

**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)**

According to TPB PG-No. 12C, the Site falls within the Wetland Buffer Area (WBA). The relevant assessment criteria for the area are summarised as follows:

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

Appendix A

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

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

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

Note:

other than free-standing building

* other than free-standing building exceeding 3 storeys

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

Previous s.16 Applications Covering the Application Site

Approved Applications

No.	Application No.	Use(s)/Development(s)	Date of Consideration (RNTPC)
1.	A/YL-NSW/305*	Proposed Temporary Public Vehicle Park (excluding Container Vehicle) for a Period of 5 Years and associated Filling and Excavation of Land	23.12.2022 [revoked on 23.12.2023]
2.	A/YL-NSW/318*	Proposed Temporary Public Vehicle Park (Excluding Container Vehicle) with Ancillary Electric Vehicle Charging Facility and Office for a Period of 5 Years and Associated Filling of Land	27.10.2023 [revoked on 17.8.2026]

* denotes permission revoked

**Similar s.16 Application within the Same “Village Type Development” Zone
on the Nam Sang Wai Outline Zoning Plan in the Past Five Years**

Approved Application

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

Government Bureau/Departments' General Comments

1. Land Administration

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

- no adverse comment on the application;
- the application site (the Site) comprises Old Schedule Agricultural Lot Nos. 3669 S.A ss.2, 3669 S.B ss.1, 3670 RP (Part), 3671 S.A, 3672 S.A, 3673 S.A and 3674 RP in D.D. 104 held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government;
- all lots within the Site are covered by Short Term Waiver No. 5706 to permit structures for the purpose of “Temporary Public Vehicle Park (Excluding Container Vehicle) with Ancillary Electric Vehicle Charging Facility and Office and Ancillary Uses as may be approved by DLO/YL, LandsD”;
- no Small House application approved or under processing at the Site; and
- advisory comments as detailed in **Appendix V**.

2. Traffic

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;
- the proposed access arrangement of the Site should be commented and approved by the Transport Department; and
- advisory comments are in **Appendix V**.

3. Drainage

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

- no in-principle objection to the application from the drainage point of view;
- the submitted drainage proposal is the same as the one submitted under the previous application No. A/YL-NSW/318 and is considered acceptable from drainage maintenance viewpoint;
- the Environmental Protection Department should be consulted as regards any sewage disposal aspects of the application;

- should the application be approved, approval condition(s) should be stipulated in the approval letter requiring the applicant to implement the accepted drainage proposal and to maintain the proposed drainage facilities to the Director of Drainage Services' or the Town Planning Board's satisfaction; and
- advisory comments are at **Appendix V**.

4. **Fire Safety**

Comments of the Director of Fire Services:

- no in-principle objection to the application subject to fire service installations and water supplies for firefighting being provided to his satisfaction;
- the General Building Plan submission was endorsed by the Fire Services Department on 3.7.2024; and
- advisory comments are at **Appendix V**.

5. **Landscape**

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

- no adverse comments to the application from landscape planning perspective;
- based on the aerial photos taken in 2024 and 2025, the Site was situated in an area of miscellaneous rural fringe landscape character comprising village houses, temporary structures, parking areas, ponds and scattered tree clusters. The applied use is considered not incompatible with the surrounding environment;
- with reference to the above aerial photos, site photos (**Plan A-4**) and site inspection on 14.8.2026, the Site was largely formed, some vehicles and wild plants were found on it. No trees were observed within the Site. According to the Application Form (**Appendix I**), no tree felling will be involved; and
- In view of the above, significant adverse landscape impact arising from the application is not anticipated.

6. **District Officer's Comments**

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

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

7. **Other Bureau/Departments**

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

- Director of Agriculture, Fisheries and Conservation;
- Chief Engineer/Railway Development 1-1, HyD;
- Chief Engineer/Construction, Water Supplies Department;
- Chief Building Surveyor/New Territories West, Buildings Department;
- Project Manager (West), Civil Engineering and Development Department (CEDD);
- Head of Geotechnical Engineering, CEDD;
- Director of Food and Environmental Hygiene;
- Director of Electrical and Mechanical Services; and
- Commissioner of Police.

Recommended Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the applied use at the application site (the Site);
- (b) should the applicant fail to comply with any of the approval conditions again resulting in revocation of the planning permission, sympathetic considerations may not be given by the Rural and New Town Planning Committee/Town Planning Board to any further application;
- (c) to resolve any land issues relating to the applied use with the concerned owner(s) and/or occupant(s);
- (d) to note the comments of the Secretary for Environment and Ecology:
 - the Government announced the Green Transformation Roadmap of Public Buses and Taxis in December 2024, including measures to realise the target of introducing about 3 000 electric taxis by end-2027. A comprehensive fast charging network is needed to effectively support the operations of electric taxis and achieve the aforesaid target. In addition, the Government announced the Updated Version of the Hong Kong Roadmap on Popularisation of Electric Vehicles (EVs) in February 2026, which states that the Government will leverage market forces in the future to build a public charging network with fast chargers as the backbone. In this connection, the applicant should consider installing some fast chargers with a rated output power of 100kW or higher at the Site for use by electric commercial vehicles, e.g. electric taxis, electric Light Goods Vehicles, and electric coaches;
 - the applicant shall also consider arranging some of the chargers to also be compatible with Guobiao charging standard to support southbound vehicles;
 - the applicant shall provide charger information, including the real-time availability data of each charger, through the government-designated mobile applications such as “HKeMobility” of the Transport Department (TD). For any queries, please contact the Environmental Protection Department’s (EPD’s) EV Hotline at 3757-6222 or email to ev@epd.gov.hk; and
 - to cater for charging of EVs, all parking spaces, including those for private cars, motorcycles, goods vehicles, light buses and coaches, of new developments are encouraged to be EV charging-enabling with reservation of adequate space for installation of Electric Bus chargers and associated fixed electrical installations. The detailed technical requirements are specified in the “Technical Guidelines for EV Charging-enabling for Car Parks of New Building Developments” (https://www.epd.gov.hk/epd/sites/default/files/epd/english/environmentinhk/air/prob_solutions/files/guidelines_on_enabling_eng.pdf), in particular Appendix I, which stipulates the required output power of EV charger for light buses, coaches, medium and heavy goods vehicles, among other vehicle classes, issued by the Environment and Ecology Bureau;

- (e) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that if the planning application is approved, the Short Term Waiver (STW) holder(s) may apply to his office 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 it will be approved. The STW, if approved, will be subject to such terms and conditions including the payment of waiver fee and administrative fee as considered appropriate by LandsD. Besides, given the applied use is temporary in nature, only erection of temporary structure(s) will be considered; and
- (f) to note the comments of the Commissioner for Transport that no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that:
 - HyD shall not be responsible for the maintenance of the proposed access connecting the Site and Kam Pok Road East, including any local tracks;
 - if the proposed access on Kam Pok Road East is approved by TD, the applicant should ensure a run-in/out is constructed in accordance with the latest version of HyD Standard Drawings no. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement;
 - the Site is in close proximity to existing noise barriers (Structural Number NB332, NB333, NB333A and NB333B) along Kam Pok Road East, which are on raft footings. The applicant shall avoid affecting their stability during the construction works; and
 - adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public road and drains;
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant shall be liable for any adverse drainage impact due to the applied use; and
- (i) to note the comments of the Director of Fire Services (D of FS) that:
 - the installation/maintenance/modification/repair work of fire service installations shall be undertaken by a Registered FSIs Contractor (RFSIC). Upon completion of the work, the RFSIC shall issue to the person on whose instruction the work was undertaken a certificate (F.S. 251) and forward a copy of the certificate to D of FS; and
 - the applicant should submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to the Fire Services Department (FSD) for approval;
- (j) to note the comments of the Director of Environmental Protection that the applicant shall of his obligation to comply with all environmental protection/pollution control ordinances, and the required mitigation measures in the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites', to minimise the potential environmental nuisance on the surrounding area; and

- (k) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that:
- it is noted that five structures and associated filling of land are proposed in the application. Before any new building works (including containers/open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on the Site, prior approval and consent of the Building Authority should be obtained, otherwise they are unauthorized building works (UBW) under the Buildings Ordinance (BO). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
 - the Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively;
 - the Site abuts on a specified street (Kam Pok Road East) of not less than 4.5m wide. Its permitted development intensity shall be determined under First Schedule of the B(P)R, where no Plot Ratio/Gross Floor Area restriction has been stipulated in statutory plans/approved planning applications;
 - for UBW erected on the leased land, enforcement action may be taken by BD to effect their removal in accordance with the prevailing enforcement policy against UBW as and when necessary. The granting of any planning approval should not be constructed as an acceptance of any existing building works or UBW on the 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;
- (l) to note the comments of the Head of Geotechnical Engineering, Civil Engineering and Development Department that the applicant shall submit the proposed building works to BD for approval as required under the provisions of the BO; and
- (m) to note the comments of the Director of Food and Environmental Hygiene (DFEH):
- no Food and Environmental Hygiene Department's (FEHD's) facilities should be affected;
 - proper licence/permit issued by FEHD is required if there is/are any food business/catering service/activities regulated by DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public. In accordance with the Public Health and Municipal Services Ordinance (Cap. 132) and the Food Business Regulation (Cap. 132X), a food business licence shall be obtained for any premises intended to operate the relevant type of food business (e.g. restaurant, food factory, fresh provision shop, etc.) listed in the Regulation. The application for licence, if acceptable by FEHD, will be referred to relevant government departments such as BD, FSD and Planning Department for comment. If there is no objection from the departments concerned, a letter of requirements will be issued to the applicant for compliance and the licence will be issued upon compliance of all the requirements;

- proper licence issued by FEHD is required if related place of entertainment is involved. Any person who desires to keep or use any place of public entertainment (PPE) for example a theatre and cinema or a place, building, erection or structure, whether temporary or permanent, on one occasion or more, capable of accommodating the public presenting or carrying on public entertainment within Places of Public Entertainment Ordinance (Cap. 172) and its subsidiary legislation, such as a concert, opera, ballet, stage performance or other musical, dramatic or theatrical entertainment, cinematograph or laser projection display, a circus, a lecture or story-telling, an exhibition of any 1 or more of the following, namely, pictures, photographs, books, manuscripts or other documents or other things, a sporting exhibition or contest, a bazaar, a dance party or an amusement ride and mechanical device which is designed for amusement, a PPE Licence (or Temporary PPE Licence) should be obtained from FEHD whatever the general public is admitted with or without payment;
- there should be no encroachment on the public place and no environmental nuisance should be generated to the surroundings. Its state should not be a nuisance or injurious or dangerous to health and surrounding environment. Also, for any waste generated from such activities/operation, the applicant should arrange disposal properly at their own expenses; and
- the applicant should conduct, by all practical means, pest control measures to avoid infestation of pest including mosquitos and rodents at the Site and its surroundings.

☐Urgent ☐Return receipt ☐Expand Group ☐Restricted ☐Prevent Copy

tpbpd/PLAND

寄件者: [REDACTED]
寄件日期: 2026年09月01日星期二 0:49
收件者: tpbpd/PLAND; Enquiry CEO/CEO
主旨: A/YL-NSW/376 DD 104 Pok Wai Wetlands
類別: Internet Email

Dear TPB Members,

Despite the record of non compliance, once again 38 was streamlined and rubberstamped on 27 Oct 2023, no questions raised by members. This is jaw dropping as the site is close to active ponds and the Wetlands Conservation area.

AND AGAIN CONDITIONS NOT FULFILLED.

The operator is confident that this is no obstacle to a further 3 years hassle free. The new application has a slight increase in number of vehicles to 54 Car / Light Goods +11 Coach Parking Spaces.

That the Drainage and Fire conditions are still at the proposal stage is alarming.

At this point the Chief Executive should intervene as he has appointed TPB members and is the boss of the govt depts dragging their feet to remind them that their primary consideration is to safeguard the health and security of the community. There is no justification to rubberstamp yet another approval for this operator who clearly has no intention of ever respecting the regulations.

Mary Mulvihill

From: [REDACTED]
To: tpbpd <tpbpd@pland.gov.hk>
Cc: complaints <complaints@ombudsman.hk>
Date: Friday, 4 August 2023 2:42 AM HKT
Subject: A/YL-NSW/318 DD 104 Pok Wai

A/YL-NSW/318

Lots 3669 S.A ss.2, 3669 S.B ss.1, 3670 RP (Part), 3671 S.A, 3672 S.A, 3673 S.A and
3674 RP, Pok Wai, Yuen Long

Site area : About 4,736sq.m

Zoning: "VTD"

☐Urgent ☐Return receipt ☐Expand Group ☐Restricted ☐Prevent Copy
Applied use : 61 Vehicle Parking / **5 Years / Filling and Excavation of Land**

Dear TPB Members,

Again you are neglecting your duty to make independent assessment of the application by approving 305 without asking any questions and, in view of the illegal operations, accepting the accelerated NO QUESTIONS ASKED formula when there are obviously issues:

*The Committee noted that the **application was selected for streamlining arrangement** and the Planning Department had no objection to the proposed temporary use*

The Site is currently subject to on-going planning enforcement actions (No. E/YLNSW/278 and 279) against unauthorised developments (UDs) involving filling of land and storage use respectively. For No. E/YL-NSW/278, Enforcement Notice (EN) and Reinstatement Notice were issued on 22.9.2022 and 24.11.2022 NSW 305 respectively requiring discontinuation of the UD and to remove fill materials (including hard paving) on the land. For No. E/YL-NSW/279, EN was issued on 22.9.2022 to the concerned parties requiring discontinuation of the UD. The case is now under monitoring according to established procedures.

*The site is currently fenced-off and north-eastern part of the Site is being used for open storage of construction materials and machineries **without valid planning permission** and there are some temporary structures. Southern part of the Site is currently vacant but already filled with materials without valid planning permission.*

Now applicant is back looking for approval of a larger site. However there is clearly evidence of the need to question the true intention. **OVER 70SQ.MTS PER VEHICLE FOR PRIVATE CARS AND LIGHT GOODS VEHICLES????**

This is the type of scenario that the Ombudsman should look into as it is clear evidence that illegal land use is not only tolerated but also supported by PlanD and TPB plays its part by rubber stamping the applications without asking any questions.

Mary Mulvihill

From: [REDACTED]
To: tpbpd <tpbpd@pland.gov.hk>
Date: Monday, 28 November 2022 2:50 AM CST
Subject: A/YL-NSW/305 DD 104 Pok Wai

A/YL-NSW/305

Lots 3671 S.A, 3672 S.A, 3673 S.A and 3674 RP in D.D.104, Pok Wai, Yuen Long

Site area : About 3,372sq.m

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Zoning: "VTD"

Applied use : 55 Vehicle Parking / **5 Years / Filling and Excavation of Land**

Dear TPB Members,

Another Destroy to Build application, there are a number of trees and vegetation on the site but no data provided on tree felling. Part of the site is already paved for unapproved brownfield use.

As for the claim that the villagers need more parking facilities, there are numerous parking lots in the village. In addition much of the 'V' zone has obviously been developed into a Villa enclave, Merry Garden. These villas should have parking included in the structure.

Members should reject this application.

Mary Mulvihill