

**Previous s.16 Applications covering the Application Site**

*Approved Application*

	<b>Application No.</b>	<b>Applied Use/Development</b>	<b>Zoning</b>	<b>Date of Consideration</b>
1	A/YL-HTF/1141	Proposed Temporary Warehouse for Storage of Construction Materials and Miscellaneous Goods for a Period of 3 Years	“AGR”	14.10.2022 (Revoked on 14.1.2024)

*Rejected Application*

	<b>Application No.</b>	<b>Applied Use/Development</b>	<b>Zoning</b>	<b>Date of Consideration</b>	<b>Rejection Reasons</b>
1	A/YL-HT/64	Temporary Open Storage of Construction Materials and Construction Machinery for a Period of 12 Months	“AGR”	8.1.1999	1 to 4

Rejection Reasons:

1. No strong justification for a departure from the planning intention.
2. Not compatible with the land uses of the surrounding areas which include village houses and agricultural uses.
3. Insufficient information to demonstrate that the development would not have adverse environmental and traffic impacts on the surrounding areas.
4. Setting an undesirable precedent.

**Similar s.16 Applications within/straddling the same “Agriculture” Zone  
in the past five years on the Ha Tsuen Fringe OZP**

Approved Applications

	<b>Application No.</b>	<b>Applied Use(s)/Development(s)</b>	<b>Zoning(s)</b>	<b>Date of Consideration</b>
1	A/YL-HTF/1150	Proposed Temporary Warehouse (Storage of Construction Materials, Metal and Electronic Parts) and Open Storage of Construction Materials for a Period of 3 Years	“AGR”, “R(D)”	17.3.2023 (Revoked on 17.9.2024)
2	A/YL-HTF/1158	Proposed Temporary Warehouse for Storage of Miscellaneous Goods for a Period of 3 Years and Associated Filling of Land	“AGR”	16.2.2024 (Revoked on 16.11.2025)
3	A/YL-HTF/1190	Temporary Warehouse (Storage of Construction Materials, Metal and Electronic Parts) and Open Storage of Construction Materials with Ancillary Office and Associated Filling of Land for a Period of 3 Years	“AGR”	15.8.2025
4	A/YL-HTF/1197	Proposed Temporary Warehouse (Storage of Recyclable and Construction Materials) with Ancillary Open Storage and Facilities and Associated Filling of Land for a Period of 3 Years	“AGR”	23.1.2026
5	A/YL-HTF/1201	Proposed Temporary Warehouse (Storage of Construction Materials) with Ancillary Open Storage and Associated Filling of Land for a Period of 3 Years	“AGR”	17.4.2026
6	A/YL-HTF/1202	Proposed Temporary Godown for Electronic Product Recycling with Ancillary Office and Associated Filling of Land for a Period of 3 Years	“AGR”	9.1.2026

**Government Departments' General Comments**

**1. Traffic**

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

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

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

- no objection to the application from highway maintenance perspective; and
- advisory comments as detailed in **Appendix IV**.

**2. Environment**

Comments of the Director of Environmental Protection (DEP):

- no objection to the application from environmental planning perspective;
- there is no substantiated environmental complaint pertaining to the application site (the Site) in the past three years; and
- advisory comments as detailed in **Appendix IV**.

**3. Drainage**

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

- no objection in principle to the application from a drainage point of view;
- should the Town Planning Board consider the application be acceptable from the planning point of view, he would suggest that approval condition(s) should be stipulated in the approval letter requiring the applicant to submit a drainage proposal, to implement and maintain the proposed drainage facilities to the satisfaction of his department; and
- advisory comments as detailed in **Appendix IV**.

**4. Fire Safety**

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

- no objection in principle to the application subject to fire service installations (FSIs) being provided to his satisfaction; and
- advisory comments as detailed in **Appendix IV**.

## 5. Project Interface

Comments of the Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD):

- the Site falls within the study area of Lau Fau Shan Development under the consultancy Agreement No. CE 5/2024 (CE) “Developments at Lau Fau Shan, Tsim Bei Tsui and Pak Nai Areas – Investigation”, which is the Investigation Study and jointly commissioned by the Planning Department and CEDD. The implementation and land resumption/clearance programme of the Lau Fau Shan, Tsim Bei Tsui and Pak Nai Development is currently being reviewed under the Investigation Study and subject to change; and
- if the planning permission is granted, notwithstanding its validity period, the applicant should note his advisory comments detailed in **Appendix IV**.

## 6. District Officer’s Comments

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

- no comment from departmental point of view; and
- his office has not received any locals’ comment on the application.

## 7. Other Departments’ Comments

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

- Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD);
- Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- Chief Engineer/Land Works, CEDD (CE/LW, CEDD); and
- Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD)

**Recommended Advisory Clauses**

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site (the Site);
- (b) the planning permission is given to the development/use under application. It does not condone any other development/use which currently exists on the Site but not covered by the application. Immediate action should be taken to discontinue such development/use not covered by the permission;
- (c) 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;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that:
  - (i) the Site comprises Old Schedule Agricultural Lot(s) 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;
  - (ii) there is/are unauthorized structure(s) on Lot 257 RP, 258 and 259 in D.D. 128 which is/are already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/apply for regularisation on the lease breaches as demanded by LandsD; and
  - (iii) the lot owner(s) shall apply to his office for Short Term Waiver(s) (STWs) to permit the structure(s) erected within the private lot. The application for STW(s) will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The application, 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;
- (e) to note the comments of the Commissioner for Transport (C for T) that:
  - (i) sufficient manoeuvring spaces shall be provided within the Site or its adjacent area. No vehicles are allowed to queue back to public roads or reverse onto/from public roads; and
  - (ii) the local track leading to the Site is not under Transport Department's purview. The applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the Site;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that:
  - (i) the run-in/out from Deep Bay Road to the Site should be constructed and maintained by the applicant. Upon completion of the use of the Site, the run-in/out shall be removed and the road shall be reinstated by the application to the satisfaction of his department; and
  - (ii) adequate drainage measures shall be provided to prevent surface water running from the Site to the nearby public roads and drains;

- (g) to note the comments of the Director of Environmental Protection (DEP) that:
- (i) the applicant should follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites';
  - (ii) the applicant should follow the relevant guidelines and requirements in relevant Professional Persons Environmental Consultative Committee Practice Notes (ProPECCPNs). If septic tank and soakaway system will be used in case of unavailability of public sewer, its design and construction shall follow the requirements of ProPECC PN 1/23 "Drainage Plans subject to Comment by the Environmental Protection Department" including completion of percolation test and certification by Authorized Person;
  - (iii) the applicant should provide adequate supporting infrastructure/facilities for proper collection, treatment and disposal of waste/wastewater generated from the proposed use; and
  - (iv) the applicant should meet the statutory requirements under relevant environmental legislation;
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:
- (i) the applicant/owner should have its own stormwater collection and discharge system to cater for the runoff generated within the Site and overland flow from surrounding of the Site, e.g. surface channel of sufficient size along the perimeter of the Site;
  - (ii) sufficient openings should be provided at the bottom of the boundary wall/fence to allow surface runoff to pass through the Site if any boundary wall/fence are to be erected;
  - (iii) any existing flow path affected should be re-provided;
  - (iv) the applicant/owner should neither obstruct overland flow nor adversely affect the existing natural streams, village drains, ditches and the adjacent areas;
  - (v) there is no details on site layout, site cross section and the information/condition of existing water course/drainage facilities provided in the application. As such, only preliminary comments are provided. It is assumed that the existing water course and drainage facilities remain unchanged and should not be affected/altered/modified. Any earth filling of the watercourse, drainage diversion works or modification works is not allowed unless a drainage proposal is submitted and accepted;
  - (vi) the applicant/owner is reminded that their drainage facilities shall be properly designed, constructed and maintained in good condition without causing adverse drainage impact to the adjacent area at all times, and the applicant/owner is required to rectify/modify the drainage systems if they are found to be inadequate or ineffective to accommodate the additional runoff arisen from the application;
  - (vii) the applicant/owner shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure or ineffectiveness of the drainage systems caused by their application; and
  - (viii) the cost and work of drainage as well as future maintenance responsibility shall be borne by the applicant;

- (i) to note the comments of the Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD) that the Site falls within the study area of Lau Fau Shan Development under the consultancy Agreement No. CE 5/2024 (CE) “Developments at Lau Fau Shan, Tsim Bei Tsui and Pak Nai Areas – Investigation”, which is the Investigation Study and jointly commissioned by the Planning Department and CEDD. The implementation and land resumption/clearance programme of the Lau Fau Shan, Tsim Bei Tsui and Pak Nai Development is currently being reviewed under the Investigation Study and subject to change. The applicant should be reminded that the Site may be resumed at any time during the planning approval period for potential development project and advised not to carry out any substantial works therein;
- (j) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to the Fire Services Department for approval. In addition, the applicant should also be advised that 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. However, the applicant is reminded that if the proposed structures are required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (k) 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 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 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;
  - (iv) if existing structures 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 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 are 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.

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**tpbpd/PLAND**

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寄件者: [REDACTED]  
寄件日期: 2026年04月09日星期四 4:55  
收件者: tpbpd/PLAND  
主旨: A/YL-HTF/1209 DD 128 Ha Tsuen  
類別: Internet Email

Dear TPB Members.

1141 approved 14 Oct 2022. Revoked 14 Jan 2024 for failure to fulfill multiple conditions.

According to the application this is a new tenant. However in view of the ease with which companies can be registered here in HK this is open to manipulation.

Members should question PlanD if a search has been carried out to compare the names of the directors for both applications.

In view of the revelations surrounding the Tai Po Fire disaster every effort must be made to curtail the activities of rogue operators.

Mary Mulvihill

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**From:** [REDACTED]  
**To:** tpbpd <tpbpd@pland.gov.hk>  
**Date:** Thursday, 22 September 2022 12:59 AM HKT  
**Subject:** A/YL-HTF/1141 DD 128 Ha Tsuen

A/YL-HTF/1141

Lots 257 RP (Part), 258 (Part) and 259 (Part) in D.D.128, Ha Tsuen

Site area: About 2,826sq.m

Zoning: "Agriculture"

Applied use: Warehouse for Storage of Construction Materials / 4 Vehicle Parking

Dear TPB Members,

It appears that the warehouse has been in operation for some time without the necessary approvals.

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Has any enforcement action been taken?

In view of the pledges made to phase out brownfield use, there is no justification to approve such operations on inappropriately zoned lots.

Mary Mulvihill