

Previous s.16 Applications covering the Application Site (the Site)

Approved Applications

No.	Application No.	Use(s)/Development(s)	Date of Consideration (Rural and New Town Planning Committee (RNTPC))
1.	A/YL-KTS/623	Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	3.1.2014
2.	A/YL-KTS/724	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	23.12.2016
3.	A/YL-KTS/834	Renewal of Planning Approval for Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	13.12.2019
4.	A/YL-KTS/938	Renewal of Planning Approval for Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	14.10.2022

**Similar s.16 Applications within the same “AGR” Zone of the Site
in the past five years**

Approved Applications

No.	Application No.	Use(s)/Development(s)	Date of Consideration (RNTPC)
1.	A/YL-KTS/932	Temporary Shop and Services (Landscaping and Gardening Showroom) for a Period of 3 Years and Filling of Land	12.8.2022 [Revoked on 12.5.2024]
2.	A/YL-KTS/1053	Proposed Temporary Shop and Services with Ancillary Facilities for a Period of 3 Years and Associated Filling of Land	23.5.2025

Government Departments' General Comments

1. Traffic

Comments of the Commissioner for Transport:

- no adverse comment from traffic engineering perspective; and
- advisory comments are at **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;
- the Site involves Government land which is not under HyD's maintenance purview; and
- advisory comments are at **Appendix IV**.

2. Drainage

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

- no objection in principle to the application;
- should the application be approved, approval conditions requiring maintenance of the implemented drainage facilities under Application No. A/YL-KTS/938 and the submission of a condition record of the existing drainage facilities on Site should be included in the planning permission; and
- advisory comments are at **Appendix IV**.

3. Fire Safety

Comments of the Director of Fire Services:

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

4. Environment

Comments of the Director of Environmental Protection:

- no objection on the application from environmental planning perspective;
- there was no environmental complaint concerning the application site (the Site) received in the past three years; and
- advisory comments are 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 October 2024, the Site was situated in an area of rural inland plain landscape character comprising open storages, temporary structures, village houses and scattered tree groups. The applied use is not entirely incompatible with the landscape setting in the proximity;
- with reference to the site photos, the Site was largely formed. Several temporary structures and vehicles were found. Existing trees were observed along the northeastern and northwestern site boundaries. According to the applicant's submission, four existing trees will be preserved and no tree felling will be involved;
- in view of the above, significant adverse landscape impact arising from the applied use is not anticipated; and
- advisory comments are at **Appendix IV**.

6. Building Matters

Comments of the Chief Building Surveyor/New Territories West, Buildings Department:

- no objection to the application;
- there is no record of approval granted by the Building Authority for the existing structure at the Site; and
- advisory comments are in **Appendix IV**.

7. 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 comment on the application from locals upon close of consultation.

8. Other Departments

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

- Director of Electrical and Mechanical Services;
- Project Manager (West), Civil Engineering and Development Department;
- Chief Engineer/Railway Development 1-1, Railway Development Office, HyD;
- Chief Engineer/Construction, Water Supplies Department; and
- Commissioner of Police.

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) of the Site;
- (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 (LandsD) that the Short Term Waiver (STW) holders shall apply to his office for a modification of STW conditions where appropriate and the lot owner(s) shall apply to his office for a Short Term Tenancy (STT) to permit the occupation of the Government land in D.D. 106. The application(s) for STW and 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 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;
- (e) to note the comments of the Commissioner for Transport that:
 - (i) the Site is connected to the public road network via a section of a local access road which is not managed by Transport Department. The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
 - (ii) sufficient manoeuvring space shall be provided within the Site; and
 - (iii) no vehicle is allowed to queue back to or reverse onto / from public road at any time during the planning approval period;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that:
 - (i) HyD shall not be responsible for the maintenance of the proposed access connecting the Site and Kam Sheung Road, including the local tracks; 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 Chief Engineer/Mainland North, Drainage Services Department that 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 is required to submit technical assessment(s) in other aspect(s) and seek comment from relevant departments as necessary;

- (h) to note the comments of the Director of Fire Services that:
 - (i) the applicant shall submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of proposed FSIs to be installed should be clearly marked on the layout plans; and
 - (ii) if the applied structures are required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire services requirements will be formulated upon receipt of formal submission of general building plans;
- (i) to note the comments of the Director of Environmental Protection that:
 - (i) the applicant shall follow the revised 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites';
 - (ii) the applicant shall follow the relevant guidelines and requirements in relevant Professional Persons Environmental Consultative Committee Practice Notes (ProPECCPNs), in particular the ProPECCPN 1/23 'Drainage Plans subject to Comment by the Environmental Protection Department';
 - (iii) the applicant shall provide adequate supporting infrastructure/facilities for proper collection, treatment and disposal of waste/wastewater generated from the applied use; and
 - (iv) the applicant shall meet the statutory requirements under relevant environmental legislation;
- (j) 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 pruning, transplanting and felling. Application for any tree works should be submitted to relevant departments for approval;
- (k) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that:
 - (i) before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, prior approval and consent of the Building BD should be obtained, otherwise they are unauthorised building works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
 - (ii) if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BD, they are UBW under the BO and should not be designated for any applied use under the application;
 - (iii) for UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's 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;

- (iv) 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; and
 - (v) if the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;
- (l) to note the comments of the Director of Electrical and Mechanical Services that in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organising and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines; and
- (m) to note the comments of the Commissioner of Police that the applied use shall not cause traffic congestion or flooding.