

**Relevant extract 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)

- (a) The intention of the WBA is to protect the ecological integrity of the fish ponds and wetland within the Wetland Conservation Area (WCA) and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds; and
- (b) Within the WBA, for development or redevelopment which requires planning permission, an ecological impact assessment (EcoIA) would need to be submitted. Some local and minor uses (including temporary uses) are however exempted from the requirement of EcoIA.

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 Applications Covering the Site

Approved Application

<u>Application No.</u>	<u>Zoning</u>	<u>Development/Use</u>	<u>Date of Consideration</u>
A/YL-PS/730	REC	Proposed Temporary Shop and Services (Fresh Provision Shop and Retail Shop for Gardening, Hardware Groceries and Construction Materials) for a Period of 5 Years and associated Filling of Land	20.9.2024

Rejected Applications

<u>Application No.</u>	<u>Zoning</u> (at the time of consideration)	<u>Development/Use</u>	<u>Date of Consideration</u>	<u>Rejection Reasons</u>
A/DPA/YL-PS/50	“Unspecified Use”	Temporary Use as Container Vehicles Park for 3 Years	16.2.1996 (TPB)	(1), (2), (3), (4) & (5)
A/YL-PS/441	REC	Temporary Open Storage of Construction machinery and Materials and Ancillary Site Office for a Period of 3 Years	25.4.2014	(1) & (6)

Rejection Reasons

- (1) not in line with planning intention of the “REC” zone.
- (2) not compatible with surrounding land uses.
- (3) not demonstrated in the submission that the proposed development will not cause adverse impacts on the ecology of the area.
- (4) not adequately addressed the potential traffic impact of the proposed development on the surrounding area.
- (5) the road improvement work proposed by the applicant will trigger off further developments in the area and this is highly undesirable in terms of traffic growth control.
- (6) not in line with the Town Planning Board Guidelines TPB PG-No. 13E.

Similar s.16 Applications within the same “REC” Zone

Approved Applications

<u>Application No.</u>	<u>Development/Use</u>	<u>Date of Consideration</u>
A/YL-PS/675	Proposed Temporary Shop and Services (Selling of Gardening and Construction Materials) for a Period of 5 Years and Associated Filling of Land	31.3.2023 (Revoked on 30.6.2024)
A/YL-PS/699	Proposed Temporary Shop and Services (Selling of Gardening and Construction Materials) for a Period of 5 Years and Associated Filling of Land	24.11.2023

Government Departments' General Comments

1. Traffic

(i) Comments of the Commissioner for Transport (C for T):

No adverse comment on the application.

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

No objection to the application.

2. Drainage

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

- no in-principle objection to the application from a drainage point of view; and
- should the Town Planning Board consider that the application is acceptable from planning point of view, he would suggest that a condition requiring the applicant to submit a drainage proposal including flood mitigation measures for the proposed land filling works, to implement and maintain the proposed drainage facilities to the satisfaction of DSD should be stipulated.

3. Fire Safety

Comments of the Director of Fire Services (D of FS):

- no in-principle objection to the proposal subject to fire service installations (FSIs) being provided to his satisfaction; and
- in consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposal FSIs to his department for approval.

4. Building Matters

Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- no objection to the application; and
- it is noted that 15 structures and associated filling of land are proposed in the application. Before any new building works (including containers/open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on the site, prior approval and consent of the BA should be obtained, otherwise they are unauthorised building works under Buildings Ordinance (BO). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO.

5. Environment

Comments of the Director of Environmental Protection (DEP):

No objection to the application.

6. District Officer's Comments

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

No feedback from locals have been received.

7. Other Departments

The following departments has no comment on the application:

- Commissioner of Police (C of P);
- Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD);
- Director of Agriculture, Fisheries and Conservation (DAFC); and
- Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

Recommended Advisory Clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site (the Site);
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that lot owner(s) shall apply to his office for Short Term Waiver (STW) to permit the structure(s) erected or to be erected within the subject lot, if any and apply for modification of the STW conditions where appropriate. The application(s) for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The STW, if approved, will be subject to such terms and conditions including the payment of waiver fee, rent and administrative fee as considered appropriate by LandsD. Besides, given the proposed use is temporary in nature, only erection of temporary structure(s) will be considered;
- (c) to note the comments of the Commissioner for Transport (C for T) that:
 - (i) the applicant is reminded that sufficient space within the Site should be provided for maneuvering of vehicles. No vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period; and
 - (ii) the Site is connected to Tin Wah Road via a local access which is not managed by Transport Department. The land status of that local access road should be checked with LandsD. The management and maintenance responsibilities of that local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that:
 - (i) adequate drainage measures shall be provided to prevent surface water running from the Site to the nearby public roads and drains; and
 - (ii) the access road connecting the Site with Tin Wah Road is not and will not be maintained and be responsible by HyD;
- (e) to note the comments of the Director of Environmental Protection (DEP) that the applicant should follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspect of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the applicant is required to demonstrate in the drainage proposal that the proposed land filling works will not obstruct the overland flow nor cause any adverse drainage impact to the adjacent areas. The applicant shall be liable for any adverse drainage impact due to the proposed land filling works;

- (g) to note the comments of the Director of Fire Services (D of FS) that:
- (i) the applicant is advised to submit relevant layout plans incorporated with the proposed Fire Service Installations (FSIs) to his department for approval;
 - (ii) the applicant should be advised on the following:
 - (a) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (b) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans; and
 - (iii) the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
- (i) 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;
 - (ii) 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;
 - (iii) if the existing structures are erected on the leased without the approval of the Buildings Authority, they are unauthorised building works (UBW) under the BO and should not be designated for any proposed use under the captioned application;
 - (iv) for UBW erected on leased land, enforcement action may be taken by the Buildings Department to effect their removal in accordance with the prevailing enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under BO;
 - (v) 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 B(P)R; and
 - (vi) detailed checking under BO will be carried out at the building plan submission stage.