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). Extracts of land use concept and development guidelines are summarised as follows:

WBA

(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 covering the Application Site

Approved Applications

Application No.	Use(s)/Development(s)	Date of Consideration (RNTPC)
A/YL-MP/23	Office and Ancillary Car Parking Area for a temporary period 12 months	5.9.1997
A/YL-MP/50	Temporary Office Use (Property Sales Office) for 12 Months	26.3.1999
A/YL-MP/68	Temporary Office Use (Transportation Company) for Period of 12 Months	19.5.2000
A/YL-MP/95*	Temporary Office Use for a Period of Three Years	3.8.2001 [revoked on 3.2.2002]
A/YL-MP/108	Temporary Estate Agency Office Use for a Period of Three years	23.8.2002
A/YL-MP/142	Temporary Shop and Services (Estate Agent) for a Period of 3 Years	24.6.2005
A/YL-MP/164*	Renewal of Planning Approval for Temporary Shop and Services (Estate Agent) Use under Application No. A/YL-MP/142 for a Period of 3 Years	7.3.2008 [revoked on 7.9.2008]
A/YL-MP/175	Temporary Shop and Services (Estate Agent) for a Period of 3 Years	5.6.2009
A/YL-MP/201*	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	15.6.2012 [revoked on 15.3.2013]
A/YL-MP/233	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	7.3.2014
A/YL-MP/258	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	23.6.2017
A/YL-MP/298	Temporary Shop and Services for a Period of 3 Years	21.8.2020
A/YL-MP/351	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	25.8.2023

* denotes permission revoked

Similar s.16 Applications within the same/adjoining "Open Space" zones on the Mai Po and Fairview Park Outline Zoning Plan in the Past Five Years

Approved Applications

Application No.	Use(s)/Development(s)	Date of Consideration (RNTPC)
A/YL-MP/319*	Temporary Shop and Services with Ancillary Office for a Period of 5 years	24.12.2021 [revoked on 24.9.2024]
A/YL-MP/321*	Temporary Shop and Services with Ancillary Office for a Period of 5 Years	24.12.2021 [revoked on 24.9.2024]
A/YL-MP/325	Renewal of Planning Approval for Temporary Sales Office (for Real Estate and Furniture) and Furniture Showrooms for a Period of 3 Years	22.4.2022
A/YL-MP/329	Proposed Temporary Shop and Services (Retail Shop for Hardware Groceries) with Ancillary Facilities for a Period of 3 Years	29.7.2022
A/YL-MP/348*	Proposed Temporary Shop and Services and Eating Place with Ancillary Facilities for a Period of 5 Years	11.9.2023 [revoked on 11.6.2024]
A/YL-MP/364*	Proposed Temporary Shop and Services (Foot Massage Parlour), Public Vehicle Park (excluding container vehicle) with Ancillary Electric Vehicle Charging Facilities and Office for a Period of 3 Years	7.6.2024 [revoked on 7.9.2025]
A/YL-MP/382	Temporary Shop and Services and Eating Place with Ancillary Facilities for a Period of 5 Years	18.7.2025
A/YL-MP/383	Proposed Temporary Shop and Services for a Period of 3 Years	2.5.2025
A/YL-MP/385	Temporary Shop and Services (Wooden Ware Retail Shop) for a Period of 5 Years	28.2.2025
A/YL-MP/386	Renewal of Planning Approval for Temporary Sales Office (for Real Estate and Furniture) and Furniture Showrooms for a Period of 3 Years	28.2.2025
A/YL-MP/388	Proposed Temporary Shop and Services (Pet Salon, Pet Supplies and Gardening Goods) and Associated Filling and Excavation of Land for a Period of 5 Years	7.11.2025
A/YL-MP/389*	Temporary Shop and Services with Ancillary Facilities and Associated Filling of Land for a Period of 5 Years	20.6.2024 [revoked on 20.3.2026]
A/YL-MP/391	Renewal of Planning Approval for Temporary Shop and Services (Retail Shop for Hardware Groceries) with Ancillary Facilities for a Period of 3 Years	18.7.2025
A/YL-MP/393	Proposed Temporary Shop and Services with Ancillary Facilities and Associated Filling of Land for a Period of 5 Years	5.9.2025
A/YL-MP/411	Renewal of Planning Approval for Temporary Shop and Services (Metal Hardware Shop and Household Item Retail Store) for a Period of 5 Years	5.6.2026
A/YL-MP/423	Proposed Temporary Shop and Services with Ancillary Facilities and Associated Filling of Land and Pond for a Period of 5 Years	23.10.2026

* denotes permission revoked

Government Departments' General Comments

1. Land Administration

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

- no adverse comment on the application;
- the application site (the Site) comprises Old Schedule Agricultural Lot No. 2873 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;
- the private lot No. 2873 is covered by Short Term Waiver No. 2538 for "temporary office use"; and
- advisory comments are detailed in **Appendix V**.

2. Traffic

Comments of the Commissioner for Transport:

- no comment on the application from traffic engineering perspective; and
- advisory comments are detailed in **Appendix V**.

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

- no in-principle objection to the application from highways maintenance perspective; and
- advisory comments are detailed 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 operation and maintenance perspectives;
- an approval condition requiring submission of site photos of existing drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board should be imposed; and
- advisory comments are detailed in **Appendix V**.

4. Environment

Comments of the Director of Environmental Protection:

- considering the revised 'Code of Practice on Handling the Environmental Aspects of

Temporary Uses and Open Storage Sites', it is noted that the applied use would not involve traffic of heavy vehicle and dusty operations. There are residential premises within 100m from the boundary of the Site. Based on the above, he has no objection to the application from environmental planning perspective;

- there is no environmental complaint recorded in the past three years; and
- advisory comments are detailed in **Appendix V**.

5. Fire Safety

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

- no in-principle objection to the application subject to fire service installations and water supplies for firefighting being provided to the satisfaction of D of FS; and
- advisory comments are detailed in **Appendix V**.

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 photos taken in 2024 and 2025, the Site was situated in an area of residential development landscape character comprising low-rise residential buildings, temporary structures, open storages, ponds and scattered tree groups. The applied temporary use is considered not incompatible with the surrounding environment;
- with reference to the above aerial photos and site photos taken on 16.9.2026, the Site was formed and partially occupied by some temporary structures;
- in view of the above, significant adverse landscape impact arising from the applied use is not anticipated; and
- advisory comments are detailed in **Appendix V**;

7. Building Matters

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

- no objection to the application; and
- advisory comments are detailed in **Appendix V**.

8. Other Departments

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

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

Recommended Advisory Clauses

(a) prior planning permission should have been obtained before commencing the applied use at the application site (the Site);

(b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the Short Term Waiver (STW) holder(s) may apply to his office for modifications 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 application(s) for 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;

(c) to note the comments of the Commissioner for Transport that:

  (i) sufficient maneuvering spaces shall be provided within the Site or its adjacent area. No vehicles are allowed to queue back or reverse onto/from public roads at any time during the planning approval period; and

  (ii) the land near the Site is not under the purview of Transport Department (TD). Consent of the owners/managing department of the concerned land should be obtained for using the land for vehicular accesses to the Site;

(d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that:

  (i) the proposed access arrangement of the Site should be commented and approved by TD;

  (ii) HyD shall not be responsible for the maintenance of the proposed access connecting the Site, including Palm Springs Boulevard and the local tracks, if any; and

  (iii) adequate drainage measures shall be provided to prevent surface water running from the Site to the nearby public roads and drains;

(e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:

  (i) the dimensions of the existing drainage facilities, including the discharge points (e.g. existing natural watercourse) should be shown on the site photos to demonstrate the presence and the condition of the existing drainage system;

  (ii) no public sewerage maintained by DSD is currently available for connection. For sewage disposal and treatment, agreement from Director of Environmental Protection (DEP) shall be obtained;

  (iii) DLO/YL, LandsD should be consulted regarding all the drainage works outside the lot boundary in order to ensure the unobstructed discharge from the Site in future; and

(iv) all the drainage facilities should be constructed and maintained by the applicant at his own cost. The applicant should ensure and keep all drainage works on site under proper maintenance at all times;

(f) to note the comments of the DEP that:

(i) the revised 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' shall be followed to minimise any potential environmental nuisances;

(ii) sewage discharge from the Site should be directed to nearby public sewer; and

(iii) in case of unavailability of public sewer, proper sewage collection and treatment facilities should be provided in accordance with the requirements in Professional Persons Environmental Consultative Committee Practice Note 1/23 (ProPECC PN 1/23);

(g) to note the comments of the Director of Fire Services that:

(i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The total floor area of each structure shall be clearly stated on the plan. For enclosed structures with gross floor area not exceeding 230m^2, portable fire extinguisher and stand-alone fire detector shall be provided. If two or more stand-alone fire detectors are installed in an enclosed structure, all detectors shall be inter-connected (either wired or wirelessly) such that when one of the detectors is triggered, all connected detectors shall sound an alarm simultaneously. Stand-alone fire detectors shall be provided in accordance with the "Stand-alone Fire Detector General Guidelines on Purchase, Installation & Maintenance [Sep 2021]. Provision of fire service installations (FSIs) shall be demonstrated in form of FS Notes with all relevant standards and specifications; and

(ii) if the proposed structures are required to comply with the Buildings Ordinance (Cap. 123) (BO), detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;

(h) 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. Application for any tree works should be submitted to relevant departments for approval; and

(i) to note the comments of the Chief Building Surveyor/New Territories West, BD that:

(i) before any new building works (including containers / open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on Site, prior approval and consent of the BA should be obtained, otherwise they are unauthorized building works (UBW) under the BO. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;

(ii) 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;

(iii) 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 building planning submission stage;

(iv) if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BA, they are UBW under the BO and should not be designated for any applied use under the current application;

(v) for UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with the prevailing enforcement, policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO;

(vi) any temporary shelters or converted containers for office, storage, washroom. or other uses considered as temporary buildings are subject to the control of Part VII of the B(P)R; and

(vii) detailed comments under the BO will be provided at building plan submission stage.