

Previous s.16 Application covering the Application Site

Approved Application

Application No.	Use/Development	Date of Consideration
A/YL-KTN/738	Proposed Temporary Shop and Services with Ancillary Office for a Period of Five Years	18.12.2020 [revoked on 18.7.2024]

Government Departments' General Comments

1. Land Administration

Comments of the District Lands Officer/Yuen Long, Lands Department:

- no adverse comment on the application;
- the application site (the Site) comprises (i) Government land (GL), (ii) Old Schedule Sha Po House Lot No. 88 in DD. 107 and (iii) Old Schedule Agricultural Lots No. 1613 S.A, 1613 S.B, 1613 S.C, 1613 S.D, 1613 S.F and 1634 RP in D.D. 107 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 occupation of GL (about 150m² as mentioned in the applicant's submission) included in the Site. Any occupation of GL without Government's prior approval is an offence under the Land (Miscellaneous Provisions) Ordinance (Cap. 28);
- there is one Small House application under processing on Lot No. 1613 S.D in D.D. 107 (**Plan A-2**); and
- advisory comments are at **Appendix IV**.

2. Traffic

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

- no in-principle objection to the application from highways maintenance point of view; and
- advisory comments are at **Appendix IV**.

3. Drainage

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

- no in-principle objection to the application from drainage point of view;
- should the application be approved, approval conditions should be stipulated requiring the submission of a revised drainage proposal and the implementation and maintenance of the proposed drainage facilities to the Director of Drainage Services' or the Town Planning Board's satisfaction; and
- advisory comments are at **Appendix IV**.

4. **Environment**

Comments of the Director of Environmental Protection:

- no objection to the application from environmental planning perspective;
- based on the applicant's submission, the applied use would not cause traffic of heavy vehicle and dusty operation. According to his review, there are residential structures within 100m from the boundary of the Site;
- there was no environmental complaint received against the Site in the past three years; and
- advisory comments are at **Appendix IV**.

5. **Landscape Aspect**

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, the Site is located in an area of miscellaneous rural fringe landscape character comprising open storage sites, warehouses, village houses, comprehensive development areas and tree clusters. The applied use is considered not entirely incompatible with the landscape setting in the proximity;
- with reference to the aerial photo and site photos, the Site is largely formed and some vehicles are parked on the Site. No trees are observed within the Site. According to the applicant's submission, no tree felling will be involved; and
- in view of the above, significant adverse landscape impact arising from the applied use is not anticipated.

6. **Nature Conservation**

Comments of the Director of Agriculture, Fisheries and Conservation:

- as the Site falls within the "Village Type Development" zone and has been paved, he has no comment on the application from nature conservation perspective.

7. **Building Matters**

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

- no objection to the application; and
- advisory comments are at **Appendix IV**.

8. District Officer's Comments

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

- his office has not received any comment from the locals on the application.

9. Other Departments

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

- Director of Fire Services;
- Project Manager (West), Civil Engineering and Development Department;
- Chief Engineer/Construction, Water Supplies Department; and
- Director of Electrical and Mechanical Services.

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);
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the lot owner(s) shall apply to his office for a Short Term Waiver (STW) and a Short Term Tenancy (STT) to permit the structure(s) erected within the private lot(s) and the occupation of the Government land (GL) covered by the application. 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;
- (d) 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 the Transport Department. The land status of the local access road should be checked with 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; during the planning approval period;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that:
 - (i) the Site involves GL, which is not under HyD's maintenance purview;
 - (ii) HyD shall not be responsible for the maintenance of the proposed access connecting the Site and Sha Po Tsuen Road, including any local tracks; and
 - (iii) 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 Chief Engineer/Mainland North, Drainage Services Department that:
 - (i) the applicant shall be liable for any adverse drainage impact due to the applied use;
 - (ii) the current drainage proposal still requires refinement to meet the necessary requirements; and

- (iii) to encourage a higher quality submission and avoid rounds of comments, thereby shortening the processing time, the applicant shall complete the checklist previously provided in preparing the drainage proposal and include the checklist in the submission. Otherwise, a longer processing time may be required;
- (g) 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; and
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that:
 - (i) 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;
 - (ii) 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 B(P)R at building plan submission stage;
 - (iii) 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 BO. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with BO;
 - (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 BO; and
 - (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 B(P)R.

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A/YL-KTN/1241

Lots 1613 S.A (Part), 1613 S.B, 1613 S.C, 1613 S.D, 1613 S.F(Part), 1634 RP (Part) and Sha Po Lot 88 (Part)in D.D. 107 and Adjoining Government Land, Sha Po Tsuen, Kam Tin North

Site area: About 1,194sq.m (Includes Government Land of about 195sq.m)

Zoning: "VTD"

Applied use: 28 Vehicle Parking / 5 Years

Dear TPB Members,

So another village parking scam goes legit.

No mention of EV Recharging facilities that should be mandatory for all these newly minted village parking lots.

Mary Mulvihill