

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

Approved Applications

	Application No.	Use/Development	Date of Consideration
1.	A/YL-KTN/440	Proposed Temporary Open Storage of Construction Materials (Excluding Cement, Sand, Chemical Product, Dangerous) for a Period of Two Years	9.5.2014
2.	A/YL-KTN/515	Renewal of Planning Approval for Temporary Open Storage of Construction Materials (Excluding Cement, Sand, Chemical Product, Dangerous Goods) for a Period of Two Years	18.3.2016
3.	A/YL-KTN/653	Proposed Temporary Open Storage of Construction Materials (Excluding Soil, Cement, Chemical Product, Dangerous Goods) for a Period of Three Years	17.5.2019 [revoked on 17.10.2021]
4.	A/YL-KTN/841	Temporary Open Storage of Construction Materials and Office for a Period of Three Years	29.7.2022 [revoked on 29.1.2024]

Similar s.16 Application straddling the Same “Other Specified Uses” annotated “Railway Reserve” Zone in the Vicinity of the Site in the Past Five Years

Approved Application

Application No.	Use/Development	Date of Consideration
A/YL-KTN/783	Temporary Warehouse for a Period of Three Years	24.9.2021 [revoked on 24.3.2023]

Government Departments' General Comments

1. Traffic

Comments of the Commissioner for Transport:

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

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**.

2. Drainage

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

- no in-principle objection to the application from drainage point of view;
- it was observed that the existing drainage facilities did not tally with the approved drainage proposal under the previous application;
- should the application be approved, approval conditions should be stipulated requiring the submission of a 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**.

3. 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**.

4. **Fire Safety**

Comments of the Director of Fire Services:

- no in-principle objection to the application subject to fire service installations (FSIs) and water supplies for firefighting being provided to his satisfaction;
- the FSIs proposal submitted by the applicant is considered acceptable; and
- advisory comments are at **Appendix IV**.

5. **Nature Conservation**

Comments of the Director of Agriculture, Fisheries and Conservation:

- as the Site has been paved and similar uses have been approved in the past, he has no strong view against the application from nature conservation point of view; and
- advisory comments are at **Appendix IV**.

6. **Landscape Aspect**

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

- with reference to the aerial photo and site photos, the Site is formed with temporary structures and containers. No distinctive landscape resources or mature trees are observed within the Site.

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 structures at the Site; 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 or no comment on the application and their advisory comments, if any, are at **Appendix IV**:

- 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) 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 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) the Site may be affected by the proposed Northern Metropolis Highway (NMH) (San Tin Section) project and it may be resumed by the Government at any time during the planning approval period for implementation of the NMH (San Tin Section) project. The applicant shall terminate the applied use and vacate the Site upon the implementation of the NMH (San Tin Section) project;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that:
 - (i) there is/are unauthorized structure(s) on Lot No. 4115 in D.D. 104 which is/are already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/apply for regularisation on the lease breaches as demanded by LandsD; and
 - (ii) the lot owner(s) shall apply to his office for a Short Term Waiver (STW) to permit the structure(s) erected within the private lot covered by the application. The application(s) for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The application(s), if approved, will be subject to such terms and conditions including the payment of waiver fee 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 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;
- (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 San Tam Road, including any 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/Railway Development 1-1, HyD that the applicant shall ensure that the traffic generated/attracted during their implementation period shall have no adverse impact on the Northern Link Main Line, and shall maintain close coordination with MTR Corporation Limited;
- (h) 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 applicant shall submit and implement a drainage proposal for the Site to ensure that the applied use will not cause adverse drainage impact to the adjacent area, and the implemented drainage facilities shall be maintained at all times during the planning approval period. The detailed comments on the drainage proposal previously provided to the applicant shall be taken into account in the submission and implementation of the drainage proposal; 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. In particular, where boundary walls or hoarding are erected, adequate openings shall be provided to allow existing overland flow from the adjoining lots to pass through. Otherwise, a longer processing time may be required;
- (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 Director of Fire Services that:
 - (i) the applicant shall submit a full set of FS 251, incorporating all proposed fire service installations (FSIs), for his further arrangement of the FSIs acceptable inspection; 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;

- (k) to note the comments of the Director of Agriculture, Fisheries and Conservation that the Site abuts the “Conservation Area” (“CA”) zone to the east. The applicant shall adopt necessary measures to avoid encroachment into the abutting “CA” zone;
- (l) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that:
 - (i) it is noted that two structures and associated filling of land 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 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;
 - (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 B(P)R at building plan submission stage;
 - (iv) if the existing structures are erected on leased land without the approval of BA, they are UBW under BO and should not be designated for any applied use under the captioned 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 BO;
 - (vi) 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; and
 - (vii) detailed checking under the BO will be carried out at building plan submission stage; and
- (m) to note the comments of the Director of Electrical and Mechanical Services that:
 - (i) there is a high-pressure underground town gas transmission pipeline in the vicinity of the Site;
 - (ii) the project proponent/consultant/works contractor shall liaise with the Hong Kong and China Gas Company Limited in respect of the exact locations of existing or planned gas pipes/gas installations in the vicinity of the Site and any required minimum set back distance away from them during the design and construction stages of the applied use; and
 - (iii) the applicant/consultant/works contractor shall observe the requirements of the Electrical and Mechanical Services Department’s Code of Practice on ‘Avoidance

of Damage to Gas Pipes' 2nd Edition.

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tpbpd/PLAND

寄件者: [REDACTED]
寄件日期: 2026年05月01日星期五 22:25
收件者: tpbpd/PLAND
主旨: A/YL-KTN/1222 DD 104 Kam Tin
類別: Internet Email

A/YL-KTN/1222

Lot 4115 (Part) in D.D. 104, Kam Tin, Yuen Long

Site area: About 690sq.m

Zoning: "Other Specified Uses" annotated "Railway Reserve"

Applied use: Warehouse / Open Storage of Construction Materials a / 3 Vehicle Parking

Dear TPB Members,

841 approved 29 July 2022 and again conditions not fulfilled so revoked on 29 Jan 2024.

While the name of the applicant is different, consultant is the same, and paper states that "applicant **would like to continue to use** the Site to operate a warehouse for storage of miscellaneous goods".

However conditions still not complied with.

It is time that board members take a stance even if PlanD continues to recommend each and every miscreant for further approvals. Your first duty is to the general community not the commercial interests of the operators who flout the law.

The application should be rejected.

Mary Mulvihill

To: tpbpd <tpbpd@pland.gov.hk>
Date: Thursday, 7 July 2022 3:07 AM HKT
Subject: A/YL-KTN/841 DD 104 Kam Tin

A/YL-KTN/841

Lot 4115 (Part) in D.D. 104, Kam Tin, Yuen Long

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Site area: About 690sq.m

Zoning: "Other Specified Uses" annotated "Railway Reserve"

Applied use: Open Storage of Construction Materials a / 3 Vehicle Parking

Dear TPB Members,

Re most recent application A/YL-KTN/653 as with previous applications, applicant do not appear to have fulfilled conditions – eleven extensions of time.

Members have a duty to protect the good health of the community. Conditions are imposed for good reasons and operators who fail to fulfill them should no longer enjoy the long stand roll over rubber stamp policy.

If we are to be a law abiding society then the failure to comply should not be awarded.

Mary Mulvihill