

Previous s.16 Application at the Application Site (the Site)

Approved Application

Application No.	Use(s) / Development(s)	Date of Consideration (RNTPC)
A/YL-SK/337	Proposed Temporary Holiday Camp with Ancillary Facilities for a Period of 3 Years	23.12.2022 (Revoked on 23.12.2023)

**Similar s.16 Application within the same “AGR” Zone in the Vicinity of the Site
in the Past 5 Years**

Approved Application

Application No.	Use(s) / Development(s)	Date of Consideration (RNTPC)
A/YL-SK/377	Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	16.8.2024 (Revoked on 16.5.2026)

Government Bureau and 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 Old Schedule Agricultural Lot 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; and
- advisory comments are in **Appendix IV**.

2. Traffic

Comments of the Commissioner for Transport:

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

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

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

3. Drainage

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

- no adverse comment on the application from public 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 satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- advisory comments are in **Appendix IV**.

4. Fire Safety

Comments of the Director of Fire Services:

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

5. **Environment**

Comments of the Director of Environmental Protection:

- no objection to the application from environmental planning perspective;
- based on the applicant's submission, the proposed uses would not generate traffic of heavy vehicles or involve dusty operation. According to his review, there are residential dwellings 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 in **Appendix IV**.

6. **Food and Environmental Hygiene**

Comments of the Director of Food and Environmental Hygiene:

- no adverse comment on the application;
- there is no valid food business licence at the Site; and
- advisory comments are in **Appendix IV**.

7. **Archaeological and Heritage Conservation**

Comments of the Executive Secretary (Antiquities and Monument)¹ and Executive Secretary (Antiquities and Monument)², Antiquities and Monuments Office of Development Bureau:

- no adverse comment on the application from the archaeological and built heritage conservation perspectives;
- the Site is situated within the Shui Lau Tin Site of Archaeological Interest (**Plan A-1**); and
- advisory comments are at **Appendix IV**.

8. **Landscape**

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

- no adverse comments on the application from landscape planning perspective;
- based on the aerial photo (**Plan A-3**), the Site was located in an area of rural inland plain landscape character comprising village houses, temporary structures, warehouses and scattered tree groups. The proposed uses are considered not entirely incompatible with the surrounding environment;
- with reference to the aerial photo (**Plan A-3**) and site photos (**Plan A-4**), the Site was generally formed without any trees. Some wild plants were observed within the Site. According to the Application Form, no tree felling will be involved; and

- in view of the above, significant adverse landscape impact arising from the application is not anticipated.

9. **Building Matters**

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

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

10. **Aviation Safety**

Comments of the Director-General of Civil Aviation:

- no comment on the application from the perspective of safeguarding the operations of the Hong Kong International Airport, based on the understanding that the maximum level of the proposed uses (i.e. 5m / 1 storey above the existing site level of +16.2mPD) is general compatible with the building height in the surrounding areas and will not exceed the Airport Height Restriction requirement as prescribed under the Hong Kong Airport (Control of Obstructions) Ordinance (Cap. 301); and
- advisory comments are in **Appendix IV**.

11. **District Officer's Comments**

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

- no particular comments on the application; and
- his office has not received any comments from the locals upon close of consultation.

12. **Other Departments**

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

- Chief Engineer/Railway Development 1-1, Railway Development Office, HyD;
- Chief Engineer/Construction, Water Supplies Department;
- Project Manager (West), Civil Engineering and Development Department;
- Director of Electrical and Mechanical Services; and
- Commissioner of Police.

Recommended Advisory Clauses

- (a) to resolve any land issues relating to the proposed use with the concerned owner(s) of the Site;
- (b) failure to reinstate the application site (the Site) as required under the relevant approval condition upon expiry of the planning permission might constitute an unauthorized development under the Town Planning Ordinance and be subject to enforcement and prosecution actions;
- (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 Short Term Waiver(s) (STW(s)) to permit the structure(s) erected within the said private lot. The application for STW(s) will be considered by the Government in its capacity as a landlord and there is no guarantee that 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 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 (TD). 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;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that:
 - (i) the proposed access arrangement of the Site should be commented and approved by TD;
 - (ii) HyD shall not be responsible for the maintenance of the proposed access connecting the Site and Shek Kong Airfield Road, including the local tracks, if any; 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 Director of Environmental Protection (DEP) that:
 - (i) the applicant shall follow the 'Control of Oily Fume and Cooking Odour from Restaurants and Food Businesses';
 - (ii) the applicant shall follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites';

- (iii) the applicant shall follow the relevant guidelines and requirements in relevant Professional Persons Environmental Consultative Committee Practice Notes (ProPECC PNs). 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;
 - (iv) the applicant shall provide adequate supporting infrastructure/facilities for proper collection, treatment and disposal of waste/wastewater generated from the proposed use; and
 - (v) the applicant shall meet the statutory requirements under relevant environmental legislation;
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that:
- (i) the detailed comments on the drainage proposal previously provided to the applicant shall be taken into account in the future submission of the revised drainage proposal;
 - (ii) the proposed uses should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.;
 - (iii) the applicant should submit Form HBP1 ("Application for Technical Audit of Drainage/Water Supply Connection Works carried out by a Member of the Public") to his office for application of technical audit for any proposed connection to DSD's drainage facilities; and
 - (iv) for any change of existing ground level and associated works proposed by the applicant that could affect adjacent land and cause other impacts and/or other issues to public, the applicant shall submit technical assessment(s) in other aspect(s) and seek comment from relevant departments as necessary;
- (h) to note the comments of the Director of Fire Services (D of FS) that:
- (i) the applicant shall submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to the Fire Services Department (FSD) 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. Licensing requirements, if any, would be formulated upon receipt of the referral from the relevant licensing authority; 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;
- (i) 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 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 Houses) 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 are subject to the control of Part VII of the B(P)R;
 - (vii) if the proposed uses under the application are subject to issue of a license, the applicant shall be reminded that 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 comments under the BO will be provided at building plan submission stage;
- (j) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that:
- (i) no Food and Environmental Hygiene Department's (FEHD's) facilities shall be affected;
 - (ii) proper licence/permit issued by FEHD is required if there is/are any food business/catering service/activities regulated by DFEH 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), a food business licence (FBL) is required for the operation of the relevant type of food business listed in the Regulation (e.g. a restaurant, a food factory, a fresh provision shop etc). The application for licence, if acceptable by FEHD, will be referred to relevant government departments such as BD, FSD 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. Subject to relevant FBL, sufficient sanitary fitments must be provided and the installation of sanitary fitment requires approval of the BA. Also, all sanitary fitments and scullery facilities must be

connected to public mains water supply and fitted with a waste pipe connected to a proper drainage system. Alternatively, all sewage, soil water and waste water from the premises shall be drained into a sewage and waste water treatment system constructed to the satisfaction of FEHD. The applicant shall comply with all stipulated requirements before the licence is issued;

- (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 Food Business Regulation: (i) if food is sold to customers for consumption on the premises, a restaurant licence should be obtained; (ii) if food is only prepared for sale for consumption off the premises, a food factory licence should be obtained; (iii) 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; (iv) if milk, frozen confections, non-bottled drinks, cut fruit etc. are to be sold, relevant restricted food permits should be obtained;
- (v) 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. Applicant shall 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 the 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 (PPE) 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, a circus, a lecture or story-telling, an exhibition of any one or more of the following, namely, pictures, photographs, books, manuscripts or other documents or other things, a sporting exhibition or contest, a bazaar, a dance party or an amusement ride and mechanical device which is designed for amusement, a PPE Licence (or Temporary PPE 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;
- (k) to note the comments of the Executive Secretary (Antiquities and Monument)², Antiquities and Monuments Office (AMO) of the Development Bureau that pursuant to the Antiquities and Monuments Ordinance (Cap. 53), the applicant shall inform AMO immediately when any antiquities or supposed antiquities under the Ordinance are discovered in the course of works;

- (l) to note the comments of the Director-General of Civil Aviation that:
 - (i) the applicant shall note that all lights, including those installed during construction or for maintenance after the completion of the construction works, shall not be projected skyward and form a source of glare or in any way affect pilots in flight; and
 - (ii) the applicant shall give due consideration to the effect of aircraft downwash or turbulent airflow generated by aircraft operations to the proposed occupants, structures and/or any objects within and nearby the Site; and
- (m) to note the comments of the Director of Electrical and Mechanical Services that in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organising and supervising any activity near the underground cable or overhead line under the mentioned document should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans and overhead line alignment drawings, where applicable, to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. The applicant shall also observe the Electricity Supply Lines (Protection) Regulation (the Regulation) and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

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A/YL-SK/461
Lot 627 (Part) in D.D. 112, Shui Lau Tin Tsuen, Shek Kong
Site area: About 769sq.m
Zoning: "Agriculture"
Applied use: Eating Place / Shop and Services / 3 Vehicle Parking / **Filling of Land**

Dear TPB Members,

The lots were part of a FAKE Holiday Camp site 373 approved 23 Dec 2022 and revoked a year later for failure to fulfil Drainage and Fire conditions.

"The site is paved by asphalt and concrete." Presumably under 373 so why was operator not obliged to reinstate the site? It appears that there is no follow up on these revoked applications with regard to this issue.

PERHAPS A MEMBER COULD ASK IF THIS IS THE CASE?

So now its eating place, shop and services. The location does not appear to be within the range of public drainage services. This makes it dodgy when it comes to issues of hygiene, hand washing, etc.

Members should carefully consider this issue for applications where food preparation are involved.

Mary Mulvihill