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)

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:

Wetland Buffer Area

(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.

(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

Government Departments' General Comments

1. Traffic

Comments of the Commissioner for Transport:

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

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

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

2. Drainage

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

- no in-principle objection to the application from drainage operation and maintenance point of view;
- the applicant shall submit a revised drainage proposal to demonstrate how the rain water falling onto or flowing to the application site (the Site) will be collected, conveyed and discharged;
- after completion of the required drainage works, a set of record photographs showing the completed drainage works with corresponding photograph locations marked clearly on the approved drainage plan should be provided to DSD for reference;
- all the proposed drainage facilities should be constructed and maintained by the applicant at his own cost. The applicant should ensure and keep all drainage works on the Site under proper maintenance at all times; and
- advisory comments are detailed in **Appendix IV**.

3. 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 adverse comment on the application from environmental planning perspective;
- no environmental complaints relating to the Site were recorded in the past three years; and

- advisory comments are detailed in **Appendix IV**.

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 the satisfaction of the Director of Fire Services; and

- advisory comments are detailed in **Appendix IV**.

5. 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 taken in February 2024, the Site is situated in an area of rural inland plain landscape character comprising village houses, a major road (San Tin Highway), ponds, open storage sites/warehouses and tree clusters. The applied use is considered not incompatible with the landscape setting in the proximity;

- with reference to site photos taken in October 2026, the Site is largely formed and a structure is found on it. No vegetation is observed within the Site. According to the Application Form, no tree felling will be involved;

- in view of the above, significant adverse landscape impact arising from the applied use is not anticipated.

6. 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 IV**.

7. 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 IV**:

- Director of Agriculture, Fisheries and Conservation;
- Project Manager (West), Civil Engineering and Development Department (CEDD);
- Project Manager (North), CEDD;
- Head of the Geotechnical Engineering Office, CEDD;
- Chief Engineer/Railway Development 1-1, Railway Development Office, HyD;
- Chief Engineer/Construction, Water Supplies 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 resolve any land issues relating to the applied use with the concerned owner(s) and/or occupant(s);

(c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the lot owner(s) shall apply to his office for a Short Term Waiver (STW) and/or Short Term Tenancy (STT) to permit the structure(s) erected within the private lot. The application(s) for STW/STT will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The STW/STT, 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 applied 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 consent shall be obtained from the owners/managing department of the nearby lands for using them as the accesses to the Site;

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

  (i) HyD acknowledges that there will be no vehicular access nor parking space provided within the Site. The application is approved on the understanding that there is and will be no vehicular access to/from the Site; and

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

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

  (i) the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' shall be followed; and

  (ii) sewage discharge from the Site should be directed to nearby public sewer. It is noted from the application form that there is a septic tank in the existing building. The applicant is reminded that the septic tank should be properly operated and maintained in accordance with the requirements in Professional Persons Environmental Consultative Committee Practice Note 1/23;

(g) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (CEDD) that proposed building works shall be submitted to the Buildings Department (BD) for approval as required under the provisions of Buildings Ordinance (BO);

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

(i) a revised drainage proposal shall be submitted to demonstrate how rain water falling onto or flowing to the Site will be collected, conveyed and discharged. A clear drainage plan showing full details of the existing drains and the proposed drains (e.g. cover and invert levels of pipes/catchpits/outfalls and ground levels justifying waterflow etc.) with supporting design calculations and charts should be included. For preparation of the drainage proposal, the Guideline on preparation of the drainage proposal is available in DSD homepage at http://www.dsd.gov.hk/EN/Files/Technical_Manual/dsd_guideline/Drainage_Submission.pdf for reference. Approval of the drainage proposal must be sought prior to the implementation of drainage works on the Site;

(ii) after completion of the required drainage works, a set of record photographs showing the completed drainage works with corresponding photograph locations marked clearly on the approved drainage plan shall be provided to DSD for reference. DSD will inspect the completed drainage works jointly with the applicant with reference to the set of photographs;

(iii) all existing flow paths would be properly intercepted and maintained without increasing the flood risk of the adjacent areas;

(iv) the proposed drainage proposal/works as well as the Site boundary should not cause encroachment upon areas outsides his jurisdiction;

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

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

(vii) all the proposed 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;

(i) to note the comments of the Director of Fire Services (D of FS) that:

(i) relevant layout plans incorporated with the proposed fire service installations (FSIs) should be submitted to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans; and

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

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

(i) it is noted that one structure 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 (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 abuts on a specified street (Castle Peak Road – San Tin) of not less than 4.5m wide. Its permitted development intensity shall be determined under the First Schedule of the B(P)R, where no PR/GFA restriction has been stipulated in statutory plans/approved planning applications;

(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 proposed use under the captioned application;

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

(k) to note the comments of the Project Manager (North), CEDD that the Site is in close proximity to Phase 1 Development of San Tin Technopole. The applicant should facilitate the coordination with the responsible project officers regarding the interfacing matters, if any.