

Previous s.16 Applications covering the Application Site

Rejected Applications

	<u>Application No.</u>	<u>Applied Use(s)/Development(s)</u>	<u>Zoning(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Rejection Reasons</u>
1	A/YL-LFS/32	Temporary Open Storage of Used Motor Cycles and Construction Materials for (3 Years)	R(E)	25.9.1998	(2), (5)
2	A/YL-LFS/228	Temporary Open Storage of Used Motor Cycles and Construction Materials for (3 Years)	R(E)	18.11.2011	(1), (3), (4)

Rejection Reasons:

- (1) No strong justifications for departure from the planning intention.
- (2) Insufficient information to demonstrate no adverse traffic, environmental and drainage impacts.
- (3) Not in line with TPB PG-No. 13E.
- (4) The development is not compatible with the existing rural neighbourhood.
- (5) Setting an undesirable precedent.

Similar s.16 Applications within the same “Residential (Group E)” 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>Applied Use(s)/Development(s)</u>	<u>Zoning</u>	<u>Date of Consideration (RNTPC)</u>
1	A/YL-LFS/446	Proposed Temporary Warehouse for Storage of Foods for a Period of 3 Years	“R(E)”	9.12.2022
2	A/YL-LFS/582	Proposed Temporary Warehouse (excluding Dangerous Goods Godown) with Ancillary Facilities for a Period of 3 Years	“R(E)”	23.1.2026

Government 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 on the application from highway maintenance perspective.
- (b) 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 proposed use would not involve use of heavy vehicles and 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 objection in principle to the application from a drainage point of view.
- (b) Having regard to the current site conditions, in which site formation works are being carried out by various parties with or without approved planning applications, and where adequate interception drains have not been provided, there are potential drainage risks to the downstream areas. Against this background, the application may be approved with conditions from a drainage perspective.
- (c) Should the Town Planning Board consider that the application is acceptable from planning point of view, approval condition(s) should be stipulated requiring the applicant to submit a drainage proposal, and to implement and maintain the proposed drainage facilities to his satisfaction.

4. Fire Safety

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

- (a) He has no objection in principle to the proposal subject to fire service installations being provided to his satisfaction.
- (b) The applicant should note his detailed comments at **Appendix IV**.

5. 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 the 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.
- (b) If the planning permission is granted, notwithstanding its validity period, the applicant should note his advisory comments detailed in **Appendix IV**.

6. 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.

7. Other Departments' Comments

The following government departments have no objection to/no comment on the application:

- (a) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (b) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD);
- (c) Chief Engineer/Land Works, CEDD (CE/LW, CEDD);
- (d) Head of Geotechnical Engineering Office, CEDD (H(GEO), CEDD); and
- (e) Director of Agriculture, Fisheries and Conservation (DAFC).

Recommended Advisory Clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site (the Site);
- (b) the planning permission is given to the development/use under application. It does not condone any other development/use (i.e. open storage use) which currently exists on the Site but not covered by the application. Immediate action should be taken to discontinue such development/use not covered by the permission;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the lot owner(s) shall apply to his office for STW(s) to permit the structure(s) erected or to be erected within the subject lot, if any. The application(s) for STW 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), 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 proposed use is temporary in nature, only erection of temporary structure(s) will be considered;
- (d) to note the comments of the Director of Environmental Protection (DEP) that the applicant is advised:
 - (i) to follow the revised "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" to minimise potential environmental nuisances on the surrounding areas;
 - (ii) 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;
 - (iii) to provide adequate supporting infrastructure/facilities for proper collection, treatment and disposal of waste/wastewater generated from the proposed use; and
 - (iv) to meet the statutory requirements under relevant environmental legislation;
- (e) to note the comments of the Commissioner for Transport (C for T) that:
 - (i) sufficient manoeuvring space shall be provided within the Site or its adjacent area. 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;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that:
 - (i) the requirement on the vehicular access should be advised by Transport Department from traffic engineering view point;

- (ii) the access leading from Deep Bay Road to the Site is not currently maintained by HyD and HyD is not going to take up the maintenance responsibility of the accesses; and
- (iii) 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 Head of Geotechnical Engineering Office, CEDD (H(GEO), CEDD) that the applicant is reminded to submit the proposed building works to the Buildings Department for approval as required under the provisions of the Buildings Ordinance;
- (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 the Fire Services Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. If the proposed structure(s) is 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 three structures are involved 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 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, they are 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) 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; and
 - (vii) detailed checking under the BO will be carried out at building plan submission stage; and
- (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 the 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.

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tpbpd/PLAND

寄件者: [REDACTED]
寄件日期: 2026年08月14日星期五 1:01
收件者: tpbpd/PLAND
主旨: A/YL-LFS/623 DD 129 Fu Cho Village Solar Farm
類別: Internet Email

A/YL-LFS/623
Lots 1694 (Part), 1697 (Part) and 1698 in D.D.129, Fu Cho Village, Lau Fau Shan
Site area: About 1,200sq.m
Zoning: "Res (Group E)"
Applied development: Warehouse / 1 Vehicle Parking

Dear TPB Members,

402 was withdrawn. Back with some reduction in size.

There was no application since then but the site has obviously been used for Open Storage. Has any enforcement action been taken?

One gets the impression from applications like this that govt depts have just got around to paying a site visit, had a chat with the operator, advised that the operation requires approval but if he places an application for a warehouse then it's smooth sailing.

Effectively as the existing premises will be used then the current applicant filled in the site in the first place. The plan will be streamlined and rubberstamped.

So in other words a typical HK arrangement that has generated the vast scale of badly planned, ramshackle brownfield operations that make NT look mor Third World than IT Hub.

Mary Mulvihill

From: [REDACTED]
To: tpbpd <tpbpd@pland.gov.hk>
Date: Thursday, 1 July 2021 2:38 AM HKT
Subject: A/YL-LFS/402 DD 129 Fu Cho Village Solar Farm

A/YL-LFS/402
Lots 1694, 1697 (Part) and 1698 in D.D.129, Fu Cho Village, Lau Fau Shan
Site area : About 1,493.3sq.m
Zoning : "Res (Group E)"
Applied development : Solar Farm – 318 Panels / 5 Years

Dear TPB Members,

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Strong objections. CLP customers were not informed nor did they ever agree to subsidizing commercial solar farms.

It is quite clear from the Legco and other papers that the intention of scheme as per the presentation materials was to encourage the erection of solar panels on the roof tops of village house and other buildings. There was no mention of encouraging the development of solar farms and incursion onto sites intended for recreation, community facilities or the general enjoyment of the community or on arable farm land.

<https://www.legco.gov.hk/research-publications/english/1718in04-feed-in-tariff-for-solar-power-in-selected-places-20180117-e.pdf>

Programmes quoted from Australia, Japan and Korea all focus on rooftop installation.

<https://www.legco.gov.hk/yr18-19/english/panels/ea/papers/ea20181126cb1-189-4-e.pdf>

8. Under the FiT Scheme, distributed electricity generated by RE systems invested by the private sector and the community can be sold at a rate higher than the normal electricity tariff rate to the power companies.

11. Members opined that the Administration should introduce initiatives dedicated specifically to generating RE on a large scale locally, such as making use of restored landfills for developing solar plants, instead of relying on waste treatment initiatives (such as ORRCs) to increase the use of RE for power generation as a secondary goal.

13. The Administration advised that according to the experiences of other places, the contribution from distributed RE systems to the overall electricity demand was limited. Nevertheless, it was expected that implementation of the FiT Scheme would be conducive to the development of RE in Hong Kong by promoting public participation. The Administration would continue to explore further measures to facilitate installation of distributed RE systems in both new and existing buildings in collaboration with relevant professional bodies, such as the Hong Kong Green Building Council.

14. The Administration also advised that further support and facilitation would be provided to individuals and organizations participating in RE development, including suitably relaxing the restrictions on installation of PV systems on the rooftop of New Territories exempted houses ("NTEHs"). Moreover, the Administration would consider making appropriate relaxations for other private buildings, in particular the low-rise ones.

15. As regards incentive measures to attract non-business sectors to pursue the adoption of environmental protection installations to further promote green buildings, the Administration informed Members that it would introduce a new programme in 2019 to provide financial and technical support to assist schools (except government and profit-making schools) and non-governmental welfare organizations in installing small RE systems, such as conducting site visits and providing technical assessments, as well as installation and testing of the system.

<https://www.legco.gov.hk/yr18-19/english/panels/ea/papers/ea20181126cb1-189-4-e.pdf>

Support for the scheme was based on this principle. There has been no consultation with the public or Legco with regard to converting GIC, GB, OS, Recreation and Agriculture zoned sites to solar farms.

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That EPD is supporting applications like this is both irresponsible and a failure on its part to protect our natural environment and ecosystems. TPB in approving these solar farms is setting precedents that could see large swathes of farm land covered in solar panels.

FiT is at best a cosmetic distraction whereby EPD pretends it is doing something to resolve our environmental issues while failing to follow through on the many initiatives that gone through years of consultation and obfuscation.

Mary Mulvihill