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.12A/s.16 Applications Covering the Application Site

Agreed Application

s.12A Application No.	Use(s)/Development(s)	Date of Consideration (RNTPC)
Y/YL-NSW/7	To Rezone the Application Site from "Other Specified Uses" annotated "Comprehensive Development to include Wetland Restoration Area" ("OU(CDWRA)") to "OU(CDWRA)(1)"	10.11.2023

Rejected/Dismissed Applications

s.16 Application No.	Use(s)/Development(s)	Date of Consideration (RNTPC/TPB/TPAB)	Rejection Reasons
A/DPA/YL-NSW/24#	Comprehensive Development including Residential and Recreational Facilities and a Holiday Centre for Elderly	24.6.1994 (TPB upon review)	(1), (5), (8)
A/DPA/YL-NSW/26#	Comprehensive Development including Residential with Recreation Facilities, a Holiday Centre for Elderly and a Nature Reserve	26.10.1995 (TPAB upon appeal)	(8), (9)
A/YL-NSW/6#	Passive Recreational and Supporting Residential Development and a Nature Reserve	25.8.1995 (RNTPC)	(3), (9), (10)
A/YL-NSW/52#	Temporary Container Trailer and Tractor Park for a Period of 12 Months	9.4.1999 (TPB upon review)	(1) to (4), (12)
A/YL-NSW/89#	Proposed Pond Filling for Plant Nursery	27.10.2000 (RNTPC)	(1), (5)
A/YL-NSW/96#	Proposed Pond Filling for Recreational Development to include Garden, Fishing Ground, Barbecue Spot, Refreshment Kiosk, Public Car Park with Ancillary Facilities	30.3.2001 (RNTPC)	(1), (5)
A/YL-NSW/133*	Temporary Open Storage of Construction Vehicles for a Period of 3 Years	12.12.2003 (TPB upon review)	(2) to (4), (6)
A/YL-NSW/149*	Temporary Open Storage of New and Unlicensed Vehicles for a Period of 2 Years	10.12.2004 (TPB upon review)	(1) to (4), (7)
A/YL-NSW/156*	Comprehensive Residential Development including Wetland Restoration and Management Proposal (and Minor Relaxation of Building Height Restriction up to 7 Storeys including Carports)	10.6.2005 (RNTPC)	(1), (6), (13)
A/YL-NSW/159*	Temporary Open Storage of New and Unlicensed Vehicles for a Period of 2 Years	18.3.2005 (RNTPC)	(1) to (4), (7)

The sites were zoned "Recreation" at the time of consideration.
* The sites were zoned "OU(CDWRA)" at the time of consideration.

Rejection Reasons

(1) The proposed development is not in line with the "Town Planning Board Guidelines for Applications for Development with Deep Bay Buffer Zones" in that there are inadequate information in the submission to demonstrate that the proposed development will not have significant impact on the environment, ecology, drainage, sewerage and/or traffic in the area.

(2) The proposed development is not compatible with the rural character of the surrounding aera including fish ponds, agricultural land and village settlement as well as "Conservation Area" zone to the west.

(3) The approval of the application will set an undesirable precedent for similar applications leading to general degradation of the environment in the area and the ecological function of the Wetland Buffer Area.

(4) The proposed development is not in line with the planning intention of the "Other Specified Uses" annotated "Comprehensive Development to Include Wetland Restoration Area" zone, which is 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 and to phase out sporadic open storage and port back-up uses.

(5) There is no ecological/traffic/drainage impact assessment in the submission to demonstrate that the proposed development would not have adverse impact on the surrounding areas.

(6) There is insufficient information in the submission to demonstrate that there is no adverse environmental, traffic, ecological, drainage and visual impacts on the surrounding area.

(7) The proposed development is not in line with the Town Planning Board Guidelines for "Application for Open Storage and Port Back-up Uses" in that there is insufficient information in the submission to demonstrate that the proposed development will not have significant impact on the environment, ecology, drainage, sewerage and/or traffic in the area.

(8) The proposed development intensity is excessive.

(9) The proposed development is premature at this stage in view of the number of transportation network and drainage works being planning in the area and the fact that it may pre-empt a review of the land use in the general area with regard to the scale, location and phasing of future developments there.

(10) The proposed development is not in line with the planning intention of the "Recreation" zone which is for recreational uses.

(11) As the proposed development will involve filling of fishponds and the establishment of a nature reserve within the Deep Bay Buffer Zone 1, it will be premature to approve the subject application before the completion of the "Study on the Ecological Importance of Fish Ponds" and "Ramsar Site Management Consultancy Study".

(12) The proposed vehicular access arrangement via a local track which is not suitable for container vehicular traffic is unsatisfactory.

(13) There is insufficient justification in the submission on the desirability of the development layout in optimising the scope for wetland restoration, as part of the proposed comprehensive development.

Similar s.16 Applications within the "OU(CDWRA)" Zones on the Nam Sang Wai Outline Zoning Plan in the Past Five Years

Approved Applications

s.16 Application No.	Use(s)/Development(s)	Date of Consideration (RNTPC)
A/YL-NSW/334	Proposed Temporary Warehouse (Excluding Dangerous Goods Godown) with Ancillary Facilities for a Period of 3 Years and Associated Filling of Land	11.4.2025
A/YL-NSW/337	Proposed Temporary Warehouse for Storage of New Vehicles with Ancillary Facilities for a Period of Three Years and Associated Filling of Land	15.8.2025
A/YL-NSW/341	Proposed Temporary Warehouse (Excluding Dangerous Goods Godown) with Ancillary Facilities and Associated Filling of Land and Pond for a Period of 3 Years	23.5.2025
A/YL-NSW/342	Proposed Temporary Warehouse (Excluding Dangerous Goods Godown) with Ancillary Facilities and Associated Filling of Land and Pond for a Period of 3 Years	23.5.2025
A/YL-NSW/343	Proposed Temporary Warehouse (Excluding Dangerous Goods Godown) with Ancillary Facilities and Associated Filling of Land for a Period of 3 Years	2.5.2025
A/YL-NSW/344	Proposed Temporary Warehouse (Excluding Dangerous Goods Godown) with Ancillary Facilities and Associated Filling of Land and Pond for a Period of 3 Years	2.5.2025
A/YL-NSW/345	Proposed Temporary Warehouse (Excluding Dangerous Goods Godown) with Ancillary Facilities and Associated Filling of Land for a Period of 3 Years	23.5.2025
A/YL-NSW/346	Proposed Temporary Warehouse (Excluding Dangerous Goods Godown) with Ancillary Facilities and Associated Filling of Land and Pond for a Period of 3 Years	2.5.2025
A/YL-NSW/367	Proposed Temporary Warehouse (Excluding Dangerous Goods Godown) with Ancillary Facilities and Associated Filling of Land for a Period of 3 Years	22.5.2026

Government Bureau/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 Nos. 3722 S.C ss.4, 3722 S.C ss.5 RP, 3722 S.C RP, 3722 S.E, 3722 S.F, 3722 S.G RP, 3722 S.H RP and 3722 RP in D.D. 104 held under Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government; and
- advisory comments are in **Appendix V**.

2. Traffic

Comments of the Commissioner for Transport:

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

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

- no in-principle objection to the application from highways maintenance point of view; and
- advisory comments are in **Appendix V**.

3. Environmental

Comments of the Director of Environmental Protection:

- no objection to the application from environmental planning perspective, having considered the measures proposed by the applicant, which includes:
  - (i) limitation on operation hours to only between 8:00 a.m. and 7:00 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays;
  - (ii) provision of 2.5m high solid boundary wall along the Site boundary with no gaps to avoid direct line-of-sight from the nearby noise sensitive receivers (i.e. residential uses); and
  - (iii) the warehouse to be enclosed with concrete and steel panels;
- based on the information provided, it is understood that the proposed use would generate traffic of heavy vehicle, and it is in proximity to residential buildings nearby (i.e. about 60m and 40m to the northeast and south of the Site respectively);
- there was no substantiated environmental complaint concerning the Site received in the past three years; and
- advisory comments are in **Appendix V**.

4. Drainage

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

- no objection in principle to the application from the drainage point of view;
- should the application be approved, approval conditions should be stipulated in the approval letter requiring the applicant to submit a drainage impact assessment (DIA) before the commencement of any construction works or operations including site formation works/land filling works, to provide drainage facilities proposed in the DIA before the commencement of any operation and to maintain the implemented drainage facilities at all times during the planning approval period to his satisfaction or of the Town Planning Board's satisfaction; and
- advisory comments are in **Appendix V**.

5. Fire Safety

Comments of the Director of Fire Services:

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

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 any comment from the locals upon close of consultation.

7. Other Bureau and Departments

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

- Secretary of Transport and Logistics;
- Chief Engineer/Railway Development 1-1, HyD;
- Project Manager/Major Works, HyD;
- Chief Engineer/Construction, Water Supplies Department;
- Project Manager (West), Civil Engineering and Development Department (CEDD);
- Head of Geotechnical Engineering, CEDD;
- Chief Building Surveyor/New Territories West, Buildings Department;
- Director of Electrical and Mechanical Services; and
- Commissioner of Police.

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 unauthorised development under the Town Planning Ordinance and be subject to enforcement and prosecution actions;

(b) to resolve any land issues relating to the proposed use with the concerned owner(s) and/or occupant(s);

(c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the lot owner(s) shall apply to his office for a Short Term Waiver (STW) to permit the structure(s) erected within the said private lot(s). The application(s) for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The STW(s), if approved, will be subject to such terms and conditions including the payment of waiver fee and administrative fee as considered appropriate by LandsD. Besides, given the proposed use is temporary in nature, only erection of temporary structure(s) will be considered;

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

  (i) the Site is connected to the public road network via sections of local access road which is not managed by Transport Department (TD). The land status of the local access should be clarified with LandsD by the applicant. Moreover, the management and maintenance responsibilities of the local access should be clarified with the relevant lands and maintenance authorities accordingly; and

  (ii) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;

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

  (i) HyD shall not be responsible to maintain the proposed access connecting the Site, including the adjoining section of Kam Pok Road and local tracks, if any;

  (ii) the proposed traffic, access and circulation space arrangement of the Site should be commented and approved by TD; and

  (iii) 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 comment of the Chief Engineer/Mainland North, Drainage Services Department that the applicant is required to demonstrate in the drainage impact assessment report that the proposed 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 works;

(g) to note the comments of the Director of Environmental Protection that:

(i) the operation hours of the proposed use shall be limited to only between 8:00a.m. and 7:00p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays;

(ii) the applicant shall provide 2.5m high solid boundary wall along the Site boundary with no gaps to avoid direct line-of-sight from the nearby noise sensitive receivers (i.e. residential uses);

(iii) the proposed warehouse shall be enclosed with concrete and steel panels; and

(iv) the applicant shall 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', including the Recommended Pollution Control Clauses for Construction Contracts, to minimise the potential environmental nuisance on the surrounding area;

(h) to note the comments of the Director of Fire Services that the applicant shall submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to Fire Services Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and the location of the proposed FSIs to be installed should be clearly marked on the layout plans; and

(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 crown and root pruning, transplanting and felling. The applicant shall seek approval of any proposed tree works from the relevant departments prior to the commencement of the works;

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

(i) it is noted that two structures and associated filling of land and pond 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 (BA) 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;

(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 abuts 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 plan submission stage;

(iv) 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;

(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 the B(P)R;

(vi) the 15m high structure is considered excessive. It should be justified upon formal plan submission to BD; and

(vii) detailed checking under the BO will be carried out at building plan submission stage; and

(k) to note the comments from the Head of Geotechnical Engineering, Civil Engineering and Development Department that should there be any proposed building works, the proposed building woks should be submitted to BD for approval as required under the provision of the BO.

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tpbpd/PLAND

寄件者: [redacted]
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收件者: tpbpd/PLAND
主旨: A/YL-NSW/380 DD 104 Nam Sang Wai

類別: Internet Email

A/YL-NSW/380
Lots 3722 S.C ss.4 (Part), 3722 S.C ss.5 RP (Part), 3722 S.C RP (Part), 3722 S.E (Part), 3722 S.F (Part), 3722 S.G RP (Part), 3722 S.H RP and 3722 RP (Part) in D.D. 104, Nam Sang Wai, Yuen Long
Site area: About 11,675sq.m
Zoning: "Other Specified Uses" annotated "Comprehensive Development To Include Wetland Restoration Area 1)"
Applied use: Warehouse / 13 Vehicle Parking / **Filling of Land and Pond**

Dear TPB Members,

Note that there is inconsistency in the Planning Statement:

"The **site area and GFA of the Site are relatively smaller comparing to that of the Original Premises**. In addition, a portion of the Site, i.e. 4,315 m2 (about 37 % of the Site), is uncovered and designated for manoeuvring of vehicles and landscaping area. This is to support the daily operation of the proposed development, as well as to mitigate any visual impact to the surroundings. According to the affected business operator, the Original Premises lacks adequate circulation space, resulting in prolonged waiting time for L/UL activities. Therefore, a substantial amount of circulation space is reserved in order to increase the overall efficiency of the proposed development, as well as to minimise the potential adverse traffic impact to the surrounding road network.
2.6 The Site is also in close proximity to San Tin Highway and New Territories Circular Road, which helps facilitate the efficient movement of goods. **The increase in site area also offers an excellent opportunity to enhance the operational efficiency** by providing additional space for the storage, bulk breaking, and packaging of goods. It also better utilises land resources in the New Territories and provides opportunities to support the overall supply chain.

Probably a copy and paste from the withdrawn Application 377. However it indicates an intention to enlarge the footprint, probably via a further application once initial approval is achieved.

Strong objections to manipulation of the relocation sob story to convert this part of Nam Sang Wai to permanent brownfield despite its planning intention and the role wetlands play in combatting climate change.

No operator will invest in a large warehouse complex if the tenure is short term.

Mary Mulvihill