

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

Approved Applications

	Application No.	Use/Development	Date of Consideration
1.	A/YL-KTN/419	Proposed Temporary Open Storage of Construction Materials (Excluding Cement / Sand / Chemical Products / Dangerous Goods) for a Period of Two Years	13.12.2013 [revoked on 24.1.2014]
2.	A/YL-KTN/451	Proposed Temporary Shop and Services (Real Estate Agency and Financial Institution) with Ancillary Staff Canteen for a Period of Three Years	17.10.2014 [revoked on 17.11.2016]
3.	A/YL-KTN/592	Proposed Temporary Shop and Services (Financial Institution) with Ancillary Staff Canteen for a Period of Three Years	15.6.2018 [revoked on 15.9.2020]
4.	A/YL-KTN/751	Temporary Shop and Services (Financial Institution) with Ancillary Staff Canteen for a Period of Three Years	12.3.2021 [revoked on 12.6.2023]
5.	A/YL-KTN/941	Temporary Shop and Services (Financial Institution) and Eating Place with Ancillary Facilities for a Period of Three Years	11.9.2023 [revoked on 11.12.2024]
6.	A/YL-KTN/1026	Temporary Shop and Services and Eating Place for a Period of Three Years	16.8.2024 [revoked on 16.2.2026]

Similar s.16 Application within 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/1116	Proposed Temporary Eating Place with Ancillary Facilities for a Period of Three Years	4.7.2025

Government Departments' General Comments

1. Land Administration

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

- no adverse comment on the application;
- the application site (the Site) comprises Government Land (GL) and Old Schedule Agricultural Lots No. 4122, 4123, 4124 and 4125 in D.D. 104 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;
- the following private lots are covered by Short Term Waivers (STWs):

<u>STW No.</u>	<u>Lot No. (in D.D. 104)</u>	<u>Purposes</u>
3966	4123	Temporary Shop and Services (Real Estate Agency, Finance Company and Staff Canteen)
3967	4124	
3968	4125	

- a portion of GL (about 317.4m²) within the Site is covered by a Short Term Tenancy No. 2970 for the purposes of “Temporary Shop and Services (Real Estate Agency and Financial Institution) with Ancillary Staff Canteen”. No permission is given for occupation of the remaining portion of GL (about 7.6m²) included in the Site. Any occupation of GL without Government’s prior approval is an offence under the Land (Miscellaneous Provisions) Ordinance (Cap. 28); and
- advisory comments are at **Appendix IV**.

2. 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**.

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 uses 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. **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**.

6. **Nature Conservation**

Comments of the Director of Agriculture, Fisheries and Conservation:

- as the majority of 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**.

7. **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 photos, the Site is situated in an area of miscellaneous rural fringe landscape character comprising village houses, open storage sites/warehouses and scattered tree groups. The applied uses are considered not incompatible with the landscape setting in the proximity;
- with reference to the aerial photos and site photos, the Site is largely formed. Temporary structures are found. Some palm trees and common trees are observed within the Site. According to the applicant's submission, no tree felling would be involved;
- in view of the above, significant adverse landscape impact arising from the applied uses are not anticipated; and
- advisory comments are at **Appendix IV**.

8. **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**.

9. **Food and Environmental Hygiene**

Comments of the Director of Food and Environmental Hygiene:

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

10. **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.

11. 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 uses at the application site (the Site);
- (b) the permission is given to the uses 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) should the applicant fail to comply with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given by the Rural and New Town Planning Committee/Town Planning Board to any further application;
- (d) to resolve any land issues relating to the applied uses with the concerned owner(s) and/or occupant(s);
- (e) 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 uses and vacate the Site upon the implementation of the NMH (San Tin Section) project;
- (f) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the Short Term Waiver/Short Term Tenancy (STW/STT) holder(s) will need to apply to his office for modification of the STW/STT conditions where appropriate and the lot owner(s) shall apply to his office for a STW and/or STT to permit the structure(s) erected within the private lot(s) and occupation of Government land (GL) covered by the application. The application(s) for STW/STT 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/rent and administrative fee as considered appropriate by LandsD. Besides given the applied uses are temporary in nature, only erection of temporary structure(s) will be considered;
- (g) 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; and
 - (ii) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;

- (h) 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 San Tam 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;
- (i) 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;
- (j) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that:
 - (i) the detailed comments on the drainage proposal previously provided to the applicant shall be taken into account in the revised drainage proposal; and
 - (ii) 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 revised drainage proposal and include the checklist in the submission. Otherwise, a longer processing time may be required;
- (k) 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 'Control of Oily Fume and Cooking Odour from Restaurants and Food Business' issued by the Environmental Protection Department;
 - (iii) 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';
 - (iv) the applicant shall provide adequate supporting infrastructure/facilities for proper collection, treatment and disposal of waste/wastewater generated from the applied uses; and
 - (v) the applicant shall meet the statutory requirements under relevant environmental legislation;
- (l) 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 arrangement of the FSIs acceptance inspection; and

- (ii) if the applied 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;
- (m) 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;
- (n) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that approval of the application does not imply approval of tree works such as pruning, transplanting and felling. Application for any tree works should be submitted to relevant departments for approval;
- (o) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that:
 - (i) it is noted that 11 structures are applied 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 (not being a New Territories Exempted House) are erected on leased land without the approval of BA, they are UBW under BO and should not be designated for any applied uses 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;
 - (vii) if the applied uses under application are subject to issue of a licence, any existing structures on the Site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority; and
 - (viii) detailed checking under BO will be carried out at building plan submission stage;

- (p) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that:
- (i) no Food and Environmental Hygiene Department's (FEHD) facilities shall be affected;
 - (ii) proper licence/permit issued by FEHD is required if there are any food business/catering service/activities regulated by him under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public;
 - (iii) under the Food Business Regulation (Cap. 132X) (the Regulation), a food business licence is required for the operation of the relevant type of food business listed in the Regulation. For any premises intended to be used for food business (e.g. a restaurant, a food factory, a fresh provision shop), a food business licence from FEHD in accordance with the Public Health and Municipal Services Ordinance (Cap. 132) shall be obtained. The application for licence, if acceptable by the FEHD, will be referred to relevant government departments such as BD, Fire Services Department and PlanD for comment. If there is no objection from the departments concerned, a letter of requirements will be issued to the applicant for compliance and the licence will be issued upon compliance of all the requirements;
 - (iv) depending on the mode of operation, generally there are several types of food business licence/permits that the operator may apply for under the Regulation:
 - if food is sold to customers for consumption on the premises, a restaurant licence should be obtained;
 - if food is only prepared for sale for consumption off the premises, a food factory licence should be obtained;
 - if fresh, chilled or frozen beef, mutton, pork, reptiles (including live snake), fish (including live fish) and poultry is sold, a fresh provision shop licence should be obtained; and
 - if milk, frozen confections, on-bottled drinks, cut fruit, etc. are to be sold, relevant restricted food permits should be obtained;
 - (v) when choosing a premises, the applicant must ensure that the operation of food business at the subject premises is in compliance with the requirements imposed under the legislation administered by FEHD, other government departments and the relevant authorities. Applicants are strongly advised to check well in advance the following documents: (a) the Government Lease, (b) the Occupation Permit of the building, and (c) the statutory plan. No part of a food premises shall be located in, under or over any structures built without the approval and consent of BA;
 - (vi) proper licence issued by FEHD is required if related place of entertainment is involved. Any person who desires to keep or use any place of public entertainment for example a theatre and cinema or a place, building, erection or structure, whether temporary or permanent, on one occasion or more, capable of accommodating the public presenting or carrying on public entertainment within Places of Public Entertainment Ordinance (Cap. 172) and its subsidiary legislation, such as a concert, opera, ballet, stage performance or other musical, dramatic or theatrical

entertainment, cinematograph or laser projection display or an amusement ride and mechanical device which is designed for amusement, a Place of Public Entertainment Licence (or Temporary Place of Public Entertainment Licence) should be obtained from FEHD whatever the general public is admitted with or without payment; and

- (vii) there should be no encroachment on the public place and no environmental nuisance should be generated to the surroundings. Its state should not be a nuisance or injurious or dangerous to health and surrounding environment. Also, for any waste generated from such activities/operation, the applicant should arrange disposal properly at their own expenses; and
- (q) to note the comments of the Director of Electrical and Mechanical Services that:
 - (i) there is a high-pressure underground town gas transmission pipeline (running along San Tam Road) in the vicinity of/lying within 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07月24日星期五 1:05
收件者: tpbpd/PLAND; Enquiry CEO/CEO
主旨: A/YL-KTN/1247 DD 104 San Tam Road
類別: Internet Email

Dear TPB Members,

Despite the history of non compliance, 1026 was approved on 16 Aug 2024, REVOKED 16 Feb 2026 for failure to fulfill conditions.

At this point THERE IS ABSOLUTELY NO FURTHER JUSTIFICATION TO approve the fresh application.

We watched in horror as hundreds of families lost their homes in the Tai Po Fire, caused by failure to follow the regulations.

IT IS NOW TIME FOR TPB TO SEND OUT A STRONG AND CLEAR MESSAGE, REPEATED FAILURES TO FULFILL CONDITIONS AND ENDANGER THE COMMUNITY WILL NO LONGER BE TOLERATED.

The application should be rejected and the CE must remind govt depts and TPB members, whom he appointed, that their first duty is to the interests of the community not rogue operators.

Mary Mulvihill

From: [REDACTED]
To: tpbpd <tpbpd@pland.gov.hk>
Date: Thursday, 18 July 2024 4:11 AM HKT
Subject: A/YL-KTN/1026 DD 104 San Tam Road

Dear TPB Members,

And again conditions not fulfilled. Every day we are bombarded with warnings about law and order, but it is clear that this is only applicable to issues with political focus.

That govt depts continue to support and members rubber stamp roll over of operations that have failed to observe the law shows underlines this.

Regulations are in place to protect the safety and security of the community. Failure to fulfill conditions should be taken more seriously, especially in view of the frequent fires and other incidents.

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What conditions are not being fulfilled? How can members justify yet another roll over?

Mary Mulvihill

From: [REDACTED]
To: tpbpd <tpbpd@pland.gov.hk>
Date: Monday, 14 August 2023 9:23 PM HKT
Subject: A/YL-KTN/941 DD 104 San Tam Road

Dear TPB Members,

Again conditions were not fulfilled but applicant know how this works, another application and good to go for another 3 years **BECAUSE TPB MEMBERS ARE NOT FULFILLING THEIR DUTY AS MANDATED BY THE COURTS TO MAKE INDEPENDENT ASSESSMENT OF APPLICATIONS**

Approval of this application despite the history of failure to fulfill conditions will endorse this regrettable reality.

Mary Mulvihill

From: [REDACTED]
To: tpbpd <tpbpd@pland.gov.hk>
Date: Wednesday, 17 February 2021 3:20 AM CST
Subject: A/YL-KTN/751 DD 104 San Tam Road

Dear TPB Members,

733 was deferred so its back with a new application.

Previous objections upheld.

Mary Mulvihill

From: [REDACTED]
To: "tpbpd" <tpbpd@pland.gov.hk>
Sent: Tuesday, November 3, 2020 3:17:01 AM
Subject: A/YL-KTN/733 DD 104 San Tam Road

Dear TPB Members,

Despite a history of non compliance, 592 was approved. Nine extensions of time later it was revoked for non compliance with numerous conditions.

Approval was despite *"The Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application from nature conservation point of view as the site was abutting*

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"Conservation Area" ("CA") zone and there was concern on encroachment into the "CA" zone by the proposed development. The Commissioner of Police (C of P) had reservation for the ancillary staff canteen as an operation for unlicensed sale of liquor was previously conducted at the site."

Members had no question on the application.

So the Applicant is back again. Members are in breach of their duty to inquire into issues by rubber stamping on PlanD's recommendation.

There has been a judgement on this matter but TPB continues to ignore it.

Mary Mulvihill

From: [REDACTED]
To: "tpbpd" <tpbpd@pland.gov.hk>
Sent: Thursday, March 15, 2018 2:14:48 AM
Subject: A/YL-KTN/592 DD 104 San Tam Road

A/YL-KTN/592

Lots 4122, 4123, 4124 and 4125 (Part) in D.D. 104 and Adjoining Government Land, San Tam Road, Kam Tin

Site area : 1,547m² Includes Government Land of about 325m²

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

Applied Use : Financial Institution / 9 Parking

Dear TPB Members,

- (i) It is obvious that the site has continued to operate despite approval having been revoked on not one but two occasions for failure to comply with fire regulations. Most recently:
in relation to (h) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.7.2015;

It is quite obvious that this is a storage/parking scam. Financial institutions operate in districts with heavy pedestrian traffic. This is NT not a remote location on the plains in Mid America.

TPB should follow a two strikes and you are out policy with regard to these dodgy operations.

Mary Mulvihill