

Previous S.16 Applications

Approved Applications

Application No.	Use/Development	Date of Consideration
A/NE-LYT/586	Temporary Public Vehicle Park (Private Cars, Light Goods Vehicles and Medium Goods Vehicles) for a Period of 3 Years	13.5.2016
A/NE-LYT/691	Renewal of Planning Approval for Temporary Public Vehicle Park (Private Cars, Light Goods Vehicles and Medium Goods Vehicles) for a Period of 3 Years	3.5.2019
A/NE-LYT/741	Proposed Temporary Public Vehicle Park (Private Cars and Medium Goods Vehicles) and Warehouse for Storage of Construction Materials for a Period of 3 Years	10.9.2021 [Revoked on 10.6.2023]
A/NE-LYT/816	Proposed Temporary Warehouse and Open Storage of Construction Materials for a Period of 3 Years	24.5.2024 [Revoked on 24.2.2026]

**Similar S.16 Application within the same “Agriculture” zone
on the Approved Lung Yeuk Tau and Kwan Tei South OZP No. S/NE-LYT/19
in the Past Five Years**

Approved Application

Application No.	Use/Development	Date of Consideration
A/NE-LYT/852	Proposed Temporary Warehouse (excluding Dangerous Goods Godown) and Associated Filling of Land for a Period of 3 Years	1.8.2025

Government Departments' General Comments

1. Land Administration

Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):

- no comment on the application;
- the application site (the Site) comprises Old Schedule Agricultural Lots 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 proposed ingress/egress of the Site is required to pass through Government land (GL) but no right of access via GL is granted to the Site;
- the Short Term Waiver (STW) and Short Term Tenancy (STT) applications submitted by the current applicants based on the approved scheme under the previous planning application (No. A/NE-LYT/816) is being processed by his office. The STW/STT applications did not tally with the proposed scheme under the current planning application;
- the following irregularities covered by the subject planning application have been detected:

Unauthorised structure within Lot 1490 in D.D. 76 covered by the planning application

there is an unauthorised structure on Lot 1490 in D.D. 76. The applicants/lot owners should immediately rectify the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice; and

Unlawful occupation of GL adjoining the said private lots covered by the planning application

the GL within the Site (about 232m²) has been fenced off/illegally occupied without any permission. Any occupation of GL without Government's prior approval is an offence under the Land (Miscellaneous Provisions) Ordinance (Cap. 28). His office reserves the rights to take necessary land control action against the illegal occupation of GL without further notice; and

- his advisory comments are at **Appendix V**.

2. Traffic

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

- no objection in principle to the application from traffic engineering perspective; and
- her advisory comments are at **Appendix V**.

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

- no comment on the application from highways maintenance perspective; and
- his advisory comments are at **Appendix V**.

3. Drainage

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

- no objection to the application from public drainage perspective;
- no adverse comment on the applied filling of land and the condition records of the existing drainage facilities;
- if the application is approved, a condition should be included to request the applicants to properly maintain the existing drainage facilities at their own expense at all times during the planning approval period and to rectify the drainage facilities if they are found inadequate/ineffective during operation; and
- his advisory comments are at **Appendix V**.

4. Fire Safety

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

- no objection in principle to the application subject to the fire service installations (FSIs) being provided to his satisfaction;
- the submitted FSIs proposal is considered acceptable; and
- his advisory comments are at **Appendix V**.

5. Landscape

Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- no adverse comment on the application from landscape planning perspective;
- based on the aerial photo and the site photos taken on 9.12.2025 (**Plans A-3 and A-4a**), the Site is situated in an area of rural inland plains landscape character comprising village houses, temporary structures, vegetated areas and tree clusters. The proposed use is considered not entirely incompatible with the landscape character of its surroundings;
- the majority of the Site is paved, scattered construction materials and several rows of trees are found on the Site (**Plans A-4a and A-4b**). According to the Application Form and Planning Statement, tree felling is not involved. Significant adverse landscape impact arising from the proposed use is not anticipated; and
- her advisory comments are at **Appendix V**.

6. Town Gas Safety

Comments of the Director of Electrical & Mechanical Services (DEMS):

- no particular comment on the application; and
- his advisory comments are at **Appendix V**.

7. Building Matters

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

- no objection to the application; and
- his advisory comments are at **Appendix V**.

8. Other Departments

The following government departments have no objection to/no comment on the application:

- (a) Project Manager (North), Civil Engineering and Development Department (PM(N), CEDD);
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD); and
- (c) Commissioner of Police (C of P);

一、行人通道規劃極不規範，村民核心通行權益未被實質保障

1. 申請方僅提及沿地盤南部邊界設立**行人通道**，並未明確標註**最終永久行人通道的具體寬度、規格及建設標準**，屬於規劃內容缺失、標準不明的嚴重問題，村民的長期通行權益無任何明確文件保障。
2. 即便現行的 1.5 米的臨時行人通道，其寬度本身已達到行人通行的最低標準，緊鄰倉庫作業區與車輛裝卸區的規劃，導致村民通行時不僅要面臨大型車輛作業的視線盲區、機械噪音、粉塵揚散等直接安全與健康威脅，遇雨天、節假日行人增多時，狹窄的通道更易引發擁堵、碰擦，無法滿足村民日常安全、舒適、便捷的通行基本需求。
3. 該通道是村民從沙頭角公路前往村莊的核心必經路徑，**同時也是村莊唯一的消防救援通道**，申請方既未對臨時通道制定完善的防護、降噪、降塵配套措施，也未明確永久通道的建設時限、施工標準，僅以模糊的臨時規劃應付，未真正考慮吳屋村/河壩村村民的實際通行需求，更未履行規劃申請中對周邊居民基礎生活設施的保障義務。
4. 申請方既未對該核心通道進行符合消防標準的規劃設計，也未另行規劃獨立的消防救援通道，更未明確永久通道的消防建設標準與整改時限，僅以模糊的臨時窄通道規劃應付，完全忽視消防救援的基本要求，未履行保障村民生命安全的基本責任。

二、消防安全隱患突出，威脅村莊整體安全

1. 倉庫儲存的建築材料多為易燃、易爆或助燃物品（如鋼材包裝的塑膠、建築膠水、油漆等輔料），雖申請方提交了消防裝置及設備建議方案，但倉庫為兩層高、建築面積達 6000 平方米的封閉式建築，一旦發生火災，火勢易快速蔓延，且大型建築材料的堆放會阻礙消防車的作業與人員疏散，火災後果不堪設想。
2. 倉庫與吳屋村/河壩村村落距離較近，無明確的防火隔離帶規劃，火災、爆炸等安全事故的次生災害將直接波及村莊，對村民的生命、財產安全造成嚴重威脅，申請方的消防規劃未充分考慮對周邊村落的影響，防護措施不足。

三、交通出行安全面臨嚴重威脅，村民日常通行風險劇增

1. 該申請地盤出入口連接沙頭角公路 - 馬尾下路段，雖申請方聲稱車輛進出僅限左轉且駐員管理交通，但倉庫用於建築材料（含鋼材）儲存，貨櫃車、中型貨車的裝卸、進出將成為常態。此類大型車輛體型龐大、轉彎半徑大，即便僅限

左轉，也會大幅增加沙頭角公路該路段的交通壓力，易造成路段擁堵，且與村民日常出行的自行車、行人形成混行，極易引發交通事故。

2. 申請方規劃的貨櫃車 / 中型貨車裝卸區僅 2 個，建築材料運輸的車輛等候、調頭勢必佔用周邊道路資源，進一步壓縮村民的通行空間，尤其老人、兒童、學生的出行安全無法得到有效保障。
3. 雖設有旋轉警示燈等設施，但倉庫營運期間的車輛進出具有不確定性，現場管理難以做到全程無死角，臨時性的交通管控措施無法從根本上消除大型車輛對村民通行的安全隱患。

四、生活環境遭破壞，噪音、粉塵污染影響村民正常生活

1. 申請方聲稱將所有儲存區整合為封閉式倉庫，可消除露天儲存的粉塵、噪音影響，但倉庫的核心用途是建築材料（含鋼材）儲存，貨櫃車、中型貨車的進出、裝卸作業必然產生持續的**交通噪音**、**機械作業噪音**，尤其早間、晚間若有作業行為，將直接擾亂村民的休息、生活節奏，影響老人、兒童的睡眠與學生的學習。
2. 建築材料（如鋼材、砂石等）的裝卸、搬運過程中，即便在封閉倉庫內操作，也難以完全避免**粉塵揚散**，加之大型車輛行駛帶起的路面揚塵，將導致村莊周邊空氣質量下降，長期吸入粉塵會對村民的身體健康造成不可逆的傷害，尤其對呼吸道敏感人群、老人、兒童危害更甚。
3. 倉庫營運期間的車輛往來會產生持續的汽車尾氣污染，進一步惡化村莊周邊的生態環境，與村民追求的宜居生活環境背道而馳。

五、地盤填土及設施建設，或對村莊基礎設施造成不可逆損害

1. 該申請涉及地盤填土的合法化事宜，雖申請方聲稱不再進行額外填土，但前期填土工程已改變了地盤周邊的地質、排水條件，倉庫建設及後續營運的大型車輛往來，將進一步加劇周邊路面的沉降、損壞，可能導致村莊的排水系統、供水管道等基礎設施受損，影響村民的基本生活。
2. 地盤四周的 2.5 米高浪形金屬板圍欄，不僅破壞了村莊周邊的景觀環境，還可能影響村莊的通風、採光，且圍欄的設置使村莊與倉庫之間形成封閉隔離，破壞了村落原有的空間格局。

六、臨時倉庫的長期性影響，與村莊發展規劃相衝突

該申請雖為「3 年臨時倉庫」，但結合該地盤歷次相關申請（A/NE-LYT/741、A/NE-LYT/816）均為臨時性規劃且陸續續批的情況，該倉庫存在「以臨時之名行長期之

實」的可能。吳屋村/河壩村作為傳統村落，其發展規劃以生態宜居、鄉村生活為核心，而大型建築材料倉庫的長期存在，將改變村莊的發展定位，影響村莊的後續建設與發展，與村民的長遠利益相悖。

綜上所述，A/NE-LYT/868 號規劃申請未充分考慮吳屋村/河壩村村民的基本生活權益，其建設與營運將對村民的出行安全、生活環境、身體健康、財產安全造成多方面的不利影響，且規劃中的各項保障措施均存在形式化、不完善、標準不明的問題，無法從根本上消除潛在風險。

姓名：[REDACTED]

地址：[REDACTED]

電郵：[REDACTED]

電話：[REDACTED]

Recommended Advisory Clauses

- (a) the permission is given to the proposed use under application. It does not condone any other use/development currently exists on the application site (the Site) which is not covered by the application. Immediate action should be taken to discontinue such development not covered by the permission;
- (b) failure to reinstate the Site as required under the relevant approval condition upon expiry of the planning permission might constitute an unauthorized development under the Town Planning Ordinance and be subject to enforcement and prosecution actions;
- (c) to note the comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD) that:
 - (i) the Site comprises Old Schedule Agricultural Lots 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 proposed ingress/egress of the Site is required to pass through Government land (GL) but no right of access via GL is granted to the Site;
 - (ii) there is an unauthorised structure on Lot 1490 in D.D. 76 within the Site. The applicants/lot owners should immediately rectify the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice;
 - (iii) the GL within the Site has been fenced off/illegally occupied without any permission. Any occupation of GL without Government's prior approval is an offence under the Land (Miscellaneous Provisions) Ordinance (Cap. 28). His office reserves the rights to take necessary land control action against the illegal occupation of GL without further notice;
 - (iv) the applicants/lot owners will need to revise their Short Term Waiver (STW) and Short Term Tenancy (STT) applications to permit the structure erected/to be erected within the said private lots and the occupation of the GL. The 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 and STT, if approved, will be on whole lot basis and subject to such terms and conditions including the payment of back-dated waiver fee/rent from the first date of the unauthorised structure was erected and occupation of GL as well as administrative fee as considered appropriate to be imposed by LandsD. Besides, given the proposed use is temporary in nature, only erection of temporary structure(s) will be considered;
 - (v) the applicants/the lot owners should comply with all the land filling requirements imposed by relevant Government departments. GL should not be disturbed unless with prior approval; and
 - (vi) Lot 1490 in DD. 76 is partly covered by Modification of Tenancy (MoT) for erection of temporary structure. His office reserves the rights to take enforcement action for any irregularities and cancel the MoT as appropriate;
- (d) to note the comments of the Commissioner for Transport (C for T) that:
 - (i) the vehicular access between the Site and Sha Tau Kok Road – Ma Mei Ha is not managed by the Transport Department (TD). The applicants should seek comment from the responsible party; and

- (ii) the applicants should arrange site staff to temporarily stop the pedestrian flow on both side of the ingress/egress using physical measure (such as pulling rope on both sides) whenever there is vehicle coming in/out of the Site;
- (e) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD) that:
 - (i) adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains; and
 - (ii) the applicants should take adequate precautionary measures to avoid damaging roads, street furniture, drainage and slopes etc. maintained by his Office. Damage caused to roads, street furniture, drainage and slopes etc. maintained by his Office due to the proposed work shall be repaired to his satisfaction at the applicants' own costs;
- (f) to note the comments of the Director of Environmental Protection (DEP) that the applicants should comply with the relevant requirements of the 'Code of Practice on Handling Environmental Aspects of Temporary Uses & Open Storage Sites' (COP) and the proposed septic tank shall meet the requirements of ProPECC PN 1/23 'Drainage Plans subject to Comment by the Environmental Protection Department, Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations (Cap. 123I) Section 40(1), 40(2), 41(1) and 90', in particular the minimum clearance requirement to avoid causing nuisance to the surroundings;
- (g) to note the comments of the Director of Agriculture, Fisheries and Conservation (DAFC) that the applicants shall implement appropriate mitigation measures to protect nearby watercourses from adverse impacts during the construction and operational phases;
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):
 - (iii) the Site is in an area where public sewerage connection is available. The Environmental Protection Department should be consulted regarding the sewage impact assessment and sewage treatment/disposal facilities for the proposed use; and
 - (iv) the applicants should properly maintain the existing drainage facilities within or outside the Site at their own expense at all times during the approval period and to rectify if they are found inadequate/ineffective during operation;
- (i) to note the comments of the Director of Fire Services (D of FS) that the applicants shall submit a full set of F.S.251, incorporating all fire services installations (FSIs) proposed in the accepted FSI proposal (**Appendix Ig**) for his further arrangement of FSI acceptance inspection;
- (j) to note the comments of the Director of Electrical & Mechanical Services (DEMS) that there is an intermediate pressure underground town gas transmission pipeline (running along Sha Tau Kok Road – Ma Mei Ha) in the vicinity of the Site. If the applicants intend to perform any underground works, they shall liaise with The Hong Kong and China Gas Company Limited in respect of the exact locations of existing or planned gas pipes/gas installations in the vicinity of the works site and any required minimum set back distance away from them. Besides, the applicants are required to observe the Electrical and Mechanical Services Department's requirements on the "Avoidance of Damage to Gas Pipes 2nd Edition" for reference ([https://www.emsd.gov.hk/filemanager/en/content_286/CoP_gas_pipes_2nd_\(Eng\).pdf](https://www.emsd.gov.hk/filemanager/en/content_286/CoP_gas_pipes_2nd_(Eng).pdf));

- (k) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that a land filling plan has been provided to indicate the extent of land filling in the Site, and the applicants should ensure that adequate growing space, including appropriately sized tree pits, will be provided for the 59 existing *Ficus microcarpa* (細葉榕). Approval of the application does not imply approval of tree works such as pruning, transplanting and felling. The applicants are reminded to seek approval for any proposed tree works from relevant departments prior to commencement of the works to ensure tree health and stability; and
- (l) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
- (i) before any new building works (including containers / open sheds as temporary buildings, demolition, site formation 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 unauthorised building works (UBWs) under the Buildings Ordinance (BO) (Cap. 123). An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with the BO;
 - (ii) the BA has no powers to give retrospective approval or consent for the building works (including filling of land) that already completed. Such filling of land is UBWs under the BO, enforcement action may be taken by BD to effect their removal in accordance with the prevailing enforcement policy against UBWs as and when necessary;
 - (iii) 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;
 - (iv) 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 plan submission stage;
 - (v) if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BA, they are UBWs under the BO and should not be designated for any proposed use under the application;
 - (vi) for UBWs erected on leased land, enforcement action may be taken by BD to-effect their removal in accordance with the prevailing enforcement policy against UBWs as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBWs on the Site under the BO and the BA;
 - (vii) the headroom (12m) of the two-storey structure (i.e. warehouse) is considered excessive. It should be justified upon formal plan submission to BD;
 - (viii) 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;
 - (ix) the applicants' attention is also drawn to the provision under Regulations 40 and 41 of the Building (Standards of Sanitary Fittings, Plumbing, Drainage Works and Latrines) Regulations in respect of disposal of foul water and surface water respectively; and
 - (x) detailed checking under the BO will be carried out at building plan submission stage.