

Previous s.16 Applications covering the Application Site

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Zoning(s)</u>	<u>Date of Consideration (RNTPC)</u>
1	A/YL-LFS/320	Temporary Warehouse for Storage of Documents (3 years)	REC	6.7.2018 (Revoked on 6.10.2020)
2	A/YL-LFS/368	Temporary Warehouse for Storage of Construction Materials (3 years)	REC	4.9.2020 (Revoked on 4.2.2023)
3	A/YL-LFS/457	Temporary Warehouse for Storage of Water Pump and Motors (3 years)	REC	31.3.2023

Rejected Application

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Zoning</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejection Reasons</u>
1	A/YL-LFS/99	Temporary Warehouse and Open Storage of Construction Materials (3 Years)	REC	4.7.2003 (on Review)	(1) & (2)

Rejection Reasons

1. No strong planning justifications for a departure from the planning intention.
2. Setting an undesirable precedent.

**Similar s.16 Applications within the same “Recreation” Zone
on the Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan in the past 5 years**

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Zoning(s)</u>	<u>Date of Consideration (RNTPC)</u>
1	A/YL-LFS/410	Proposed Temporary Warehouse for Storage of Hardware Accessories for a Period of 3 Years	REC	29.10.2021 (Revoked on 29.7.2023)
2	A/YL-LFS/438	Proposed Temporary Warehouse for Storage of Vehicle Parts and Construction Materials for a Period of 3 Years	REC	9.9.2022 (Revoked on 9.12.2023)
3	A/YL-LFS/442	Temporary Warehouse for Storage of Construction Materials for a Period of 3 Years	REC	11.11.2022 (Revoked on 11.8.2024)
4	A/YL-LFS/445	Proposed Temporary Warehouse for Storage of Vehicle Parts and Construction Materials for a Period of 3 Years	REC	25.11.2022 (Revoked on 25.11.2023)
5	A/YL-LFS/449	Temporary Warehouse for Storage of Construction Materials and Engineering Machineries with Ancillary Workshop for a Period of 3 Years	REC	3.2.2023
6	A/YL-LFS/478	Proposed Temporary Warehouse for Storage of Vehicle Parts and Construction Materials for a Period of 3 Years	REC	11.8.2023 (Revoked on 11.2.2024)
7	A/YL-LFS/482	Temporary Warehouse for Storage of Hardware Accessories for a Period of 3 Years	REC	11.9.2023 (Revoked on 11.6.2025)
8	A/YL-LFS/497	Proposed Temporary Warehouse for Storage of Construction Materials for a Period of 3 Years	REC	22.12.2023 (Revoked on 22.9.2025)
9	A/YL-LFS/498	Proposed Temporary Warehouse for Storage of Vehicle Parts and Construction Materials for a Period of 3 Years	REC	22.12.2023 (Revoked on 22.6.2025)
10	A/YL-LFS/554	Proposed Temporary Warehouse for Storage of Vehicle Parts and Construction Materials for a Period of 3 Years	REC	5.9.2025
11	A/YL-LFS/582	Proposed Temporary Warehouse (Excluding Dangerous Goods Godown) with Ancillary Facilities for a Period of 3 Years	R(E), REC	23.1.2026
12	A/YL-LFS/589	Temporary Warehouse (Excluding Dangerous Goods Godown) for a Period of 3 Years	REC	17.4.2026
13	A/YL-LFS/599	Proposed Temporary Warehouse for Storage of Construction Materials for a Period of 3 Years	REC	13.3.2026
14	A/YL-LFS/610	Temporary Warehouse (Excluding Dangerous Goods Godown) for a Period of 3 Years	REC	5.6.2026

Government Departments' General Comments

1. Traffic

- (i) Comments of the Commissioner for Transport (C for T):
 - (a) She has no adverse comment on the application from traffic engineering perspective.
 - (b) The applicant should note her advisory comments at **Appendix IV**.
- (ii) Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):
 - (a) He has no objection to the application from highway maintenance perspective.
 - (b) The applicant should note his advisory comments at **Appendix IV**.

2. Environment

Comments of the Director of Environmental Protection (DEP):

- (a) He has no objection to the application as the applied use would not generate traffic of heavy vehicles nor involve dusty operation. Also, it is observed that residential dwellings are present within 100m from the site boundary.
- (b) There was no substantiated environmental complaint pertaining to the application site (the Site) in the past three years.
- (c) 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 the public drainage point of view.
- (b) Based on the drainage proposal enclosed in the application, apparently the applicant would maintain the same drainage facilities as those implemented under previous Planning Application No. A/YL-LFS/457. The applicant should inform the Planning Department if the drainage arrangement has been changed.
- (c) Should the Town Planning Board consider that the application is acceptable from planning point of view, he would suggest that approval conditions be stipulated requiring the applicant to maintain the drainage facilities implemented under Application No. A/YL-LFS/457 and to submit records of the existing drainage facilities on site to his satisfaction.

4. **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 detailed comments at **Appendix IV**.

5. **Building Matters**

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

- (a) As there is no record of approval granted by the Building Authority for the existing structures at the Site, he is not in a position to offer comments on their suitability for the use proposed in the application.
- (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) Director of Leisure and Cultural Services (DLCS);
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (c) Chief Engineer/Land Works, CEDD (CE/LW, CEDD);

- (d) Head of Geotechnical Engineering Office, CEDD (H(GEO), CEDD); and
- (e) Director of Agriculture, Fisheries and Conservation (DAFC).

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 development with the concerned owner(s) of the Site;
- (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 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. No permission is given for the occupation of the GL (about 910m² subject to verification) included in the Site. Any occupation of GL without Government's prior approval is an offence under Cap. 28;
 - (ii) the lots within the Site are covered by Short Term Waiver (STWs) listed below:

<u>Lot Nos. in D.D. 129</u>	<u>STWs Nos.</u>	<u>Purposes</u>
1679	1176	Soy Sauce and Preserved Food Factory
1684, 1685 and 1686	5735	Temporary Warehouse for Storage of Construction Materials and ancillary uses as may be approved by DLO/YL

- (iii) there are unauthorized structures on Lot 1690 in D.D.129 which is already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify and/or apply for regularization the lease breaches as demanded by LandsD; and
 - (iv) the lot owner(s) shall apply to his office for STW(s) and Short Term Tenancy (STTs) to permit the structure(s) erected or to be erected within the subject lots, if any and the occupation of GL. The STW holder(s) will need to apply for modification of the STW(s) where appropriate. The application(s) for STW(s) and STT(s) will be considered by the Government in its capacity as a landlord and there is no guarantee that it/they will be approved. The STW(s) and STT(s), 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 Director of Environmental Protection (DEP) that the applicant is advised:
 - (i) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites";
 - (ii) 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;

- (iii) to provide adequate supporting infrastructure/facilities for proper collection, treatment and disposal of waste/wastewater generated from the applied use; and
 - (iv) to meet the statutory requirements under relevant environmental legislation;
- (e) to note the comments of the Commissioner for Transport (C for T) that:
- (i) sufficient manoeuvring space 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 the 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 the access road from Deep Bay Road to the Site is not under HyD's maintenance jurisdiction and HyD will not take up the maintenance responsibility of the access. 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 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 service requirements will be formulated upon receipt of formal submission of general building plans;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
- (i) it is noted that 13 structures are proposed in the application. Before any new building works (including containers/open sheds as temporary buildings, demolition, 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 the 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 and 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
- (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 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.

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tpbpd/PLAND

寄件者: [REDACTED]
寄件日期: 2026年06月11日星期四 23:18
收件者: tpbpd/PLAND
主旨: A/YL- LFS/614 DD 129 Recreation
類別: Internet Email

A/YL- LFS/614

Lots 1679 (Part), 1684 (Part) 1685 (Part) & 1690 (Part) in D.D. 129 and Adjoining Government Land, Lau Fau Shan,

Site area: About 6,165m² Includes Government Land of about 910m²

Zoning: "Recreation"

Applied Use: Storage OF Water Pipes / 1 Vehicle Parking

Dear TPB Members,

457 was approved on 3 Mar 2023. It is unclear if conditions were fully implemented. The operation is expanding.

Members should request confirmation re the conditions in view of the previous failures to implement..

Mary Mulivhill

From: [REDACTED]
To: tpbpd <tpbpd@pland.gov.hk>
Date: Wednesday, 8 March 2023 2:25 AM HKT
Subject: A/YL- LFS/457 DD 129 Recreation

Dear TPB Members,

320 – Approved 6 July 2018

REVOKED ON 6.10.2020:

As the applicant had failed to comply with **conditions (i), (k), (l) & (n)** satisfactorily by 6.10.2020, the planning permission for the subject application had already been revoked on the same date.

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368 - Approved 4 Sept 2020 **Conditions never fulfilled**

How can possibly approve a further roll over when it is quite clear than conditions will not be fulfilled.

And how can the administration continue to allow 900sq.mt+ of government land to be used for an operation that poses considerable hazards both to the workers and the nearby community?

Mary Mulvihill

From: [REDACTED]
To: tpbpd <tpbpd@pland.gov.hk>
Date: Thursday, 13 August 2020 2:19 AM CST
Subject: A/YL- LFS/368 DD 129 Recreation

Dear TPB Members,

Minutes 6 July 2018 Approved

The temporary use was not entirely in line with the planning intention of the "Recreation" zone, however there was no known development proposals to implement the zoned use. Also, the temporary use was not incompatible with and would unlikely cause adverse impact on the surrounding areas. Approval of the application on a temporary basis would not frustrate the planning intention.

In view of a number of recent JRs, members must ask questions.

What is THE PLAN for this district?

What steps are being taken to realize the planning intention?

The site includes 910sq.m Government Land and has clearly been used as a warehouse for many years.

Members must also consider the current Audit Commission Report and question the STT. The Audit Commission has slammed the Lands Department for failing to oversee short-term tenancies of government land in Hong Kong, saying 82 per cent of such plots had not changed hands after being allocated to tenants for more than seven years without any formal justification.

Mary Mulvihill

From: [REDACTED]
To: "tpbpd" <tpbpd@pland.gov.hk>

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Sent: Wednesday, June 13, 2018 2:42:12 AM

Subject: A/YL- LFS/320 DD 129 Recreation

A/Y L- LFS/320

Lots 1679 (Part), 1684 (Part), 1685 (Part) and 1690 (Part) in D.D. 129 and Adjoining Government Land, Lau Fau Shan,

Site area : About 5,600m² Includes Government Land of about 910m²

Zoning : "Recreation"

Applied Use : Document Storage / 1 Vehicle Parking

Dear TPB Members,

Application 99 for storage was rejected on 7 Feb 2003 so it appears that for 15 years since then there have been unapproved brownfield operations.

The current application to legitimize these operations is totally inappropriate as the planning intention of the "REC" zone is to encourage the development of active and/or passive recreation and tourism/eco-tourism.

Members must reject this application as approval would reward illegal operations and create an undesirable precedent.

Mary Mulvihill