

Previous s.16 Applications covering the Application Site

Approved Applications

No.	Application No.	Use(s)/Development(s)	Date of Consideration (RNTPC)
1.	A/NE-KTS/184	Temporary Open Storage of Metal Ware, Metal Workshop and Detergent Packaging for a Period of Three Years	25.6.2004
2.	A/NE-KTS/251	Temporary Open Storage of Metal Ware, Metal Workshop and Detergent Packaging for a Period of Three Years	22.6.2007
3.	A/NE-KTS/288	Temporary Open Storage of Metal Ware, Metal Workshop and Vehicle Repair Workshop for a period of Three years	7.5.2010
4.	A/NE-KTS/340	Temporary Storage of Metal Ware with Ancillary Office for a Period of Three Years	5.7.2013 (Revoked on 5.10.2015)
5.	A/NE-KTS/415	Temporary Storage of Pet Supplies and Beverages with Ancillary Office for a Period of Three Years	15.7.2016
6.	A/NE-KTS/472	Temporary Warehouse (Antique Vehicles, Food and Beverages) with Ancillary Office for a Period of Three Years	21.6.2019
7.	A/NE-KTS/514	Temporary Warehouse (Electronic Parts and Construction Materials) with Ancillary Office for a Period of Three Years	3.2.2023

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

Approved Applications

No.	Application No.	Use(s)/Development(s)	Date of Consideration (RNTPC)
1.	A/NE-KTS/520	Temporary Warehouse (Electronic Parts and Construction Materials) with Ancillary Office for a Period of Three Years	3.3.2023 (Revoked on 3.12.2024)
2.	A/NE-KTS/527	Temporary Godown with Ancillary Office and Staff Quarters Use for a Period of Three Years	25.8.2023
3.	A/NE-KTS/561	Temporary Warehouse (Electronic Parts) with Ancillary Office for a Period of Three Years	1.8.2025 (Revoked on 1.2.2026)

Government Departments' General Comments

1. Traffic

Comments of the Commissioner for Transport:

- no comment on the application from traffic engineering perspective; and
- advisory comments are at **Appendix V**.

Comments of the Chief Highway Engineer/New Territories East, Highways Department:

- no comment on the application from highways maintenance perspective; and
- advisory comments are at **Appendix V**.

2. Fire Safety

Comments of the Director of Fire Services:

- no in-principle objection to the application subject to fire service installations and water supplies for firefighting being provided to his satisfaction; and
- advisory comments based on the submitted materials are at **Appendix V**.

3. Environment

Comments of the Director of Environmental Protection:

- no objection to the application from environmental perspective;
- there was no environmental complaint received against the application site (the Site) in the past three years; and
- advisory comments are at **Appendix V**.

4. Drainage

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

- no objection in principle to the application from public drainage viewpoint;
- the applicants shall submit record photos to show the current condition of the existing drainage facilities within the Site; and
- the implemented drainage facilities shall be maintained by the applicants at all times during the planning approval period.

5. Landscape

Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department:

- no adverse comment on the application from landscape planning perspective;
- with reference to the aerial photo of June 2025, the Site is situated in an area of rural inland plain landscape character, comprising village houses, low-rise residential buildings, temporary structures, farmland and scattered tree groups. The Site is largely formed with some temporary structures. The proposed use is not incompatible with the landscape setting in the proximity;
- according to the applicants' submission, there are 23 existing trees within the Site and no tree felling will be involved. Significant adverse landscape impact arising from proposed use is not anticipated; and
- advisory comments are at **Appendix V**.

6. Leisure

Comments of the Director of Leisure and Cultural Services:

- there is no known development project or facility for recreational uses at the Site;
- no facilities, venues or roadside amenity area under his purview is identified to be affected;
- should any tree under Leisure and Cultural Services Department's maintenance be inevitably affected by the application, the applicants should act in accordance with the prevailing Development Bureau Technical Circular (Works) (DEVB TC(W)) No. 4/2020 and relevant guidelines stipulated by the Development Bureau and other government departments; and
- referring to the location plan, a registered Old and Valuable Tree (OVT) LCSD N/44 is spotted around 10m away from the Site. The applicants shall comply with DEVB TC(W) Nos. 4/2020 and 5/2020 and avoid construction works within Tree Protection Zone of OVT.

7. 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 at **Appendix V**.

8. Other Departments

The following government departments have no objection to or no comment on the application and their advisory comments, if any, are provided at **Appendix V**:

- Project Manager (North), Civil Engineering and Development Department;
- Director of Electrical and Mechanical Services;
- Director of Agriculture, Fisheries and Conservation;
- Commissioner of Police;
- Chief Engineer/Construction, Water Supplies Department; and
- District Officer (North), Home Affairs Department.

Recommended Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the applied use at the application site (the Site);
- (b) the permission is given to the use and/or structures under application. It does not condone any other use(s) and/or structure(s) which currently occur on the application site (the Site) but not covered by the application. Immediate action should be taken to discontinue such use(s) and/or remove such structure(s) not covered by the permission;
- (c) to note the comments of the District Lands Officer/North, Lands Department (LandsD) that:
 - (i) given the use and dimensions of the existing structures on the Site do not tally with the approved records under the Modification of Tenancy (MOT) or Government Land Licences (GLLs) for the portions of Government land (GL) and Lot. No. 1670 S.A ss.1 RP at the Site, his office reserves the rights to take enforcement action and cancel the MoT and GLLs if situation warrants;
 - (ii) there are unauthorised structures on the private lots at the Site. The lot owners should immediately rectify/regularise the lease breaches and his office reserves the rights to take necessary enforcement action against the breaches without further notice;
 - (iii) part of the GL within the Site has been fenced off/illegally occupied with unauthorised structures without any permission. Any occupation of GL without Government's prior approval is an offence under Land (Miscellaneous Provisions) Ordinance (Cap. 28). His office reserves the rights to take necessary land control action against the illegal occupation of GL without further notice;
 - (iv) the lot owners shall apply to his office for a Short Term Waiver (STW) (on whole lot basis) and a Short Term Tenancy (STT) to permit the structure(s) erected/to be erected within the private lots and the occupation of GL at the Site. The applications 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 back-dated waiver fee/rent from the first date the structures were erected and administrative fee as considered appropriate to be imposed by LandsD. Besides, given the applied uses are temporary in nature, only erection of temporary structures will be considered; and
 - (v) LandsD reserves the right to take enforcement action against the lot owners/applicants for any breach of the lease conditions, including the breach(es) already in existence or to be detected at any point of time in future and land control action and any unlawful occupation of GL.
- (d) to note the comments of Commissioner for Transport that:
 - (i) the Site is connected to the public road network via a section of a local track which is not managed by the Transport Department. The land status of the local track should be checked with LandsD. Moreover, the management and maintenance responsibilities of the local track should be clarified with the relevant lands and maintenance authorities accordingly;
 - (ii) sufficient manoeuvring spaces 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;
- (e) to note the comments of Chief Highway Engineer/New Territories East, Highways Department (HyD) that:
- (i) HyD shall not be responsible for the maintenance of any access connecting the Site and Fan Kam Road; and
 - (ii) adequate drainage measures shall be provided to prevent surface water running from the Site to the nearby public road and drains;
- (f) to note the comments of the Chief Engineer/Construction, Water Supplies Department (WSD) that:
- (i) existing water mains within the Site may be affected (**Plan A-2** of the RNTPC Paper). The applicants are required to either divert or protect the water mains found at the Site;
 - (ii) if diversion is required, existing water mains within the Site are needed to be diverted outside the boundary of the Site to lie in GL. A strip of land of a minimum width of 1.5m should be provided for the diversion of existing water mains. The cost of diversion of existing water mains upon request by WSD will have to be borne by the applicants; and the applicants shall submit all the relevant proposal to WSD for consideration and agreement before the works commence; and
 - (iii) if diversion is not required, the following conditions shall apply:
 - (1) existing water mains are affected as indicated on the site plan (**Plan A-2** of the RNTPC Paper) and no development which requires resiting of water mains will be allowed;
 - (2) details of site formation works shall be submitted to the Director of Water Supplies (D of WS) for approval prior to commencement of the works;
 - (3) no structures shall be built or materials stored within 1.5 metres from the centre line(s) of water main(s) shown on the plan (**Plan A-2** of the RNTPC Paper). Free access shall be made available at all times for staff of the D of WS or their contractor to carry out construction, inspection, operation, maintenance and repair works;
 - (4) no trees or shrubs with penetrating roots may be planted within the Water Works Reserve or in the vicinity of the water main(s) shown on the plan (**Plan A-2** of the RNTPC Paper). No change of existing site condition may be undertaken within the aforesaid area without the prior agreement of the D of WS. Rigid root barriers may be required if the clear distance between the proposed tree and the pipe is 2.5m or less, and the barrier must extend below the invert level of the pipe;
 - (5) no planting or obstruction of any kind except turfing shall be permitted within the space of 1.5m around the cover of any valve or within a distance of 1m from any hydrant outlet; and

- (6) tree planting may be prohibited in the event that the D of WS considers that there is any likelihood of damage being caused to water mains;
- (g) to note the comments of the Director of Fire Services that:
 - (i) the applicants 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 proposed 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;
- (h) to note the comments of the Director of Environmental Protection that:
 - (i) the applicants shall follow the revised 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites';
 - (ii) the applicants 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'; and
 - (iii) the applicants shall meet the statutory requirements under relevant environmental legislation;
- (i) 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, if any, such as pruning, transplanting and felling. The applicants shall seek comments and approval of any proposed tree works from the relevant department prior to the commencement of the works; and
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that:
 - (i) it is noted that seven structures 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 unauthorised building works (UBW) under the BO. An Authorised 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 (not being a New Territories Exempted House) are erected on

leased land without the approval of the BA, it is 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) offices shall be provided with prescribed windows in accordance with Regulations 30 and 31 of the B(P)R;
- (vii) the headrooms (6m to 7.5m) of the single-storey structure (1) (i.e. warehouse) and structure (2) (i.e. shelter) is considered excessive. They should be justified upon formal plan submission to BD;
- (viii) 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
- (ix) detailed checking under the BO will be carried out at building plan submission stage.