006] 1 P & CR 9 at §109.

[5] (1880) 15 Ch D 150 at 161.

[6] (1871-1872) 7 LRCP 1 at 4.

[7] [1975] 1 Ch 317 at 323.

[8] Per Lawton LJ, *Ibid* at 337-338.

[9] [2006] 1 P & CR 9 at §112.

[10] Limitation Ordinance, Cap 347 , section 7(1).

[11] *Ibid* , section 7(2).

[12] Subsequently section 17 of the Limitation Act 1980.

[13] [2003] 1 AC 419 at §26. Our section 17 is the equivalent of section 17 of the Limitation Act 1980.

[14] (1853) 2 E & B 349.

[15] At 356.

[16] At 353.

[17] At 354.

[18] At 355. Crompton J's judgment was to like effect.

[19] (1855) 11 Ex 313 at 318.

[20] At 319.

[21] (1871-1872) 7 LRCP 1.

[22] At 8.

[23] At 4.

[24] At 8.

[25] (1877) 5 Ch D 750 .

[26] At 766.

[27] At 763-764.

[28] At 766.

[29] (1879) 15 Ch D 150 at 156, 160.

[30] At 160-161.

[31] (1895) 64 LJQB 245 at 247.

[32] *Ibid* .

[33] [1951] 1 KB 705 .

[34] At 708.

[35] *Ibid.*

[36] (1895) 64 LJQB 245 .

[37] (1898) 79 LT 355 .

[38] At 709.

[39] At 710.

[40] [1975] 1 Ch 317 .

[41] At 333.

[42] [1975] 1 Ch 317 at 337-338.

[43] [2006] 1 P & CR 9 .

[44] At §90.

[45] Megarry & Wade, The Law of Real Property (6 th ed, 2000) §21-027.

[46] Looseleaf edition, Vol 1, §19.007.

[47] [2006] 1 P & CR 9 at §86.

[48] (1993) 176 CLR 471 , in the joint judgment of Mason CJ, Brennan, Dawson, Gaudron and McHugh JJ.

[49] At 475-476.

[50] See per Li CJ in *Wong Tak Yue v Kung Kwok Wai (No 2)* (1997-98) 1 HKCFAR 55 at 67.

[51] [1997] AC 38 .

[52] [2003] 1 AC 419 .

[53] *Wong Tak Yue v Kung Kwok Wai (No 2)* (1997-98) 1 HKCFAR 55 at 68-69; and *J A Pye (Oxford) Ltd v Graham* [2003] 1 AC 419 at §42-§43.

[54] Which is discussed in *Unruh v Seeberger* in (2007) 10 HKCFAR 31 at §129 et seq.

[55] [1997] AC 38 .

[56] At 50.

[57] (2006) 9 HKCFAR 29 at §29.

[58] *Smirk v Lyndale Developments* [1975] 1 Ch 317 at 333.

[59] [1975] 1 Ch 317 at 338.

[60] Cap150 . Section 2 provides: “This Ordinance applies to every New Territories lease that exists at the commencement of this section and that, but for this Ordinance, would expire before 30 June 1997 [excepting immaterial leases].” And section 6 states: “The term of a lease to which this Ordinance applies is extended, from the date on which it would, apart from this Ordinance, expire, until the expiry of 30 June 2047, without payment of any additional premium.”

[61] (2006) 9 HKCFAR 29 .

[62] S.13(1) No right of action to recover land shall be deemed to accrue unless the land is in the possession of some person in whose favour the period of limitation can run (hereafter in this section referred to as adverse possession) and where under the foregoing provisions of this Ordinance any such right of action is deemed to accrue on a certain date and no person is in adverse possession on that date, the right of action shall not be deemed to accrue unless and until adverse possession is taken of the land.

[63] S.7(1) No action shall be brought by the Crown to recover any land after the expiration of 60 years from the date on which the right of action accrued to the Crown or, if it first accrued to some person through whom the Crown claims, to that person.

[64] S.17 .....at the expiration of the period prescribed by this Ordinance for any person to bring an action to recover land.... the title of that person to the land shall be extinguished.

[65] "It is important not to be bewitched by words" : per Megarry J in *Mann v D'Arcy* [1968] 1 WLR 893 at 899 B And, quoting Holmes J : "A word is not a crystal, transparent and unchanged, it is the skin of a living thought and may vary greatly in color and content according to the circumstances and the time in which it is used."

土地註冊處THE LAND REGISTRY

土地登記冊LAND REGISTER

印製編號 PRINT CONTROL: ESS250918007340

印製於 PRINTED AT: INTERNET SEARCH (DOWNLOAD)
查冊日期及時間 SEARCH DATE AND TIME: 18/09/2025 12:01
查冊者姓名/名稱 NAME OF SEARCHER: LCH (ASIA-PACIFIC) SURVEYORS LIMITED

查冊種類 SEARCH TYPE: HISTORICAL AND CURRENT

本登記冊列明有關物業截至18/09/2025 07:30 之資料
THE INFORMATION SET OUT BELOW CONTAINS PARTICULARS OF THE PROPERTY UP TO 07:30 ON 18/09/2025.

備存土地紀錄以供市民查閱旨在防止秘密及有欺詐成分的物業轉易，以及提供容易追溯和確定土地財產及不動產業權的方法。土地紀錄內載的資料不得用於與土地紀錄的宗旨無關之目的，使用所提供的資料須符合《個人資料（私隱）條例》的規定。

The land records are kept and made available to members of the public to prevent secret and fraudulent conveyances, and to provide means whereby the title to real and immovable property may be easily traced and ascertained. The information contained in the land records shall not be used for purposes that are not related to the purposes of the land records. The use of information provided is subject to the provisions in the Personal Data (Privacy) Ordinance.

《政府租契續期條例》已經生效，土地登記冊的適用政府租契年期資料不會相應更新。適用政府租契的年期屆滿日期，以地政總署根據該條例刊憲的任何相關「續期公告」為準。

The Extension of Government Leases Ordinance is in force. Information on lease term for an applicable lease is not updated in the land register accordingly. For the expiry date of the lease term of an applicable Government lease, please refer to the relevant "Extension Notice" published by the Lands Department which should prevail.

進行任何交易前，應先向土地註冊處查閱最新的土地紀錄。

Before any dealings, up-to-date land search should be conducted with the Land Registry.

物業資料
PROPERTY PARTICULARS

物業參考編號
PROPERTY REFERENCE NUMBER (PRN): D0928856

地段編號
LOT NO.: THE REMAINING PORTION OF SECTION E OF LOT NO. 1212 IN D.D. 115

批約 HELD UNDER: -
年期 LEASE TERM: -
開始日期 COMMENCEMENT OF LEASE TERM: -
每年地稅 RENT PER ANNUM: -

所佔地段份數
SHARE OF THE LOT: -

ADDRESS: YUEN LONG
NEW TERRITORIES

地址: -

備註
REMARKS: LOT CARVED OUT BY DEED POLL MEM. NO. 07040302220013

ORIGINAL GRANT, LEASE TERM, ITS DATE OF COMMENCEMENT AND RENT CANNOT BE TRACED IN THE LAND REGISTRY

業主資料
OWNER PARTICULARS

業主姓名 NAME OF OWNER	身分 (如非唯一擁有人) CAPACITY (IF NOT SOLE OWNER)	註冊摘要編號 MEMORIAL NO.	文書日期 DATE OF INSTRUMENT	註冊日期 DATE OF REGISTRATION	代價 CONSIDERATION
CHAU KA CHIK TSO		YL152520	10/01/1964	10/01/1964	-
-					
CHAU FUK-SZE	MANAGER				
-					
		備註 REMARKS: APPOINTMENT OF MANAGER IN PLACE OF CHAU WONG SHI, RETIRED RE S.A & S.E OF LOT NO. 1212 IN DD115			
CHAU KA CHIK TSO		YL1035071	25/02/2003	06/03/2003	-
-					

業主資料
OWNER PARTICULARS

業主姓名 NAME OF OWNER	身分 (如非唯一擁有人) CAPACITY (IF NOT SOLE OWNER)	註冊摘要編號 MEMORIAL NO.	文書日期 DATE OF INSTRUMENT	註冊日期 DATE OF REGISTRATION	代價 CONSIDERATION
CHOW KEE WING -	MANAGER				
CHAU MOU LIN TOMMY -	MANAGER				
		備註 REMARKS: APPROVAL OF APPOINTMENT OF MANAGER REPLACING CHAU FUK SZE "RETIRED MANAGER" RE S.E & R.P. OF S.A OF LOT NO. 1212 IN DD115			
CHAU KA CHIK TSO 周家藉祖		09060500310095 APPROVAL OF APPOINTMENT OF MANAGER	14/05/2009	05/06/2009	-
CHOW LAP YAN 周立人	MANAGER				
		備註 REMARKS: TO REPLACE CHOW KEE WING "DECEASED MANAGER"			
TOPUP ROUGE ENTERPRISE LIMITED 紅昇企業有限公司		18020201370064 ASSIGNMENT	12/01/2018	02/02/2018	$323,691,132.96 (PT.)

物業涉及的轇轕
INCUMBRANCES

註冊摘要編號 MEMORIAL NO.	文書日期 DATE OF INSTRUMENT	註冊日期 DATE OF REGISTRATION	文書性質 NATURE	受惠各方 IN FAVOUR OF	代價 CONSIDERATION
YL408588	19/09/1989	16/10/1989	CHINESE MEMORANDUM	-	-
				-	
			備註 REMARKS: RE S.A & S.E OF LOT NO. 1212 IN DD115		
YL446967	04/01/1991	11/01/1991	SEALED COPY JUDGMENT HIGH COURT NO. A7885 OF 1990	CHAN SHUK KAM TRADING AS LONGWELL INDUSTRIAL CO. "PLAINTIFF"	-
				-	
				CHAU MOU LIN TOMMY "DEFENDANT"	
				-	
			備註 REMARKS: RE S.A & S.E OF LOT NO. 1212 IN DD115		
YL448840	16/01/1991	28/01/1991	SEALED COPY CHARGING ORDER: NOTICE TO SHOW CAUSE	CHAN SHUK KAM TRADING AS LONGWELL INDUSTRIAL COMPANY "PLAINTIFF"	-
				-	
				CHAU MOU LIN TOMMY "DEFENDANT"	
				-	
			備註 REMARKS: HIGH COURT NO.A7885 OF 1990 RE S.A & S.E OF LOT NO. 1212 IN DD115		
YL452066	22/02/1991	07/03/1991	CHARGING ORDER: NOTICE TO SHOW CAUSE	KOWLOON INDUSTRIAL CO. (A FIRM) "PLAINTIFF"	-
				-	
				CHAU MOU LIN TOMMY "DEFENDANT"	
				-	

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註冊摘要編號 MEMORIAL NO.	文書日期 DATE OF INSTRUMENT	註冊日期 DATE OF REGISTRATION	文書性質 NATURE	受惠各方 IN FAVOUR OF	代價 CONSIDERATION
			備註 REMARKS: HIGH COURT NO.A7223, 1990 RE S.A & S.E OF LOT NO. 1212 IN DD115		
YL452504	12/02/1991	12/03/1991	SEALED COPY ORDER ABSOLUTE IMPOSING CHARGE ON LAND	CHAN SHUK KAM TRADING AS LONGWELL INDUSTRIAL COMPANY "PLAINTIFF" - CHAU MOU LIN TOMMY "DEFENDANT" -	-
			備註 REMARKS: HIGH COURT NO.A7885 OF 1990 RE S.A & S.E OF LOT NO. 1212 IN DD115		
YL454071	14/03/1991	03/04/1991	SEALED COPY OF AMENDED CHARGING ORDER ABSOLUTE	KOWLOON INDUSTRIAL CO. "THE PLAINTIFF" - CHAU MOU LIN TOMMY "THE DEFENDANT" -	-
			備註 REMARKS: HIGH COURT ACTION NO.A7223 OF 1990 RE S.A & S.E OF LOT NO. 1212 IN DD115		
YL455222	02/04/1991	20/04/1991	SEALED COPY CHARGING ORDER NOTICE TO SHOW CAUSE	KOWLOON INDUSTRIAL CO. "PLAINTIFF" - CHAU MOU LIN TOMMY "DEFENDANT" -	-
			備註 REMARKS: HIGH COURT ACTION NO.A853, 1991 RE S.A & S.E OF LOT NO. 1212 IN DD115		

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YL457389	30/04/1991	15/05/1991	SEALED COPY OF CHARGING ORDER ABSOLUTE	KOWLOON INDUSTRIAL CO. (A FIRM) "PLAINTIFF" - CHAU MOU LIN TOMMY "DEFENDANT" -	-
			備註 REMARKS: HIGH COURT ACTION NO.A853 OF 1991 RE S.A & S.E OF LOT NO. 1212 IN DD115		
YL457955	08/05/1991	21/05/1991	SEALED COPY CHARGING ORDER: NOTICE TO SHOW CAUSE	CHAN SHUK KAM TRADING AS LONGWELL INDUSTRIAL COMPANY - (PLAINTIFF) CHAU MOU LIN, TOMMY - (DEFENDANT)	-
			備註 REMARKS: HIGH COURT 1991, NO.A1617 RE S.A & S.E OF LOT NO. 1212 IN DD115		
YL461308	23/05/1991	20/06/1991	SEALED COPY ORDER ABSOLUTE IMPOSING CHARGE ON LAND HC NO.A1617 OF 1991	CHAN SHUK KAM TRADING AS LONGWELL INDUSTRIAL COMPANY "THE PLAINTIFF" - CHAU MOU LIN TOMMY "THE DEFENDANT" -	-
			備註 REMARKS: RE S.A & S.E OF LOT NO. 1212 IN DD115		

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註冊摘要編號 MEMORIAL NO.	文書日期 DATE OF INSTRUMENT	註冊日期 DATE OF REGISTRATION	文書性質 NATURE	受惠各方 IN FAVOUR OF	代價 CONSIDERATION
YL820331	14/03/1991	04/07/1998	SEALED COPY OF AMENDED CHARGING ORDER ABSOLUTE	KOWLOON INDUSTRIAL CO. "PLAINTIFF" - CHAU MOU LIN TOMMY "DEFENDANT" -	-
			備註 REMARKS: IN HIGH COURT ACTION NO.A7223 OF 1990 (AS AMENDED ON 28.3.1991) FOR LOTS AFFECTED SEE MEMORIAL		
YL1035070	23/10/2002	06/03/2003	NOTICE OF RETIREMENT & APPOINTMENT OF MANAGER	- -	-
			備註 REMARKS: RE CHAU KA CHIK TSO CHAU FUK SZE "RETIRED MANAGER" RE S.E & R.P. OF S.A OF LOT NO. 1212 IN DD115		
09021802200022	16/02/2009	18/02/2009	CERTIFIED TRUE COPY OF ENFORCEMENT NOTICE ISSUED UNDER S.23(1) OF THE TOWN PLANNING ORDINANCE	- -	-
			備註 REMARKS: AS POWER CONFERRED ON THE PLANNING AUTHORITY WITH PLANS BY DIRECTOR OF PLANNING		
09051902880068	15/05/2009	19/05/2009	CERTIFIED TRUE COPY OF NOTICE ISSUED UNDER S.23(4A) OF TOWN PLANNING ORDINANCE	- -	-
			備註 REMARKS: AS POWER CONFERRED ON THE PLANNING AUTHORITY		

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註冊摘要編號 MEMORIAL NO.	文書日期 DATE OF INSTRUMENT	註冊日期 DATE OF REGISTRATION	文書性質 NATURE	受惠各方 IN FAVOUR OF	代價 CONSIDERATION
09060500310080	05/02/2009	05/06/2009	NOTICE OF DEATH AND APPOINTMENT OF MANAGER OF CHAU KA CHIK TS0 (周家藉祖)	CHOW LAP YAN 周立人 備註 REMARKS: OF CHOW KEE WING "DECEASED MANAGER"	-
12081702340018	30/12/2009	17/08/2012	SEALED COPY OF JUDGEMENT WITH PLAN	CHAU KA CHIK TSO BY ITS MANAGER CHAU FUK SZE (NOW REPLACED BY CHOW LAP YAN AND CHAU MOU LIN TOMMY) - DULY REGISTERED UNDER THE NEW TERRITORIES ORDINANCE, CAP.97 - (1ST PLAINTIFF) LAM CHI-FAI - (2ND PLAINTIFF) LAM CHI-KIN ANDREW - (3RD PLAINTIFF) LAM CHI-LEUNG - (4TH PLAINTIFF) LAM CHI-KWONG - (5TH PLAINTIFF)	-

物業涉及的轇轕
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註冊摘要編號 MEMORIAL NO.	文書日期 DATE OF INSTRUMENT	註冊日期 DATE OF REGISTRATION	文書性質 NATURE	受惠各方 IN FAVOUR OF	代價 CONSIDERATION
				LAM SAI-KIT - (6TH PLAINTIFF) LAM YUET-YAU - (7TH PLAINTIFF) LAM TZE-CHUN - (8TH PLAINTIFF) LAM CHUN-SING - (9TH PLAINTIFF) LAM PING-CHUNG - (10TH PLAINTIFF) LAM WING-LAU - (11TH PLAINTIFF) LAM KWOK-KEE - (12TH PLAINTIFF) LAM TZE-CHOI ALSO KNOWN AS LAM TSE CHOI - (13TH PLAINTIFF)	

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註冊摘要編號 MEMORIAL NO.	文書日期 DATE OF INSTRUMENT	註冊日期 DATE OF REGISTRATION	文書性質 NATURE	受惠各方 IN FAVOUR OF	代價 CONSIDERATION
				LAM SHUI-LUN - (14TH PLAINTIFF) LAM NGOK-CHING - (15TH PLAINTIFF) SECRETARY FOR JUSTICE - (DEFENDANT)	
			備註 REMARKS: HCA 10670/2000 (RE : DISCREPANT AREAS)		
12081702340020	14/02/2011	17/08/2012	SEALED COPY OF ORDER	CHAU KA CHIK TSO BY ITS MANAGER CHAU FUK SZE (NOW REPLACED BY CHOW LAP YAN AND CHAU MOU LIN TOMMY) - DULY REGISTERED UNDER THE NEW TERRITORIES ORDINANCE, CAP.97 - (1ST PLAINTIFF) LAM CHI-FAI - (2ND PLAINTIFF) LAM CHIK-KIN ANDREW - (3RD PLAINTIFF)	-

物業涉及的轇轕
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註冊摘要編號 MEMORIAL NO.	文書日期 DATE OF INSTRUMENT	註冊日期 DATE OF REGISTRATION	文書性質 NATURE	受惠各方 IN FAVOUR OF	代價 CONSIDERATION
				LAM CHI-LEUNG - (4TH PLAINTIFF)	
				LAM CHI-KWONG - (5TH PLAINTIFF)	
				LAM SAI-KIT - (6TH PLAINTIFF)	
				LAM YUET-YAU - (7TH PLAINTIFF)	
				LAM TZE-CHUN - (8TH PLAINTIFF)	
				LAM CHUN-SING - (9TH PLAINTIFF)	
				LAM PING-CHUNG - (10TH PLAINTIFF)	
				LAM WING-LAU - (11TH PLAINTIFF)	

物業涉及的轇轕
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註冊摘要編號 MEMORIAL NO.	文書日期 DATE OF INSTRUMENT	註冊日期 DATE OF REGISTRATION	文書性質 NATURE	受惠各方 IN FAVOUR OF	代價 CONSIDERATION
				LAM KWOK-KEE - (12TH PLAINTIFF) LAM TZE-CHOI ALSO KNOWN AS LAM TSE CHOI - (13TH PLAINTIFF) LAM SHUI-LUN - (14TH PLAINTIFF) LAM NGOK-CHING - (15TH PLAINTIFF) SECRETARY FOR JUSTICE - (DEFENDANT)	
			備註 REMARKS: CACV 26/2010 (ON APPEAL FROM HCA NO. 10670 OF 2000) (RE : DISCREPANT AREAS)		
12081702340036	08/12/2011	17/08/2012	SEALED COPY OF ORDER	SECRETARY FOR JUSTICE - (APPELLANT) CHAU KA CHIK TSO BY ITS MANAGER CHAU FUK SZE (NOW REPLACED BY CHOW LAP YAN AND CHAU MOU LIN TOMMY) -	-

物業涉及的轇轕
INCUMBRANCES

註冊摘要編號 MEMORIAL NO.	文書日期 DATE OF INSTRUMENT	註冊日期 DATE OF REGISTRATION	文書性質 NATURE	受惠各方 IN FAVOUR OF	代價 CONSIDERATION
				DULY REGISTERED UNDER THE NEW TERRITORIES ORDINANCE, CAP.97 - (1ST RESPONDENT) LAM CHI-FAI - (2ND RESPONDENT) LAM CHI-KIN ANDREW - (3RD RESPONDENT) LAM CHI-LEUNG - (4TH RESPONDENT) LAM CHI-KWONG - (5TH RESPONDENT) LAM SAI-KIT - (6TH RESPONDENT) LAM YUET-YAU - (7TH RESPONDENT) LAM TZE-CHUN - (8TH RESPONDENT)	

物業涉及的轇轕
INCUMBRANCES

註冊摘要編號 MEMORIAL NO.	文書日期 DATE OF INSTRUMENT	註冊日期 DATE OF REGISTRATION	文書性質 NATURE	受惠各方 IN FAVOUR OF	代價 CONSIDERATION
				LAM CHUN-SING - (9TH RESPONDENT) LAM PING-CHUNG - (10TH RESPONDENT) LAM WING-LAU - (11TH RESPONDENT) LAM KWOK-KEE - (12TH RESPONDENT) LAM TZE-CHOI ALSO KNOWN AS LAM TSE CHOI - (13TH RESPONDENT) LAM SHUI-LUN - (14TH RESPONDENT) LAM NGOK-CHING - (15TH RESPONDENT)	

備註 REMARKS: FACV 5/2011 (ON APPEAL FROM CACV NO. 26 OF 2010)
(RE : DISCREPANT AREAS)

物業涉及的轇轕
INCUMBRANCES

註冊摘要編號 MEMORIAL NO.	文書日期 DATE OF INSTRUMENT	註冊日期 DATE OF REGISTRATION	文書性質 NATURE	受惠各方 IN FAVOUR OF	代價 CONSIDERATION
17071801900036	22/06/2017	18/07/2017	AGREEMENT FOR SALE AND PURCHASE	TOPUP ROUGE ENTERPRISE LIMITED 紅昇企業有限公司	$323,691,132.96 (PT.)
			備註 REMARKS: SEE ASSIGNMENT MEM. NO. 18020201370064		
18011901380015	13/11/2017	19/01/2018	CONSENT LETTER	- -	-
			備註 REMARKS: FROM YUEN LONG DISTRICT OFFICE TO CHEUNG & YIP SOLICITORS & NOTARIES		

等待註冊的契約
DEEDS PENDING REGISTRATION

註冊摘要編號 MEMORIAL NO.	文書日期 DATE OF INSTRUMENT	交付日期 DATE OF DELIVERY	文書性質 NATURE	受惠各方 IN FAVOUR OF	代價 CONSIDERATION
********** 無 NIL **********					

********** 登記冊末端 END OF REGISTER **********

[LSS-INS12-V241024]

LCH Planning and Development
Consultants Limited

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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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 <u>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</u>.

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.

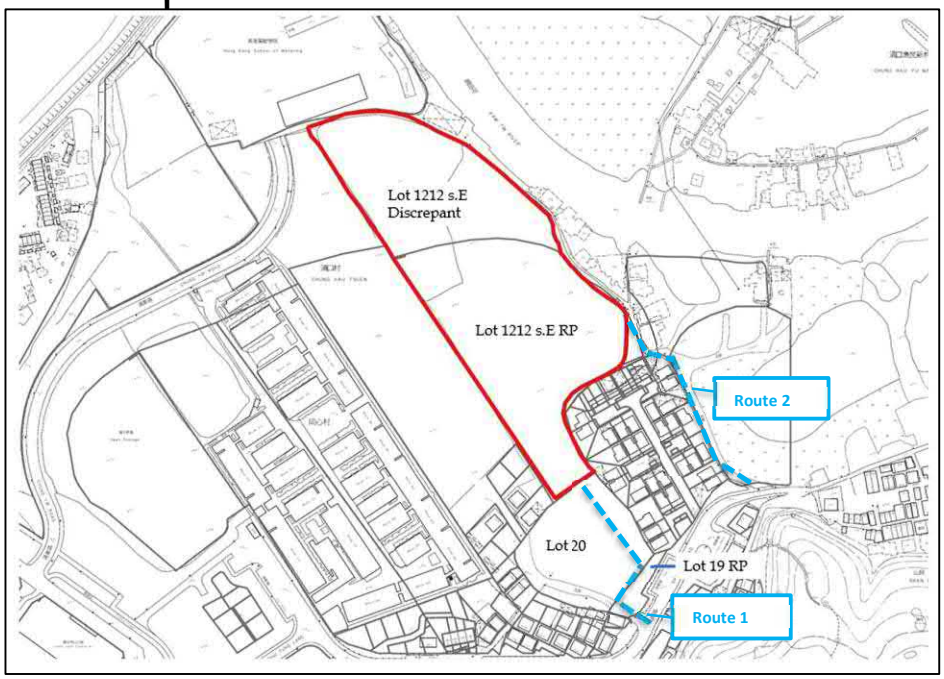


Diagram 4 Proposed Clearance Arrangement
(Source: HKSAR Government)

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 I 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* (山烏桕) 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.

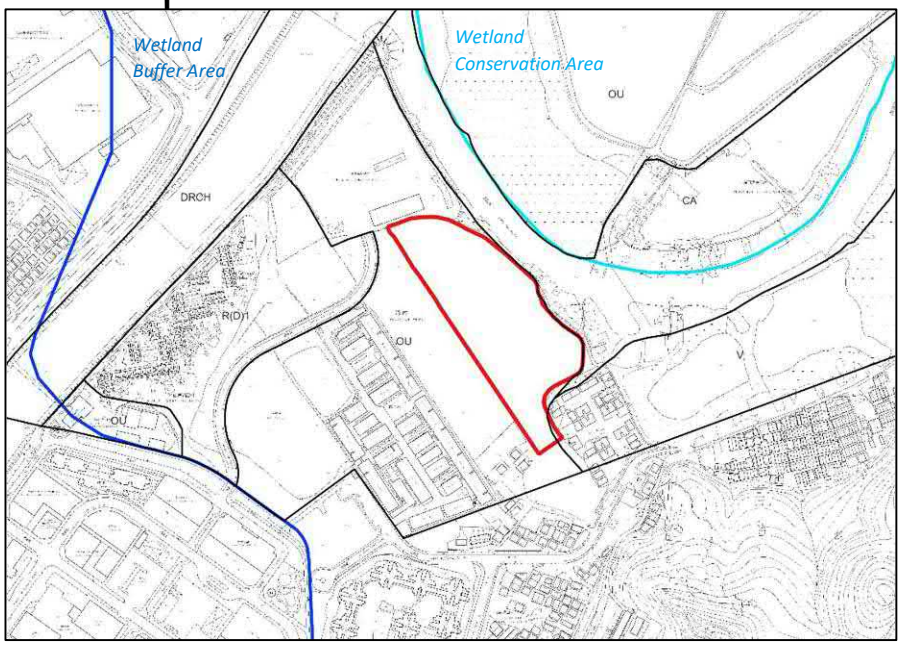


Diagram 7 Boundary of Wetland Buffer Area
(Source: Town Planning Board and CSDI Portal, HKSAR Government)

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.

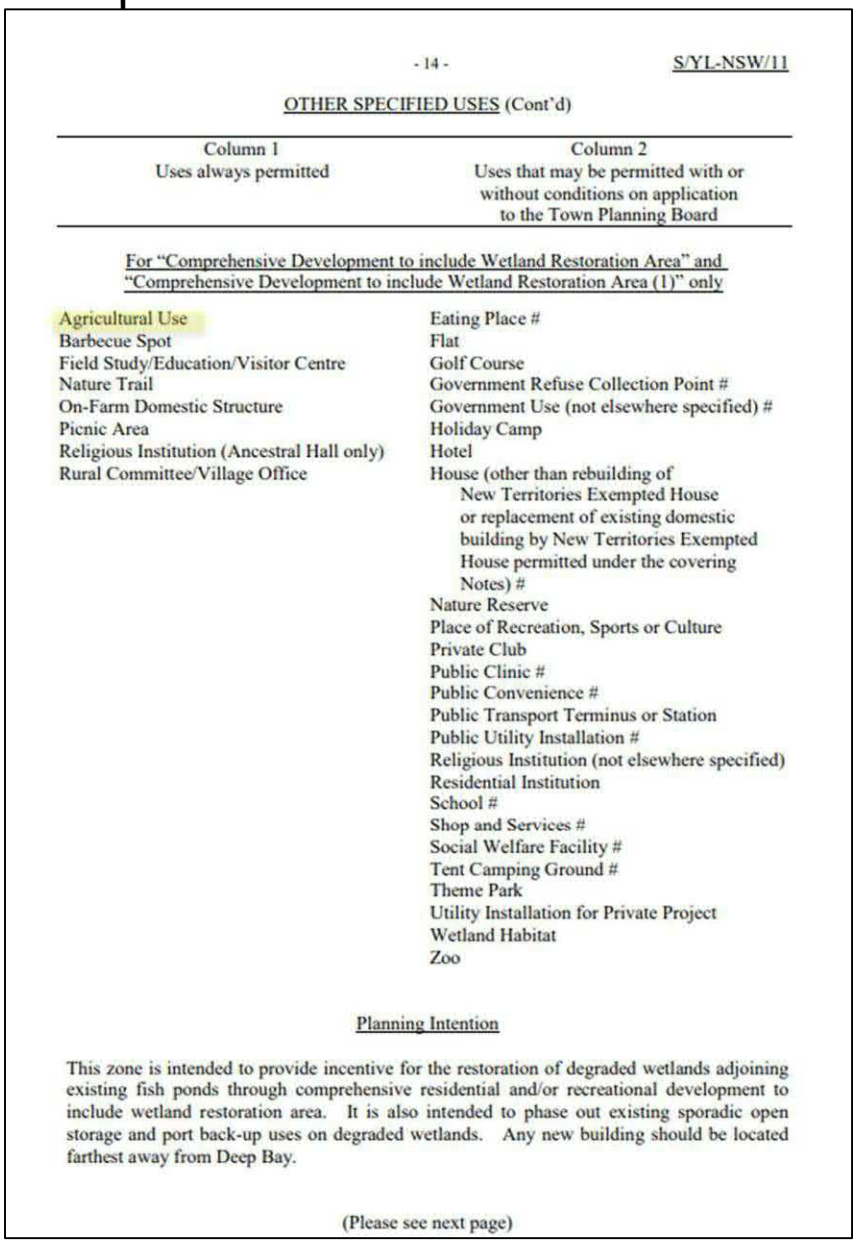
4.3 Statutory Planning Context

4.3.1 The Site falls within areas zoned as "OU(CDWRA)" (of about 21,806 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

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

Agricultural Use
Barbecue Spot
Field Study/Education/Visitor Centre
Nature Trail
On-Farm Domestic Structure
Picnic Area
Religious Institution (Ancestral Hall only)
Rural Committee/Village Office

Eating Place #
Flat
Golf Course
Government Refuse Collection Point #
Government Use (not elsewhere specified) #
Holiday Camp
Hotel
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)

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.

(Please see next page)

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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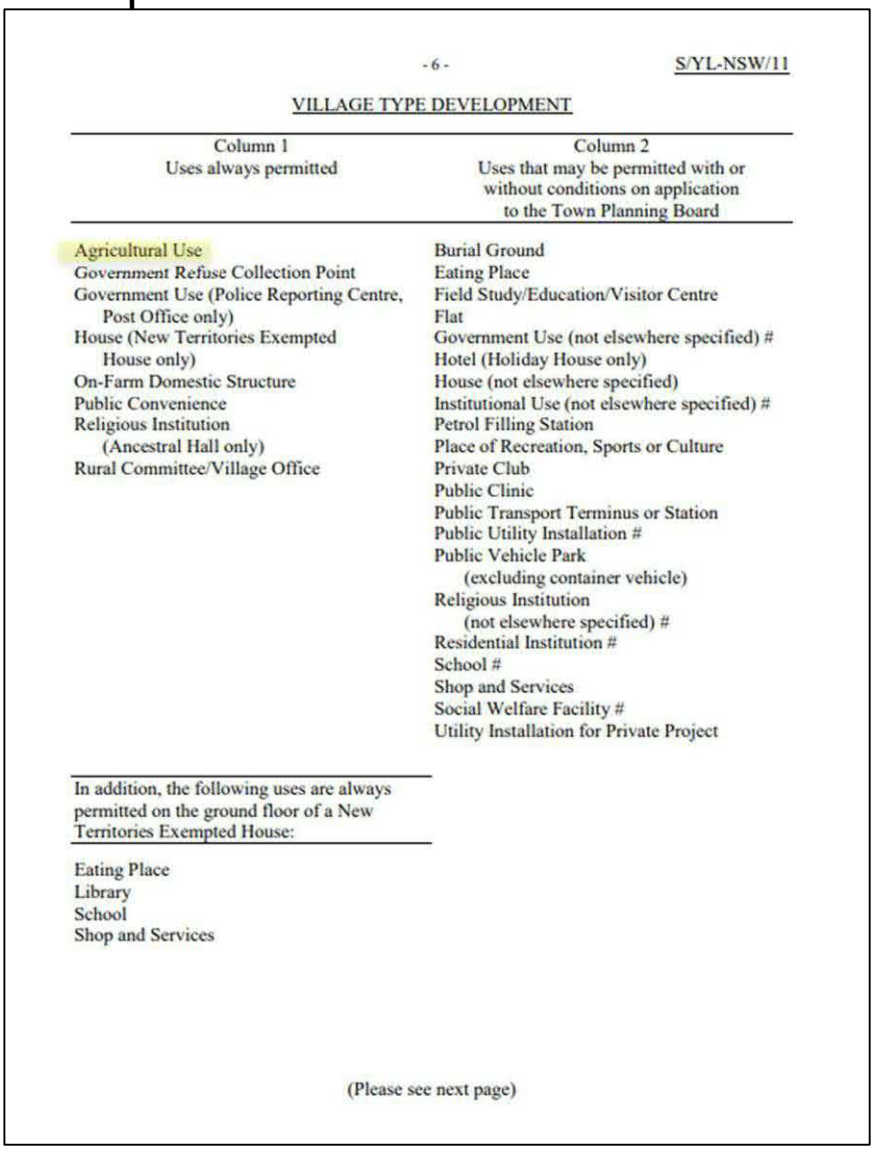

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VILLAGE TYPE DEVELOPMENT

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Agricultural Use Government Refuse Collection Point Government Use (Police Reporting Centre, Post Office only) House (New Territories Exempted House only) On-Farm Domestic Structure Public Convenience Religious Institution (Ancestral Hall only) Rural Committee/Village Office	Burial Ground Eating Place Field Study/Education/Visitor Centre Flat Government Use (not elsewhere specified) # Hotel (Holiday House only) House (not elsewhere specified) Institutional Use (not elsewhere specified) # 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

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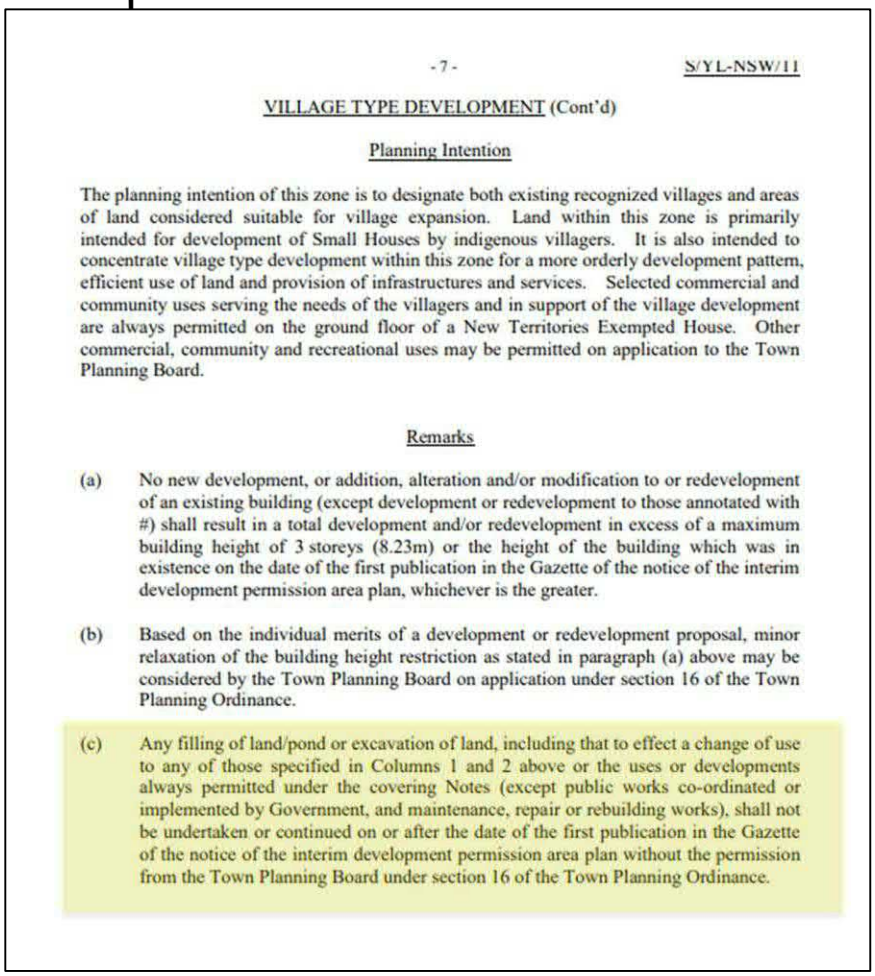

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VILLAGE TYPE DEVELOPMENT (Cont'd)

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.

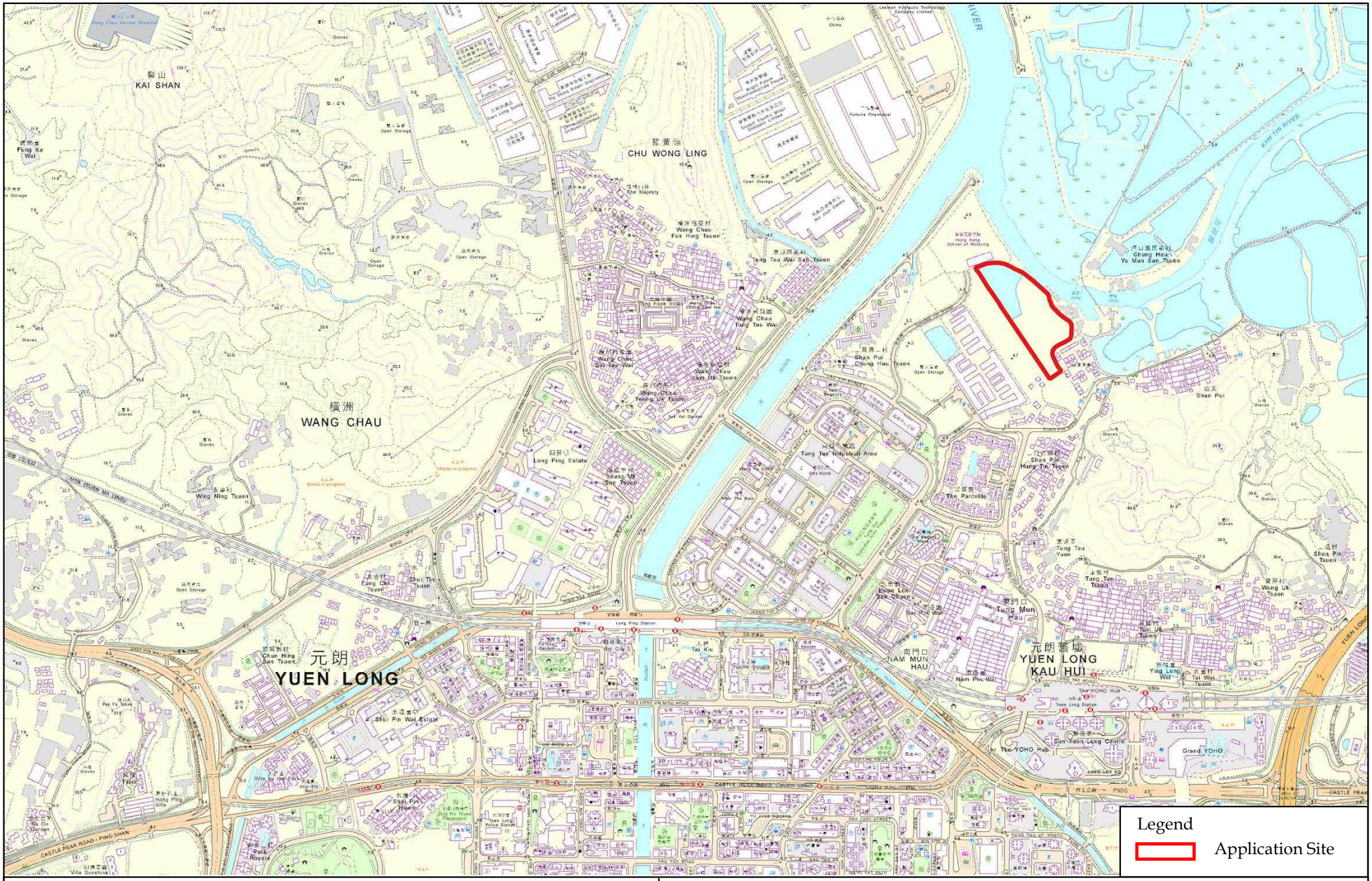
5.7.2 The Site falls within the area of WBA is in line with the planning intention for restoration of degraded wetlands adjoining the existing fish ponds. The Application Site will retain its original agriculture use and will adhere to the relevant mitigation measures and requirements outlined in the 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.

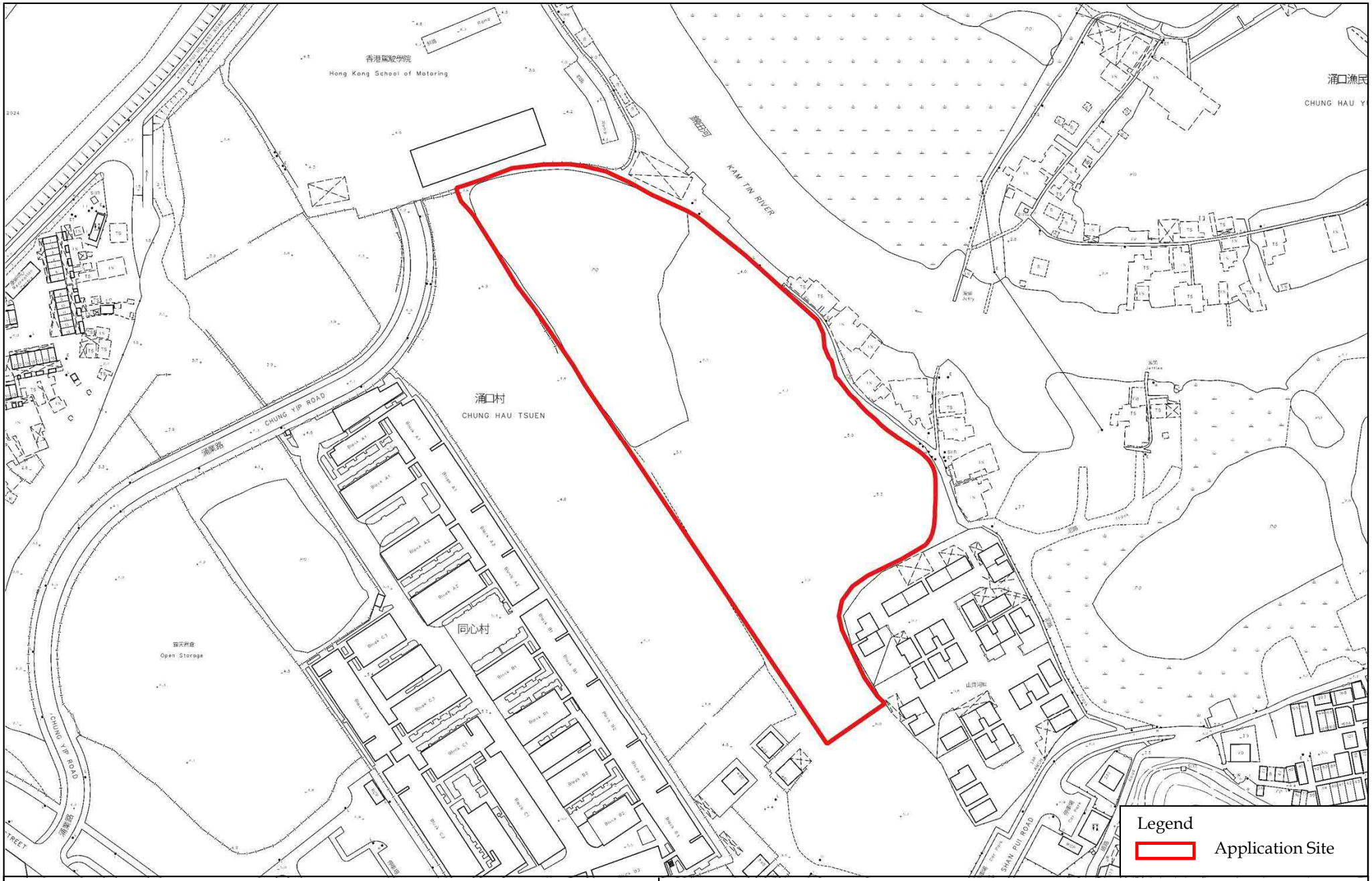


LCH Planning and Development Consultants Limited

Figure 1 : Location Plan

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

(Source: HK GEODATA STORE, HKSAR Government)

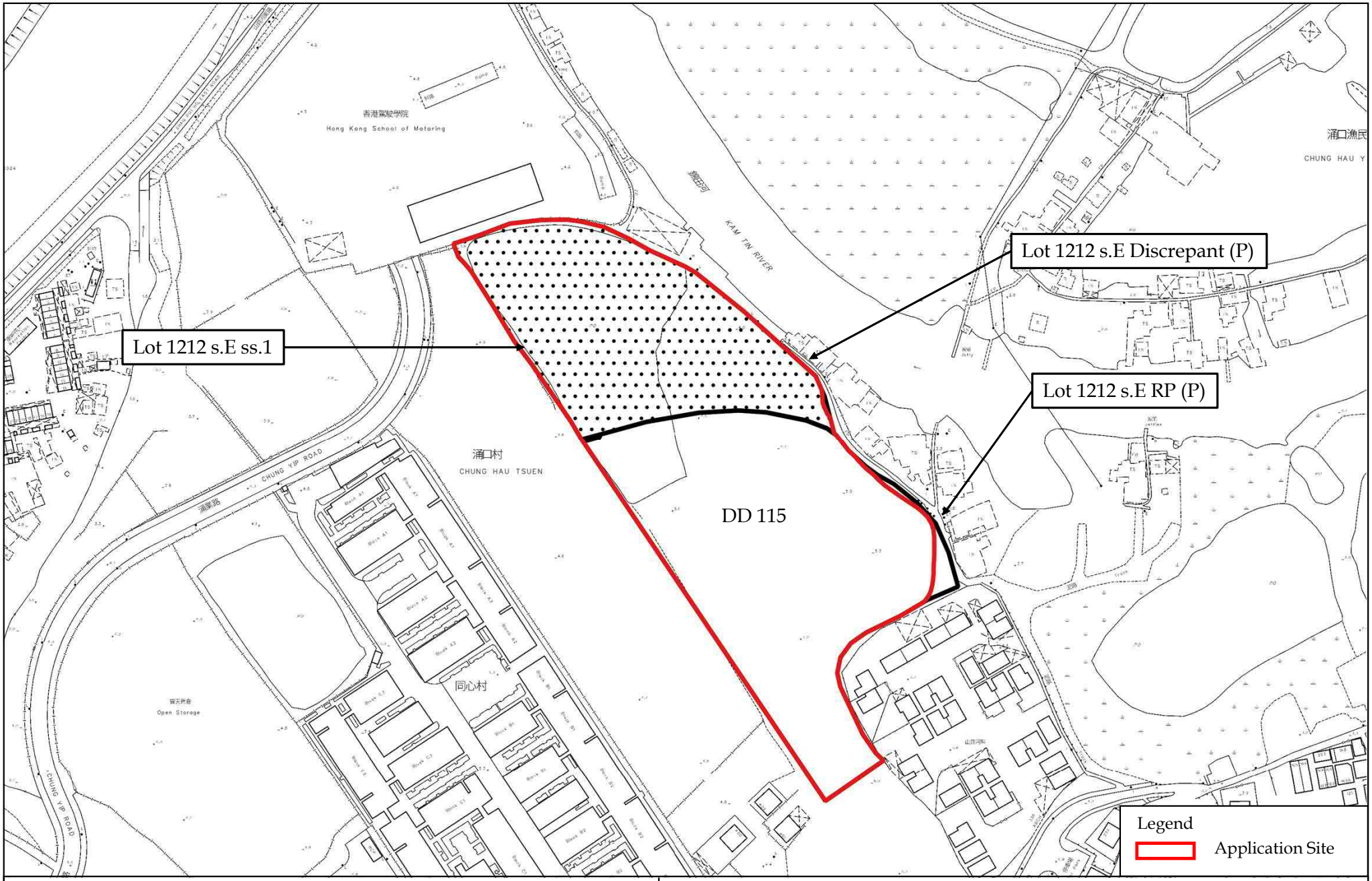


LCH Planning and Development Consultants Limited

Figure 2 : Site Plan

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

(Source: HK GEODATA STORE, HKSAR Government)

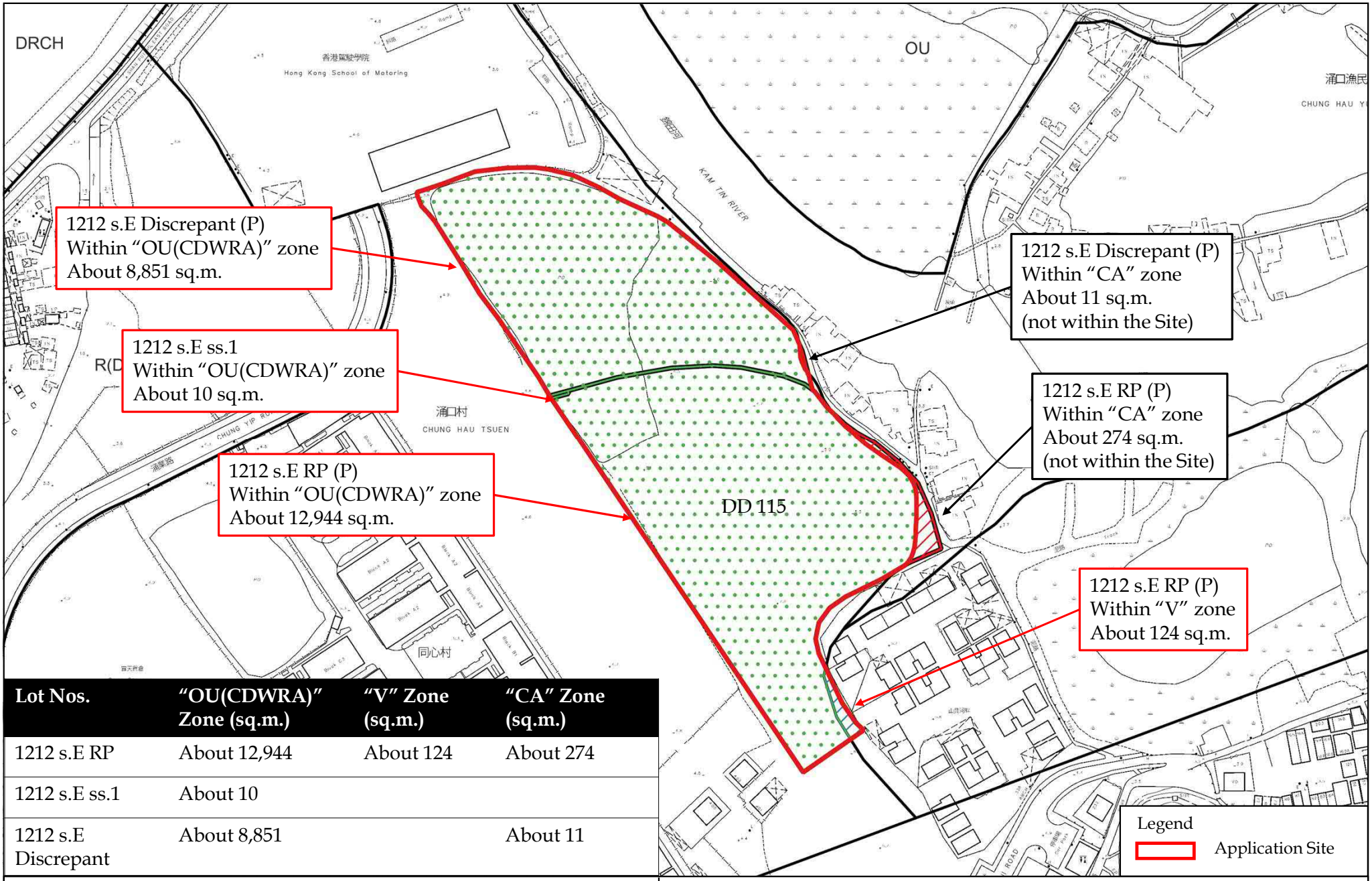


LCH Planning and Development Consultants Limited

Figure 3a : Land Status

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

(Source: HK GEODATA STORE, HKSAR Government)



Lot Nos.	"OU(CDWRA)" Zone (sq.m.)	"V" Zone (sq.m.)	"CA" Zone (sq.m.)
1212 s.E RP	About 12,944	About 124	About 274
1212 s.E ss.1	About 10		
1212 s.E Discrepant	About 8,851		About 11

LCH Planning and Development Consultants Limited

Figure 3b : Land Status

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

(Source: HK GEODATA STORE, HKSAR Government)

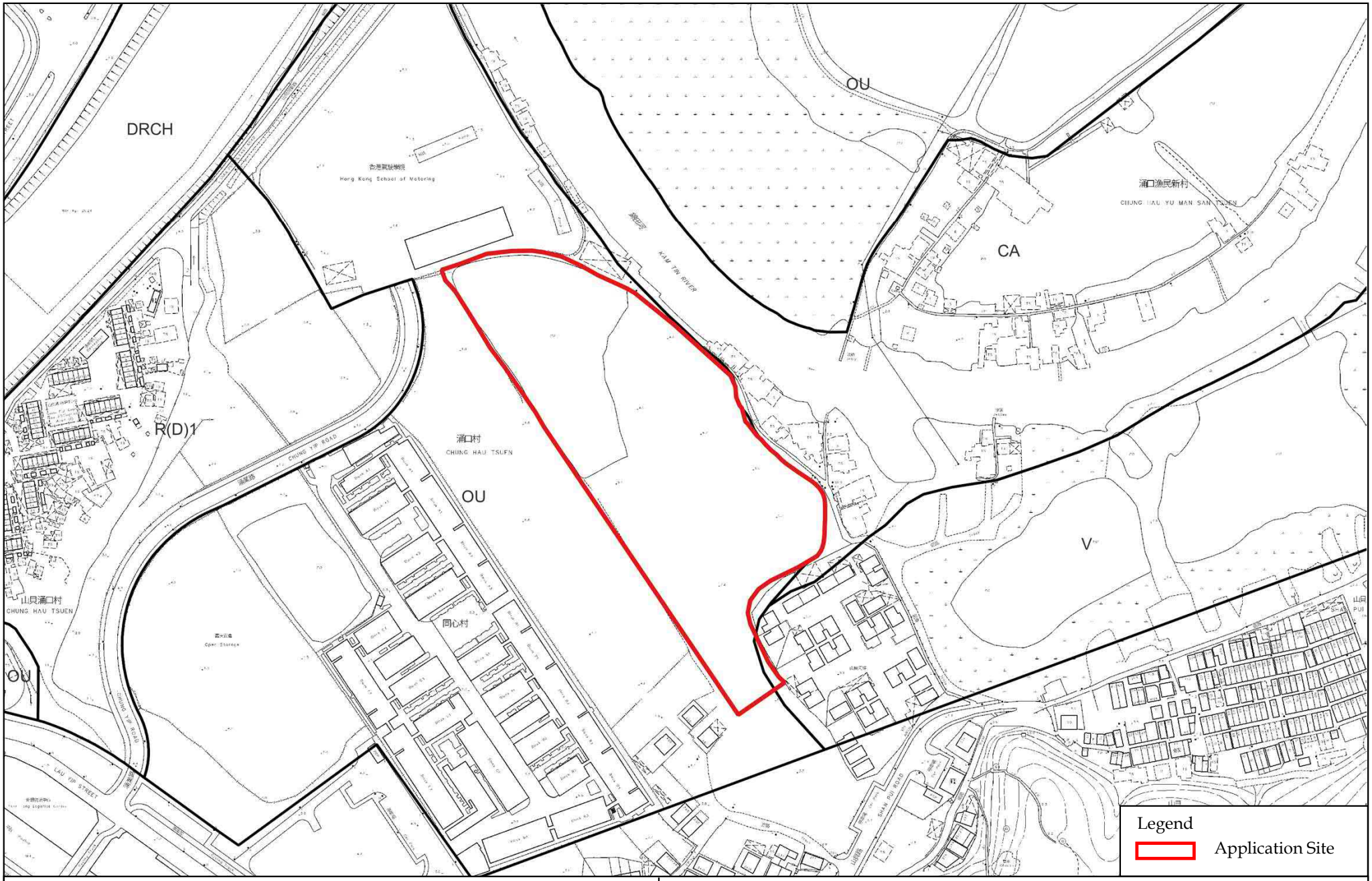


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Figure 4 : Extract of Outline Zoning Plan

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

(Source: HK GEODATA STORE, HKSAR Government)





Photos taken in October 2024

LCH Planning and Development
Consultants Limited

Figure 6 : Existing Condition

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



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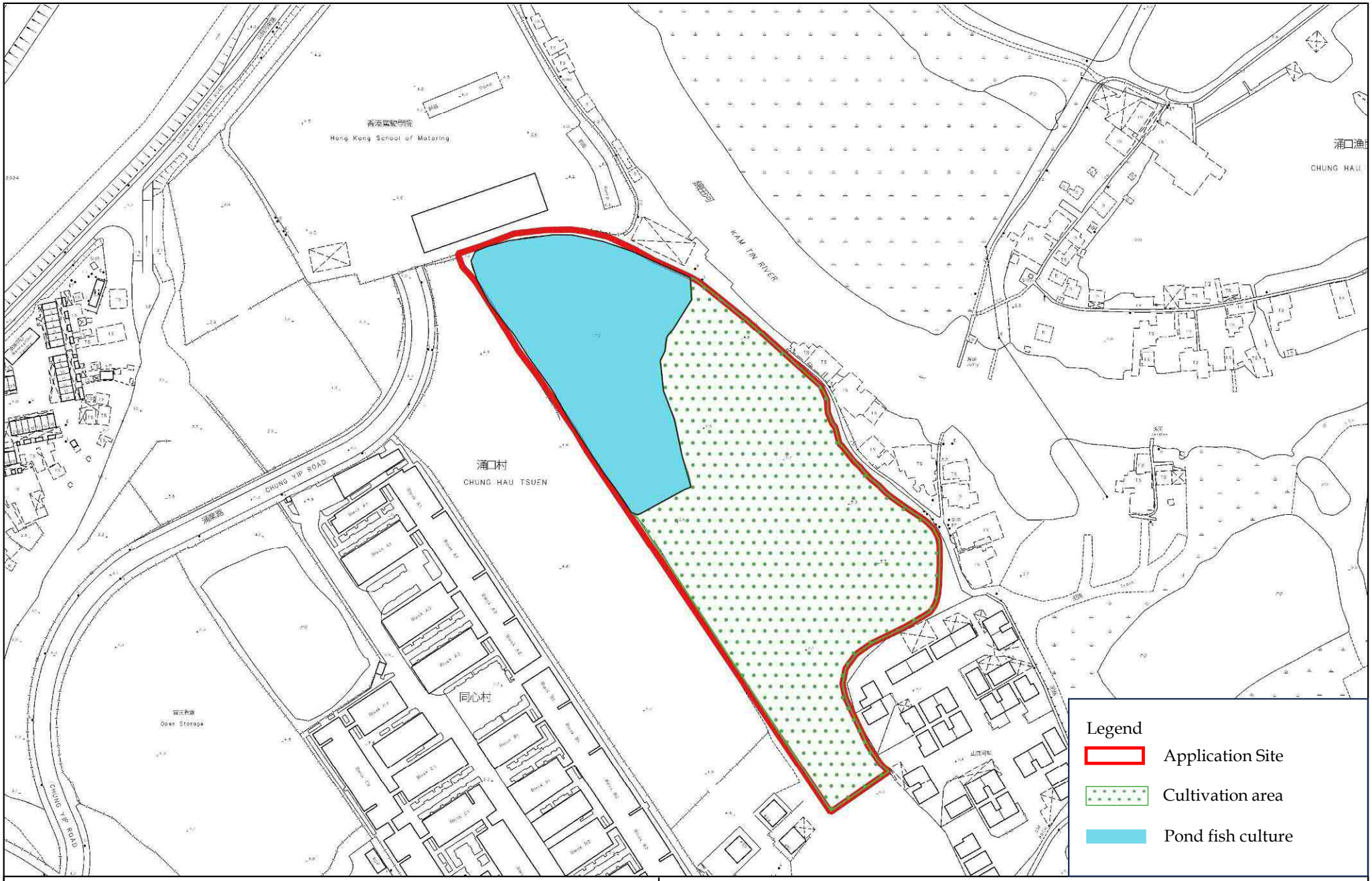
Figure 6 : Existing Condition (Aerial Photo)

(Extracted based on Aerial Photo no. E072761C taken in 2019 by Lands Department)

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

(Source: HK GEODATA STORE, HKSAR Government)



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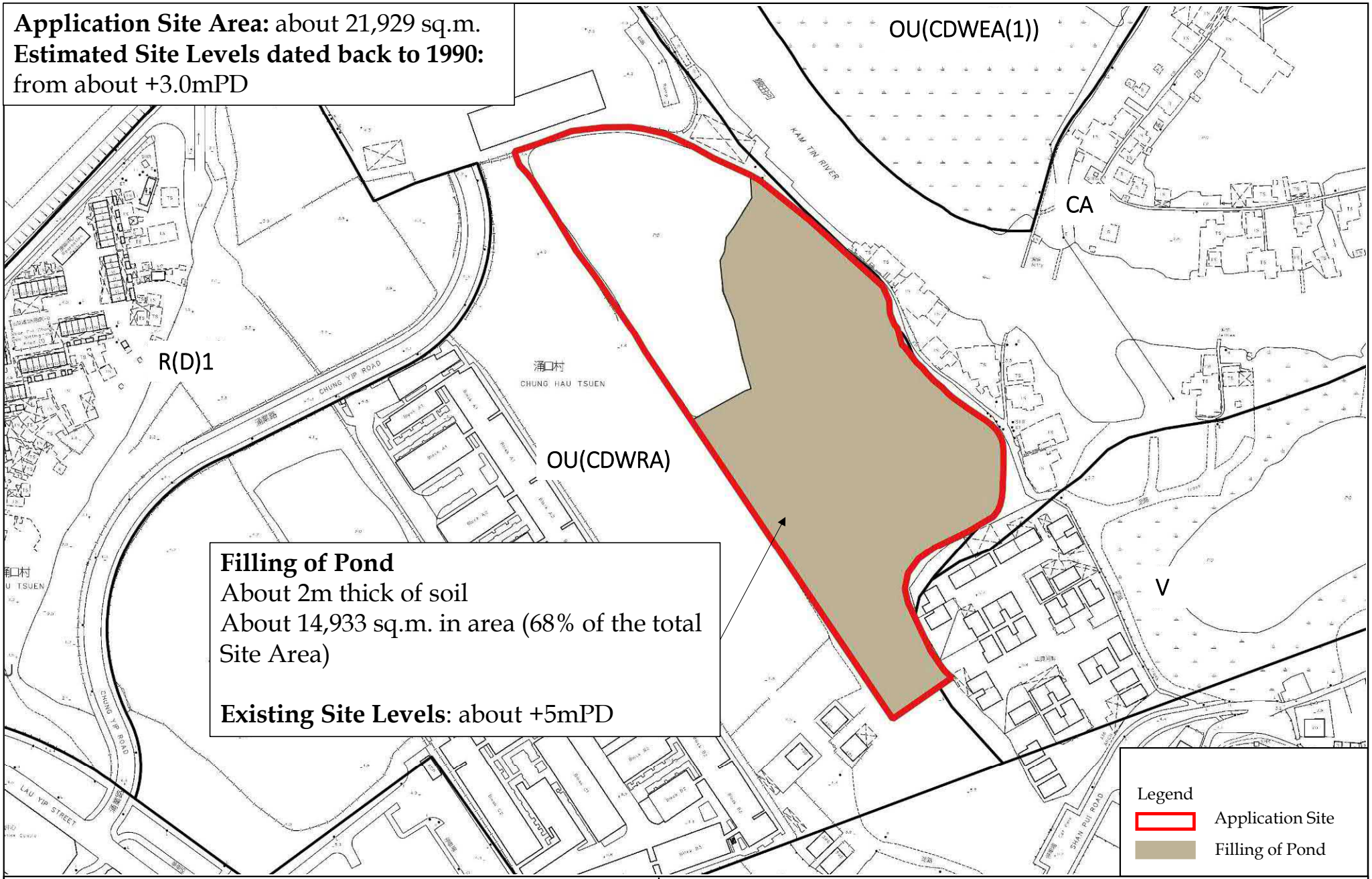
Consultants Limited

Figure 7 : Indicative Layout Plan

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

(Source: HK GEODATA STORE, HKSAR Government)



LCH Planning and Development Consultants Limited

Figure 8 : Land Filling Plan

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

(Source: HK GEODATA STORE, HKSAR Government)



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Annex 1a: Aerial Photos

(Extracted based on Aerial Photo no. CS32480 taken in 2011 by Lands Department)

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

(Source: HKMS, HKSAR Government)



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Annex 1b: Aerial Photos

(Extracted based on Aerial Photo no.CS52340 taken in 2014 by Lands Department)

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

(Source: HKMS, HKSAR Government)



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Annex 1c: Aerial Photos

(Extracted based on Aerial Photo no.E019635C taken in 2017 by Lands Department)

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

(Source: HKMS, HKSAR Government)



LCH Planning and Development
Consultants Limited

Annex 1d: Aerial Photos

(Extracted based on Aerial Photo no. E072761C taken in 2019 by Lands Department)

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

(Source: HKMS, HKSAR Government)



LCH Planning and Development
Consultants Limited

Annex 1e: Aerial Photos

(Extracted based on Aerial Photo no. E186967C taken in 2023 by Lands Department)

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

(Source: HKMS, HKSAR Government)



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Annex 1f: Aerial Photos

(Extracted based on Aerial Photo no. E237024C taken in 2024 by Lands Department)

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

(Source: HKMS, HKSAR Government)

Annex 2 Judgement of FACV 5/2011

SECRETARY FOR JUSTICE V. CHAU KA CHIK TSO AND OTHERS

Judgment Information

Date	**8 Dec, 2011**
Action No.	**FACV5/2011**
Neutral Cit.	**[2011] HKCFA 86**
Parallel Cit.	**(2011) 14 HKCFAR 889** **[2013] 2 HKC 303**

FACV No. 5 of 2011

IN THE COURT OF FINAL APPEAL OF THE

HONG KONG SPECIAL ADMINISTRATIVE REGION

FINAL APPEAL NO. 5 OF 2011 (CIVIL)

(ON APPEAL FROM CACV NO. 26 OF 2010)

_____

Between:

SECRETARY FOR JUSTICE	Appellant
and	
CHAU KA CHIK TSO by its manager CHAU FUK SZE (now replaced by CHOW LAP YAN and CHAU MOU LIN TOMMY) duly registered under the New Territories Ordinance, Cap.97	1st Respondent
LAM CHI-FAI	2nd Respondent
LAM CHI-KIN ANDREW	3rd Respondent
LAM CHI-LEUNG	4th Respondent
LAM CHI-KWONG	5th Respondent
LAM SAI-KIT	6th Respondent
LAM YUET-YAU	7th Respondent
LAM TZE-CHUN	8th Respondent
LAM CHUN-SING	9th Respondent
LAM PING-CHUNG	10th Respondent
LAM WING-LAU	11st Respondent
LAM KWOK-KEE	12nd Respondent
LAM TZE-CHOI	13rd Respondent
LAM SHUI-LUN	14th Respondent
LAM NGOK-CHING	15th Respondent

Court: Mr Justice Bokhary PJ, Mr Justice Chan PJ, Mr Justice Ribeiro PJ, Mr Justice Litton NPJ and Lord Scott of Foscote NPJ

Dates of Hearing: 15 to 17 November 2011

Date of Judgment: 8 December 2011

JUDGMENT

Mr Justice Bokhary PJ :

1. I agree with the judgment of Lord Scott of Foscote NPJ.

Mr Justice Chan PJ :

2. I have had the advantage of reading the judgments in draft of Mr Justice Ribeiro PJ and Lord Scott of Foscote NPJ. I agree that this appeal must be dismissed.

3. It is common ground that the doctrine of encroachment applies to the facts of this case. There is also no dispute as to the effect of the doctrine when it is applied to the case of an encroachment by a tenant on land adjoining the demised land. But the legal basis of the doctrine is, in the words of Neuberger LJ in *Tower Hamlets LBC v Barrett* [2006] 1 P. & C.R. 9, para.82, "somewhat obscure and confused". I would however prefer the analysis given by Mr Justice Ribeiro which is based on the presumption and estoppel arising from the application of the doctrine. There are judicial statements which tend to support this as the basis of the doctrine (see the cases cited in paragraphs 33-39, 42-50 and 62). It also seems to me that if the presumption that the tenant intends to occupy the encroached area as part of the demised land would ultimately benefit the tenant as well as the landlord, they should both be precluded from denying that this state of affairs exists after a sufficiently long lapse of time.

4. However, I have some difficulty in fitting the provisions of the Limitation Ordinance, Cap 347 (in particular ss 7 and 17) into the doctrine of encroachment in an encroachment case without doing violence to the language of these provisions. In my view, the limitation period is only relevant in determining the period after which the landlord cannot be heard to say that the tenant is not holding the demised land together with the encroached area upon the same terms until the end of the lease. But by virtue of the doctrine of encroachment, the landlord's right to possession of the encroached area is not barred forever and his title in this area is not extinguished (which would have been the consequence had ss 7 and 17 of the Ordinance applied). The landlord's right of possession to this area is, as it were, only "suspended": it is retained and can be exercised again at the end of the lease. Furthermore, far from having the landlord's title extinguished, during the remaining term of the lease, both the landlord and the tenant are bound by the covenants under the lease (which may benefit the landlord) in relation to the encroached area as they are in relation to the demised land.

5. Mr Edward Chan SC for the Government accepts that the Respondents have uninterrupted possession of the encroached areas in this case since at least 1924. But he submits that by reason of the New Territories (Renewable Government Leases) Ordinance, Cap 152 (" Renewal Ordinance "), the period between 1924 and 1973 has to be discounted and that for the purpose of calculating the limitation period (in this case 60 years), time has to start afresh in 1973 in which case, the Government's right to recover possession of the encroached areas is not barred until the end of the new lease which was extended by the New Territories Leases (Extension) Ordinance, Cap 150 to 2047.

6. The linchpin of his case is that the Respondents' possession of the encroached areas came to an end upon renewal in 1973 by the Renewal Ordinance which took effect as a termination of the old lease and the

granting of a new lease. He relies on the statement of Pennycuick VC in *Smirk v Lyndale Developments Ltd* [1975] 1 Ch 317 , at 333. He argues that the Respondents cannot add the period of possession before 1973 to the period after 1973 (the "no adding up rule") and that this effect, he submits, is the logical consequence of the rule that a tenant who encroaches on the adjoining land of his landlord has to give up the encroached area at the end of the lease (the "coterminous rule").

7. With respect, I do not consider Pennycuick VC's statement (the so-called "no adding up rule") helpful. No authority was cited by the learned Vice Chancellor in support of this proposition. Nor has this statement regarding the "no adding up rule" been the subject matter of judicial discussion in subsequent cases. In the *Smirk* case, there was no right of renewal (unlike in the present case) and the question there was whether there was a new tenancy with a new landlord. On this issue, Pennycuick VC found that there were two tenancies and held that "there can be no ground for treating a period of two different tenancies as continuous for present purposes." On appeal, the English Court of Appeal overturned this finding of fact which formed the basis of the learned VC's proposition.

8. Mr Chan further contends, not without some force, that the Privy Council case of *Chung Ping Kwan & others v Lam Island Development Co. Ltd* [1997] AC 38 does not apply to the present case. *Lam Island* was a case in which the trespasser's adverse possession against the Crown lessee was held to have continued, notwithstanding the renewal of the Crown lease under the Renewal Ordinance for the reason that the Crown, as a result of the Crown lessee's right of renewal contained in the original Crown lease, did not have any opportunity to exercise its right to possession upon renewal. In the present case, Mr Chan argues, the Government did have the right under the encroachment doctrine to re-possess the encroached areas at the end of the original lease on 30 June 1973, and hence the reasoning in *Lam Island* does not apply.

9. While I would agree that the situation in *Lam Island* is quite different from the present case, I do not think this argument can advance the Government's case. The Respondents (or their predecessors in title) started to occupy the encroached areas in about 1924. Since then, they have been holding as lessees the same demised land together with the same encroached areas, albeit under two leases, one after the other. Under the doctrine of encroachment, they hold the demised land and the encroached areas subject to the same covenants until 2047 and I do not think the Government can now dispute this state of affairs or is entitled to evict the Respondents from the encroached areas before then.

Mr Justice Ribeiro PJ:

A. The issues

10. On 6 July 1916, the Crown sold by public auction a lot known as Lot 1212 in Demarcation District 115 in Yuen Long with boundaries enclosing 18 acres of land for agricultural use. The lease granted by the Crown was for a term of 75 years from 1 July 1898 with a right of renewal for a further term of 24 years less the last three days.

11. On 21 May 1924, the Lot was divided into five sections and each section sold by the then Crown lessee to persons including the respondents' predecessors in title. The respondents are the current Government lessees of three of the five sections of the Lot.

12. It was found by the trial judge [1] that since some point in time between 1916 and 1924 (when aerial photographs of the area were taken) the respondents and their predecessors, as well as the Government lessees of the other sections of the Lot and their predecessors, have been occupying an adjoining portion of Government land extending beyond the northern boundary of the Lot with a total area of 6.67 acres. The land so occupied was used to enlarge the fishponds maintained on the leased land. The Judge found that the Government was unaware of their occupation of this additional land until some time in the 1980s when large scale maps of the area were prepared.

13. In December 2000, the respondents and the Government lessees of the other sections of the Lot brought proceedings against the Government seeking Orders establishing their right to the additional

land. They sought first to argue that the northern boundary had been incorrectly drawn and ought to have enclosed the additional 6.67 acres; alternatively, that they were entitled by virtue of the common law doctrine of encroachment to a leasehold interest in the additional land until 30 June 2047; in the further alternative, that their occupation of the additional land had resulted in their acquisition of a possessory title extinguishing the Government's title to that land; and finally, that they were entitled to the additional land on the basis of a proprietary estoppel.

14. On 30 March 2001, the Government issued a counterclaim for a declaration that the additional land was Government land and for possession thereof in the event that the respondents should be found to be in adverse possession.

15. Before this Court, the respondents rely solely on the common law principle of encroachment as the basis for their title to the additional land, having abandoned the other grounds previously advanced. This Court is therefore asked to determine whether the respondents or the Government are presently entitled to the land in question, applying the common law doctrine of encroachment in the context of the Limitation Ordinance. [2] It also requires consideration of the effect, if any, of the New Territories (Renewable Government Leases) Ordinance [3] (" the Renewal Ordinance ") on the operation of that doctrine.

B. The doctrine of encroachment

B.1 The effect of the doctrine

16. Before examining the authorities, it may be helpful to identify in outline the circumstances when the doctrine of encroachment applies and what results from its application.

17. The doctrine addresses the position of a tenant who encroaches upon adjoining or adjacent land beyond the boundaries of the land demised to him under his lease. Such encroachment may be (as in the present case) upon land which belongs to his landlord. Or it may be upon land belonging to a third party. As we shall see, the principle operates quite differently in each of those two cases.

18. Of course, if the tenant occupies the additional land with the express or implied agreement of the person entitled to it (whom I shall call the "owner" for convenience), or encroaches in circumstances estopping the owner from complaining about the encroacher's conduct, the doctrine has no application. Similarly, the principle does not require consideration where, before expiry of the limitation period, the owner objects to the encroachment as an act of trespass and promptly takes steps to recover possession of the encroached upon land.

19. The doctrine is only likely to be relevant where the tenant's encroachment provokes no pertinent reaction on the part of the owner and endures over a sufficient period for the tenant to mount a limitation defence should the owner seek to recover the land encroached upon.

20. Where the area of encroachment belongs to a third party, the doctrine takes effect where, on the facts, the tenant has by adverse possession barred the third party's right of action and extinguished his title to the land. Then under the doctrine, a presumption arises (unless previously rebutted) that the encroached upon land has been occupied as an addition to the landlord's land and the right to possession vests in the landlord at the end of the tenancy. The land encroached upon is not treated as land acquired by the tenant by adverse possession for his own benefit.

21. Where the encroachment area belongs to the tenant's landlord, the doctrine functions quite differently. The landlord's interest in the land is not extinguished by limitation but the doctrine operates to deem the tenant to have acquired a leasehold interest in the land encroached upon to be held on the same terms as his tenancy, and to be surrendered up to his landlord and the end of its term.

22. I would respectfully adopt the rationale of the doctrine advanced by Neuberger LJ (as Lord Neuberger of Abbotsbury then was) in a case involving an encroachment on a third party's land as follows:

> "...the doctrine summarised by Parke B in *Kingsmill's* case appears to be based in part on fairness and in part on practicality. The tenant will normally have been able to encroach on the adjoining land because he was the tenant of his landlord's land: hence the perception that it is just that he should acquire possessory title of the adjoining land for the benefit of his landlord (see eg per Willes J in *Whitmore's* case, cited above). Further, the land to which possessory title is acquired will often be small, will often adjoin the demised land, and will normally have been enjoyed for at least 12 years together with the demised land. Thus, it would normally be much more practical for the freehold of that land to be vested in a person who owns the demised land (ie the landlord), rather than in someone who (after the end of the tenancy concerned) has no interest in it (ie the tenant)." [4]

B.2 The legal basis of the doctrine of encroachment

B.2a Uneasiness as to the basis of the doctrine

23. The doctrine has been the subject of some judicial discomfort. Thus, in *AG v Tomline* , [5] Thesiger LJ noted:

> "... there is a difference of opinion among Judges as to the exact grounds of the doctrine that encroachments made by tenants enure for the benefit of their landlords."

And in *Whitmore v Humphries* , [6] Willes J called it "a branch of the law which involves considerations of some nicety".

24. In *Smirk v Lyndale Developments Ltd* , [7] Pennycuick VC commented: "The law on this point ... has got into something of a tangle." And although the Court of Appeal in *Smirk* credited Pennycuick VC with "untangling" the law, [8] Neuberger LJ in *Tower Hamlets LBC v Barrett* , [9] still felt constrained to describe the doctrine as one "whose unsatisfactory nature is plain".

25. The unease engendered by the doctrine is especially felt in cases involving a tenant's encroachment upon his landlord's land. While the authorities indicate that the expiry of the limitation period for actions to recover land is in some way relevant to the operation of the doctrine, the precise relationship between the limitation period and the doctrine has not been explored in any detail.

26. In Hong Kong, that period is 60 years from the date on which the right of action accrued where the Government seeks to recover Government land [10] and 12 years in the case of land recovery actions brought by anyone else. [11] Section 17 of the Limitation Ordinance, which derives from section 16 of the Limitation Act 1939, [12] lays down the consequence of expiry of the limitation period:

> "Subject to [presently immaterial provisions], at the expiration of the period prescribed by this Ordinance for any person to bring an action to recover land ..., the title of that person to the land shall be extinguished."

27. In cases where the encroachment doctrine is not engaged, the extinguishment of the landlord's title follows as a matter of course from the fact that the limitation period has expired. As Lord Browne-Wilkinson stated in *J A Pye (Oxford) Ltd v Graham* :

> "It is to be noted that the right of action to recover the land is barred whenever twelve years have elapsed from the time when any right of action accrued: it does not have to be a period immediately before action brought. In the case of unregistered land, on the expiration of the limitation period regulating the recovery of the land, the title of the paper owner is extinguished: Act of 1980 section 17." [13]

28. What effect then do these provisions have on the doctrine? If, as a few of the authorities appear to suggest, expiry of the limitation period for actions to recover land is a constituent component of the doctrine, how can the doctrine result in giving only partial effect to the Limitation Ordinance? In other words, if limitation is an ingredient of the doctrine, the premise must be that the tenant's occupation of the land encroached upon constitutes adverse possession sufficient to start time running and, upon expiry of 12 or 60 years as the case may be, is sufficient to bar the right of the landlord to recover that land. But if that is the true analysis, why is the landlord's interest not then extinguished pursuant to section 17? Why instead is the landlord's interest merely transformed under the doctrine into a reversionary interest allowing the landlord to recover possession of the land at the end of the encroaching tenant's lease? If, on the other hand, the limitation period is *not* a constituent component of the doctrine, then why, after the limitation period has expired, is the landlord unable to recover the encroached upon land until the encroaching tenant's lease determines?

29. Before attempting to address these difficulties, it should be noted that the doctrine as applied to encroachments by the tenant onto land belonging to a third party operates differently. In such cases, the doctrine proceeds on the basis that the Limitation Ordinance takes effect in full, not only barring the third party's right to recover the land, but also extinguishing his title to it. What the doctrine then does is to deprive the tenant of the benefit of such extinguishment by deeming possessory title to the encroachment area to vest in the landlord at the end of the tenancy.

30. I turn now to consider how the encroachment doctrine functions in cases involving a tenant's encroachment on his landlord's land in the light of the authorities. The conclusion which I shall come to is that the doctrine does not operate by relying on some form of partial application of the provisions of the Limitation Ordinance. It operates to prevent that Ordinance from being relied on by the tenant at all. I will also conclude that the consequence of the tenant acquiring a leasehold interest in the land encroached upon coterminous with his tenancy flows from the presumption and estoppel forming part of the doctrine and not from limitation barring the landlord's right of action.

B.2b The central themes of the doctrine

31. Two principal themes, which are closely related, run through the cases establishing the doctrine. The first involves a rebuttable presumption that the encroaching tenant occupies the land in question as an addition to the holding demised under his lease; and the second involves an estoppel preventing the tenant from asserting rights inconsistent with the aforesaid presumption. As appears from the authorities, it is a distinct species of estoppel which arises in consequence of the relationship between the parties: since the tenant is able to make the encroachment only by virtue of having been given possession of the demised land by his landlord, the doctrine does not permit the tenant to assert that his occupation of the encroachment is other than as part of his demised holding and in particular estops him from claiming that he has barred his landlord's right of action and extinguished his landlord's title by adverse possession.

B.2c Presumption, estoppel and Statute of Limitations

32. The presumption and the estoppel are applicable both in cases involving encroachment upon the landlord's land and encroachment upon land belonging to a third party.

33. In *Andrew v Hailes* , [14] the tenant encroached upon a third party's land, building a bakehouse and offices on it and occupying it for over 20 years. When his landlord served on him notice to quit, he gave up the land demised under his tenancy but sought to keep the encroached upon land for himself. The Court held that he had to surrender up that land to his landlord, its decision being based on the presumption and the estoppel. Lord Campbell CJ stated: [15]

> "I think it must be considered that the encroachment in this case was held by the defendant as part of the demised premises; and that being so, I think the defendant is not at liberty to deny that it was part

of them. I proceed on what the civil law calls *exceptio personalis* , and the common law an estoppel, and say that the tenant cannot deny this." [16]

34. Coleridge J pointed out that the presumption depends on the inference to be drawn from the facts and stated its effect:

"... if at the end of the term, that boundary has been confused by enclosing adjacent ground, a very strong presumption arises that the enclosed land is part of the holding: and the tenant is not entitled to meet it by shewing that, though he occupied the enclosure as part of the holding, it was an encroachment." [17]

35. Erle J formulated the presumption as follows:

"... when the power to encroach is derived from the occupation of the premises held from a landlord, and the encroachment is occupied as if it was part of the holding, then, at the end of the tenancy, the presumption as between the landlord and tenant, is that it is part of the holding, and it belongs to the landlord." [18]

36. Lord Campbell CJ's formulation of the presumption was adopted by Parke B in *Kingsmill v Millard* , [19] in the following terms:

"It is laid down in all the cases – whether the inclosed land is part of the waste, or belongs to the landlord or third party – that the presumption is, that the tenant has inclosed it for the benefit of his landlord, unless he has done some act disclaiming the landlord's title. I am disposed to discard the definition, that the encroachment is made 'for the benefit of the landlord', and to adopt that of Lord Campbell, viz that the encroachment must be considered as annexed to the holding, unless it clearly appears that the tenant made it for his own benefit."

37. His Lordship went on to hold that the presumption gives rise to an estoppel:

"... if the landlord is allowed to remain under the belief that the encroachment is part of the farm, the tenant is estopped from denying it, and must render it up at the end of the term as a portion of the holding." [20]

38. *Whitmore v Humphries* , [21] was a case involving an encroachment on the landlord's land. The tenant was held by Willes J to have encroached on manorial waste belonging to his landlord by enclosing an adjoining piece of common pursuant to an agreement that such encroachment should be held "on the same terms as are usually applicable to encroachments by virtue of the law". [22] Willes J stated the general rule as to the presumption as follows:

"By the rule of law applicable to this subject the landlord is entitled at the determination of the tenancy to recover from the tenant, not only the land originally demised, but also any land which the tenant may have added to it by encroachment from the waste, such encroachment being deemed to be made by him as tenant as an addition to his holding, and consequently for the benefit of his landlord, unless it is made under circumstances which shew an intention to hold it for his own benefit alone, and not as part of his holding under the landlord." [23]

39. Willes J went to hold that an estoppel arose which excluded application of the Statute of Limitations:

"If the general provisions of the statute [of Limitations] apply when the encroachment is on the land of the landlord, what becomes of the general rule of law applicable to all encroachments, namely, that the tenant is estopped from denying that the encroachment forms part of the holding - which, with reference to such a case, is really only another way of saying that he holds in such a way as that the Statute of Limitations does not apply? The case of an encroachment is a peculiar case in the law, which treats it as being part of the holding. It follows obviously that the general provisions of the Statute of Limitations do not apply to it." [24]

B.2d A possible way out of the conundrum

40. In my view, Willes J's decision suggests a way out of the doctrinal difficulties mentioned above. But for intervention of the doctrine, an encroaching tenant who has occupied the land encroached upon for longer than the limitation period might well be able factually to set up adverse possession as the basis for both barring his landlord's right of action to recover the land and extinguishing his landlord's title to it. However, the doctrine gives the landlord some protection by presuming that the tenant's occupation of the encroachment area is as an annex to his demised holding and estopping the tenant from contending that his possession is adverse to his landlord.

41. The limitation period is still important since the doctrine is only needed and only comes into play to defeat a potential plea of adverse possession barring the landlord's right of action after the period has run out. However, the doctrine does not incorporate as an ingredient the operation of any provisions of the Limitation Ordinance to bar the landlords right of action. It is not the law of limitation, but the combined effect of the presumption and the estoppel arising under the doctrine, that converts the tenant's occupation in such circumstances into a leasehold interest in the encroachment area. After the prescribed statutory period, the presumption equally applies to the landlord who benefits from the doctrine so that he is deemed to have granted the tenant a leasehold interest over the land encroached upon on the same terms as the existing tenancy. It is for that reason, and not because his right of action has been extinguished as against a trespasser, that the landlord cannot recover possession of the area of encroachment until the lease comes to an end.

B.2e Subsequent authorities

42. *Attorney-General v Tomline* ***[25]*** was a case involving a copyhold tenement, but Fry J considered the principles governing encroachments on leasehold land belonging to the landlord to be applicable. [26] His Lordship adopted Willes J's approach to the effect of the estoppel on the Statute of Limitations:

> ".. it being an encroachment, I think I am not at liberty to give that full effect to the Statute of Limitations which I must have given to it, if it were not proved that the land had been an encroachment. I say that upon the authority of the principle laid down in *Whitmore v Humphries* [citing the passage from Willes J's judgment set out above]. ... I say that, there being an encroachment adjoining a holding, I am not at liberty to give that full effect to the statute which it would have had if it had not been shewn that the land was an encroachment in the neighbourhood of an existing holding." [27]

43. Elaborating on this theme, his Lordship stated:

> "Another way in which the case has been put is this, that there is a personal incapacity on the part of the tenant to deny that the encroachment was part of his original holding. That view was thus expressed by Lord *Campbell* in *Andrews v Hailes* : 'I think it must be considered that the encroachment in this case was held by the Defendant as part of the demised premises; and, that being so, I think the Defendant is not at liberty to deny that it was part of them. I proceed on what the civil law calls *exceptio personalis* , and the common law an estoppel, and say that the tenant cannot deny this.' That is to say, he cannot deny that the land acquired by the encroachment was part of his original holding and the same view is expressed by Mr Justice Willes in his elaborate judgment in *Whitmore v Humphries* to which I have already referred." [28]

44. The Court of Appeal overturned Fry J's decision holding that, even assuming the doctrine applicable to copyholds, it did not apply in the case at hand since factually the presumption had been rebutted so that there was nothing to exclude operation of the Statute of Limitations. [29] The Court did not, however, cast doubt on Fry J's approach to the consequences of the estoppel in cases where the presumption was

unrebutted and the doctrine of encroachment was applicable. Cotton LJ acknowledged the principle as explained by Willes J in *Whitmore v Humphries* and added:

> "... looking at the circumstances under which these questions as to accretions as between landlord and tenant have arisen, it may well be that they rest upon the principle that the lessee, being in a fiduciary position, is not at liberty to dispute his landlord's title to encroachments, the absolute title of the tenant to which might materially depreciate the value of the original premises when given up to the landlord, a principle which could hardly apply to encroachments by a copyholder." [30]

45. Similarly, Charles J in *Tabor v Godfrey* , [31] held that the Statute of Limitations was excluded by operation of the doctrine:

> "... I think twelve years have elapsed of occupation of this strip of land inconsistent with the user of it as a right of way; and I should, apart from the legal question here, have to hold, certainly as to the strip, that the defendant had acquired a right to the freehold under the statute. But that is not the true inference, nor do I think the Statute of Limitations has anything to do with the case. But I do think that in the events which have happened, both the landlord and the tenant have treated this strip as part of the land demised. At the end of the lease the tenant could not have set up that the strip was his own, or said that it was not part of the land included in the lease. A tenant who enters under one title cannot turn round and say that he entered under another."

46. His Lordship held on the other hand, that the landlord could not eject the tenant from the land encroached upon during the term of his lease since, the presumption and estoppel applying equally to the landlord, he was bound to treat the tenant as lawfully holding the encroachment as part of his demise :

> "The principle is that a man who gets in by reason of being tenant must take land as under his original take. That is the reason why it is said that a tenant who has occupied an encroachment has occupied it for the benefit of his landlord. ... The principle is that he comes in and has it as part of his take, and although the lease excludes it, yet the way in which the landlord has permitted him to occupy, the encroachment must be taken as included in the demise. I am therefore of opinion that the plaintiffs fail and that the defendant is in the right as to the strip of ground, for by what has happened the landlord has indicated by the mode in which he has allowed the tenant to use it that the strip is included in the holding. There will therefore be judgment for the defendant as to trespasses on the strip of land, as I am of opinion that the defendant is entitled to occupy it." [32]

47. *Perrott (J F) & Co Ltd v Cohen* [33] was a case where the tenant had built lavatories on the encroached upon land belonging to his landlord. After expiry of the lease, the landlord made a claim for dilapidations under the covenants for repair in the lease on the basis that the lavatories on the encroachment had become part of the demised holding, held upon the same terms. That claim was upheld by the Court of Appeal. As Somervell LJ noted, the only possible conclusion on the facts was that the lavatories had been occupied throughout by the defendant as if they were part of the property demised. [34] That raised an estoppel against the tenant asserting that he had held it on any other basis, his Lordship stating:

> " That being so, it is right to treat the lavatories as part of the demised premises; and the tenant - who of course at one time wanted the lavatories so treated - cannot now adopt the other position and say: 'Although I have occupied them, although I have treated them as part of the demised premises as against my landlords when their solicitor suggested they were not part of the demised premises, I shall now change my position and claim that they were not included in the demise'." [35]

48. Cohen LJ, took *Tabor v Godfrey* [36] and *Hastings (Lord) v Saddler* , [37] to be laying down a principle to the following effect:

> "...where a tenant has occupied land of the landlord's not included in the demised premises, according to the terms of the demise, but adjoining them, and, after the tenancy has determined, the landlord seeks to eject his former tenant therefrom, but the tenant relies on the Statute of Limitations, the proper question for the judge to put to the jury, or to decide himself if there is no jury, is: 'Do you think

> the land was occupied by the tenant as a mere extension of the locus of his tenancy? If you do, you should find a verdict for the landlord. If you think the tenant took possession not as a tenant, but with the object or desire simply of benefiting himself and so as to acquire the ownership of the land occupied under the Statute of Limitations, you should find for the tenant'." [38]

49. His Lordship was accordingly of the view that the Statute of Limitations could not be relied on as a defence by the tenant where the presumption that his occupation was "as a mere extension of the locus of his tenancy" was unrebutted; but that the opposite was true where the tenant's occupation was not subject to the presumption and the estoppel.

50. Denning LJ stated that the doctrine gave rise to a principle akin to an estoppel, which precluded the tenant from asserting that his occupation was adverse to the landlord so as to acquire a title under the Limitation Act:

> "The principle underlying the cases on encroachment is not perhaps strictly an estoppel, but it is akin to it. If a tenant takes possession of adjoining property and by his conduct represents that he is holding it under the demise, then, if the landlord acts on that representation by allowing the tenant to remain in possession, the tenant cannot afterwards assert that he is holding it on any other footing. The tenant cannot, for instance, claim that he is holding it adversely to the landlord so as to acquire a title under the Limitation Act of 1939; nor can he claim that he is only a licensee, who has all the benefits of occupation but, none of the burdens of the lease." [39]

51. This is significant since an estoppel (or something akin to an estoppel) which prevents the tenant from contending that his possession is adverse to the landlord, prevents him from saying that time has started running for limitation purposes at all. Thus, section 13(1) of the Limitation Ordinance states:

> "No right of action to recover land shall be deemed to accrue unless the land is in the possession of some person in whose favour the period of limitation can run (hereafter in this section referred to as adverse possession) and where under the foregoing provisions of this Ordinance any such right of action is deemed to accrue on a certain date and no person is in adverse possession on that date, the right of action shall not be deemed to accrue unless and until adverse possession is taken of the land."

52. I shall return to the judgment of Pennycuick VC in *Smirk v Lyndale Developments Ltd* [40] when dealing with the Government's arguments regarding the effect of the Renewal Ordinance. For present purposes, what is important is Pennycuick VC's finding (reversed on appeal) that the tenant's holding had been subject to two different tenancies and consequently his Lordship's statement as follows:

> "It seems to me, however, that the break in the tenancy necessarily negates [the claim that the tenant held the encroached upon land as an extension of the locus of his tenancy]. Whatever accrued or accruing right the plaintiff may have had in 1968 to include the blue plot in his tenancy from British Railways, this right must have determined with his tenancy under British Railways, and obviously no new right can have accrued against the defendants during the short time in which they have been his landlords. There can be no ground for treating a period of two different tenancies as continuous for present purposes. Contrast the position where a possessory title is acquired by successive squatters, or against successive freeholders. The tenant, so long as the presumption applies, can do no more than acquire an addition to the subject matter of the tenancy and his interest in that additional subject matter must necessarily determine together with his interest in the original subject matter." [41]

53. Pennycuick VC was evidently taking the view that such right as the tenant might wish to claim had to "accrue" for some requisite period – presumably for a time in excess of the relevant limitation period – and that since (as he found) such accrual had been interrupted by the termination and immediate renewal of the initial tenancy, the tenant's claim was dismissed.

54. I have to confess that I find this an unsatisfactory passage. In so far as the passage may suggest that a necessary ingredient of the doctrine is that time must accrue so that the Statute of Limitations operates to bar the landlord's action, I respectfully disagree. As stated previously, while I recognize that the limitation period is important in a practical sense since the doctrine only becomes relevant where the tenant might

otherwise be able to set up a possessory title based on adverse possession, my view is that it is by virtue of the doctrine and not of any provisions of the Statute of Limitations, that the tenant acquires a leasehold interest in the encroachment area and prevents recovery by the landlord until the end of his tenancy.

55. Secondly, even if it were thought necessary for time to accrue for limitation purposes, such accrual must surely relate to the period of the tenant's occupation of the land rather than the duration of the lease or leases under which the adjacent demised land was held during the period of the encroachment. I would accordingly with respect decline to adopt Pennycuick VC's reasoning contained in the cited passage.

56. His Lordship's decision was reversed in the Court of Appeal where their Lordships held that as a matter of fact, the tenancy had not been interrupted. But, again with respect, I am unable fully to accept Lawton LJ's formulation of the principle. His Lordship stated :

> "...at the very end of the case, when counsel were actually addressing him, Pennycuick V-C called their attention to the position in law which would arise if there had been a change of tenancy at about the time when the defendants distributed new rent books. The point which he raised with counsel was a pertinent one for this reason: on the law as untangled, if the plaintiff had established a possessory title to the land at the back of no 191 Victoria Road, the effect of such a title would have been that the landlords could not have evicted him from that land, but the plaintiff's title would not have extended beyond the period of his own tenancy. In other words, he could not sell that land or otherwise dispose of it; he held it because it was part of his tenancy and when his tenancy came to an end he would have to give it up." [42]

57. If, as his Lordship postulates, the tenant "established a possessory title" to the property, it is hard to see how it can be said at the same time that "the effect of such a title would have been that the landlords could not have evicted him from that land, but the plaintiff's title would not have extended beyond the period of his own tenancy". Surely the tenant's acquisition of a possessory title would entail extinguishing the landlord's title.

58. The last English authority that may be mentioned is *Tower Hamlets LBC v Barrett* . [43] It was a case in which (among other issues) the doctrine had to be considered in circumstances involving encroachment by the then tenants onto the land of a third party for the purpose of determining whether the doctrine resulted in attributing to the tenants themselves their then landlord's acknowledgement of the third party's title for limitation purposes.

59. Being a third party case, the limitation period was plainly a necessary ingredient of the doctrine. It was only if the third party's title was extinguished by the tenant's adverse possession that possessory title in the land encroached upon would vest in the landlord, to be enjoyed in the meantime by the tenant as part of his demised holding and with possession to be surrendered up to his landlord at the end of the tenancy. Neuberger LJ dealt accordingly with adverse possession and the limitation period:

> "As a matter of principle, once the 12 years of adverse possession have been established, the paper owner loses his title, and someone, either the landlord or the tenant, acquires it. The ownership of land should not, in my view, be in limbo, or be treated as being in limbo, save where statute requires it. Once the 12 years are up, one would expect that either the landlord or the tenant obtains possessory title to the land. If it is the landlord who then acquires title, the land is added to the holding comprised in the tenancy; if it is the tenant, then he holds the freehold of the land in possession." [44]

60. I take Neuberger LJ to have had it in mind that the tenant might acquire the possessory title in his own right if the presumption had previously been rebutted but that such title would vest in the landlord otherwise.

61. Neuberger LJ did mention *obiter* tenants who encroach on land belonging to their landlord. After citing the then current edition of *Megarry and Wade* , [45] *Tabor v Godfrey* , *Smirk v Lyndale Developments* and *Woodfall on Landlord and Tenant* , [46] his Lordship noted:

> "... a tenant can insist, against the will of his landlord, on remaining on land of his landlord, on which he has encroached for more than 12 years, for the remainder of his tenancy." [47]

As it was unnecessary to do so, his Lordship did not delve any deeper into the question and the doctrinal basis of his statement is unclear.

62. In *Amatek Ltd v Googoorewon Pty Ltd* , [48] the High Court of Australia described the doctrine as "founded on a kind of estoppel". Referring to "a line of cases in which *Kingsmill v Millard* is the leading authority", their Honours stated:

> "The basic principle on which these cases proceed is that, as between a landlord and a tenant who has encroached during his term on land not held under the tenancy, the area encroached upon is presumed to be part of the holding to be rendered up at the end of the term. [The presumption and its limitations are discussed by Pennycuick V-C in *Smirk v Lyndale Developments* [1975] Ch 317 , at 323-332, whose judgment on this aspect of the case was approved by the Court of Appeal: see at 337, 340, 341. See *Woodfall's Law of Landlord and Tenant* , 28th ed, vol 1, paras 19.007, 19.008] These cases are founded on a kind of estoppel as between the landlord and the tenant which precludes the tenant from denying the landlord's title not only to the land demised but also to land of which the tenant got possession 'by virtue of being tenant of the demised premises, and [which] he occupied ... as part of these premises' [per Lord Campbell CJ in *Andrews v Hailes* (1853) 2 El & Bl 349, at 354 ; 118 ER 797 , at 799; see also *Tabor v Godfrey* (1895) 64 LJQB (NS) 245, at 247]." [49]

63. Notwithstanding the citation of *Smirk* in the quoted passage, it appears to me that the present legal analysis is consistent with the High Court's approach. It is not suggested by their Honours that the landlord's right to recover the land encroached upon is barred by any statute. It is the estoppel which "precludes the tenant from denying the landlord's title" to the area of encroachment, resulting in the tenant acquiring his interest in that land, to be rendered up at the end of the term.

B.2f Conclusion as to the doctrine

64. In my view, the authorities discussed above show that in cases involving encroachment on the landlord's land, the doctrine operates by giving effect to the presumption and the estoppel discussed above. If the limitation period has not yet expired, the tenant may of course be ejected and cannot plead the Limitation Ordinance to meet the landlord's claim. However, upon expiry of the limitation period, the doctrine comes into play and the Limitation Ordinance would still not provide a defence to the landlord's claim. This is because the doctrine operates so that the tenant is presumed to have occupied the encroachment on the same terms as apply to his demised holding and he is estopped from asserting that he was, on the contrary, in adverse possession. In such cases, the presumption applies equally to the landlord. The doctrine protects his interest from being destroyed by operation of the Limitation Ordinance but the price extracted by the law for such protection is that the landlord must accept that the tenant has acquired a leasehold interest over the encroachment, with possession to be recovered by the landlord only after determination of the lease.

65. In the present case, it is common ground that the presumption that the respondents held the additional land as part of the demised holding has not been rebutted. It is also common ground that they have occupied such land continuously since at least 1924. It follows that the 60 year limitation period applicable to Government claims to recover land expired in 1984, when, subject to the effect (if any) of the Renewal Ordinance, the doctrine took effect, estopping the respondents from asserting, contrary to the presumption, that they have, by adverse possession, acquired a possessory title and extinguished the Government's title. Since the presumption applies equally to the Government (subject to the Renewal Ordinance) it became bound to accept that the respondents had acquired a leasehold interest in the additional land on the terms of their Government leases, expiring at the end of their term.

B.2g Statutory construction and estoppel

66. I have had the benefit of reading in draft, the judgment of Lord Scott of Foscote NPJ who has adopted a different approach in arriving at our common destination. Under that approach, the landlord's right of action is barred under section 7 of the Limitation Ordinance after expiry of the limitation period, but the consequence is that the tenant acquires a leasehold interest in the land encroached upon coterminous with his tenancy over the demised land. The doctrinal difficulties I have adverted to are avoided by construing section 17 so that it only extinguishes the landlord's title to the extent of the encroaching tenant's presumed intention, limiting such extinguishment to the term of the tenancy. It is an approach with the great attraction of simplicity and it is accordingly with regret that I do not feel able, for the reasons which follow, to adopt it.

67. In the first place, I do not consider it a construction capable of being accommodated within the language of the Ordinance. If section 7 is engaged, it prohibits the bringing of any action to recover the encroached upon land after the limitation period. The right of action so barred is barred permanently, which is why limitation statutes are said to be "statutes of repose". [50] That is not what happens under the doctrine as accepted by the approach under discussion, since the landlord's right of action against the encroacher revives when the tenancy of the adjacent demised land terminates. Neither does the approach give effect to section 17 which provides that at the expiration of the prescribed period, the title of the person whose right of action is barred "shall be extinguished". Under the doctrine as accepted by the approach, the landlord's title is not extinguished. Instead, he retains a reversionary interest in the land encroached upon which falls into possession at the end of the tenancy.

68. Secondly, the law of limitation operates through barring, after the prescribed period, the right of action which had accrued to the person entitled until then to recover the land. In principle, the bar must affect the entire interest that person had which had been protected by that right of action. Thus, for instance, in *Chung Ping Kwan v Lam Island Development Co Ltd* , [51] the lessee's right of action was held to have been barred not only in respect of the existing estate of the owner but also a new estate derived from the right of renewal contained in the old lease. It is difficult to see how the right to recover the land can be barred but affect only part of the owner's interest in the land.

69. Section 17 brings certainty to the position as to title. Where the person against whom adverse possession has run can no longer recover the land, his title is extinguished. And the person in whose favour adverse possession has run acquires a possessory title to the extent of the entire title of the person dispossessed. Thus, as pointed out by Lord Browne-Wilkinson in the passage from *J A Pye (Oxford) Ltd v Graham* cited is Section B2.a above, [52] extinguishment of the landlord's title follows as a matter of course from the moment that the limitation period expired. However, the construction of section 17 adopted modifies that section's effect depending on the encroacher's (or trespasser's) actual or presumed intention. While it is well established that a trespasser's intention to possess is an essential requirement of adverse possession, [53] I am unaware of any suggestion in the authorities that where the encroacher has succeeded in barring the right of action through adverse possession, the nature of his actual or presumed intention may have the consequence of limiting section 17's effect on the paper owner's title. This is likely, in my view, to introduce uncertainty regarding title to the land after expiry of the limitation period.

70. It is also my view that the approach fails to give sufficient weight to the authorities which developed the doctrine of encroachment. It ignores, for instance, all the references to estoppel in the judgments cited above since on the adopted approach, estoppel apparently has no role to play. On the proposed construction of the statute, there is no need to estop the tenant at all. I also note that doubt has been cast on whether estoppel by representation has anything to do with the doctrine. I would only state that for my part, I do not consider the cases to be concerned with any estoppel by representation. The estoppel the authorities refer to appears to me arise out of the presumption based on the relationship between the parties. It is, in my view, a species of estoppel by convention [54] – a presumed convention based on the presumption applicable to both parties that the encroaching tenant's occupation of the encroached upon land is as an addition to his demise.

C. The effect of the Renewal Ordinance

71. As indicated in Section A of this judgment, the original Government lease granting the relevant sections of the Lot to the respondents and their predecessors in title was for a term of 75 years from 1 July 1898 with a right of renewal for a further term of 24 years less the last three days. The 75 year portion of the term was therefore due to expire on 30 June 1973. This was the position affecting numerous leases since the Crown's practice, prior to 1959, had been to grant leases specifying an initial term of 75 years with the aforesaid right to renew.

72. On 9 May 1969, about four years before the initial term was due to expire, the Renewal Ordinance was passed.

(a) Section 3 deals with the Ordinance's application:

"This Ordinance applies to every Government lease existing immediately before the expiration of the 30th day of June 1973 under which land in the New Territories is demised for a term of seventy-five years from the 1st day of July 1898 and which contains a right of renewal for a further term of twenty-four years less three days, other than [certain immaterial exceptions]."

(b) Section 4(2) deems the right to renew contained in the respondents' leases to have been duly exercised:

"In the case of an existing Government lease of a lot which has been divided into sections before the 1st day of July 1973, the right of renewal contained in the lease shall be deemed to have been exercised by the persons entitled to that right and on that date there shall be deemed to be granted to such persons separate new Government leases of the land respectively held by them immediately before that date under the existing Government lease."

(c) Section 4(3) then sets out the terms of the renewed lease.

73. As Lord Nicholls of Birkenhead pointed out in *Chung Ping Kwan v Lam Island Development Co Ltd* , [55] one of the main purposes of the Renewal Ordinance was to avoid the administrative inconvenience of multiple renewal notices and multiple grants of new leases. Accordingly, as his Lordship there stated:

"...the Ordinance should be approached on the footing that, save as otherwise provided, the Ordinance was intended to achieve the same result as would have occurred if a new lease had been granted pursuant to the right of renewal. The deemed new lease is to be regarded as having the like consequences in law as would have followed from an actual exercise of the renewal option and an actual grant of a new lease." [56]

74. That the deemed renewal under the Renewal Ordinance results in a new Government lease being granted was also recognized by Lord Hoffmann NPJ in *Chan Tin Shi v Li Tin Sung* [57] :

"Section 4(1) of that Ordinance said that the options to renew in the existing leases should be deemed to have been exercised and that 'a new Government lease' should be deemed to have been granted. That undoubtedly created a new leasehold interest. Because the lease created by the option was a new estate, the Privy Council in *Chung Ping Kwan & Others v Lam Island Development Co Ltd* [1997] AC 38 had to consider whether adverse possession under the Limitation Ordinance barred not only the existing estate of the owner but also a new estate derived from a right which existed in the old lease."

75. It is this aspect of the Renewal Ordinance that Mr Edward Chan SC, appearing for the Government, emphasises. He relies on the passage in the judgment of Pennycuick VC in the *Smirk* decision discussed in Section B2.e above, for his contention that the break in the respondents' tenancies in 1973 prevented their acquisition of a leasehold interest in the encroachment area. I set out the passage again for convenience:

> "It seems to me, however, that the break in the tenancy necessarily negates [the claim that the tenant held the encroached upon land as an extension of the locus of his tenancy]. Whatever accrued or accruing right the plaintiff may have had in 1968 to include the blue plot in his tenancy from British Railways, this right must have determined with his tenancy under British Railways, and obviously no new right can have accrued against the defendants during the short time in which they have been his landlords. There can be no ground for treating a period of two different tenancies as continuous for present purposes. Contrast the position where a possessory title is acquired by successive squatters, or against successive freeholders. The tenant, so long as the presumption applies, can do no more than acquire an addition to the subject matter of the tenancy and his interest in that additional subject matter must necessarily determine together with his interest in the original subject matter." [58]

76. This passage certainly suggests that Pennycuick VC thought that the tenant acquires no rights against his landlord where his holding is separable into two tenancies, with the initial tenancy being determined prior to expiry of the limitation period, followed by the grant of a fresh tenancy which has only run for a shorter time than the limitation period, even though the holding as tenant covers overall a continuous period exceeding the limitation period.

77. As previously indicated, I am unable to agree with that passage. It should be noted that, as Lawton LJ explained in the Court of Appeal, the possible relevance of a break in the tenancy was raised by Pennycuick VC only at the very end of the case, when counsel were making their final submissions. [59] No authority is cited for the proposition that such a break "necessarily negates" the claim to a leasehold interest pursuant to the encroachment doctrine. Nor is there any explanation as to why in principle a surrender and re-grant of the tenancy, where occupation of the land encroached upon is seamless, should have such effect. The legal point was not explored in the Court of Appeal since their Lordships overturned Pennycuick VC's finding that there had been a break in the tenancy as a matter of fact.

78. Mr Chan SC relies on the passage as the basis for rejecting the respondents' claim to a leasehold interest over the encroached upon land. He submits that Pennycuick VC was right to recognize a "no adding up rule", that is, a rule whereby the Court refuses to add up the initial and renewed tenancy terms, treating them as continuous for the purposes of exceeding the limitation period in the context of the encroachment doctrine. Mr Chan submits that such a rule logically follows from what he calls "the coterminous rule", namely, the well established rule that any leasehold interest acquired under the doctrine by an encroaching tenant expires coterminously with his tenancy. Since, Mr Chan argues, a tenant whose occupation of an encroachment has matured into a leasehold interest must surrender up the land on expiry of his tenancy, a tenant whose tenancy has run for less than the limitation period ought logically to be treated as having acquired nothing, and must set the clock ticking afresh under the subsequent tenancy. As Mr Chan puts it, the rights acquired by the encroaching tenant can only attach to a particular tenancy.

79. I cannot accept that argument. It appears to me to proceed on a mistaken view of the nature of the encroachment doctrine. Because of the presumption and the estoppel, the tenant is precluded from asserting that his occupation is by way of adverse possession and so prevents him from relying on the Limitation Ordinance against his landlord. In this way, the doctrine prevents the tenant from acquiring what might otherwise be the statutory rights flowing from adverse possession under the Ordinance. The leasehold interest acquired by the encroaching tenant is the result of applying the presumption and estoppel to both the tenant and the landlord under the doctrine. It does not depend on the tenant somehow "clocking up" time under an undivided tenancy as suggested by the "no adding up rule".

80. Even if, which I do not accept, acquisition of the leasehold interest depends upon the accrual of an uninterrupted period of time exceeding the limitation period, such accrual would have to relate to the period of occupation of the area of encroachment and not to the duration of the lease over the demised land. It would not depend or whether the tenancy of the adjacent demised land was granted under a single lease or under two back-to-back leases.

81. It therefore does not matter that the effect of the Renewal Ordinance was to determine the tenancy at the end of its original 75 year term and then immediately to deem a fresh tenancy granted for 24 years less

the last three days. The respondents and their predecessors in title occupied the land encroached upon seamlessly for over 60 years. The doctrine therefore came into play, precluding any claim by the respondents based on adverse possession since they occupied the encroachment areas throughout as Government lessees and are presumed to have occupied those areas as an annex to their demised holdings, estopped from claiming otherwise.

82. The respondents are therefore entitled to a leasehold interest in the additional land. That interest is to be enjoyed until the end of their respective tenancies as Government lessees of the Lot. By operation of the New Territories Leases (Extension) Ordinance, [60] as explained in *Chan Tin Shi v Li Tin Sung* , [61] those tenancies terminate at the expiry of 30 June 2047.

D. Conclusion

83. I would accordingly dismiss the appeal.

Mr Justice Litton NPJ :

84. Lot 1212, sold by the government at public auction in July 1916, lies in a coastal plain near Yuen Long. It was, at that time, marsh land, lying between two small rivers, the Shan Pui River and the Kam Tin River, subject to tidal influence.

85. Over the years, by dint of hard manual labour, plants and vegetation were removed from the land, embankments ("bunds") were built up and the land was converted into large fish ponds.

86. An aerial photograph taken in November 1924 shows the bunds in place, enclosing large ponds.

87. It is common ground that the bunds at the northern end of Lot 1212, and to a small extent at the north-west corner, were constructed beyond the lot boundary, encroaching on about 6.67 acres of government land.

88. Lot 1212 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 who were using those ponds for fish farming had, without a doubt, exclusive possession over the whole.

89. Upon the facts as stated above, it is clear that the grantees were, in terms of s.13(1) of the Limitation Ordinance, Cap.347 [62] , in "adverse possession" of the encroached portions of the land, and time began to run in their favour from 1924, if not earlier. The government's right of action to take back the land then accrued and was, if nothing else intervened, barred by limitation in 1984, under s.7(1) of the Limitation Ordinance [63] .

90. The broad question arising on this appeal is this: What consequence in law flows from the fact that the encroachment was not by strangers to the government but by lessees on their lessor's adjoining land, having been put into the position to encroach, in the way they did, by the grant of Lot 1212 (a grant of a term expiring on 30 June 1973, subject to a right to a further term of 24 years less 3 days)?

91. In this regard, I have had the advantage of reading in draft Lord Scott NPJ's judgment and I wholly agree with it. It seems to me that, on the facts of this case, the termination of the first term on 30 June 1973 is irrelevant to the result. The government's right of action continued to run so long as the grantees and their successors in title were in adverse possession : which they undoubtedly were, beyond 30 June 1973. Time ran out against the government, under s.7(1), in 1984.

92. As to the effect in law of the government's action for possession being barred after 1984, I have no difficulty in construing s.17 [64] in the way proposed by Lord Scott NPJ : That is to say, that the extinguishment of the lessor's title is only to the extent as the law presumes : Namely, that the lessee simply intended all along to have the encroached land annexed to his demise and to be subject to the

same terms and conditions of the demise. To this extent the lessor's right of possession of the encroached land is "extinguished" in terms of s.17. A word, like the word "extinguished" in s.17, takes its meaning from the context in which it is used. [65] The common law doctrine of encroachment has evolved over the years from medieval concepts of land holding in England. It sits uncomfortably in the context of the Hong Kong Limitation Ordinance. When, as between lessor and lessee, all that could be attributed by law to the lessee is an intention to exclude the lessor from the encroached land *for the duration of the lease* , it would be extraordinary to give to the word "extinguished" in s.17 a greater meaning.

93. On the facts of this case, the presumption imposed by law, arising from the relationship of the parties, would seem consistent with the reality on the ground. In the various fishponds, the same piece of water covered both the demised land and the encroached land. The fish swimming in the ponds knew no imaginary boundary; nor, in reality, did the grantees or their agents tending to the daily business of fish-farming. To them a fishpond was a fishpond, irrespective of who owned the bottom of the pond.

94. I too would dismiss this appeal.

Lord Scott of Foscote NPJ :

95. This is an appeal from the judgment of the Court of Appeal handed down on 14 February 2011. The main judgment was given by Rogers VP. Le Pichon JA and Kwan JA agreed with that judgment and Kwan JA added some helpful observations of her own.

96. This litigation commenced with an action brought by some 15 plaintiffs against the Hong Kong Government, represented by the Secretary for Justice. Each of the plaintiffs was the lessee of a plot of land in the New Territories. The original lease, of a Lot of some 18 acres, had been granted in 1916 but, subsequently although pre-1924, the Lot had been divided into five sections and the sections had devolved separately from one another. Each of the plaintiffs is a lessee of one or other of the sections. The term granted by the original lease was a term of 75 years from 1 July 1898 but the lease conferred a right for the term to be renewed for a further term of 24 years less 3 days.

97. The New Territories (Renewable Government Leases) Ordinance, Cap. 152 , made on 19 May 1969 applied to this lease (see s.3). Section 4(2) of the Ordinance said that:

> "In the case of an existing Government lease of a lot which has been divided into sections before the 1st day of July 1973, the right of renewal contained in the lease shall be deemed to have been exercised by the persons entitled to that right and on that date there shall be deemed to be granted to such persons separate new Government leases of the land respectively held by them immediately before that date under the existing Government lease." (see also ss 4(3) and (4))

So, as at 1 July 1973 each of the lessees of the respective sections of the demised Lot was deemed to have been granted a new lease of his or her section for a further 24 years less 3 days. There is, or was, a dispute between the parties as to what land was comprised in that "new lease" but that the leasehold interest of each lessee in the land comprised in his or her section was continued under this Ordinance is not in dispute.

98. 30 June 1997 was the date on which the United Kingdom's rights in relation to the New Territories would expire. So it is not surprising to find that an agreement was reached between the United Kingdom Government and the Government of the People's Republic of China as to what would happen to land titles relating to land in the New Territories after that date. The agreement, embodied in the Sino-British Joint Declaration signed in Beijing on 19 December 1984, was given effect by the New Territories Leases (Extension) Ordinance, Cap. 150 . The Ordinance was expressed by s.2 to apply to "every New Territories lease ... that, but for this Ordinance, would expire before 30 June 1997" (with certain exceptions not here relevant) and provided, in s.6, that the term of every lease to which the Ordinance applied was "extended, from the date on which it would, apart from this Ordinance, expire, until the expiry of 30 June 2047, without payment of any additional premium". It is not in dispute that the term of the lease of each of the plaintiffs entitling him or her to possession of his or her section has been extended under this Ordinance.

99. To the north or north-west of the Lot comprised in the original lease lies an area of land that prior to 1924 appears to have been used by the lessees of the respective sections as fishponds for fish farming. It is not in dispute that the then lessees constructed embankments ("bunds") to enclose an additional area of some 6.67 acres within the demised Lot and that bunds were also constructed to divide the 6.67 acres into five parts so that, in effect, one such part became incorporated into each of the five sections and the lessee or lessees for the time being of that section enjoyed exclusive possession of that part.

100. It is important to note, first, that the enclosed area (i.e. the 6.67 acres) was never the subject of any lease or right of possession granted by the Government, secondly, that since at latest 1924 the lessee or lessees for the time being of each section has, or have, been in exclusive occupation of the part of the 6.67 acres enclosed within the section in question with no interruption to that occupation in fact or, until the Government's counterclaim for possession served on 30 March 2001, in law, and, thirdly, that the Government was unaware of this unauthorized occupation of its land until some time in the 1980s.

101. The plaintiffs' action against the Government was brought in order to establish, on various alternative bases, that they were entitled to remain in occupation of the part of the 6.67-acre area adjoining their respective sections. One basis of claim was that the 6.67 acres had been included in the original demise of the Lot. This claim failed on the facts at the trial of the action and has not been revived. Another basis was that the Government's title to the 6.67 acres had been extinguished by adverse possession of over 60 years and that the plaintiffs had become the owners of their respective parts of the 6.67 acres. This, too, failed at first instance and is no longer contended. A third basis of claim was that, by virtue of the plaintiffs' occupation of the 6.67 acres for over 60 years, the part adjoining each of the sections had become annexed to that section during the continuance of the demise of that section. This basis of claim was rejected by the trial judge but was accepted by the Court of Appeal and is the only basis of claim that has been relied on in this Court.

102. The claim relied on in this Court, as briefly described in the previous paragraph, requires a careful look, first, at the relevant provisions of the Limitation Ordinance, Cap. 347 , and, secondly, at the judge-made principles of the concept of encroachment by a lessee on to adjoining land of the lessee's landlord. Let me start with the Limitation Ordinance.

The Limitation Ordinan ce

103. The current Ordinance, "to consolidate and amend the law relating to the limitation of actions and arbitrations", was made on 11 June 1965. It is relevant to notice that the primary purpose of this, and predecessor Limitation Ordinances, was to deal with "the limitation of actions ...", not with the acquisition of rights. As Lord Hoffmann observed towards the end of the judgment of the Privy Council that he delivered in *Sze To Chun Keung v. Kung Kwok Wai David* [1997] 1 WLR 1232 at 1236:

> "... the Limitation Ordinance is not concerned with whether the defendant has acquired a title but with whether the plaintiffs' right of action has been barred."

104. Section 7(1) provides that:

> "(1) No action shall be brought by the Crown to recover any land after the expiration of 60 years from the date on which the right of action accrued to the Crown ..."

It is common ground that the right of the Crown to recover possession of the enclosed 6.67 acres must have accrued when the bunds, enclosing the area and excluding all others, were constructed by the plaintiffs' predecessors in title, that is to say, at latest 1924. It is common ground, also, that during the next 60 years the plaintiffs remained in exclusive occupation of their respective parts of the 6.67 acres and that nothing was done by the Government to challenge that occupation until, at earliest, December 2001. So why do the Government contend that they were entitled in December 2001 to recover possession of the enclosed areas, thereby putting an end to some 77 years of undisturbed possession?

105. The submissions of Mr Edward Chan SC, leading counsel for the Government before this Court, seem to me to propose two possible answers to that question. First, it is submitted that, during that long period of exclusive occupation, the plaintiffs were not, for limitation of action purposes, in "adverse possession" of their respective enclosed areas. Second, it is submitted that case law on the concept of "encroachment" requires the conclusion that on the expiry of the term granted by the original lease, that is to say, 30 June 1973 in the present case, the requisite 60-year period had not yet expired, had to commence afresh on the commencement of the deemed new grant and had not expired by December 2001. I must examine these submissions in turn.

Adverse possession

106. The concept of adverse possession is central to the operation of statutes of limitation in the common law. But in considering that concept it is important, it seems to me, to keep in mind the purpose of statutes of limitation. In *Adnam v. Earl of Sandwich* (1877) 2 QBD 485 Field J explained, at 489, that:

> "The legitimate object of all Statutes of Limitation is no doubt to quiet long continued possession, but they all rest upon the broad and intelligible principle that persons, who have at some anterior time been rightfully entitled to land or other property or money, have, by default and neglect on their part to assert their rights, slept upon them for so long a time as to render it inequitable that they should be entitled to disturb a lengthened enjoyment or immunity to which they have in some sense been tacit parties …"

In *Trustees of Dundee Harbour v. Dougal* (1852) 1 Macq. HL 321 Lord St Leonards had commented that "In all well regulated countries the quieting of possession is held an important point of policy". The policy recommended by these dicta is advanced if the required "possession" is an actual, factual possession, regardless of the paper title owner's intentions regarding the land (see *JA Pye (Oxford) Ltd v. Graham* [2003] 1 AC 419 per Lord Browne-Wilkinson at 433 to 438), and by regarding the requirement that the possession be "adverse" as placing the necessary restriction on the circumstances in which actual, factual possession can lead to the barring of the true owner's right of action.

107. In my opinion, the factual quality of the plaintiffs' occupation of their respective parts of the 6.67 acres post 1924 has represented for limitation of action purposes "adverse possession", subject only to Mr Chan's submission that because this occupation has represented an encroachment by lessees on adjoining land of their lessor and because it is to be presumed that they made their encroachment for the purpose of adding their respective parts of the 6.67 acres to their respective demised land, their possession cannot be regarded as adverse to their lessor.

Encroachment

108. The principle of "encroachment" is that if a tenant goes into, and remains in, occupation of land belonging to his landlord, it is to be presumed, particularly if the encroached-upon land is adjoining the demised land, that the tenant's encroachment is intended by him to annex the encroached-upon land to his demised land so as to enable him to occupy and use the encroached-upon land as if it were part and parcel of the demised land (see *Kingsmill v. Millard* (1855) 11 Exch 313 at 318). The presumption, although imposed by judge-made law, is a rebuttable one and can be rebutted by evidence that the tenant intended to occupy the encroached-upon land not simply as tenant but as owner.

109. It is not in dispute that this presumption does apply to the encroachment by the plaintiffs, or by their respective predecessors-in-title, on to the parts of the 6.67 acres adjoining their respective sections. Nor is it in dispute that the presumption has not been rebutted. The plaintiffs, it follows, are bound to accept that they, and their predecessors, have occupied their respective parts of the 6.67 acres as annexes to their demised land and on the same terms as those on which they hold their demised land under their leases. But the oddity, or one of the oddities, of the encroachment presumption is that it is unilateral. It binds the

encroaching lessee, unless rebutted, but it does not bind the lessor until, either, by his conduct or by the nature of his acquiescence he accepts the presumption, or, by the expiry of the relevant limitation period, he becomes unable to recover possession of the encroached-upon land and must, perforce, accept the presumption.

110. This feature of the presumption, namely, that it does not, and cannot, initially at least, bind the landlord, the owner of the encroached-upon land, is important. It follows that the landlord can, so long as he is not bound by the presumption, treat the encroacher, his tenant of the demised land, as a trespasser on the encroached-upon land and obtain against him all or any of the remedies that the law allows against a trespasser. These remedies include an order ejecting the encroacher from the encroached-upon land, an injunction against re-entry, payment of mesne profits and damages for trespass.

111. It seems to me to follow, also, that so long as the landlord, the owner of the encroached-upon land, remains entitled to treat the encroacher, his tenant of the demised land, as a trespasser vis-a-vis the encroached-upon land, it cannot be denied that the trespasser's possession of the encroached-upon land is "adverse" to the landlord for limitation purposes. And it follows from this that if the owner of the encroached-upon land does nothing, whether through inertia or through ignorance of the encroachment is immaterial, time for limitation purposes may run and if the limitation period expires the landlord will lose the right to treat the encroacher as a trespasser and will no longer be able to seek an order ejecting the trespasser from the encroached-upon land. On the expiry of the limitation period the encroacher will no longer be a trespasser and will be able, for the time being at least, to resist an order for possession sought by the landlord.

112. But the effect of the encroaching trespasser's adverse possession is, as it seems to me, necessarily limited by the unrebutted presumption. The encroacher's presumed intention is to occupy the land in question as an annex to his or her demised land. The encroacher will, therefore, on the termination of the demise of the demised land, be under an obligation to deliver up to the landlord not only the demised land but also the encroached-upon land held as an annex to the demised land. To that extent, therefore, the encroacher's possession of the encroached-upon land has not been "adverse" to the landlord. It seems to me, as a matter of principle, that the effect of a trespasser's possession must depend upon the trespasser's intentions. If the trespasser's intentions are to take possession of the land in a capacity not that of full ownership but limited in some way, then it seems to me that the consequences of that possession, if it has continued for the requisite limitation period, should, in principle, be limited accordingly. It should be no part of the function of statutes of limitation to give long enjoyed possession of land a consequence never intended by the possessor. I know of no authority to the contrary.

113. I conclude, therefore, that if a lessee enters into and remains in possession of land belonging to his lessor and adjoining the demised land and does so with the intention, presumed and unrebutted or simply proved, of thereby enlarging the demised land and treating the encroached-upon land as annexed to the demised land, his (the lessee's) possession is adverse possession, for he is in complete and exclusive possession and is, unless the lessor has consented to the encroachment, undoubtedly a trespasser. But it is a limited adverse possession, for it does not deny, and indeed accepts, the right of the lessor, the owner, to recover possession on the termination of the demise. It is adverse only for the limited purpose of acquiring a title during the continued currency of the demise. In such a case, there is, in my opinion, no reason why, if the possession continues uninterrupted for the requisite limitation period, the encroacher should not obtain, in effect, a leasehold title to the encroached-upon land for a period commensurate with the term for which he holds the demised land, and every reason why, on the expiry of that term, the lessor should be entitled to recover possession not only of the demised land but also of the encroached-upon land. Section 9(1) of the Limitation Ordinance would, in my opinion, apply.

114. A similar situation might well arise in relation to settled land. Suppose a case in which a stately home and the park around it are settled upon trust for A for life with remainder to B. And suppose that A encroaches upon land belonging to B adjoining the park and remains in that occupation of B's land for the requisite limitation period with no acknowledgment of B's title and no interruption of the occupation. Suppose also that there is no means of access to the encroached-upon land other than from the park or

from B's surrounding land. I would easily assume in such a case that it had been A's intention to occupy the encroached-upon land as an annex to the settled land and that it had not been A's intention to occupy the land adversely to B's right to recover the land after A's death. It would be absurd to suppose that A intended to acquire by his wrongful occupation of B's land any greater interest than a life interest. Why should the statutes of limitation do more than give effect to A's intention?

Estoppel

115. An understanding of the judge-made principles regarding the encroachment presumption is, in my opinion, not assisted by treating the presumption as creating an estoppel by representation. In *Perrott (J.F.) & Co. Ltd v. Cohen* [1951] 1 KB 705 Denning LJ said, at 710, that the "principle underlying the cases on encroachment is not perhaps strictly an estoppel, but it is akin to it". He then gave this explanation:

> "If a tenant takes possession of adjoining property and by his conduct represents that he is holding it under the demise, then, if the landlord acts on that representation by allowing the tenant to remain in possession, the tenant cannot afterwards assert that he is holding it on any other footing ... The reason is because the tenant has by his conduct made a representation that was intended to be binding, was intended to be acted on, and was in fact acted on; and he cannot be allowed to go back on it."

Neither of the other two members of the Court, Somervell and Cohen LLJ, made any reference to estoppel but regarded the case as one where both landlord and tenant had "... treated these lavatories as part of the land demised" (p.708), an entirely unexceptionable way in which a landlord can become bound by a presumption that initially would bind only the tenant.

116. Denning LJ's explanation, cited above, seems to me, if I may respectfully say so, to be a classic description of a representation by conduct acted on by the representee and that has accordingly become binding on the representor. But it does not explain the presumption. It is well settled that adverse possession for the requisite period can lead to the true owner's right to recover possession becoming barred by the statutes of limitation whether or not he, the true owner, knows that the trespasser has taken possession of some of his land. The key to acquisition of a possessory title is the adverse possession. The true owner's knowledge of it is irrelevant. It is otherwise with an estoppel by representation. Unless the representee has knowledge of the representation and acts on it in some way, the representor is not estopped from changing his mind and withdrawing the representation. The tenant who encroaches upon his landlord's adjoining land is presumed to be doing so in order to annex the encroached-upon land to the land of which he is tenant. Unless and until he can rebut that presumption, the presumption is binding on him. But the landlord, the owner of the encroached-upon land, may know nothing about it. He may be ignorant that his tenant has taken possession of some of his adjoining land and may have done nothing, either positively or by knowing acquiescence, to act on that assumption. True it may be that the tenant is barred from denying that he has taken possession of the encroached-upon land as owner, rather than as tenant. The unrebutted presumption has that effect. But unless the landlord knows of the encroachment and has consented to or acquiesced in the tenant's occupation of that additional land, the ingredients for an estoppel are not, in my opinion, present. It would, in my opinion, unacceptably distort the law relating to estoppel by representation to treat the effect of the presumption as creating, without more, such an estoppel.

117. For example, consider the present case, and the facts as they might have been. The encroachments commenced at latest in 1924 but it may have been earlier. The Government appears not to have known about the encroachments until some date in the 1980s. Whether, prior to that date, the 60-year limitation period prescribed by s.7(1) of the Limitation Ordinance had expired is uncertain. It may well have expired. Suppose it had done so, and that, post its expiry but before the Government had any knowledge of the encroachments, the plaintiffs had made it unequivocally clear to the Government that they were repudiating the Government's title to the encroached-upon land. What, in those supposed circumstances would have been the plaintiffs' and the Government's respective rights over the encroached-upon land?

118. The encroachment presumption, previously unrebutted, would hold the plaintiffs bound to accept that their possession of the encroached-upon land had been as lessees and not as outright owners. The Government would be entitled to rely on that presumption even though unaware of it or of the encroachments. The unrebutted presumption would provide the Government, the lessors, with sufficient and proper protection. But their reliance on an estoppel, or, at least, on an estoppel based on an express or implied representation, would be, in my opinion, a broken reed. The plaintiffs, the lessees, could respond that since the Government had been unaware of the encroachments and could not claim to have acted to their detriment on any representation capable of being drawn from the plaintiffs having taken and retained possession of land adjoining their demised land, no estoppel could be raised against them.

119. The plaintiffs could, of course, be described as being estopped from denying the Government's title to the encroached-upon land. "Estopped" is a word capable of meaning, simply, "barred" (see The New Shorter Oxford English Dictionary Vol. 1 1993 Edition) and the reason why the plaintiffs could be described as being "estopped" or "barred" would not be because of reliance by the Government on an estoppel but because of reliance by the Government on the unrebutted encroachment presumption.

120. In my opinion, therefore, in cases where the presumption applies and has not been rebutted, confusion is apt to be caused by treating the effect of the presumption as if it were brought about by an estoppel. In some cases the facts might well justify reliance on an estoppel. But not in all. Reliance on the unrebutted presumption after the expiry of the requisite limitation period would, in my opinion, always provide sufficient and proper protection for a lessor's proprietary interests. Reliance on an estoppel would not always do so.

Consequences

121. The consequences, in cases where the encroachment presumption that binds the encroacher cannot be, or has not been, rebutted, will depend upon what, if any, action is taken by the owner of the encroached-upon land in response to the encroachment.

(1) If the owner of the encroached-upon land has adopted the presumption, or has through conduct or knowing acquiescence become barred from denying it, both parties, tenant and landlord, will be bound to treat the encroached-upon land as annexed to the demised land and held by the tenant on the terms of the demise.

(2) If the owner of the encroached-upon land has done nothing and the relevant limitation period barring an action to recover possession of the encroached-upon land has expired, the owner will be unable to recover possession of that land until the termination of the demise. But the tenant, still bound by the unrebutted presumption, will be bound on the termination of the demise to deliver up possession both of the demised land and of the encroached-upon land to his landlord, the owner of both.

(3) But if the owner of the encroached-upon land, having done nothing to adopt the presumption, remains not bound by it, then, if the relevant limitation period has not yet expired, the owner can, by action, pursue the remedies available against trespassers and, accordingly, recover possession of the land.

These are, in my opinion, the principles that must be applied to determine this appeal.

122. So –

(1) The Government, lessor of the demised land and owner of the 6.67 acres of encroached-upon land, has done nothing to adopt the presumption and is not bound by it.

(2) The encroachers, the respective lessees of the sections, bound by the unrebutted presumption, have been, vis-a-vis the owner of the encroached-upon land, their lessor, trespassers. Their possession has,

therefore, been possession adverse to their lessor. The 60-year limitation period having expired in or shortly after 1984, the lessor has become, for the time being, barred by s.7 of the Ordinance from bringing an action to recover possession.

(3) But the lessees remain bound by the presumption. The most they can acquire through the expiration of the 60-year limitation period is the right to defeat a possession action and, accordingly, to remain in possession until the termination of their leases. Their possession has been adverse so far as the Government's right to recover possession during the currency of the leases is concerned but has not, on account of the presumption, been adverse to the Government's right to recover possession thereafter. To put the point another way, the lessees cannot, in my opinion, obtain a greater title by their adverse possession than that which corresponds to the possessory intentions imputed to them by the presumption.

123. It has been suggested that s.17 of the Limitation Ordinance is not consistent with the conclusions I have expressed. I do not agree. Section 17 provides that:

"... at the expiration of the period prescribed by this Ordinance for any person to bring an action to recover land ... the title of that person to the land shall be extinguished."

This provision requires that the title in question be identified. If the adverse possession that has been established has been adverse possession by a person, necessarily a trespasser, who claims, or who is presumed by the encroachment presumption to claim, only a term of years and not outright ownership, then the right of the owner to possession during that term of years is extinguished and the owner's title becomes a reversionary interest. All that is extinguished is the right during that term of years to enjoy the property free from that term of years. It cannot, in my opinion, possibly have been the intention of the legislators to give to the adverse possession of a possessor, whose intentions are limited to acquiring a leasehold title for a term of years only, an effect which extends beyond that intention. I would, for my part, decline to attribute to the legislators so perverse an intention and would, in a case like the present one, limit the effect of s.17 accordingly.

The adding-up rule

124. Mr Chan submitted that the limitation period of 60 years that commenced in 1924 had been interrupted by the cesser on 30 June 1973 of the term of the original lease, that the period had, perforce, to commence running afresh on 1 July 1973 when the further term of 24 years less 3 days commenced and that the period had not expired by December 2001 when the counterclaim for possession was served.

125. I am unable for a number of reasons to accept this submission. First, it seems to me unacceptably artificial to regard the Government as having acquired in 1924 a right of action to recover possession of the 6.67 acres that became spent on 30 June 1973 and as having acquired a fresh, identical right of action on 1 July 1973. The right of action acquired in 1924 was the same right of action, in respect of the same land, exercisable for the same reason, as the right of action exercisable on 1 July 1973. The notion that the deemed grant of the demised land made under s.4 of the 1969 New Territories (Renewable Government Leases) Ordinance had determined the original right of action and given rise to a new identical one seems to me misconceived. The trespass was the same wrongful act before and after 1 July 1973 and the potential right of action the Government had to remedy that wrongful act was the same right of action before and after that date.

126. Moreover, *Smirk v. Lyndale Developments Ltd* [1975] 1 Ch. 317 is, in my opinion, the only authority of any weight that supports the notion that a period of adverse possession accrued under one lease cannot be added to a period of adverse possession accrued under its successor lease. This authority was naturally relied on by Mr Chan. It is, however, distinguishable. In *Smirk* there was no right of renewal included in the terms of the original tenancy. There was, therefore, at least an opportunity for the original lessor to determine the tenancy. In the present case, however, the original demise did contain a right of renewal and at no point of time did the lessor, the Government, have the ability to bring to an end the interest of any of

the lessees in their respective sections. Even if the no adding-up rule for which *Smirk* stands as authority is good law, and I do not want to express an opinion on that, the rule seems to me inapplicable to a case where the original lease did confer a right of renewal and the right was duly exercised. In such a case the possession by a trespasser of encroached-upon land adjoining the land comprised in the original lease, who continues in that possession when the term granted by the original lease is renewed pursuant to a right of renewal contained in the original lease, does not, in my opinion, commence a new period of adverse possession when the new lease is granted. The reasons why not are explained by Lord Nicholls of Birkenhead in giving the judgment of the Privy Council in the *Chung Ping Kwan & Others v. Lam Island Development Ltd* [1997] AC 38 .

Conclusion

127. For the reasons I have given, I would dismiss this appeal. I am relieved to have been able to come to this conclusion for two overriding reasons. First, if 77 years of undisturbed possession had not sufficed to entitle the plaintiffs to retain that possession against the Government, the Limitation Ordinance would have failed to achieve the policy of limitation statutes to which I referred in para.106 above. Second, if the plaintiffs' possession of the encroached-upon 6.67 acres had enabled them to defeat the Government's title thereto that is expectant on the termination of the leases, the result of the case would have contradicted the long line of common law authority establishing that a tenant who goes into possession of adjoining land belonging to his landlord is presumed to do so for the purpose of enlarging his demised land and not for the purpose of acquiring an outright title against his landlord.

Mr Justice Bokhary PJ :

128. The appeal is unanimously dismissed with an order *nisi* as to costs in favour of the respondents, such order to become absolute 21 days from today unless written submissions seeking some other order as to costs are delivered to the Registrar within that period in which case any submissions in reply are to be delivered to the Registrar in writing within 21 days thereafter. Counsel on both sides are thanked for their assistance.

(Kemal Bokhary) Permanent Judge	(Patrick Chan) Permanent Judge	(R A V Ribeiro) Permanent Judge

(Henry Litton) Non-Permanent Judge	(Lord Scott of Foscote) Non-Permanent Judge

Mr Edward Chan SC, Mr Mok Yeuk Chi and Mr Anthony Chan (instructed by the Department of Justice) for the Appellant

Mr John Mcdonnel QC, Mr Benjamin Chain (instructed by Messrs Y.S. Lau & Partners) for the 1st, 11th to 15th Respondents

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[1] Deputy High Court Judge L Chan, HCA 10670/2000 (30 December 2009).

[2] Cap 347 .

[3] Cap 152 .

[4] *Tower Hamlets LBC v Barrett* [2006] 1 P & CR 9 at §109.

[5] (1880) 15 Ch D 150 at 161.

[6] (1871-1872) 7 LRCP 1 at 4.

[7] [1975] 1 Ch 317 at 323.

[8] Per Lawton LJ, *Ibid* at 337-338.

[9] [2006] 1 P & CR 9 at §112.

[10] Limitation Ordinance, Cap 347 , section 7(1).

[11] *Ibid* , section 7(2).

[12] Subsequently section 17 of the Limitation Act 1980.

[13] [2003] 1 AC 419 at §26. Our section 17 is the equivalent of section 17 of the Limitation Act 1980.

[14] (1853) 2 E & B 349.

[15] At 356.

[16] At 353.

[17] At 354.

[18] At 355. Crompton J's judgment was to like effect.

[19] (1855) 11 Ex 313 at 318.

[20] At 319.

[21] (1871-1872) 7 LRCP 1.

[22] At 8.

[23] At 4.

[24] At 8.

[25] (1877) 5 Ch D 750 .

[26] At 766.

[27] At 763-764.

[28] At 766.

[29] (1879) 15 Ch D 150 at 156, 160.

[30] At 160-161.

[31] (1895) 64 LJQB 245 at 247.

[32] *Ibid* .

[33] [1951] 1 KB 705 .

[34] At 708.

[35] *Ibid.*

[36] (1895) 64 LJQB 245 .

[37] (1898) 79 LT 355 .

[38] At 709.

[39] At 710.

[40] [1975] 1 Ch 317 .

[41] At 333.

[42] [1975] 1 Ch 317 at 337-338.

[43] [2006] 1 P & CR 9 .

[44] At §90.

[45] Megarry & Wade, The Law of Real Property (6 th ed, 2000) §21-027.

[46] Looseleaf edition, Vol 1, §19.007.

[47] [2006] 1 P & CR 9 at §86.

[48] (1993) 176 CLR 471 , in the joint judgment of Mason CJ, Brennan, Dawson, Gaudron and McHugh JJ.

[49] At 475-476.

[50] See per Li CJ in *Wong Tak Yue v Kung Kwok Wai (No 2)* (1997-98) 1 HKCFAR 55 at 67.

[51] [1997] AC 38 .

[52] [2003] 1 AC 419 .

[53] *Wong Tak Yue v Kung Kwok Wai (No 2)* (1997-98) 1 HKCFAR 55 at 68-69; and *J A Pye (Oxford) Ltd v Graham* [2003] 1 AC 419 at §42-§43.

[54] Which is discussed in *Unruh v Seeberger* in (2007) 10 HKCFAR 31 at §129 et seq.

[55] [1997] AC 38 .

[56] At 50.

[57] (2006) 9 HKCFAR 29 at §29.

[58] *Smirk v Lyndale Developments* [1975] 1 Ch 317 at 333.

[59] [1975] 1 Ch 317 at 338.

[60] Cap150 . Section 2 provides: “This Ordinance applies to every New Territories lease that exists at the commencement of this section and that, but for this Ordinance, would expire before 30 June 1997 [excepting immaterial leases].” And section 6 states: “The term of a lease to which this Ordinance applies is extended, from the date on which it would, apart from this Ordinance, expire, until the expiry of 30 June 2047, without payment of any additional premium.”

[61] (2006) 9 HKCFAR 29 .

[62] S.13(1) No right of action to recover land shall be deemed to accrue unless the land is in the possession of some person in whose favour the period of limitation can run (hereafter in this section referred to as adverse possession) and where under the foregoing provisions of this Ordinance any such right of action is deemed to accrue on a certain date and no person is in adverse possession on that date, the right of action shall not be deemed to accrue unless and until adverse possession is taken of the land.

[63] S.7(1) No action shall be brought by the Crown to recover any land after the expiration of 60 years from the date on which the right of action accrued to the Crown or, if it first accrued to some person through whom the Crown claims, to that person.

[64] S.17 .....at the expiration of the period prescribed by this Ordinance for any person to bring an action to recover land.... the title of that person to the land shall be extinguished.

[65] "It is important not to be bewitched by words" : per Megarry J in *Mann v D'Arcy* [1968] 1 WLR 893 at 899 B And, quoting Holmes J : "A word is not a crystal, transparent and unchanged, it is the skin of a living thought and may vary greatly in color and content according to the circumstances and the time in which it is used."

Annex 3 Plans annexed to Memorial no. 12081702340018

View PROPERTY PARTICULARS

View OWNER PARTICULARS
View INCUMBRANCES
View DEEDS PENDING REGISTRATION

土 地 註 冊 處 THE LAND REGISTRY
土 地 登 記 冊 LAND REGISTER

印製於 PRINTED AT: INTERNET SEARCH (DOWNLOAD)
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查冊種類 SEARCH TYPE: CURRENT

本登記冊列明有關物業截至 04/07/2024 07:30 之資料
THE INFORMATION SET OUT BELOW CONTAINS PARTICULARS OF THE PROPERTY UP TO 07:30 ON 04/07/2024.

備存土地紀錄以供市民查閱旨在防止秘密及有欺詐成分的物業轉易，以及提供容易追溯和確定土地財產及不動產業權的方法。土地紀錄內載的資料不得用於與土地紀錄的宗旨無關之目的，使用所提供的資料須符合《個人資料（私隱）條例》的規定。
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BEFORE ANY DEALINGS, UP-TO-DATE LAND SEARCH SHOULD BE CONDUCTED WITH THE LAND REGISTRY.

物業資料
PROPERTY PARTICULARS

物業參考編號
PROPERTY REFERENCE NUMBER (PRN): C2666521

地段編號
LOT NO.: THE REMAINING PORTION OF SECTION D OF LOT NO. 1212 IN D.D. 115

批約 HELD UNDER: -
年期 LEASE TERM: -
開始日期 COMMENCEMENT OF LEASE TERM: -
每年地稅 RENT PER ANNUM: -

所佔地段份數
SHARE OF THE LOT: -

ADDRESS: YUEN LONG
NEW TERRITORIES

地址: -

備註
REMARKS: ORIGINAL GRANT, LEASE TERM, ITS DATE OF COMMENCEMENT & RENT CANNOT BE TRACED IN THE LAND REGISTRY

業主資料
OWNER PARTICULARS

業主姓名 NAME OF OWNER	身分 (如非唯一擁有人) CAPACITY (IF NOT SOLE OWNER)	註冊摘要編號 MEMORIAL NO.	文書日期 DATE OF INSTRUMENT	註冊日期 DATE OF REGISTRATION	代價 CONSIDERATION
LAM CHOK LAM		YL129247	09/04/1952	09/04/1952	$4,000.00
-					
	備註 REMARKS: CONVEYANCE ON SALE RE S.D OF LOT NO.1212 IN DD115				
LAM SHAU-HONG	TENANT IN COMMON	YL255883	22/12/1981	19/01/1982	-
-	(1/5)				
LAM KWOK-KEE	TENANT IN COMMON				
-	(1/5)				
LAM TSE-CHOI	TENANT IN COMMON				
-	(1/5)				
LAM WING-LAU	TENANT IN COMMON				
-	(1/5)				
LAM SHUI-LUN	TENANT IN COMMON				
-	(1/5)				
	備註 REMARKS: ASSIGNMENT BY LAM CHOK LAM FOR LOTS AFFECTED SEE MEMORIAL				
LAM NGOK CHING		YL430448	22/05/1990	09/07/1990	-
-	(1/5)				
	備註 REMARKS: APPROVAL LETTER OF SUCCESSION TO THE ESTATE OF LAM SHAU HONG, DECEASED FOR LOTS AFFECTED SEE MEMORIAL				
LAM NGOK-CHING	BENEFICIARY	YL430449	22/05/1990	09/07/1990	-
-	(1/5)				

LAM KWOK-KEE -	TRUSTEE					
		備註 REMARKS:	APPOINTMENT OF TRUSTEE UPON TRUST FOR LAM NGOK CHING FOR LOTS AFFECTED SEE MEMORIAL			
LAM NGOK CHING -	(1/5)		YL495134	30/01/1992	14/02/1992	-
		備註 REMARKS:	VESTING DEED BY LAM KWOK KEE FOR LOTS AFFECTED SEE MEMORIAL			
CHAN KIT 陳潔	EXECUTOR (1/5)		12010901950082 PROBATE	16/11/2011	09/01/2012	-
LAM TZE CHOI ALIAS LAM TSE CHOI 林志才	EXECUTOR					
		備註 REMARKS:	FOR LOTS AFFECTED SEE MEMORIAL OF LAM KWOK KEE, DECEASED			
CHAN KIT 陳潔 LAM YU CHUNG 林如頌	(3/10) (7/10)		21041401970043 ASSENT	08/04/2021	14/04/2021	-
		備註 REMARKS:	FOR LOTS AFFECTED SEE MEMORIAL BY CHAN KIT AND LAM TZE CHOI ALIAS LAM TSE CHOI RE 1/5 SHARE			

物業涉及的轇轕

INCUMBRANCES

註冊摘要編號 MEMORIAL NO.	文書日期 DATE OF INSTRUMENT	註冊日期 DATE OF REGISTRATION	文書性質 NATURE	受惠各方 IN FAVOUR OF	代價 CONSIDERATION
YL255882	08/12/1981	19/01/1982	POWER OF ATTORNEY BY LAM SHUI LUN	LAM WING LAU - (ATTORNEY)	-
			備註 REMARKS: FOR LOTS AFFECTED SEE MEMORIAL		
12081702340018	30/12/2009	17/08/2012	SEALED COPY OF JUDGEMENT WITH PLAN	CHAU KA CHIK TSO BY ITS MANAGER CHAU FUK SZE (NOW REPLACED BY CHOW LAP YAN AND CHAU MOU LIN TOMMY) - DULY REGISTERED UNDER THE NEW TERRITORIES ORDINANCE, CAP.97 - (1ST PLAINTIFF) LAM CHI-FAI - (2ND PLAINTIFF) LAM CHI-KIN ANDREW - (3RD PLAINTIFF) LAM CHI-LEUNG - (4TH PLAINTIFF) LAM CHI-KWONG - (5TH PLAINTIFF) LAM SAI-KIT - (6TH PLAINTIFF) LAM YUET-YAU - (7TH PLAINTIFF) LAM TZE-CHUN - (8TH PLAINTIFF) LAM CHUN-SING - (9TH PLAINTIFF) LAM PING-CHUNG - (10TH PLAINTIFF) LAM WING-LAU - (11TH PLAINTIFF) LAM KWOK-KEE - (12TH PLAINTIFF) LAM TZE-CHOI	-

				ALSO KNOWN AS LAM TSE CHOI - (13TH PLAINTIFF) LAM SHUI-LUN - (14TH PLAINTIFF) LAM NGOK-CHING - (15TH PLAINTIFF) SECRETARY FOR JUSTICE - (DEFENDANT)	
				備註 REMARKS: HCA 10670/2000 (RE : DISCREPANT AREAS)	
12081702340020	14/02/2011	17/08/2012	SEALED COPY OF ORDER	CHAU KA CHIK TSO BY ITS MANAGER CHAU FUK SZE (NOW REPLACED BY CHOW LAP YAN AND CHAU MOU LIN TOMMY) - DULY REGISTERED UNDER THE NEW TERRITORIES ORDINANCE, CAP.97 - (1ST PLAINTIFF) LAM CHI-FAI - (2ND PLAINTIFF) LAM CHIK-KIN ANDREW - (3RD PLAINTIFF) LAM CHI-LEUNG - (4TH PLAINTIFF) LAM CHI-KWONG - (5TH PLAINTIFF) LAM SAI-KIT - (6TH PLAINTIFF) LAM YUET-YAU - (7TH PLAINTIFF) LAM TZE-CHUN - (8TH PLAINTIFF) LAM CHUN-SING - (9TH PLAINTIFF) LAM PING-CHUNG - (10TH PLAINTIFF) LAM WING-LAU - (11TH PLAINTIFF) LAM KWOK-KEE - (12TH PLAINTIFF) LAM TZE-CHOI ALSO KNOWN AS LAM TSE CHOI - (13TH PLAINTIFF) LAM SHUI-LUN - (14TH PLAINTIFF) LAM NGOK-CHING - (15TH PLAINTIFF) SECRETARY FOR JUSTICE - (DEFENDANT)	-
				備註 REMARKS: CACV 26/2010 (ON APPEAL FROM HCA NO. 10670 OF 2000) (RE : DISCREPANT AREAS)	
12081702340036	08/12/2011	17/08/2012	SEALED COPY OF ORDER	SECRETARY FOR JUSTICE -	-

(APPELLANT)

CHAU KA CHIK TSO BY ITS MANAGER CHAU FUK SZE (NOW REPLACED BY CHOW LAP YAN AND CHAU MOU LIN TOMMY)
-
DULY REGISTERED UNDER THE NEW TERRITORIES ORDINANCE, CAP.97
-
(1ST RESPONDENT)

LAM CHI-FAI
-
(2ND RESPONDENT)

LAM CHI-KIN ANDREW
-
(3RD RESPONDENT)

LAM CHI-LEUNG
-
(4TH RESPONDENT)

LAM CHI-KWONG
-
(5TH RESPONDENT)

LAM SAI-KIT
-
(6TH RESPONDENT)

LAM YUET-YAU
-
(7TH RESPONDENT)

LAM TZE-CHUN
-
(8TH RESPONDENT)

LAM CHUN-SING
-
(9TH RESPONDENT)

LAM PING-CHUNG
-
(10TH RESPONDENT)

LAM WING-LAU
-
(11TH RESPONDENT)

LAM KWOK-KEE
-
(12TH RESPONDENT)

LAM TZE-CHOI
ALSO KNOWN AS LAM TSE CHOI
-
(13TH RESPONDENT)

LAM SHUI-LUN
-
(14TH RESPONDENT)

LAM NGOK-CHING
-
(15TH RESPONDENT)

備註 REMARKS: FACV 5/2011 (ON APPEAL FROM CACV NO. 26 OF 2010)
(RE : DISCREPANT AREAS)

等待註冊的契約
DEEDS PENDING REGISTRATION

註冊摘要編號 MEMORIAL NO.	文書日期 DATE OF INSTRUMENT	交付日期 DATE OF DELIVERY	文書性質 NATURE	受惠各方 IN FAVOUR OF	代價 CONSIDERATION

********** 無 NIL **********

** 登記冊末端 END OF REGISTER **

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View OWNER PARTICULARS
View INCUMBRANCES
View DEEDS PENDING REGISTRATION

土 地 註 冊 處 THE LAND REGISTRY
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查冊種類 SEARCH TYPE: CURRENT

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物業資料
PROPERTY PARTICULARS

物業參考編號
PROPERTY REFERENCE NUMBER (PRN): D0928856

地段編號
LOT NO.: THE REMAINING PORTION OF SECTION E OF LOT NO. 1212 IN D.D. 115

批約 HELD UNDER: -
年期 LEASE TERM: -
開始日期 COMMENCEMENT OF LEASE TERM: -
每年地稅 RENT PER ANNUM: -

所佔地段份數
SHARE OF THE LOT: -

ADDRESS: YUEN LONG
NEW TERRITORIES

地址: -

備註
REMARKS: LOT CARVED OUT BY DEED POLL MEM. NO. 07040302220013

ORIGINAL GRANT, LEASE TERM, ITS DATE OF COMMENCEMENT AND RENT CANNOT BE TRACED IN THE LAND REGISTRY

業主資料
OWNER PARTICULARS

業主姓名 NAME OF OWNER	身分 (如非唯一擁有人) CAPACITY (IF NOT SOLE OWNER)	註冊摘要編號 MEMORIAL NO.	文書日期 DATE OF INSTRUMENT	註冊日期 DATE OF REGISTRATION	代價 CONSIDERATION
TOPUP ROUGE ENTERPRISE LIMITED 紅昇企業有限公司		18020201370064 ASSIGNMENT	12/01/2018	02/02/2018	$323,691,132.96 (PT.)

物業涉及的轇轕
INCUMBRANCES

註冊摘要編號 MEMORIAL NO.	文書日期 DATE OF INSTRUMENT	註冊日期 DATE OF REGISTRATION	文書性質 NATURE	受惠各方 IN FAVOUR OF	代價 CONSIDERATION
YL408588	19/09/1989	16/10/1989	CHINESE MEMORANDUM	- -	-
			備註 REMARKS: RE S.A & S.E OF LOT NO. 1212 IN DD115		
YL446967	04/01/1991	11/01/1991	SEALED COPY JUDGMENT HIGH COURT NO. A7885 OF 1990	CHAN SHUK KAM TRADING AS LONGWELL INDUSTRIAL CO. "PLAINTIFF" - CHAU MOU LIN TOMMY "DEFENDANT" -	-
			備註 REMARKS: RE S.A & S.E OF LOT NO. 1212 IN DD115		

YL448840	16/01/1991	28/01/1991	SEALED COPY CHARGING ORDER: NOTICE TO SHOW CAUSE	CHAN SHUK KAM TRADING AS LONGWELL INDUSTRIAL COMPANY "PLAINTIFF" - CHAU MOU LIN TOMMY "DEFENDANT" -	-
			備註 REMARKS: HIGH COURT NO.A7885 OF 1990 RE S.A & S.E OF LOT NO. 1212 IN DD115		
YL452066	22/02/1991	07/03/1991	CHARGING ORDER: NOTICE TO SHOW CAUSE	KOWLOON INDUSTRIAL CO. (A FIRM) "PLAINTIFF" - CHAU MOU LIN TOMMY "DEFENDANT" -	-
			備註 REMARKS: HIGH COURT NO.A7223, 1990 RE S.A & S.E OF LOT NO. 1212 IN DD115		
YL452504	12/02/1991	12/03/1991	SEALED COPY ORDER ABSOLUTE IMPOSING CHARGE ON LAND	CHAN SHUK KAM TRADING AS LONGWELL INDUSTRIAL COMPANY "PLAINTIFF" - CHAU MOU LIN TOMMY "DEFENDANT" -	-
			備註 REMARKS: HIGH COURT NO.A7885 OF 1990 RE S.A & S.E OF LOT NO. 1212 IN DD115		
YL454071	14/03/1991	03/04/1991	SEALED COPY OF AMENDED CHARGING ORDER ABSOLUTE	KOWLOON INDUSTRIAL CO. "THE PLAINTIFF" - CHAU MOU LIN TOMMY "THE DEFENDANT" -	-
			備註 REMARKS: HIGH COURT ACTION NO.A7223 OF 1990 RE S.A & S.E OF LOT NO. 1212 IN DD115		
YL455222	02/04/1991	20/04/1991	SEALED COPY CHARGING ORDER NOTICE TO SHOW CAUSE	KOWLOON INDUSTRIAL CO. "PLAINTIFF" - CHAU MOU LIN TOMMY "DEFENDANT" -	-
			備註 REMARKS: HIGH COURT ACTION NO.A853, 1991 RE S.A & S.E OF LOT NO. 1212 IN DD115		
YL457389	30/04/1991	15/05/1991	SEALED COPY OF CHARGING ORDER ABSOLUTE	KOWLOON INDUSTRIAL CO. (A FIRM) "PLAINTIFF" - CHAU MOU LIN TOMMY "DEFENDANT" -	-
			備註 REMARKS: HIGH COURT ACTION NO.A853 OF 1991 RE S.A & S.E OF LOT NO. 1212 IN DD115		
YL457955	08/05/1991	21/05/1991	SEALED COPY CHARGING ORDER: NOTICE TO SHOW CAUSE	CHAN SHUK KAM TRADING AS LONGWELL INDUSTRIAL COMPANY - (PLAINTIFF) CHAU MOU LIN, TOMMY - (DEFENDANT)	-
			備註 REMARKS: HIGH COURT 1991, NO.A1617 RE S.A & S.E OF LOT NO. 1212 IN DD115		
YL461308	23/05/1991	20/06/1991	SEALED COPY ORDER ABSOLUTE IMPOSING CHARGE ON LAND HC NO.A1617 OF 1991	CHAN SHUK KAM TRADING AS LONGWELL INDUSTRIAL COMPANY "THE PLAINTIFF" - CHAU MOU LIN TOMMY "THE DEFENDANT" -	-
			備註 REMARKS: RE S.A & S.E OF LOT NO. 1212 IN DD115		
YL820331	14/03/1991	04/07/1998	SEALED COPY OF AMENDED CHARGING ORDER ABSOLUTE	KOWLOON INDUSTRIAL CO. "PLAINTIFF" - CHAU MOU LIN TOMMY "DEFENDANT" -	-
			備註 REMARKS: IN HIGH COURT ACTION NO.A7223 OF 1990 (AS AMENDED ON 28.3.1991) FOR LOTS AFFECTED SEE MEMORIAL		
YL1035070	23/10/2002	06/03/2003	NOTICE OF RETIREMENT & APPOINTMENT OF MANAGER	- -	-
			備註 REMARKS: RE CHAU KA CHIK TSO CHAU FUK SZE "RETIRED MANAGER" RE S.E & R.P. OF S.A OF LOT NO. 1212 IN DD115		
09060500310080	05/02/2009	05/06/2009	NOTICE OF DEATH AND APPOINTMENT OF MANAGER OF CHAU KA CHIK TS0 (周家藉祖)	CHOW LAP YAN 周立人	-

備註 REMARKS: OF CHOW KEE WING "DECEASED MANAGER"

12081702340018	30/12/2009	17/08/2012	SEALED COPY OF JUDGEMENT WITH PLAN	CHAU KA CHIK TSO BY ITS MANAGER CHAU FUK SZE (NOW REPLACED BY CHOW LAP YAN AND CHAU MOU LIN TOMMY) - DULY REGISTERED UNDER THE NEW TERRITORIES ORDINANCE, CAP.97 - (1ST PLAINTIFF) LAM CHI-FAI - (2ND PLAINTIFF) LAM CHI-KIN ANDREW - (3RD PLAINTIFF) LAM CHI-LEUNG - (4TH PLAINTIFF) LAM CHI-KWONG - (5TH PLAINTIFF) LAM SAI-KIT - (6TH PLAINTIFF) LAM YUET-YAU - (7TH PLAINTIFF) LAM TZE-CHUN - (8TH PLAINTIFF) LAM CHUN-SING - (9TH PLAINTIFF) LAM PING-CHUNG - (10TH PLAINTIFF) LAM WING-LAU - (11TH PLAINTIFF) LAM KWOK-KEE - (12TH PLAINTIFF) LAM TZE-CHOI ALSO KNOWN AS LAM TSE CHOI - (13TH PLAINTIFF) LAM SHUI-LUN - (14TH PLAINTIFF) LAM NGOK-CHING - (15TH PLAINTIFF) SECRETARY FOR JUSTICE - (DEFENDANT)	-

備註 REMARKS: HCA 10670/2000
(RE : DISCREPANT AREAS)

12081702340020	14/02/2011	17/08/2012	SEALED COPY OF ORDER	CHAU KA CHIK TSO BY ITS MANAGER CHAU FUK SZE (NOW REPLACED BY CHOW LAP YAN AND CHAU MOU LIN TOMMY) - DULY REGISTERED UNDER THE NEW TERRITORIES ORDINANCE, CAP.97 - (1ST PLAINTIFF) LAM CHI-FAI - (2ND PLAINTIFF) LAM CHIK-KIN ANDREW - (3RD PLAINTIFF)	-

LAM CHI-LEUNG
-
(4TH PLAINTIFF)

LAM CHI-KWONG
-
(5TH PLAINTIFF)

LAM SAI-KIT
-
(6TH PLAINTIFF)

LAM YUET-YAU
-
(7TH PLAINTIFF)

LAM TZE-CHUN
-
(8TH PLAINTIFF)

LAM CHUN-SING
-
(9TH PLAINTIFF)

LAM PING-CHUNG
-
(10TH PLAINTIFF)

LAM WING-LAU
-
(11TH PLAINTIFF)

LAM KWOK-KEE
-
(12TH PLAINTIFF)

LAM TZE-CHOI
ALSO KNOWN AS LAM TSE CHOI
-
(13TH PLAINTIFF)

LAM SHUI-LUN
-
(14TH PLAINTIFF)

LAM NGOK-CHING
-
(15TH PLAINTIFF)

SECRETARY FOR JUSTICE
-
(DEFENDANT)

備註 REMARKS: CACV 26/2010 (ON APPEAL FROM HCA NO. 10670 OF 2000)
(RE : DISCREPANT AREAS)

12081702340036	08/12/2011	17/08/2012	SEALED COPY OF ORDER	SECRETARY FOR JUSTICE - (APPELLANT) CHAU KA CHIK TSO BY ITS MANAGER CHAU FUK SZE (NOW REPLACED BY CHOW LAP YAN AND CHAU MOU LIN TOMMY) - DULY REGISTERED UNDER THE NEW TERRITORIES ORDINANCE, CAP.97 - (1ST RESPONDENT) LAM CHI-FAI - (2ND RESPONDENT) LAM CHI-KIN ANDREW - (3RD RESPONDENT) LAM CHI-LEUNG - (4TH RESPONDENT) LAM CHI-KWONG - (5TH RESPONDENT) LAM SAI-KIT - (6TH RESPONDENT) LAM YUET-YAU - (7TH RESPONDENT)	-

				LAM TZE-CHUN - (8TH RESPONDENT) LAM CHUN-SING - (9TH RESPONDENT) LAM PING-CHUNG - (10TH RESPONDENT) LAM WING-LAU - (11TH RESPONDENT) LAM KWOK-KEE - (12TH RESPONDENT) LAM TZE-CHOI ALSO KNOWN AS LAM TSE CHOI - (13TH RESPONDENT) LAM SHUI-LUN - (14TH RESPONDENT) LAM NGOK-CHING - (15TH RESPONDENT)	
			備註 REMARKS:	FACV 5/2011 (ON APPEAL FROM CACV NO. 26 OF 2010) (RE : DISCREPANT AREAS)	
17071801900036	22/06/2017	18/07/2017	AGREEMENT FOR SALE AND PURCHASE	TOPUP ROUGE ENTERPRISE LIMITED 紅昇企業有限公司	$323,691,132.96 (PT.)
			備註 REMARKS:	SEE ASSIGNMENT MEM. NO. 18020201370064	
18011901380015	13/11/2017	19/01/2018	CONSENT LETTER	- -	-
			備註 REMARKS:	FROM YUEN LONG DISTRICT OFFICE TO CHEUNG & YIP SOLICITORS & NOTARIES	

等待註冊的契約

DEEDS PENDING REGISTRATION

註冊摘要編號 MEMORIAL NO.	文書日期 DATE OF INSTRUMENT	交付日期 DATE OF DELIVERY	文書性質 NATURE	受惠各方 IN FAVOUR OF	代價 CONSIDERATION

********** 無 NIL **********

********** **登記冊末端 END OF REGISTER** **********

LCH Planning and Development
Consultants Limited

Our Ref.: PD2410002/03
Your Ref.: TPB/A/YL-NSW/357

10 December 2025

By Email

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

Dear Sir/Madam,

APPLICATION NO. A/YL-NSW/357 FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

FURTHER INFORMATION SUBMISSION

We refer to the public comments and the comments from Agriculture, Fisheries and Conservation Department received of the captioned application.

Our responses to the departmental and public comments are in the Response to Comments Table. In respond, we have additionally prepared a Literature Review on Nearby Ecological Baseline Condition at Annex 6. We have also supplemented the operation detail of the permitted agricultural use in the replacement pages of the planning statement report.

According to TPB PG-No. 32B, the supplementary information refers to supplement and/or clarify the background and existing conditions of the Application Site, as well as to response the relevant departmental and public comments, in which does not constitute as a material change of the nature and scheme of the application. Thus, it should be accepted. Should you require further information or have any query, please feel free to contact the undersigned or Haze Tsang at [redacted]

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



Junior Ho
Director

Encl.
- Response to Comments Table
- Replacement Page of Planning Statement (Pages 13, 14 and 20)
- Annex 6 – Literature Review on Nearby Ecological Baseline Condition

[redacted]

Filling of Pond for Permitted Agricultural Use for a Period of 3 Years in "Other Specified Uses" annotated "Comprehensive Development to include Wetland Restoration Area" ("OU(CDWRA)") and "Village Type Development" ("V") zones, Lots 1212 S.E ss.1 and 1212 S.E RP (Part) in D.D. 115 and adjoining Discrepant Areas (Part), Nam Sang Wai, Yuen Long, New Territories

Section 16 Planning Application No. A/YL-NSW/357

Response to Departmental Comments Table

No.	Comments Received	Our Responses
Date: 24 November 2025		
A. Comments from Agriculture, Fisheries and Conservation Department *Subject Officer: Dr. Azaria WONG (T: [redacted])*		
From nature conservation perspective:		/
Planning Statement		/
Executive Summary		/
1.	It is stated that "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.". Please elaborate how the existing ecological value and biodiviersity could be enhanced. This comment also applies to S.4.1.9.	The Application Site currently consists of degraded lands and underutilized fishponds that may contribute to environmental decline. Based on the Literature Review on Nearby Ecological Baseline Condition as supplemented in **Annex 6**, it noted that no species were recorded within the Project Site, the developed area habitats is of low ecological value. Direct or indirect disruption and loss to the plantation, pond area, species and habitat arising from the Proposed Development is considered minimal. Kindly note that the Proposed Development involves rehabilitation and cultivation, including planting area for agricultural use and pond fishing culture. Compared to the "without project" scenario, the Proposed Development will significantly enhance the aquaculture environment and the quality of fisheries resources in promoting sustainable rehabilitation and fisheries.

No.	Comments Received	Our Responses
S.1.1.4 -		/
2.	It is stated that "It is currently covered with vegetation without sensitive ecological resources." Please provide supporting information for this statement, and advise whether ecological survey and literature review have been conducted.	Based on the desktop research, the potential ecological impacts from adjacent studies and developments have been evaluated and supplemented in **Annex 6** (Literature Review on Nearby Ecological Baseline Condition), no adverse impact on the natural habitat was anticipated. Hence, the cumulative impacts with other concurrent developments were considered insignificant. To minimize potential adverse ecological impact on the surrounding environment, precautionary measures will be carried out, including but not limited to no substantial piling works, no night time construction works, adjusting outdoor lighting to lower intensity, tree planting along the site boundary, adopting good site practices, etc.. Other proposed mitigation measures during construction and operation phases have also been listed in **Sections 3.3.6** and **3.6.3** respectively. No adverse environmental and ecological impacts are anticipated from the Proposed Development.
S.2 -		/
3.	Please provide information about the ecological conditions of the site and the vicinity. Please advise whether the proposed construction works would adversely impact the ecologically sensitive receivers e.g. watercourse, fireflies, mangrove in the vicinity of the site during the construction phase.	Current ecological conditions of the Application Site and its vicinity have been supplemented in **Annex 6** (Literature Review on Nearby Ecological Baseline Condition). The Application Site is in rural village context intermixed with temporary uses and low-rise residential developments, while the surrounding environment are mostly filled over the course of the channelisation works and covered by grassland and plantation woodland. No species were recorded within the Project Site, thus the developed area habitats is of low ecological value. To minimize potential adverse ecological impact on the surrounding environment, precautionary measures will be carried out, including

No.	Comments Received	Our Responses
		but not limited to no substantial piling works, no night time construction works, adjusting outdoor lighting to lower intensity, tree planting along the site boundary, adopting good site practices, etc.. Please refer to **Sections 3.3.6** and **3.6.3** for the proposed mitigation measures during construction and operation phases respectively, no adverse environmental and ecological impacts are anticipated from the Proposed Development.
S.3 -		/
4.	The information on the proposed construction works is still limited. Please advise whether there are any other construction works in addition to tree felling and drainage works, and whether there are any structures to be erected / installed at the site apart from the metal fence . If affirmative, please provide details about the works/ structure and illustrate and figures for illustration.	Please refer to **Sections 3.3.1** to **3.3.3**, 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. Further details on the proposed vehicular access of clearance arrangement are shown in **Diagram 4**.
5.	Please advise whether there will be any light, noise, water pollution etc,. that would adversely impact the ecologically sensitive receivers e.g. watercourse, fireflies, mangrove in the vicinity of the site during the construction phase and the operation phase.	Please refer to **Sections 3.3.6** and **3.6.3** for the proposed mitigation measures during construction and operation phases respectively, no adverse environmental and ecological impacts are anticipated from the Proposed Development.
S.3.6 -		/
6.	Please advise whether there will be night-time operation that may adversely affect the ecological sensitive receivers in the vicinity.	The Proposed Development would be operated daily generally around 7a.m. to 7p.m. daytime. **Section 3.6.1** has been supplemented.
7.	The pond at the northwestern portion of the site is proposed for pond fish culture for freshwater fish. However, during our recent inspection, it was found that the pond was not enclosed.	Please note this Application also applies to regularize the existing filled ponds, no additional pond filling is proposed apart from the existing filled area. The direct impact due to filling would be

No.	Comments Received	Our Responses
	It was connected to the Kam Tin River Meander to the east and the water was brackish. The applicant is advised to clarify how the proposed pond culture would be carried out and whether any earthworks would be conducted at the pond.	insignificant and this Application is in line with the principle of "no-net-loss in wetland" under TPB PG-No. 12C. 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 2/24) would be adopted during construction stage. The proposed drainage system will collect the catchments within the Application Site and further discharge to the Kam Tin River. During operation stage, provision of large nets along the pond boundary will be included to protect fish fry or fingerlings.
S.4.2.2 -		/
8.	It is stated in Section 4.2.2 that "as considered by the Agriculture, Fisheries and Conservation Department (AFCD), EcoIA could be exempted for 'Agricultural Use (except in SSSI Zone)' for this s.16 planning application." Please be clarified that whether the requirement of EcoIA under TPB PG-12C could be exempted is subject to the view of PlanD and/or Town Planning Board. The same comment applies to S.5.3.3.	Kindly note that this Proposed Development falls within an area designated as "OU(CDWRA)" and "V" zones on the Approved Nam Sang Wai OZP No. S/YL-NSW/11, which 'Agricultural Use' falls into Column 1 that is always permitted by the Board. In accordance with the TPB PG-No. 12C, EcoIA could be exempted for 'Agricultural Use (except in SSSI Zone)'. **Section 4.2.2** has been revised accordingly.
From fisheries perspective:		/
9.	We have no objection to use the area for pond fish culture and cultivation purpose. The applicant is reminded to adopt appropriate measures to prevent deterioration of water quality of the fishpond and surrounding watercourses during site formation and operation.	Noted.
From agricultural perspective:		/

No.	Comments Received	Our Responses
10.	We have no comments from agricultural perspective.	/
B.	***Comments Received during the 3-week Public Consultation Period***	
11.	Concerns on the ecological impact brought by the Proposed Development, suggests no further filling of land shall be conducted and reinstate the previous fish pond.	Please note this Application also applies to regularize the existing filled ponds, no additional pond filling is proposed apart from the existing filled area. The direct impact due to filling would be insignificant. Compared to the "without project" scenario, the Proposed Development will significantly enhance the aquaculture environment and the quality of fisheries resources in promoting sustainable rehabilitation and fisheries.
12.	Concerns on the ecological impact brought by the Proposed Development due to its location within the Wetland Buffer Area and closer to the Wetland Conservation Area.	Based on the desktop research, the potential ecological impacts from adjacent studies and developments have been evaluated and supplemented in **Annex 6**, no adverse impact on the natural habitat was anticipated. Hence, the cumulative impacts with other concurrent developments were considered insignificant. This Proposed Development is in line with the planning 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.
13.	Concerns on the potential visual impact from the proposed metal fence to be proposed along the Application Site boundary.	Provision of new tree planting would be included 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. The visual impact would be insignificant.

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* (山烏桕) 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 generally around 7a.m. to 7p.m. daytime, 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 and preserve the tradition of fish farming. 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. Shrimps may also cultured with fish to control organic matter and microorganisms in the water, which improves water quality and provides nutrients for the fish. Provision of large nets along the pond boundary will be included to protect fish fry or fingerlings during operation stage, thus fry monitoring would be adopted from stock management. Regular water quality monitoring and sustainable feeding practices will ensure optimal conditions year-round.

3.6.3 Various types of aerators would be adopted with sprinkle aerators, in which are commonly deployed for fish culture. On the other hand, traditional methods, such as fertilization and managing weeds and/or unwanted fish,

would also be adopted to maximize the fishing production. Further details are subject to the actual operation by the future users.

3.6.4 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.

3.6.5 Organic farming method shall be adopted with integrated pest management (IPM) techniques throughout the proposed agriculture, such as introducing beneficial insects (i.e. ladybugs for aphid control), using neem oil and/or matrine extracts from natural deterrence for organic farmer use, and deploying physical barriers like netting or a "Bug Sucking Machine" to control the potential flea beetle problems as also recommended by the AFCD. Fertilization will rely on on-site composting of crop residues, pond sludge and fish effluent at the northwestern pond, to recycle the aerobic composting piles that prevent soil subsidence commonly found in reclaimed wetlands or water bodies.

3.6.6 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.

3.6.7 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

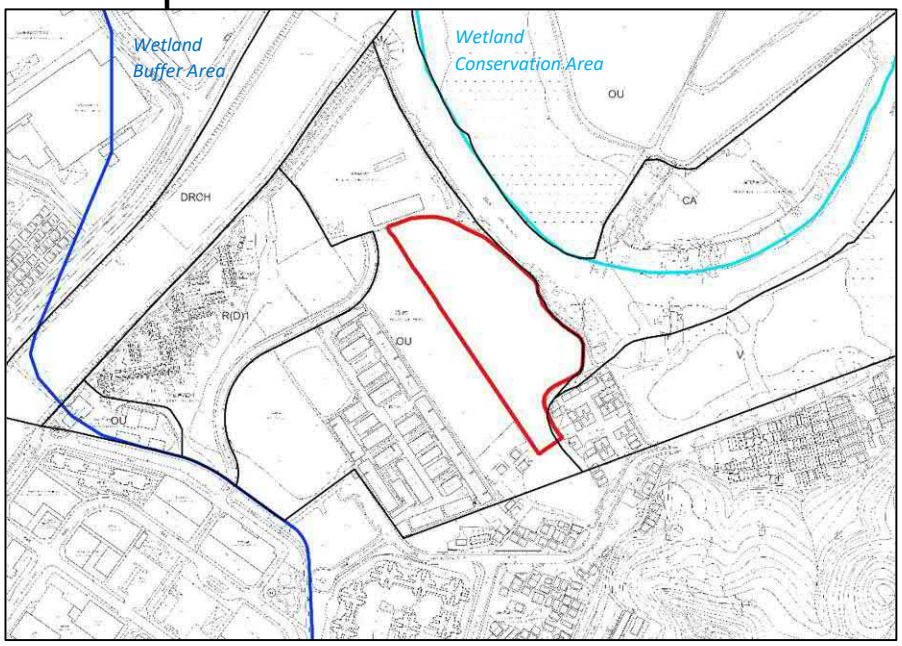

Diagram 7 Boundary of Wetland Buffer Area
(Source: Town Planning Board and CSDI Portal, HKSAR Government)

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, 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*

Literature Review on Nearby Ecological Baseline Condition

1. Introduction

1.1.1 The Application Site is located at the far fringe of Nam Sang Wai, connecting to Shan Pui Road via a local track road. 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.

1.1.2 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. Development within the WBA causing negative impacts on the ecological value of the WCA should be avoided unless appropriate mitigation measures are implemented.

1.1.3 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.

1.1.4 A desktop research on the nearby ecological baseline condition has been prepared and conducted to evaluate the potential ecological impact associated with the Proposed Development within the Application Site.

2 The Site

2.1.1 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.

2.1.2 The area surrounding Nam Sang Wai was formerly active fishponds, but these were filled over the course of the channelisation works and it is now largely grassland and plantation woodland. Part of Nam Sang Wai is occupied by active fishponds is also subject to disturbance from fish farming activities and from the residents of farming and domestic structures.

2.1.3 In addition to the active and more recently abandoned fishponds, there is a number of fishponds which were abandoned many years ago and which have undergone ecological succession due to siltation and colonisation of vegetation.

2.1.4 Nam Sang Wai lies at the intertidal confluence of the Kam Tin Main Drainage Channel (KTMDC) to the east and the Shan Pui River Channel (SPRC) to the west. Both rivers have been channelised with construction completed in 1997.

3 Relevant Legislation, Standards and Guidelines

3.1.1 Relevant legislation, standards, guidelines and related documents that are relevant to this literature review as follows: -

- Forests and Countryside Ordinance (Cap. 96) and its subsidiary legislation, the Forestry Regulations (Cap. 96A);
- Wild Animals Protection Ordinance (WAPO) (Cap. 170);
- Country Parks Ordinance (Cap. 208) and its subsidiary legislation;
- Environmental Impact Assessment Ordinance (EIAO) (Cap. 499) and the Technical Memorandum on Environmental Impact Assessment Process (EIAO-TM);
- Protection of Endangered Species of Animals and Plants Ordinance (Cap. 586) and its subsidiary legislation;
- Hong Kong Planning Standards and Guidelines Chapter 10, "Conservation";
- Planning, Environment &. Lands Branch Technical Circular No. 1/97 / Works Branch Technical Circular No. 4/97, "Guidelines for Implementing the Policy on Off-site Ecological Mitigation Measures";
- EIAO Guidance Note (GN) No. 3/2010 – Flexibility and Enforceability of Mitigation Measures Proposed in an EIA Report;
- EIAO GN No. 6/2010 - Some Observations on Ecological Assessment from the Environmental Impact Assessment Ordinance Perspective;
- EIAO GN No. 7/2023 – Ecological Baseline Survey for Ecological Assessment; and
- EIAO GN No. 10/2023 – Methodologies for Terrestrial and Freshwater Ecological Baseline Surveys.

3.1.2 The following Mainland legislation have also been made reference to this literature review: -

- List of Wild Animals under State Priority Conservation, promulgated by the National Forestry and Grassland Administration and the Ministry of Agricultural and Rural Affairs; and
- List of Wild Plants under the State Priority Protection, promulgated by the National Forestry and Grassland Administration and the Ministry of Agriculture and Rural Affairs.

3.1.3 Other international conventions and guidelines that are relevant to this literature review include the followings: -

- Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES);
- International Union for Conservation of Nature (IUCN) Red List of Threatened Species; and
- United Nations Convention on Biological Diversity.

4 Literature Review

4.1.1 The following previous studies and information sources were reviewed for this literature review: -

- Proposed Temporary Transitional Housing and Ancillary Uses for a Period of 3 Years with Filling of Land and Excavation of Land (Approved planning application No. A/YL-NSW-281);
- Proposed Residential Development and Minor Relaxation of Plot Ratio and Building Height Restrictions with Filling of Land and Excavation of Land (Approved planning application No. A/YL-NSW-282);
- Proposed Comprehensive Development with Wetland Enhancement (CDWE) at Nam Sang Wai and Lut Chau (EIA No. AEIAR-266/2025);
- Yuen Long Barrage Scheme (EIA No. AEIAR-228/2021);
- Improvement of Yuen Long Town Nullah (Town Centre Section) (EIA No. AEIAR-223/2020);
- Yuen Long Effluent Polishing Plant (EIA No. AEIAR-220/2019);
- Annual Reports and other publications of The Hong Kong Bird Watching Society (HKBWS);
- Porcupine! – Newsletter of Division of Ecology & Biodiversity of University of Hong Kong;
- The Terrestrial Biodiversity Survey conducted by the University of Hong Kong;
- Hong Kong Biodiversity – Newsletter of the Agriculture, Fisheries and

Conservation Department (AFCD); and

- Other publications by the AFCD.

4.1.2 Locations of the above approved planning applications are illustrated in **Diagram 1** below.

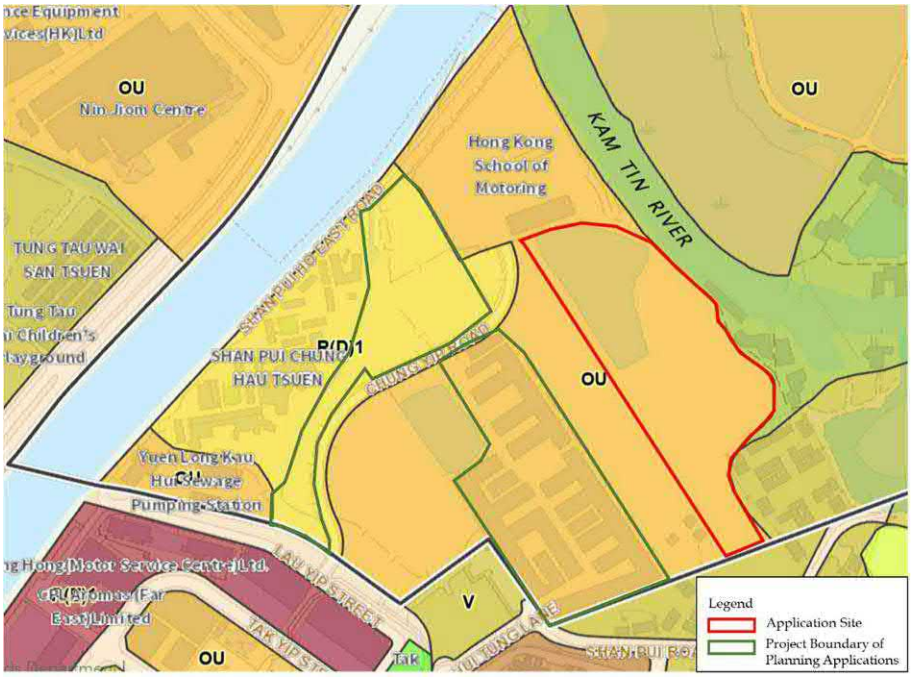

Diagram 1 Previous Approved Planning Applications with submitted and approved Ecological Impact Assessments near the Subject Site
(Source: Town Planning Board, HKSAR Government)

4.1.3 Locations of the above approved EIAs are illustrated in **Diagram 2** below.



Diagram 2 Previous Approved Environmental Impact Assessments near the Subject Site

(Source: Environmental Protection Department, HKSAR Government)

5 Methodology

5.1.1 The Study Area includes all areas within 500 metres from the Project Boundary, shown in **Diagram 3**.

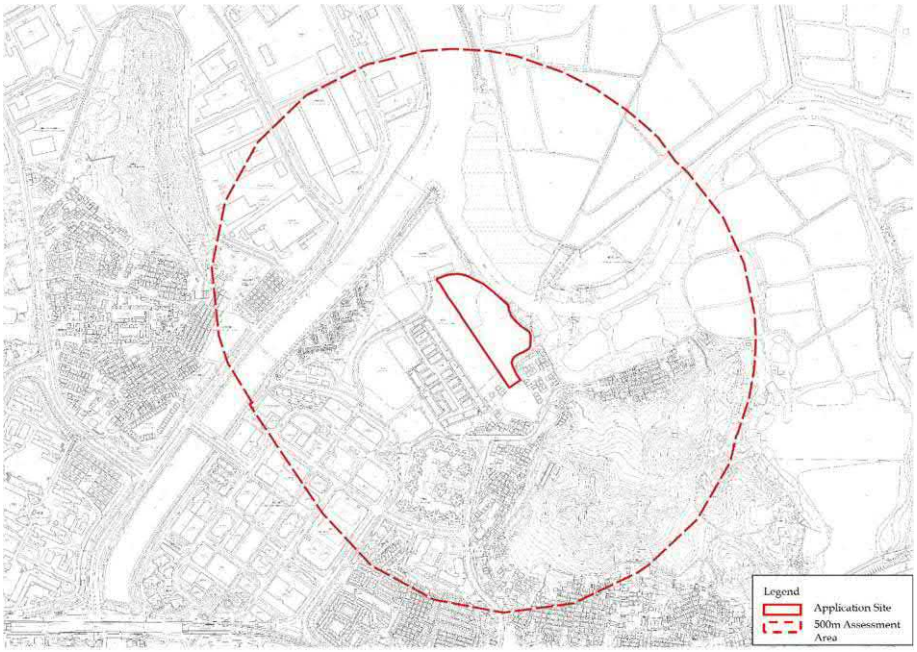

Diagram 3 Assessment Area of the Subject Site

5.1.2 The Application Site is located within the WBA surrounded by the Hong Kong School of Motoring, the KTMDC and residential areas. The planning 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, while the planning intention of the WCA is to conserve the ecological value of the fish ponds which form an integral part of the wetland ecosystem in the Deep Bay Area. It comprises the existing and contiguous, active or abandoned fish ponds in the Deep Bay Area, which should all be conserved. New development within the WCA would not be allowed unless it is required to support the conservation of the ecological value of the area or the development is an essential infrastructural project with overriding public interest.

6 Literature Review

6.1.1 A desktop research on the nearby ecological baseline condition was carried out to evaluate the potential ecological impact associated with the Proposed Development within the Application Site.

6.1.2 Findings of relevant studies or surveys were reviewed and summarized in

Table 1 below, all the above have been reviewed and approved by the AFCD.

Relevant Literature	Habitat and Vegetation	Avifauna	Mammal	Herpetofauna	Butterfly and Odonate	Firefly	Fisheries
Proposed Temporary Transitional Housing and Ancillary Uses for a Period of 3 Years with Filling of Land and Excavation of Land (Approved planning application No. A/YL-NSW-281)	✓	✓			✓	✓	
Proposed Residential Development and Minor Relaxation of Plot Ratio and Building Height Restrictions with Filling of Land and Excavation of Land (Approved planning application No. A/YL-NSW-282)	✓	✓	✓	✓	✓		
Proposed Comprehensive Development with Wetland Enhancement (CDWE) at Nam Sang Wai and Lut Chau (EIA No. AEIAR-266/2025)	✓	✓	✓	✓	✓	✓	✓
Yuen Long Barrage Scheme (EIA No. AEIAR-228/2021)		✓	✓	✓	✓		✓
Yuen Long Effluent Polishing Plant (EIA No. AEIAR-220/2019)		✓	✓	✓	✓		✓
Monthly Waterbird Monitoring Winter Report 2022-2023. Mai Po Inner Deep Bay Ramsar Site Waterbird Monitoring Programme, Monthly Waterbird Monitoring		✓					
Monthly Waterbird Monitoring Summer Report 2022. Mai Po Inner Deep Bay Ramsar Site Waterbird Monitoring Programme, Monthly Waterbird Monitoring		✓					
The List of Wild Plants and Wild Animals Under Special State Protection under the Law of the People's Republic of China on the Protection of Wildlife		✓	✓				

Table 1 Relevant studies or surveys on Literature Review

(Source: Environmental Protection Department and Town Planning Board, HKSAR Government)

Habitat and Vegetation

6.1.3 The above relevant studies or surveys recorded that Nam Sang Wai mostly comprised active and abandoned fishponds (some of which had been colonised by reedbed or grassland), while other habitats included mangrove, watercourses, terrestrial grassland, plantation, temporary structures (houses and other buildings) and other developed areas (roads).

6.1.4 Surveys of the approved planning application No. A/YL-NSW-282 recorded that most of the forementioned Assessment Area (of about 75%) were covered by developed area/wasteland, while plantation, channelized watercourse and reedbed were also recorded ranging with the percentage of about 7% to 14%. Most of the plantation were planted for screening and greening purpose that dominated by landscaping and horticultural, of which species such as *Batavia Cinnamon*, *River Red Gum*, *Queen Crape Myrtle* and *Tree Cotton*. Some self-colonized shrub and herb species were also recorded, namely *Garden Spurge*, *Goose Grass* and *Microcos*. All the recorded species were commonly found in the urban area in Hong Kong.

6.1.5 Referring to the EIA No. AEIAR-266/2025, active fishponds at Nam Sang Wai were maintained with mostly open water and little emergent vegetation, whilst abandoned fishponds had been progressively colonised by vegetation to varying extents, so that some retained open water while others were overgrown with grasses. Grassland was dominated by common grass species, including *Cynodon dactylon*, *Chloris barbata* and *Eleusine indica*. Survey findings also observed that most habitat types at Nam Sang Wai were wetland (which mostly dominated by reedbed), only a small area of secondary woodland was present to the south of Shan Pui Tsuen and Shan Pui Hung Tin Tsuen, this area was also heavily influenced by human activities.

6.1.6 Both approved planning application No. A/YL-NSW-282 and EIA No. AEIAR-266/2025 noted that most of the ponds within Nam Sang Wai were abandoned for a period of years, and being dominated by *Spiny Bears Breech*, *Blunt Signal-grass*, *Gairo Morning Glory* and *Burma-reed*, none flora species of conservation interest were recorded.

6.1.7 Other species including wet grassland was recorded in the survey of the approved planning application No. A/YL-NSW-281, the exotic *Brachiaria mutuca* was recorded, in which is a common lowland weed that readily colonizes wet areas in wasteland. Mangoves belt was also recorded along a section of Nam Sang Wai Road immediately adjacent to the wet grassland across the KTMDC. True mangrove species *Exocecaria agallocha* and *Kanelia obovate*, as well as mangrove associate species *Acanthus ilicifolius* and *Hibiscus tiliaceus* were commonly found in Hong Kong.

6.1.8 Our Project Site is currently fenced off, largely paved with vegetations covering a major portion of the site and a pond is situated in the northwest. Specifically, all studies and surveys also illustrated that our Project Site were covered by plantation and abundant pond, directly reflecting the current

condition of our Application Site. Maps of surveyed habitat and plantation extracted from the relevant studies or surveys are provided in **Diagram 4.**

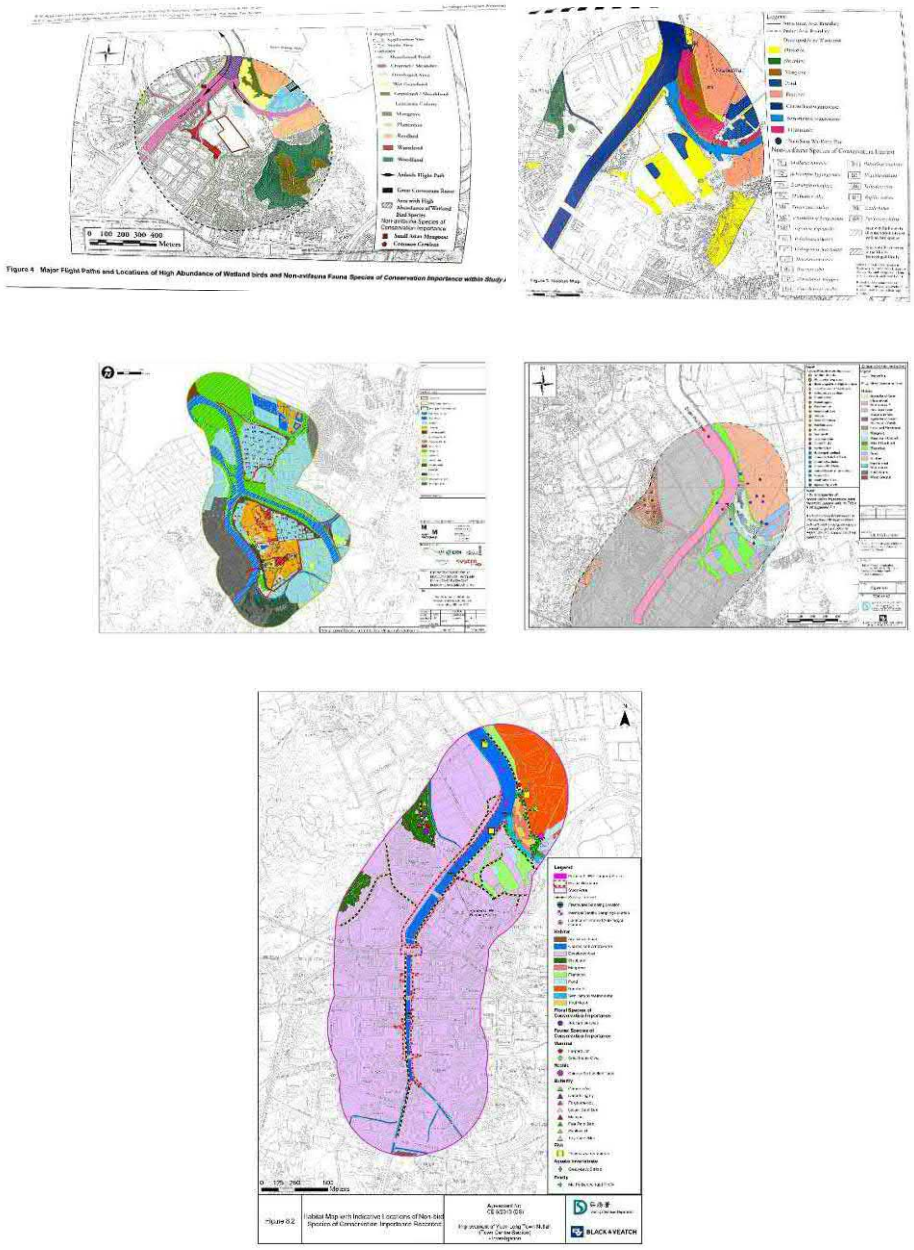

Diagram 4 Surveyed Habitat and Plantation Extracted from Relevant Studies or Surveys for Literature Review
(Source: Environmental Protection Department and Town Planning Board, HKSAR Government)

6.1.9 No plant species of conservation importance were recorded at Nam Sang Wai.

Avifauna

6.1.10 Referring to the above relevant studies or surveys recorded, all survey findings were similar. Based on the latest EIA No. AEIAR-266/2025, relatively high numbers of wetland birds were recorded foraging or roosting as Nam Sang Wai is dominated by fishponds, notably Wigeon, ardeids, Pied Avocet and Black-headed Gull, together with the wetland-associated Collared Crow and starlings.

6.1.11 Some waterbird species recorded, including Little Grebe, Yellow Bittern, Common Moorhen and White-breasted Waterhen, are known to breed in fishponds and reedbeds in Hong Kong. The only confirmed breeding behaviour took place in the Shan Pui River Egretry. The total number of nests at the Egretry has decreased significantly since the first recorded in the 2019 breeding season, the cause of the decline is unknown but similar declines were noted at other Egretries in the Deep Bay Area in 2022 (Anon 2022). This might be related to the absence of obstacle along the KTMDC and SPRC, and the presence of foraging habitats (i.e. mudflat) in these rivers (approved planning application No. A/YL-NSW-281).

6.1.12 Noted from the Monthly Waterbird Monitoring Summer Report 2022 and Winter Report 2022-2023 by the HKBWS, the recorded waterbird groups were less than the survey conducted in the year 2021 summer and winter.

6.1.13 No significant waterbird flight path was observed.

Mammal

6.1.14 To summarize the above relevant studies or surveys, less than 10 mammal species were recorded. Of which, Eurasian Otter (*Lutra lutra*), Leopard Cat (*Prionailurus bengalensis*), Small Indian Civet (*Viverricula indica*), Small Asian Mongoose (*Herpestes javanicus*) and Japanese Pipistrelle (*Pipistrellus abramus*) were considered of conservation importance.

6.1.15 Currently, no species with conservation importance was recorded within the 500m Assessment Area of our Project Site throughout the present ecological survey and data from AFCD.

6.1.16 Based on the EIA No. AEIAR-266/2025, no evidence was found to suggest significant bat roosts occur in Nam Sang Wai.

Herpetofauna

6.1.17 Based on the above relevant studies or surveys, the maximum of 7 amphibian species and 12 reptile species were recorded respectively. All species were common throughout Hong Kong, and none were considered of conservation importance.

Butterfly and Odonate

6.1.18 According to the above relevant studies or surveys, the butterflies recorded

in Nam Sang Wai were largely common and widespread species that feed on common flora during larval and adult stages (DSD, 2002, DSD, 2004, MLI Ltd, 2008, and EIA No. AEIAR-220/2019). The maximum number of recorded butterflies among the above relevant studies or surveys were 41, including five species of conservation importance namely *Common Awl*, *Pale Palm Dart, Danaid Egg-fly*, *Grass Demon (Udaspes folus)*, *Spotless Grass Yellow (Eurema laeta)* and *Small Cabbage White (Pieris rapae)*, all of which are considered of Local Concern (LC), with the Hong Kong status of rare to very rare (Fellowes *et al*. 2002).

6.1.19 No dragonflies recorded at Nam Sang Wai.

Firefly

6.1.20 Survey on the Mai Po Bent-winged Firefly (MPBWF) has been recorded under the EIA No. AEIAR-266/2025. Only small numbers of the MPBWF were observed in the mangroves along KTMDC. No MPBWF were observed in other habitats at Nam Sang Wai.

Fisheries

6.1.21 Noted that pond fish culture has long been practised in the New Territories. Mostly, only primarily freshwater and brackish water species were included for pond fishing, while certain high-value marine species have also been cultured in diluted seawater by fish farms in recent years, such as Giant Grouper, Yellowfin Seabream and Spotted Scat, which were found closer to the coast at Mai Po.

6.1.22 Referring to the above relevant studies or surveys, the recorded fish ponds at Nam Sang Wai which were actively managed for fish production the physical environment were generally in poor context due to improper management practices and unauthorized activities. These include the storage of materials unrelated to fisheries (i.e. abandoned vehicles, containers, construction materials, general waste), illegal dumping of toxic materials and construction waste, burning of waste, suction dredging of fishponds into adjacent creeks connected to Deep Bay Area, and the destruction of mangroves to expand fishponds.

6.1.23 No capture fisheries nor other forms of aquaculture, including marine fish culture and oyster culture, were identified within or near the Assessment Area.

7 Identification and Evaluation of Potential Impacts

7.1.1 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.



Diagram 5 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 Lands Department, HKSAR Government)

7.1.2 The Proposed Development will be operated by 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.

7.1.3 Refer to **Section 6** above, it noted that findings of all studies and surveys have summarized our Project Site were plantation and pond, and hence no species were recorded within the Project Site. Direct habitat loss arising from the Proposed Development including the footprint of the development (primary impact) and habitat which will be lost due to the conversion of one type of wetland habitat to another to mitigate for the wetland area to be developed (secondary impact) are minimal. Developed area habitats within the assessment area mostly fall within the WBA as well as our Project Site, thus developed area habitats is of low ecological value. There will be no net permanent loss of the area of plantation, whilst new plantation will be included under this Project as provided in the Tree Preservation and Landscaping Proposal in **Annex 5**.

7.1.4 As part of the Proposed Development will be regularized the ponds that have been filled for more than two decades, thus pond fish culture will be proposed in the existing pond. Habitat loss to species is unlikely happened, no net loss of open water and fishpond. The Project Site was not the habitat for wetland

bird and/or waterbird species. There will be no loss of pond area due to the proposed pond fish culture and no significant increase in human disturbance to habitats is anticipated comparing with the current status of the abundant pond. No direct or indirect disruption to the species, and hence the net effect of the changes to habitat areas and water areas within the Project Site will be ecologically positive.

7.1.5 No pollution of air or water may arise from a large number of different sources and could occur during construction, operation or both.

7.1.6 Fragmentation impacts arise where development or other human activities impede or sever ecological linkages between or within habitats and areas. Construction of a development between habitats which show ecological linkage may result in the loss of these links and thus a decrease in the suitability of the habitat for particular species and a reduction in the overall value of the habitat. Mitigation measures as discussed in **Section 8** will be proposed to reduce the potential impacts, the overall impact shall be minor.

8 Mitigation and Enhancement Measures

8.1.1 Mitigation measures are proposed during both construction and operation phases, 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.

8.1.2 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.

8.1.3 Precautionary measures will be carried out, including but not limited to no substantial piling works, no night time construction works, adjusting outdoor lighting to lower intensity, tree planting along the site boundary, adopting good site practices, etc..

8.1.4 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.

9 Conclusions

9.1.1 A literature review surveys have been conducted making reference to the completed studies and surveys that were reviewed and approved by the AFCD, to evaluate the potential ecological impact associated with the Proposed Development within the Application Site.

9.1.2 The Proposed Development with the proposed operation of pond fish culture and cultivation activities will improve the ecological impact in the local context of Nam Sang Wai as compared to the baseline condition. This Project will in fact have a positive effect to Nam Sang Wai in the long run. As such, no significant adverse drainage impact is expected.

9.1.3 Direct habitat loss arising from the Proposed Development is considered minimal, no net permanent loss of the area of plantation nor pond area under

the Proposed Development. No direct or indirect disruption to the species, and hence the net effect of the changes to habitat areas and water areas within the Project Site will be ecologically positive. The cumulative impacts with other concurrent developments were considered insignificant.

9.1.4 To address potential impacts on wildlife during the construction and operational phases of the Project, mitigation measures will be adopted to ensure no adverse infrastructural nor environmental impacts on the surrounding environment.

10 Reference

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- Drainage Services Department (DSD). 2002. Yuen Long and Kam Tin Sewerage and Sewage Disposal Stage 1 Package 1A-1T and 1B-1T – Environmental Impact Assessment (EIA). Prepared by ERM Hong Kong for Drainage Services Department.
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- Fellowes, J. R., Lau, M. W. N., Dudgeon, D., Reels, G. T., Ades, G. W. J., Carey, G. J., Chan, B. P. L., Kendrick, R. C., Lee, K. S., Leven, M. R., Wilson, K. D. P. and Yu, Y. T. 2002. Wild animals to watch: terrestrial and freshwater fauna of conservation concern in Hong Kong. Memoirs of the Hong Kong Natural History Society, 25, 123-159.
- Hong Kong Bird Watching Society (HKBWS). 2023. *Monthly Waterbird Monitoring Summer Report 2022*.

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- Proposed Temporary Transitional Housing and Ancillary Uses for a Period of 3 Years with Filling of Land and Excavation of Land (Approved planning application No. A/YL-NSW-281) Download from: https://www.tpb.gov.hk/en/papers/RNTPC/FSYLE/A-YL-NSW-281/A_YL_NSW_281_Mainpaper.pdf
- Proposed Residential Development and Minor Relaxation of Plot Ratio and Building Height Restrictions with Filling of Land and Excavation of Land (Approved planning application No. A/YL-NSW-282) Download from: https://www.tpb.gov.hk/en/papers/RNTPC/FSYLE/A_YL-NSW_282/A_YL_NSW_282_Mainpaper.pdf
- Proposed Comprehensive Development with Wetland Enhancement (CDWE) at Nam Sang Wai and Lut Chau (EIA No. AEIAR-266/2025) Download from: https://www.epd.gov.hk/eia/files/applications/en/pp_234/eia_5872/progress/action_172864/HTML/Cover.htm
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- Yuen Long Barrage Scheme (EIA No. AEIAR-228/2021) Download from: https://www.epd.gov.hk/eia/files/applications/en/pp_307/eia_1928/progress/action_1679/YLBS_EIA.htm
- Yuen Long Effluent Polishing Plant (EIA No. AEIAR-220/2019) Download from: https://www.epd.gov.hk/eia/files/applications/en/pp_309/eia_1908/progress/action_1770/index.htm

LCH Planning and Development
Consultants Limited

Our Ref.: PD2410002/04
Your Ref.: TPB/A/YL-NSW/357

16 December 2025

By Email

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

Dear Sir/Madam,

SECTION 16 PLANNING APPLICATION NO. A/ YL-NSW/357

We refer to the comments from Drainage Services Department received of the captioned application.

Please find attached our responses to departmental comments with the revised Drainage Impact Assessment.

This Further Information contains the responses to comments of the above Government departments with a revised technical assessment. According to TPB PG-No. 32B, submission of this further information refers to supplement and/or clarify the background and proposed facilities of the Application Site, as well as to response the relevant departmental comments, in which does not constitute as a material change the application. Thus, it should be accepted. Should you require further information or have any query, please feel free to contact the undersigned or Haze Tsang at [redacted].

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

Junior Ho
Director

c.c. the Applicant

[redacted]

Filling of Pond for Permitted Agricultural Use for a Period of 3 Years
in "Other Specified Uses" annotated "Comprehensive Development to include Wetland Restoration Area" ("OU(CDWRA)") and "Village Type Development" ("V") zones, Lots 1212 S.E ss.1 and 1212 S.E RP (Part) in D.D. 115 and adjoining Discrepant Areas (Part), Nam Sang Wai, Yuen Long, New Territories

Section 16 Planning Application No. A/YL-NSW/357

Response to Departmental Comments Table

No.	Comments Received	Our Responses
Date: 12 December 2025		
A.	***Comments from the Drainage Services Department (Contact person: Ms. Jessica KWAN, Tel: [redacted])***	
1.	With reference to the applicant's submission, it is noted that pond (about 14,933 m2) originally located at the southern portion of application site was filled with soil that the ground level of application site is raised by about 2m. Since the pond originally located within application site functions as retention area for collecting surface runoff from the vicinity during rainfall but there is no substantiation to show how the overland flow from adjacent areas would not be interrupted by the proposed pond and land filling works under the subject application and in View of large area of the application site (i.e. about 21,929 m2), I have reservation on the proposed application rom drainage point of View unless the applicant can submit satisfactory Drainage Impact Assessment (DIA) during planning application stage. The DIA should include but not limited to all adverse drainage impacts on the drainage system, existing natural streams, village drains, ditches, the adjacent areas and etc resulting from the proposed development, along with recommendations for mitigation measures, improvement works and other measures and works. In preparing the BIA, the applicant could make reference to DSD Advice Note No. 1 - Application of the Drainage Impact Assessment Process to	Noted.

No.	Comments Received	Our Responses
	Private Sector Projects". The applicant should employ a qualified engineer (Registered Professional Engineer in the Civil Engineering discipline) to prepare for drainage submission. The drainage submission should be signed and certified by a qualified engineer.	
2.	I have the following comments on the submitted drainage proposal.	/
A.	Specific Comments	
1)	Cross sections showing the proposed drainage facilities and existing and proposed ground levels of the captioned site with respect to the adjacent areas should be given.	**Figures 3.3**, **3.3A** and **3.3B** of the **DIA** have been supplemented accordingly.
2)	The proposal should indicate how the runoff (the flow direction) within the application site and from the adjacent areas would be discharged to the proposed drainage system.	**Figure 3.1** of the DIA has been revised accordingly.
3)	Peripheral surface channels shall be provided to collect the surface runoff accrued on the application site and to intercept the overland flow from the adjacent lands. It is noted that there is proposed land filling works under the subject application. Proper surface channels should be provided at the lower platform and wall toe to collect the overland flow to/ from adjacent areas. The applicant should review the proposed drainage system.	**Figure 3.2** of the DIA has been revised accordingly.
4)	The applicant should demonstrate with hydraulic calculation that the proposed drainage facilities are adequate to collect, convey and discharge the surface runoff accrued on the application site and the overland flow intercepted from the adjacent lands.	**Appendix B** of the DIA has been supplemented accordingly.
5)	Section 3.4 & Appendix C: The applicant should explain why rainfall increase at the end of 21st century (with design allowance) as per requirements in Stormwater Drainage	**Appendix C** of the DIA has been supplemented accordingly. Please note about 12.1% of rainfall increase at the end of 21st century (with

No.	Comments Received	Our Responses
	Manual (SDM) Corrigendum No. 1/2022 is not adopted in the submitted hydraulic calculation. In addition, the applicant should advise if deposition of sediment in the proposed drainage system has been considered as per the requirement in SDM (Section 9.3).	design allowance) as per requirements in the Stormwater Drainage Manual (SDM) Corrigendum No. 1/2022 has been adopted.
6)	The applicant should demonstrate the existing facilities to be discharged to have sufficient capacity to cater for any additional flow generated due to the subject application.	It is clarified that no any existing drainage facilities are provided within the Application Site. Hence, no additional flow will be generated from the Site.
7)	Sand trap or provision alike should be clearly indicated on the proposed drainage plan and provided before the collected runoff is discharged to the public drainage facilities.	**Figures 3.2** and **3.5** of the DIA have been supplemented accordingly.
8)	Standard details should be provided to indicate the sectional details of the proposed drainage facilities. For the construction details of the proposed drainage facilities, reference should be made to current CEDD'S standard drawings.	**Figures 3.4** and **3.5** of the DIA have been supplemented accordingly.
9)	The cover levels and invert levels of the proposed drainage facilities should be shown on the drainage plan. The applicant should also clarify invert level of the existing watercourse mentioned in the submitted proposal.	**Figure** 3.2 of the DIA has been supplemented accordingly.
10)	The applicant should provide details for the connection of the proposed and existing drainage system mentioned in the proposal.	**Figure** 3.2 of the DIA has been supplemented accordingly.
11)	Consideration should be given to provide granting for the surface channels.	Noted.
B.	General Comments	
1)	The proposed development should neither obstruct overland flow nor adversely affect any existing natural streams, village drains, ditches and the adjacent areas, etc.	Noted.

No.	Comments Received	Our Responses
2)	Where walls or hoarding are erected are laid along the site boundary, adequate openings should be provided to intercept the existing overland flow passing through the site.	Noted.
3)	The applicant is required to rectify the drainage system if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by a failure of the drainage system.	Noted.
4)	The applicant should submit form HBPl to this Division for application of technical audit for any proposed connection to DSD's drainage facilities.	Noted.
5)	The applicant should consult DLO/YL and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works.	Noted.
6)	Connection to existing watercourse should be designed and constructed to prevent back flows at the drainage outlet when water level at the existing watercourse is high.	Noted.
7)	The applicant should ensure that all runoff currently directed towards the pond would be intercepted and redirected to the proposed drainage system.	Noted.
8)	The applicant should ensure that the proposed development must not obstruct overland flow or existing flow paths. All existing flow paths as well as the runoff falling onto and passing though the site will be intercepted and disposed of via proper discharge points. Free flow condition of the adjacent drains, channels and watercourses should be maintained at all time during and after the development.	Noted.
9)	The applicant should be reminded to comply with "DSD Technical Circular No. 1/2017 Temporary Flow Diversions and	Noted.

No.	Comments Received	Our Responses
	Temporary Works Affecting Capacity in Stormwater Drainage Systems" if the proposed works under the application involve the construction of permanent or temporary works within, over or adjacent to DSD's stormwater drainage systems.	

URBAN GREEN

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

Drainage Impact Assessment Report

Reference: P159-DIA-I2
Date: 16 December 2025
Confidential

URBAN GREEN

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

Drainage Impact Assessment Report

Reference: P159-DIA-I2

Date: 16 December 2025

Issue	Status	Prepared By	Date	Checked by	Date	Approved By	Date
1	-	Elvis Liu	Sep 25	Cheryl Chan	Sep 25	Joan Choi	Sep 25
2	-	Cheryl Chan	Dec 25	Cheryl Chan	Dec 25	Joan Choi	Dec 25

23/F Wui Tat Centre, 55 Connaught Road West, Hong Kong
[redacted]

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1 Introduction

1.1 Background

The planning application is for filling a 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 in Nam Sang Wai, Yuen Long, New Territories (hereafter as "the Site").

The Site mainly falls within an area designated as "Other Specified Uses" annotated as "Comprehensive Development to include Wetland Restoration Area" ("OU(CDWRA)") zone with a small portion in an area designed as "Village Type Development" ("V") zone on the Approved Nam Sang Wai Outline Zoning Plan No. S/YL-NSW/11 ("NSW OZP"). According to the Notes of the NSW OZP for "OU(CDWRA)" and "V" zones, 'Agricultural Use' falls into Column 1 that is always permitted by the Board.

The 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 use aligns with the guideline's intention to protect the ecological integrity of the fishponds and wetlands within the sensitive Wetland Conservation Area ("WCA") through the rehabilitation of agricultural area and fishponds.

The proposed area for cultivation was previously ponds and had been formed for more than two decades. It is currently covered with vegetation. In order to reflect the current situation of the Site and to regularize the pond filling, a planning application for filling of pond is proposed.

This proposal demonstrates that the proposed agricultural use is always permitted under the NSW OZP and the filling of pond is to reflect the current condition of the Site.

Due to concerns about possible drainage impact arising from the proposed development, Urban Green Consultants Ltd. (UGC) has been commissioned to

conduct a Drainage Impact Assessment (DIA) to demonstrate the acceptability of drainage impact upon the surrounding environment.

1.2 Study Objectives

The objectives of this DIA are to assess the possible drainage impacts that may be caused by the proposed development and to recommend mitigation measures to alleviate such impacts if necessary.

1.3 Report Structure

The remaining chapters of this report are shown below:

Chapter 2 – Site Context

Chapter 3 – Drainage Analysis

Chapter 4 – Conclusion

2 Site Context

2.1 Current Site Conditions and its Environs

The Site covers a total area of about 21,929m^2, including portion of Lot 1212 s.E R.P. of about 13,068 m^2., Lot 1212 s.E ss.1 of about 10m^2., and a portion of Discrepant Areas (Portion) adjacent to Lot 1212 s.E of about 8,851 m^2. The Site is currently fenced off, largely paved with vegetations covering a major portion of the site and a pond situated in the northwest.

The Site is located at the far fringe of Nam Sang Wai. The surrounding environment of the Site is in rural village context intermixed with temporary uses. The Site is surrounded by Shan Pui Tsuen and Shan Pui Chung Hau Tsuen, with other low-rise residential developments. The immediate northwest of the Site is the Hong Kong School of Motoring, while to the southwest is the transitional housing project of United Court providing about 1800 units. Figure 2.1 shows the Site location and its environs.

2.2 Existing Drainage Condition

A site survey was conducted on 7 May 2025. The Site is not served by any drainage system to direct surface runoff. Part of the runoff overflows directly into the Kam Tin River.

3 Drainage Analysis

3.1 Assessment Methodology and Assumptions

This DIA has adopted the Rational Method for runoff estimation:

$$Q_p = 0.278\ i \sum C_j\ A_j$$

where
Q_p is peak runoff (m^3/s);
i is rainfall intensity (mm/hr);
A_j is the jth catchment (km^2);
C_j is the runoff coefficient of the jth catchment (dimensionless).

The details of the Rational Method can be referred to the *Stormwater Drainage Manual* (SDM) (DSD, 2018).

Based on a 1:50 year flood protection standard in the SDM and the estimated time of concentration, the appropriate rainfall intensities (i) were calculated based on linear interpolation of the intermediate table values.

The assumptions of this DIA are summarised below:

- Rainstorm return period – 1 in 50 years
- Runoff coefficient for flatted grassland (heavy soil) – 0.25
- Manning's roughness coefficient for the proposed U-channels – 0.016

3.2 Design Parameters

Based on the geographical characteristics of the Site and its surroundings, 12 catchments (Catchment A – L) were identified as shown in Figure 3.1.

Surface runoff from Catchment A, B and C will be collected by a series of the proposed U-channels and discharged to the Kam Tin River via proposed U-channels M1 – M10. Sand trap will be provided together with the terminal manhole to collect sediment before the collected runoff is discharged to the existing watercourse. Figure 3.4 and Figure 3.5 shows the typical design of catchpit, u-channel and sand trap. The drainage proposal is shown in Figure 3.2.

For the surface runoff from Catchment D - L, the runoff will not flow towards the site. Therefore, the site will not collect the runoff from surrounding catchments.

The surface runoff from the Site has been estimated and presented in Appendix B.

3.3 Assessment Results

Detailed calculations of the estimated on-site catchment runoffs to the proposed drainage system are provided in Appendix B. The assessment results are summarized in Table 3.1.

Table 3.1 Estimated Runoffs to Proposed Drainage System

Channel Segment	Diameter / Width, m	Depth, m	Gradient	Catchment Runoff, m3/s	Capacity, m3/s	% of capacity flow	Sufficient Capacity?
M1-M2	0.450	0.450	0.003	0.041	0.180	23%	Y
M2-M3	0.450	0.450	0.003	0.076	0.180	42%	Y
M3-M4	0.450	0.450	0.003	0.076	0.180	42%	Y
M4-M5	0.450	0.450	0.003	0.076	0.180	42%	Y
M5-M6	0.600	0.600	0.003	0.235	0.387	61%	Y
M6-M7	0.600	0.600	0.003	0.235	0.387	61%	Y
M7-M8	0.600	0.600	0.005	0.235	0.499	47%	Y
M8-M10	0.600	0.600	0.005	0.235	0.499	47%	Y
M9-M10	0.600	0.600	0.010	0.235	0.592	40%	Y
M10 to Kam Tin River	0.450	0.450	0.020	0.235	0.464	51%	Y

Based on the results in Appendix B, the proposed drainage system has adequate capacity to cater the surface runoff from the proposed development.

3.4 Climate Change

To consider the effect of climate change in the drainage system, the project of rainfall increase of 11.1% for Mid-21st Century (2041-2060) and 16.0% for the and End of 21st Century (2081-2100) as well as design allowance in End of 21th Century of

12.1% as per requirements in Stormwater Drainage Manual (SDM) Corrigendum No. 1/2022 are adopted. Detailed calculations are provided in Appendix C.

The analysis indicated that the proposed drainage system would have sufficient capacity for the additional runoff from the proposed development with a 11.1% and 16% increase in rainfall intensity as well as 12.1% of design allowance. Hence, the proposed development would not cause adverse drainage impacts nor increase the flooding susceptibility of the surrounding areas.

3.5 Recommendation

Upon detailed design stage, the Project Proponent will appoint engineer and contractor to design and to construct the proposed drainage system. The detailed arrangement of the proposed drainage system and drainage connections will be further investigated at the detailed design. Detailed information of the proposed drainage system will be prepared and submitted to DSD and relevant parties during the detailed design stage.

4 Conclusion

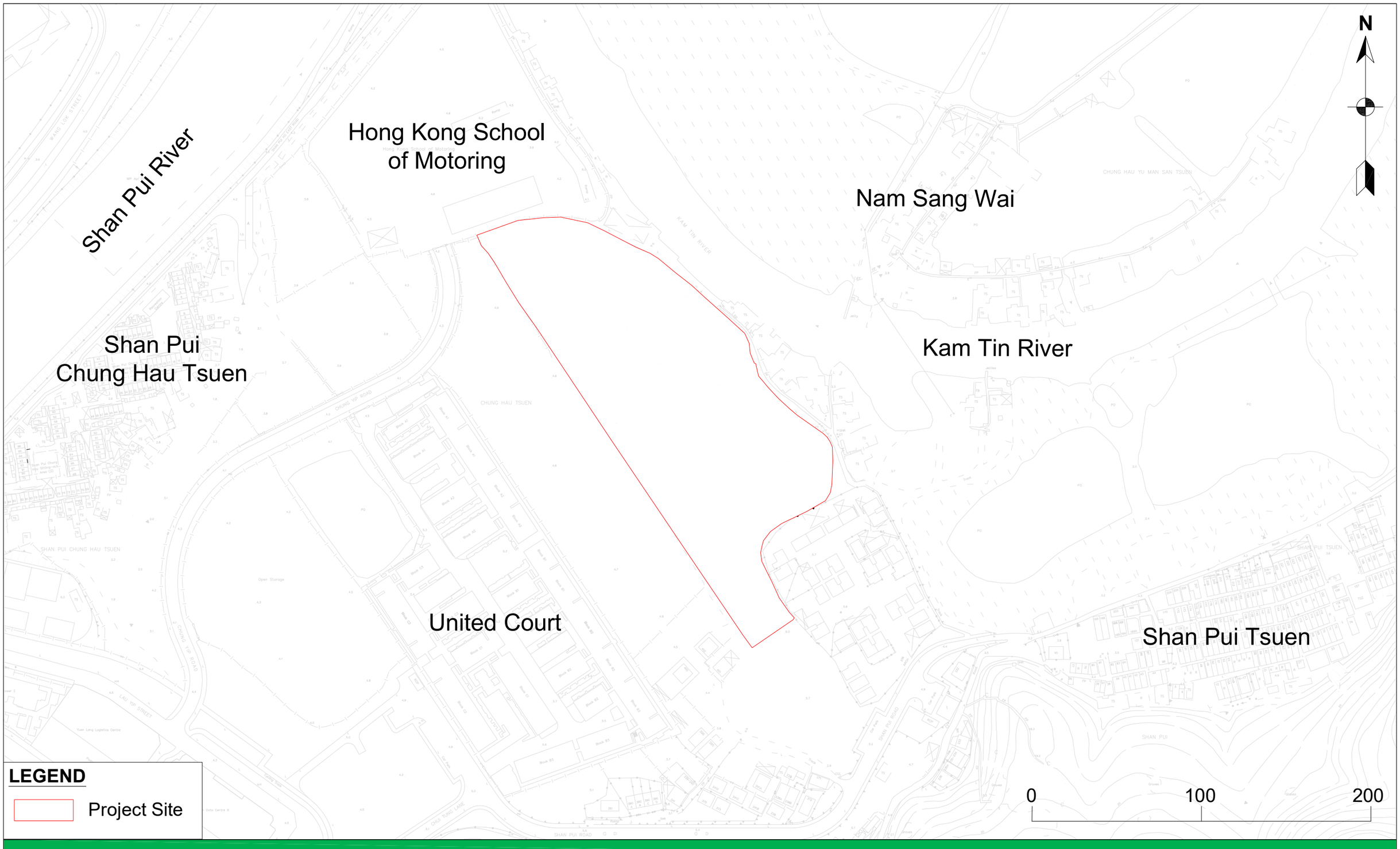
A Drainage Impact Assessment (DIA) has been conducted for the proposed development in Yuen Long, New Territories.

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 (with design allowance) due to climate change.

Surface runoff from the Site will be collected by a series of U-channels and discharged to the Kam Tin River. The drainage analysis has demonstrated that the proposed drainage systems have adequate capacity to cater the surface runoff from the Site.

Based on the above, it is concluded that the proposed development will not result in any adverse drainage impacts.

Figures



URBAN GREEN

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

Site Location and Its Environs

Figure 2.1

Rev. 0



URBAN GREEN

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

Identified Catchment Areas

Figure 3.1

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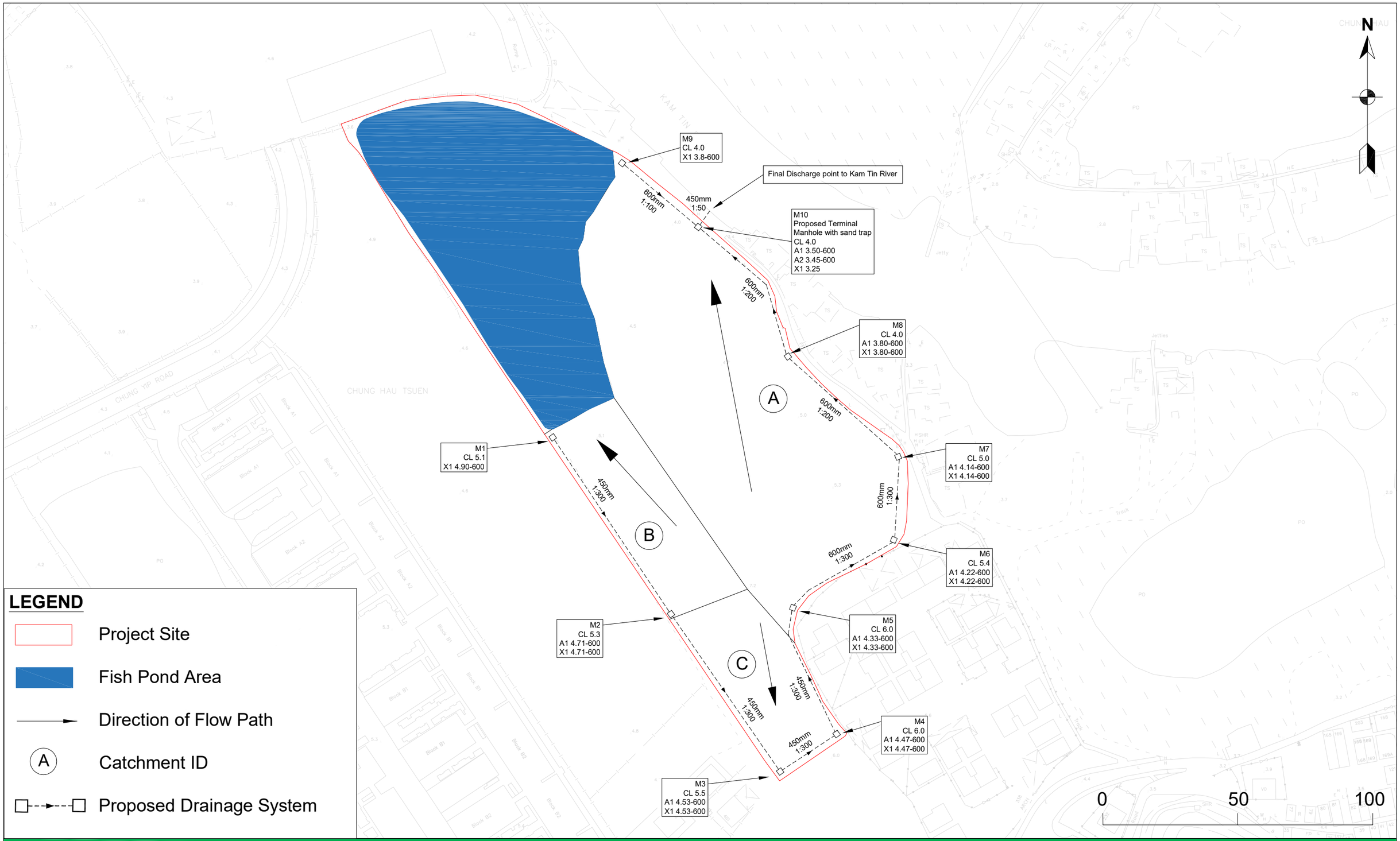

URBAN GREEN

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

Drainage Proposal

Figure 3.2

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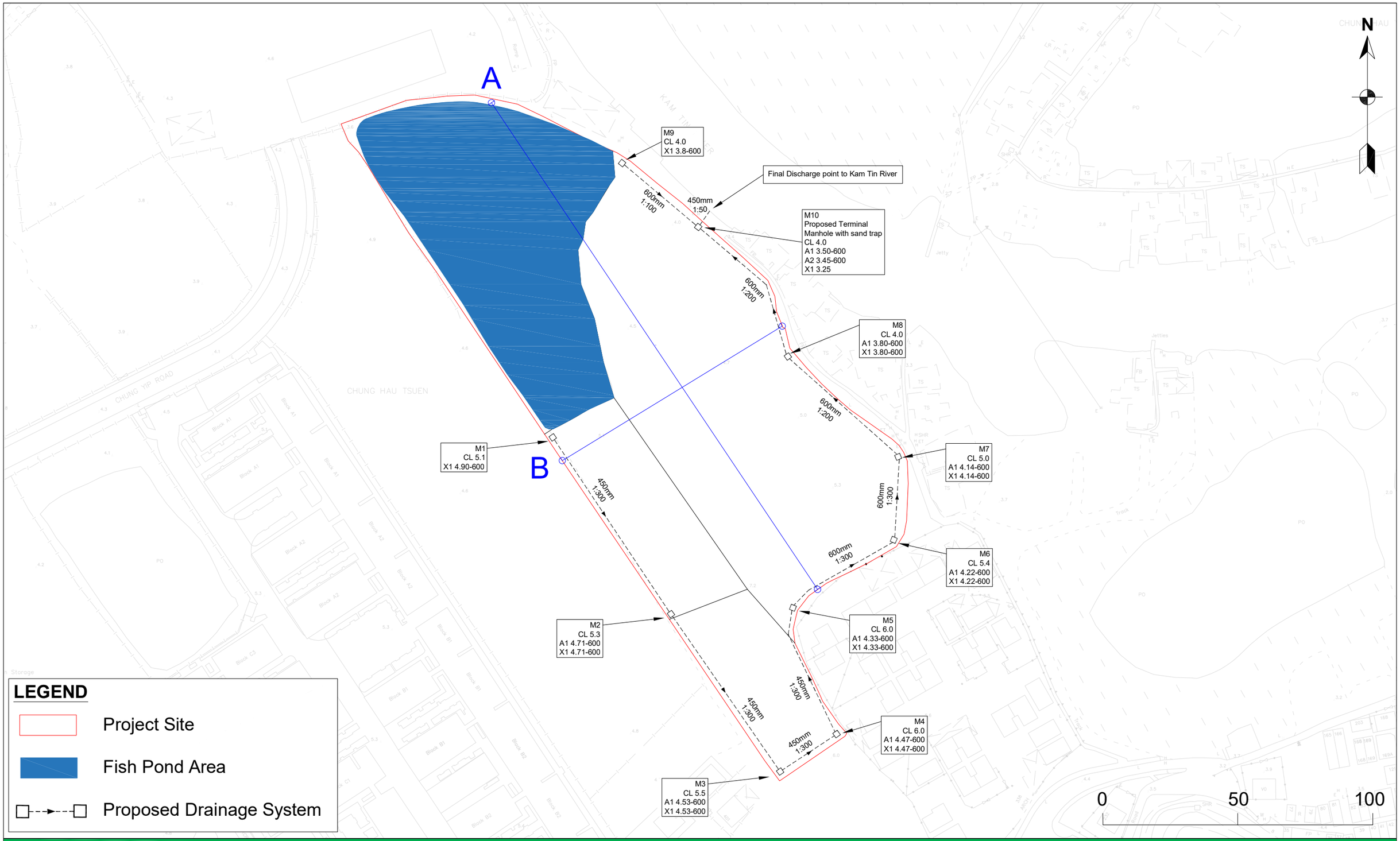


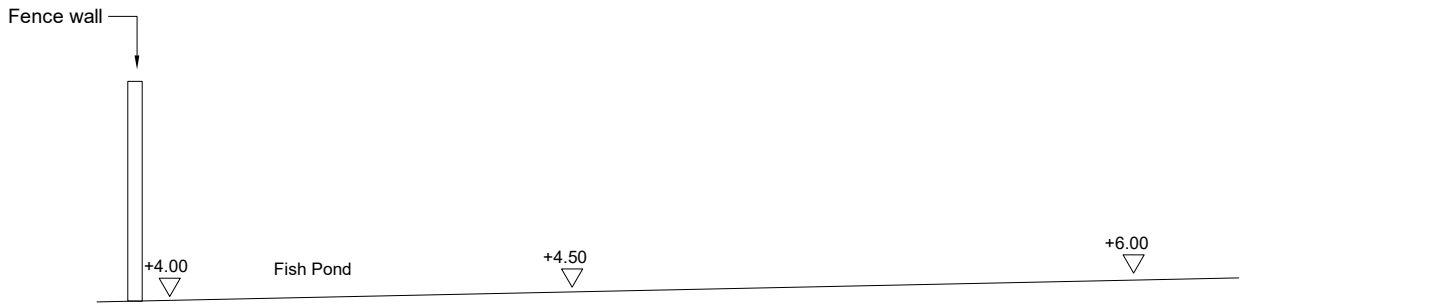
URBAN GREEN

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

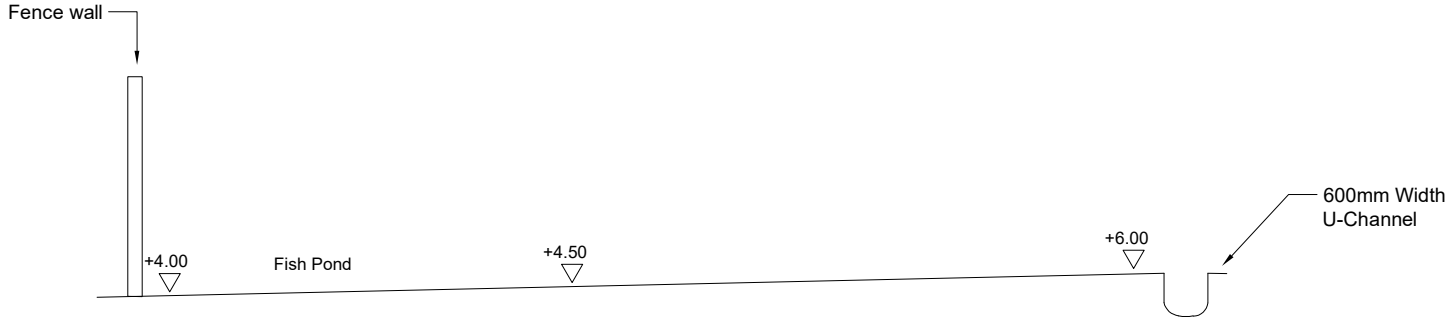
Cross Section of Existing and Proposed Ground Level

Figure 3.3

Rev. 0



Existing Ground Level



Proposed Ground Level

SECTION A

NOT IN SCALE

URBAN GREEN

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

Cross Section - Section A

Figure 3.3A

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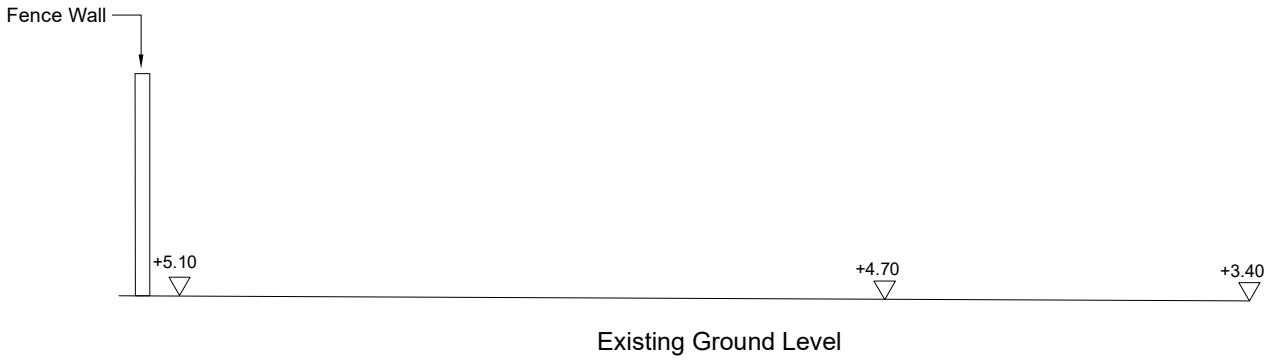
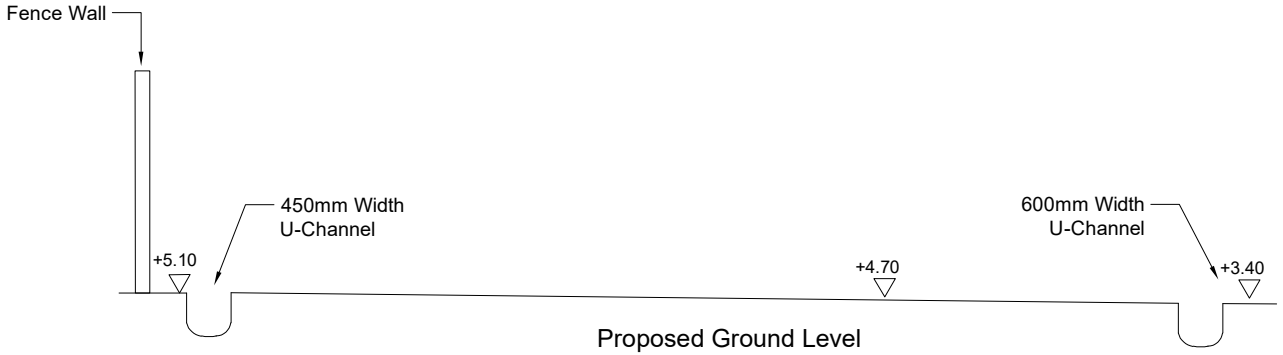




SECTION B

NOT IN SCALE

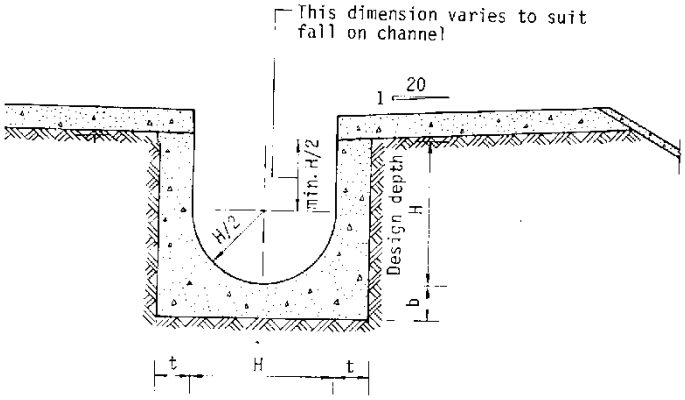
URBAN GREEN

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

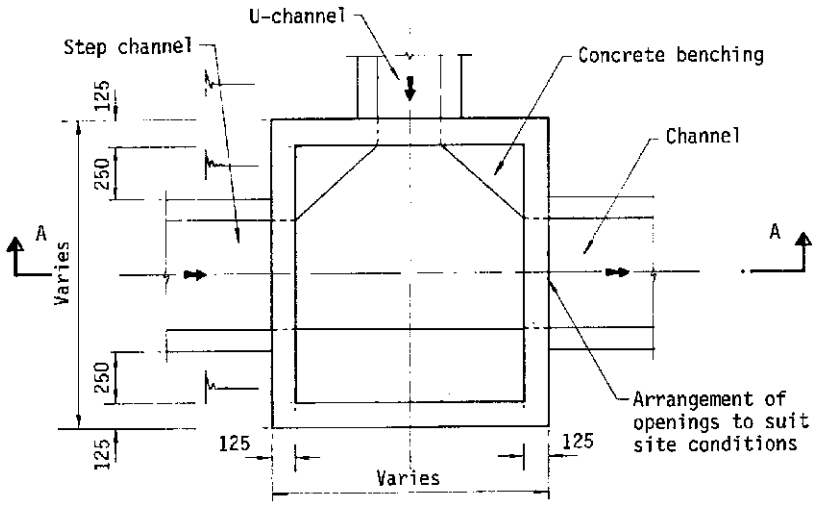
Cross Section - Section B

Figure 3.3B

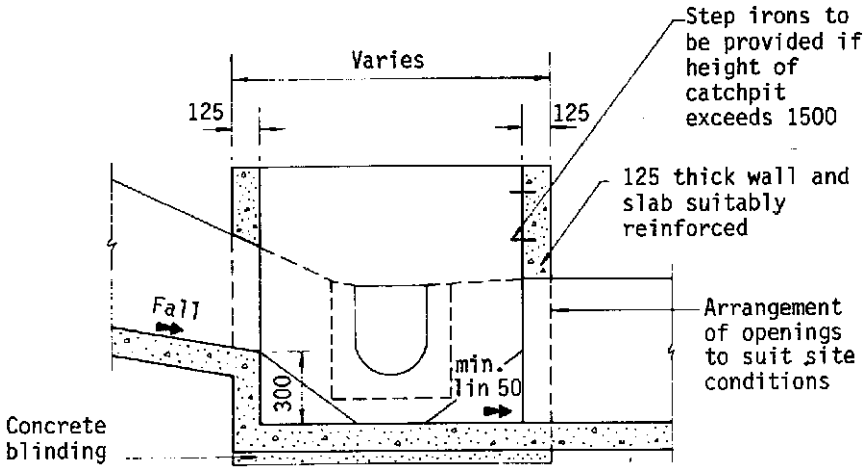
Rev. 0



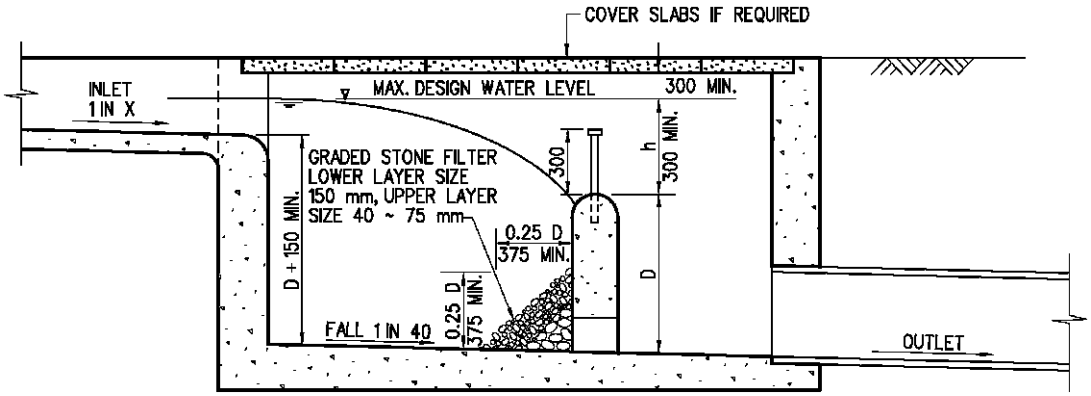
Typical Details of U-Channel



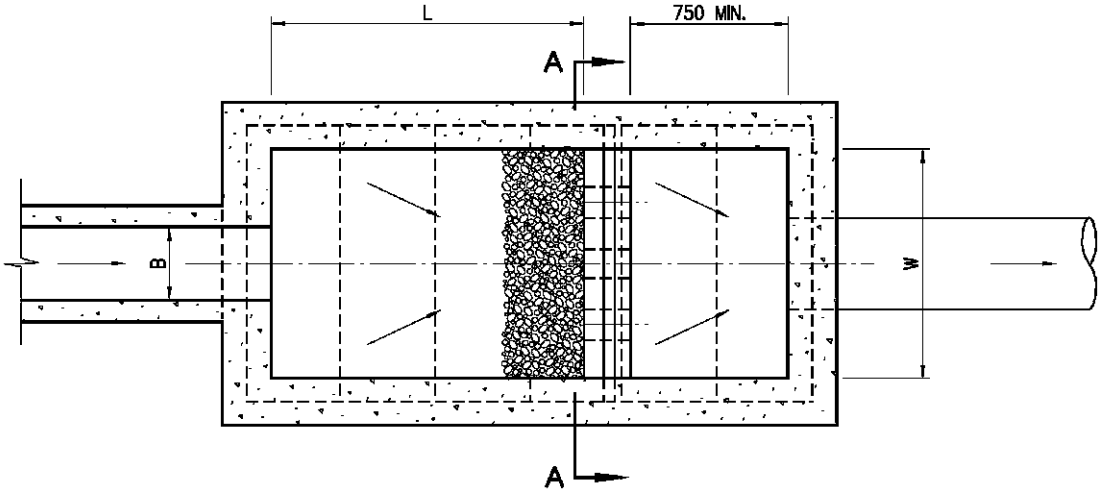
Typical Details of Catchpit



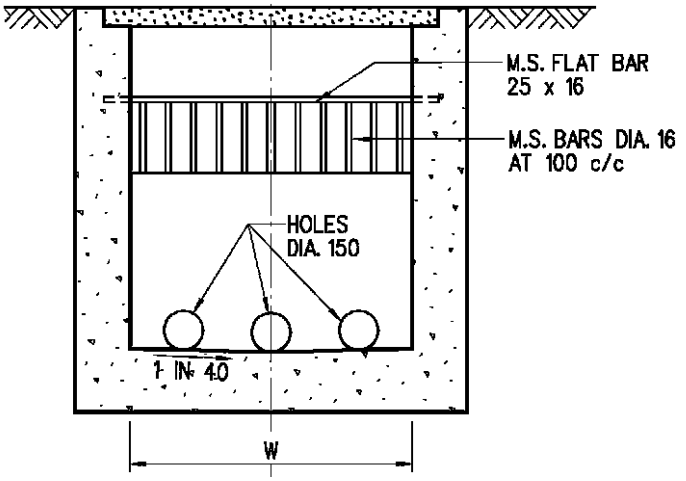
Section A-A



Typical Longitudinal Section of Sand Trap



Typical Plan of Sand Trap



Section A-A

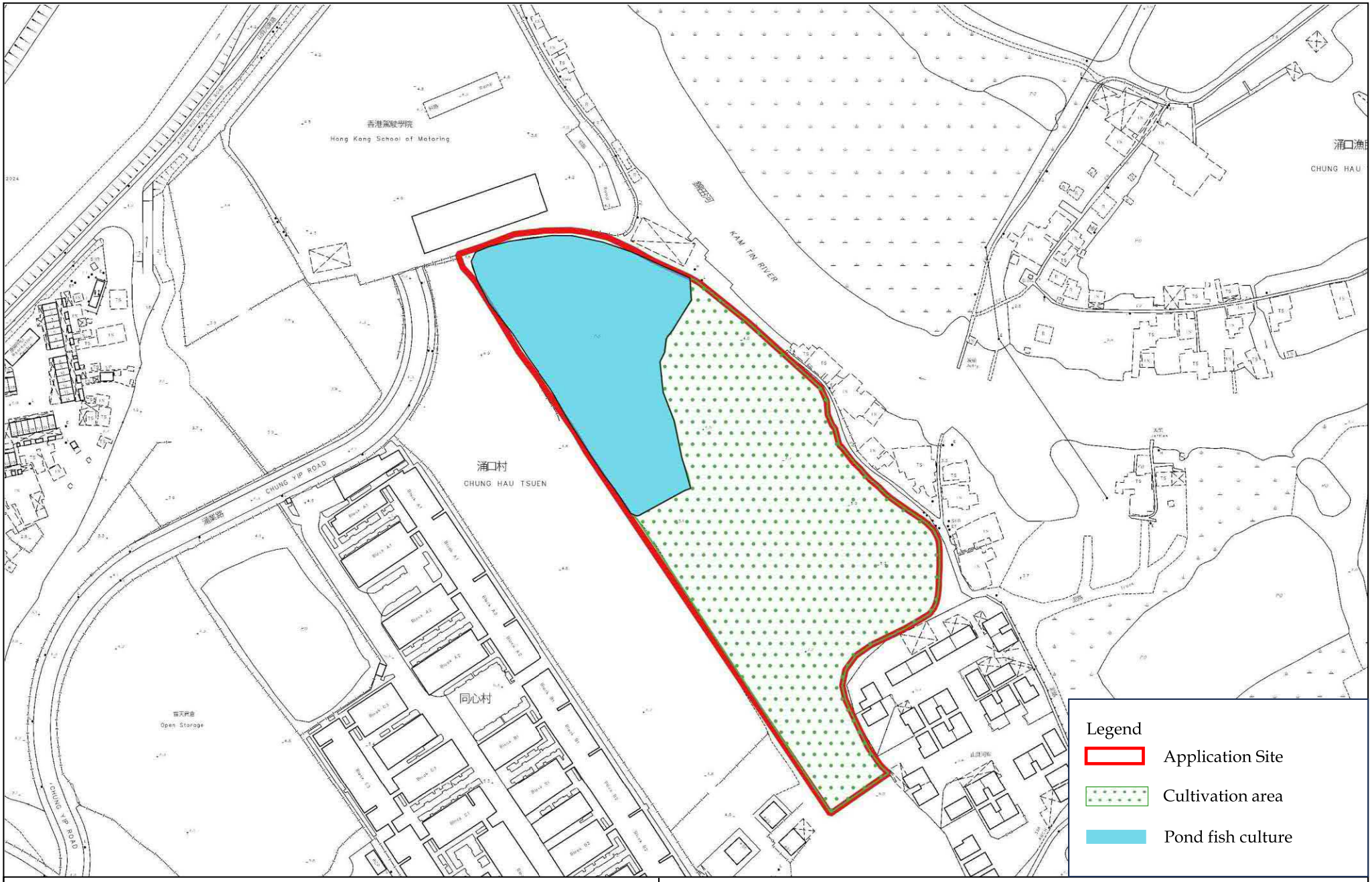
Notes:

1. All dimensions are in millimeters.
2. Size

   Depth: D not less than 750
   Width: $W \geq 3B$
   Length: $4.8D^{0.67} h^{0.5} X^{-0.5} \geq 4B$
3. Graded Stone Filter shall be crusher run granite aggregate.
4. Capacity D W L to be according to size and nature of catchment, providing detention time not less than 5 minutes for max. design flow of inlet.
5. Source: From DSD drawing No. DS 1025B.

Appendix A

Proposed Layout Plan



LCH Planning and Development Consultants Limited

Figure 7 : Indicative Layout Plan

(Extracted based on Aerial Photo no. A22836 taken on 5.10.1990 by Lands Department)

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

(Source: HK GEODATA STORE, HKSAR Government)

Appendix B

Detailed Drainage Analysis

Capacity Flow Estimation for Proposed Catchments and Drainage System with 50 Year Return Period

A.Calculation of All Catchment Runoff with Proposed Development

Catchment ID	Surface Type	Catchment Area (A), m^2	Catchment Area (A), km^2	Average Slope (H), m/100m	Flow Path Length (L), m	Inlet Time (t_0), min	Time of Concentration (t_c), min	Duration (t_d), min	a (50 year return period) [2]	b (50 year return period) [2]	c (50 year return period) [2]	Runoff Intensity, mm/hr	Runoff Coefficient (C)	C x A	Peak Runoff (Q_p), m^3/s
A	100% Grassland (heavysoil), flat	10,514	0.0105	2.11	151.30	7.46	7.46	7.46	505.5	3.29	0.355	218	0.25	0.0026	0.1590
B	100% Grassland (heavysoil), flat	2,504	0.0025	2.21	94.86	5.35	5.35	5.35	505.5	3.29	0.355	235	0.25	0.0006	0.0409
C	100% Grassland (heavysoil), flat	2,053	0.0021	1.66	72.15	4.40	4.40	4.40	505.5	3.29	0.355	245	0.25	0.0005	0.0350
														Total	**0.2349**

B. Capacity Flow Estimation and Adequacy Check for Proposed Drainage System

Pipe Segement	Shape	Diameter, m	Depth, m	Slope	Length, m	Manning's Roughness Coefficient [3]	Cross Section Area, m^2 [4]	Wetted Perimeter, m	Hydraulic Radius, m	Mean Velocity, m/s	Capacity Flow, m^3/s	Catchments Served	Runoff, m^3/s [1]	% of Capacity Flow	Sufficient Capacity? (Y/N)
M1-M2	U-Channel	0.450	0.450	0.003	76	0.016	0.163	1.157	0.14	0.93	0.151	B	0.041	27%	Y
M2-M3	U-Channel	0.450	0.450	0.003	69	0.016	0.163	1.157	0.14	0.93	0.151	B, C	0.076	50%	Y
M3-M4	U-Channel	0.450	0.450	0.003	23	0.016	0.163	1.157	0.14	0.93	0.151	B, C	0.076	50%	Y
M4-M5	U-Channel	0.450	0.450	0.003	49	0.016	0.163	1.157	0.14	0.93	0.151	B, C	0.076	50%	Y
M5-M6	U-Channel	0.600	0.600	0.003	44	0.016	0.289	1.542	0.19	1.12	0.324	A, B, C	0.235	72%	Y
M6-M7	U-Channel	0.600	0.600	0.003	29	0.016	0.289	1.542	0.19	1.12	0.324	A, B, C	0.235	72%	Y
M7-M8	U-Channel	0.600	0.600	0.005	53	0.016	0.289	1.542	0.19	1.45	0.419	A, B, C	0.235	56%	Y
M8-M10	U-Channel	0.600	0.600	0.005	59	0.016	0.289	1.542	0.19	1.45	0.419	A, B, C	0.235	56%	Y
M9-M10	U-Channel	0.600	0.600	0.010	35	0.016	0.289	1.542	0.19	2.05	0.592	A, B, C	0.235	40%	Y
M10 to Kam Tin River	U-Channel	0.450	0.450	0.020	6	0.016	0.163	1.157	0.14	2.39	0.389	A, B, C	0.235	60%	Y

Note:
[1] Runoff is calculated in accordance with DSD's "Stormwater Drainage Manual - Planning, Design and Management" (SDM), fifth edition, January 2018..
[2] 50 years return period of HKO Headquarters is adopted in the calculation according to Stormwater Drainage Manual - Corrigendum No. 1/2024.
[3] For the proposed U-channel, value of n for concrete-lined channels under fair condition (i.e. n = 0.016) is adopted in the calculation.
[4] 10% reduction in flow area has been considered as per the requirement in SDM (Section 9.3).

Appendix C

Detailed Drainage Analysis with Climate Change Considerations

Capacity Flow Estimation for Proposed Catchments and Drainage System with 50 Year Return Period (with rainfall increase of 11.1%)

A.Calculation of All Catchment Runoff with Proposed Development

Catchment ID	Surface Type	Catchment Area (A), m^2	Catchment Area (A), km^2	Average Slope (H), m/100m	Flow Path Length (L), m	Inlet Time (t_0), min	Time of Concentration (t_c), min	Duration (t_d), min	a (50 year return period) [2]	b (50 year return period) [2]	c (50 year return period) [2]	Runoff Intensity, mm/hr	Runoff Coefficient (C)	C x A	Peak Runoff (with rainfall increase of 11.1%) (Q_p), m^3/s
A	100% Grassland (heavysoil), flat	10,514	0.0105	2.11	151.30	7.46	7.46	7.46	505.5	3.29	0.355	218	0.25	0.0026	0.1766
B	100% Grassland (heavysoil), flat	2,504	0.0025	2.21	94.86	5.35	5.35	5.35	505.5	3.29	0.355	235	0.25	0.0006	0.0455
C	100% Grassland (heavysoil), flat	2,053	0.0021	1.66	72.15	4.40	4.40	4.40	505.5	3.29	0.355	245	0.25	0.0005	0.0388
														Total	**0.2610**

B. Capacity Flow Estimation and Adequacy Check for Proposed Drainage System

Pipe Segement	Shape	Diameter, m	Depth, m	Slope	Length, m	Manning's Roughness Coefficient [3]	Cross Section Area, m^2 [4]	Wetted Perimeter, m	Hydraulic Radius, m	Mean Velocity, m/s	Capacity Flow, m^3/s	Catchments Served	Runoff, m^3/s [1]	% of Capacity Flow	Sufficient Capacity? (Y/N)
M1-M2	U-Channel	0.450	0.450	0.003	76	0.016	0.163	1.157	0.14	0.93	0.151	B	0.045	30%	Y
M2-M3	U-Channel	0.450	0.450	0.003	69	0.016	0.163	1.157	0.14	0.93	0.151	B, C	0.084	56%	Y
M3-M4	U-Channel	0.450	0.450	0.003	23	0.016	0.163	1.157	0.14	0.93	0.151	B, C	0.084	56%	Y
M4-M5	U-Channel	0.450	0.450	0.003	49	0.016	0.163	1.157	0.14	0.93	0.151	B, C	0.084	56%	Y
M5-M6	U-Channel	0.600	0.600	0.003	44	0.016	0.289	1.542	0.19	1.12	0.324	A, B, C	0.261	80%	Y
M6-M7	U-Channel	0.600	0.600	0.003	29	0.016	0.289	1.542	0.19	1.12	0.324	A, B, C	0.261	80%	Y
M7-M8	U-Channel	0.600	0.600	0.005	53	0.016	0.289	1.542	0.19	1.45	0.419	A, B, C	0.261	62%	Y
M8-M10	U-Channel	0.600	0.600	0.005	59	0.016	0.289	1.542	0.19	1.45	0.419	A, B, C	0.261	62%	Y
M9-M10	U-Channel	0.600	0.600	0.010	35	0.016	0.289	1.542	0.19	2.05	0.592	A, B, C	0.261	44%	Y
M10 to Kam Tin River	U-Channel	0.450	0.450	0.020	6	0.016	0.163	1.157	0.14	2.39	0.389	A, B, C	0.261	67%	Y

Note:
[1] Runoff is calculated in accordance with DSD's "Stormwater Drainage Manual - Planning, Design and Management" (SDM), fifth edition, January 2018..
[2] 50 years return period of HKO Headquarters is adopted in the calculation according to Stormwater Drainage Manual - Corrigendum No. 1/2024.
[3] For the proposed U-channel, value of n for concrete-lined channels under fair condition (i.e. n = 0.016) is adopted in the calculation.
[4] 10% reduction in flow area has been considered as per the requirement in SDM (Section 9.3).

Capacity Flow Estimation for Proposed Catchments and Drainage System with 50 Year Return Period (with rainfall increase of 16% and 12.1% of design allowance in End of 21th Centry)

A.Calculation of All Catchment Runoff with Proposed Development

Catchment ID	Surface Type	Catchment Area (A), m^2	Catchment Area (A), km^2	Average Slope (H), m/100m	Flow Path Length (L), m	Inlet Time (t_0), min	Time of Concentration (t_c), min	Duration (t_d), min	a (50 year return period) [2]	b (50 year return period) [2]	c (50 year return period) [2]	Runoff Intensity, mm/hr	Runoff Coefficient (C)	C x A	Peak Runoff (with rainfall increase of 16% and 12.1% of design allowance in End of 21th Centry) (Q_p), m^3/s
A	100% Grassland (heavysoil), flat	10,514	0.0105	2.11	151.30	7.46	7.46	7.46	505.5	3.29	0.355	218	0.25	0.0026	0.2067
B	100% Grassland (heavysoil), flat	2,504	0.0025	2.21	94.86	5.35	5.35	5.35	505.5	3.29	0.355	235	0.25	0.0006	0.0532
C	100% Grassland (heavysoil), flat	2,053	0.0021	1.66	72.15	4.40	4.40	4.40	505.5	3.29	0.355	245	0.25	0.0005	0.0455
														Total	**0.3054**

B. Capacity Flow Estimation and Adequacy Check for Proposed Drainage System

Pipe Segement	Shape	Diameter, m	Depth, m	Slope	Length, m	Manning's Roughness Coefficient [3]	Cross Section Area, m^2 [4]	Wetted Perimeter, m	Hydraulic Radius, m	Mean Velocity, m/s	Capacity Flow, m^3/s	Catchments Served	Runoff, m^3/s [1]	% of Capacity Flow	Sufficient Capacity? (Y/N)
M1-M2	U-Channel	0.450	0.450	0.003	76	0.016	0.163	1.157	0.14	0.93	0.151	B	0.053	35%	Y
M2-M3	U-Channel	0.450	0.450	0.003	69	0.016	0.163	1.157	0.14	0.93	0.151	B, C	0.099	66%	Y
M3-M4	U-Channel	0.450	0.450	0.003	23	0.016	0.163	1.157	0.14	0.93	0.151	B, C	0.099	66%	Y
M4-M5	U-Channel	0.450	0.450	0.003	49	0.016	0.163	1.157	0.14	0.93	0.151	B, C	0.099	66%	Y
M5-M6	U-Channel	0.600	0.600	0.003	44	0.016	0.289	1.542	0.19	1.12	0.324	A, B, C	0.305	94%	Y
M6-M7	U-Channel	0.600	0.600	0.003	29	0.016	0.289	1.542	0.19	1.12	0.324	A, B, C	0.305	94%	Y
M7-M8	U-Channel	0.600	0.600	0.005	53	0.016	0.289	1.542	0.19	1.45	0.419	A, B, C	0.305	73%	Y
M8-M10	U-Channel	0.600	0.600	0.005	59	0.016	0.289	1.542	0.19	1.45	0.419	A, B, C	0.305	73%	Y
M9-M10	U-Channel	0.600	0.600	0.010	35	0.016	0.289	1.542	0.19	2.05	0.592	A, B, C	0.305	52%	Y
M10 to Kam Tin River	U-Channel	0.450	0.450	0.020	6	0.016	0.163	1.157	0.14	2.39	0.389	A, B, C	0.305	79%	Y

Note:
[1] Runoff is calculated in accordance with DSD's "Stormwater Drainage Manual - Planning, Design and Management" (SDM), fifth edition, January 2018..
[2] 50 years return period of HKO Headquarters is adopted in the calculation according to Stormwater Drainage Manual - Corrigendum No. 1/2024.
[3] For the proposed U-channel, value of n for concrete-lined channels under fair condition (i.e. n = 0.016) is adopted in the calculation.
[4] 10% reduction in flow area has been considered as per the requirement in SDM (Section 9.3).

LCH Planning and Development
Consultants Limited

Our Ref.: PD2410002/07
Your Ref.: TPB/A/YL-NSW/357

27 February 2026

By Email

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

Dear Sir/Madam,

SECTION 16 PLANNING APPLICATION NO. A/ YL-NSW/357

Further Information Submission

We refer to the departmental comments received from Agriculture, Fisheries and Conservation Department on 12 December 2025 of the captioned Application.

Based on the latest updates, the Proposed Development involves permitted rehabilitation of agricultural area and pond culture management. Revisions on the proposed operation arrangement include proposed crop farming species, adoption of shrimp farming, etc.. Nature of this s.16 planning permission to meet changing needs in the near future, as well as to ensure certainty for environment protection, is remain unchanged. Our responses to the departmental comments in Appendix 4 with the revised planning statement report in Appendix 1. In regard to the latest updates, the Desktop Review on Nearby Ecological Baseline Condition has been updated in Appendix 3.

According to TPB PG-No. 32B, submission of this further information refers to supplement and/or clarify the background and supporting information of the Application, as well as to response the relevant departmental comments, in which does not constitute as a material change the application. Thus, it should be accepted. Should you require further information or have any query, please feel free to contact the undersigned or Haze Tsang at [redacted].

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

Junior Ho
Director

c.c. the Applicant

[redacted]

Encl.

- Appendix 1 – Revised Planning Statement Report
- Appendix 2 – Replacement Page of Figure 6
- Appendix 3 – Revised Desktop Review on Nearby Ecological Baseline Condition (Annex 6)
- Appendix 4 – Responses to Departmental Comments

Filling of Pond for Permitted Agricultural Use for a Period of 3 Years in "Other Specified Uses" annotated "Comprehensive Development to include Wetland Restoration Area" ("OU(CDWRA)") and "Village Type Development" ("V") zones, Lots 1212 S.E ss.1 and 1212 S.E RP (Part) in D.D. 115 and adjoining Discrepant Areas (Part), Nam Sang Wai, Yuen Long, New Territories

Section 16 Planning Application No. A/YL-NSW/357

Response to Departmental Comments Table

No.	Comments Received	Our Responses
Date: 24 November 2025		
A. Comments from Agriculture, Fisheries and Conservation Department *Subject Officer: Dr. Azaria WONG (T: 2150 6932)*		
From nature conservation perspective:		/
Planning Statement		/
Executive Summary		/
1.	It is stated that "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.". Please elaborate how the existing ecological value and biodiviersity could be enhanced. This comment also applies to S.4.1.9.	Relevant statements have been revised. Kindly note that the Proposed Development involves rehabilitation and cultivation, including planting area for agricultural use and pond for shrimp farming, to be compatible with the surrounding environment. Direct habitat loss arising from the Proposed Development is considered minimal, no net permanent loss of the area of plantation nor pond area under the Proposed Development. No direct or indirect disruption to the species during operational phase. The cumulative impacts with other concurrent developments were considered minor. With the implementation of proposed mitigation measures, no unacceptable adverse infrastructural nor environmental impacts are anticipated during construction or operational phases.
S.1.1.4 -		/
2.	It is stated that "It is currently covered with vegetation without sensitive ecological resources." Please provide supporting	**Section 1.1.4** has been revised.

No.	Comments Received	Our Responses
	information for this statement, and advise whether ecological survey and literature review have been conducted.	A desktop review on the nearby ecological baseline condition has been and conducted and supplemented in **Annex 6**.
S.2 -		/
3.	Please provide information about the ecological conditions of the site and the vicinity. Please advise whether the proposed construction works would adversely impact the ecologically sensitive receivers e.g. watercourse, fireflies, mangrove in the vicinity of the site during the construction phase.	A desktop review on the nearby ecological baseline condition has been and conducted and supplemented in **Annex 6**. Direct habitat loss arising from the Proposed Development is considered minimal, no net permanent loss of the area of plantation nor pond area under the Proposed Development. The existing *plantation* habitat of low ecological importance will be gradually converted to *agricultural land* habitat of low to very low ecological importance under the Application. There will be minor impact to the ecological value of the *pond* habitat with minimal human activities. No direct or indirect disruption to the species during construction and operational phases. The cumulative impacts with other concurrent developments were considered minor. Please refer to **Sections 3.3.6** and **3.6.12** and **Section 9 in Annex 6** for the proposed mitigation measures during construction and operation phases respectively, no adverse environmental and ecological impacts are anticipated from the Proposed Development.
S.3 -		/
4.	The information on the proposed construction works is still limited. Please advise whether there are any other construction works in addition to tree felling and drainage works, and whether there are any structures to be erected / installed at the site apart from the metal fence . If affirmative, please provide details about the works/ structure and illustrate and figures for illustration.	Further to the latest information, clearance and construction works including for repairment of a functional sluice gate and restoration of bund, and felling of existing trees would be involved, 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. Repairing works, including geotextile and installation of piles, will be carried out by hand, so as to keep

No.	Comments Received	Our Responses
		the interventions to the surroundings minimal. Further details on the proposed vehicular access of clearance arrangement have been shown in **Diagram 4**.
5.	Please advise whether there will be any light, noise, water pollution etc,. that would adversely impact the ecologically sensitive receivers e.g. watercourse, fireflies, mangrove in the vicinity of the site during the construction phase and the operation phase.	Please refer to **Sections 3.3.6** and **3.6.12** and **Section 9 in Annex 6** for the proposed mitigation measures during construction and operation phases respectively, no adverse environmental and ecological impacts are anticipated from the Proposed Development.
S.3.6 -		/
6.	Please advise whether there will be night-time operation that may adversely affect the ecological sensitive receivers in the vicinity.	The Proposed Development would be operated daily tentatively around 7a.m. to 5p.m. daytime. No artificial lighting and/or glare is allowed. **Section 3.6.1** has been supplemented.
7.	The pond at the northwestern portion of the site is proposed for pond fish culture for freshwater fish. However, during our recent inspection, it was found that the pond was not enclosed. It was connected to the Kam Tin River Meander to the east and the water was brackish. The applicant is advised to clarify how the proposed pond culture would be carried out and whether any earthworks would be conducted at the pond.	Please note this Application also applies to regularize the existing filled ponds, no additional pond filling is proposed apart from the existing filled area. Based on the latest information, we noted that the existing pond is not fully enclosed. Earthworks will be conducted for the repairment of a functional sluice gate and restoration of bund, to allow sustainable pond culture management. Further details on the operation arrangement of shrimp farming have been supplemented in **Sections 3.6.2** to **3.6.5**, subject to the actual operation by the future users.
S.4.2.2 -		/
8.	It is stated in Section 4.2.2 that "as considered by the Agriculture, Fisheries and Conservation Department (AFCD), EcoIA could be exempted for 'Agricultural Use (except in SSSI Zone)' for this s.16 planning application." Please be clarified that whether the requirement of EcoIA under TPB PG-12C could be exempted is	Kindly note that this Proposed Development falls within an area designated as "OU(CDWRA)" and "V" zones on the Approved Nam Sang Wai OZP No. S/YL-NSW/11, which 'Agricultural Use' falls into Column 1 that is always permitted by the Board. In accordance

No.	Comments Received	Our Responses
	subject to the view of PlanD and/or Town Planning Board. The same comment applies to S.5.3.3.	with the TPB PG-No. 12C, EcoIA could be exempted for 'Agricultural Use (except in SSSI Zone)'. **Section 4.2.2** has been revised accordingly.
From fisheries perspective:		/
9.	We have no objection to use the area for pond fish culture and cultivation purpose. The applicant is reminded to adopt appropriate measures to prevent deterioration of water quality of the fishpond and surrounding watercourses during site formation and operation.	Noted.
From agricultural perspective:		/
10.	We have no comments from agricultural perspective.	/
Date: 12 December 2025		
Most of the further information (FI) is not directly relevant to our previous comments. Some information therein is misleading, incorrect and/or different from the other application materials. The conclusions drawn are not supported by sound reasoning. As the information on ecological baseline, ecological impacts and mitigation measures are unclear, we have reservation on the application.		Noted.
Please find our specific comments on the FI below, which give some examples on the more obvious parts of the submission that require revision. The applicant is advised to provide specific response that are relevant and specific to our comments, and well supported by ecological data and scientifically sound assessment.		Noted.
From nature conservation perspective:		
RtC no. 1		
- Our comment about how the existing ecological value and biodiversity could be enhanced has not been addressed.		Relevant statements have been revised. Kindly note that the Proposed Development involves rehabilitation and cultivation, including planting area for agricultural use and pond for shrimp farming, to be compatible with the surrounding environment.

No.	Comments Received	Our Responses
		Direct habitat loss arising from the Proposed Development is considered minimal, no net permanent loss of the area of plantation nor pond area under the Proposed Development. The existing *plantation* habitat of low ecological importance will be gradually converted to *agricultural land* habitat of low to very low ecological importance under the Application. There will be minor impact to the ecological value of the *pond* habitat with minimal human activities. No direct or indirect disruption to the species during construction and operational phases. The cumulative impacts with other concurrent developments were considered minor.
	- Please explain what are "degraded lands" and how they contribute to environmental decline.	Degraded lands refer to areas where the land has undergone a reduction or loss in its environmental and/or economic complexity by pollution and other human activities. Various environmental concerns may occur, including vegetation removal and soil disturbance, leading to declines in species diversity. Term of "degraded lands" originally mentioned in **Section 5.4.1** has been removed and revised. Please note the existing condition of our Application Site which is currently covered by plantation and abundant pond, but abandoned and overgrown. Further details on the tree surveys have been supplemented in **Annex 5 Tree Preservation and Landscape Proposal**.
	- The statement of "no species were recorded within the project site" is incorrect.	Relevant statements in **Annex 6** have been removed.
	- The project site is well vegetated. Please clarify what do "developed area habitats" refer to.	Please note the existing condition of our Application Site which is currently covered by plantation and abundant pond, but abandoned and overgrown. Term of "developed area habitats" originally mentioned in **Section 7.1.3 of Annex 6** has been removed and revised.
RtC no. 2		

No.	Comments Received	Our Responses
	- Our comment about the ecological resources has not been addressed.	**Section 1.1.4** has been revised. A desktop research on the nearby ecological baseline condition has been and conducted and supplemented in **Annex 6**.
RtC no. 3		
	- The statement of "no species were recorded within the project site" is incorrect.	Relevant statements in **Annex 6** have been removed.
	- The project site is well vegetated. Please clarify what do "developed are habitats" refer to.	Term of "degraded lands" originally mentioned in **Section 5.4.1** has been removed and revised. Please note the existing condition of our Application Site which is currently covered by plantation and abundant pond, but abandoned and overgrown. Further details on the tree surveys have been supplemented in **Annex 5 Tree Preservation and Landscape Proposal**.
	- S.3.6.3 is not about mitigation measures.	Typo. Please refer to **Sections 3.3.6** and **3.6.12** and **Section 9 in Annex 6** for the proposed mitigation measures during construction and operation phases respectively.
	- Please see my comments on Annex 6 below.	/
RtC no. 4		
	- The RtC has not addressed my comments about the impacts on the specified ecological sensitive receivers specifically.	The Site is located within WBA and is near the WCA and "CA" zone. As the future cultivators and pond farmers will occasionally work and support different sites nearby for harvesting and when managing pond bunds, no any temporary structures for storage of farm equipment and/or aquaculture supplies shall be allowed during operation phase. 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. In addition, the habitats in Nam Sang Wai are considered **insignificant** as the operational phase disturbance (i.e. noise, human disturbance) will be very limited.

No.	Comments Received	Our Responses
		Regarding the proposed operation arrangement, the Proposed Development would be operated daily tentatively around 7a.m. to 5p.m. daytime, to minimise the possible impacts to the ecological sensitive receivers in the vicinity.
-	S.3.6.3 is not about mitigation measures.	Please refer to **Sections 3.3.6** and **3.6.12** and **Section 9 in Annex 6** for the proposed mitigation measures during construction and operation phases respectively.
RtC. no. 5		
-	My comments about ecological impacts have not been addressed.	Please refer to **Sections 3.3.6** and **3.6.12** and **Section 9 in Annex 6** for the proposed mitigation measures during construction and operation phases respectively, no adverse environmental and ecological impacts are anticipated from the Proposed Development.
RtC no. 6		
-	The operating hour of 7am to 7pm goes beyond daytime.	Based on the latest proposal by our Applicant, the Proposed Development would be operated daily tentatively around 7a.m. to 5p.m. daytime. **Section 3.6.1** has been revised accordingly.
RtC no. 7		
-	My comments about how the proposed pond culture would be carried out and whether any earthworks would be conducted at the pond have not been addressed.	Based on the latest information, we noted that the existing pond is not fully enclosed. Earthworks will be conducted for the repairment of a functional sluice gate and restoration of bund, to allow sustainable pond culture management. Further details on the operation arrangement of shrimp farming have been supplemented in **Sections 3.6.2** to **3.6.5**, subject to the actual operation by the future users.
RtC no. 8		
-	My comment is still valid for Section 1.1.3 of Annex 6.	**Section 1.1.3 of Annex 6** has been revised accordingly.
Annex 6		
S.2.1.2		

No.	Comments Received	Our Responses
The statement "The area surrounding Nam Sang Wai was formerly active fishponds, but these were filled over the course of the channelisation works and it is now largely grassland and plantation woodland" is not supported by the fact that there are a number of fishponds and other wetland habitats in the area.		**Section 2.1.2 of Annex 6** has been revised accordingly.
S.3.1.2		
The statement "all the above have been reviewed and approved by the AFCD" is misleading. Please delete. This comment also applies to S.9.1.1.		Relevant statement in **Sections 6.1.2** and **10.1.1 of Annex 6** have been removed.
S.6		
It is unclear whether the ecological information presented refers to Nam Sang Wai, the assessment area of the reviewed literature or the assessment area of the current application. Please revise for clarity.		**Section 6.1.2 of Annex 6** has been supplemented. Kindly note that relevant studies or surveys are found in the vicinity of the Application Site and most of them fall within their assessment area as provided in **Diagram 5 of Annex 6**.
S.6.1.15		
Please quote the source of "the present ecological survey and data from AFCD".		Relevant statement in **Section 6.1.14 of Annex 6** has been removed.
S.7.1.3		
-	The statement that "no species were recorded within the Project Site" is not supported by the findings that the Project Site were plantation and pond. Please revise.	Relevant statement in **Section 7.1.3 of Annex 6** has been removed.
-	The sentences "Direct habitat loss arising from the Proposed Development including the footprint of the development (primary impact) and habitat which will be lost due to the conversion of one type of wetland habitat to another to mitigate for the wetland area to be developed (secondary impact) are minimal. Developed area habitats within the assessment area mostly fall within the WBA as well as our Project Site, thus developed area habitats is of low ecological value. There will be no net permanent loss of the area of plantation" are incorrect as	Relevant statement in **Section 7.1.3 of Annex 6** has been removed.

No.	Comments Received	Our Responses
	the entire plantation on the application site will be lost as provided in other application material.	
-	No Annex 5 has ben provided.	**Annex 5 (Tree Preservation and Landscaping Proposal)** has been supplemented to your side for your review.
S.7.1.4		
The sentence of "No direct or indirect disruption to the species, and hence the net effect of the changes to habitat areas and water areas within the Project Site will be ecologically positive" is not logically sound.		Relevant statement in **Section 7.1.4 of Annex 6** has been removed.
S.9.1.2		
-	The first two sentences are misleading.	Relevant statement in **Section 9.1.1 of Annex 6** has been removed.
-	The drainage impact is outside the purview of AFCD.	Noted.
From fisheries perspective:		
S 6.1.22 of Literature Review on Ecological Baseline Condition		
-	The statement "*Referring to the above relevant studies or surveys, the recorded fish ponds at Nam Sang Wai which were actively managed for fish production*" appears to contradict the subsequent statement "*the physical environment were generally in poor context due to improper management practices and unauthorized activities*". Please clarify.	**Section 6.1.22 of Annex 6** has been revised accordingly.
-	It is further stated that "*These include the storage of materials unrelated to fisheries (i.e. abandoned vehicles, containers, construction materials, general waste), illegal dumping of toxic materials and construction waste, burning of waste, suction dredging of fishponds into adjacent creeks connected to c and the destruction of mangroves to expand fishponds*". Please clarify from which relevant studies or surveys these examples were derived.	The relevant statement is extracted from the Proposed Comprehensive Development with Wetland Enhancement (CDWE) at Nam Sang Wai and Lut Chau (EIA No. AEIAR-266/2025). **Section 6.1.22 of Annex 6** has been supplemented accordingly to include the source of extraction.
S 3.6 of Replacement pages for Planning Statement		
-	It is noted that shrimps may also cultured with fish in the existing pond at the Project Site. As the cultivation requirements, such as pond area, water depth, aeration, and	Based on the latest proposal by our Applicant, the Proposed Development would only involve pond for shrimp farming. Further details on the operation arrangement of shrimp farming have been

No.	Comments Received	Our Responses
	bottom type vary between shrimp and fish culture, please clarify whether reprofiling of the existing pond will be required to carry our shrimp and fish cultivation separately. If so, please specific the design and confirm whether additional pond/ land filling will be required.	supplemented in **Sections 3.6.2** to **3.6.5**, subject to the actual operation by the future users.
-	Please clarify whether the scale of proposed cultivation would be commercial.	In view of the size of Application Site, the proposed cultivation targets for self-use, and hence no economically or commercially viable for commercial farming will be involved. A small size of pond fish culture is anticipated with the adoption of traditional polyculture techniques throughout the operation as mentioned in **Sections 3.6.2** and **3.6.3**.
-	Regarding point 7 of the RtC, it appears the responses does not address the comment: "*However, during our recent inspection, it was found that the pond was not enclosed. It was connected to the Kam Tin River Meander to the east and the water was brackish. The applicant is advised to clarify how the proposed pond culture would be carried out and whether any earthworks would be conducted at the pond*". Please clarify.	Based on the latest information, we noted that the existing pond is not fully enclosed. Earthworks will be conducted for the repairment of a functional sluice gate and restoration of bund, to allow sustainable pond culture management. Further details on the operation arrangement of shrimp farming have been supplemented in **Sections 3.6.2** to **3.6.5**, subject to the actual operation by the future users.
From agricultural perspective:		
We have no comments on the further information from agricultural perspective.		Noted.

LCH Planning and Development
Consultants Limited

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

February 2026

Report : Version 1.4

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 culture management 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 to be compatible with the surrounding environment.

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) 作池塘養殖管理。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，從而與其周圍環境協調。

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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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 Approved 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 ponds and wetlands within the sensitive Wetland Conservation Area ("**WCA**") through the rehabilitation of agricultural area and pond culture management.

1.1.4 The Application Site for intended cultivation was previously ponds and have been formed for more than two decades. It is currently abundant and overgrown. 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. The existing pond is connected to the Shan Pui River via a broken concrete water gate (**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 for shrimp farming at a portion of Discrepant Areas adjacent to Section E of Lot No. 1212 in D.D. 115.

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**.

3.2.4 The existing abandoned pond is not enclosed and connects to the Shan Pui River. The water quality is brackish in nature. There appears to be a broken concrete foundation for the previous water gate. In order to re-activate the pond, repairment of a functional sluice gate on the existing location with restoration of the adjoining bunds is required.

3.3 Clearance Arrangement

3.3.1 Noted that the existing pond is not enclosed as described in **Section 3.2**, repairment of a functional sluice gate with restoration of the bunds at the channel mouth to the northeast connecting to Shan Pui River, to ensure the clay liners and bunds are sufficiently compacted to minimize water loss through seepage. Earthworks will be taken place during dry season as the existing abandoned pond will be drained and dried naturally at that time to minimize the potential ecological impacts during construction stage.

3.3.2 The Proposed Development would involve felling of existing trees and earthworks 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.

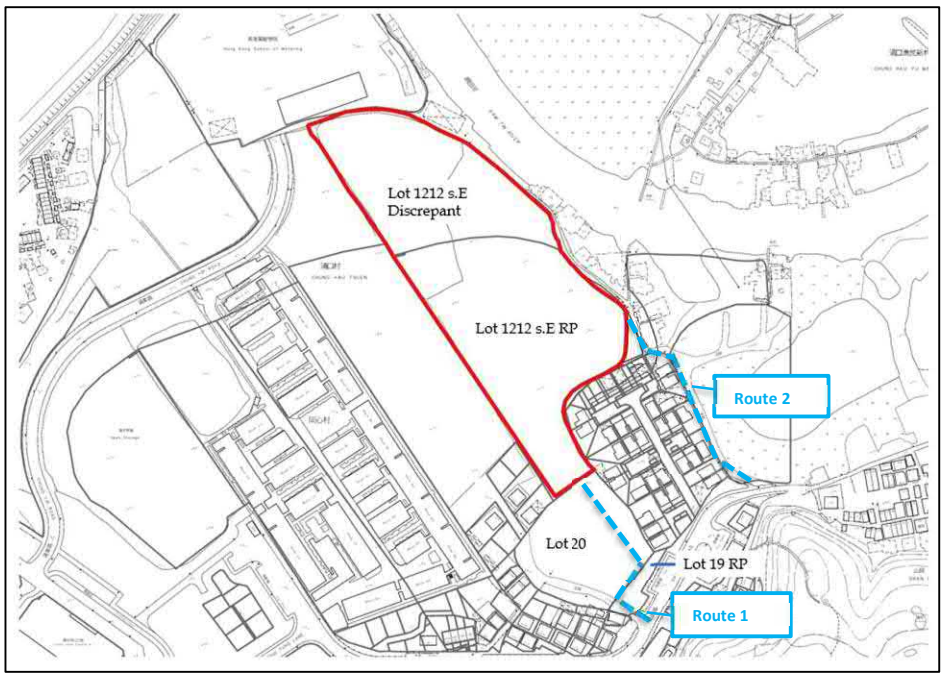


Diagram 4 Proposed Clearance Arrangement
(Source: HKSAR Government)

3.3.3 Earthwork at the existing abandoned pond shall involve repairment of a functional sluice gate and restoration of bunds with minimized desilting. Repairing works, including geotextile and installation of piles, will be carried out by hand, so as to keep the interventions to the surroundings minimal. Provision of dredging of existing accumulated sediments and selective removal of vegetation will also be included to provide open intertidal habitats (if necessary). Earthworks will be taken place during dry season as the pond will be drained and dried naturally at that time to minimize the potential ecological impacts during construction stage.

3.3.4 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.

3.3.5 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.

3.3.6 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.

3.3.7 The site clearance is expected to be completed around 2026Q1.

3.3.8 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 tentatively 7a.m. to 5p.m. daytime 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.
- As the Proposed Development is not considered to affect stability of pond bunds or resulting in seepage of bunds in adjacent ponds. Hence, the Proposed Development is not considered to result in hydrological disruptions outside the Application Site.
- 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 tentatively 7a.m. to 5p.m. 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 I 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* (山烏桕) 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 Uses

3.6.1 According to the information, the Proposed Development will be operated by around 5 experienced cultivators for agricultural use daily tentatively around 7a.m. to 5p.m. daytime, 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 abandoned pond in the northwest portion, pond for shrimp farming would also be considered.

Sustainable Pond Management

3.6.2 Partners with experience in aquaculture management will be engaged to rehabilitate the existing pond by minimising the potential impacts. The Application Site is immediately adjacent to Shan Pui River which is a significant intertidal zone. Water from the river will be rushed in during higher tide, while the water from the subject pond will flow to the river during low tide. Taking the opportunity of this brackish water nature as mentioned in **Section 3.2**, this Application intends to investigate the possibility to convert the existing abandoned pond into an intertidal shrimp pond.

3.6.3 The existing abandoned pond connects to the Shan Pui River via a broken concrete water gate, as shown in **Diagram 1**. Repair works will be carried out to repair the broken and non-functional gate into an operational sluice gate, which will be used to manage water levers by exploiting tidal movements, as well as to restore the bund to stabilize its edge and boundary. The existing bunds and water channels inside the Application Site will be maintained and restored.

3.6.4 To adopt sustainable pond management, during normal operation, the shrimp larvae will be stocked into the pond naturally. No chemical, feeds or additives should be adopted, the shrimp should rely on natural organic detritus with the tidal flow to raise sustainably. The proposed shrimp species include greasyback shrimp (*Metapenaeus ensis*), in which is common in Hong Kong, associated with brackish water nature of the subject pond.

3.6.5 Hence, no regular artificial feeding will be required as its growing method relies on the natural organic detritus with tidal flow. Passive harvest will be adopted by sluice netting during high tide periods. As the Proposed Development will be operated daily tentatively around 7a.m. to 5p.m.

daytime, the future users will highly align with low tide forecasts provided by the Hong Kong Observatory (HKO)[1].

Sustainable Crop Farming

3.6.6 Adjacent to the existing pond, the agricultural area will further utilize fertile, well-drained soils enriched by proximity to the wetland ecosystem. Buffer distance of about 5m between the pond and the agriculture use will be adopted to ensure the separation.

3.6.7 Crop intercropping shall be implemented to enhance soil health and ensuring consistent yields across seasons. Organic farming method shall also be adopted, by using pond water for irrigation to recycle nutrients and minimize waste. The proposed growing vegetables and crops include radish (*Raphanus sativus*), chives (*Allium schoenoprasum*), beets (*Beta vulgaris*), spinach oleracea, chenopodium quinoa, etc. will be considered due to their salt tolerance.

3.6.8 Organic farming method shall be adopted with integrated pest management (IPM) techniques, such as introducing beneficial insects (i.e. ladybugs for aphid control), using neem oil and/or marine extracts from natural deterrence for organic farmer use, and deploying physical barriers to control the potential flea beetle problems as also recommended by the Agriculture, Fisheries and Conservation Department (AFCD).

3.6.9 Fertilization will rely on on-site composting of crop residues and pond sludge at the pond, to recycle the aerobic composting piles that prevent soil subsidence commonly found in reclaimed wetlands or water bodies. No artificial pesticides and fertilisers will be employed. Proper nutrient management will be adopted by avoiding larger fertiliser dose with small and split applications, and only with fully matured compost. No organic fertiliser shall be applied before and after heavy rain, and to irrigate in short pulse to avoid excess water washing the organic nutrients away. By applying a smart fertilization plan, it is anticipated to minimise any potential pollution risk.

3.6.10 As the future cultivators and pond farmers will occasionally work and support different sites nearby for harvesting and when managing pond bunds, no any temporary structures for storage of farm equipment and/or aquaculture supplies shall be allowed during operation phase.

3.6.11 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.

[1] It is noted that the traditional practice shall be harvested during night and/or early morning as the shrimps are more active. To minimise possible impact to the surroundings at night time, the future operator will be limited to harvest during daytime tentatively around 7a.m. to 5p.m. only.

3.6.12 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 for shrimp farming. No air and noise emission activities will be involved and no powered machinery will be deployed. 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.
- Naturally feeding for the shrimp will be employed with no artificial feeding nor antibiotics/ pesticides/ herbicides. Desilting and degrading of pond during will be minimised.
- Proper fertilization plan to minimise the deployment of organic fertilization to prevent degradation of water quality.

Light Impact

- The Proposed Development will only operate during daytime daily tentatively around 7a.m. to 5p.m.. No artificial lighting and/or glare is allowed. No light pollution is anticipated.

Waste Management

- Waste collection and wastewater treatment facilities will be provided with reference to *Good Agricultural Practices for Crop Production* and *Practices Good Aquaculture Practices – Environmental Management of Pond Fish Culture* published by the 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 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 abandoned pond 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 the existing ponds. Development/redevelopment which may have negative impacts on the ecological value of the WCA would not be supported by the Board.

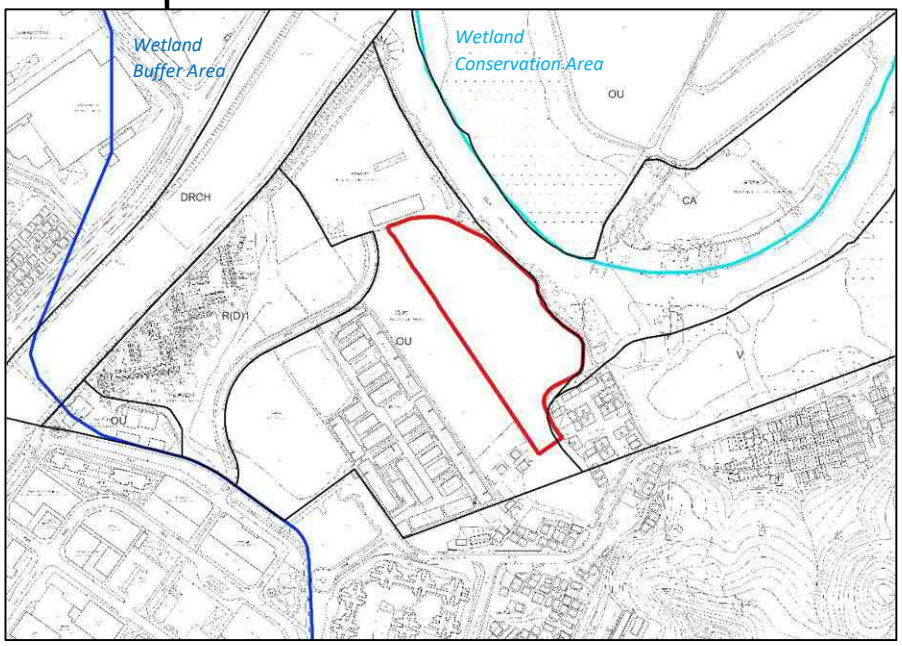


Diagram 7 Boundary of Wetland Buffer Area
(Source: Town Planning Board and CSDI Portal, HKSAR Government)

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, 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 ponds and wetlands through the rehabilitation of agricultural area and . 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 21,806 sq.m.) and "V" (of about 124 sq.m.) on the Approved 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.

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

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

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)

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.

(Please see next page)

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.

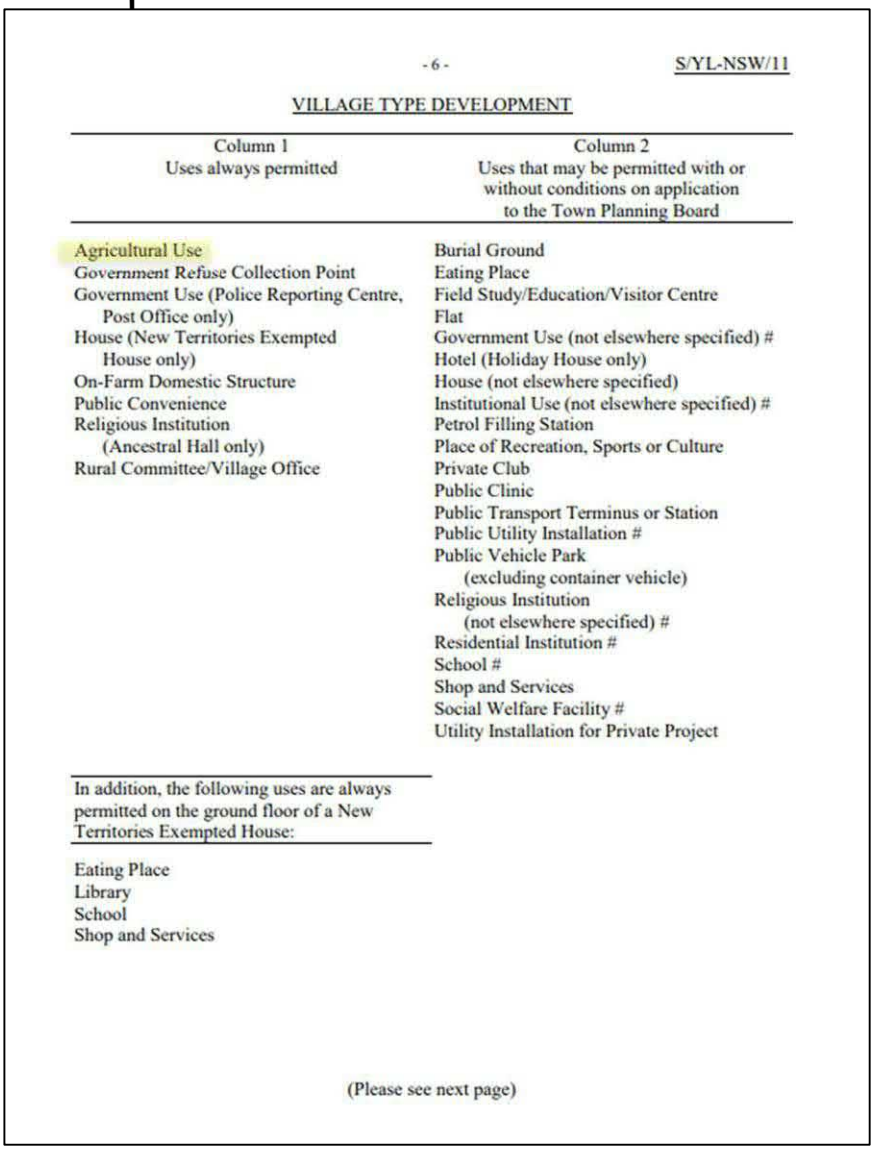
(e) On land designated "OU(CDWRA)(1)", no new development, or addition, alteration, and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of a maximum plot ratio of 1.55 and a maximum building height in terms of metres above 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.

(Please see next page)



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S/YL-NSW/11

VILLAGE TYPE DEVELOPMENT

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Agricultural Use Government Refuse Collection Point Government Use (Police Reporting Centre, Post Office only) House (New Territories Exempted House only) On-Farm Domestic Structure Public Convenience Religious Institution (Ancestral Hall only) Rural Committee/Village Office	Burial Ground Eating Place Field Study/Education/Visitor Centre Flat Government Use (not elsewhere specified) # Hotel (Holiday House only) House (not elsewhere specified) Institutional Use (not elsewhere specified) # 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

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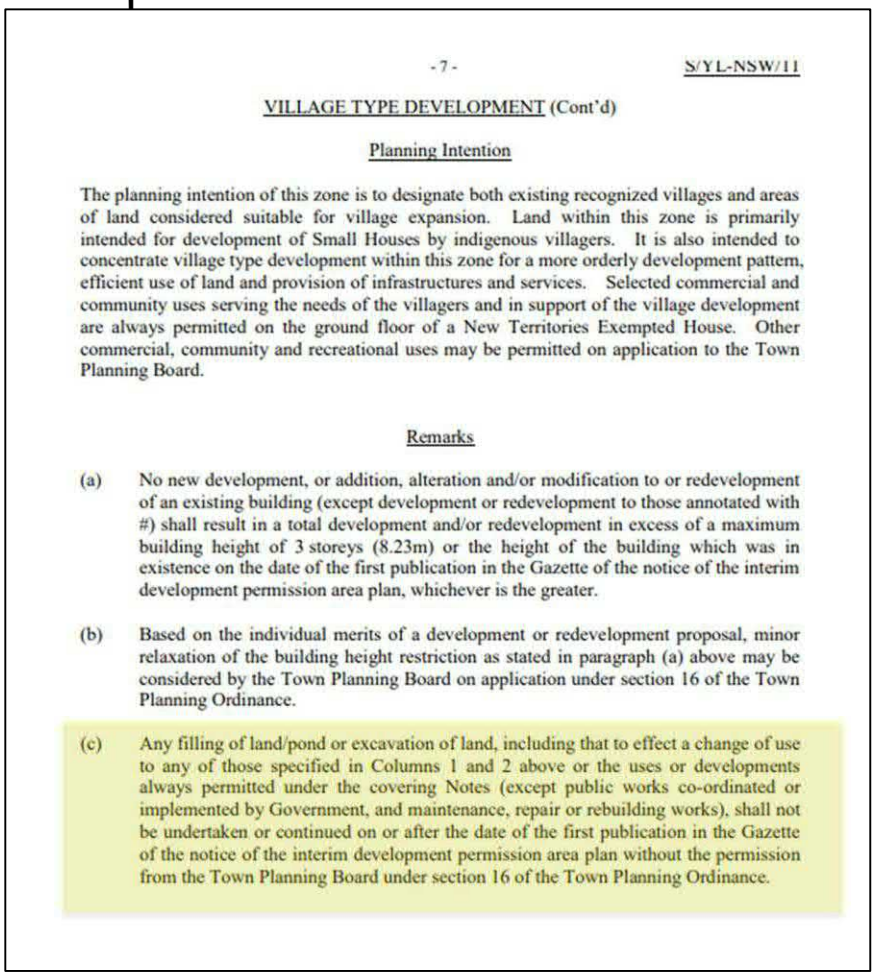

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VILLAGE TYPE DEVELOPMENT (Cont'd)

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 ponds/ponds 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 for shrimp farming 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 for shrimp farming. Compared to the "without project" scenario, where idle lands and underutilized ponds 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 for shrimp farming 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 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.

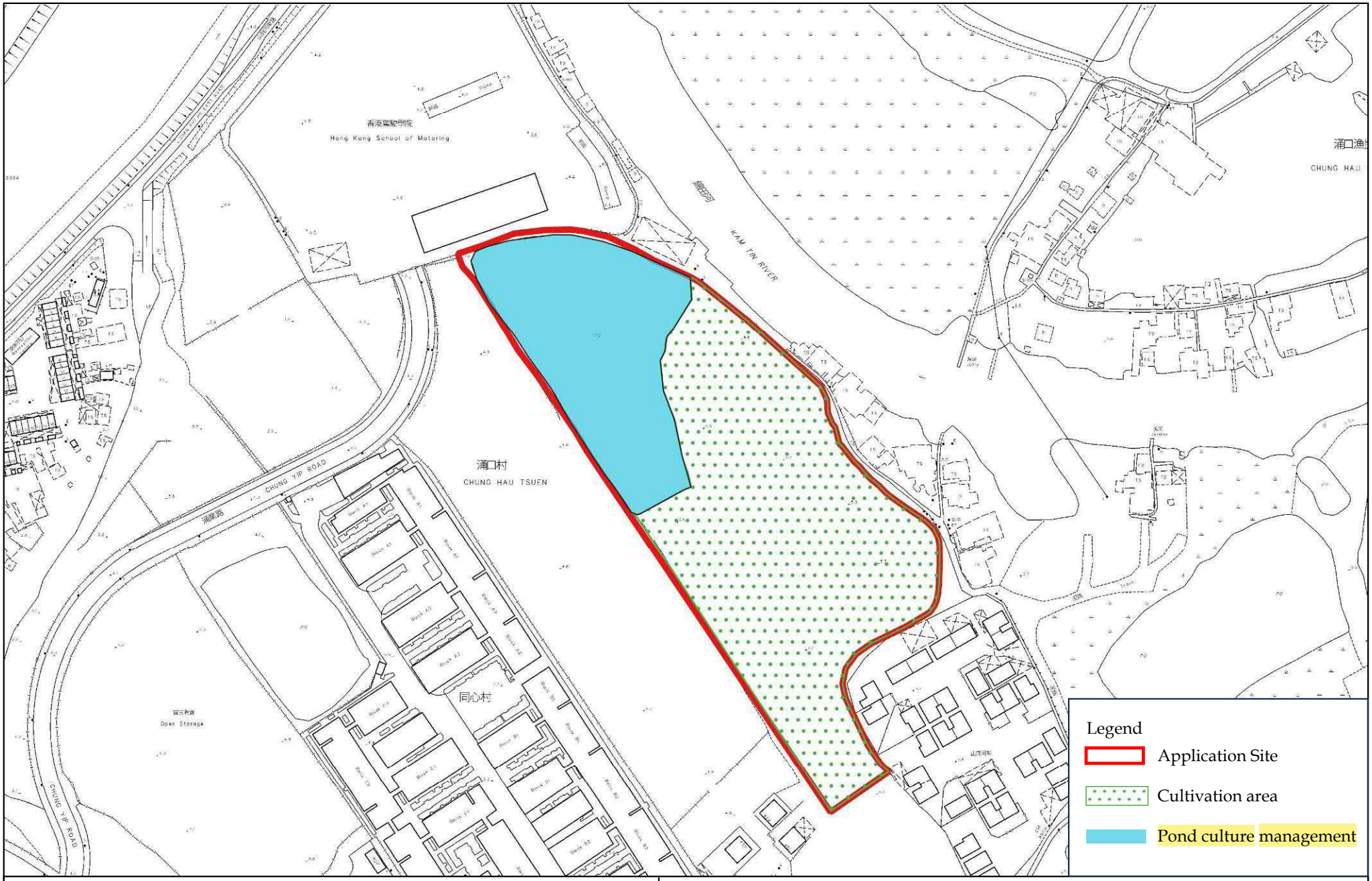
5.7.2 The Site falls within the area of WBA is in line with the planning intention for restoration of degraded wetlands adjoining the existing ponds. The Application Site will retain its original agriculture use and will adhere to the relevant mitigation measures and requirements outlined in the latest "*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.



LCH Planning and Development Consultants Limited

Figure 6 : Indicative Layout Plan

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

(Source: HK GEODATA STORE, HKSAR Government)

ANNEX 6

DESKTOP REVIEW ON NEARBY ECOLOGICAL BASELINE CONDITION

Desktop Review on Nearby Ecological Baseline Condition

1. Introduction

1.1.1 The Application Site is located at the far fringe of Nam Sang Wai, connecting to Shan Pui Road via a local track road. 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".

1.1.2 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 pond for shrimp farming. Development within the WBA causing negative impacts on the ecological value of the WCA should be avoided unless appropriate mitigation measures are implemented.

1.1.3 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, EcoIA shall be exempted for 'Agricultural Use (except in SSSI Zone)' for this s.16 planning application.

1.1.4 A desktop review on the nearby ecological baseline condition has been prepared and conducted to evaluate the potential ecological impact associated with the Proposed Development within the Application Site.

2 The Site

2.1.1 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.

2.1.2 The area surrounding Nam Sang Wai largely consists a number of fishponds that are managed for fish farming and many are being abandoned. Part of Nam Sang Wai is occupied by active fishponds is also subject to disturbance from fish farming activities and from the residents of farming and domestic structures. Wetland habitats, including but not limited to reedbeds, wet grasslands, active and abandoned fishponds, have been observed in Nam Sang Wai.

2.1.3 In addition to the active and more recently abandoned fishponds, there is a number of fishponds which were abandoned many years ago and which have undergone ecological succession due to siltation and colonisation of vegetation.

2.1.4 Nam Sang Wai lies at the intertidal confluence of the Kam Tin Main Drainage Channel (KTMDC) to the east and the Shan Pui River Channel (SPRC) to the west. Both rivers have been channelised with construction completed in 1997.

3 Relevant Legislation, Standards and Guidelines

3.1.1 Relevant legislation, standards, guidelines and related documents that are relevant to this literature review as follows: -

- Forests and Countryside Ordinance (Cap. 96) and its subsidiary legislation, the Forestry Regulations (Cap. 96A);
- Wild Animals Protection Ordinance (WAPO) (Cap. 170);
- Country Parks Ordinance (Cap. 208) and its subsidiary legislation;
- Environmental Impact Assessment Ordinance (EIAO) (Cap. 499) and the Technical Memorandum on Environmental Impact Assessment Process (EIAO-TM);
- Protection of Endangered Species of Animals and Plants Ordinance (Cap. 586) and its subsidiary legislation;
- Hong Kong Planning Standards and Guidelines Chapter 10, "Conservation";
- Planning, Environment &. Lands Branch Technical Circular No. 1/97 / Works Branch Technical Circular No. 4/97, "Guidelines for Implementing the Policy on Off-site Ecological Mitigation Measures";
- EIAO Guidance Note (GN) No. 3/2010 – Flexibility and Enforceability of Mitigation Measures Proposed in an EIA Report;
- EIAO GN No. 6/2010 - Some Observations on Ecological Assessment from the Environmental Impact Assessment Ordinance Perspective;
- EIAO GN No. 7/2023 – Ecological Baseline Survey for Ecological Assessment; and
- EIAO GN No. 10/2023 – Methodologies for Terrestrial and Freshwater Ecological Baseline Surveys.

3.1.2 The following Mainland legislation have also been made reference to this literature review: -

- List of Wild Animals under State Priority Conservation, promulgated by the National Forestry and Grassland Administration and the Ministry of Agricultural and Rural Affairs; and
- List of Wild Plants under the State Priority Protection, promulgated by the National Forestry and Grassland Administration and the Ministry of Agriculture and Rural Affairs.

3.1.3 Other international conventions and guidelines that are relevant to this literature review include the followings: -

- Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES);
- International Union for Conservation of Nature (IUCN) Red List of Threatened Species; and
- United Nations Convention on Biological Diversity.

4 Literature Review

4.1.1 The following previous studies and information sources were reviewed for this literature review: -

- Proposed Temporary Transitional Housing and Ancillary Uses for a Period of 3 Years with Filling of Land and Excavation of Land (Approved planning application No. A/YL-NSW-281);
- Proposed Residential Development and Minor Relaxation of Plot Ratio and Building Height Restrictions with Filling of Land and Excavation of Land (Approved planning application No. A/YL-NSW-282);
- Proposed Comprehensive Development with Wetland Enhancement (CDWE) at Nam Sang Wai and Lut Chau (EIA No. AEIAR-266/2025) approved with condition on 5 June 2025;
- Yuen Long Barrage Scheme (EIA No. AEIAR-228/2021) approved without conditions on 24 May 2021;
- Improvement of Yuen Long Town Nullah (Town Centre Section) (EIA No. AEIAR-223/2020) approved with condition on 31 July 2020;
- Yuen Long Effluent Polishing Plant (EIA No. AEIAR-220/2019);
- Annual Reports and other publications of The Hong Kong Bird Watching Society (HKBWS);
- Porcupine! – Newsletter of Division of Ecology & Biodiversity of University of Hong Kong;
- The Terrestrial Biodiversity Survey conducted by the University of

Hong Kong;

- Hong Kong Biodiversity – Newsletter of the Agriculture, Fisheries and Conservation Department (AFCD); and
- Other publications by the AFCD; and
- Other publications by the Environmental Protection Department (EPD).

4.1.2 Referring to the Hong Kong Environmental Database (HKED) published by the EPD, in which refers to the habitats identified from the approved EIAs, it is noted the Application Site was identified as pond and plantation habitats under Yuen Long Barrage Scheme (EIA No. AEIAR-228/2021), as summarized in **Diagram 1** below.



Diagram 1 Existing Ecological Condition of the Subject Site
(Source: Environmental Protection Department, HKSAR Government)

4.1.3 Locations of the above approved planning applications are illustrated in **Diagram 2** below.

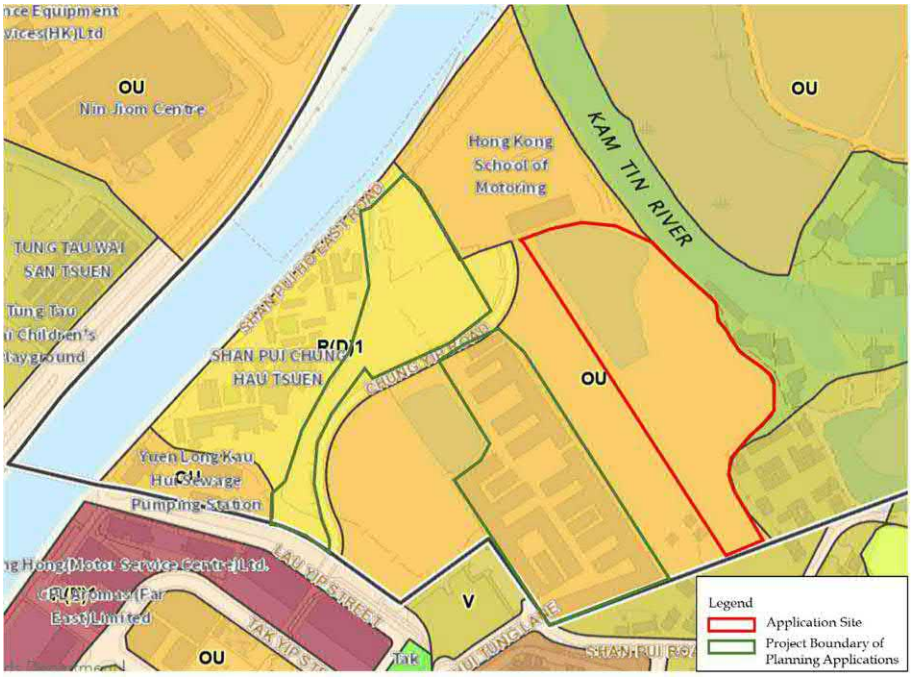


Diagram 2 Previous Approved Planning Applications with submitted and approved Ecological Impact Assessments near the Subject Site
(Source: Town Planning Board, HKSAR Government)

4.1.4 Locations of the above approved EIAs are illustrated in **Diagram 3** below.



Diagram 3 Previous Approved Environmental Impact Assessments near the Subject Site

(Source: Environmental Protection Department, HKSAR Government)

5 Methodology

5.1.1 The Assessment Area includes all areas within 500 metres from the Project Boundary, shown in **Diagram 4**.

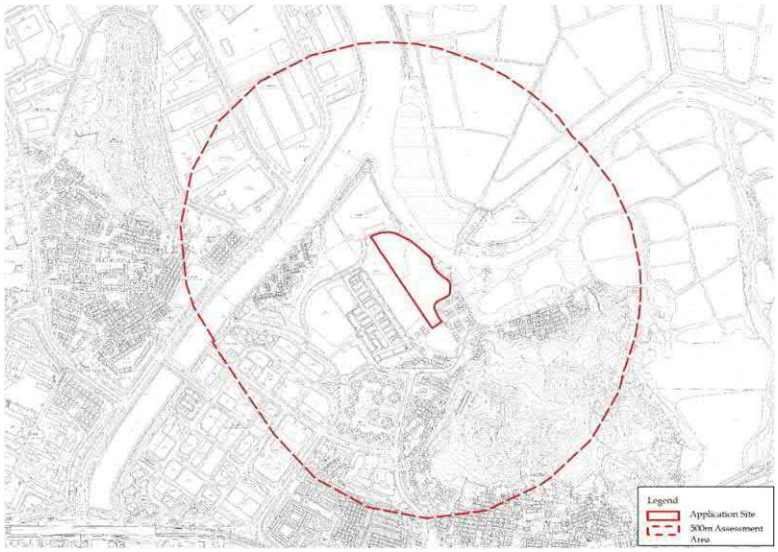


Diagram 4 Assessment Area of the Subject Site

5.1.2 The Application Site is located within the WBA surrounded by the Hong Kong School of Motoring, the KTMDC and residential areas. The planning 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 existing ponds, while the planning intention of the WCA is to conserve the ecological value of the fish ponds which form an integral part of the wetland ecosystem in the Deep Bay Area. It comprises the existing and contiguous, active or abandoned fish ponds in the Deep Bay Area, which should all be conserved. New development within the WCA would not be allowed unless it is required to support the conservation of the ecological value of the area or the development is an essential infrastructural project with overriding public interest.

6 Desktop Review

6.1.1 A desktop review on the nearby ecological baseline condition was carried out to evaluate the potential ecological impact associated with the Proposed Development within the Application Site.

6.1.2 Findings of relevant studies or surveys in the vicinity of the Application Site were reviewed and summarized in **Table 1** below.

Habitat and Vegetation

6.1.3 The above relevant studies or surveys recorded that Nam Sang Wai mostly comprised active and abandoned fishponds (some of which had been colonised by reedbed or grassland), while other habitats included mangrove, watercourses, terrestrial grassland, plantation, temporary structures (houses and other buildings) and other developed areas (roads).

6.1.4 Surveys of the approved planning application No. A/YL-NSW/282 recorded that most of the forementioned Assessment Area were covered by *developed area/wasteland*, other habitats including but not limited to *plantation*, *channelized watercourse* and *reedbed* were also recorded. Most of the plantation were planted for screening and greening purpose that dominated by landscaping and horticultural. It is understood that all the recorded species were commonly found in the urban area in Hong Kong.

6.1.5 Referring to the latest approved EIA report under EIA No. AEIAR-266/2025, active fishponds at Nam Sang Wai were maintained with mostly *open water* and little emergent vegetation, whilst *abandoned fishponds* had been progressively colonised by vegetation to varying extents, so that some retained open water while others were overgrown with grasses. *Grassland* was dominated by common grass species, survey findings also observed that most habitat types at Nam Sang Wai were *wetland* (which mostly dominated by reedbed), only a small area of secondary *woodland* was present to the south of Shan Pui Tsuen and Shan Pui Hung Tin Tsuen, this area was also heavily influenced by human activities.

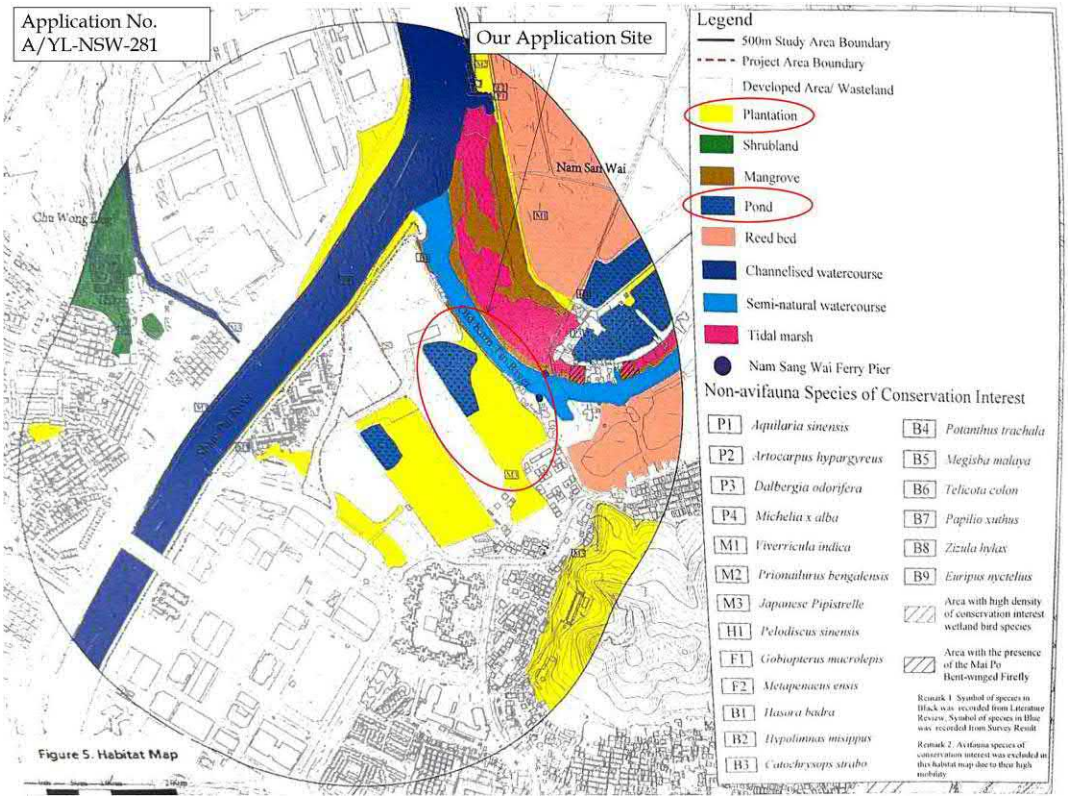
6.1.6 Both approved planning application No. A/YL-NSW-282 and EIA No. AEIAR-266/2025 noted that most of the ponds within Nam Sang Wai were abandoned for a period of years, none flora species of conservation interest were recorded.

6.1.7 Other habitats including *grassland* was recorded in the survey of the approved planning application No. A/YL-NSW-281, the exotic *Brachiaria mutuca* was recorded, in which is a common lowland weed that readily colonizes wet areas in *wasteland*. *Mangroves* belt was also recorded along a section of Nam Sang Wai Road immediately adjacent to the grassland across the KTMDC. The *Mangroves* habitat was dominated by mangrove species as well as mangrove associate species that were commonly found in Hong Kong.

6.1.8 The Application Site is currently fenced off, largely paved with vegetations covering a major portion of the site and an abandoned pond is situated in the northwest. Specifically, all studies and surveys also illustrated that the Application Site were covered by *plantation* and *abundant pond*, directly reflecting the current condition of our Application Site.

6.1.9 Of which, referring to habitat maps under the approved planning application No. A/YL-NSW-281, A/YL-NSW-282, EIA No. AEIAR-266/2025, EIA No. AEIAR-228/2021, and EIA No. AEIAR-223/2020, our Application Site was covered by plantation and pond, with tidal watercourse and/or semi-natural

watercourse, tidal marsh, mangrove, reedbed were observed to the north and east of the Application Site. Based on the HKED published by the EPD in **Diagram 1**, our Application Site was also covered by plantation and pond. Maps of surveyed habitat and plantation extracted from the relevant studies or surveys are provided in **Diagram 5**.



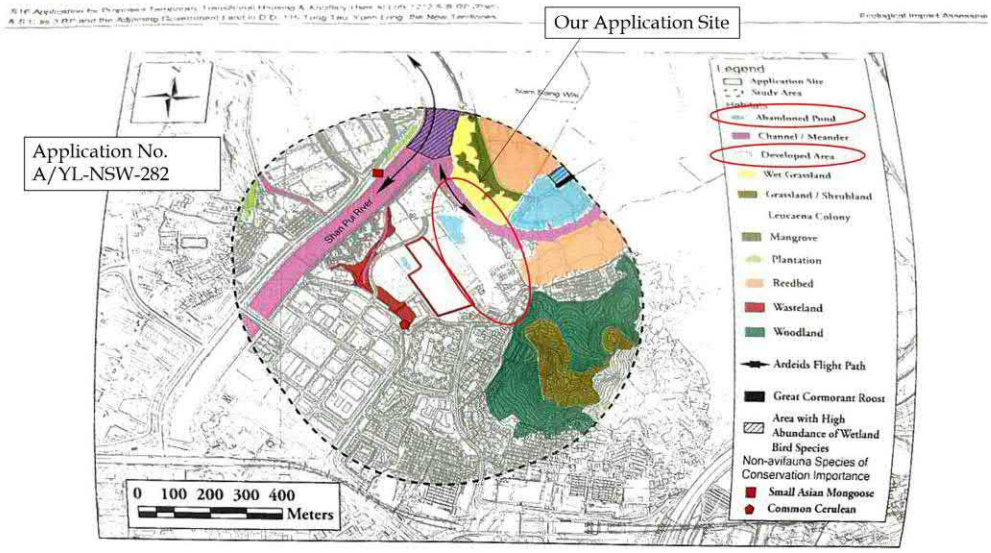
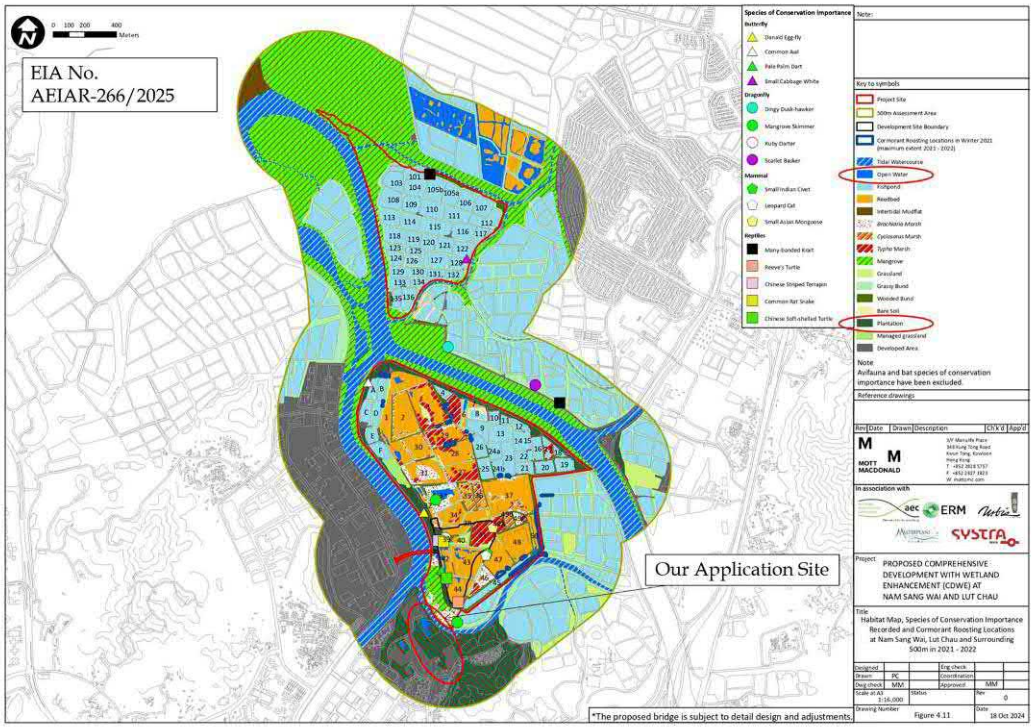
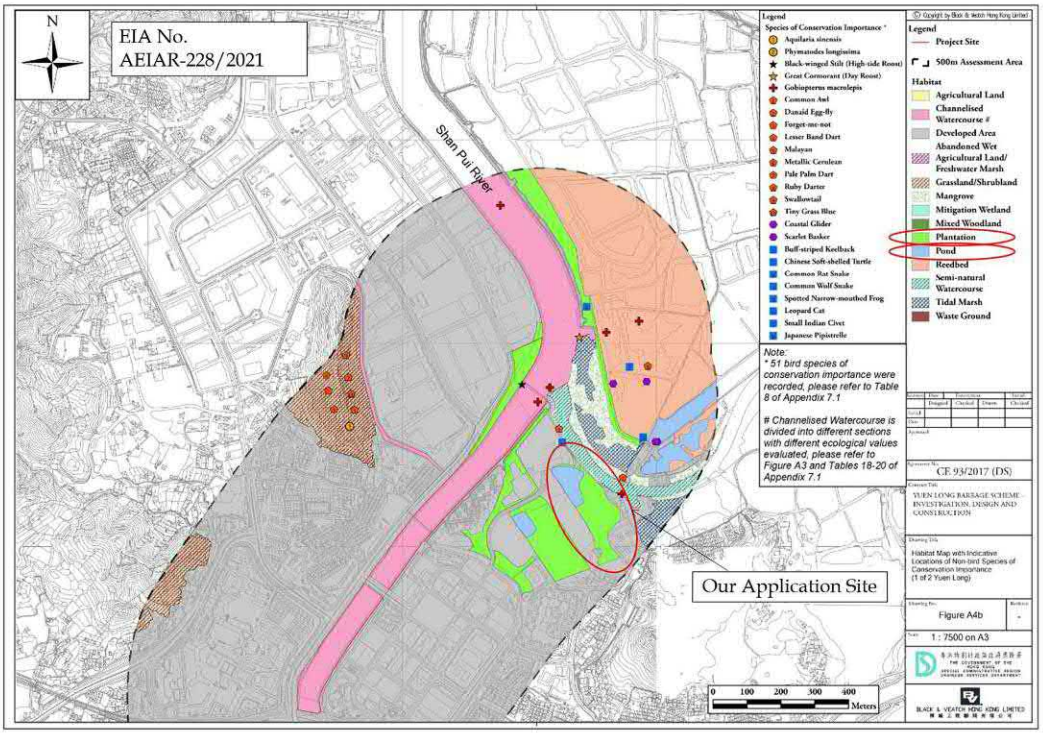


Figure 4 Major Flight Paths and Locations of High Abundance of Wetland birds and Non-avifauna Fauna Species of Conservation Importance within Study A




N
EIA No.
AEIAR-228/2021
Shan Pui River
Our Application Site
Legend
Species of Conservation Importance *
Aquilaria sinensis
Phymatodes longissima
Black-winged Stilt (High-tide Roost)
Great Cormorant (Day Roost)
Gobiopterus macrolepis
Common Awl
Danaid Egg-fly
Forget-me-not
Lesser Band Dart
Malayan
Metallic Cerulean
Pale Palm Dart
Ruby Darter
Swallowtail
Tiny Grass Blue
Coastal Glider
Scarlet Basker
Buff-striped Keelback
Chinese Soft-shelled Turtle
Common Rat Snake
Common Wolf Snake
Spotted Narrow-mouthed Frog
Leopard Cat
Small Indian Civet
Japanese Pipistrelle
Note:
* 51 bird species of conservation importance were recorded, please refer to Table 8 of Appendix 7.1
# Channelised Watercourse is divided into different sections with different ecological values evaluated, please refer to Figure A3 and Tables 18-20 of Appendix 7.1
Legend
Project Site
500m Assessment Area
Habitat
Agricultural Land
Channelised Watercourse #
Developed Area
Abandoned Wet Agricultural Land/ Freshwater Marsh
Grassland/Shrubland
Mangrove
Mitigation Wetland
Mixed Woodland
Plantation
Pond
Reedbed
Semi-natural Watercourse
Tidal Marsh
Waste Ground
CE 93/2017 (DS)
YUEN LONG BARRAGE SCHEME - INVESTIGATION, DESIGN AND CONSTRUCTION
Habitat Map with Indicative Locations of Non-bird Species of Conservation Importance (1 of 2 Yuen Long)
Figure A4b
1 : 7500 on A3
0 100 200 300 400
Meters
BLACK & VEATCH HONG KONG LIMITED

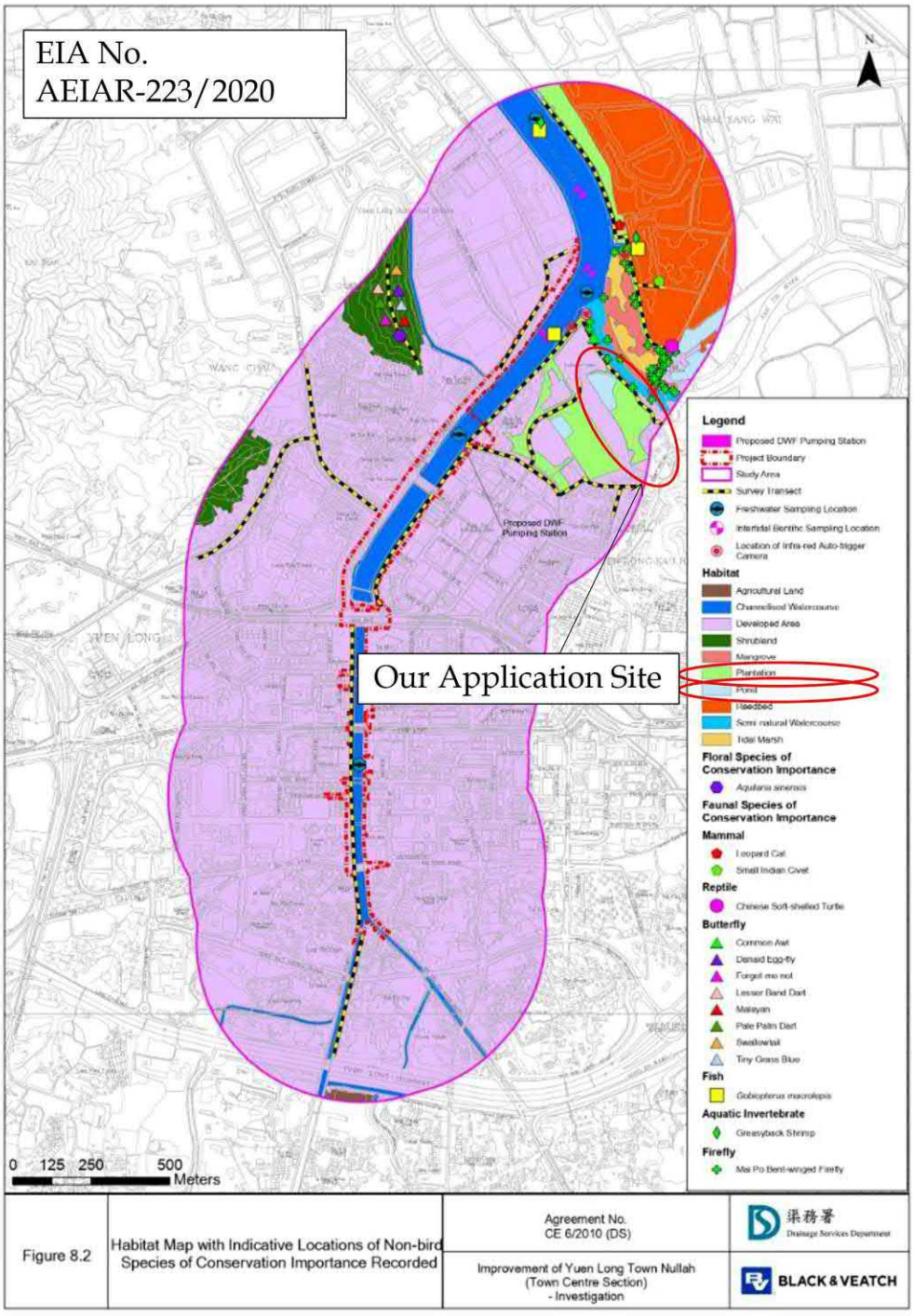


Diagram 5 Surveyed Habitat and Plantation Extracted from Relevant Studies or Surveys for Literature Review

(Source: Environmental Protection Department and Town Planning Board, HKSAR Government)

Avifauna

6.1.10 Referring to the above relevant studies or surveys recorded, all survey findings were similar. Based on the latest EIA No. AEIAR-266/2025, waterbirds and wetland birds were recorded foraging or roosting as Nam Sang Wai is dominated by fishponds.

6.1.11 Some waterbird species recorded, including but not limited to Little Grebe, Yellow Bittern, Common Moorhen and White-breasted Waterhen, are known to breed in fishponds and reedbeds in Hong Kong. The only confirmed breeding behaviour took place in the Shan Pui River Egretry. The total number of nests at the Egretry has decreased significantly since the first recorded in the 2019 breeding season, the cause of the decline is unknown but similar declines were noted at other Egretries in the Deep Bay Area in 2022 (Anon 2022). This might be related to the absence of obstacle along the KTMDC and SPRC, and the presence of foraging habitats (i.e. mudflat) in these rivers (approved planning application No. A/YL-NSW-281).

6.1.12 Noted from the Monthly Waterbird Monitoring Summer Report 2022 and Winter Report 2022-2023 by the HKBWS, the recorded waterbird groups were less than the survey conducted in the year 2021 summer and winter.

6.1.13 No significant waterbird flight path was recorded in the Assessment Area.

Mammal

6.1.14 To summarize the above relevant studies or surveys, a small amount of mammal species was recorded. Of which, Leopard Cat (*Prionailurus bengalensis*), Small Indian Civet (*Viverricula indica*), Small Asian Mongoose (*Herpestes javanicus*) and Japanese Pipistrelle (*Pipistrellus abramus*) were considered of conservation importance.

6.1.15 Currently, no species with conservation importance was recorded within the Assessment Area throughout the ecological surveys from the above relevant studies or surveys listed in **Table 1**. Based on the EIA No. AEIAR-266/2025, Japanese Pipistrelles were recorded along Yau Pok Road and Nam Sang Wai Road.

6.1.16 Special attention was paid to the Eurasian Otter in Nam Sang Wai. Although no recorded under the above ecological surveys from the above relevant studies or surveys listed in **Table 1**, McMillan *et al.* (2019) mapped Eurasian Otter in the southern side of Nam Sang Wai, with AFCD has also recorded Eurasian Otter between 2012 to 2017 at the northern tip of Nam Sang Wai (AFCD biodiversity survey data (unpublished)). Of which, the most recent published record in Nam Sang Wai under year 2011.

Herpetofauna

6.1.17 Based on the above relevant studies or surveys, small amount of amphibian species and reptile species were recorded respectively. All species were common throughout Hong Kong, and none were considered of conservation

importance.

Butterfly and Odonate

6.1.18 According to the above relevant studies or surveys, the butterflies recorded in Nam Sang Wai were largely common and widespread species that feed on common flora during larval and adult stages (DSD, 2002, DSD, 2004, and MLI Ltd, 2008). The recorded butterflies among the above relevant studies or surveys include species of conservation importance namely *Common Awl*, *Pale Palm Dart, Danaid Egg-fly*, *Grass Demon (Udaspes folus)*, *Spotless Grass Yellow (Eurema laeta)* and *Small Cabbage White (Pieris rapae)*, all of which are considered of Local Concern (LC), with the Hong Kong status of rare to very rare (Fellowes *et al*. 2002).

6.1.19 No dragonflies were recorded at the Assessment Area and the vicinity of Nam Sang Wai.

Firefly

6.1.20 Survey on the Mai Po Bent-winged Firefly (MPBWF) has been recorded under the EIA No. AEIAR-266/2025. Only small numbers of the MPBWF were observed in the mangroves along KTMDC. Besides, referring to the EIA Nos. AEIAR-223/2020 and AEIAR-228/2021, small numbers were present in the *mangrove* habitat in Shan Pui River.

Fisheries

6.1.21 Noted that pond fish culture has long been practised in the New Territories. Mostly, only primarily freshwater and brackish water species were included for pond fishing, while certain high-value marine species have also been cultured in diluted seawater by fish farms in recent years.

6.1.22 Referring to the above relevant studies or surveys, the recorded fish ponds at Nam Sang Wai which were actively managed for fish production, while the surrounding environment in Nam Sang Wai were generally in poor context due to human disturbances. These include the storage of materials unrelated to fisheries (i.e. abandoned vehicles, containers, construction materials, general waste), dumping of toxic materials and construction waste, burning of waste, suction dredging of fishponds into adjacent creeks connected to Deep Bay Area, and the destruction of mangroves to expand fishponds (EIA No. AEIAR-266/2025).

6.1.23 No capture fisheries nor other forms of aquaculture, including marine fish culture and oyster culture, were identified within or near the Assessment Area.

7 Identification and Evaluation of Potential Impacts

7.1.1 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.



Diagram 6 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 Lands Department, HKSAR Government)

7.1.2 The Proposed Development will be operated by 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 abandoned pond in the northwest portion, pond for shrimp farming would also be considered.

Sustainable Pond Management

7.1.3 Taking the opportunity of this brackish water nature for the existing pond, this Application intends to investigate the possibility to convert the existing abandoned pond into an intertidal shrimp pond. Repair works will be carried out to repair the broken and non-functional gate into an operational sluice gate, which will be used to manage water levers by exploiting tidal movements, as well as to restore the bund to stabilize its edge and boundary. The existing bunds and water channels inside the Application Site will be maintained and restored.

7.1.4 To adopt sustainable pond management, during normal operation, the shrimp larvae will be stocked into the pond naturally. No chemical, feeds or additives should be adopted, the shrimp should rely on natural organic detritus with the tidal flow to raise sustainably. The proposed shrimp species include greasyback shrimp (*Metapenaeus ensis*), in which is common in Hong Kong, associated with brackish water nature of the subject pond.

7.1.5 Hence, no regular artificial feeding will be required as its growing method relies on the natural organic detritus with tidal flow. Passive harvest will be adopted by sluice netting during high tide periods. As the Proposed Development will be operated daily tentatively around 7a.m. to 5p.m. daytime, the future users will highly align with low tide forecasts provided by the Hong Kong Observatory (HKO)[1].

Sustainable Crop Farming

7.1.6 Adjacent to the existing pond, the agricultural area will further utilize fertile, well-drained soils enriched by proximity to the wetland ecosystem. Organic farming method shall also be adopted, by using pond water for irrigation to recycle nutrients and minimize waste. The proposed growing vegetables and crops include radish (*Raphanus sativus*), chives (*Allium schoenoprasum*), beets (*Beta vulgaris*), spinach oleracea, chenopodium quinoa, etc. will be considered due to their salt tolerance.

7.1.7 Organic farming method shall be adopted with integrated pest management (IPM) techniques, such as introducing beneficial insects (i.e. ladybugs for aphid control), using neem oil and/or marine extracts from natural deterrence for organic farmer use, and deploying physical barriers to control the potential flea beetle problems as also recommended by the AFCD.

7.1.8 As the future cultivators and pond farmers will occasionally work and support different sites nearby for harvesting and when managing pond bunds, no any temporary structures for storage of farm equipment and/or aquaculture supplies shall be allowed during operation phase.

7.1.9 Refer to **Section 6** above, it noted that findings of all studies and surveys have summarized our Application Site were *plantation* and *pond* habitats. There Proposed Development involves proposed cultivation incorporated with plantation provision (i.e. as 38 nos. of standard trees and groundcover) listed in the Tree Preservation and Landscaping Proposal in **Annex 5**.

7.1.10 As part of the Proposed Development will be regularized the ponds that have been filled for more than two decades, thus pond culture will be proposed in the existing abandoned pond. Habitat loss to species is unlikely happened, with no net loss of open water and fishpond. The Application Site was not the habitat for wetland bird and/or waterbird species. There will be no loss of pond area due to the proposed pond culture and no significant increase in human disturbance to habitats is anticipated comparing with the current status of the abundant pond.

[1] It is noted that the traditional practice shall be harvested during night and/or early morning as the shrimps are more active. To minimise possible impact to the surroundings at night time, the future operator will be limited to harvest during daytime tentatively around 7a.m. to 5p.m. only.

7.1.11 Further to the latest information, clearance and construction works including earthwork for repairment of a functional sluice gate and restoration of bund, and felling of existing trees would be involved. Repairing works, including geotextile and installation of piles, will be carried out by hand, so as to keep the interventions to the surroundings minimal. No pollution of air or water shall arise from a large number of different sources and could occur during construction, operation or both.

7.1.12 Fragmentation impacts arise where development or other human activities impede or sever ecological linkages between or within habitats and areas. Construction of a development between habitats which show ecological linkage may result in the loss of these links and thus a decrease in the suitability of the habitat for particular species and a reduction in the overall value of the habitat. Mitigation measures as discussed in **Section 8** will be proposed to reduce the potential impacts, the overall impact shall be minor.

8 Identification of Ecological Impacts

8.1.1 The implementation of the permitted agricultural use will include earthwork and felling of existing trees in the initial stage. Construction works generally involve site clearance, substructure and/or superstructure, concreting of drains, and landscaping work.

Construction Phase – Direct Impacts

8.1.2 *Habitat Loss* – As the Site is currently overgrown, the felling of trees shall involve the complete removal of trees indicated, the direct impact due to the loss of plantation area is considered as sensitive. However, as identified in previous EIA reports, the ecological value of the *plantation* habitat is considered low with most tress are exotic species, and the ecological linkage of the *plantation* habitat are poor.

8.1.3 Potential impacts on Eurasian Otter and other mammal species of conservation importance include direct habitat loss and disturbance. Due to the lack of recent records on Eurasian Otter within the Site, low impact severity during construction phase is predicted. Compensatory planting will be proposed under the Tree Preservation and Landscaping Proposal in **Annex 5**.

8.1.4 No additional pond filling is proposed apart from the existing filled area. it is noteworthy that there is no reduction of the identified *pond* habitat within the Application Site. The Application Site is not served by any drainage system to direct surface runoff, and existing water gate has been broken. The proposed drainage system has been designed to be sufficient in handling the surface runoff within the Application Site. Repair works of the existing functional sluice gate and the restoration of bunds are also proposed at the channel opening to the northeast connecting to Shan Pui River. There will be

temporary impact to the pond habitat with these human activities. The direct impact due to the loss of existing pond area is considered minor.

Construction Phase – Indirect Impacts

8.1.5 *Water Quality* – During the construction phase, watercourses, aquatic and the intertidal habitats (i.e. tidal marsh and mangrove) nearby would be potentially impacted by construction works and further surface runoff, especially during rainstorm. Repairing works, including geotextile and installation of piles, will be carried out by hand, so as to keep the interventions to the surroundings minimal. To minimize the potential ecological impacts, the programme of site clearance is expected to be completed around 2026Q1, and hence earthworks will be taken place during dry season to ensure the pond will be drained and dried naturally.

8.1.6 Elevated suspended solid levels caused by site runoff could increase the suspended solids load in the water bodies, and could further lower dissolved oxygen levels. It may temporarily reduce aquatic life cycle, or may change in its distribution. If without control, the potential impact due to runoff to these habitats is considered **moderate**.

8.1.7 Regarding the proposed drainage system, the *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)* would be adopted where applicable to minimise the potential water quality impacts from the construction works.

8.1.8 For the repair works of the sluice gate and restoration of bund, the proposed work is not considered to affect stability of pond bunds or resulting in seepage of bunds in adjacent ponds. Hence, the Proposed Development is not considered to result in hydrological disruptions outside the Application Site.

8.1.9 Similar approaches have been adopted to minimize construction works inside the watercourse and thus reduce direct water quality impact to Shan Pui River and Kam Tin River. 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 to proper handle and dispose any construction site discharges. The potential of these impacts will be greatly reduced to acceptable level. Hence, the potential ecological impacts to downstream to the works area including the confluence of Shan Pui River and Kam Tin River from the excavation works are considered **minor**.

8.1.10 *Construction noise disturbance* – Potential response of waterbirds to noise disturbance varies from minor response like its head turning scanning to behavioural changes like taking flight, reducing feeding/roosting time or increasing agonistic behaviour, depending on the sensitivity of the waterbirds and the level of disturbance (Platteeuw & Henkens, 1997). Noted that

sensitivity of each waterbird to the level of noise disturbance varies among different species, residents nearby may generally tolerant of disturbance than the birds (Klein *et al*. 1995). Referring to the proposal, the programme of site clearance is expected to be completed around 2026Q1. Given that various waterbirds and wetland birds have been recorded in Nam Sang Wai, impact from construction noise disturbance is considered **moderate** for migratory/ overwintering waterbirds if unmitigated.

8.1.11 Noted that there is no established criteria/threshold for construction noise tolerance of waterbirds in Hong Kong or similar urbanized environment, quieter construction method and or equipment will be prioritised and adopted as far as practicable. All the construction works will be conducted between tentatively 7a.m. to 5p.m. daytime 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. With proper measures, noise impact is expected to be minimal.

8.1.12 *Air quality impact* – Given that dust and human activities will increase during construction phase, it might temporarily reduce the abundance and distribution of mangrove and habitats adjacent to the Site. With the implementation of mitigation measures and good site practices to minimise the potential dust impact during the construction phase, no adverse air quality impact due to the proposed works is anticipated. The impacts of construction dust disturbance on terrestrial and wetland habitats, vegetation and other associated mangrove are therefore considered **minor**.

8.1.13 *Artificial Lighting/Glare* – Artificial lighting/glare could affect light sensitive wildlife. Given that the construction works would be conducted between tentatively 7a.m. to 5p.m. daytime on any day not being a Sunday or general holiday. Working lights might only be turned on during cloudy days with low light intensity. In any cases, there will be no working lights after 5p.m. daytime. Due to the sensitivity of nocturnal animals, the impacts of construction lighting/glare disturbance are considered **insignificant**.

8.1.14 *Impacts on recognized sites* – 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". With the implementation of good site practices, other recognized sites within the Assessment Area include Wetland Conservation Area (WCA) and "Conservation Area" ("CA") zone under the Outline Zoning Plan (OZP) will not be affected directly. Potential impacts are not anticipated.

Operational Phase – Direct Impacts

8.1.15 *Habitat loss* – Without the Proposed Development, the Site will still be abundant and overgrown. The planting proposal as recommended in **Annex**

5 includes 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).

8.1.16 With the farming activities on the Application Site, it would convert the *plantation* habitat into *agricultural land* habitat, with ecological value to be low to very low. Any impacts on Eurasian Otter are also predicted to be of very low severity due to the lack of recent records within the Site. It is anticipated that there will be degradation of ecological value from low to very low on the plantation habitat.

8.1.17 Noted that the Proposed Development also involves restoration of abandoned pond for shrimp farming. Such restoration does not change the original context of pond, but to re-activate the pond, repairment of a functional sluice gate on the existing location. Net effect to be integrated with surrounding wetland is anticipated under proper sustainable pond management to rely on natural organic detritus with the tidal flow. Potential impacts are considered **minimal**.

Operational Phase – Indirect Impacts

8.1.18 *Water quality* – The surface runoff generated from the Application Site will be discharged to the proposed U-channel system. The drainage analysis, as demonstrated in the **Drainage Impact Assessment** in **Annex 4**, has demonstrated that the proposed drainage systems have adequate capacity to cater the surface runoff from the Site.

8.1.19 During operation phase, no chemical, feeds or additives should be adopted for shrimp farming, as its growing method relies on the natural organic detritus with tidal flow. Passive harvest will be adopted by sluice netting during high tide periods. No adverse impacts on the aquatic communities or the associated waterbirds and wetland birds are anticipated, whilst the pond for shrimp farming may serve as habitat for piscivorous birds compared to the baseline condition. Therefore, water quality impact is not anticipated.

8.1.20 For crop farming, organic farming method with integrated pest management (IPM) techniques will be adopted, such as introducing beneficial insects (i.e. ladybugs for aphid control), using neem oil and/or marine extracts from natural deterrence for organic farmer use, and deploying physical barriers like netting to control the potential flea beetle problems as also recommended by the AFCD.

8.1.21 Fertilization will rely on on-site composting of crop residues and pond sludge at the pond, to recycle the aerobic composting piles that prevent soil subsidence commonly found in reclaimed wetlands or water bodies. No artificial pesticides and fertilisers will be employed. Proper nutrient management will be adopted by avoiding larger fertiliser dose with small and

split applications, and only with fully matured compost. No organic fertiliser shall be applied before and after heavy rain, and to irrigate in short pulse to avoid excess water washing the organic nutrients away. By applying a smart fertilization plan, it is anticipated to minimise any potential pollution risk.

8.1.22 As the Proposed Development is not considered to affect stability of pond bunds or resulting in seepage of bunds in adjacent ponds. No significant increase is anticipated to the change of hydrodynamics at the Shan Pui River, thus the potential impacts due to change of hydrodynamics are considered **minor**.

8.1.23 *Air quality and noise* – The Proposed Development will be for rehabilitation of agricultural land and pond culture for intertidal shrimps. No air and noise emission activities will be involved and no powered equipment will be deployed. Therefore, air quality and noise impacts are not expected.

8.1.24 *Light impact* – The Proposed Development will only operate during daytime daily tentatively around 7a.m. to 5p.m.[2]. No artificial lighting and/or glare is allowed. On the other hand, the existing lighting sources (i.e., village houses, low-rise residential development, the Yuen Long INNOPARK, etc.) are already present within and near the Site. As suggested by the nearby approved EIA (EIA No. AEIAR-228/2021), fauna inhabiting in habitats near the Project Site have probably habituated to lightings, and hence sensitive species might not be present in these areas. No significant adverse impact to nocturnal fauna in nearby areas is anticipated. Potential impacts are considered **minor**.

8.1.25 *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), or any relevant ordinances and guidelines. Potential impacts are considered **minor**.

8.1.26 *Impacts on recognized sites* – The Site is located within WBA and is near the WCA and "CA" zone. As the future cultivators and pond farmers will occasionally work and support different sites nearby for harvesting and when managing pond bunds, no any temporary structures for storage of farm equipment and/or aquaculture supplies shall be allowed during operation phase. 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. In addition, the impact to habitats in Nam Sang Wai are considered **minor** as the

[2] It is noted that the traditional practice shall be harvested during night and/or early morning as the shrimps are more active. To minimise possible impact to the surroundings at night time, the future operator will be limited to harvest during daytime tentatively around 7a.m. to 5p.m. only. They are highly advised to align with low tide forecasts provided by the Hong Kong Observatory (HKO).

operational phase disturbance (i.e. noise, human disturbance) will be very limited.

9 Mitigation and Enhancement Measures

9.1.1 Mitigation measures are proposed during both construction and operation phases, 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.

9.1.2 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 not have irreversible adverse ecological impact to the surrounding area and do not undermine the integrity of the wetland ecosystem.

9.1.3 Precautionary measures will be carried out, including but not limited to no substantial piling works, no night time construction works, adjusting outdoor lighting to lower intensity, tree planting along the site boundary, adopting good site practices, etc..

9.1.4 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 tentatively 7a.m. to 5p.m. daytime 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.
- As the Proposed Development is not considered to affect stability of pond bunds or resulting in seepage of bunds in adjacent ponds. Hence, the Proposed Development is not considered to result in hydrological disruptions outside the Application Site.
- 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 tentatively 7a.m. to 5p.m. daytime. Therefore, light pollution is not anticipated.

9.1.5 The following mitigation measures are proposed to avoid and minimise impacts and disturbance to the surrounding habitats during operation phase as follows: -

Air Quality and Noise

- The Proposed Development will be for rehabilitation of agricultural land and pond for shrimp farming. No air and noise emission activities will be involved and no powered machinery will be deployed. 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.
- Naturally feeding for the shrimp will be employed with no artificial feeding nor antibiotics/ pesticides/ herbicides. Desilting and degrading of pond during will be minimised.
- Proper fertilization plan to minimise the deployment of organic fertilization to prevent degradation of water quality.

Light Impact

- The Proposed Development will only operate during daytime daily tentatively around 7a.m. to 5p.m.. No artificial lighting and/or glare is allowed. No light pollution is anticipated.

Waste Management

- Waste collection and wastewater treatment facilities will be provided with reference to *Good Agricultural Practices for Crop Production* and *Good Aquaculture Practices – Environmental Management of Pond Fish Culture* published by the AFCD.

10 Conclusions

10.1.1 A desktop review have been conducted making reference to the completed and approved studies and surveys, to evaluate the potential ecological impact associated with the Proposed Development within the Application Site.

10.1.2 The Proposed Development with the proposed operation of pond culture and cultivation activities will make effective use of idle lands and abandoned ponds contribute to environmental decline and reduced productivity, with minor ecological impact to the local context of Nam Snag Wai as compared to the baseline condition.

10.1.3 Direct habitat loss arising from the Proposed Development is considered minor, with no net permanent loss of pond area under the Proposed Development. The existing *plantation* habitat of low ecological importance will be gradually converted to *agricultural land* habitat of low to very low ecological importance under the Application. There will be minor impact to the ecological value of the *pond* habitat with minimal human activities. No direct or indirect disruption to the species during construction and operational phases. The cumulative impacts with other concurrent developments were considered minor.

10.1.4 To address potential impacts on wildlife during the construction and operational phases of the Project, mitigation measures will be adopted to ensure no unacceptable adverse infrastructural nor environmental impacts on the surrounding environment during construction or operational phases.

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LCH Planning and Development
Consultants Limited

Our Ref.: PD2410002/08
Your Ref.: TPB/A/YL-NSW/357

5 March 2026

By Email

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

Dear Sir/Madam,

SECTION 16 PLANNING APPLICATION NO. A/ YL-NSW/357

Further Information Submission

We refer to the departmental comments received from Drainage Services Department on 23 February 2025 of the captioned Application.

Please find attached our responses to the departmental comments with the revised Drainage Impact Assessment. This further information contains the response the relevant departmental comments. Thus, according to TPB PG-No. 32B, this further information does not constitute as a material change the application and should be accepted by the TPB for inclusion into the application.

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

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

Junior Ho
Director

c.c. the Applicant

Encl.
- Appendix 1 – Responses to Departmental Comments
- Appendix 2 – Revised Drainage Impact Assessment (Annex 4)

[redacted]

Filling of Pond for Permitted Agricultural Use for a Period of 3 Years in "Other Specified Uses" annotated "Comprehensive Development to include Wetland Restoration Area" ("OU(CDWRA)") and "Village Type Development" ("V") zones, Lots 1212 S.E ss.1 and 1212 S.E RP (Part) in D.D. 115 and adjoining Discrepant Areas (Part), Nam Sang Wai, Yuen Long, New Territories

Section 16 Planning Application No. A/YL-NSW/357

Response to Departmental Comments Table

No.	Comments Received	Our Responses
A. *Comments from the Drainage Services Department (Contact person: Ms. Jessica KWAN, Tel: 3965 8924)*		
Date: 23 February 2026		
A. Specific Comments		/
1.	The applicant should review size of the proposed drainage facilities at the downstream of the proposed sand trap M10. Size of the proposed drainage facilities at the downstream should be equal to / larger than that at the upstream;	The size of the proposed circular pipe from M10 (now updated as M9) to Kam Tin River is 750mm. Please refer to **Figure 3.2** of the **Drainage Impact Assessment (DIA)**.
2.	Figures 3.2 & 3.3: The applicant should clarify discrepancies of sizes of the proposed drainage facilities shown on the submitted plans. The applicant should update the hydraulic calculation in Appendix C if necessary;	The figures have been updated accordingly. Please refer to **Figures 3.2 and 3.3** of the **DIA**.
3.	The extreme sea level due to climate change by the end of the 21st century under a 50-year return period is 5.01mPD. The design of any structures/drainage facilities should consider this to minimize flood risk;	The level of the Site has been raised by about 2m. Please refer to **Section 3.4** of the **DIA** and **Section 3.2.1** of the **planning statement**.
4.	The applicant should clarify invert level of the existing watercourse mentioned in the submitted proposal;	The invert level of the existing Kam Tin River is 3.4 mPD. Please refer to **Figure 3.4** of the **DIA**.
5.	Cross Sections showing the proposed drainage facilities and existing and proposed ground levels of the captioned site with respect to the adjacent areas should be given;	The figures have been updated accordingly with the ground levels with respect to the adjacent areas. Please refer to **Figures 3.3A to 3.3D** of the **DIA**.
6.	Peripheral surface channels shall be provided to collect the surface runoff accrued on the application site and to intercept	Peripheral surface channels are provided on the Site. Please refer to **Figure 3.2** of the **DIA**.

No.	Comments Received	Our Responses
	the overland flow from the adjacent lands. It is noted that there is proposed land filling works under the subject application. Proper surface channels should be provided at the lower platform and wall toe to collect the overland flow to/ from adjacent areas. The applicant should review the proposed drainage system;	Overland flow from adjacent areas has been considered in the calculation. Wall openings will be provided for the flow from Catchment F. Please refer to **Section 3.2** and **Appendix B** of the **DIA**.
7.	The applicant should demonstrate with hydraulic calculation that the proposed drainage facilities are adequate to collect, convey and discharge the surface runoff accrued on the application site and the overland flow intercepted from the adjacent lands;	The calculations have been updated accordingly. Please refer to **Appendices B and C** of the **DIA**.
8.	The applicant should demonstrate the existing facilities to be discharged to have sufficient capacity to cater for any additional flow generated due to the subject application;	The Site only contributed about 0.02% of the runoff in Kam Tin River. Please refer to **Appendix D** of the **DIA**.
9.	The applicant should provide details for the connection of the proposed and existing drainage system mentioned in the proposal; and	The details of the existing condition and the proposed drainage system have been provided in **Figure 3.4** of the **DIA**.
10.	Consideration should be given to provide granting for the surface channels.	Iron grating will be provided for the surface channels. Please refer to **Section 3.5** of the **DIA**.
B. General Comments		/
1.	For the construction details of the proposed drainage facilities, reference should be made to current CEDD's standard drawings;	Noted.
2.	The proposed development should neither obstruct overland flow nor adversely affect any existing natural streams, village drains, ditches and the adjacent areas, etc.;	Noted.
3.	Where walls or hoarding are erected are laid along the site boundary, adequate openings should be provided to intercept the existing overland flow passing through the site;	Overland flow from adjacent areas has been considered in the calculation. Wall openings will be provided for the flow from Catchment F. Please refer to **Section 3.2** and **Appendix B** of the **DIA**.
4.	The applicant is required to rectify the drainage system if they are found to be inadequate or ineffective during operation. The	Noted.

No.	Comments Received	Our Responses
	applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by a failure of the drainage system;	
5.	The applicant should submit form HBPl to this Division for application of technical audit for any proposed connection to DSD's drainage facilities;	Noted.
6.	The applicant should consult DLO/YL and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works;	Noted.
7.	Connection to existing watercourse should be designed and constructed to prevent back flows at the drainage outlet when water level at the existing watercourse is high;	Noted.
8.	The applicant should ensure that all runoff currently directed towards the pond would be intercepted and redirected to the proposed drainage system;	Peripheral surface channels are provided on the Site. Please refer to **Figure 3.2** of the **DIA**.
9.	The applicant should ensure that the proposed development must not obstruct overland flow or existing flow paths. All existing flow paths as well as the runoff falling onto and passing though the site will be intercepted and disposed of via proper discharge points. Free flow condition of the adjacent drains, channels and watercourses should be maintained at all time during and after the development;	Overland flow from adjacent areas has been considered in the calculation. Wall openings will be provided for the flow from Catchment F. Please refer to **Section 3.2** and **Appendix B** of the **DIA**.
10.	The applicant should be reminded to comply with "DSD Technical Circular No. 1/2017 Temporary Flow Diversions and Temporary Works Affecting Capacity in Stormwater Drainage Systems" if the proposed works under the application involve the construction of permanent or temporary works within, over or adjacent to DSD's stormwater drainage systems; and	Noted.

No.	Comments Received	Our Responses
11.	There is no assessment for the potential drainage impact to the adjoining area and also the impact due to the filling of pond in the submission.	Overland flow from adjacent areas has been considered in the calculation. Wall openings will be provided for the flow from Catchment F. Please refer to **Section 3.2** and **Appendix B** of the **DIA**.

URBAN GREEN

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

Drainage Impact Assessment Report

Reference: P159-DIA-I3
Date: 4 March 2026
Confidential

URBAN GREEN

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

Drainage Impact Assessment Report

Reference: P159-DIA-I3

Date: 4 March 2026

Issue	Status	Prepared By	Date	Checked by	Date	Approved By	Date
1	-	Elvis Liu	Sep 25	Cheryl Chan	Sep 25	Joan Choi	Sep 25
2	-	Cheryl Chan	Dec 25	Cheryl Chan	Dec 25	Joan Choi	Dec 25
3	-	Elvis Liu	Mar 26	Cheryl Chan	Mar 26	Joan Choi	Mar 26

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1 Introduction

1.1 Background

The planning application is for filling a 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 in Nam Sang Wai, Yuen Long, New Territories (hereafter as "the Site").

The Site mainly falls within an area designated as "Other Specified Uses" annotated as "Comprehensive Development to include Wetland Restoration Area" ("OU(CDWRA)") zone with a small portion in an area designed as "Village Type Development" ("V") zone on the Approved Nam Sang Wai Outline Zoning Plan No. S/YL-NSW/11 ("NSW OZP"). According to the Notes of the NSW OZP for "OU(CDWRA)" and "V" zones, 'Agricultural Use' falls into Column 1 that is always permitted by the Board.

The 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 use aligns with the guideline's intention to protect the ecological integrity of the fishponds and wetlands within the sensitive Wetland Conservation Area ("WCA") through the rehabilitation of agricultural area and fishponds.

The proposed area for cultivation was previously ponds and had been formed for more than two decades. It is currently covered with vegetation. In order to reflect the current situation of the Site and to regularize the pond filling, a planning application for filling of pond is proposed.

This proposal demonstrates that the proposed agricultural use is always permitted under the NSW OZP and the filling of pond is to reflect the current condition of the Site.

Due to concerns about possible drainage impact arising from the proposed development, Urban Green Consultants Ltd. (UGC) has been commissioned to

conduct a Drainage Impact Assessment (DIA) to demonstrate the acceptability of drainage impact upon the surrounding environment.

1.2 Study Objectives

The objectives of this DIA are to assess the possible drainage impacts that may be caused by the proposed development and to recommend mitigation measures to alleviate such impacts if necessary.

1.3 Report Structure

The remaining chapters of this report are shown below:

Chapter 2 – Site Context

Chapter 3 – Drainage Analysis

Chapter 4 – Conclusion

2 Site Context

2.1 Current Site Conditions and its Environs

The Site covers a total area of about 21,929m^2, including portion of Lot 1212 s.E R.P. of about 13,068 m^2., Lot 1212 s.E ss.1 of about 10m^2., and a portion of Discrepant Areas (Portion) adjacent to Lot 1212 s.E of about 8,851 m^2. The Site is currently fenced off, largely paved with vegetations covering a major portion of the site and a pond situated in the northwest.

The Site is located at the far fringe of Nam Sang Wai. The surrounding environment of the Site is in rural village context intermixed with temporary uses. The Site is surrounded by Shan Pui Tsuen and Shan Pui Chung Hau Tsuen, with other low-rise residential developments. The immediate northwest of the Site is the Hong Kong School of Motoring, while to the southwest is the transitional housing project of United Court providing about 1800 units. Figure 2.1 shows the Site location and its environs.

2.2 Existing Drainage Condition

A site survey was conducted on 7 May 2025. The Site is not served by any drainage system to direct surface runoff. Part of the runoff overflows directly into the Kam Tin River.

3 Drainage Analysis

3.1 Assessment Methodology and Assumptions

This DIA has adopted the Rational Method for runoff estimation:

$$Q_p = 0.278\ i \sum C_j\ A_j$$

where
Q_p is peak runoff (m^3/s);
i is rainfall intensity (mm/hr);
A_j is the jth catchment (km^2);
C_j is the runoff coefficient of the jth catchment (dimensionless).

The details of the Rational Method can be referred to the *Stormwater Drainage Manual* (SDM) (DSD, 2018) with Corrigendum No. 1/2022, 1/2024, 2/2024.

Based on a 1:50 year flood protection standard in the SDM and the estimated time of concentration, the appropriate rainfall intensities (i) were calculated based on linear interpolation of the intermediate table values.

The assumptions of this DIA are summarised below:

- Rainstorm return period – 1 in 50 years
- Runoff coefficient for flatted grassland (heavy soil) – 0.25
- Manning's roughness coefficient for the proposed U-channels – 0.016
- Colebrook-White's roughness coefficient (ks) for the proposed circular pipes – 0.00003 m
- Kinematic viscosity of water at 15°C (v) – 1.140x10-6 m^2/s
- Gravity (g) – 9.806 m^2/s

3.2 Design Parameters

Based on the geographical characteristics of the Site and its surroundings, there are a total of 11 catchments (Catchment A, D – M) were identified as shown in Figure 3.1A before the proposed development. There is a change in the catchment area after the proposed development. Figure 3.1B shows that there is a total of 12 catchments (Catchment A – M). Before the proposed development, the flow of catchments F and G will naturally flow into Kam Tin River through the Site. But with an increase of about 2 m in the Site level, the flow of catchment G will no longer flow through the Project Site. The flow in catchment G directly flows into the United Court (Catchment H), then the flow of catchment G and H discharges into the surface channels of United Court. Catchment K in Figure 3.1A originally flows through the Site as well. But due to the change in ground level, the flow of catchment K now

combines with the flow of catchment J, forming one single catchment as shown in Figure 3.1B. Therefore, the drainage characteristics of nearby catchment areas have changed after the proposed development.

Among all nearby catchment areas, only catchment F will flow through the Site. For conservative assessment purposes, the runoff from Catchment F has been fully incorporated into the hydraulic calculations. Since the existing overland flow will be changed, wall openings will be provided for the fence wall between catchment G and the Site. The wall openings are proposed to have dimensions of 300 mm (W) x 200 mm (H) and they will be distributed at a regular spacing of 2 m to ensure the surface runoff from catchment F can be conveyed to the proposed drainage system within the Site.

Surface runoff from Catchment A, B, C and F will be collected by a series of the proposed U-channels and circular pipes, then discharged to the Kam Tin River via proposed U-channels M1 – M12 and proposed circular pipe M9 to Kam Tin River. Sand trap will be provided together with the terminal manhole to collect sediment before the collected runoff is discharged to the existing watercourse. Figure 3.3A to 3.3D shows the cross sections of proposed drainage facilities with the existing and proposed ground levels. Figure 3.4 shows the details of the connection between the proposed drainage system and the existing Kam Tin River. Figure 3.5 and Figure 3.6 shows the typical design of catchpit, u-channel and sand trap. The drainage proposal is shown in Figure 3.2.

For the surface runoff from Catchment D - M (as indicated in Figure 3.1B), the runoff will not flow towards the Site. Therefore, the Site will not collect the runoff from surrounding catchments.

The surface runoff from the Site has been estimated and presented in Appendix B.

3.3 Assessment Results

The surface characteristics of the on-site catchment area (i.e. Catchment A, B and C) has changed after the proposed development. The changes in surface characteristics of the on-site catchment area are summarized in Table 3.1.

Table 3.1 Changes in Surface Characteristics of On-Site Catchment Area

On-Site Catchment Area	Existing Development		Proposed Development
	Water Bodies	Heavy Soil	Heavy Soil
A	90%	10%	100%
B	80%	20%	100%
C	60%	40%	100%

Detailed calculations of the estimated on-site catchment runoffs to the proposed drainage system are provided in Appendix B. The assessment results are summarized in Table 3.2.

Table 3.2 Estimated Runoffs to Proposed U-Channels

Channel Segment	Diameter / Width, m	Depth, m	Gradient	Catchment Runoff, m^3/s	Capacity, m^3/s	% of capacity flow	Sufficient Capacity?
M1-M2	0.450	0.450	0.003	0.066	0.159	42%	Y
M2-M3	0.450	0.450	0.003	0.101	0.159	64%	Y
M3-M4	0.450	0.450	0.003	0.101	0.159	64%	Y
M4-M5	0.450	0.450	0.003	0.101	0.159	64%	Y
M5-M6	0.600	0.600	0.003	0.181	0.342	53%	Y
M6-M7	0.600	0.600	0.003	0.181	0.342	53%	Y
M7-M8	0.600	0.600	0.005	0.181	0.342	53%	Y
M8-M9	0.600	0.600	0.005	0.181	0.342	53%	Y
M1-M12	0.450	0.450	0.010	0.066	0.275	24%	Y
M12-M11	0.450	0.450	0.010	0.146	0.275	53%	Y

Channel Segment	Diameter / Width, m	Depth, m	Gradient	Catchment Runoff, m^3/s	Capacity, m^3/s	% of capacity flow	Sufficient Capacity?
M11-M10	0.600	0.600	0.005	0.146	0.419	35%	Y
M10-M9	0.600	0.600	0.003	0.146	0.342	43%	Y

Table 3.3 Estimated Runoffs to Proposed Circular Pipes

Pipe Segment	Diameter / Width, m	Depth, m	Gradient	Catchment Runoff, m^3/s	Capacity, m^3/s	% of capacity flow	Sufficient Capacity?
M9 to Kam Tin River	0.750	0.750	0.003	0.326	0.764	43%	Y

Based on the results in Appendix B, the proposed drainage system has adequate capacity to cater the surface runoff from the proposed development. Table 3.4 has also shown that the existing watercourse Kam Tin River has sufficient capacity to cater the discharge from the Site as the Site only contributes 0.02% of the total runoff. Detailed calculations are tabulated in Appendix D.

Table 3.4 Estimated Capacities of the Existing Watercourse

Existing Watercourse	Diameter / Width, m	Depth, m	Gradient	Catchment Runoff, m^3/s	Capacity, m^3/s	% of capacity flow	Sufficient Capacity?
Kam Tin River	Top width: 34.0m Bottom Width: 25.0m	4	0.069	0.326	1683	0.02%	Y

3.4 Climate Change

To consider the effect of climate change in the drainage system, the project of rainfall increase of 11.1% for Mid-21st Century (2041-2060) and 16.0% for the and End of 21st Century (2081-2100) as well as design allowance in End of 21st Century of 12.1% as per requirements in Stormwater Drainage Manual (SDM) Corrigendum No. 1/2022 are adopted. Detailed calculations are provided in Appendix C.

The analysis indicated that the proposed drainage system would have sufficient capacity for the additional runoff from the proposed development with a 11.1% and 16% increase in rainfall intensity as well as 12.1% of design allowance. Hence, the proposed development would not cause adverse drainage impacts nor increase the flooding susceptibility of the surrounding areas.

In view of projected extreme sea levels due to climate change, the design water level by the end of the century is estimated to reach 5.01 mPD. The original Site formation level was approximately 3.0 mPD. Following the completion of the pond filling works, the existing Site levels have been raised and now range from approximately 4.0 mPD to 7.2 mPD.

With the increased formation levels, the majority of the Site will remain above the projected extreme sea level of 5.01 mPD. Therefore, only part of the Site is anticipated to be subject to adverse flooding impact arising from sea level rise under the projected climate change scenario.

3.5 Recommendation

Upon detailed design stage, the Project Proponent will appoint engineer and contractor to design and to construct the proposed drainage system. The detailed arrangement of the proposed drainage system and drainage connections will be further investigated at the detailed design. Iron grating will be provided for the surface channels. Detailed information of the proposed drainage system will be prepared and submitted to DSD and relevant parties during the detailed design stage.

4 Conclusion

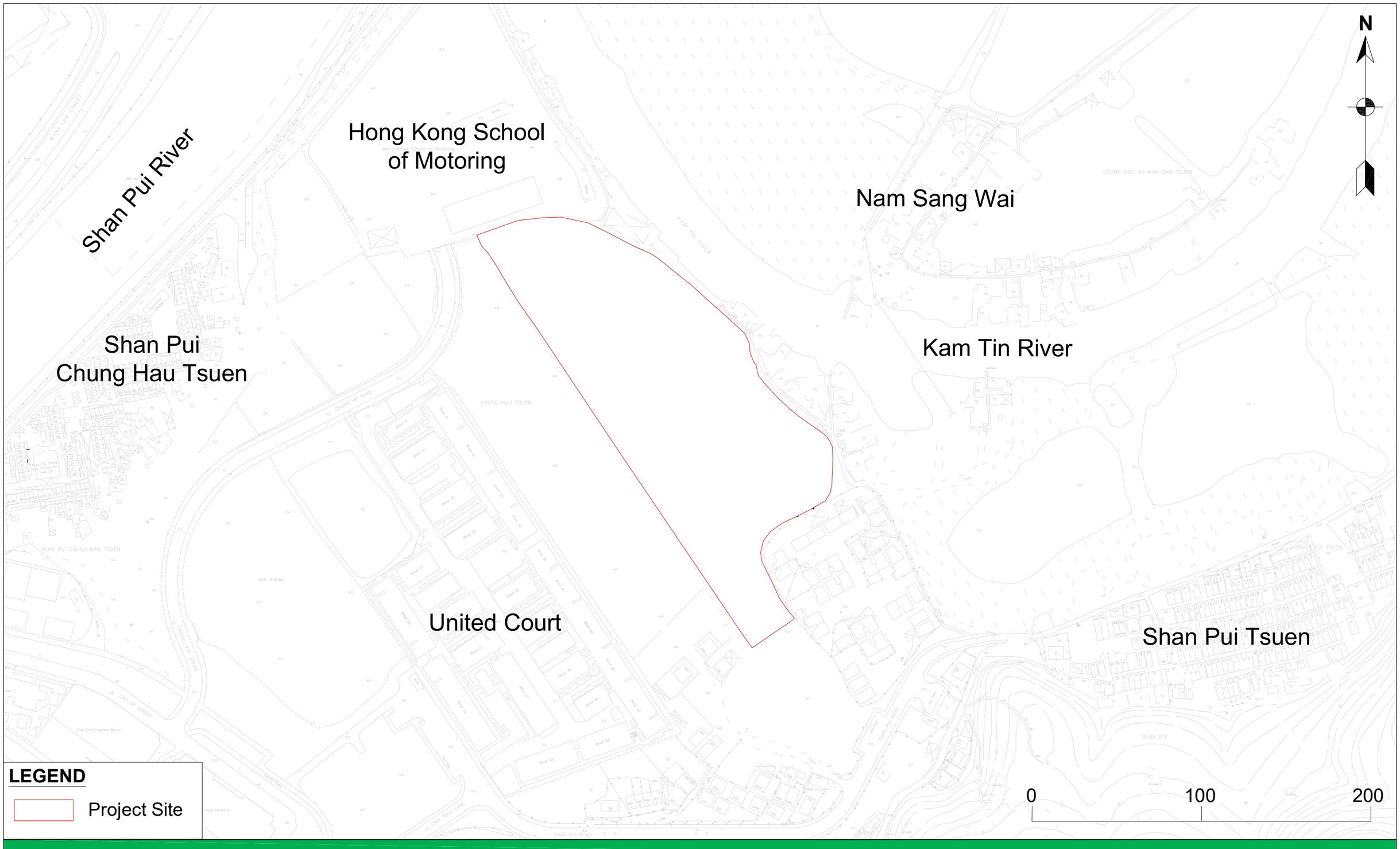
A Drainage Impact Assessment (DIA) has been conducted for the proposed development in Yuen Long, New Territories.

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 (with design allowance) due to climate change.

Surface runoff from the Site will be collected by a series of U-channels and circular pipes, then discharged to the Kam Tin River. The drainage analysis has demonstrated that the proposed drainage systems have adequate capacity to cater the surface runoff from the Site.

Based on the above, it is concluded that the proposed development will not result in any adverse drainage impacts.

Figures



URBAN GREEN

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

Site Location and Its Environs

Figure 2.1

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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

Identified Catchment Areas before the Proposed Development

Figure 3.1A

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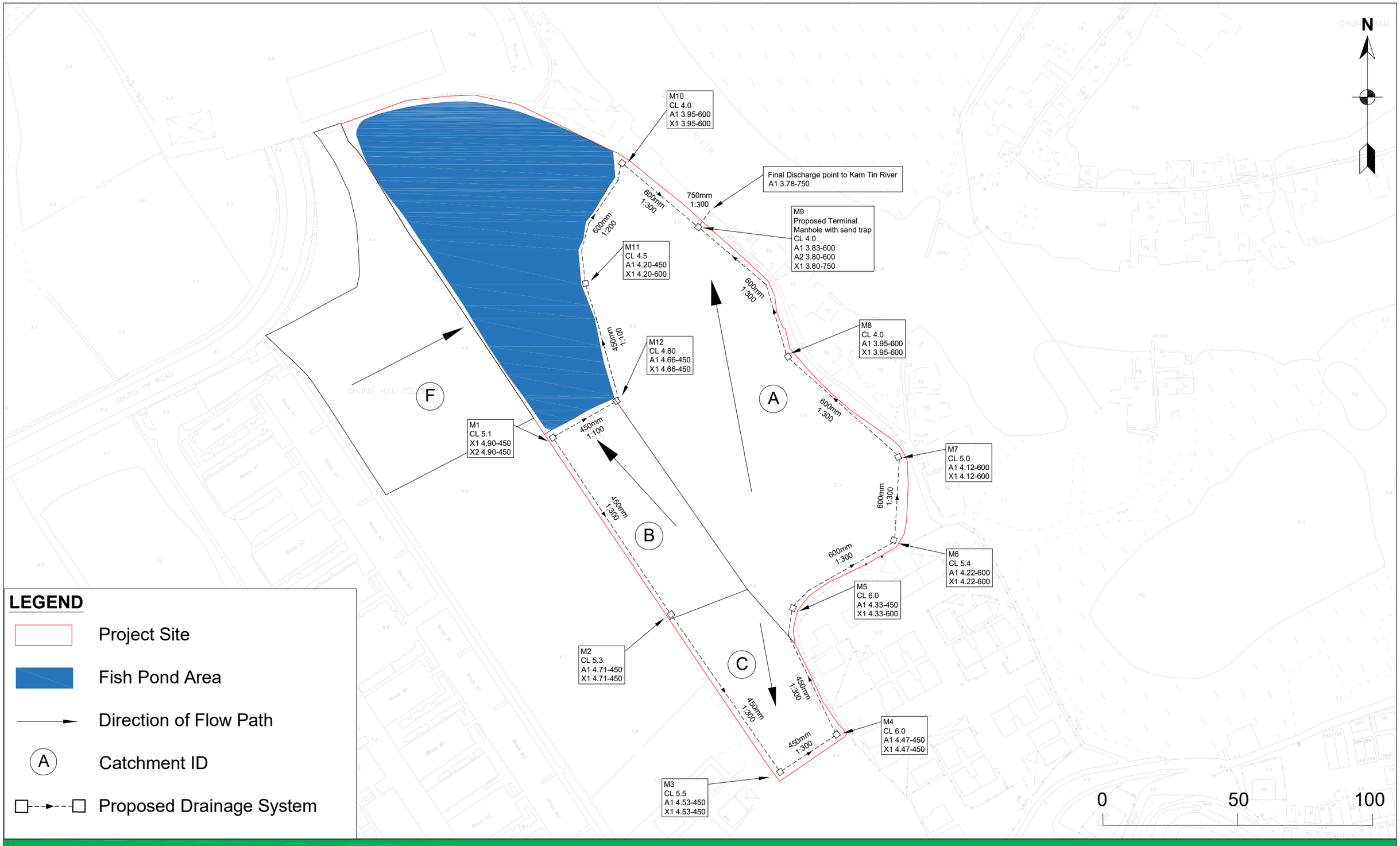
Section 16 Application for Filling of Pond for Permitted Agricultural Use in Sub-section 1 and the Remaining Portion (Portion) of Section E of Lot No. 1212 in D.D. 115 and the Discrepant Areas (Portion) adjacent to Section E of Lot No. 1212 in D.D. 115, Nam Sang Wai, Yuen Long, New Territories

Identified Catchment Areas after the Proposed Development

Figure 3.1B

Rev. 0



LEGEND

- Project Site
- Fish Pond Area
- Direction of Flow Path
- (A) Catchment ID
- Proposed Drainage System

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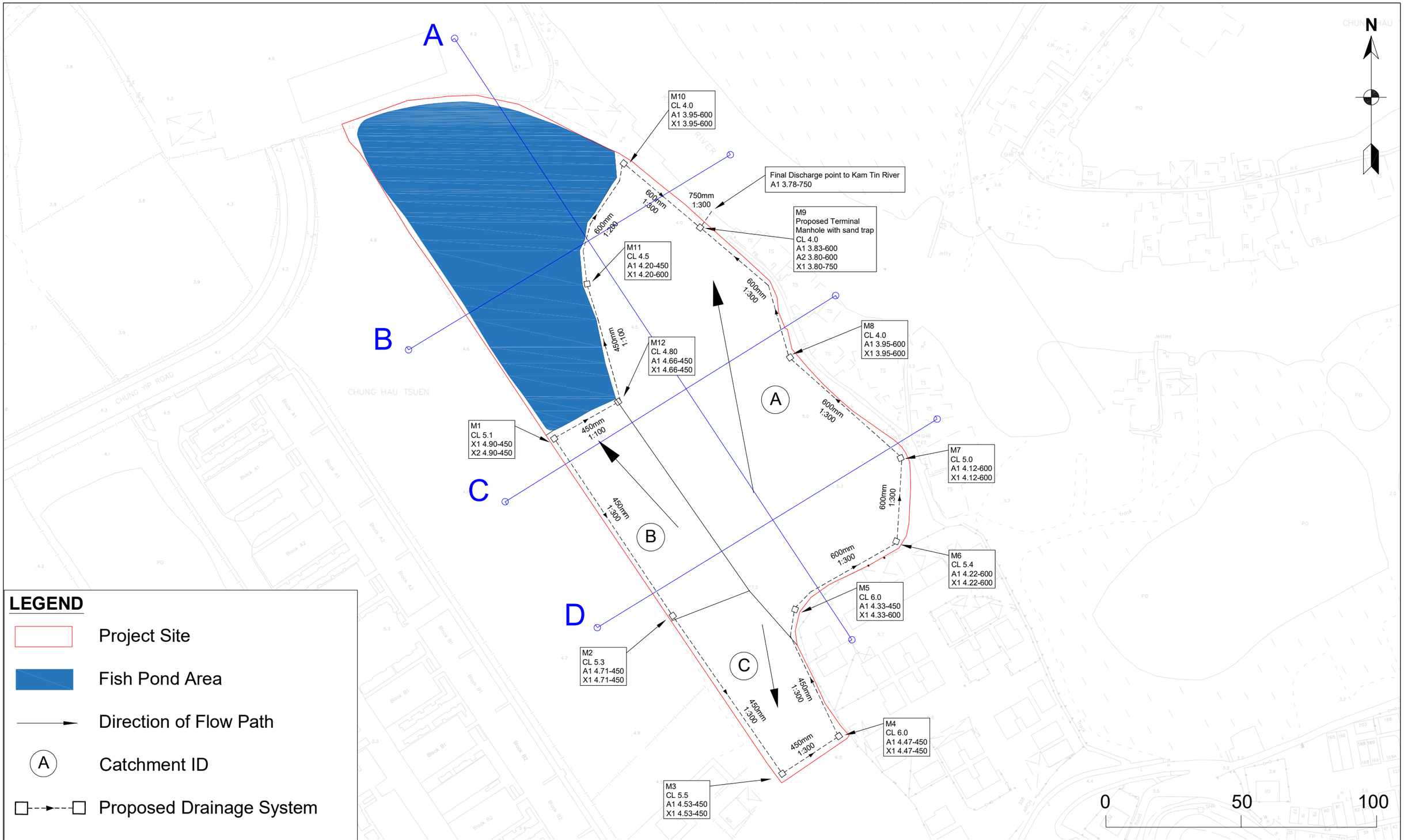
Section 16 Application for Filling of Pond for Permitted Agricultural Use in Sub-section 1 and the Remaining Portion (Portion) of Section E of Lot No. 1212 in D.D. 115 and the Discrepant Areas (Portion) adjacent to Section E of Lot No. 1212 in D.D. 115, Nam Sang Wai, Yuen Long, New Territories

Drainage Proposal

Figure 3.2

Rev. 0



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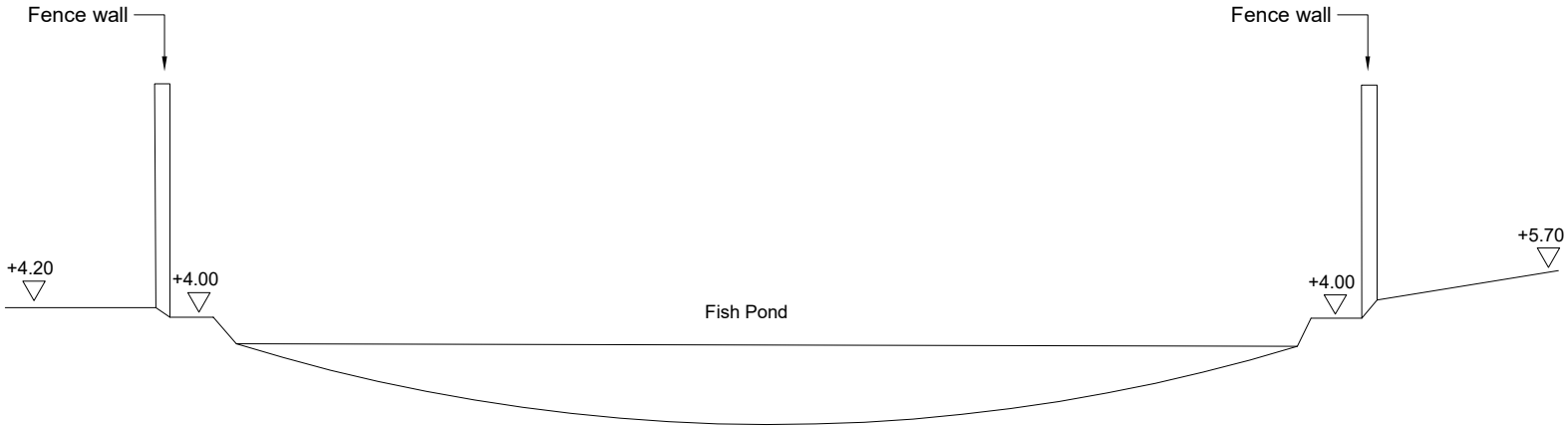
Section 16 Application for Filling of Pond for Permitted Agricultural Use in Sub-section 1 and the Remaining Portion (Portion) of Section E of Lot No. 1212 in D.D. 115 and the Discrepant Areas (Portion) adjacent to Section E of Lot No. 1212 in D.D. 115, Nam Sang Wai, Yuen Long, New Territories

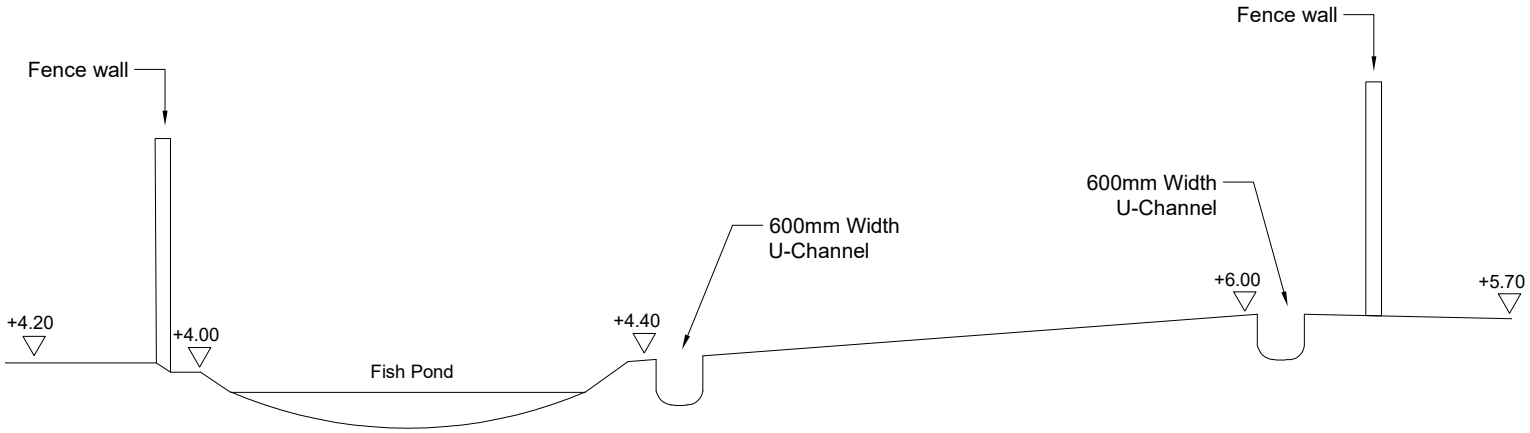
Cross Section of Existing and Proposed Ground Level

Figure 3.3

Rev. 0



Existing Ground Level



Proposed Ground Level

Section A

NOT IN SCALE

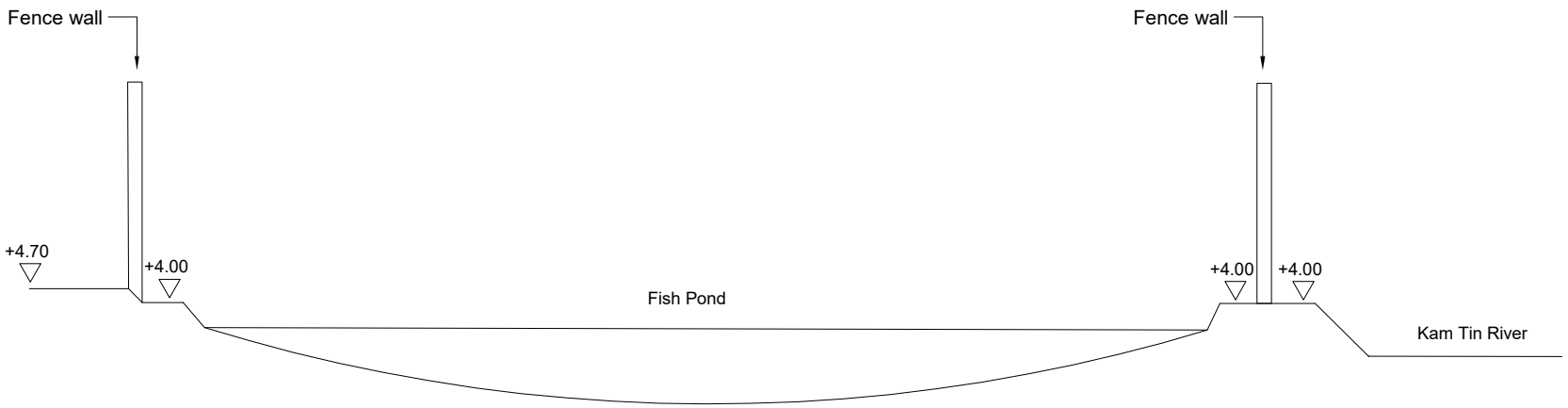
URBAN GREEN

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

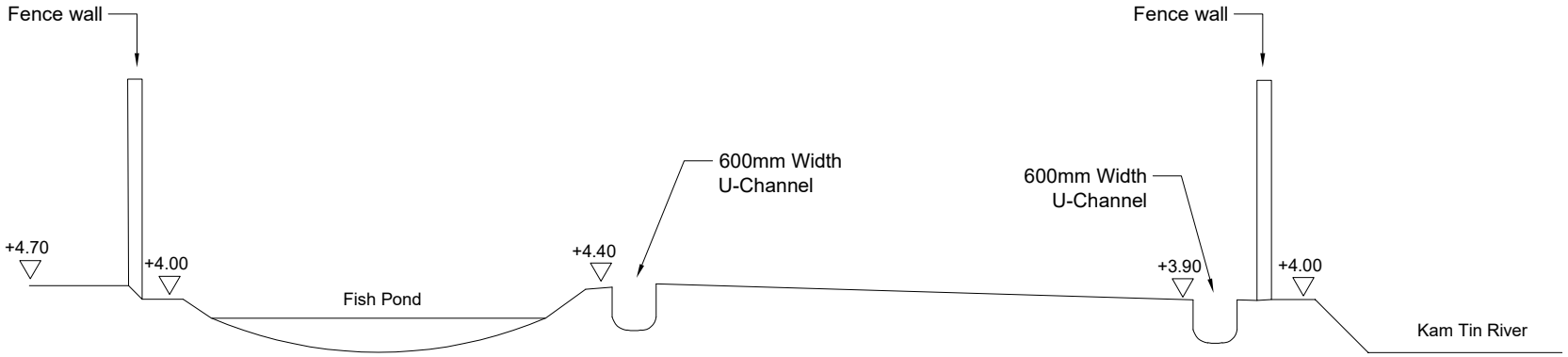
Cross Section - Section A

Figure 3.3A

Rev. 0



Existing Ground Level



Proposed Ground Level

Section B

NOT IN SCALE

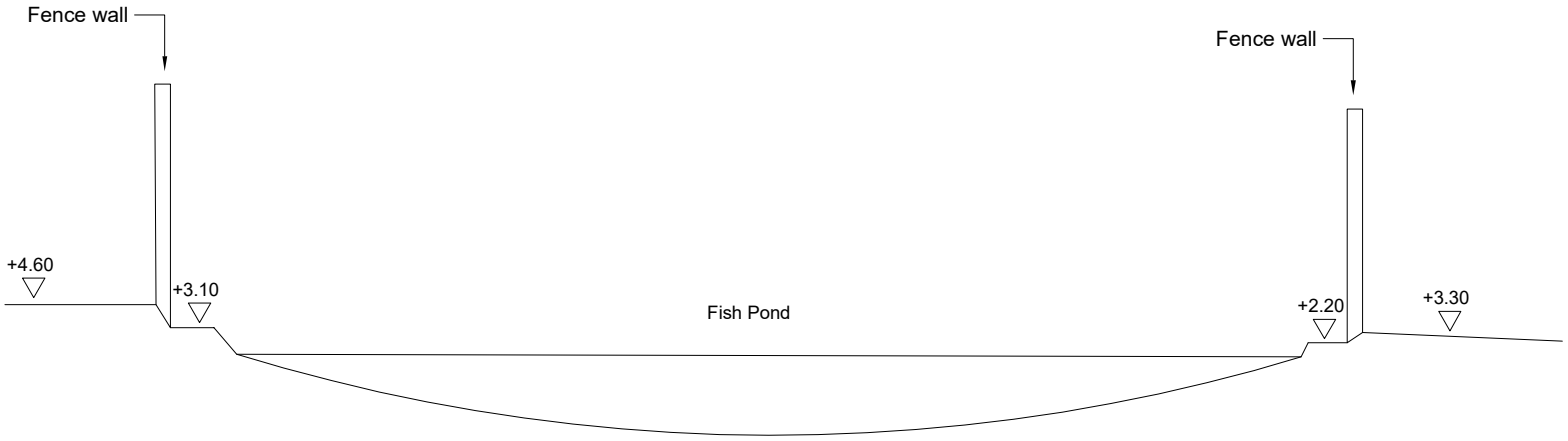
URBAN GREEN

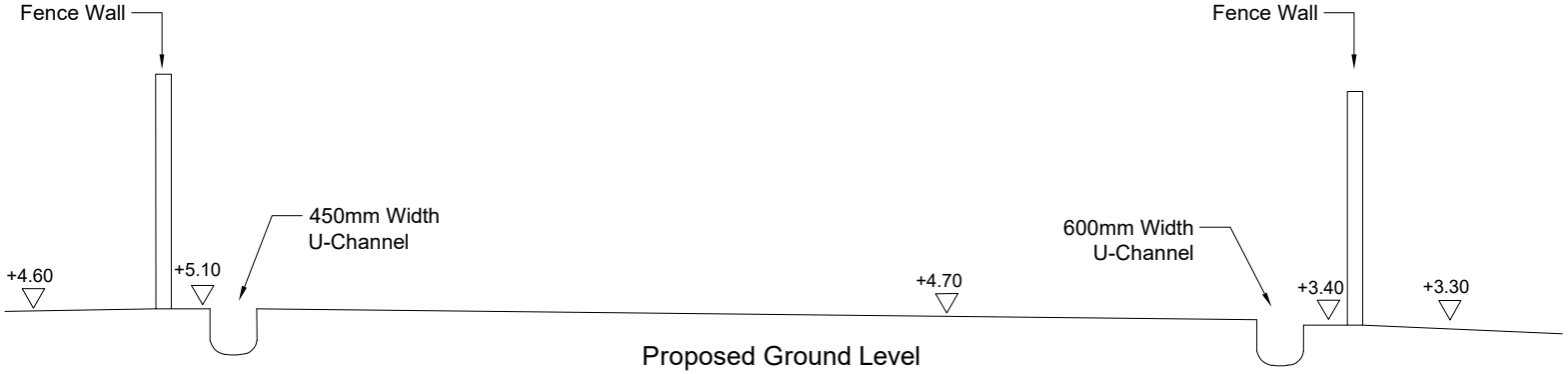
Section 16 Application for Filling of Pond for Permitted Agricultural Use in Sub-section 1 and the Remaining Portion (Portion) of Section E of Lot No. 1212 in D.D. 115 and the Discrepant Areas (Portion) adjacent to Section E of Lot No. 1212 in D.D. 115, Nam Sang Wai, Yuen Long, New Territories

Cross Section - Section B

Figure 3.3B

Rev. 0





Section C

NOT IN SCALE

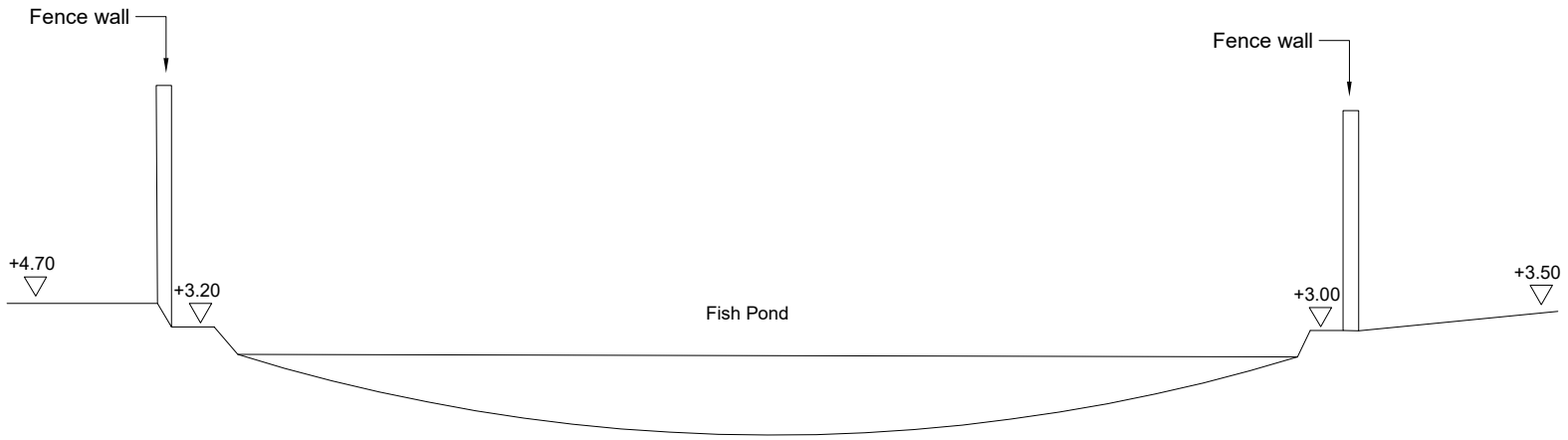
URBAN GREEN

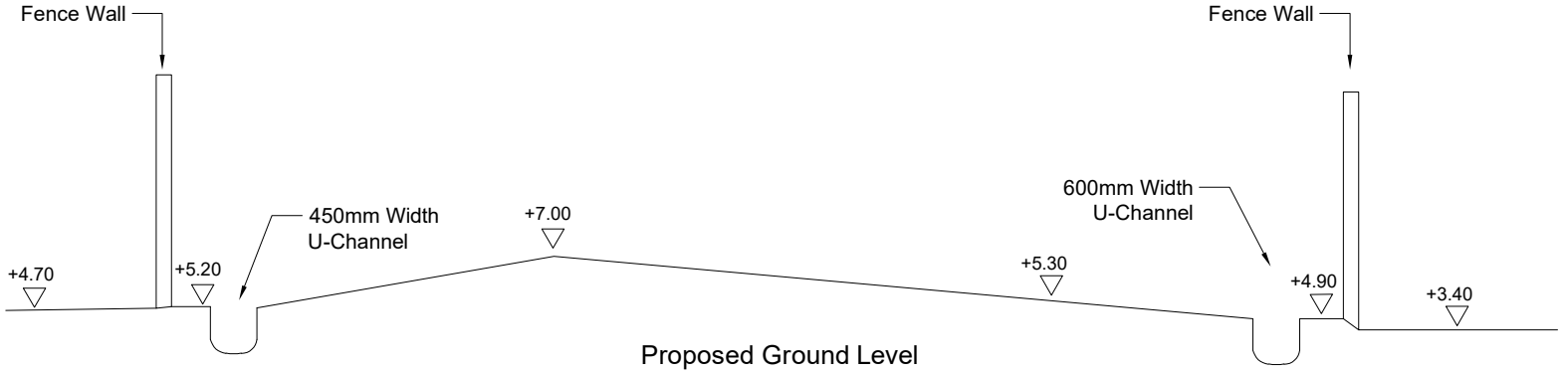
Section 16 Application for Filling of Pond for Permitted Agricultural Use in Sub-section 1 and the Remaining Portion (Portion) of Section E of Lot No. 1212 in D.D. 115 and the Discrepant Areas (Portion) adjacent to Section E of Lot No. 1212 in D.D. 115, Nam Sang Wai, Yuen Long, New Territories

Cross Section - Section C

Figure 3.3C

Rev. 0





Section D

NOT IN SCALE

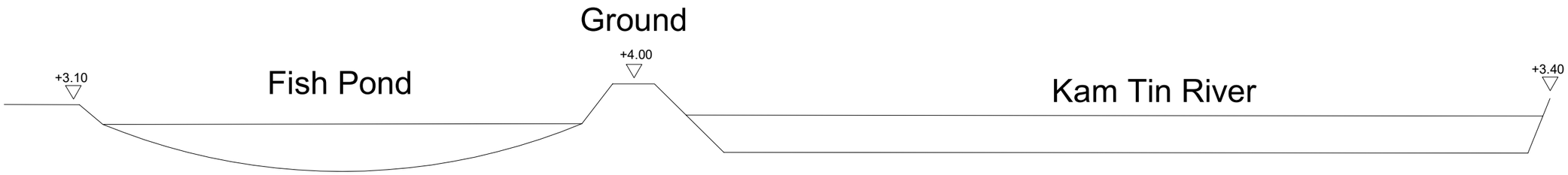
URBAN GREEN

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

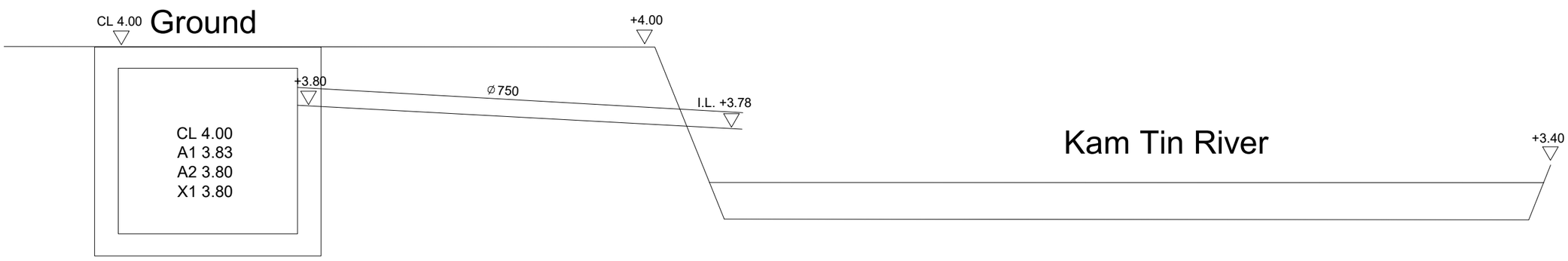
Cross Section - Section D

Figure 3.3D

Rev. 0



Stream Level Before the Proposed Development



Stream Level After the Proposed Development

Not in Scale

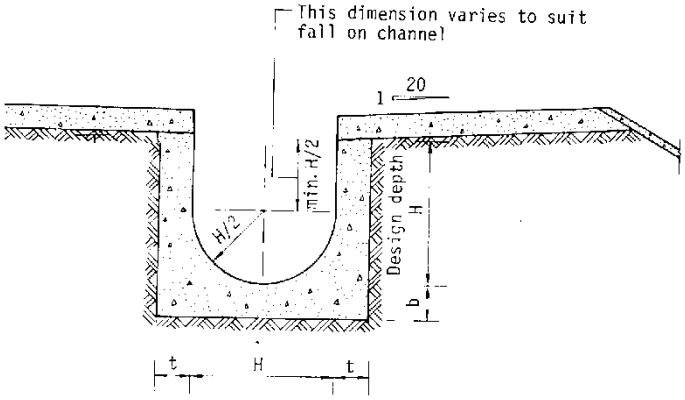
URBAN GREEN

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

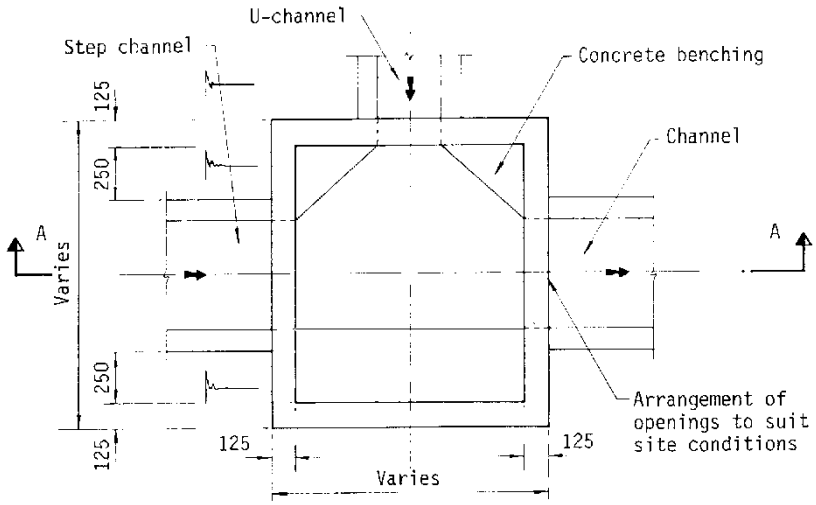
Details of Proposed Connections to Kam Tin River

Figure 3.4

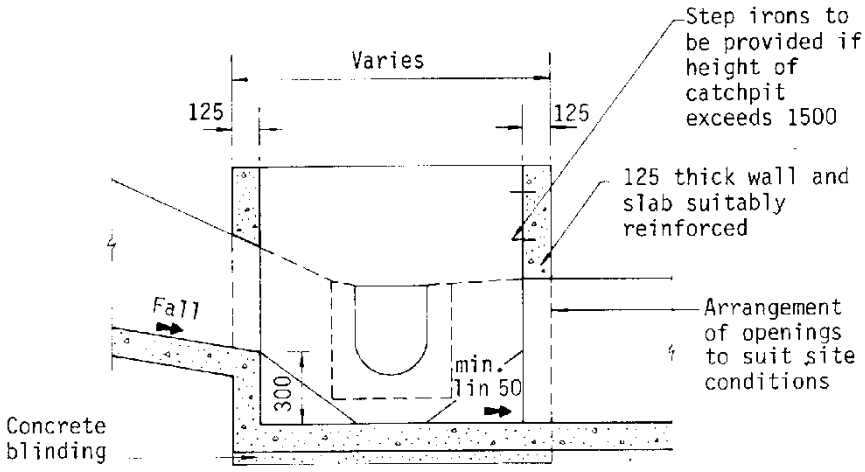
Rev. 0



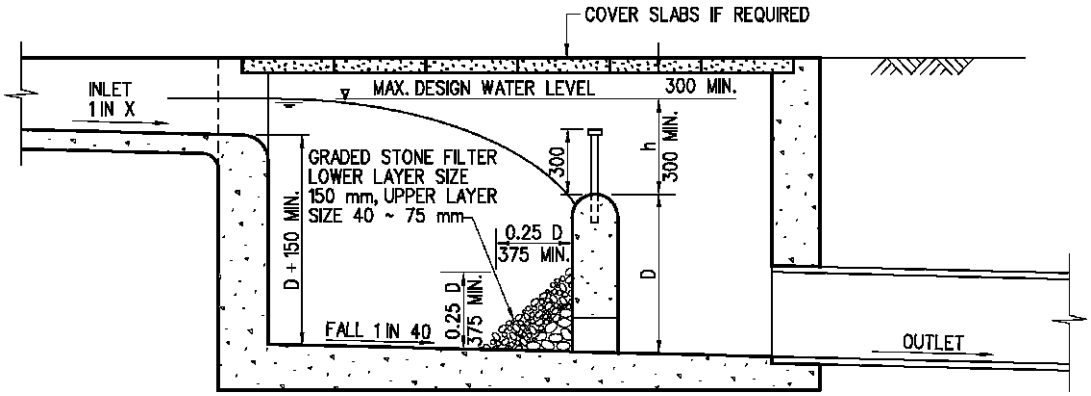
Typical Details of U-Channel



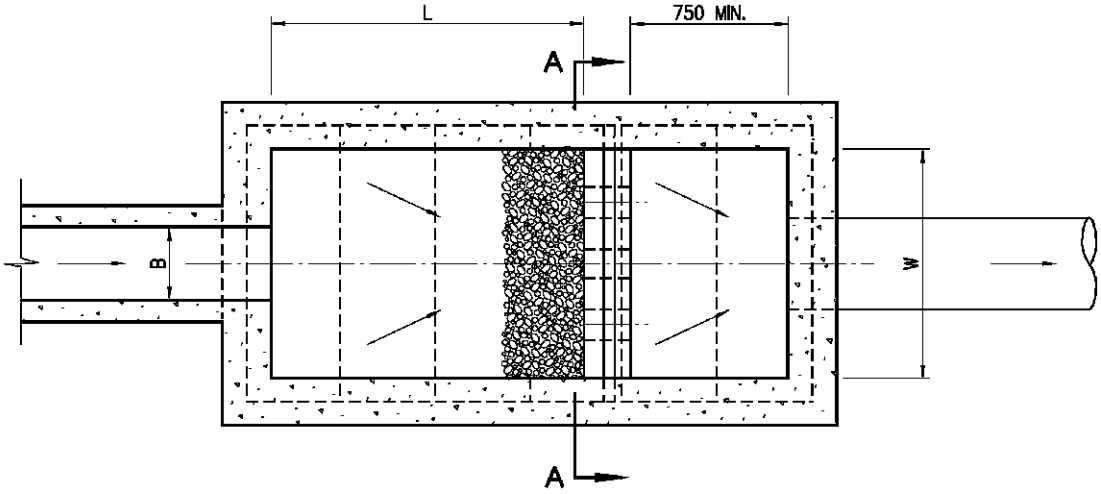
Typical Details of Catchpit



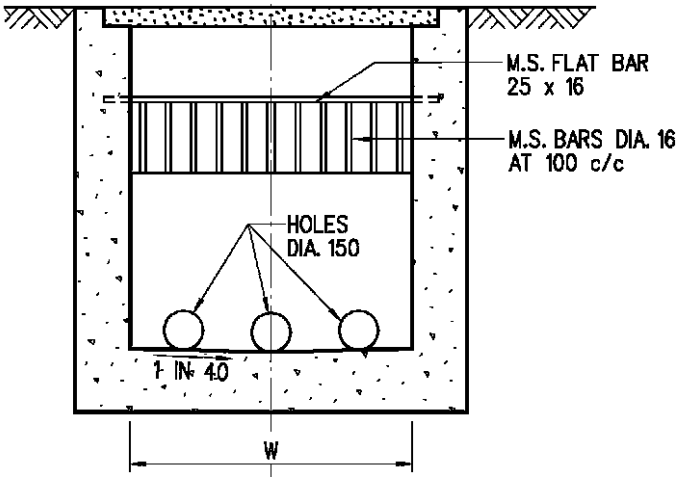
Section A-A



Typical Longitudinal Section of Sand Trap



Typical Plan of Sand Trap



Section A-A

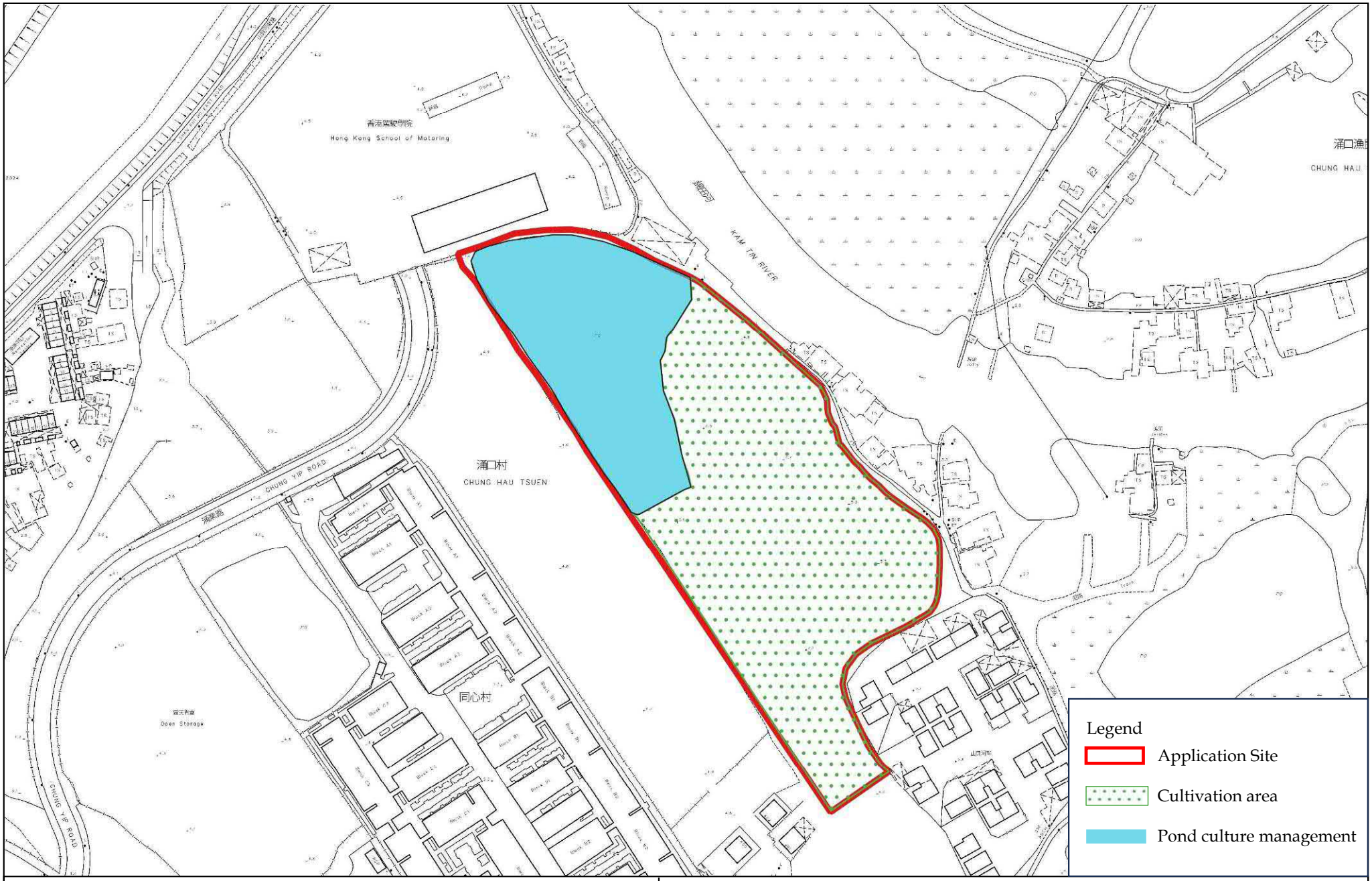
Notes:

1. All dimensions are in millimeters.
2. Size

   Depth: D not less than 750
   Width: $W \geq 3B$
   Length: $4.8D^{0.67} h^{0.5} X^{-0.5} \geq 4B$
3. Graded Stone Filter shall be crusher run granite aggregate.
4. Capacity D W L to be according to size and nature of catchment, providing detention time not less than 5 minutes for max. design flow of inlet.
5. Source: From DSD drawing No. DS 1025B.

Appendix A

Proposed Layout Plan



LCH Planning and Development
Consultants Limited

Figure 6 : Indicative Layout Plan

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

(Source: HK GEODATA STORE, HKSAR Government)

Appendix B

Detailed Drainage Analysis

Capacity Flow Estimation for Proposed Catchments and Drainage System with 50 Year Return Period

A.Calculation of All Catchment Runoff with Proposed Development

Catchment ID	Surface Type	Catchment Area (A), m^2	Catchment Area (A), km^2	Average Slope (H), m/100m	Flow Path Length (L), m	Inlet Time (t_0), min	Time of Concentration (t_c), min	Duration (t_d), min	a (50 year return period) [2]	b (50 year return period) [2]	c (50 year return period) [2]	Runoff Intensity, mm/hr	Runoff Coefficient (C)	C x A	Peak Runoff (Q_p), m^3/s
A	100% Grassland (heavysoil), flat	10,514	0.0105	2.11	151.30	7.46	7.46	7.46	505.5	3.29	0.355	218	0.25	0.0026	0.1590
B	100% Grassland (heavysoil), flat	2,504	0.0025	2.21	94.86	5.35	5.35	5.35	505.5	3.29	0.355	235	0.25	0.0006	0.0409
C	100% Grassland (heavysoil), flat	2,053	0.0021	1.66	72.15	4.40	4.40	4.40	505.5	3.29	0.355	245	0.25	0.0005	0.0350
F	100% Grassland (heavysoil), flat	5,350	0.0054	0.49	61.20	4.33	4.33	4.33	505.5	3.29	0.355	246	0.25	0.0013	0.0914
														Total	**0.3263**

B. Capacity Flow Estimation and Adequacy Check for Proposed U-Channels

Channel Segment	Shape	Diameter, m	Depth, m	Slope	Length, m	Manning's Roughness Coefficient [3]	Cross Section Area, m^2 [5]	Wetted Perimeter, m	Hydraulic Radius, m	Mean Velocity, m/s	Capacity Flow, m^3/s	Catchments Served	Runoff, m^3/s [1]	% of Capacity Flow	Sufficient Capacity? (Y/N)
M1-M2	U-Channel	0.450	0.450	0.003	76	0.016	0.163	1.157	0.14	0.98	0.159	B, F	0.066	42%	Y
M2-M3	U-Channel	0.450	0.450	0.003	69	0.016	0.163	1.157	0.14	0.98	0.159	B, C, F	0.101	64%	Y
M3-M4	U-Channel	0.450	0.450	0.003	23	0.016	0.163	1.157	0.14	0.98	0.159	B, C, F	0.101	64%	Y
M4-M5	U-Channel	0.450	0.450	0.003	49	0.016	0.163	1.157	0.14	0.98	0.159	B, C, F	0.101	64%	Y
M5-M6	U-Channel	0.600	0.600	0.003	44	0.016	0.289	1.542	0.19	1.18	0.342	A, B, C, F	0.181	53%	Y
M6-M7	U-Channel	0.600	0.600	0.003	29	0.016	0.289	1.542	0.19	1.18	0.342	A, B, C, F	0.181	53%	Y
M7-M8	U-Channel	0.600	0.600	0.003	53	0.016	0.289	1.542	0.19	1.18	0.342	A, B, C, F	0.181	53%	Y
M8-M9	U-Channel	0.600	0.600	0.003	59	0.016	0.289	1.542	0.19	1.18	0.342	A, B, C, F	0.181	53%	Y
M1-M12	U-Channel	0.450	0.450	0.010	25	0.016	0.163	1.157	0.14	1.69	0.275	B, F	0.066	24%	Y
M12-M11	U-Channel	0.450	0.450	0.010	44	0.016	0.163	1.157	0.14	1.69	0.275	A, B, F	0.146	53%	Y
M11-M10	U-Channel	0.600	0.600	0.005	47	0.016	0.289	1.542	0.19	1.45	0.419	A, B, F	0.146	35%	Y
M10-M9	U-Channel	0.600	0.600	0.003	35	0.016	0.289	1.542	0.19	1.18	0.342	A, B, C, F	0.146	43%	Y

C. Capacity Flow Estimation and Adequacy Check for Proposed Circular Pipes

Pipe Segment	Length	Level (out)	Level (in)	Diameter	Depth	A_w [5]	k_s [4]	v	s	g	V	Capacity Flow	Catchment Served	Q_p	Is $Q_c > Q_p$?	% of capacity
	m	mPD	mPD	m	m	m^2	m	m^2/s	-	m/s^2	m/s	m^3/s		m^3/s	Y/N	%
M9 to Kam Tin River	6	3.80	3.78	0.750	0.750	0.398	0.00003	1E-06	0.003	9.810	1.9216	0.764	A, B, C, F	0.326	Y	43%

Note:
[1] Runoff is calculated in accordance with DSD's "Stormwater Drainage Manual - Planning, Design and Management" (SDM), fifth edition, January 2018.
[2] 50 years return period of HKO Headquarters is adopted in the calculation according to Stormwater Drainage Manual - Corrigendum No. 1/2024.
[3] For the proposed U-channel, value of n for concrete-lined channels under fair condition (i.e. n = 0.016) is adopted in the calculation.
[4] For the proposed circular pipe, value of ks for smooth materials (Pipes) under normal condition (i.e. 0.003 mm) is adopted in the calculation.
[5] 10% reduction in flow area has been considered as per the requirement in SDM (Section 9.3).

Appendix C

Detailed Drainage Analysis with Climate Change Considerations

Capacity Flow Estimation for Proposed Catchments and Drainage System with 50 Year Return Period (with rainfall increase of 11.1%)

A.Calculation of All Catchment Runoff with Proposed Development

Catchment ID	Surface Type	Catchment Area (A), m^2	Catchment Area (A), km^2	Average Slope (H), m/100m	Flow Path Length (L), m	Inlet Time (t_0), min	Time of Concentration (t_c), min	Duration (t_d), min	a (50 year return period) [2]	b (50 year return period) [2]	c (50 year return period) [2]	Runoff Intensity, mm/hr	Runoff Coefficient (C)	C x A	Peak Runoff (with rainfall increase of 11.1%) (Q_p), m^3/s
A	100% Grassland (heavysoil), flat	10,514	0.0105	2.11	151.30	7.46	7.46	7.46	505.5	3.29	0.355	218	0.25	0.0026	0.1766
B	100% Grassland (heavysoil), flat	2,504	0.0025	2.21	94.86	5.35	5.35	5.35	505.5	3.29	0.355	235	0.25	0.0006	0.0455
C	100% Grassland (heavysoil), flat	2,053	0.0021	1.66	72.15	4.40	4.40	4.40	505.5	3.29	0.355	245	0.25	0.0005	0.0388
F	100% Grassland (heavysoil), flat	5,350	0.0054	0.49	61.20	4.33	4.33	4.33	505.5	3.29	0.355	246	0.25	0.0013	0.1016
														Total	**0.3625**

B. Capacity Flow Estimation and Adequacy Check for Proposed U-Channels

Channel Segment	Shape	Diameter, m	Depth, m	Slope	Length, m	Manning's Roughness Coefficient [3]	Cross Section Area, m^2 [5]	Wetted Perimeter, m	Hydraulic Radius, m	Mean Velocity, m/s	Capacity Flow, m^3/s	Catchments Served	Runoff, m^3/s [1]	% of Capacity Flow	Sufficient Capacity? (Y/N)
M1-M2	U-Channel	0.450	0.450	0.003	76	0.016	0.163	1.157	0.14	0.98	0.159	B, F	0.074	46%	Y
M2-M3	U-Channel	0.450	0.450	0.003	69	0.016	0.163	1.157	0.14	0.98	0.159	B, C, F	0.112	71%	Y
M3-M4	U-Channel	0.450	0.450	0.003	23	0.016	0.163	1.157	0.14	0.98	0.159	B, C, F	0.112	71%	Y
M4-M5	U-Channel	0.450	0.450	0.003	49	0.016	0.163	1.157	0.14	0.98	0.159	B, C, F	0.112	71%	Y
M5-M6	U-Channel	0.600	0.600	0.003	44	0.016	0.289	1.542	0.19	1.18	0.342	A, B, C, F	0.201	59%	Y
M6-M7	U-Channel	0.600	0.600	0.003	29	0.016	0.289	1.542	0.19	1.18	0.342	A, B, C, F	0.201	59%	Y
M7-M8	U-Channel	0.600	0.600	0.003	53	0.016	0.289	1.542	0.19	1.18	0.342	A, B, C, F	0.201	59%	Y
M8-M9	U-Channel	0.600	0.600	0.003	59	0.016	0.289	1.542	0.19	1.18	0.342	A, B, C, F	0.201	59%	Y
M1-M12	U-Channel	0.450	0.450	0.010	25	0.016	0.163	1.157	0.14	1.69	0.275	B, F	0.074	27%	Y
M12-M11	U-Channel	0.450	0.450	0.010	44	0.016	0.163	1.157	0.14	1.69	0.275	A, B, F	0.162	59%	Y
M11-M10	U-Channel	0.600	0.600	0.005	47	0.016	0.289	1.542	0.19	1.45	0.419	A, B, F	0.162	39%	Y
M10-M9	U-Channel	0.600	0.600	0.003	35	0.016	0.289	1.542	0.19	1.18	0.342	A, B, C, F	0.162	47%	Y

C. Capacity Flow Estimation and Adequacy Check for Proposed Circular Pipes

Pipe Segment	Length	Level (out)	Level (in)	Diameter	Depth	A_w [5]	k_s [4]	v	s	g	V	Capacity Flow	Catchment Served	Q_p	Is $Q_c > Q_p$?	% of capacity
	m	mPD	mPD	m	m	m^2	m	m^2/s	-	m/s^2	m/s	m^3/s		m^3/s	Y/N	%
M9 to Kam Tin River	6	3.80	3.78	0.750	0.750	0.398	0.00003	1E-06	0.003	9.810	1.9216	0.764	A, B, C, F	0.362	Y	47%

Note:
[1] Runoff is calculated in accordance with DSD's "Stormwater Drainage Manual - Planning, Design and Management" (SDM), fifth edition, January 2018.
[2] 50 years return period of HKO Headquarters is adopted in the calculation according to Stormwater Drainage Manual - Corrigendum No. 1/2024.
[3] For the proposed U-channel, value of n for concrete-lined channels under fair condition (i.e. n = 0.016) is adopted in the calculation.
[4] For the proposed circular pipe, value of ks for smooth materials (Pipes) under normal condition (i.e. 0.003 mm) is adopted in the calculation.
[5] 10% reduction in flow area has been considered as per the requirement in SDM (Section 9.3).

Capacity Flow Estimation for Proposed Catchments and Drainage System with 50 Year Return Period (with rainfall increase of 16% and 12.1% of design allowance in End of 21th Century)

A.Calculation of All Catchment Runoff with Proposed Development

Catchment ID	Surface Type	Catchment Area (A), m^2	Catchment Area (A), km^2	Average Slope (H), m/100m	Flow Path Length (L), m	Inlet Time (t_0), min	Time of Concentration (t_c), min	Duration (t_d), min	a (50 year return period) [2]	b (50 year return period) [2]	c (50 year return period) [2]	Runoff Intensity, mm/hr	Runoff Coefficient (C)	C x A	Peak Runoff (with rainfall increase of 16% and 12.1% of design allowance in End of 21th Centry) (Q_p), m^3/s
A	100% Grassland (heavysoil), flat	10,514	0.0105	2.11	151.30	7.46	7.46	7.46	505.5	3.29	0.355	218	0.25	0.0026	0.2067
B	100% Grassland (heavysoil), flat	2,504	0.0025	2.21	94.86	5.35	5.35	5.35	505.5	3.29	0.355	235	0.25	0.0006	0.0532
C	100% Grassland (heavysoil), flat	2,053	0.0021	1.66	72.15	4.40	4.40	4.40	505.5	3.29	0.355	245	0.25	0.0005	0.0455
F	100% Grassland (heavysoil), flat	5,350	0.0054	0.49	61.20	4.33	4.33	4.33	505.5	3.29	0.355	246	0.25	0.0013	0.1189
														Total	**0.4243**

B. Capacity Flow Estimation and Adequacy Check for Proposed U-Channels

Channel Segment	Shape	Diameter, m	Depth, m	Slope	Length, m	Manning's Roughness Coefficient [3]	Cross Section Area, m^2 [5]	Wetted Perimeter, m	Hydraulic Radius, m	Mean Velocity, m/s	Capacity Flow, m^3/s	Catchments Served	Runoff, m^3/s [1]	% of Capacity Flow	Sufficient Capacity? (Y/N)
M1-M2	U-Channel	0.450	0.450	0.003	76	0.016	0.163	1.157	0.14	0.98	0.159	B, F	0.086	54%	Y
M2-M3	U-Channel	0.450	0.450	0.003	69	0.016	0.163	1.157	0.14	0.98	0.159	B, C, F	0.132	83%	Y
M3-M4	U-Channel	0.450	0.450	0.003	23	0.016	0.163	1.157	0.14	0.98	0.159	B, C, F	0.132	83%	Y
M4-M5	U-Channel	0.450	0.450	0.003	49	0.016	0.163	1.157	0.14	0.98	0.159	B, C, F	0.132	83%	Y
M5-M6	U-Channel	0.600	0.600	0.003	44	0.016	0.289	1.542	0.19	1.18	0.342	A, B, C, F	0.235	69%	Y
M6-M7	U-Channel	0.600	0.600	0.003	29	0.016	0.289	1.542	0.19	1.18	0.342	A, B, C, F	0.235	69%	Y
M7-M8	U-Channel	0.600	0.600	0.003	53	0.016	0.289	1.542	0.19	1.18	0.342	A, B, C, F	0.235	69%	Y
M8-M9	U-Channel	0.600	0.600	0.003	59	0.016	0.289	1.542	0.19	1.18	0.342	A, B, C, F	0.235	69%	Y
M1-M12	U-Channel	0.450	0.450	0.010	25	0.016	0.163	1.157	0.14	1.69	0.275	B, F	0.086	31%	Y
M12-M11	U-Channel	0.450	0.450	0.010	44	0.016	0.163	1.157	0.14	1.69	0.275	A, B, F	0.189	69%	Y
M11-M10	U-Channel	0.600	0.600	0.005	47	0.016	0.289	1.542	0.19	1.45	0.419	A, B, F	0.189	45%	Y
M10-M9	U-Channel	0.600	0.600	0.003	35	0.016	0.289	1.542	0.19	1.18	0.342	A, B, C, F	0.189	55%	Y

C. Capacity Flow Estimation and Adequacy Check for Proposed Circular Pipes

Pipe Segment	Length	Level (out)	Level (in)	Diameter	Depth	A_w [5]	k_s [4]	v	s	g	V	Capacity Flow	Catchment Served	Q_p	Is $Q_c > Q_p$?	% of capacity
	m	mPD	mPD	m	m	m^2	m	m^2/s	-	m/s^2	m/s	m^3/s		m^3/s	Y/N	%
M9 to Kam Tin River	6	3.80	3.78	0.750	0.750	0.398	0.00003	1E-06	0.003	9.810	1.9216	0.764	A, B, C, F	0.424	Y	56%

Note:
[1] Runoff is calculated in accordance with DSD's "Stormwater Drainage Manual - Planning, Design and Management" (SDM), fifth edition, January 2018.
[2] 50 years return period of HKO Headquarters is adopted in the calculation according to Stormwater Drainage Manual - Corrigendum No. 1/2024.
[3] For the proposed U-channel, value of n for concrete-lined channels under fair condition (i.e. n = 0.016) is adopted in the calculation.
[4] For the proposed circular pipe, value of ks for smooth materials (Pipes) under normal condition (i.e. 0.003 mm) is adopted in the calculation.
[5] 10% reduction in flow area has been considered as per the requirement in SDM (Section 9.3).

Appendix D

Detailed Drainage Analysis of the Existing Watercourse

Capacity Flow Estimation and Adequacy Check for Existing Watercourse

Existing Watercourse	Top Width, m	Bottom Width, m	Depth, m [1]	Slope [2]	Manning's Roughness Coefficient [3]	Cross Section Area, m^2	Wetted perimeter, m	Hydraulic radius, m	Mean velocity, m/s	Capacity flow, m^3/s	Catchments Served	Runoff, m^3/s	Contribution from Identified Catchments, %	Sufficient Capacity? (Y/N)
Kam Tin River	34.0	25	4.0	0.069	0.040	118.000	37.042	3.19	14.26	1683.071	A, B, C, F	0.326	0.0194%	Y

Note:
[1] The depth of Kam Tin River is adopted from government press release on 6 August, 1999. (https://www.info.gov.hk/gia/general/199908/06/0806162.htm#:~:text=Upon%20completion%2C%20the%20upstream%20of,270%20cubic%20metres%20per%20second.)
[2] The slope of Kam Tin River is adopted from Guided Field Trip to Kam Tin River, Handbook for Tour Guides under the JC-WISE Water Initiative on Sustainability and Engagement. (https://www.socsc.hku.hk/jcwise/mrmc/workbook/KTRHandbookforTourGuides_Eng.pdf)
[3] A Manning's roughness coefficient of 0.040 for "Natural-stream channels — Winding, with some pools and shoals, clean with some weeds and stone" in good condition will be adopted for streams based on site observation.

LCH Planning and Development
Consultants Limited

Our Ref.: PD2410002/09
Your Ref.: TPB/A/YL-NSW/357

23 March 2026

By Email

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

Dear Sir/Madam,

SECTION 16 PLANNING APPLICATION NO. A/ YL-NSW/357

Further Information Submission

We refer to the departmental comments received from Agriculture, Fisheries and Conservation Department on 16 March 2025 of the captioned Application.

Please find attached our responses to the departmental comments with the replacement pages of revised planning statement report in Appendix 2, replacement pages of Tree Preservation and Landscaping Proposal in Appendix 3, and replacement pages of Desktop Review on Nearby Ecological Baseline Condition in Appendix 3. Revisions have been made to the proposed planting proposal, with increasing nos. of tree to be provided.

According to TPB PG-No. 32B, submission of this further information refers to supplement and/or clarify the background and supporting information of the Application, as well as to response the relevant departmental comments, in which does not constitute as a material change the application. Thus, it should be accepted.

Should you require further information or have any query, please feel free to contact the undersigned or Haze Tsang at [redacted]

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

Junior Ho
Director

c.c. the Applicant

[redacted]

Encl.

- Appendix 1 – Responses to Departmental Comments
- Appendix 2 – Replacement Pages of Planning Statement Report (P.4, 8, 12-14)
- Appendix 3 – Replacement Pages of Tree Preservation and Landscaping Proposal (Annex 5) (P.3-4, 8-17, 233-238)
- Appendix 4 – Replacement Pages of Desktop Review on Nearby Ecological Baseline Condition (Annex 6) (P. 9, 12-13)

Filling of Pond for Permitted Agricultural Use for a Period of 3 Years in "Other Specified Uses" annotated "Comprehensive Development to include Wetland Restoration Area" ("OU(CDWRA)") and "Village Type Development" ("V") zones, Lots 1212 S.E ss.1 and 1212 S.E RP (Part) in D.D. 115 and adjoining Discrepant Areas (Part), Nam Sang Wai, Yuen Long, New Territories

Section 16 Planning Application No. A/YL-NSW/357

Response to Departmental Comments Table

No.	Comments Received	Our Responses
A. Comments from Agriculture, Fisheries and Conservation Department *Subject Officer: Dr. Azaria WONG (T: 2150 6932)*		
Date: 16 March 2026 (Comments on Further Information submitted on 27 February 2026)		
1.	It is stated in the RtC that there will be no permanent loss of area of plantation. This statement contradicts with the proposed tree felling at the application site. Please revise.	Well noted. There will be permanent loss of area of plantation. **Section 8.1.2** of **Desktop Review on Nearby Ecological Baseline Condition (Annex 6)** has been supplemented accordingly.
2.	Please check whether the existing pond is connected to the old meander of Kam Tin River, instead of Shan Pui River as stated in the submission.	Please note the existing pond is connected to the old meander of Kam Tin River via a broken concrete water gate. Relevant sections in **Planning Statement** and **Annex 6** have been revised accordingly.
3.	Please consider to plant buffer planting along the entire site boundary facing the old meander of Kam Tin River to minimize disturbance to the wetlands and associated wildlife.	Thanks for your comment. To minimize potential disturbance, the Applicant has further improved the planting proposal. Approximate 10m wide edge planting beds is proposed along the eastern edge while approximate 2m wide edge planting beds is provided along the south edges of the site. Please note the total new tree provision with nos. of 57 is proposed with the approximately 1 : 3.17 compensation ration 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*). **Sections 3.5.3-3.5.5** of **Planning Statement**, **Sections 5 and 6, Landscape Master Plan and Landscape Section (Appendix II)** and

No.	Comments Received	Our Responses
		Planting Plans (Appendix III) in **Tree Preservation and Landscaping Proposal (Annex 5)** have been updated respectively.
4.	The constriction restriction stated in S.3.4.6 does not tally with other parts of the submission. Please revise.	**Section 3.4.6** of **Planning Statement** has been revised accordingly. Please note that all the construction works will be conducted between tentatively 7a.m. to 5p.m. daytime on any day not being a Sunday or general holiday.
5.	Desktop Review S.5.3.3: Please delete "The exemption of EcoIA for this s.16 planning application has also been considered by the AFCD".	Relevant statement originally in **Section 5.3.3** of **Planning Statement** has been removed accordingly.

1.0 Introduction

1.1 The filling of pond for permitted proposed agriculture use ("The Development") is located 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 in Nam Sang Wai, Yuen Long. The proposed area for cultivation was previously ponds and have been formed for more than two decades. It is currently abundant and overgrown. In order to reflect the current situation of the Site and to regularize the pond filling, a planning application for filling of pond is proposed. This proposal is prepared as part of the planning application for the proposed development.

1.2 This proposal describes the concepts and principles underlying the Master Landscape Plan of the Development. It describes the permitted agriculture use and planting design of the Site. A more comprehensive package of proposals will be formulated during the detailed design stage of the project.

1.3 This landscape and tree preservation proposal present:

- The existing tree vegetation;
- The Landscape Master Plan;
- Planting Proposal of the Development.

2.0 The Site

2.1 The Site is located at the far fringe of Nam Sang Wai. To the north of the Site is Kam Tin River while Yuen Long Kau Hui is located to its south. The access to the Site is via a existing local track road connecting to Shan Pui Road.

2.2 The site is a gently sloping land, ranging from **+7.2** mPD in the south to **+3.6** mPD in the north. It is covered by weeds and trees, with a pond identified to the northwest of the site. Existing trees are evenly distributed across the site. Most of them are in semi-mature size and exhibit poor tree form and health conditions. No Old and Valuable Trees (OVT) or protected species have been identified in accordance with DEVB TCW No. 5/2020 – Registration and Preservation of Old and Valuable Trees, and the Forests and Countryside Ordinance (Cap. 96), respectively.

2.3 The landscape character of the Site and its surroundings is a mixture of various land uses, including villages, e.g. Shan Pui Tsuen, Shan Pui Chung Hau Tsuen, low-rise residential developments, e.g. The Parcville, open storages and rural settlements.

3.0 The Proposed Development

3.1 The Site covers an area of about **21,929** m^2., including portion of Lot No. 1212 s.E R.P. of about **13,068** m^2., Lot No. 1212 s.E ss.1 of about **10** m^2 and its portion of Discrepant areas (portion) adjacent to Lot No. 1212 s.E of about **8,851** m^2. The permitted agricultural use involves rehabilitation of agricultural land (e.g. growing vegetables and crops) of Lot No. 1212 s.E R.P. and ss.1 and pond of a portion of Lot No. 1212 Discrepant Areas that would be considered for shrimp farming.

3.2 The proposed area for cultivation was previously ponds and have been formed since 2000. In order to regularize the ponds that have been filled for more than two decades, a planning application for filling of pond is submitted as refer to indicative layout plan in planning application. It is now rectified that the filling of pond would be about 2m thick with heavy soil, with an area of about **14,933** m^2.

3.3 The permitted agricultural use will be operated by experienced cultivators for agricultural use. The south portion will be for rehabilitation of agricultural land, and taking advantage of the existing pond in the north portion, shrimp farming will be considered under suitable situation.

3.4 As the Site is proposed for agricultural farmlands and pond for shrimp farming, the existing trees within Site will be removed for agricultural use. The detailed tree assessment shall refer to the **Para 4.0** below.

3.5 No parking spaces will be provided in the Site. Cultivators are expected to access the Site by public transportation (i.e. franchised bus, green minibus and taxis) or private vehicle(s) that parked in the surrounding carparks and then walk to the Site via the existing local track road.

5.0 Landscape Proposal (Appendix II refers)

5.0.1 The aim of the landscape proposals is to respond to site conditions, development layout and function of the proposed development and to provide a quality landscape scheme. The main factors to be taken into consideration are:

- Response to the site context, both in terms of landscape character and visual amenity;
- Creation of a green setting by maximising the opportunity for soft landscape;
- Establishment of pleasant landscape areas which meet the varying needs of users; and
- Minimization of future maintenance requirements.

5.0.2 Landscape drawings showing the proposed landscape treatment for the proposed development, and their underlying principles have been attached in **Appendix II** for ease of reference.

- Hong Kong Planning Standards and Guidelines;
- Technical Guidelines on Landscape Treatment for Slopes (GEO Publication No. 1/2011);
- Design Manual: Barrier Free Access 2008 (Building Department);
- DEVB TC W No. 6/2015 - Maintenance of Vegetation and Hard Landscape Features;
- LAO Practice Note No. 6/2023 – Processing of Tree Preservation and Removal Proposals for Building Development in Private Projects – Compliance with Tree Preservation Clause under Lease;
- PlanD's PNPP No. 1/2019 – Processing and Compliance Checking of Landscape Submissions related to Planning Applications; and
- Guidance Notes for Application for Permission under Section 16 of the Town Planning Ordinance (Cap. 131).

5.1 Landscape Design Concept

5.1.1 The landscape concept mentioned below describe considerations, which had been considered as being general to the whole landscape design.

Minimisation of Extent of Site Formation Works

5.1.2 The site is a gently sloping land, ranging from **+7.2** mPD in the south to **+3.6** mPD in the north. No site formation works are proposed, except for tree felling and drainage works. The cultivation area will follow the existing landform to minimize the extent of site formation required.

Integration of the Proposed Development with the Surrounding Landscape

5.1.3 To provide a buffer between the site and the adjacent village houses, Approx. 10m wide edge planting beds is proposed along the eastern edge while 2m wide edge planting beds is provided along the southeast edges of the site. Please refer to the landscape section, drawing no. **LD101** in **Appendix II**, for reference. This will facilitate opportunities for new tree and groundcover plantings. More importantly, the existing pond to the north of the site—an important landscape resource—can be preserved in situ.

Planting Design

5.1.4 New Planting will be predominantly native and primary evergreen in nature. This will also help in promote a tranquil and harmonic environment to the users. The selection of plant combination enrich the colour complexity and visual gradation of the Proposed Development.

5.1.5 Where practicable, standard trees and groundcover are proposed. These soft landscape measures will ensure that the hard lines of the built form to be visually softened. The use of planting in heavy standard size would provide a more instant greening effect. Drawings showing the soft landscape treatment such as trees, shrubs, groundcovers and climbing plants shall refer to planting plan in **Appendix III**.

5.2 Soil Depth and Drainage for Planting

5.2.1 The requirement of soil depth is directly related to the planting design and its associated loading requirement upon structure. In general, the soil depth provided, with all drainage layers, water-proofing and protective screening exclusive is listed below:

Table 4.0 Planting Medium (Soil Depth)

Planting Type	**Soil Depth (Minimum)**
Tree/ Palm tree	1200mm
Shrub/ Climber	600mm
Groundcover/ Turf	300mm

5.3 Irrigation

5.3.1 The proposed irrigation system will be by tap water pipe for manual operation. Lockable water points will be provided at 40m centres covering the entire site. The proposed source of water supply is subject to final approval from the Water Supplies Department.

5.4 Future Maintenance

Soft Landscape Element

5.4.1 For the development, the softworks contractor will be responsible for maintenance of the planting during the establishment period allowed for in the construction contract, usually for the first year after the beginning of the schemes operational phase. This will ensure that the soft landscape measures are in a healthy condition prior to the finished scheme being handed back to the Applicant.

5.4.2 Ultimately the management office will employ maintenance staff to take care of all landscape areas within the site.

5.4.3 The maintenance schedule for soft landscape works has been included in **Appendix IV**. It is important to mention that tree risk assessment will be conducted at appropriate time to facilitate proper tree management and maintenance.

6.0 Planting Proposals (Appendix III refers)

6.1 In order to provide quality landscape for the proposed development, soft landscape works will be the major landscape element of the landscaping proposal and satisfy the following criteria:

- To compensate the loss of affected trees;
- To enhance the ecological value of the existing plantation; and
- To screen the cultivation area and reduce the visual impact to the nearby occupants.

6.2 The proposed planting species list is shown as follows and details shall refer to the Planting Plans in **Appendix III.**

Table 7.0 Proposed Planting Schedule

Botanical Name	Chinese Name	Size (mm)	Spacing (mm)	Native/ Exotic
TREES		**Height x Spread x DBH (mm)**		
Bauhinia blakeana	洋紫荊	2500x1500x50	5000	Native
Machilus breviflora	短序潤楠	2500x1500x50	5000	Native
Pongamia pinnata	水黃皮	2500x1500x50	5000	Native
Schefflera octophylla	鵝掌柴	2500x1500x50	5000	Native
Sterculia lanceolata	假蘋婆	2500x1500x50	5000	Native
Sapium dicolor	山烏桕	2500x1500x50	5000	Native
GROUNDCOVER		**Height x Spread (mm)**		
Wedelia chinensis	蟛蜞菊	200x200	200	Native

6.3 In this study area, a total of **764** trees within the Application Site Boundary were recorded. **None** of the surveyed trees will be retained in-situ while all **764** trees, including **746** number of *Leucaena leucocephala* inside the Site will be felled due to in conflict with the Development.

6.4 In accordance with para. 42 of Guidance Notes of LAO PN No. 6/2023, the compensatory planting for removal of *Leucaena leucocephala* is not required, due to its aggressive and invasive growing habits. **57** standard trees with average DBH approx. **50** mm are proposed to be planted to compensate the loss of **18** existing trees, excluding *Leucaena leucocephala*. All new trees within the Application Site Boundary will all be maintained by the Applicant.

6.5 In view of the above, the tree compensation proposal can achieve a ratio not less than 1:1 in terms of quality and quantity and is shown as the follows:

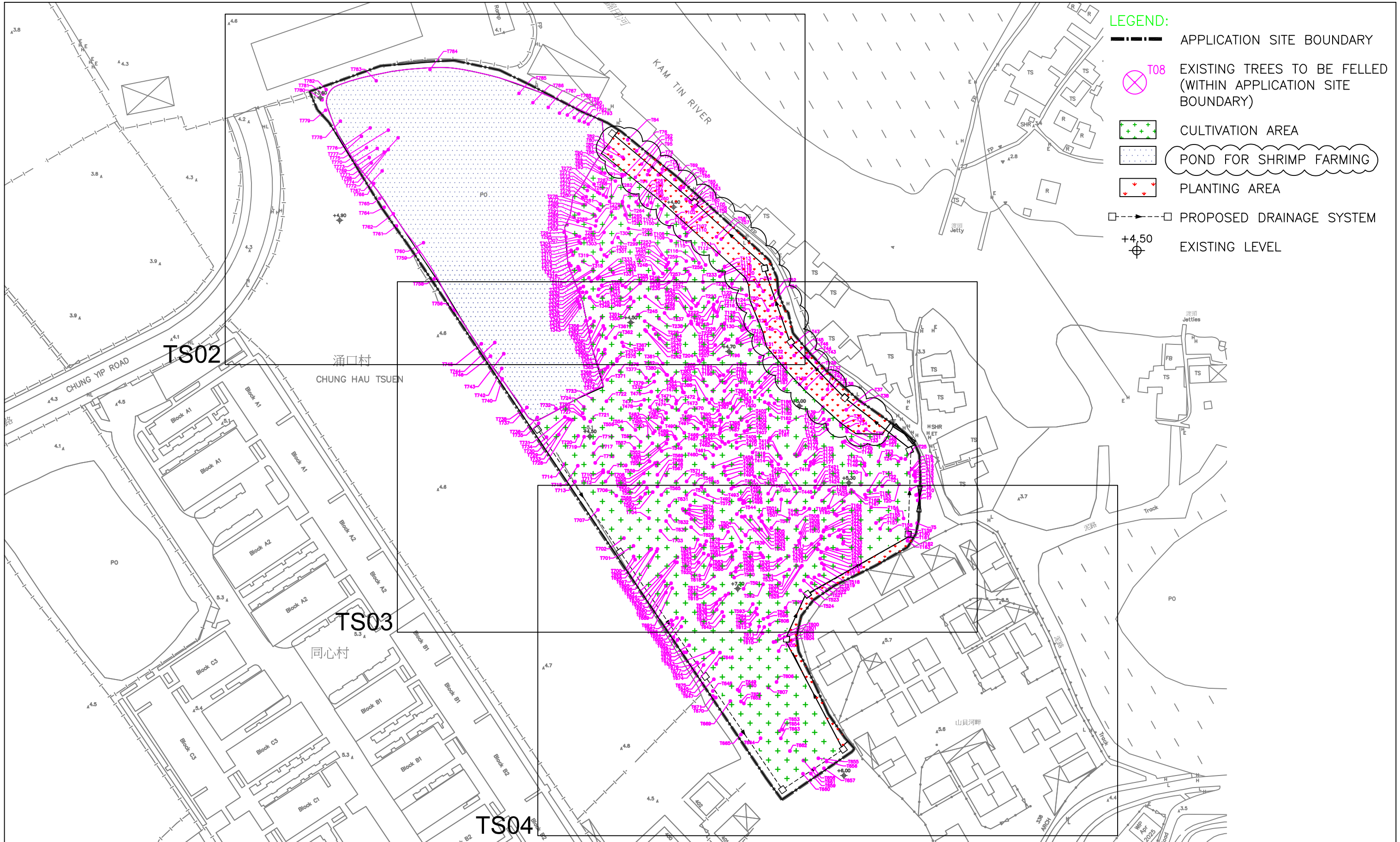
Quantity of loss of trees:	18 nos. (excluding **746** *Leucaena leucocephala*)
Quantity of compensatory trees:	57 nos.
Quantity compensation ratio	approx. 1:3.17

Appendix I

Tree Schedule, Tree Survey Plan

And

Photographic Record of Existing Trees



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A	GENERAL AMENDMENT	CADD	17/03/2026	ANK	TEL

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PROJECT 工程項目
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

DRAWING TITLE 圖紙名稱
TREE SURVEY PLAN (OVERALL VIEW)

SCALE 比例	1:1200
DATE 日期	JUN 2025
REVISION 校訂	A
DRAWING NUMBER 圖號	TS01
DESIGNED 設計	TEL
DRAWN 繪圖	CAD
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CAD FILENAME : C2515-TS01A

LEGEND:

- APPLICATION SITE BOUNDARY
- T08 EXISTING TREES TO BE FELLED (WITHIN APPLICATION SITE BOUNDARY)
- CULTIVATION AREA
- POND FOR SHRIMP FARMING
- PLANTING AREA
- PROPOSED DRAINAGE SYSTEM
- +4.50 EXISTING LEVEL

KEY PLAN
SCALE 1:4500
0 20 40 60 80 100M

REVISION 校訂	DESCRIPTION 內容摘要	DRAWN 繪圖	DATE 日期	CHECKED 審核	APPROVED 審批
A	GENERAL AMENDMENT	CADD	17/03/2026	ANK	TEL

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SCALE 比例: 1:500
DATE 日期: JUN 2025
DRAWING TITLE 圖紙名稱: TREE SURVEY PLAN (SHEET 1 OF 3)
REVISION 校訂: A
DRAWING NUMBER 圖號: TS02
DESIGNED 設計: TEL
DRAWN 繪圖: CAD
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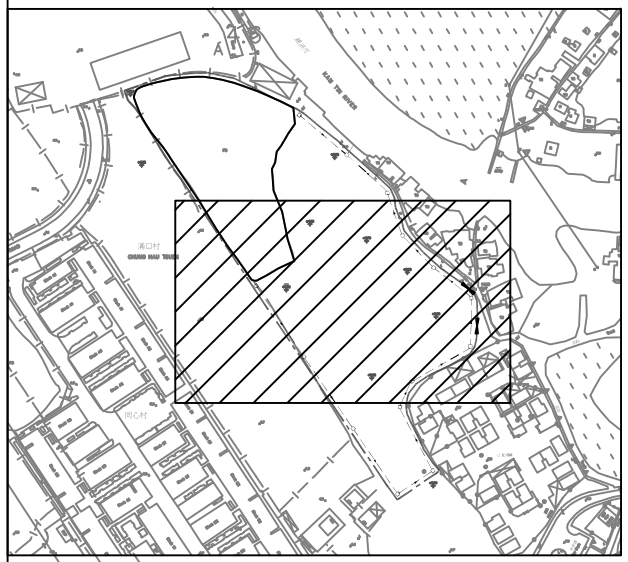
CAD FILENAME : C2515-TS02A

LEGEND:

- APPLICATION SITE BOUNDARY
- T08 EXISTING TREES TO BE FELLED (WITHIN APPLICATION SITE BOUNDARY)
- CULTIVATION AREA
- POND FOR SHRIMP FARMING
- PLANTING AREA
- PROPOSED DRAINAGE SYSTEM
- EXISTING LEVEL

N



KEY PLAN
SCALE 1:4500

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REVISION 校訂	DESCRIPTION 內容摘要	DRAWN 繪圖	DATE 日期	CHECKED 審核	APPROVED 審批
A	GENERAL AMENDMENT	CADD	17/03/2026	ANK	TEL

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SCALE 比例: 1:500
DESIGNED 設計: TEL
DATE 日期: JUN 2025
DRAWN 繪圖: CAD
DRAWING TITLE 圖紙名稱: TREE SURVEY PLAN (SHEET 2 OF 3)
REVISION 校訂: A
CHECKED 審核: TEL
DRAWING NUMBER 圖號: TS03
APPROVED 審批: TEL

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CAD FILENAME : C2515-TS03A

LEGEND:

- APPLICATION SITE BOUNDARY
- T08 EXISTING TREES TO BE FELLED (WITHIN APPLICATION SITE BOUNDARY)
- CULTIVATION AREA
- POND FOR SHRIMP FARMING
- PLANTING AREA
- PROPOSED DRAINAGE SYSTEM
- +4.50 EXISTING LEVEL

KEY PLAN
SCALE 1:4500
0 20 40 60 80 100M

REVISION 校訂	DESCRIPTION 內容摘要	DRAWN 繪圖	DATE 日期	CHECKED 審核	APPROVED 審批
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DRAWING TITLE 圖紙名稱
TREE SURVEY PLAN
(SHEET 3 OF 3)

SCALE 比例 1:500
DATE 日期 JUN 2025
REVISION 校訂 A
DRAWING NUMBER 圖號 TS04
DESIGNED 設計 TEL
DRAWN 繪圖 CAD
CHECKED 審核 TEL
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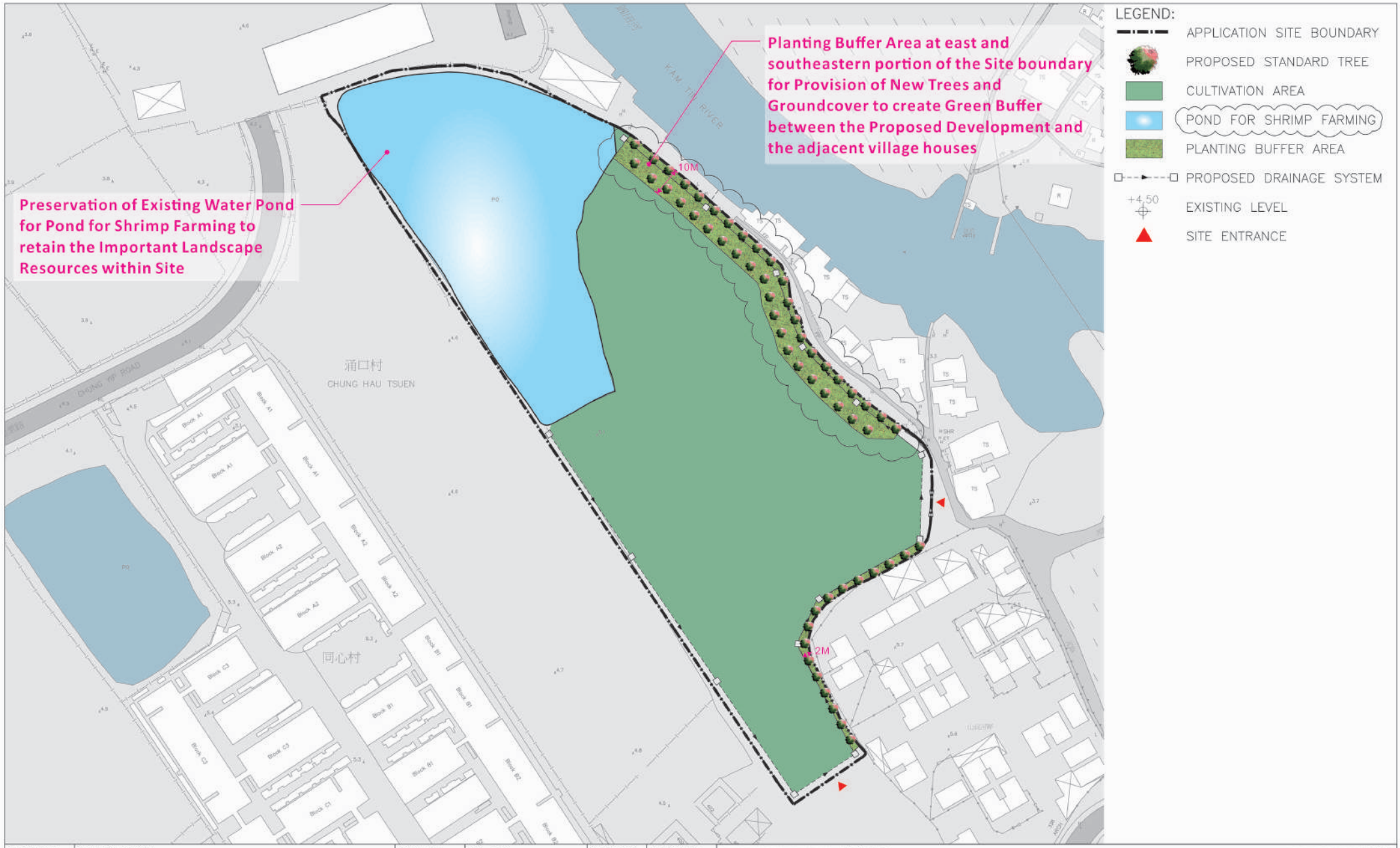
Appendix II

Landscape Master Plan

And

Landscape Sections



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PROJECT 工程項目
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

DRAWING TITLE 圖紙名稱
LANDSCAPE MASTER PLAN

SCALE 比例 1:1200
DATE 日期 JUN 2025
REVISION 校訂 A
DRAWING NUMBER 圖號 LMP01
DESIGNED 設計 TEL
DRAWN 繪圖 CAD
CHECKED 審核 TEL
APPROVED 審批 TEL

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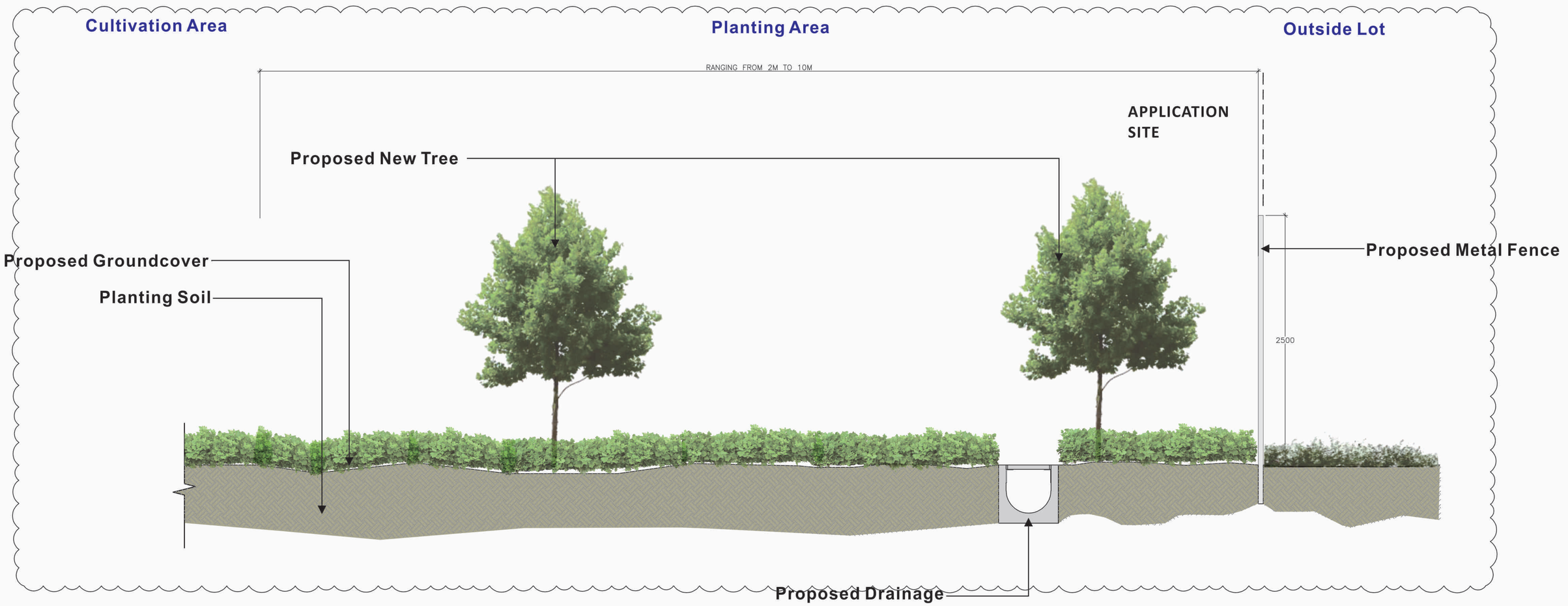
TELEPHONE 2868 0880 FACSIMILE 2868 2203

CAD FILENAME : C2515-LMP01A



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A	GENERAL AMENDMENT	CADD	17/03/2026	ANK	TEL

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DRAWING TITLE 圖紙名稱
TYPICAL SECTION OF PLANTING AREA

SCALE 比例 1:40
DATE 日期 JUN 2025
REVISION 校訂 A
DRAWING NUMBER 圖號 LD101
DESIGNED 設計 TEL
DRAWN 繪圖 CAD
CHECKED 審核 TEL
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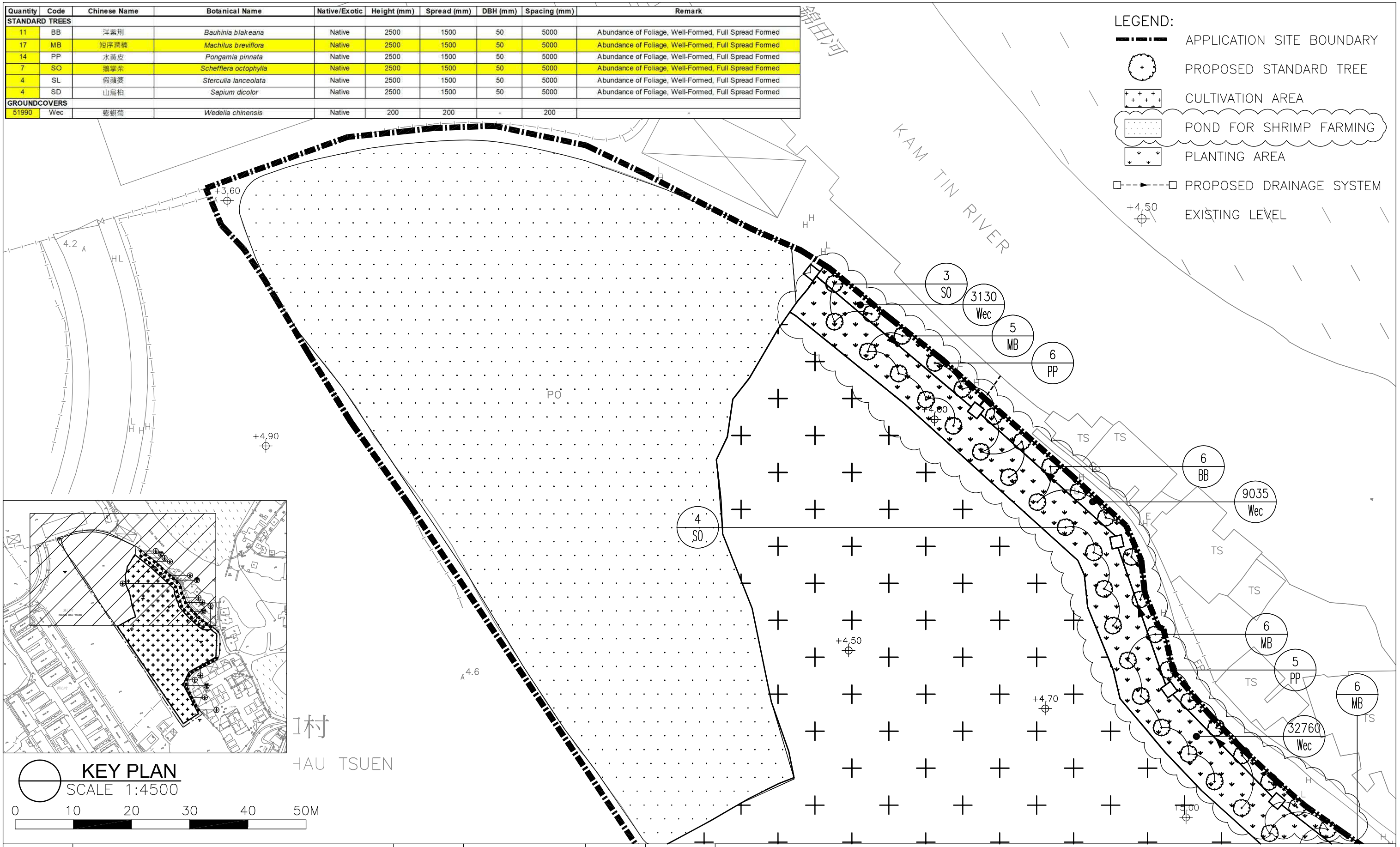
CAD FILENAME : C2515–LD101A

Appendix III

Planting Plans

Quantity	Code	Chinese Name	Botanical Name	Native/Exotic	Height (mm)	Spread (mm)	DBH (mm)	Spacing (mm)	Remark
STANDARD TREES									
11	BB	洋紫荊	*Bauhinia blakeana*	Native	2500	1500	50	5000	Abundance of Foliage, Well-Formed, Full Spread Formed
17	MB	短序潤楠	*Machilus breviflora*	Native	2500	1500	50	5000	Abundance of Foliage, Well-Formed, Full Spread Formed
14	PP	水黃皮	*Pongamia pinnata*	Native	2500	1500	50	5000	Abundance of Foliage, Well-Formed, Full Spread Formed
7	SO	鵝掌柴	*Schefflera octophylla*	Native	2500	1500	50	5000	Abundance of Foliage, Well-Formed, Full Spread Formed
4	SL	假蘋婆	*Sterculia lanceolata*	Native	2500	1500	50	5000	Abundance of Foliage, Well-Formed, Full Spread Formed
4	SD	山烏桕	*Sapium dicolor*	Native	2500	1500	50	5000	Abundance of Foliage, Well-Formed, Full Spread Formed
GROUNDCOVERS									
51990	Wec	蟛蜞菊	*Wedelia chinensis*	Native	200	200	-	200	-



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A	GENERAL AMENDMENT	CADD	17/03/2026	ANK	TEL

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PROJECT 工程項目
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DRAWING TITLE 圖紙名稱
PLANTING PLAN
(SHEET 1 OF 2)

SCALE 比例: 1:600
DATE 日期: JUN 2025
REVISION 校訂: A
DRAWING NUMBER 圖號: PT01

DESIGNED 設計: TEL
DRAWN 繪圖: CAD
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CAD FILENAME : C2515-PT01A

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PROJECT 工程項目
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DRAWING TITLE 圖紙名稱
PLANTING PLAN (SHEET 2 OF 2)

DRAWING NUMBER 圖號
PT02

REVISION 校訂
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SCALE 比例
1:600

DATE 日期
JUN 2025

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景觀及規劃部香港灣仔駱克道385-387號安盛商業大廈16樓B室
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CAD FILENAME : C2515-PT02A

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KEY PLAN
SCALE 1:4500
0 10 20 30 40 50M

LEGEND:
- APPLICATION SITE BOUNDARY
- PROPOSED STANDARD TREE
- CULTIVATION AREA
- POND FOR SHRIMP FARMING
- PLANTING AREA
- PROPOSED DRAINAGE SYSTEM
- +4.50 EXISTING LEVEL

山貝河畔
Track
污糞站
TS
H SHR
H ET
+6.00
+7.20
+5.30
+5.00
+4.50
4.5 A
4.8
4.6
4.7
4.5
4.6
4.5
4.4
402
7065 Wec
3 PP
4 SD
4 SL
5 BB

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. The existing pond is connected to the old meander of Kam Tin River via a broken concrete water gate (**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

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 for shrimp farming at a portion of Discrepant Areas adjacent to Section E of Lot No. 1212 in D.D. 115.

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**.

3.2.4 The existing abandoned pond is not enclosed and connects to the old meander of Kam Tin River. The water quality is brackish in nature. There appears to be a broken concrete foundation for the previous water gate. In order to re-activate the pond, repairment of a functional sluice gate on the existing location with restoration of the adjoining bunds is required.

3.3 Clearance Arrangement

3.3.1 Noted that the existing pond is not enclosed as described in **Section 3.2**, repairment of a functional sluice gate with restoration of the bunds at the channel mouth to the northeast connecting to the old meander of Kam Tin River, to ensure the clay liners and bunds are sufficiently compacted to minimize water loss through seepage. Earthworks will be taken place during dry season as the existing abandoned pond will be drained and dried

- The construction activities will only conduct during tentatively 7a.m. to 5p.m. 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 I 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 all the construction works will be conducted between tentatively 7a.m. to 5p.m. daytime on any day not being a Sunday or

general holiday, hence, no construction works would be taken place during evening and night time, 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 57 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 1:3.17 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), *Machilus breviflora* (短序潤楠), *Pongamia pinnata* (水黃皮), *Schefflera octophylla* (鵝掌柴), *Sterculia lanceolata* (假蘋婆) and *Sapium dicolor* (山烏桕) 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 Uses

3.6.1 According to the information, the Proposed Development will be operated by around 5 experienced cultivators for agricultural use daily tentatively around 7a.m. to 5p.m. daytime, 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 abandoned pond in the northwest portion, pond for shrimp farming would also be considered.

Sustainable Pond Management

3.6.2 Partners with experience in aquaculture management will be engaged to rehabilitate the existing pond by minimising the potential impacts. The Application Site is immediately adjacent to the old meander of Kam Tin River which is a significant intertidal zone. Water from the river will be rushed in during higher tide, while the water from the subject pond will flow to the river during low tide. Taking the opportunity of this brackish water nature as mentioned in **Section 3.2**, this Application intends to investigate the possibility to convert the existing abandoned pond into an intertidal shrimp pond.

3.6.3 The existing abandoned pond connects to the old meander of Kam Tin River via a broken concrete water gate, as shown in **Diagram 1**. Repair works will be carried out to repair the broken and non-functional gate into an operational sluice gate, which will be used to manage water levers by exploiting tidal movements, as well as to restore the bund to stabilize its edge and boundary. The existing bunds and water channels inside the Application Site will be maintained and restored.

3.6.4 To adopt sustainable pond management, during normal operation, the shrimp larvae will be stocked into the pond naturally. No chemical, feeds or additives should be adopted, the shrimp should rely on natural organic detritus with the tidal flow to raise sustainably. The proposed shrimp species include greasyback shrimp (*Metapenaeus ensis*), in which is common in Hong Kong, associated with brackish water nature of the subject pond.

3.6.5 Hence, no regular artificial feeding will be required as its growing method relies on the natural organic detritus with tidal flow. Passive harvest will be adopted by sluice netting during high tide periods. As the Proposed Development will be operated daily tentatively around 7a.m. to 5p.m.

7.1.11 Further to the latest information, clearance and construction works including earthwork for repairment of a functional sluice gate and restoration of bund, and felling of existing trees would be involved. Repairing works, including geotextile and installation of piles, will be carried out by hand, so as to keep the interventions to the surroundings minimal. No pollution of air or water shall arise from a large number of different sources and could occur during construction, operation or both.

7.1.12 Fragmentation impacts arise where development or other human activities impede or sever ecological linkages between or within habitats and areas. Construction of a development between habitats which show ecological linkage may result in the loss of these links and thus a decrease in the suitability of the habitat for particular species and a reduction in the overall value of the habitat. Mitigation measures as discussed in **Section 8** will be proposed to reduce the potential impacts, the overall impact shall be minor.

8 Identification of Ecological Impacts

8.1.1 The implementation of the permitted agricultural use will include earthwork and felling of existing trees in the initial stage. Construction works generally involve site clearance, substructure and/or superstructure, concreting of drains, and landscaping work.

Construction Phase – Direct Impacts

8.1.2 *Habitat Loss* – As the Site is currently overgrown, the felling of trees shall involve the complete removal of trees indicated, the direct impact due to the loss of plantation area is considered as sensitive with permanent loss of area of *plantation*. However, as identified in previous EIA reports, the ecological value of the *plantation* habitat is considered low with most tress are exotic species, and the ecological linkage of the *plantation* habitat are poor.

8.1.3 Potential impacts on Eurasian Otter and other mammal species of conservation importance include direct habitat loss and disturbance. Due to the lack of recent records on Eurasian Otter within the Site, low impact severity during construction phase is predicted. Compensatory planting will be proposed under the Tree Preservation and Landscaping Proposal in **Annex 5**.

8.1.4 No additional pond filling is proposed apart from the existing filled area. it is noteworthy that there is no reduction of the identified *pond* habitat within the Application Site. The Application Site is not served by any drainage system to direct surface runoff, and existing water gate has been broken. The proposed drainage system has been designed to be sufficient in handling the surface runoff within the Application Site. Repair works of the existing functional sluice gate and the restoration of bunds are also proposed at the channel opening to the northeast connecting to the old meander of Kam Tin River. There will be temporary impact to the pond habitat with these human

5 includes 57 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).

8.1.16 With the farming activities on the Application Site, it would convert the *plantation* habitat into *agricultural land* habitat, with ecological value to be low to very low. Any impacts on Eurasian Otter are also predicted to be of very low severity due to the lack of recent records within the Site. It is anticipated that there will be degradation of ecological value from low to very low on the plantation habitat.

8.1.17 Noted that the Proposed Development also involves restoration of abandoned pond for shrimp farming. Such restoration does not change the original context of pond, but to re-activate the pond, repairment of a functional sluice gate on the existing location. Net effect to be integrated with surrounding wetland is anticipated under proper sustainable pond management to rely on natural organic detritus with the tidal flow. Potential impacts are considered **minimal**.

Operational Phase – Indirect Impacts

8.1.18 *Water quality* – The surface runoff generated from the Application Site will be discharged to the proposed U-channel system. The drainage analysis, as demonstrated in the **Drainage Impact Assessment** in **Annex 4**, has demonstrated that the proposed drainage systems have adequate capacity to cater the surface runoff from the Site.

8.1.19 During operation phase, no chemical, feeds or additives should be adopted for shrimp farming, as its growing method relies on the natural organic detritus with tidal flow. Passive harvest will be adopted by sluice netting during high tide periods. No adverse impacts on the aquatic communities or the associated waterbirds and wetland birds are anticipated, whilst the pond for shrimp farming may serve as habitat for piscivorous birds compared to the baseline condition. Therefore, water quality impact is not anticipated.

8.1.20 For crop farming, organic farming method with integrated pest management (IPM) techniques will be adopted, such as introducing beneficial insects (i.e. ladybugs for aphid control), using neem oil and/or marine extracts from natural deterrence for organic farmer use, and deploying physical barriers like netting to control the potential flea beetle problems as also recommended by the AFCD.

8.1.21 Fertilization will rely on on-site composting of crop residues and pond sludge at the pond, to recycle the aerobic composting piles that prevent soil subsidence commonly found in reclaimed wetlands or water bodies. No artificial pesticides and fertilisers will be employed. Proper nutrient management will be adopted by avoiding larger fertiliser dose with small and

split applications, and only with fully matured compost. No organic fertiliser shall be applied before and after heavy rain, and to irrigate in short pulse to avoid excess water washing the organic nutrients away. By applying a smart fertilization plan, it is anticipated to minimise any potential pollution risk.

8.1.22 As the Proposed Development is not considered to affect stability of pond bunds or resulting in seepage of bunds in adjacent ponds. No significant increase is anticipated to the change of hydrodynamics at the old meander of Kam Tin River, thus the potential impacts due to change of hydrodynamics are considered **minor**.

8.1.23 *Air quality and noise* – The Proposed Development will be for rehabilitation of agricultural land and pond culture for intertidal shrimps. No air and noise emission activities will be involved and no powered equipment will be deployed. Therefore, air quality and noise impacts are not expected.

8.1.24 *Light impact* – The Proposed Development will only operate during daytime daily tentatively around 7a.m. to 5p.m.[2]. No artificial lighting and/or glare is allowed. On the other hand, the existing lighting sources (i.e., village houses, low-rise residential development, the Yuen Long INNOPARK, etc.) are already present within and near the Site. As suggested by the nearby approved EIA (EIA No. AEIAR-228/2021), fauna inhabiting in habitats near the Project Site have probably habituated to lightings, and hence sensitive species might not be present in these areas. No significant adverse impact to nocturnal fauna in nearby areas is anticipated. Potential impacts are considered **minor**.

8.1.25 *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), or any relevant ordinances and guidelines. Potential impacts are considered **minor**.

8.1.26 *Impacts on recognized sites* – The Site is located within WBA and is near the WCA and "CA" zone. As the future cultivators and pond farmers will occasionally work and support different sites nearby for harvesting and when managing pond bunds, no any temporary structures for storage of farm equipment and/or aquaculture supplies shall be allowed during operation phase. 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. In addition, the impact to habitats in Nam Sang Wai are considered **minor** as the

[2] It is noted that the traditional practice shall be harvested during night and/or early morning as the shrimps are more active. To minimise possible impact to the surroundings at night time, the future operator will be limited to harvest during daytime tentatively around 7a.m. to 5p.m. only. They are highly advised to align with low tide forecasts provided by the Hong Kong Observatory (HKO).

LCH Planning and Development
Consultants Limited

Our Ref.: PD2410002/10
Your Ref.: TPB/A/YL-NSW/357

27 March 2026

By Email

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

Dear Sir/Madam,

SECTION 16 PLANNING APPLICATION NO. A/ YL-NSW/357

Further Information Submission

We refer to the departmental comments received from Transport Department on 23 March 2026 of the captioned Application.

We would like to clarify that the Proposed Development will be operated on a commercial basis where the agricultural products to be sold in local farmer markets. Also, we would like to clarify that during the period the Applicant has been in discussion with several interested cultivators to operate the Proposed Development. One of the potential operators is an existing cultivator in Yuen Long area. With more than 30 years horticulture, aquaculture and fruit growing activities, he currently is managing a farm of more than 2 hectares. Another potential operator is an existing cultivator in Yuen Long area with also more than 30 years in horticulture and nursery activities. Upon approval of this application, the Applicant could then liaise with the interested cultivators to operate the Proposed Development.

In regards to the comments received from Transport Department, revisions on the proposed operation arrangement have been supplemented, and our responses to the departmental comments with the replacement pages of planning statement report and figures in Appendices 2 and 3 respectively.

According to TPB PG-No. 32B, submission of this further information refers to supplement and/or clarify the background of the Application, as well as to response the relevant departmental comments, in which does not constitute as a material change the application. Thus, it should be accepted. Should you require further information or have any query, please feel free to contact the undersigned or Haze Tsang at [redacted].

[redacted]

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



Junior Ho
Director

c.c. the Applicant

Encl.

- Appendix 1 – Responses to Departmental Comments
- Appendix 2 – Replacement Pages of Planning Statement Report (P.9,17)
- Appendix 3 – Replacement Pages of Figure 6

Filling of Pond for Permitted Agricultural Use for a Period of 3 Years in "Other Specified Uses" annotated "Comprehensive Development to include Wetland Restoration Area" ("OU(CDWRA)") and "Village Type Development" ("V") zones, Lots 1212 S.E ss.1 and 1212 S.E RP (Part) in D.D. 115 and adjoining Discrepant Areas (Part), Nam Sang Wai, Yuen Long, New Territories

Section 16 Planning Application No. A/YL-NSW/357

Response to Departmental Comments Table

No.	Comments Received	Our Responses
A. Comments from Transport Department *Subject Officer: Ms. Chan Sai Tung, Tel: 2399 2191*		
Date: 23 March 2026		
1.	Figure 6 doesn't show the ingress/ egress points as mentioned in Para. 3.7.2 of the Planning Statement, please clarify.	Para 3.3.2 and 3.7.2 and Figure 6 of the Planning Statement have been revised and supplemented accordingly. Please note two ingress / egress points with the entrance gate will be provided along the southeastern and southern edges of the Application Site Boundary, from the south of the Remaining Portion (Portion) 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. The aforementioned ingress / egress points would be adopted in both construction and operation phases. Consent from the owner(s) of Lots (i.e. Remaining Portion of Lot No. 19 and Lot No. 20 in D.D. 115) would be obtained for the possible vehicular access entering the Site under the construction phase, whilst no vehicular access will be provided during operation phase, thus, the future users and cultivators are expected to access the Site by foot via the existing local track road.

naturally at that time to minimize the potential ecological impacts during construction stage.

3.3.2 The Proposed Development would involve felling of existing trees and earthworks in the initial stage, while machinery will be used to enter the Application Site from south of Remaining Portion (Portion) 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.

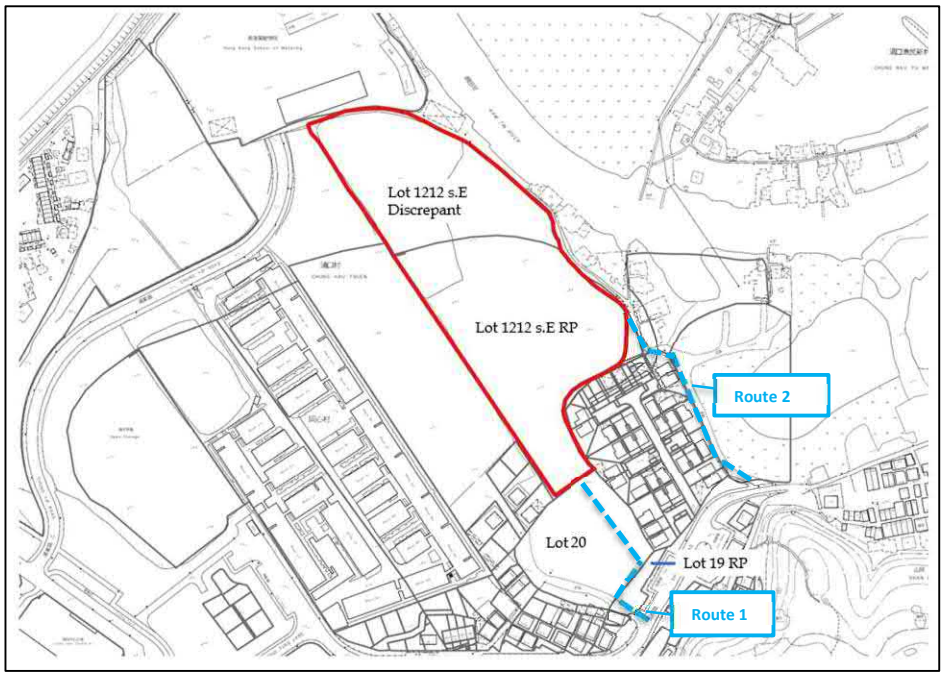


Diagram 4 Proposed Clearance Arrangement
(Source: HKSAR Government)

3.3.3 Earthwork at the existing abandoned pond shall involve repairment of a functional sluice gate and restoration of bunds with minimized desilting. Repairing works, including geotextile and installation of piles, will be carried out by hand, so as to keep the interventions to the surroundings minimal. Provision of dredging of existing accumulated sediments and selective removal of vegetation will also be included to provide open intertidal habitats (if necessary). Earthworks will be taken place during dry season as the pond will be drained and dried naturally at that time to minimize the potential ecological impacts during construction stage.

3.3.4 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: -



Entrance to
the Application Site

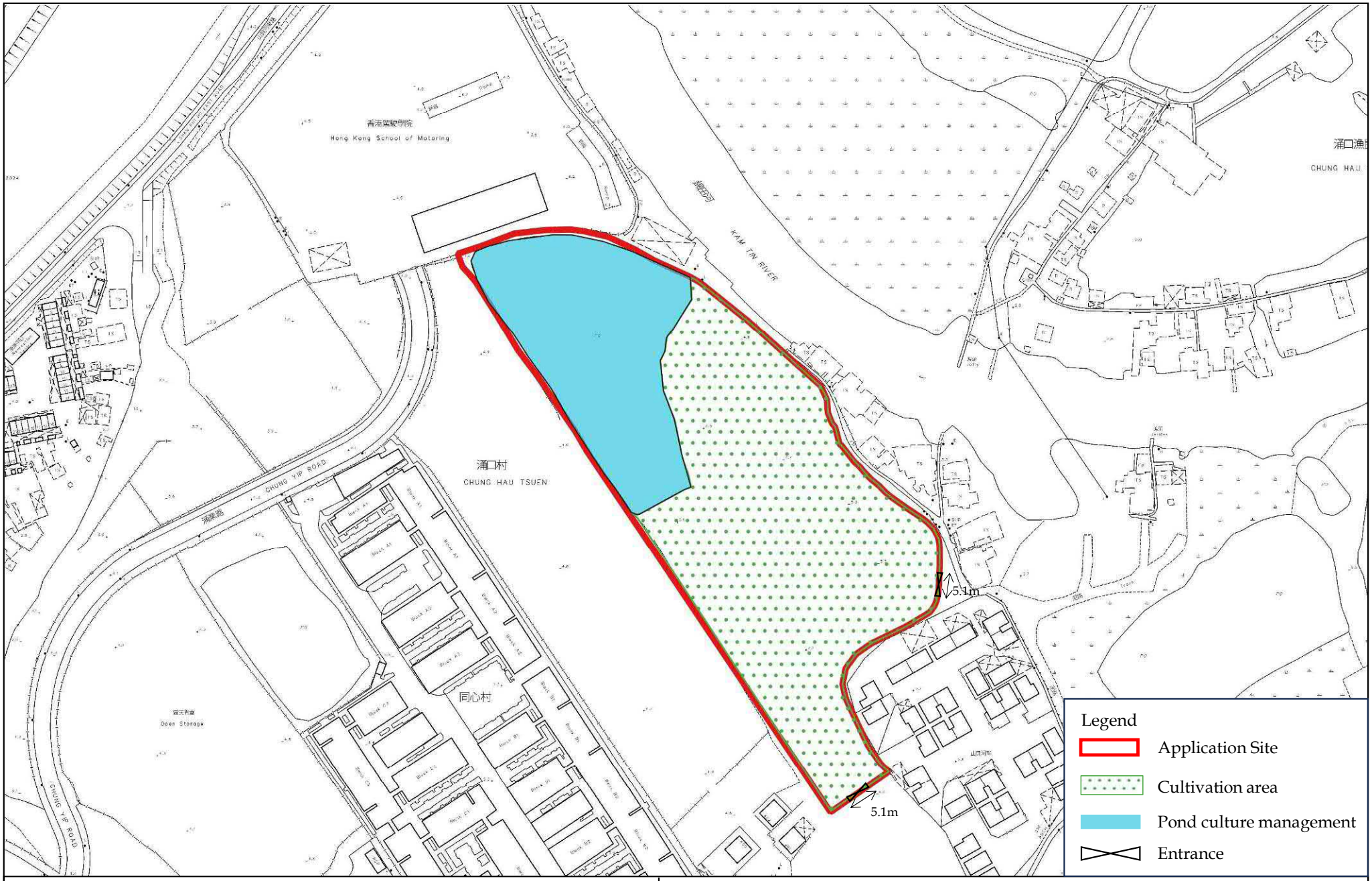


Existing Local Track Road to
the Application Site

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 5.1m will be provided along the southeastern and southern edges of the Application Site Boundary, from the south of the Remaining Portion (Portion) 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.



LCH Planning and Development Consultants Limited

Figure 6 : Indicative Layout Plan

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

(Source: HK GEODATA STORE, HKSAR Government)

LCH Planning and Development
Consultants Limited

Our Ref.: PD2410002/11
Your Ref.: TPB/A/YL-NSW/357

31 March 2026

By Email

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

Dear Sir/Madam,

SECTION 16 PLANNING APPLICATION NO. A/ YL-NSW/357

Further Information Submission

We refer to the departmental comments received from Drainage Services Department on 26 March 2026 of the captioned Application.

Please find attached our responses to the departmental comments with the Drainage Impact Assessment Report. This further information contains the technical clarification and response the relevant departmental comments without major changes in the assumptions and methodologies, findings and proposed mitigation measures. Thus, according to TPB PG-No. 32B, this further information does not constitute as a material change the application and should be accepted and exempted by the TPB for inclusion into the application.

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

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

Junior Ho
Director

c.c. the Applicant

Encl.
- Appendix 1 – Responses to Departmental Comments
- Appendix 2 – Drainage Impact Assessment Report

[redacted]

Filling of Pond for Permitted Agricultural Use for a Period of 3 Years in "Other Specified Uses" annotated "Comprehensive Development to include Wetland Restoration Area" ("OU(CDWRA)") and "Village Type Development" ("V") zones, Lots 1212 S.E ss.1 and 1212 S.E RP (Part) in D.D. 115 and adjoining Discrepant Areas (Part), Nam Sang Wai, Yuen Long, New Territories

Section 16 Planning Application No. A/YL-NSW/357

Response to Departmental Comments Table

No.	Comments Received	Our Responses
A.	***Comments from the Drainage Services Department (Contact person: Ms. Jessica KWAN, Tel: 3965 8924)***	
Date: 26 March 2026		
1.	The applicant should employ a qualified engineer (Registered Professional Engineer in the Civil Engineering discipline) to prepare for drainage submission. The drainage submission should be signed and certified by a qualified engineer;	The DIA is signed and certified by a qualified engineer, Ir. Leung Wing Kit. Please refer to the **DIA**.
2.	Para. 3.1 & Appendices B & C: The applicant should review roughness coefficient of the proposed stormwater pipe;	The roughness coefficient of the proposed stormwater pipe is changed to 0.006mm. Please refer to **Para. 3.1** and **Appendix B and C** of the **DIA**.
3.	Para. 3.2 & Figures 3.2 & 3.3: A sand trap/desilting type catchpit should be provided prior to connection to the proposed stormwater terminal manhole or to the downstream public stormwater drainage system;	Catchpit with sand traps is provided prior to connection to the proposed stormwater terminal manhole. Please refer to **Figure 3.2** and **Figure 3.3** of **DIA**.
4.	R-t-C No. 8 & Appendix D: In addition to calculating the utilization of the existing watercourse (Kam Tin River) from the subject site, the Consultant should also provide an assessment of the overall utilization of the existing drainage system;	There is no existing drainage system within the Site and to Kam Tin River. Please refer to **Appendix E** of **DIA**. The overall utilization of the existing watercourse (Kam Tin River) has been calculated. Please refer to **Appendix D** of **DIA**.
5.	Table 3.1: Please use "paved"/"unpaved" ratio instead of using "water bodies" & "heavy soil";	Paved and unpaved ratio was used. Please refer to **Table 3.1** of the **DIA**.
6.	Para. 3.4: Please be reminded that the extreme sea level due to climate change by the end of the 21st century under a 50-year	Portable flood barriers will be used on Site when there is heavy rain. Please refer to **Para. 3.4** of the **DIA**.

No.	Comments Received	Our Responses
	return period is 5.01mPD. The design of any structures/drainage facilities should consider this to minimize flood risk. If part of the Site is anticipated to be subject to adverse flooding impact under a 50-year return period, the applicant should propose appropriate mitigate measures. In addition, it is crucial to ensure that the flooded water does not overflow into the adjacent area;	
7.	The applicant should demonstrate with hydraulic calculation that the proposed drainage facilities are adequate to collect, convey and discharge the surface runoff accrued on the application site and the overland flow intercepted from the adjacent lands; and	Calculations are provided. Please refer to **Appendix B and C** of the **DIA**.
8.	The applicant should demonstrate the existing facilities to be discharged to have sufficient capacity to cater for any additional flow generated due to the subject application.	The existing watercourse has sufficient capacity to cater for the flow generated from the Site. Please refer to **Appendix D** of the **DIA**.

URBAN GREEN

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

Drainage Impact Assessment Report

Reference: P159-DIA-I4
Date: 30 March 2026
Confidential

[redacted]

URBAN GREEN

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

Drainage Impact Assessment Report

Reference: P159-DIA-I4

Date: 30 March 2026

Issue	Status	Prepared By	Date	Checked by	Date	Approved By	Date
1	-	Elvis Liu	Sep 25	Cheryl Chan	Sep 25	Joan Choi	Sep 25
2	-	Cheryl Chan	Dec 25	Cheryl Chan	Dec 25	Joan Choi	Dec 25
3	-	Elvis Liu	Mar 26	Cheryl Chan	Mar 26	Joan Choi	Mar 26
4	-	Elvis Liu	Mar 26	Cheryl Chan	Mar 26	Joan Choi	Mar 26

[redacted]

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1 Introduction

1.1 Background

The planning application is for filling a 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 in Nam Sang Wai, Yuen Long, New Territories (hereafter as "the Site").

The Site mainly falls within an area designated as "Other Specified Uses" annotated as "Comprehensive Development to include Wetland Restoration Area" ("OU(CDWRA)") zone with a small portion in an area designed as "Village Type Development" ("V") zone on the Approved Nam Sang Wai Outline Zoning Plan No. S/YL-NSW/11 ("NSW OZP"). According to the Notes of the NSW OZP for "OU(CDWRA)" and "V" zones, 'Agricultural Use' falls into Column 1 that is always permitted by the Board.

The 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 use aligns with the guideline's intention to protect the ecological integrity of the fishponds and wetlands within the sensitive Wetland Conservation Area ("WCA") through the rehabilitation of agricultural area and fishponds.

The proposed area for cultivation was previously ponds and had been formed for more than two decades. It is currently covered with vegetation. In order to reflect the current situation of the Site and to regularize the pond filling, a planning application for filling of pond is proposed.

This proposal demonstrates that the proposed agricultural use is always permitted under the NSW OZP and the filling of pond is to reflect the current condition of the Site.

Due to concerns about possible drainage impact arising from the proposed development, Urban Green Consultants Ltd. (UGC) has been commissioned to

conduct a Drainage Impact Assessment (DIA) to demonstrate the acceptability of drainage impact upon the surrounding environment.

1.2 Study Objectives

The objectives of this DIA are to assess the possible drainage impacts that may be caused by the proposed development and to recommend mitigation measures to alleviate such impacts if necessary.

1.3 Report Structure

The remaining chapters of this report are shown below:

Chapter 2 – Site Context

Chapter 3 – Drainage Analysis

Chapter 4 – Conclusion

2 Site Context

2.1 Current Site Conditions and its Environs

The Site covers a total area of about 21,929m^2, including portion of Lot 1212 s.E R.P. of about 13,068 m^2., Lot 1212 s.E ss.1 of about 10m^2., and a portion of Discrepant Areas (Portion) adjacent to Lot 1212 s.E of about 8,851 m^2. The Site is currently fenced off, largely paved with vegetations covering a major portion of the site and a pond situated in the northwest.

The Site is located at the far fringe of Nam Sang Wai. The surrounding environment of the Site is in rural village context intermixed with temporary uses. The Site is surrounded by Shan Pui Tsuen and Shan Pui Chung Hau Tsuen, with other low-rise residential developments. The immediate northwest of the Site is the Hong Kong School of Motoring, while to the southwest is the transitional housing project of United Court providing about 1800 units. Figure 2.1 shows the Site location and its environs.

2.2 Existing Drainage Condition

A site survey was conducted on 7 May 2025. The Site is not served by any drainage system to direct surface runoff. Part of the runoff overflows directly into the Kam Tin River.

3 Drainage Analysis

3.1 Assessment Methodology and Assumptions

This DIA has adopted the Rational Method for runoff estimation:

$$Q_p = 0.278\ i \sum C_j\ A_j$$

where
Q_p is peak runoff (m^3/s);
i is rainfall intensity (mm/hr);
A_j is the jth catchment (km^2);
C_j is the runoff coefficient of the jth catchment (dimensionless).

The details of the Rational Method can be referred to the *Stormwater Drainage Manual* (SDM) (DSD, 2018) with Corrigendum No. 1/2022, 1/2024, 2/2024.

Based on a 1:50 year flood protection standard in the SDM and the estimated time of concentration, the appropriate rainfall intensities (i) were calculated based on linear interpolation of the intermediate table values.

The assumptions of this DIA are summarised below:

- Rainstorm return period – 1 in 50 years
- Runoff coefficient for flatted grassland (heavy soil) – 0.25
- Manning's roughness coefficient for the proposed U-channels – 0.016
- Colebrook-White's roughness coefficient (ks) for the proposed circular pipes – 0.000006 m
- Kinematic viscosity of water at 15°C (v) – 1.140x10-6 m^2/s
- Gravity (g) – 9.806 m^2/s

3.2 Design Parameters

Based on the geographical characteristics of the Site and its surroundings, there are a total of 11 catchments (Catchment A, D – M) were identified as shown in Figure 3.1A before the proposed development. There is a change in the catchment area after the proposed development. Figure 3.1B shows that there is a total of 12 catchments (Catchment A – M). Before the proposed development, the flow of catchments F and G will naturally flow into Kam Tin River through the Site. But with an increase of about 2 m in the Site level, the flow of catchment G will no longer flow through the Project Site. The flow in catchment G directly flows into the United Court (Catchment H), then the flow of catchment G and H discharges into the surface channels of United Court. Catchment K in Figure 3.1A originally flows through the Site as well. But due to the change in ground level, the flow of catchment K now

combines with the flow of catchment J, forming one single catchment as shown in Figure 3.1B. Therefore, the drainage characteristics of nearby catchment areas have changed after the proposed development.

Among all nearby catchment areas, only catchment F will flow through the Site. For conservative assessment purposes, the runoff from Catchment F has been fully incorporated into the hydraulic calculations. Since the existing overland flow will be changed, wall openings will be provided for the fence wall between catchment G and the Site. The wall openings are proposed to have dimensions of 300 mm (W) x 200 mm (H) and they will be distributed at a regular spacing of 2 m to ensure the surface runoff from catchment F can be conveyed to the proposed drainage system within the Site.

No existing drainage facilities are found on Site based on the site survey conducted on 7 May 2025. Surface runoff from Catchment A, B, C and F will be collected by a series of the proposed U-channels and circular pipes, then discharged to the Kam Tin River via proposed U-channels M1 – M12 and proposed circular pipe M9 to Kam Tin River. Sand trap will be provided together with the terminal manhole to collect sediment before the collected runoff is discharged to the existing watercourse. Figure 3.3A to 3.3D shows the cross sections of proposed drainage facilities with the existing and proposed ground levels. Figure 3.4 shows the details of the connection between the proposed drainage system and the existing Kam Tin River. Figure 3.5 and Figure 3.6 shows the typical design of catchpit, u-channel and sand trap. The drainage proposal is shown in Figure 3.2.

For the surface runoff from Catchment D - M (as indicated in Figure 3.1B), the runoff will not flow towards the Site. Therefore, the Site will not collect the runoff from surrounding catchments.

The surface runoff from the Site has been estimated and presented in Appendix B.

3.3 Assessment Results

The surface characteristics of the on-site catchment area (i.e. Catchment A, B and C) has changed after the proposed development. The changes in surface characteristics of the on-site catchment area are summarized in Table 3.1.

Table 3.1 Changes in Surface Characteristics of On-Site Catchment Area

On-Site Catchment Area	Existing Development		Proposed Development
	Unpaved	Paved	Paved
A	90%	10%	100%
B	80%	20%	100%
C	60%	40%	100%

Detailed calculations of the estimated on-site catchment runoffs to the proposed drainage system are provided in Appendix B. The assessment results are summarized in Table 3.2.

Table 3.2 Estimated Runoffs to Proposed U-Channels

Channel Segment	Diameter / Width, m	Depth, m	Gradient	Catchment Runoff, m^3/s	Capacity, m^3/s	% of capacity flow	Sufficient Capacity?
M1-M2	0.450	0.450	0.003	0.066	0.159	42%	Y
M2-M3	0.450	0.450	0.003	0.101	0.159	64%	Y
M3-M4	0.450	0.450	0.003	0.101	0.159	64%	Y
M4-M5	0.450	0.450	0.003	0.101	0.159	64%	Y
M5-M6	0.600	0.600	0.003	0.181	0.342	53%	Y
M6-M7	0.600	0.600	0.003	0.181	0.342	53%	Y
M7-M8	0.600	0.600	0.005	0.181	0.342	53%	Y
M8-M9	0.600	0.600	0.005	0.181	0.342	53%	Y
M1-M12	0.450	0.450	0.010	0.066	0.275	24%	Y
M12-M11	0.450	0.450	0.010	0.146	0.275	53%	Y

Channel Segment	Diameter / Width, m	Depth, m	Gradient	Catchment Runoff, m^3/s	Capacity, m^3/s	% of capacity flow	Sufficient Capacity?
M11-M10	0.600	0.600	0.005	0.146	0.419	35%	Y
M10-M9	0.600	0.600	0.003	0.146	0.342	43%	Y

Table 3.3 Estimated Runoffs to Proposed Circular Pipes

Pipe Segment	Diameter / Width, m	Depth, m	Gradient	Catchment Runoff, m^3/s	Capacity, m^3/s	% of capacity flow	Sufficient Capacity?
M9 to Kam Tin River	0.750	0.750	0.003	0.326	0.764	43%	Y

Based on the results in Appendix B, the proposed drainage system has adequate capacity to cater the surface runoff from the proposed development. Table 3.4 has also shown that the existing watercourse Kam Tin River has sufficient capacity to cater the discharge from the Site as the Site only contributes 0.02% of the total runoff (refer to Table 3.5). Detailed calculations are tabulated in Appendix D.

Table 3.4 Estimated Capacities of the Existing Watercourse

Existing Watercourse	Diameter / Width, m	Depth, m	Gradient	Discharge, m^3/s	% of capacity flow	Sufficient Capacity?
Kam Tin River	Top width: 34.0m	4 (River Depth)	0.069	1737	60.98%	Y
	Bottom Width: 25.0m	3 (Assumed Water Depth)		1059		

Table 3.5 Contribution from the Identified Catchments to the Existing Watercourse

Existing Watercourse	Diameter / Width, m	Depth, m	Gradient	Catchment Runoff, m^3/s	Capacity, m^3/s	% of capacity flow used in Kam Tin River	Sufficient Capacity?
Kam Tin River	Top width: 34.0m Bottom Width: 25.0m	4	0.069	0.326	1683	61%	Y

3.4 Climate Change

To consider the effect of climate change in the drainage system, the project of rainfall increase of 11.1% for Mid-21st Century (2041-2060) and 16.0% for the and End of 21st Century (2081-2100) as well as design allowance in End of 21st Century of 12.1% as per requirements in Stormwater Drainage Manual (SDM) Corrigendum No. 1/2022 are adopted. Detailed calculations are provided in Appendix C.

The analysis indicated that the proposed drainage system would have sufficient capacity for the additional runoff from the proposed development with a 11.1% and 16% increase in rainfall intensity as well as 12.1% of design allowance. Hence, the proposed development would not cause adverse drainage impacts nor increase the flooding susceptibility of the surrounding areas.

In view of projected extreme sea levels due to climate change, the design water level by the end of the century is estimated to reach 5.01 mPD. The original Site formation level was approximately 3.0 mPD. Following the completion of the pond filling works, the existing Site levels have been raised and now range from approximately 4.0 mPD to 7.2 mPD.

With the increased formation levels, the majority of the Site will remain above the projected extreme sea level of 5.01 mPD. Therefore, only part of the Site is anticipated to be subject to adverse flooding impact arising from sea level rise under the projected climate change scenario. Therefore, portable flood barriers will be installed on the Site to mitigate possible flooding impacts. The portable flooding barriers will be placed on the Site whenever there an amber rainstorm signal, red rainstorm signal or black rainstorm signal is issued.

3.5 Recommendation

Upon detailed design stage, the Project Proponent will appoint engineer and contractor to design and to construct the proposed drainage system. The detailed arrangement of the proposed drainage system and drainage connections will be further investigated at the detailed design. Iron grating will be provided for the surface channels. Detailed information of the proposed drainage system will be prepared and submitted to DSD and relevant parties during the detailed design stage.

4 Conclusion

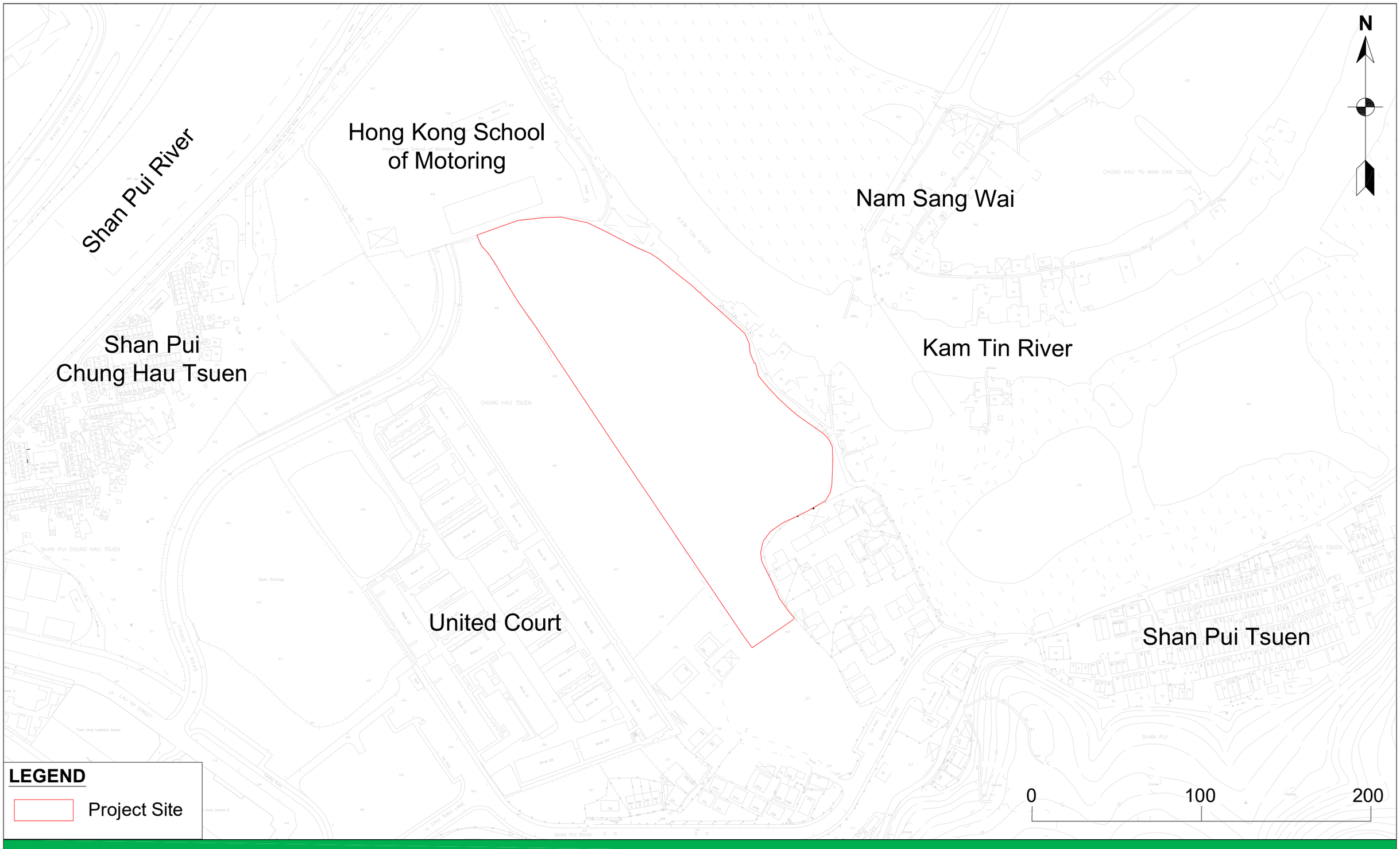
A Drainage Impact Assessment (DIA) has been conducted for the proposed development in Yuen Long, New Territories.

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 (with design allowance) due to climate change.

Surface runoff from the Site will be collected by a series of U-channels and circular pipes, then discharged to the Kam Tin River. The drainage analysis has demonstrated that the proposed drainage systems have adequate capacity to cater the surface runoff from the Site.

Based on the above, it is concluded that the proposed development will not result in any adverse drainage impacts.

Figures



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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

Site Location and Its Environs

Figure 2.1

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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

Identified Catchment Areas before the Proposed Development

Figure 3.1A

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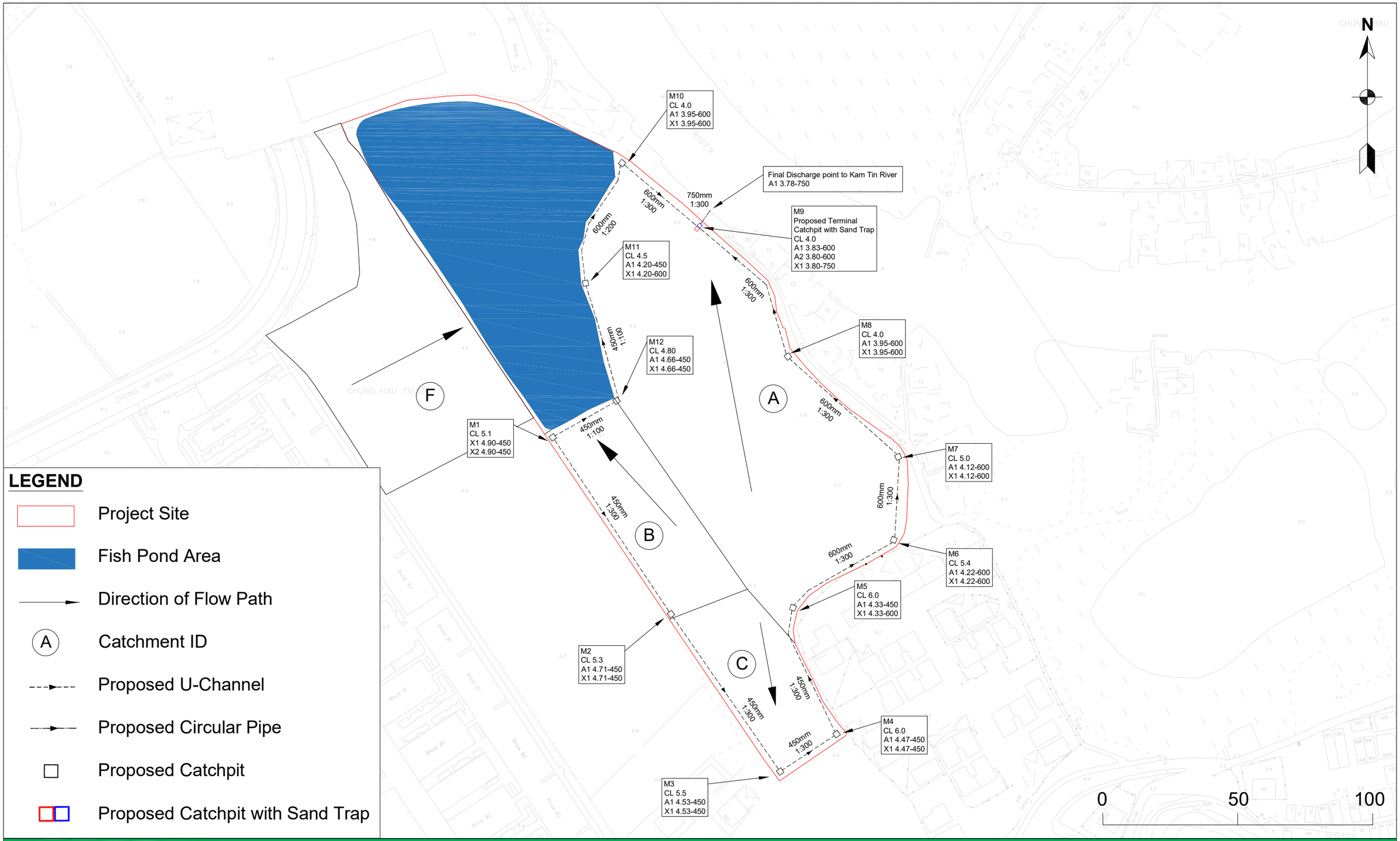
Identified Catchment Areas after the Proposed Development

Figure 3.1B

Rev. 0



LEGEND

- Project Site
- Fish Pond Area
- Direction of Flow Path
- A — Catchment ID
- Proposed U-Channel
- Proposed Circular Pipe
- Proposed Catchpit
- Proposed Catchpit with Sand Trap

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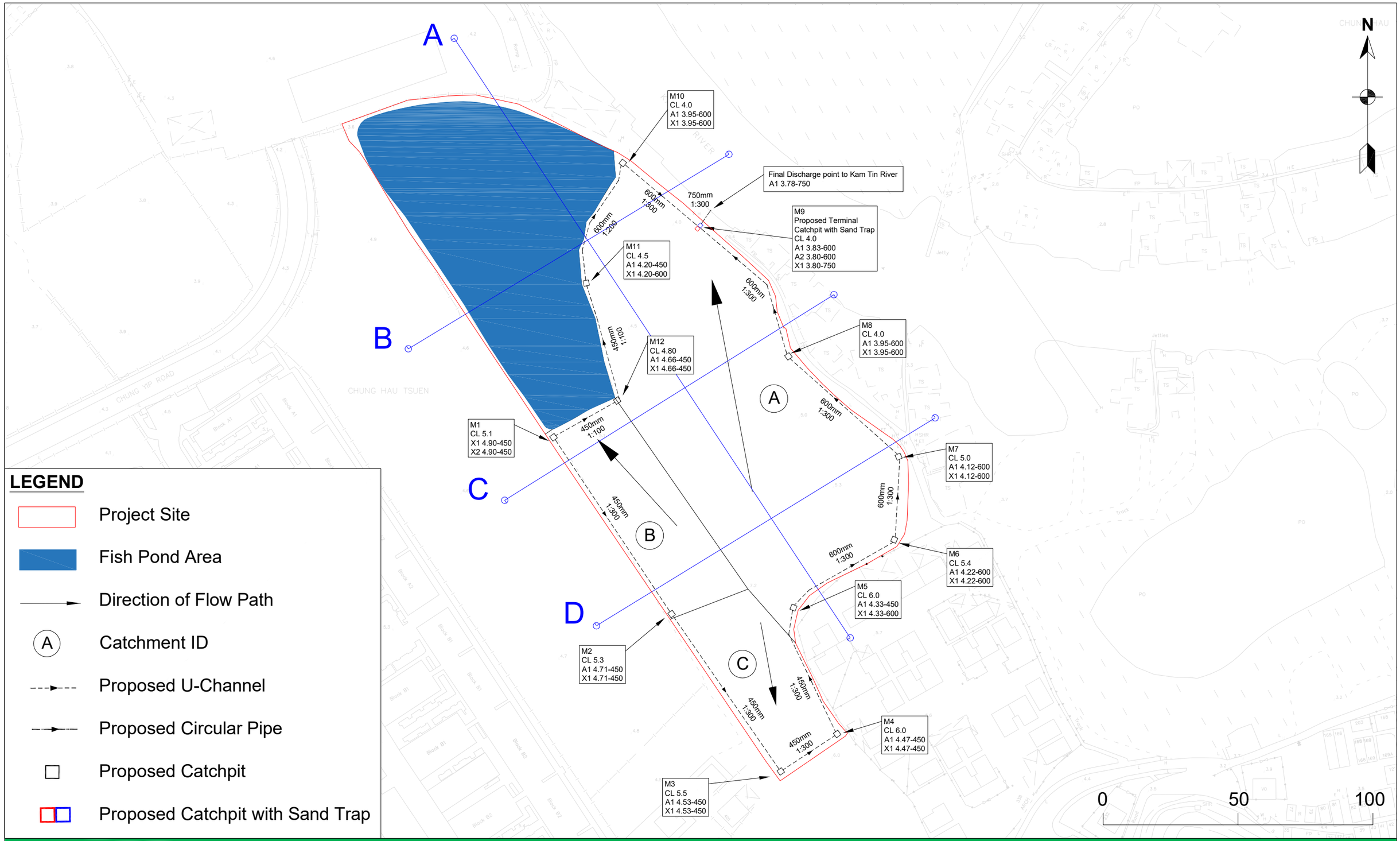
Section 16 Application for Filling of Pond for Permitted Agricultural Use in Sub-section 1 and the Remaining Portion (Portion) of Section E of Lot No. 1212 in D.D. 115 and the Discrepant Areas (Portion) adjacent to Section E of Lot No. 1212 in D.D. 115, Nam Sang Wai, Yuen Long, New Territories

Drainage Proposal

Figure 3.2

Rev. 0



LEGEND

- Project Site
- Fish Pond Area
- Direction of Flow Path
- (A) Catchment ID
- Proposed U-Channel
- Proposed Circular Pipe
- Proposed Catchpit
- Proposed Catchpit with Sand Trap

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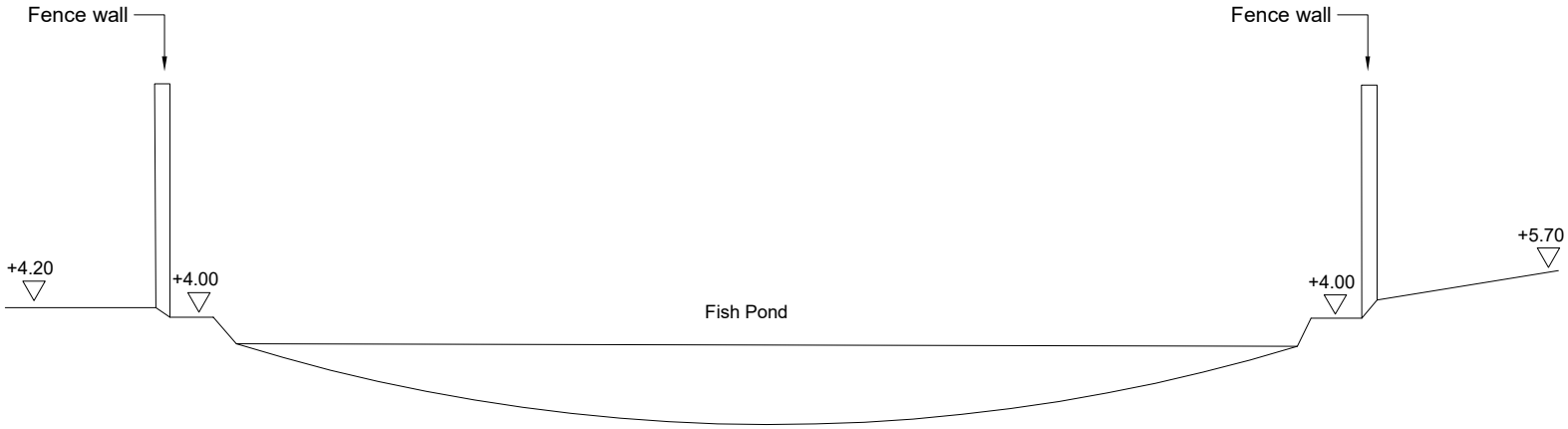
Section 16 Application for Filling of Pond for Permitted Agricultural Use in Sub-section 1 and the Remaining Portion (Portion) of Section E of Lot No. 1212 in D.D. 115 and the Discrepant Areas (Portion) adjacent to Section E of Lot No. 1212 in D.D. 115, Nam Sang Wai, Yuen Long, New Territories

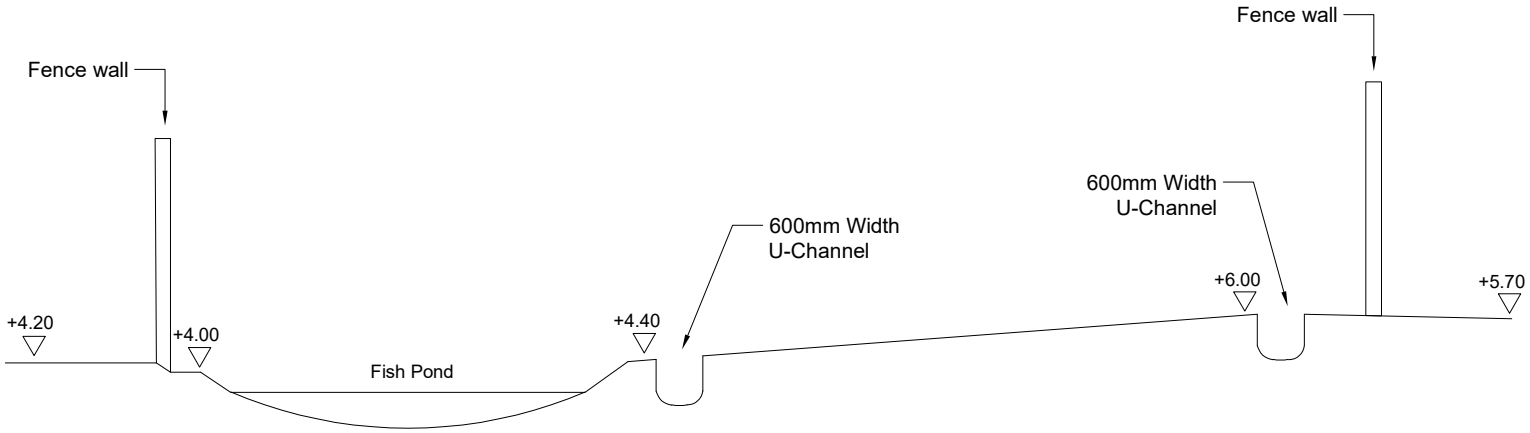
Cross Section of Existing and Proposed Ground Level

Figure 3.3

Rev. 0



Existing Ground Level



Proposed Ground Level

Section A

NOT IN SCALE

URBAN GREEN

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

Cross Section - Section A

Figure 3.3A

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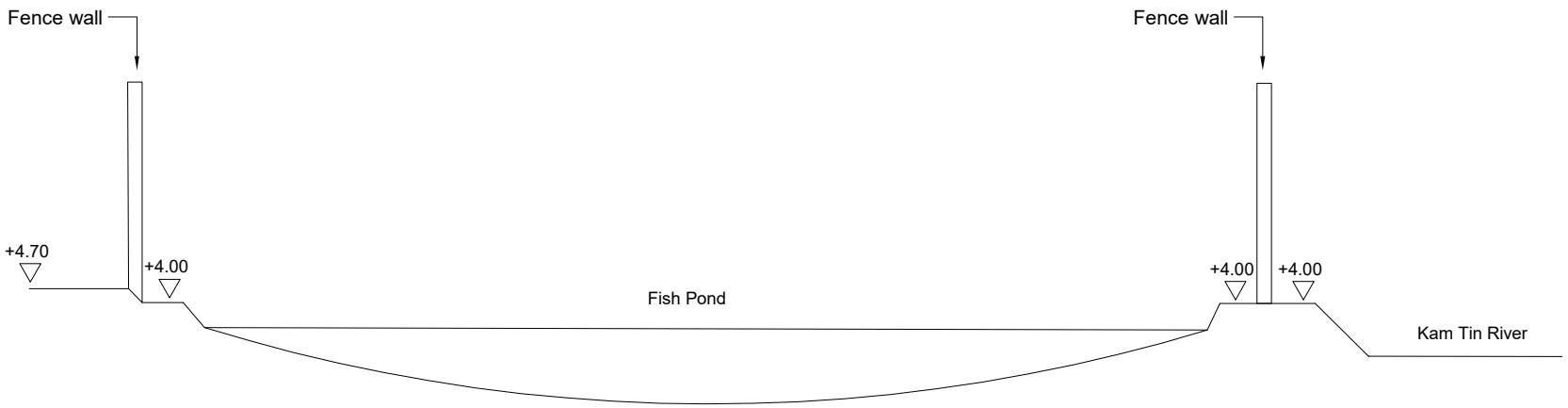
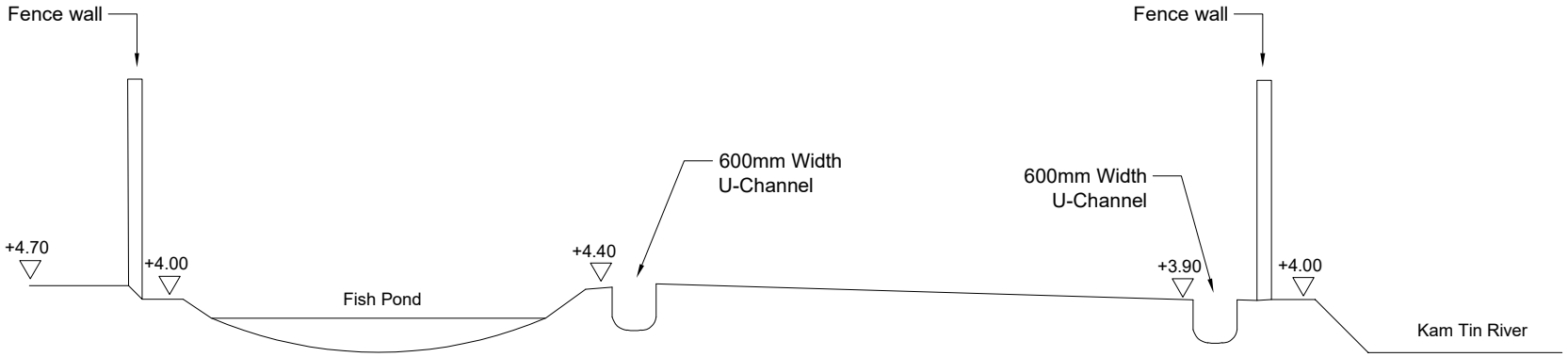


Existing Ground Level



Proposed Ground Level

Section B

NOT IN SCALE

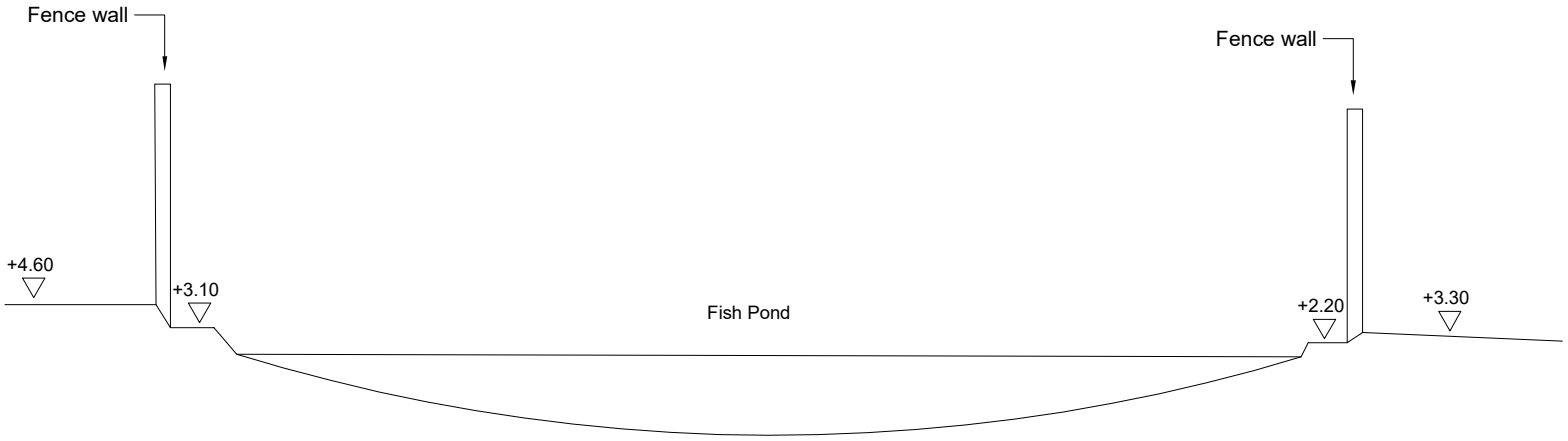
URBAN GREEN

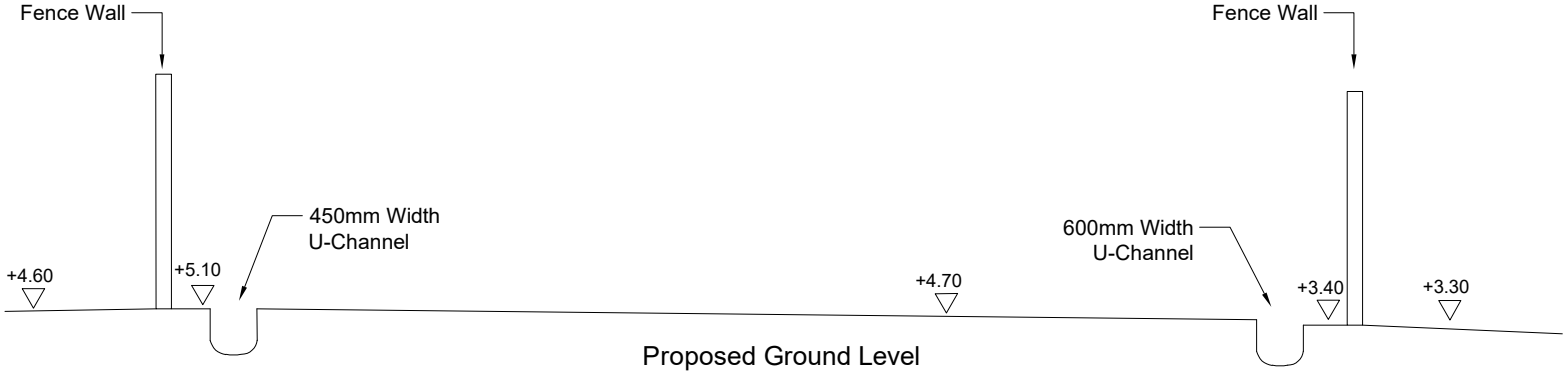
Section 16 Application for Filling of Pond for Permitted Agricultural Use in Sub-section 1 and the Remaining Portion (Portion) of Section E of Lot No. 1212 in D.D. 115 and the Discrepant Areas (Portion) adjacent to Section E of Lot No. 1212 in D.D. 115, Nam Sang Wai, Yuen Long, New Territories

Cross Section - Section B

Figure 3.3B

Rev. 0





Section C

NOT IN SCALE

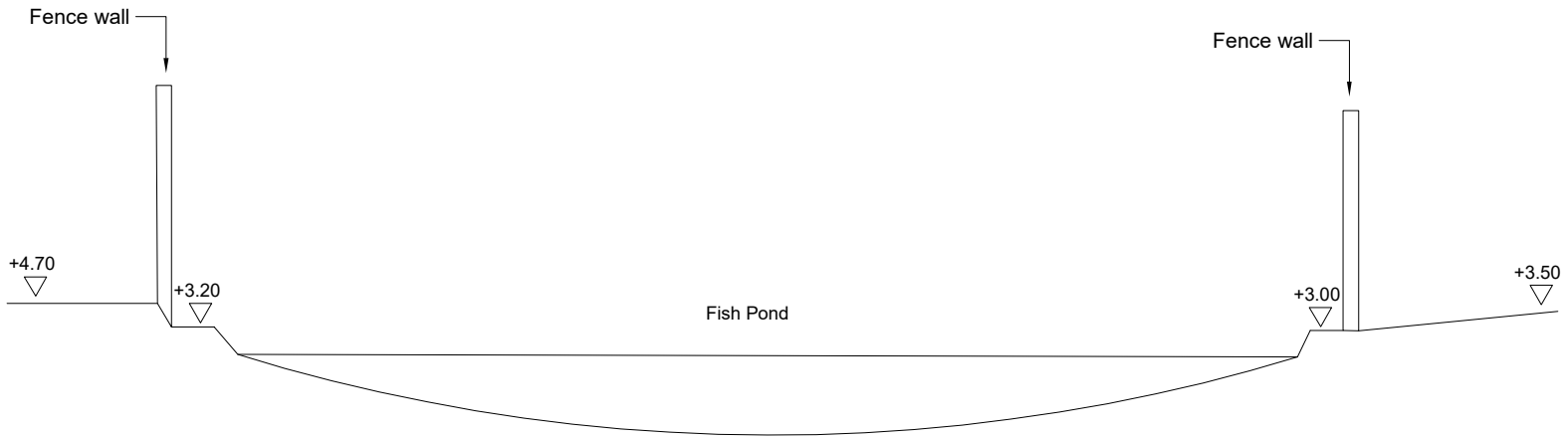
URBAN GREEN

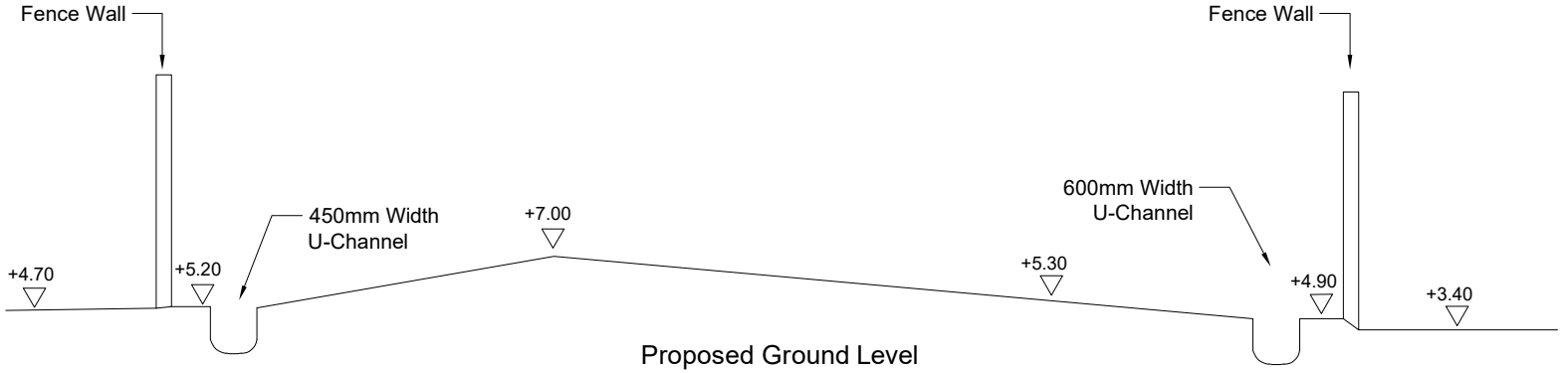
Section 16 Application for Filling of Pond for Permitted Agricultural Use in Sub-section 1 and the Remaining Portion (Portion) of Section E of Lot No. 1212 in D.D. 115 and the Discrepant Areas (Portion) adjacent to Section E of Lot No. 1212 in D.D. 115, Nam Sang Wai, Yuen Long, New Territories

Cross Section - Section C

Figure 3.3C

Rev. 0





Section D

NOT IN SCALE

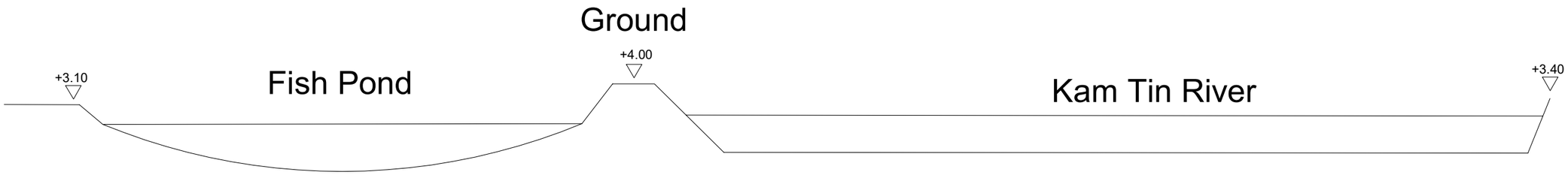
URBAN GREEN

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

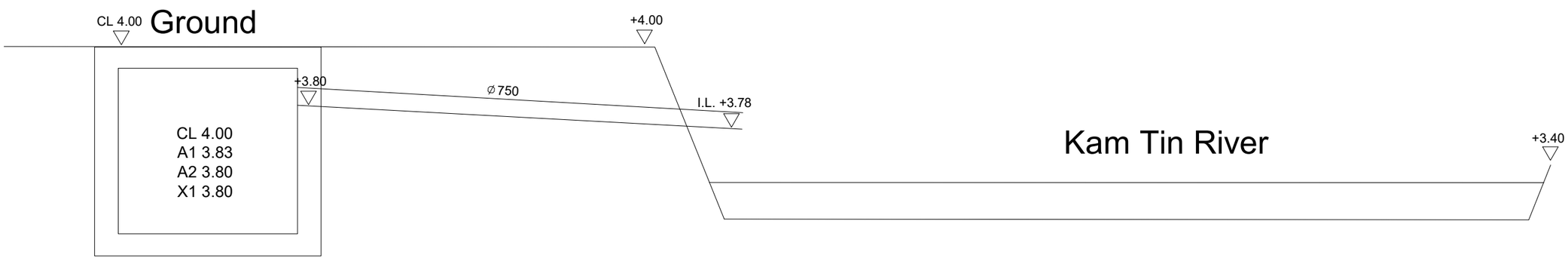
Cross Section - Section D

Figure 3.3D

Rev. 0



Stream Level Before the Proposed Development



Stream Level After the Proposed Development

Not in Scale

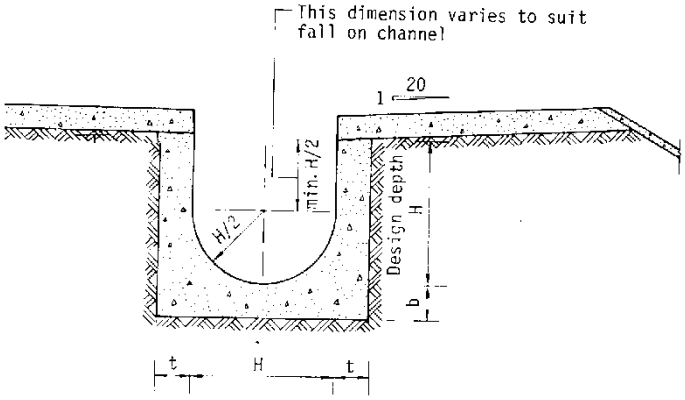
URBAN GREEN

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

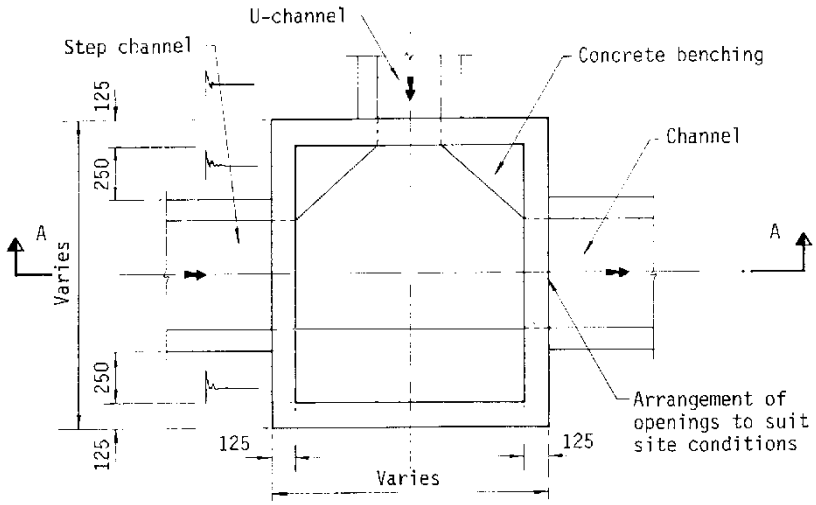
Details of Proposed Connections to Kam Tin River

Figure 3.4

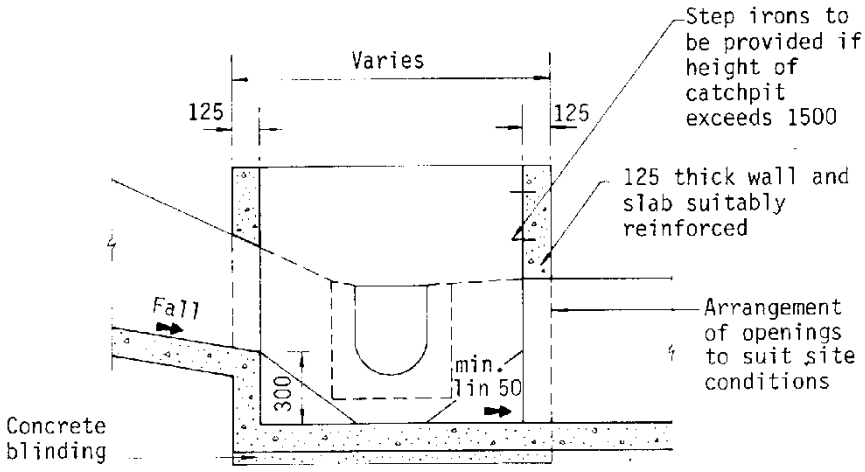
Rev. 0



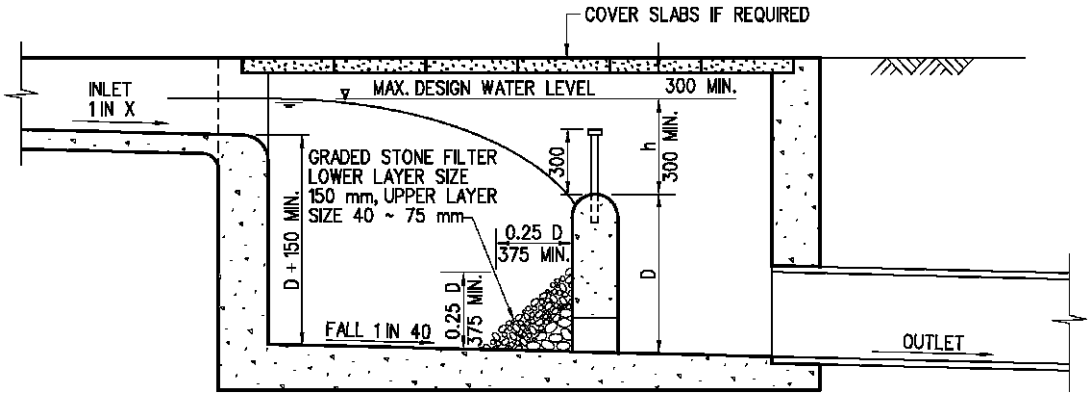
Typical Details of U-Channel



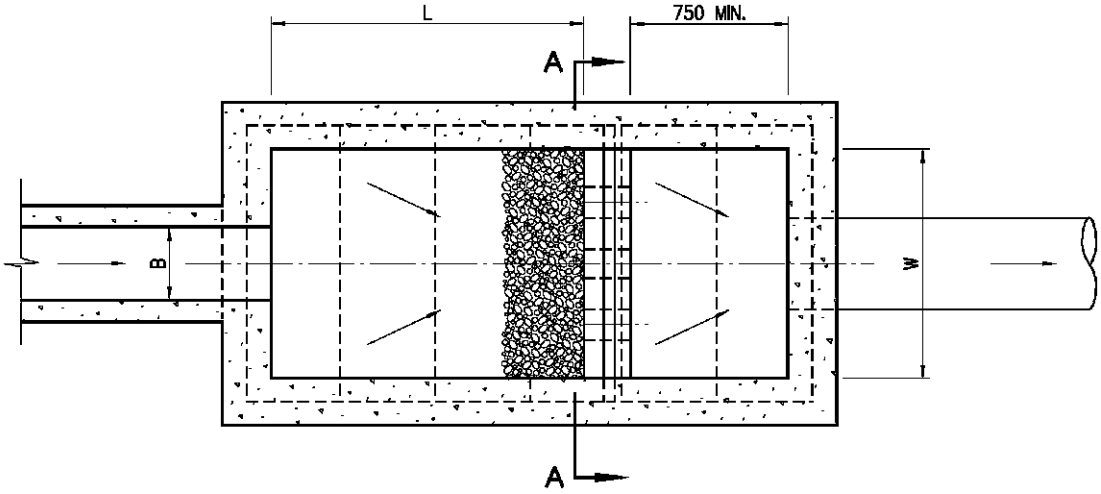
Typical Details of Catchpit



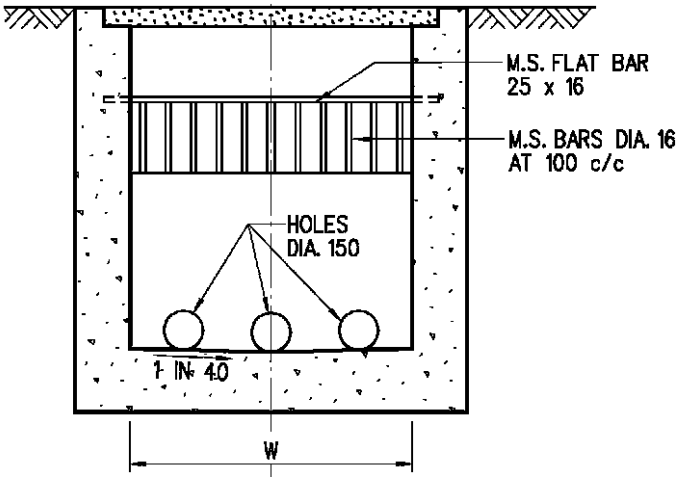
Section A-A



Typical Longitudinal Section of Sand Trap



Typical Plan of Sand Trap



Section A-A

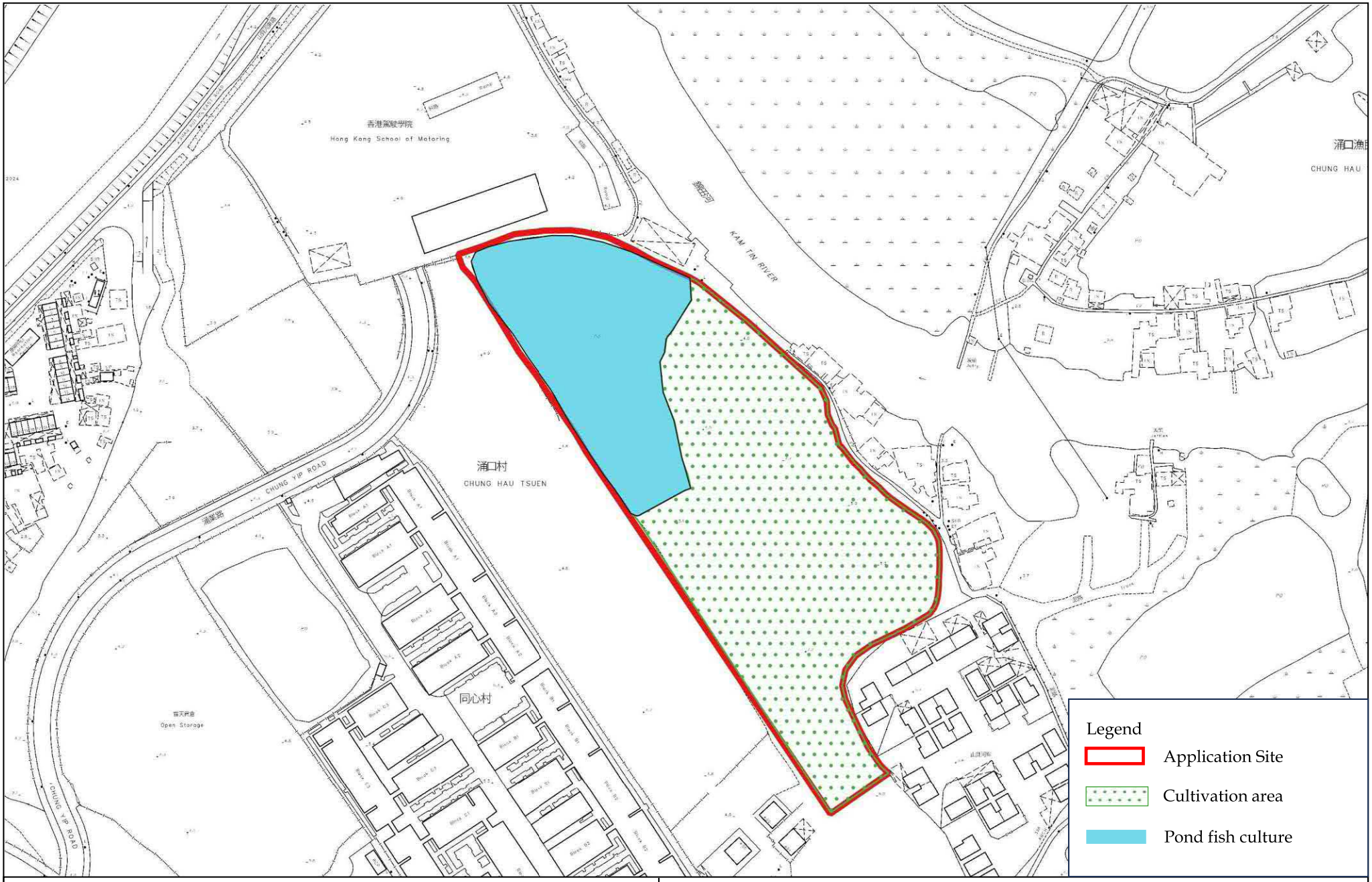
Notes:

1. All dimensions are in millimeters.
2. Size

   Depth: D not less than 750
   Width: $W \geq 3B$
   Length: $4.8D^{0.67} h^{0.5} X^{-0.5} \geq 4B$
3. Graded Stone Filter shall be crusher run granite aggregate.
4. Capacity D W L to be according to size and nature of catchment, providing detention time not less than 5 minutes for max. design flow of inlet.
5. Source: From DSD drawing No. DS 1025B.

Appendix A

Proposed Layout Plan



LCH Planning and Development Consultants Limited

Figure 7 : Indicative Layout Plan

(Extracted based on Aerial Photo no. A22836 taken on 5.10.1990 by Lands Department)

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

(Source: HK GEODATA STORE, HKSAR Government)

Appendix B

Detailed Drainage Analysis

Capacity Flow Estimation for Proposed Catchments and Drainage System with 50 Year Return Period

A.Calculation of All Catchment Runoff with Proposed Development

Catchment ID	Surface Type	Catchment Area (A), m^2	Catchment Area (A), km^2	Average Slope (H), m/100m	Flow Path Length (L), m	Inlet Time (t_0), min	Time of Concentration (t_c), min	Duration (t_d), min	a (50 year return period) [2]	b (50 year return period) [2]	c (50 year return period) [2]	Runoff Intensity, mm/hr	Runoff Coefficient (C)	C x A	Peak Runoff (Q_p), m^3/s
A	100% Grassland (heavysoil), flat	10,514	0.0105	2.11	151.30	7.46	7.46	7.46	505.5	3.29	0.355	218	0.25	0.0026	0.1590
B	100% Grassland (heavysoil), flat	2,504	0.0025	2.21	94.86	5.35	5.35	5.35	505.5	3.29	0.355	235	0.25	0.0006	0.0409
C	100% Grassland (heavysoil), flat	2,053	0.0021	1.66	72.15	4.40	4.40	4.40	505.5	3.29	0.355	245	0.25	0.0005	0.0350
F	100% Grassland (heavysoil), flat	5,350	0.0054	0.49	61.20	4.33	4.33	4.33	505.5	3.29	0.355	246	0.25	0.0013	0.0914
														Total	**0.3263**

B. Capacity Flow Estimation and Adequacy Check for Proposed U-Channels

Channel Segment	Shape	Diameter, m	Depth, m	Slope	Length, m	Manning's Roughness Coefficient [3]	Cross Section Area, m^2 [5]	Wetted Perimeter, m	Hydraulic Radius, m	Mean Velocity, m/s	Capacity Flow, m^3/s	Catchments Served	Runoff, m^3/s [1]	% of Capacity Flow	Sufficient Capacity? (Y/N)
M1-M2	U-Channel	0.450	0.450	0.003	76	0.016	0.163	1.157	0.14	0.98	0.159	B, F	0.066	42%	Y
M2-M3	U-Channel	0.450	0.450	0.003	69	0.016	0.163	1.157	0.14	0.98	0.159	B, C, F	0.101	64%	Y
M3-M4	U-Channel	0.450	0.450	0.003	23	0.016	0.163	1.157	0.14	0.98	0.159	B, C, F	0.101	64%	Y
M4-M5	U-Channel	0.450	0.450	0.003	49	0.016	0.163	1.157	0.14	0.98	0.159	B, C, F	0.101	64%	Y
M5-M6	U-Channel	0.600	0.600	0.003	44	0.016	0.289	1.542	0.19	1.18	0.342	A, B, C, F	0.181	53%	Y
M6-M7	U-Channel	0.600	0.600	0.003	29	0.016	0.289	1.542	0.19	1.18	0.342	A, B, C, F	0.181	53%	Y
M7-M8	U-Channel	0.600	0.600	0.003	53	0.016	0.289	1.542	0.19	1.18	0.342	A, B, C, F	0.181	53%	Y
M8-M9	U-Channel	0.600	0.600	0.003	59	0.016	0.289	1.542	0.19	1.18	0.342	A, B, C, F	0.181	53%	Y
M1-M12	U-Channel	0.450	0.450	0.010	25	0.016	0.163	1.157	0.14	1.69	0.275	B, F	0.066	24%	Y
M12-M11	U-Channel	0.450	0.450	0.010	44	0.016	0.163	1.157	0.14	1.69	0.275	A, B, F	0.146	53%	Y
M11-M10	U-Channel	0.600	0.600	0.005	47	0.016	0.289	1.542	0.19	1.45	0.419	A, B, F	0.146	35%	Y
M10-M9	U-Channel	0.600	0.600	0.003	35	0.016	0.289	1.542	0.19	1.18	0.342	A, B, C, F	0.146	43%	Y

C. Capacity Flow Estimation and Adequacy Check for Proposed Circular Pipes

Pipe Segment	Length	Level (out)	Level (in)	Diameter	Depth	A_w [5]	k_s [4]	v	s	g	V	Capacity Flow	Catchment Served	Q_p	Is $Q_c > Q_p$?	% of capacity
	m	mPD	mPD	m	m	m^2	m	m^2/s	-	m/s^2	m/s	m^3/s		m^3/s	Y/N	%
M9 to Kam Tin River	6	3.80	3.78	0.750	0.750	0.398	0.000006	1E-06	0.003	9.810	1.9929	0.792	A, B, C, F	0.326	Y	41%

Note:
[1] Runoff is calculated in accordance with DSD's "Stormwater Drainage Manual - Planning, Design and Management" (SDM), fifth edition, January 2018.
[2] 50 years return period of HKO Headquarters is adopted in the calculation according to Stormwater Drainage Manual - Corrigendum No. 1/2024.
[3] For the proposed U-channel, value of n for concrete-lined channels under fair condition (i.e. n = 0.016) is adopted in the calculation.
[4] For the proposed circular pipe, value of ks for uPVC (Pipes) under normal condition (i.e. 0.006 mm) is adopted in the calculation.
[5] 10% reduction in flow area has been considered as per the requirement in SDM (Section 9.3).

Appendix C

Detailed Drainage Analysis with Climate Change Considerations

Capacity Flow Estimation for Proposed Catchments and Drainage System with 50 Year Return Period (with rainfall increase of 11.1%)

A.Calculation of All Catchment Runoff with Proposed Development

Catchment ID	Surface Type	Catchment Area (A), m^2	Catchment Area (A), km^2	Average Slope (H), m/100m	Flow Path Length (L), m	Inlet Time (t_0), min	Time of Concentration (t_c), min	Duration (t_d), min	a (50 year return period) [2]	b (50 year return period) [2]	c (50 year return period) [2]	Runoff Intensity, mm/hr	Runoff Coefficient (C)	C x A	Peak Runoff (with rainfall increase of 11.1%) (Q_p), m^3/s
A	100% Grassland (heavysoil), flat	10,514	0.0105	2.11	151.30	7.46	7.46	7.46	505.5	3.29	0.355	218	0.25	0.0026	0.1766
B	100% Grassland (heavysoil), flat	2,504	0.0025	2.21	94.86	5.35	5.35	5.35	505.5	3.29	0.355	235	0.25	0.0006	0.0455
C	100% Grassland (heavysoil), flat	2,053	0.0021	1.66	72.15	4.40	4.40	4.40	505.5	3.29	0.355	245	0.25	0.0005	0.0388
F	100% Grassland (heavysoil), flat	5,350	0.0054	0.49	61.20	4.33	4.33	4.33	505.5	3.29	0.355	246	0.25	0.0013	0.1016
														Total	**0.3625**

B. Capacity Flow Estimation and Adequacy Check for Proposed U-Channels

Channel Segment	Shape	Diameter, m	Depth, m	Slope	Length, m	Manning's Roughness Coefficient [3]	Cross Section Area, m^2 [5]	Wetted Perimeter, m	Hydraulic Radius, m	Mean Velocity, m/s	Capacity Flow, m^3/s	Catchments Served	Runoff, m^3/s [1]	% of Capacity Flow	Sufficient Capacity? (Y/N)
M1-M2	U-Channel	0.450	0.450	0.003	76	0.016	0.163	1.157	0.14	0.98	0.159	B, F	0.074	46%	Y
M2-M3	U-Channel	0.450	0.450	0.003	69	0.016	0.163	1.157	0.14	0.98	0.159	B, C, F	0.112	71%	Y
M3-M4	U-Channel	0.450	0.450	0.003	23	0.016	0.163	1.157	0.14	0.98	0.159	B, C, F	0.112	71%	Y
M4-M5	U-Channel	0.450	0.450	0.003	49	0.016	0.163	1.157	0.14	0.98	0.159	B, C, F	0.112	71%	Y
M5-M6	U-Channel	0.600	0.600	0.003	44	0.016	0.289	1.542	0.19	1.18	0.342	A, B, C, F	0.201	59%	Y
M6-M7	U-Channel	0.600	0.600	0.003	29	0.016	0.289	1.542	0.19	1.18	0.342	A, B, C, F	0.201	59%	Y
M7-M8	U-Channel	0.600	0.600	0.003	53	0.016	0.289	1.542	0.19	1.18	0.342	A, B, C, F	0.201	59%	Y
M8-M9	U-Channel	0.600	0.600	0.003	59	0.016	0.289	1.542	0.19	1.18	0.342	A, B, C, F	0.201	59%	Y
M1-M12	U-Channel	0.450	0.450	0.010	25	0.016	0.163	1.157	0.14	1.69	0.275	B, F	0.074	27%	Y
M12-M11	U-Channel	0.450	0.450	0.010	44	0.016	0.163	1.157	0.14	1.69	0.275	A, B, F	0.162	59%	Y
M11-M10	U-Channel	0.600	0.600	0.005	47	0.016	0.289	1.542	0.19	1.45	0.419	A, B, F	0.162	39%	Y
M10-M9	U-Channel	0.600	0.600	0.003	35	0.016	0.289	1.542	0.19	1.18	0.342	A, B, C, F	0.162	47%	Y

C. Capacity Flow Estimation and Adequacy Check for Proposed Circular Pipes

Pipe Segment	Length	Level (out)	Level (in)	Diameter	Depth	A_w [5]	k_s [4]	v	s	g	V	Capacity Flow	Catchment Served	Q_p	Is $Q_c > Q_p$?	% of capacity
	m	mPD	mPD	m	m	m^2	m	m^2/s	-	m/s^2	m/s	m^3/s		m^3/s	Y/N	%
M9 to Kam Tin River	6	3.80	3.78	0.750	0.750	0.398	0.000006	1E-06	0.003	9.810	1.9929	0.792	A, B, C, F	0.362	Y	46%

Note:
[1] Runoff is calculated in accordance with DSD's "Stormwater Drainage Manual - Planning, Design and Management" (SDM), fifth edition, January 2018.
[2] 50 years return period of HKO Headquarters is adopted in the calculation according to Stormwater Drainage Manual - Corrigendum No. 1/2024.
[3] For the proposed U-channel, value of n for concrete-lined channels under fair condition (i.e. n = 0.016) is adopted in the calculation.
[4] For the proposed circular pipe, value of ks for uPVC (Pipes) under normal condition (i.e. 0.006 mm) is adopted in the calculation.
[5] 10% reduction in flow area has been considered as per the requirement in SDM (Section 9.3).

Capacity Flow Estimation for Proposed Catchments and Drainage System with 50 Year Return Period (with rainfall increase of 16% and 12.1% of design allowance in End of 21th Century)

A.Calculation of All Catchment Runoff with Proposed Development

Catchment ID	Surface Type	Catchment Area (A), m^2	Catchment Area (A), km^2	Average Slope (H), m/100m	Flow Path Length (L), m	Inlet Time (t_0), min	Time of Concentration (t_c), min	Duration (t_d), min	a (50 year return period) [2]	b (50 year return period) [2]	c (50 year return period) [2]	Runoff Intensity, mm/hr	Runoff Coefficient (C)	C x A	Peak Runoff (with rainfall increase of 16% and 12.1% of design allowance in End of 21th Centry) (Q_p), m^3/s
A	100% Grassland (heavysoil), flat	10,514	0.0105	2.11	151.30	7.46	7.46	7.46	505.5	3.29	0.355	218	0.25	0.0026	0.2067
B	100% Grassland (heavysoil), flat	2,504	0.0025	2.21	94.86	5.35	5.35	5.35	505.5	3.29	0.355	235	0.25	0.0006	0.0532
C	100% Grassland (heavysoil), flat	2,053	0.0021	1.66	72.15	4.40	4.40	4.40	505.5	3.29	0.355	245	0.25	0.0005	0.0455
F	100% Grassland (heavysoil), flat	5,350	0.0054	0.49	61.20	4.33	4.33	4.33	505.5	3.29	0.355	246	0.25	0.0013	0.1189
														Total	**0.4243**

B. Capacity Flow Estimation and Adequacy Check for Proposed U-Channels

Channel Segment	Shape	Diameter, m	Depth, m	Slope	Length, m	Manning's Roughness Coefficient [3]	Cross Section Area, m^2 [5]	Wetted Perimeter, m	Hydraulic Radius, m	Mean Velocity, m/s	Capacity Flow, m^3/s	Catchments Served	Runoff, m^3/s [1]	% of Capacity Flow	Sufficient Capacity? (Y/N)
M1-M2	U-Channel	0.450	0.450	0.003	76	0.016	0.163	1.157	0.14	0.98	0.159	B, F	0.086	54%	Y
M2-M3	U-Channel	0.450	0.450	0.003	69	0.016	0.163	1.157	0.14	0.98	0.159	B, C, F	0.132	83%	Y
M3-M4	U-Channel	0.450	0.450	0.003	23	0.016	0.163	1.157	0.14	0.98	0.159	B, C, F	0.132	83%	Y
M4-M5	U-Channel	0.450	0.450	0.003	49	0.016	0.163	1.157	0.14	0.98	0.159	B, C, F	0.132	83%	Y
M5-M6	U-Channel	0.600	0.600	0.003	44	0.016	0.289	1.542	0.19	1.18	0.342	A, B, C, F	0.235	69%	Y
M6-M7	U-Channel	0.600	0.600	0.003	29	0.016	0.289	1.542	0.19	1.18	0.342	A, B, C, F	0.235	69%	Y
M7-M8	U-Channel	0.600	0.600	0.003	53	0.016	0.289	1.542	0.19	1.18	0.342	A, B, C, F	0.235	69%	Y
M8-M9	U-Channel	0.600	0.600	0.003	59	0.016	0.289	1.542	0.19	1.18	0.342	A, B, C, F	0.235	69%	Y
M1-M12	U-Channel	0.450	0.450	0.010	25	0.016	0.163	1.157	0.14	1.69	0.275	B, F	0.086	31%	Y
M12-M11	U-Channel	0.450	0.450	0.010	44	0.016	0.163	1.157	0.14	1.69	0.275	A, B, F	0.189	69%	Y
M11-M10	U-Channel	0.600	0.600	0.005	47	0.016	0.289	1.542	0.19	1.45	0.419	A, B, F	0.189	45%	Y
M10-M9	U-Channel	0.600	0.600	0.003	35	0.016	0.289	1.542	0.19	1.18	0.342	A, B, C, F	0.189	55%	Y

C. Capacity Flow Estimation and Adequacy Check for Proposed Circular Pipes

Pipe Segment	Length	Level (out)	Level (in)	Diameter	Depth	A_w [5]	k_s [4]	v	s	g	V	Capacity Flow	Catchment Served	Q_p	Is $Q_c > Q_p$?	% of capacity
	m	mPD	mPD	m	m	m^2	m	m^2/s	-	m/s^2	m/s	m^3/s		m^3/s	Y/N	%
M9 to Kam Tin River	6	3.80	3.78	0.750	0.750	0.398	0.000006	1E-06	0.003	9.810	1.9929	0.792	A, B, C, F	0.424	Y	54%

Note:
[1] Runoff is calculated in accordance with DSD's "Stormwater Drainage Manual - Planning, Design and Management" (SDM), fifth edition, January 2018.
[2] 50 years return period of HKO Headquarters is adopted in the calculation according to Stormwater Drainage Manual - Corrigendum No. 1/2024.
[3] For the proposed U-channel, value of n for concrete-lined channels under fair condition (i.e. n = 0.016) is adopted in the calculation.
[4] For the proposed circular pipe, value of ks for uPVC (Pipes) under normal condition (i.e. 0.006 mm) is adopted in the calculation.
[5] 10% reduction in flow area has been considered as per the requirement in SDM (Section 9.3).

Appendix D

Detailed Drainage Analysis of the Existing Watercourse

Capacity Flow Estimation and Adequacy Check for Existing Watercourse

Existing Watercourse	Scenario	Top Width, m	Bottom Width, m	Depth, m [1] [2]	Length, m [3]	Slope [3]	Side Slope, m	Manning's Roughness Coefficient [4]	Flow Area, m^2	Wetted perimeter, m	Hydraulic radius, m	Discharge, m^3/s	Capacity Used, %	Sufficient Capacity? (Y/N)
Kam Tin River	Assumed Water Depth	34	25	3	13000	0.069	1.125	0.040	86	34.031	2.54	1059.14	60.98%	Y
	Actual River Depth	34	25	4	13000	0.069	1.125	0.040	120	37.042	3.25	1736.90		

Contribution from the Identified Catchments to the Existing Watercourse

Existing Watercourse	Top Width, m	Bottom Width, m	River Depth, m [2]	Slope [3]	Manning's Roughness Coefficient [4]	Cross Section Area, m^2	Wetted perimeter, m	Hydraulic radius, m	Mean velocity, m/s	Capacity flow, m^3/s	Catchments Served	Runoff, m^3/s	Contribution from Identified Catchments, %	Total Capacity Used in Kam Tin River, %	Sufficient Capacity? (Y/N)
Kam Tin River	34	25	4	0.069	0.040	118	37.042	3.19	14.26	1683.071	A, B, C, F	0.326	0.0194%	61.00%	Y

Note:

[1] The water depth of Kam Tin River is adopted from government press release on 6 August, 1999. As mentioned in the press release, the river is not able to withstand a rainstorm of 1 in 50 years return period before increasing to 4 meters depth. Therefore, it is assumed that the water depth of Kam Tin River is 3 meters under worse case scenario. (https://www.info.gov.hk/gia/general/199908/06/0806162.htm#:~:text=Upon%20completion%2C%20the%20upstream%20of,270%20cubic%20metres%20per%20second.)

[2] The depth of Kam Tin River is adopted from government press release on 6 August, 1999. (https://www.info.gov.hk/gia/general/199908/06/0806162.htm#:~:text=Upon%20completion%2C%20the%20upstream%20of,270%20cubic%20metres%20per%20second.)

[3] The slope and length of Kam Tin River is adopted from Guided Field Trip to Kam Tin River, Handbook for Tour Guides under the JC-WISE Water Initiative on Sustainability and Engagement. (https://www.socsc.hku.hk/jcwise/mrmc/workbook/KTRHandbookforTourGuides_Eng.pdf)

[4] A Manning's roughness coefficient of 0.040 for "Natural-stream channels — Winding, with some pools and shoals, clean with some weeds and stone" in good condition will be adopted for streams based on site observation.

Appendix E

Site Photos

Location of the natural stream on Site (Future location of the Proposed Drainage Pipe M9 to Kam Tin River)



No existing drainage facilities on Site





No existing drainage facilities on Site



LCH Planning and Development
Consultants Limited

Our Ref.: PD2410002/12
Your Ref.: TPB/A/YL-NSW/357

2 April 2026

By Email

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

Dear Sir/Madam,

SECTION 16 PLANNING APPLICATION NO. A/ YL-NSW/357

Further Information Submission

We refer to the public comments received regarding the captioned Application.

Please find attached our responses to the public comments. This further information contains clarification and response to the public comments without major changes in the assumptions and methodologies, findings and proposed mitigation measures. Thus, according to TPB PG-No. 32B, this further information does not constitute as a material change the application and should be accepted and exempted by the TPB for inclusion into the application.

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

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

Junior Ho
Director

c.c. the Applicant

Encl.
- Appendix 1 – Responses to Public Comments

[redacted]

LCH Planning and Development
Consultants Limited

Filling of Pond for Permitted Agricultural Use for a Period of 3 Years in "Other Specified Uses" annotated "Comprehensive Development to include Wetland Restoration Area" ("OU(CDWRA)") and "Village Type Development" ("V") zones, Lots 1212 S.E ss.1 and 1212 S.E RP (Part) in D.D. 115 and adjoining Discrepant Areas (Part), Nam Sang Wai, Yuen Long, New Territories

Section 16 Planning Application No. A/YL-NSW/357

Response to Public Comments Table

No.	Comments Received	Our Responses
1.	Whether a review on the ecological perspective has been conducted	A Desktop Review on Nearby Ecological Baseline Condition has been conducted. The Proposed Development with the proposed operation of pond culture and cultivation activities will make effective use of idle lands and abandoned ponds contribute to environmental decline and reduced productivity, with minor ecological impact to the local context of Nam Snag Wai as compared to the baseline condition. There is no net permanent loss of pond area under the Proposed Development compared to the existing condition.
2.	Whether there is detail on the agricultural activities	Further details of the agricultural activities have been provided in the Planning Statement and the relevant impact has been reviewed in the Desktop Review on Nearby Ecological Baseline Condition.
3.	The rational for erection of metal fence	The metal fence has been erected on the Application Site for years already. To minimise landscape and visual impacts, buffer planting and metal fence of about 2.5m in height would be maintained along the Application Site Boundary to prevent direct visual contact from outside.
4.	Whether the filled pond area will be restored	Refer to the Planning Statement, 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.

No.	Comments Received	Our Responses
		There is currently no enforcement action from the Town Planning Board regarding the filled pond area. An enforcement notice was issued in 2009 regarding part of the Application Site, and it was subsequently satisfied by the Planning Authority that the action has been discontinued and reasonable steps have been taken. The purpose of this application is also to rectify the reasonable steps that have been taken as required by the notice. If the filled area is going to dig up again, construction works would be required and adverse impacts would be brought to the surrounding ecological environment. Thus, the Applicant would like to purse to agricultural activity that is always permitted under the Outline Zoning Plan with minimum disturbance to the existing ecological environment.

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)

Wetland Buffer Area (WBA)

According to TPB PG-No. 12C, the Site falls within the 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;

(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 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 involving the Application Site

Rejected Applications

Application No.	Use(s)/Development(s)	Date of Consideration (Rural and New Town Planning Committee (RNTPC))	Rejection Reason(s)
A/YL-NSW/72#	Proposed Pond Filling and Pre-development Site Formation	3.3.2000	(1) and (2)
A/YL-NSW/137#	Temporary Open Storage of Cement, Bricks, Sand and Gravel for a Period of 3 Years	21.11.2003	(2) to (4)
A/YL-NSW/141#	Pond Filling and Temporary Open Storage of Sand and Gravel for a Period of 3 Years	27.2.2004	(1) to (4)

The application site was zoned "Residential (Group D)" ("R(D)") at the time of consideration

Rejection Reasons:

(1) The proposed development, which falls within the Wetland Buffer Area, does not comply with the revised Town Planning Board Guidelines for "Application for Developments within Deep Bay Area" in that there is no ecological impact assessment in the submission to demonstrate that the development would not result in, or be fully able to compensate for, any loss in the total ecological functions of the original ponds within the site. There is also no information in the submission to demonstrate that the proposed development would not have adverse impact on the ecological integrity and ecological value of the fish ponds within the Deep Bay Area or that such impacts could be mitigated through positive measures.

(2) The approval of the application would set an undesirable precedent for other similar applications. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

(3) The proposed open storage use was not in line with the planning intention of the "R(D)" zone which was to improve and upgrade the existing temporary domestic accommodations and to encourage the replacement of temporary housing by permanent structures.

(4) There was no information in the submission to demonstrate that the proposed development would not have adverse environmental, traffic, drainage and landscape impacts on the surrounding area.

Government Departments' General Comments

1. Land Administration

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

- no comment on the application;
- the application site (the Site) comprises of private lots which intended for agricultural purpose;
- it is noted that no structure is proposed on the Site; and
- advisory comments are at **Appendix V**.

2. Traffic

Comments of the Commissioner for Transport:

- no adverse comment from traffic engineering perspective as there is no vehicular access to the Site for operation phase and the induced traffic is minimal; and
- advisory comments are at **Appendix V**.

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; and
- advisory comments are at **Appendix V**.

3. Environment

Comments of the Director of Environment Protection (DEP):

- no objection to the application as the application is to reflect the current situation and to regularise the pond filling, with no land filling, excavation of land and additional pond filling proposed;
- there was no substantiated environmental complaint received against the Site in the past three years; and
- advisory comments are at **Appendix V**.

4. Drainage

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

- no in-principle objection to the application from drainage point of view;
- in view of the large area of the Site (i.e. about 21,292m^2) and the filling of pond (i.e. about 14,933m^2) involved, should the application be approved, approval condition(s) should be stipulated in the approval letter requiring the applicant to submit and implement a revised drainage impact assessment and to 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 V**.

5. Fire Safety

Comments of the Director of Fire Services:

- no specific comment on the application and inclusion of fire services-related approval conditions is deemed not necessary.

6. Landscape

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

- no adverse comment on the application from landscape planning perspective;
- based on the aerial photo of 2025, the Site is situated in an area of rural coastal plain landscape character comprising wetlands/ponds, a river, village houses and temporary structures. The proposed use is not entirely incompatible with the surrounding environment;
- according to the Planning Statement, all the 764 existing trees within the Site (including 746 invasive tree species and 18 trees of common species) are proposed to be removed for agricultural and shrimp farming. To mitigate the landscape impacts, 57 new trees are proposed to achieve a compensation ratio of not less than 1:1 (18 felled trees : 57 new trees). In view of the above, significant adverse landscape impact arising from this application is not anticipated; and
- advisory comments are at **Appendix V**.

7. Building Matters

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

- no objection to the application;
- it is noted that the filling of pond is 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 Building Ordinance (BO). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;

- if agricultural structure(s) to be erected on the Site fall within the ambit of the Part 2 of the Schedule of Building Ordinance (Application to the New Territories) Ordinance (Cap 121), DLO/YL of LandsD should be in a better position to comment on the application. Otherwise, such structure(s) will require prior approval and consent under the BO; and

- advisory comments are at **Appendix V**.

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 the village representatives in the vicinity.

9. Other Departments

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

- Chief Engineer/Railway Development 1-1, Railway Development Office, HyD;
- Project Manager/Major Works, Major Works Project Management Office, HyD;
- Chief Engineer/Construction, Water Supplies Department;
- Project Manager (West), Civil Engineering and Development Department (CEDD);
- Head of the Geotechnical Engineering Office, CEDD; and
- Director of Electrical and Mechanical Services.

Recommended Advisory Clauses

(a) failure to reinstate the application site (the Site) as required under the relevant approval condition upon expiry of the planning permission might constitute an unauthorized development under the Town Planning Ordinance and be subject to enforcement and prosecution actions;

(b) to note the comments of the District Lands Officer/Yuen Long, Lands Department that his office does not guarantee any right-of-way (ROW) to the Site;

(c) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant shall adopt appropriate measures to prevent deterioration of water quality of the fishpond and surrounding watercourses during site formation and operation;

(d) to note the comments of the Commissioner for Transport that the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities upon construction phase;

(e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that:

- the Site involves discrepant areas/Government Land, which is not under HyD's maintenance purview;
- the proposed access arrangement of the Site should be commented and approved by the Transport Department;
- HyD shall not be responsible for the maintenance of the proposed access connecting the Site to Shan Pui Road, including any local tracks; and
- adequate drainage measures shall be provided to prevent surface water running from the Site to the nearby public roads and drains;

(f) To note the comments of the Project Manager/Major Works, HyD that:

- Major Works Project Management Office of HyD is currently undertaking an Investigation Consultancy for the Northern Metropolis Highway (NMH). According to the latest NMH alignment, the proposed NMH would be aligned along Kam Tin River and the Site. The alignment and programme of NMH would be subject to review and design in the on-going Investigation study; and
- pre-construction activities including ground investigation works may be carried out within the Site and ROW for NMH project to the Site should be allowed;

(g) to note the comments of the Director of Environmental Protection that:

- 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 Environment Protection Department;
- the applicant shall provide adequate supporting infrastructure or facilities for proper collection, treatment and disposal of waste/wastewater generated from the applied use;
- the applicant shall observe the statutory requirements under relevant environmental legislation, in particular the Cap. 358 Water Pollution Control Ordinance; and

- the applicant shall follow the revised 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites';

(h) to note the comments of the Chief Enginner/Mainland North, Drainage Services Department (DSD) that:

- the detailed comments on the drainage impact assessment (DIA) previously provided to the applicant shall be taken into account in the revised DIA upon future submission;

- for any change of existing ground level and associated works by the applicant that could affect adjacent land and cause other impacts and/or other issues to the public, the applicant is required to submit technical assessment(s) on other aspect(s) and seek comment from relevant departments as necessary; and

- the applicant is required to demonstrate in the revised DIA report that any works at the Site will not obstruct the overland flow nor cause any adverse drainage impact on the adjacent areas. The applicant shall be liable for any adverse drainage impact due to the any works at the Site;

(i) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that approval of the application does not imply approval of tree works such as pruning, transplanting and felling. The applicant shall seek approval for any proposed tree works from relevant departments prior to commencement of the works;

(j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that:

- 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 unauthorised building works (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 UBW on the 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

(k) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department that the Site is located within the Scheduled Area No. 2 and may be underlain by cavernous marble. For any foundation that may be involved at the Site, extensive geotechnical investigation may be required. Such investigation may require a high level of involvement of an experienced geotechnical engineer both in the design and in the supervision of geotechnical aspects of the works required to be carried out on the Site.

Appendix VI for RNTPC
Paper No. A/YL-NSW/357A

致城市規劃委員會秘書：
專人送遞或郵遞:香港北角渣華道 333 號北角政府合署 15 樓
傳真 : 2877 0245 或 2522 8426
電郵: tpbpd@pland.gov.hk

To : Secretary, Town Planning Board
By hand or post : 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong
By Fax : 2877 0245 or 2522 8426
By e-mail : tpbpd@pland.gov.hk

有關的規劃申請編號 **The application no. to which the comment relates**
A/YL-NSW/357

意見詳情 (如有需要，請另頁說明)
Details of the Comment (use separate sheet if necessary)
對上述規劃申請，涉及地方是漁塘地方，而且已有部份遭受填土，因此，應該出信通知地主把已填土的地方撬起，恢復原狀，現有的漁塘更不能再填土，這是你們規劃處定下來的政策，因此不論甚麼理由，復耕，建屋，公用，也好，先把原來的漁塘恢復原狀，再談其他申請，規劃處已將南生圍很多土地也出信恢復原狀的漁塘，甚至已告上法庭罰款，希望規劃處一視同仁去執行政策。

「提意見人」姓名/名稱 Name of person/company making this comment 林煥富

簽署 Signature _____ 日期 Date 13-11-2025

嘉道理農場暨植物園公司
Kadoorie Farm & Botanic Garden Corporation

The Secretary,
Town Planning Board,
15/F, North Point Government Offices,
333, Java Road, North Point,
Hong Kong.
(Email: tpbpd@pland.gov.hk)

19th November, 2025. **By email only**

Dear Sir/ Madam,

Filling of Pond for Permitted Agricultural Use for a Period of 3 Years
(A/YL-NSW/357)

1. We refer to the captioned.

2. The proposed site lies within the Wetland Buffer Area and in close proximity to the Wetland Conservation Area[1]. The application also involves filling of pond, as stated in the application title.

3. In light of these circumstances, we respectfully urge the Board to carefully consider whether approval of this application is appropriate. We also request that the Board ascertain whether an ecological impact assessment has been submitted in support of the application, and if not, whether such an assessment should be required.

4. Thank you for your attention.

RECEIVED
19 NOV 2025
Town Planning Board

Ecological Advisory Programme
Kadoorie Farm and Botanic Garden

[1] https://www.tpb.gov.hk/en/forms/Guidelines/pg12c_e.pdf

[redacted]

□Urgent □Return receipt □Expand Group □Restricted □Prevent Copy 3

tpbpd/PLAND

寄件者: [redacted]
寄件日期: 2025年11月21日星期五 3:38
收件者: tpbpd/PLAND
主旨: A/YL-NSW/357 DD 115 Nam Sang Wai Filling of Ponds

類別: Internet Email

A/YL-NSW/357

Lots 1212 S.E ss.1 and 1212 S.E RP (Part) in D.D. 115 and adjoining Discrepant Areas (Part), Nam Sang Wai, Yuen Long

Site area: 21,929sq.m

Zoning: "Other Specified Uses" annotated "Comprehensive Development to include Wetland Restoration Area" and "VTD"

Applied use: Filling of Pond for Agricultural Use

Dear TPB Members,

While the preamble sounds hunky dory, the devil is in the detail, or rather lack of detail.

The proposed agricultural activity is described in vague terms. No indication that the proponent has any farming experience.

If the cultivation is to be so benign then why the need for "*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.*" So what are they hiding?

"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."

Seriously? With heavy rainfall predicted the metal fence will get rusty in no time and be an absolute eye sore. This is not a small site.

If the applicant is so committed to enhancing the environment why not restore the filled in pond area?

Members should take a good look at the images.

Mary Mulvihill

Seq 1 4

致城市規劃委員會秘書：
專人送遞或郵遞:香港北角渣華道 333 號北角政府合署 15 樓
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By e-mail : tpbpd@pland.gov.hk

有關的規劃申請編號 The application no. to which the comment relates
A/YL-NSW/357Received on 10/12/2025 , 16/12/2025

意見詳情 (如有需要，請另頁說明)
Details of the Comment (use separate sheet if necessary)
(反對填塘以作准許農業用途)
整個商生圍保育區及濕地緩衝區大保份都是漁塘用地，若此例一開，其他漁塘地均可申請用作農地而大量去填塘，到時整個商生圍濕地是災難性結果，請城規會有腦的人士好好去保育商生圍至一片濕地，剩餘那些豬腦成員若批准，我立即發動有關業主地主去申請填塘，到時你們可以不批准嗎

「提意見人」姓名/名稱 Name of person/company making this comment 林燦富

簽署 Signature _____ 日期 Date 4-1-2026

5

嘉道理農場暨植物園公司
Kadoorie Farm & Botanic Garden Corporation

The Secretary,
Town Planning Board,
15/F, North Point Government Offices,
333, Java Road, North Point,
Hong Kong.
(Email: tpbpd@pland.gov.hk)

9th January 2026.

By email only

Dear Sir/ Madam,

Filling of Pond for Permitted Agricultural Use for a Period of 3 Years
(A/YL-NSW/357)

1. We refer to the captioned.

2. We respectfully urge the Board to consider:

   - Whether sufficient justification should be provided to support the proposed filling; if yes, then whether sufficient justification has been provided to support the proposed filling; and
   - Whether an ecological impact assessment, supported by up-to-date ecological survey results, has been submitted with this application; if not, whether such an assessment is required.

3. Thank you for your attention.

Ecological Advisory Programme
Kadoorie Farm and Botanic Garden

RECEIVED
- 9 JAN 2026
Town Planning Board

[redacted]

Seq 2 6

嘉道理農場暨植物園公司
Kadoorie Farm & Botanic Garden Corporation

The Secretary,
Town Planning Board,
15/F, North Point Government Offices,
333, Java Road, North Point,
Hong Kong.
(Email: tpbpd@pland.gov.hk)

31st March, 2026. **By email only**

Dear Sir/ Madam,

Filling of Pond for Permitted Agricultural Use for a Period of 3 Years
(A/YL-NSW/357)

1. We refer to the captioned.

2. Our previous submissions for this application are attached below. Please refer to them for our comments/ views/ concerns regarding this application.

3. Thank you for your attention.

Ecological Advisory Programme
Kadoorie Farm and Botanic Garden

RECEIVED
31 MAR 2026
Town Planning Board

[redacted]

嘉道理農場暨植物園公司
Kadoorie Farm & Botanic Garden Corporation

The Secretary,
Town Planning Board,
15/F, North Point Government Offices,
333, Java Road, North Point,
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(Email: tpbpd@pland.gov.hk)

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Ecological Advisory Programme
Kadoorie Farm and Botanic Garden

[redacted]

嘉道理農場暨植物園公司
Kadoorie Farm & Botanic Garden Corporation

The Secretary,
Town Planning Board,
15/F, North Point Government Offices,
333, Java Road, North Point,
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19th November, 2025. **By email only**

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Ecological Advisory Programme
Kadoorie Farm and Botanic Garden

[1] https://www.tpb.gov.hk/en/forms/Guidelines/pg12c_e.pdf

[redacted]

7

致城市規劃委員會秘書：
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By e-mail : tpbpd@pland.gov.hk

有關的規劃申請編號 The application no. to which the comment relates
A/YL-NSW/357Received on 27/02/2026 , 05/03/2026

意見詳情 (如有需要，請另頁說明)
Details of the Comment (use separate sheet if necessary)

反對上述申請填塘，理由如下：
① 那裏根本是漁塘，已填了很多，先回復再申請
② 屬綠衝區地帶，並最接近保育區地方，影響新態嚴重
③ 面積大，污染亦嚴重
④ 之前填了的漁塘也不復耕，根本復耕之藉口
⑤ 接近錦田河，錦田河污染嚴重，填塘引致進一步惡化

「提意見人」姓名/名稱 Name of person/company making this comment 山貝村村長 林煥富

簽署 Signature _____ 日期 Date 6-4-2026

RECEIVED
- 8 APR 2026
Town Planning Board

8

致城市規劃委員會秘書：
專人送遞或郵遞:香港北角渣華道 333 號北角政府合署 15 樓
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「提意見人」姓名/名稱 Name of person/company making this comment 林興年

簽署 Signature _____ 日期 Date 7-4-2026

RECEIVED
- 8 APR 2026
Town Planning Board