

Previous s.16 Applications covering the Application Site

Approved Application

	Application No.	Applied Use(s)/Development(s)	Zoning(s)	Date of Consideration
1	A/YL-HTF/1179	Proposed Temporary Open Storage of Construction Materials and Machinery and Storage of Tools and Parts with Ancillary Facilities for a Period of 3 Years and Associated Filling of Land	“AGR”	20.12.2024

Rejected Application

	Application No.	Applied Use(s)/Development(s)	Zoning(s)	Date of Consideration	Rejection Reasons
1	A/YL-HT/414	Temporary Racing Circuit for a Period of 3 Years	“AGR” and “GB”	29.7.2005	1 - 3

Rejection Reasons:

1. No strong justification for a departure from the planning intentions.
2. Insufficient information to demonstrate that the proposed development would not have adverse environmental, ecological, traffic, drainage, geotechnical, landscape and visual impacts on the site and adjacent areas.
3. Setting an undesirable precedent.

**Similar s.16 Applications within the same “Agriculture” Zone on the
Ha Tsuen Fringe OZP in the past 5 years**

Approved Applications

	Application No.	Applied Use(s)/Development(s)	Zoning(s)	Date of Consideration
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)
2	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” and “R(D)”	17.3.2023 (Revoked on 17.9.2024)
3	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)
4	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
5	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
6	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
7	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
8	A/YL-HTF/1209	Proposed Temporary Warehouse for Storage of Construction Materials and Miscellaneous Goods for a Period of 3 Years	“AGR”	8.5.2026

Government Departments' General Comments

1. Land Administration

Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) He has no adverse comment on the application.
- (b) The applicant should note his advisory comments at **Appendix IV**.

2. Traffic

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

- (i) She has no adverse comment on the application from traffic engineering perspective.
- (ii) The applicant should note her advisory comments at **Appendix IV**.

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

- (i) He has no objection to the application from highway maintenance perspective.
- (ii) The access road from Deep Bay Road to the application site (the Site) is not maintained by HyD and HyD will not take up the maintenance perspective.
- (iii) The applicant should note his advisory comments at **Appendix IV**.

3. Drainage

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

- (a) He has no objection in principle to the application from drainage point of view.
- (b) For any change of existing ground level and associated works proposed by the applicant that could affect adjacent land and cause other impacts and/or other issues to public, the applicant should be required to submit technical assessment(s) in other aspect(s) and seek comment from relevant departments as necessary.
- (c) Should the Town Planning Board consider that the application is acceptable from planning point of view, approval condition(s) should be stipulated requiring the applicant to submit a revised drainage proposal, to implement and maintain the proposed drainage facilities to his satisfaction.
- (d) It is noted that the proposed use is different from the previous application (i.e. A/YL-HTF/1179), and the updated use and development parameters should be taken into account in the drainage proposal. There are no details on site layout, site cross

section and the information/condition of existing water course/drainage facilities provided in the application. The applicant should note his preliminary comments on the submitted drainage proposal at **Appendix IV**.

4. Landscaping

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

- (a) She has no adverse comment to the application from landscape planning perspective.
- (b) According to the aerial photo in 2025, the Site is situated in an area of rural coastal plain landscape characterised by temporary structures and tree clusters.
- (c) With reference to the site photos in 2026, the Site was largely covered with bare soil/overgrowns. Some existing trees and abandoned structures were found on the Site.
- (d) According to the submitted landscape proposal and tree survey report (**Appendix Ic**), 18 existing trees (including three dead trees) were identified within the Site and nine trees were proposed to be felled. No distinctive landscape resources or mature trees were found within the Site. The applicant proposed to plant nine new trees at the southeastern boundary of the Site to mitigate the potential landscape impact.
- (e) In view of the above, no significant adverse landscape impact arising from the proposed use is anticipated.
- (f) The applicant should note her advisory comments at **Appendix IV**.

5. Fire Safety

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

- (a) He has no objection in principle to the proposal subject to fire service installations being provided to his satisfaction.
- (b) The applicant should note his advisory comments at **Appendix IV**.

6. Project Interface

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

- (a) 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 Development is currently being reviewed under the Investigation Study and subject to change.
- (b) If the planning permission is granted, notwithstanding its validity period, the applicant should note his advisory comments detailed in **Appendix IV**.

7. District Officer's Comments

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

His office has not received any locals' comment on the application.

8. Other Departments' Comments

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

- (a) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (b) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD);
- (c) Chief Engineer/Land Works, CEDD (CE/LW, CEDD); and
- (d) Head of Geotechnical Engineering Office, CEDD (H(GEO), CEDD).

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) 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/Yuen Long, Lands Department (DLO/YL, LandsD) that:
 - (i) the Site comprises Government Land (GL) and 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) no permission is given for the occupation of GL (about 147m² subject to verification) included in the Site. Any occupation of GL without the Government's prior approval is an offence under the Land (Miscellaneous Provisions) Ordinance (Cap. 28); and
 - (iii) the lot owner(s) shall apply to his office for Short Term Waiver(s) (STW(s)) and Short Term Tenancy(s) (STT(s)) to permit the structure(s) erected within the private lots and the occupation of the GL. The application for STW(s) and STT(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/rent 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 (C for T) that:
 - (i) Kai Pak Ling Road leading to the Site is a single track road which is not managed by the Transport Department (TD). Some of the road sections are not up to TD's standard. The applicant shall self-satisfy the road condition for the business operation proposed under the application; and
 - (ii) sufficient manoeuvring space shall be provided within the Site. No vehicles are allowed to queue back to public roads or reverse onto/from public roads;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) on the submitted drainage proposal 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) the existing water course and drainage facilities should 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 should be 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;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that:
- (i) the access road from Deep Bay Road to the Site is not maintained by HyD and HyD will not take up the maintenance perspective; 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 the applicant is advised:
- (i) that the proposed use at the Site shall be operated in enclosed structures as proposed by the applicant during the planning approval period;
 - (ii) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”;
 - (iii) that the Site should not be filled with construction waste;
 - (iv) that filling of land is subject to statutory control of relevant pollution control ordinances. The applicant shall make reference to "Recommended Pollution Control Clauses" (RPCC) that is available at https://www.epd.gov.hk/epd/english/environmentinhk/eia_planning/guide_ref/rpc.html to implement suitable mitigation measures and good site practice to minimise the potential environmental impact during construction;
 - (v) to 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;

- (vi) to provide adequate supporting infrastructure/facilities for proper collection, treatment and disposal of waste/wastewater generated from the proposed use; and
- (vii) to meet the statutory requirements under relevant environmental legislation such as Waste Disposal Ordinance (Cap. 354) and Water Pollution Control Ordinance (Cap, 358);
- (h) to note the comments of the Director of Agriculture, Fisheries and Conservation (DAFC) that the Site is about 70m from the Shenzhen Bay Bridge Egretry which has been active in recent years. The applicant should preserve the existing trees along the site boundary, avoid disturbing the breeding birds and their nests and eggs, and avoid directing lighting to the concerned trees;
- (i) 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. The applicant shall submit relevant layout plans incorporated with the proposed FSIs to the Fire Services Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of the proposed FSIs to be installed should be clearly marked on the layout plans. If the proposed structures are required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire safety requirements will be formulated upon receipt of the formal submission of general building plans;
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
 - (i) it is noted that one structure and associated filling of land 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 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) 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; and
 - (vi) detailed checking under the BO will be carried out at building plan submission stage;
- (k) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) that the applicant should make necessary submission(s) of the site formation works, including but not limited to any necessary stability assessment on the existing geotechnical features within and/or in vicinity of the Site, to BD for approval as required under the provisions of the BO if found applicable;

- (l) to note the comments of the Antiquities and Monuments Office, Development Bureau (AMO, DEVB) that should there be any archaeological remains discovered in the course of excavation, mitigation measure should be proposed in agreement with AMO;
- (m) to note the comments of the Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) that the approval of the s.16 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
- (n) to note the comments of the Project Manager (West), 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 PlanD and CEDD. The implementation and land resumption/clearance programme of the Lau Fau Shan 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.

Urgent Return receipt Expand Group Restricted Prevent Copy

tpbpd/PLAND

寄件者: [REDACTED]
寄件日期: 2026年05月03日星期日 0:45
收件者: tpbpd/PLAND
主旨: A/YL-HTF/1210 DD 28 Ha Tsuen
類別: Internet Email

A/YL-HTF/1210

Lot 385 RP (Part) in D.D. 128 and Adjoining Government Land, Ha Tsuen

Site area: About 3,514sq.m Includes Government Land of about 147sq.m

Zoning: "Agriculture"

Applied use: Warehouse / 6 Vehicle Parking / **Filling of Land**

Dear TPB Members,

1179 approved 20 Dec 2024 no questions asked despite the inappropriate operation so close to graves.

Conditions not fulfilled. So now its a warehouse with additional parking. A ploy to gain a further two years hassle free.

Previous objections relevant and upheld. There is no longer any respect for propriety or customs.

Mary Mulvihill