

**Appendix II of RNTPC
Paper No. A/TM-SKW/131**

Previous s.16 Application covering the Application Site

Approved Applications

	Application No.	Applied Use(s)/Development(s)	Date of Consideration
1	A/DPA/TM-SKW/24	Comprehensive Residential Development and Village Housing	10.5.1996
2	A/TM-SKW/3	Comprehensive Residential Development and Village Housing	20.12.1996
3	A/TM-SKW/40	Temporary Public Car and Light Goods Vehicles Park for a period of 3 Years	19.9.2003 [revoked on 19.3.2005]

Rejected Applications

	Application No.	Applied Use(s)/Development(s)	Date of Consideration
1	A/DPA/TM-SKW/21	Comprehensive Residential Development	11.8.1995 (Rejected on Review)
2	A/DPA/TM-SKW/22	Comprehensive Residential Development	11.8.1995 (Rejected on Review)
3	A/TM-SKW/6	Amendments to Master Layout Plan for Comprehensive Residential Development and Village Housing	16.1.1998

**Similar s.16 Applications within the same “Village Type Development” Zone
on the So Kwun Wat Outline Zoning Plan in the Past Five Years**

Approved Applications

	Application No.	Applied Use(s)/Development(s)	Date of Consideration
1	A/TM-SKW/115	Proposed Temporary Shop and Services for a Period of 3 Years	23.9.2022 [revoked on 23.3.2024]
2	A/TM-SKW/124	Temporary Shop and Services for a Period of 3 Years	5.7.2024
3	A/TM-SKW/129	Proposed Temporary Shop and Services for a Period of 3 Years	14.2.2025

Government Departments' General Comments

1. Land Administration

Comments of the District Lands Officer/Tuen Mun, Lands Department:

- no adverse comment on the application; and
- there is no Small House application approved or under processing at the application site (the Site).

2. Traffic

(a) Comments of the Commissioner for Transport:

No comment on the application.

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

No comment on the application.

3. Environment

Comments of the Director of Environmental Protection:

- no objection to the application; and
- no substantiated environmental complaint pertaining the Site received in the past three years.

4. Drainage

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

- no objection in principle to the application; and
- should the application be approved, conditions should be included to request the applicant to submit a revised drainage proposal and to implement and maintain the proposed drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

5. Fire Safety

Comments of the Director of Fire Services:

No objection in principle to the application subject to fire service installations being provided to his satisfaction.

6. Water supply

Chief Engineer/Construction, Water Supplies Department:

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

7. Building Matters

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

No objection to the application.

8. District Officer's Comments

Comments of the District Officer (Tuen Mun), Home Affairs Department:

His office has not received any comment from the locals.

9. Other Departments

The following government departments have no comment on the application:

- Project Manager (West), Civil Engineering and Development Department; and
- Director of Agriculture, Fisheries and Conservation.

Recommended Advisory Clauses

- (a) to resolve any land issues relating to the development with concerned owner(s) of the application site (the Site).
- (b) to note the comments of the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD) that:
 - (i) the Site comprises Old Scheudle Agricultural Lot 271 S.A ss.1 (part) in D.D. 385 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;
 - (ii) the Site is accessible via a local access on Government land and other private lots leading from Tai Lam Chung Road. His office does not carry out maintenance works for the said Government land nor guarantee that any right-of-way to the Site will be given. The applicant shall be responsible for his own access arrangement;
 - (iii) his office reserves the right to take lease enforcement actions as considered appropriate against any unauthorized erection/extensions/alterations of the structures erected or to be erected within the subject lot or any unauthorised occupation of Government land at any time irrespective of whether planning permission will be given or not. Enforcement action will be taken should any structure or structures be found erected without prior approval given by his office or be in breach of the approval given; and
 - (iv) if the planning application is approved, the lot owner(s) shall apply to his office for a Short Term Waiver (STW) to permit the structure to be erected. The application for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that it will be approved. The STW, if approved, will be subject to such terms and conditions including the payment of waiver fee and administrative fee as considered appropriate to be imposed by LandD. LandsD reserves the right to take enforcement action against the lots owner(s)/applicant for any breach of the lease conditions, including the breach(es) already in existence or to be detected at any point of time in future. Besides, given the proposed use is temporary in nature, only erection of temporary structures will be considered;
- (c) to note the comments of the Commissioner for Transport (C of T) that:
 - (i) the Site is connected to the public road network (Tai Lam Chung Road) 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 the LandsD; and
 - (ii) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;

- (e) to note the comments of the Chief Engineer/Mainland North of the Drainage Service Department (CE/MN, DSD) that:
 - (i) the applicant is reminded that adequate openings should be provided to intercept the existing overland flow passing through the Site where hoardings (or walls) are to be erected along the site boundary;
 - (ii) it is noted that the applicant has proposed a drainage connection to CP2', which is proposed and maintained under another planning application (No. A/TM-SKW/125), the applicant is reminded that consent from the concerned departments/maintenance parties/owners should be obtained for the proposed connections to their systems; and
 - (iii) it is noted that the proposed drainage connection(s) to the surrounding/downstream area(s) will run through other private lot(s). The project proponent shall demonstrate that the proposed drainage construction/improvement/modification works and the operation of the drainage can be practically implemented on site;
- (f) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that:
 - (i) the Site appears to overlap with the adjacent access road which is under WSD's purview;
 - (ii) no structure shall be erected over the access road under WSD's purview and such area shall not be used for storage purposes;
 - (iii) the Water Authority (WA) and his officers and contractors, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of access road. All other services across, through or under the access road are required to seek authorization from the WA;
 - (iv) Government shall not be liable to any damage whatsoever and howsoever caused by issues arising from access road; and
 - (v) no trees or shrubs with penetrating roots may be planted within the access road or in the vicinity of the water main;
- (g) to note the comments of the Director of Fire Services (D of FS) that:
 - (i) in consideration of the design/nature of the proposal, fire service installations (FSIs) proposal are anticipated to be required. Relevant layout plans incorporated with the proposed FSIs should be submitted to his department for approval;
 - (ii) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy;
 - (iii) the location of proposed FSIs to be installed should be clearly marked on the layout plans; and
 - (iv) if the proposed structures are 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;

- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
- (i) before any new building works are to be carried out on the Site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are unauthorised building works (UBWs). 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) if the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;
 - (iv) if any existing structures are erected on leased land without approval of BD (not being a New Territories Exempted House), they are unauthorised under BO and should not be designated for any approved use under the captioned application;
 - (v) for UBWs erected on leased land, including the existing structures under the application, enforcement action may be taken by BA to effect their removal in accordance with BD's enforcement policy against UBWs as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBWs on the Site under BO;
 - (vi) if the proposed use under application is subject to issue of a license, the applicant should 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
 - (vii) details comments under BO will be provided during building plans submission; and
- (i) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that:
- (i) proper licence/permit issued by his Department is required if there is any food business/ catering service/activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public and the operation of any business should not cause any obstruction;
 - (ii) if the proposal involves any commercial/trading activities, its state should not as to be a nuisance or injurious or dangerous to health and surrounding environment. For any waste generated from commercial and trading services, the applicant should handle on his own/ at his expenses; and
 - (iii) the associated works and operations shall not cause any environmental nuisance, pest infestation and obstruction to the surrounding.