

Previous s.16 Applications covering the Application Site

Approved Application

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Zoning</u>	<u>Date of Consideration (RNTPC)</u>
1	A/YL-LFS/495	Proposed Temporary Shop and Services (Selling of Gardening Supplies and Construction Materials) for a period of 5 years	“Recreation” (“REC”)	8.12.2023 (Revoked on 8.12.2024)

Rejected Applications

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Zoning</u>	<u>Date of Consideration (RNTPC)</u>	<u>Rejection Reasons</u>
1	A/YL-LFS/351	Temporary Private Vehicle Park and Open Storage (Dump Truck and Skip Truck) for a period of 3 years	“REC”	18.9.2020	(1) & (2)
2	A/YL-LFS/400	Proposed Temporary Open Storage (Dump Box) for a period of 3 years	“REC”	25.6.2021	(1) & (2)

Rejection Reasons

1. No strong justification for a departure from the planning intention.
2. Not in line with the then TPB PG-No. 13F.

**Similar s.16 Applications within the same “REC” 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/457	Temporary Warehouse for Storage of Water Pumps and Motors for a Period of 3 Years	“REC”	31.3.2023
7	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)
8	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)
9	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)
10	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)
11	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

	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Zoning(s)</u>	<u>Date of Consideration (RNTPC)</u>
12	A/YL-LFS/582	Proposed Temporary Warehouse (Excluding Dangerous Goods Godown) with Ancillary Facilities for a Period of 3 Years	“REC” & “Residential (Group E)”	23.1.2026
13	A/YL-LFS/589	Temporary Warehouse (Excluding Dangerous Goods Godown) for a Period of 3 Years	“REC”	17.4.2026
14	A/YL-LFS/599	Proposed Temporary Warehouse for Storage of Construction Materials for a Period of 3 Years	“REC”	13.3.2026
15	A/YL-LFS/610	Temporary Warehouse (Excluding Dangerous Goods Godown) for a Period of 3 Years	“REC”	5.6.2026

Government Bureau/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 proposed access arrangement, vehicular access and pedestrian access should be commented by the Transport Department.
 - (c) 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 in principle objection to the application from the public 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 the 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 application be approved by the Town Planning Board (the Board), approval condition(s) are suggested to require the applicant to submit a revised drainage proposal, implement and maintain the proposed drainage facilities to the satisfaction of his department or of the Board.

- (d) The applicant should note his detailed comments at **Appendix IV**.

4. Fire Safety

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

- (a) He has no in principle objection to the application subject to fire service installations and water supplies for firefighting 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 applied use.
- (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 an Investigation Study 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.
- (b) If the planning permission is granted, notwithstanding its validity period, the applicant should note his advisory comments detailed in **Appendix IV**.

7. Archaeological and Heritage Conservation

Comments of the Chief Heritage Executive (Antiquities and Monuments), Antiquities and Monuments Office, Development Bureau (CHE/AMO, DEVB):

The Site is situated within the Lau Fau Shan Site of Archaeological Interest (SAI) (**Plan A-1a**). After reviewing the location and scope of the applied use, the applicant should note her advisory comments detailed in **Appendix IV**.

8. 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.

9. Other Departments' Comments

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

- (a) Director of Leisure and Cultural Services (DLCS);
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (c) Head of Geotechnical Engineering Office, CEDD (H(GEO), CEDD); and
- (d) Commissioner of Police (C of P).

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 Old Schedule Agricultural Lots (OSALs) and Government Land (GL). The OSALs are held under Block Government Leases which contain 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 GL (about 370m² subject to verification) included in the Site. The act of occupation of GL without Government's prior approval is an offence under the Land (Miscellaneous Provisions) Ordinance (Cap. 28);
 - (ii) there are unauthorized structure(s) and/or use(s) on lots 1796, 1797, 1798, 1800, 1801 and 1802 in D.D. 129 which are already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify and/or apply for regularisation of the lease breaches as demanded by LandsD;
 - (iii) the GL within the Site has been unlawfully occupied with unauthorized structure(s) without permission. Any occupation of GL without Government's prior approval is an offence under Cap. 28. His office reserves the rights to take necessary land control action against the unlawful occupation of GL without further notice; and
 - (iv) the lot owner(s) shall apply to his office for Short Term Waiver(s) (STW(s)) and Short Term Tenancy(ies) (STT(s)) to permit the structure(s) erected or to be erected within the subject lots, if any and the occupation of GL. 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 applied 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) 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; 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;
- (e) 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 maintained by HyD and HyD will not take up the maintenance responsibility. Adequate drainage measures shall be provided to prevent surface water running from the Site to the nearby public roads and drains;

- (f) to note the comments of the Director of Environmental Protection (DEP) that the applicant is advised:
 - (i) that no medium/heavy goods vehicles exceeding 5.5 tonnes are allowed to enter/exit or to parked/stored on the Site at any time 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) 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;
 - (iv) to provide adequate supporting infrastructure/facilities for proper collection, treatment and disposal of waste/wastewater generated from the applied use; and
 - (v) to meet the statutory requirements under relevant environmental legislations;
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:
 - (i) for any change of existing ground level and associated works proposed that could affect adjacent land and cause other impacts and/or other issues to the public, the applicant is required to submit technical assessment(s) in other aspect(s) and seek comment from relevant departments as necessary; and
 - (ii) she has the following comments on the submitted drainage proposal:
 1. reference should be made to the latest Technical Note No. 1 - Technical Note to Prepare a Drainage Submission issued by DSD for more details in preparing the revised drainage proposal;
 2. GEO Technical Guidance Note No. 43 should be adopted for u-channel checking as Figure 8.7 of the Geotechnical Manual for Slopes (GCO, 1984) was superseded;
 3. the gradients of the proposed u-channels should be shown on the drainage plan;
 4. please advise if any site formation/land filling works to be carried out in the revised drainage proposal for the applied use. The overland flow from the adjacent lands should not be affected;
 5. please review the catchment areas, as external catchment areas from northern and eastern sides of site should be included in the assessment;
 6. the applicant should check and ensure the hydraulic capacity of the existing drainage facilities would not be adversely affected by the applied use. Calculation demonstrating the downstream drainage system receiving the discharge from the applied use has adequate spare capacity to accommodate the runoff should be provided in the revised drainage proposal;
 7. the full alignment of the discharge path from the Site all the way down to the ultimate

discharge point (e.g. a well-established stream course/public drainage system) should be indicated clearly;

8. the existing drainage facilities, to which the stormwater of the development from the Site would discharge, are not maintained by her office. The applicant should identify the owner of the existing drainage facilities to which the proposed connection will be made. Also, it is noted that the proposed drainage connection(s) to the surrounding/downstream area(s) will run through other private lot(s). The applicant should demonstrate that the proposed drainage construction/ improvement/ modification works and the operation of the drainage can be practicably implemented;
 9. site photos to show the latest condition and existence of the drainage facilities which receive the discharge from the Site should be provided;
 10. hydraulic calculations for the proposed discharging drainage facility (i.e. 450mm dia. PE pipe) to demonstrate its capacity to cater for the surface runoff from the Site should be provided;
 11. please clarify in the revised drainage proposal whether any walls or hoarding would be erected along the Site boundary. Where walls or hoarding are erected/laid along the Site boundary, adequate opening should be provided to intercept the existing overland flow passing through the Site;
 12. cross sections showing the existing and proposed ground levels of the Site with respect to the adjacent areas should be given;
 13. standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit;
 14. the development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.; and
 15. the applicant should resolve any conflict/disagreement with relevant lot owner(s) and seek LandsD's permission for laying new drains/channels and/or modifying/upgrading existing ones in other private lots or on Government land (where required) outside the Site;
- (h) 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 his 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;
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
- (i) it is noted that four structures are applied 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 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 applied 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;
- (vii) the 8m high warehouse is considered excessive. It should be justified upon formal plan submission to his department; and
- (viii) detailed checking under the BO will be carried out at building plan submission stage;
- (j) 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 an 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;
- (k) to note the comments of the Antiquities and Monuments Office, Development Bureau (AMO, DEVB) that pursuant to the Antiquities and Monuments Ordinance (Cap. 53), the applicant is required to inform AMO when any antiquities or supposed antiquities under the ordinance are discovered in the course of works; and
- (l) to note the comments of the Commissioner of Police (C of P) that in view of public safety, the applicant must maintain the smooth traffic flow of the concerned location and provide sufficient safety precautions to avoid obstruction or danger caused to any person or vehicle on the road.