

RNTPC Paper No. A/YL-NTM/447
For Consideration by
the Rural and New Town
Planning Committee
on 11.11.2022

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-NTM/447

<u>Applicant</u>	: Fu Hop Yick Investment Limited
<u>Site</u>	: Lots 2273, 2277 and 2278 in D.D. 102, Ngau Tam Mei, Yuen Long
<u>Site Area</u>	: About 1,770 m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Ngau Tam Mei Outline Zoning Plan No. S/YL-NTM/12
<u>Zoning</u>	: “Green Belt” (“GB”)
<u>Application</u>	: Proposed Temporary Open Storage for a Period of 3 Years and Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary open storage for a period of 3 years and associated filling of land at the application site (the Site) (**Plan A-1**). According to the Notes of the OZP, temporary use not exceeding a period of 3 years requires planning permission from the Town Planning Board (the Board), notwithstanding that the use or development is not provided for in terms of the OZP. Filling of land within “GB” zone also requires planning permission from the Board. The Site is currently occupied by a vacant temporary structure and an open shed.
- 1.2 According to the layout plan (**Drawing A-1**) and further information (FI) submitted by the applicant, the ingress/egress (about 6m wide) is located at the eastern boundary of the Site, which is accessible to Kwu Tung Road via a local access (**Plan A-1**). There are two single-storey structures (about 4m in height) with a total floor area of about 603 m² at the Site, which are for storage of homeware uses. There will be one private car parking space and one light goods vehicle parking space. The whole site has been filled with concrete for 0.1m in depth without valid planning permission. The operation hours of the proposed use are from 9:00 a.m. to 7:00 p.m. from Mondays to Sundays, including the public holiday.

1.3 In support of the application, the applicant has submitted the following documents:

- (a) Application Form received on 19.9.2022 with (**Appendix I**) attachments
- (b) FI received on 3.11.2022 responding departmental (**Appendix Ia**) comments[#]

[#] exempted from publication requirement

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application form at **Appendix I**. The applicant indicates that the proposed use is for the storage of homewares, which can make better utilization of vacant land.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicant is one of the “current land owner” of the Site and has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No.31A) by publishing notices in a prominent position on the application site and sent notices to the San Tin Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

- 4.1 The Town Planning Board Guidelines for ‘Development within Green Belt zone under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 10) is relevant to the application. Relevant assessment criteria of the Guidelines is attached at **Appendix II**.
- 4.2 The Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13F) promulgated by the Board on 27.3.2022 is relevant to this application. The Site falls within Category 4 areas under the TPB PG-No. 13F. Relevant extract of the Guidelines is attached at **Appendix II**.

5. Background

The Site is not subject to any active enforcement action.

6. Previous Application

There is no previous application at the Site.

7. Similar Applications

7.1 There are three similar applications (No. A/YL-NTM/394, A/YL-NTM/395 and A/YL-NTM/433) involving two sites for temporary open storage of construction materials and machinery parts for a period of 3 years and one site for the filling of land within the “GB” zone on the same OZP in the past five years. All of them were rejected by the Committee from 2020 to 2022 mainly on the considerations that the applied uses being not in line with the planning intention of “GB” zone, not in line with the TPB PG- No. 10 and 13E, and the approval of applications would set an undesirable precedent for similar applications within the “GB” zone.

8. The Site and Its Surrounding Areas (Plans A-1 and A-2, aerial photo on Plan A-3 and site photos on Plans A-4a and A-4b)

8.1 The Site is:

- (a) hard-paved, occupied by a vacant temporary structure and an open shed; and
- (b) accessible to Kwu Tung Road via a local access.

8.2 The surrounding land uses are rural in character intermixed with open storage, vacant land, residential structures, ponds, grassland and woodland:

- (a) to the immediate north are storage and residential structures, and to the further north are warehouse, residential structures, pond and vacant land;
- (b) to the immediate northeast and east are a residential structure and vacant land respectively, to the further northeast and east are grassland and woodland which is zoned “Conservation Area”;
- (c) to the southeast are residential structures and vacant land;
- (d) to the immediate south are residential structures and open storage of vehicles, to the further south are vacant land and a temple;
- (e) to the southwest are vacant land, grassland and residential structures and to the immediate west are fish ponds; and
- (f) except for some residential structures to the immediate south and to the southwest, other residential structures, open storage and warehouse in the vicinity of the Site are mostly suspected unauthorised developments.

9. Planning Intention

The planning intention of the “GB” zone is intended for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against

development within this zone

10. Comments from Relevant Government Departments

10.1 Apart from the government department as set out in paragraph 10.1 below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided in **Appendices IV and V** respectively. 10.2 The following government department has concerns on the application.

Landscape

10.1.1 Comments of the Chief Town Planner/Urban Design and Landscape Section, Planning Department (CTP/UD&L, PlanD):

- (a) The Site is partly hard-paved with temporary structures and partly covered with self-seeded vegetation. Existing trees of common species in fair condition are observed within the site. The whole site has been filled with concrete for 0.1m in depth. However, no tree information and proposed tree treatment are provided in the application and therefore potential impact on the existing trees arising from the proposed use cannot be reasonably ascertained.
- (b) There is a concern that approval of the application would alter the landscape character of the “Green Belt” zone and further degrade the landscape quality of surrounding environment. Hence, she has reservation on the application from landscape planning perspective.

11. Public Comments Received During Statutory Publication Period

On 27.9.2022, the application was published for public inspection. During the three weeks of the statutory public inspection period, which ended on 18.10.2022, a total of 3 public comments were received from 2 individuals and the Kadoorie Farm and Botanic Garden objecting to or raising concerns on the application on grounds that the proposed temporary use will create traffic issue, environmental pollution and increase fire risk thereby affecting the safety and living quality of the local residents. It is also not in line with the planning intention of “GB” zone and will set undesirable precedent for similar cases in this “GB” zone (**Appendix VI**).

12. Planning Considerations and Assessments

12.1 The application is for temporary open storage for a period of 3 years and filling of land at the Site which falls within an area zoned “GB”. The planning intention of “GB” zone is for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within

this zone. The applicant has not provided strong planning justifications that merit a departure from the aforementioned planning intention, even on a temporary basis. It is considered that the proposed use and filling of land is not in line with the planning intention of the “GB” zone.

- 12.2 The Site is in close vicinity of Ki Lun Shan falling within “CA” zone with woodland. Although there are a few open storages identified around the Site, they are operated without valid planning permission. The proposed temporary use and filling of land is considered incompatible with the surrounding major land uses which are rural in character and intermixed with ponds, woodland, grassland and residential dwellings, as well as the adjacent “CA” zone (**Plan A-2**).
- 12.3 According to the TPB PG-No. 10, development in the “GB” zone should not involve extensive clearance of existing natural vegetation and affect the existing natural landscape, adversely affect drainage or aggravate flooding and slope stability in the area. CTP/UD&L of PlanD has reservation on the application that existing trees of common species in fair condition are observed within the Site but no tree information and proposed tree treatment are provided in the application, and potential impact on the existing trees arising from the proposed use cannot be reasonably ascertained. The approval of the application would alter the landscape character of the “Green Belt” zone and further degrade the landscape quality of surrounding environment. It is considered that the proposed use and filling of land at the Site is not in line with the TPB PG-No. 10.
- 12.4 As mentioned in paragraph 4.2, the Site falls within Category 4 areas under the TPB PG-No. 13F in which applications for open storage and port back-up uses in Category 4 areas would normally be rejected except under exceptional circumstances. The application is not in line with TPB PG-No. 13F in that no previous approval for the proposed use has been granted for the Site and there are adverse departmental comments on landscape aspect.
- 12.5 There had been three similar applications for similar use in the “GB” zone for the past five years and all of them were rejected by the Committee on similar considerations that the proposed storage uses and land filling are not in line with the planning intention of “GB”, not in line with the TPB PG- No. 10 and 13E, and approval of application would set an undesirable precedent resulting in general degradation of the environment of the area. Rejection of current application is in line with the previous decisions of the Committee.
- 12.6 Regarding the three public comments received raising objection/concerns on the application as detailed in paragraph 11 above, the planning considerations and assessments and departmental comments above are relevant.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 and have taking into account the public comments in paragraph 11, the Planning Department does not support the application for the following reasons:

- (a) the proposed use and filling of land is not in line with the planning intention of the “GB” zone which is intended for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets and there is a general presumption against development within this zone. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the proposed use and filling of land is not in line with the TPB PG-No. 10 in that it is incompatible with the surrounding area and will affect the landscape character; and
- (c) the proposed use and filling of land is not in line with the TPB PG-No. 13F in that there is no previous planning approval for the proposed use at the Site and there are adverse departmental comments on landscape aspect.

13.2 Alternatively, should the committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of three years until 11.11.2025. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) the submission of a drainage proposal within **6** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 11.5.2023;
- (b) the implementation of the drainage proposal within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 11.8.2023;
- (c) in relation to (b) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (d) the submission of a fire service installation proposal within **6** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 11.5.2023;
- (e) the implementation of the 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 Town Planning Board by 11.8.2023;
- (f) if any of the above planning condition (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (g) if any of the above planning condition (a), (b), (d) or (e) is not complied with by the specified date, the approval hereby given shall cease to have effect and

shall on the same date be revoked without further notice.

- (h) upon expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory Clauses

The recommended advisory clauses are attached at **Appendix V**.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 Should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 14.3 Alternatively, Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.

15. Attachments

Appendix I	Application Form received on 19.9.2022 with attachments
Appendix Ia	FI received on 3.11.2022
Appendix II	Extract of TPB PG-No. 10 and No. 13F
Appendix III	Similar Applications
Appendix IV	Government departments' general comments
Appendix V	Recommended advisory clauses
Appendix VI	Public Comments
Drawing A-1	Proposed Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
NOVEMBER 2022**

2022年 9月 1 9日

Appendix I of RNTPC
Paper No. A/YL-NTM/447

此文件在 收到・城市規劃委員會
與在收到所有必須的資料文件後才正式處理或收到
申請的日期。

19 SEP 2022

This document is received on
The Town Planning Board will formally acknowledge
the date of receipt of the application only upon receipt
of all the required information and documents.

Form No. S16-III
表格第 S16-III 號

**APPLICATION FOR PERMISSION
UNDER SECTION 16 OF
THE TOWN PLANNING ORDINANCE
(CAP.131)**

根據《城市規劃條例》(第131章)
第16條遞交的許可申請

**Applicable to Proposal Only Involving Temporary Use/Development of
Land and/or Building Not Exceeding 3 Years in Rural Areas or Renewal
of Permission for such Temporary Use or Development***

**適用於祇涉及位於鄉郊地區土地上及/或建築物內進行為期不超過三年
的臨時用途/發展或該等臨時用途/發展的許可續期的建議***

**Form No. S16-I should be used for other Temporary Use/Development of Land and/or Building (e.g. temporary use/developments in the Urban Area) and Renewal of Permission for such Temporary Use or Development.*

**其他土地上及/或建築物內的臨時用途/發展 (例如位於市區內的臨時用途或發展)及有關該等臨時用途/發展的許可續期，應使用表格第 S16-I 號。*

Applicant who would like to publish the notice of application in local newspapers to meet one of the Town Planning Board's requirements of taking reasonable steps to obtain consent of or give notification to the current land owner, please refer to the following link regarding publishing the notice in the designated newspapers:
https://www.info.gov.hk/tpb/en/plan_application/apply.html

申請人如欲在本地報章刊登申請通知，以採取城市規劃委員會就取得現行土地擁有人的同意或通知現行土地擁有人所指定的其中一項合理步驟，請瀏覽以下網址有關在指定的報章刊登通知：
https://www.info.gov.hk/tpb/tc/plan_application/apply.html

General Note and Annotation for the Form

填寫表格的一般指引及註解

"Current land owner" means any person whose name is registered in the Land Registry as that of an owner of the land to which the application relates, as at 6 weeks before the application is made

「現行土地擁有人」指在提出申請前六星期，其姓名或名稱已在土地註冊處註冊為該申請所關乎的土地的擁有人的人

& Please attach documentary proof 請夾附證明文件

^ Please insert number where appropriate 請在適當地方註明編號

Please fill "NA" for inapplicable item 請在不適用的項目填寫「不適用」

Please use separate sheets if the space provided is insufficient 如所提供的空間不足，請另頁說明

Please insert a 「✓」 at the appropriate box 請在適當的方格內上加上「✓」號

2202076 10/8 by post

Form No. S16-III 表格第 S16-III 號

For Official Use Only 請勿填寫此欄	Application No. 申請編號	A/TL-PM/1447
	Date Received 收到日期	19 SEP 2022

- The completed form and supporting documents (if any) should be sent to the Secretary, Town Planning Board (the Board), 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong.
申請人須把填妥的申請表格及其他支持申請的文件 (倘有)：送交香港北角渣華道 333 號北角政府合署 15 樓城市規劃委員會 (下稱「委員會」) 秘書收。
- Please read the "Guidance Notes" carefully before you fill in this form. The document can be downloaded from the Board's website at <http://www.info.gov.hk/tpb/>. It can also be obtained from the Secretariat of the Board at 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong (Tel: 2231 4810 or 2231 4835), and the Planning Enquiry Counters of the Planning Department (Hotline: 2231 5000) (17/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong and 14/F, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin, New Territories).
請先細閱《申請須知》的資料單張，然後填寫此表格。該份文件可從委員會的網頁下載 (網址：<http://www.info.gov.hk/tpb/>)，亦可向委員會秘書處 (香港北角渣華道 333 號北角政府合署 15 樓 - 電話：2231 4810 或 2231 4835) 及規劃署的規劃資料查詢處 (熱線：2231 5000) (香港北角渣華道 333 號北角政府合署 17 樓及新界沙田上禾輦路 1 號沙田政府合署 14 樓) 索取。
- This form can be downloaded from the Board's website, and obtained from the Secretariat of the Board and the Planning Enquiry Counters of the Planning Department. The form should be typed or completed in block letters. The processing of the application may be refused if the required information or the required copies are incomplete.
此表格可從委員會的網頁下載，亦可向委員會秘書處及規劃署的規劃資料查詢處索取。申請人須以打印方式或以正楷填寫表格。如果申請人所提交的資料或文件副本不齊全，委員會可拒絕處理有關申請。

1. Name of Applicant 申請人姓名/名稱

(☐ Mr. 先生 / ☐ Mrs. 夫人 / ☐ Miss 小姐 / ☐ Ms. 女士 / ☒ Company 公司 / ☐ Organisation 機構)

富合益置業有限公司 FU HOP YICK INVESTMENT LIMITED

2. Name of Authorised Agent (if applicable) 獲授權代理人姓名/名稱 (如適用)

(☐ Mr. 先生 / ☐ Mrs. 夫人 / ☐ Miss 小姐 / ☐ Ms. 女士 / ☐ Company 公司 / ☐ Organisation 機構)

3. Application Site 申請地點

(a) Full address / location / demarcation district and lot number (if applicable) 詳細地址/地點/丈量約份及地段號碼 (如適用)	元朗新田麒麟山村丈量約份第102約地段第2273號，第2277號，第2278號
(b) Site area and/or gross floor area involved 涉及的地盤面積及/或總樓面面積	<input checked="" type="checkbox"/> Site area 地盤面積 1770 sq.m 平方米 <input checked="" type="checkbox"/> About 約 <input checked="" type="checkbox"/> Gross floor area 總樓面面積 603 sq.m 平方米 <input checked="" type="checkbox"/> About 約
(c) Area of Government land included (if any) 所包括的政府土地面積 (倘有)	..... sq.m 平方米 <input type="checkbox"/> About 約

(d) Name and number of the related statutory plan(s) 有關法定圖則的名稱及編號	S/YL - NTM/12
(e) Land use zone(s) involved 涉及的土地用途地帶	綠化地帶 GB
(f) Current use(s) 現時用途	空置 (If there are any Government, institution or community facilities, please illustrate on plan and specify the use and gross floor area) (如有任何政府、機構或社區設施，請在圖則上顯示，並註明用途及總樓面面積)

4. "Current Land Owner" of Application Site 申請地點的「現行土地擁有人」

The applicant 申請人 –

- ☐ is the sole "current land owner"^{#&} (please proceed to Part 6 and attach documentary proof of ownership).
是唯一的「現行土地擁有人」^{#&} (請繼續填寫第 6 部分，並夾附業權證明文件)。
- ☒ is one of the "current land owners"^{#&} (please attach documentary proof of ownership).
是其中一名「現行土地擁有人」^{#&} (請夾附業權證明文件)。
- ☐ is not a "current land owner"[#].
並不是「現行土地擁有人」[#]。
- ☐ The application site is entirely on Government land (please proceed to Part 6).
申請地點完全位於政府土地上 (請繼續填寫第 6 部分)。

5. Statement on Owner's Consent/Notification

就土地擁有人的同意/通知土地擁有人的陳述

- (a) According to the record(s) of the Land Registry as at (DD/MM/YYYY), this application involves a total of "current land owner(s)"[#].
根據土地註冊處截至2022..... 年8..... 月1..... 日的記錄，這宗申請共牽涉4..... 名「現行土地擁有人」[#]。

(b) The applicant 申請人 –

- ☐ has obtained consent(s) of "current land owner(s)"[#].
已取得 名「現行土地擁有人」[#]的同意。

Details of consent of "current land owner(s)" [#] obtained 取得「現行土地擁有人」 [#] 同意的詳情		
No. of 'Current Land Owner(s)' 「現行土地擁有人」數目	Lot number/address of premises as shown in the record of the Land Registry where consent(s) has/have been obtained 根據土地註冊處記錄已獲得同意的地段號碼/處所地址	Date of consent obtained (DD/MM/YYYY) 取得同意的日期 (日/月/年)

(Please use separate sheets if the space of any box above is insufficient. 如上列任何方格的空間不足，請另頁說明)

- ☐ has notified "current land owner(s)"#
已通知 名「現行土地擁有人」#。

Details of the "current land owner(s)"# notified 已獲通知「現行土地擁有人」#的詳細資料		
No. of 'Current Land Owner(s)' 「現行土地擁有人」數目	Lot number/address of premises as shown in the record of the Land Registry where notification(s) has/have been given 根據土地註冊處記錄已發出通知的地段號碼/處所地址	Date of notification given (DD/MM/YYYY) 通知日期(日/月/年)

(Please use separate sheets if the space of any box above is insufficient. 如上列任何方格的空間不足，請另頁說明)

- ☒ has taken reasonable steps to obtain consent of or give notification to owner(s):
已採取合理步驟以取得土地擁有人的同意或向該人發給通知。詳情如下：

Reasonable Steps to Obtain Consent of Owner(s) 取得土地擁有人的同意所採取的合理步驟

- ☐ sent request for consent to the "current land owner(s)" on _____ (DD/MM/YYYY)#&
於 _____ (日/月/年)向每一名「現行土地擁有人」#郵遞要求同意書&

Reasonable Steps to Give Notification to Owner(s) 向土地擁有人發出通知所採取的合理步驟

- ☐ published notices in local newspapers on _____ (DD/MM/YYYY)&
於 _____ (日/月/年)在指定報章就申請刊登一次通知&
- ☒ posted notice in a prominent position on or near application site/premises on _____ (DD/MM/YYYY)&
於 15/09/2022 (日/月/年)在申請地點/申請處所或附近的顯明位置貼出關於該申請的通知&
- ☒ sent notice to relevant owners' corporation(s)/owners' committee(s)/mutual aid committee(s)/management office(s) or rural committee on _____ (DD/MM/YYYY)&
於 15/09/2022 (日/月/年)把通知寄往相關的業主立案法團/業主委員會/互助委員會或管理處或有關的鄉事委員會&

Others 其他

- ☐ others (please specify)
其他(請指明)

Note: May insert more than one 「✓」.

Information should be provided on the basis of each and every lot (if applicable) and premises (if any) in respect of the application.

註: 可在多於一個方格內加上「✓」號

申請人須就申請涉及的每一地段(倘適用)及處所(倘有)分別提供資料

6. Type(s) of Application 申請類別	
(A) Temporary Use/Development of Land and/or Building Not Exceeding 3 Years in Rural Areas 位於鄉郊地區土地上及/或建築物內進行為期不超過三年的臨時用途/發展 (For Renewal of Permission for Temporary Use or Development in Rural Areas, please proceed to Part (B)) (如屬位於鄉郊地區臨時用途/發展的規劃許可續期，請填寫(B)部分)	
(a) Proposed use(s)/development 擬議用途/發展	擬議臨時露天存放（為期3年）及填土 (Please illustrate the details of the proposal on a layout plan) (請用平面圖說明擬議詳情)
(b) Effective period of permission applied for 申請的許可有效期	<input checked="" type="checkbox"/> year(s) 年 3 <input type="checkbox"/> month(s) 個月
(c) Development Schedule 發展細節表	
Proposed uncovered land area 擬議露天土地面積	1167 .....sq.m <input checked="" type="checkbox"/> About 約
Proposed covered land area 擬議有上蓋土地面積	603 .....sq.m <input checked="" type="checkbox"/> About 約
Proposed number of buildings/structures 擬議建築物/構築物數目	2
Proposed domestic floor area 擬議住用樓面面積	.....sq.m <input type="checkbox"/> About 約
Proposed non-domestic floor area 擬議非住用樓面面積	603 .....sq.m <input checked="" type="checkbox"/> About 約
Proposed gross floor area 擬議總樓面面積	603 .....sq.m <input checked="" type="checkbox"/> About 約
Proposed height and use(s) of different floors of buildings/structures (if applicable) 建築物/構築物的擬議高度及不同樓層的擬議用途 (如適用) (Please use separate sheets if the space below is insufficient) (如以下空間不足，請另頁說明)	
..... 兩個臨時構築物（開放式棚架覆蓋）：存放用途，一層高約4米 （現有兩個構築物已存在申請地點多年，我方不打算對該等構築物進行任何加建或改建工程。）	
Proposed number of car parking spaces by types 不同種類停車位的擬議數目	
Private Car Parking Spaces 私家車車位	1
Motorcycle Parking Spaces 電單車車位	.....
Light Goods Vehicle Parking Spaces 輕型貨車泊車位	1
Medium Goods Vehicle Parking Spaces 中型貨車泊車位	.....
Heavy Goods Vehicle Parking Spaces 重型貨車泊車位	.....
Others (Please Specify) 其他 (請列明)	.....
Proposed number of loading/unloading spaces 上落客貨車位的擬議數目	
Taxi Spaces 的士車位	.....
Coach Spaces 旅遊巴車位	.....
Light Goods Vehicle Spaces 輕型貨車車位	.....
Medium Goods Vehicle Spaces 中型貨車車位	.....
Heavy Goods Vehicle Spaces 重型貨車車位	.....
Others (Please Specify) 其他 (請列明)	.....

Proposed operating hours 擬議營運時間 星期一至日，早上9時至晚上7時，包括公眾假期。預計每天會有1-6輛汽車出入申請地點，每輛車輛一程出入。我方相信車流對該道路或附近交通影響輕微。			
(d) Any vehicular access to the site/subject building? 是否有車路通往地盤／有關建築物？	Yes 是	<input checked="" type="checkbox"/> There is an existing access. (please indicate the street name, where appropriate) 有一條現有車路。(請註明車路名稱(如適用)) 由新田公路轉小路進入	
	No 否	<input type="checkbox"/> There is a proposed access. (please illustrate on plan and specify the width) 有一條擬議車路。(請在圖則顯示，並註明車路的闊度) <input type="checkbox"/>	
(e) Impacts of Development Proposal 擬議發展計劃的影響 (If necessary, please use separate sheets to indicate the proposed measures to minimise possible adverse impacts or give justifications/reasons for not providing such measures. 如需要的話，請另頁註明可盡量減少可能出現不良影響的措施，否則請提供理據/理由。)			
(i) Does the development proposal involve alteration of existing building? 擬議發展計劃是否包括現有建築物的改動？	Yes 是	<input type="checkbox"/> Please provide details 請提供詳情 (現有石屎地已存在申請地點多年，我方不打算在申請地點進行任何額外填土、挖土、或改變河道、水源的工程。)	
	No 否	<input checked="" type="checkbox"/>	
(ii) Does the development proposal involve the operation on the right? 擬議發展是否涉及右列的工程？	Yes 是	<input checked="" type="checkbox"/> (Please indicate on site plan the boundary of concerned land/pond(s), and particulars of stream diversion, the extent of filling of land/pond(s) and/or excavation of land) (請用地盤平面圖顯示有關土地／池塘界線，以及河道改道、填塘、填土及／或挖土的細節及／或範圍) <input type="checkbox"/> Diversion of stream 河道改道 <input type="checkbox"/> Filling of pond 填塘 Area of filling 填塘面積 sq.m 平方米 <input type="checkbox"/> About 約 Depth of filling 填塘深度 m 米 <input type="checkbox"/> About 約 <input checked="" type="checkbox"/> Filling of land 填土 Area of filling 填土面積 1770 sq.m 平方米 <input checked="" type="checkbox"/> About 約 Depth of filling 填土厚度 0.1 m 米 <input checked="" type="checkbox"/> About 約 <input type="checkbox"/> Excavation of land 挖土 Area of excavation 挖土面積 sq.m 平方米 <input type="checkbox"/> About 約 Depth of excavation 挖土深度 m 米 <input type="checkbox"/> About 約	
	No 否	<input type="checkbox"/>	
(iii) Would the development proposal cause any adverse impacts? 擬議發展計劃會否造成不良影響？	On environment 對環境 Yes 會 <input type="checkbox"/> No 不會 <input checked="" type="checkbox"/> On traffic 對交通 Yes 會 <input type="checkbox"/> No 不會 <input checked="" type="checkbox"/> On water supply 對供水 Yes 會 <input type="checkbox"/> No 不會 <input checked="" type="checkbox"/> On drainage 對排水 Yes 會 <input type="checkbox"/> No 不會 <input checked="" type="checkbox"/> On slopes 對斜坡 Yes 會 <input type="checkbox"/> No 不會 <input checked="" type="checkbox"/> Affected by slopes 受斜坡影響 Yes 會 <input type="checkbox"/> No 不會 <input checked="" type="checkbox"/> Landscape Impact 構成景觀影響 Yes 會 <input type="checkbox"/> No 不會 <input checked="" type="checkbox"/> Tree Felling 砍伐樹木 Yes 會 <input type="checkbox"/> No 不會 <input checked="" type="checkbox"/> Visual Impact 構成視覺影響 Yes 會 <input type="checkbox"/> No 不會 <input checked="" type="checkbox"/> Others (Please Specify) 其他 (請列明) Yes 會 <input type="checkbox"/> No 不會 <input checked="" type="checkbox"/> _____ _____		

	<p>Please state measure(s) to minimise the impact(s). For tree felling, please state the number, diameter at breast height and species of the affected trees (if possible) 請註明盡量減少影響的措施。如涉及砍伐樹木，請說明受影響樹木的數目、及胸高度的樹幹直徑及品種(倘可)</p> <p>.....</p> <p>不會砍伐任何樹木</p> <p>.....</p> <p>.....</p> <p>.....</p>
--	--

(B) Renewal of Permission for Temporary Use or Development in Rural Areas 位於鄉郊地區臨時用途/發展的許可續期	
(a) Application number to which the permission relates 與許可有關的申請編號	A/ _____ / _____
(b) Date of approval 獲批給許可的日期	..... (DD 日/MM 月/YYYY 年)
(c) Date of expiry 許可屆滿日期	..... (DD 日/MM 月/YYYY 年)
(d) Approved use/development 已批給許可的用途/發展	
(e) Approval conditions 附帶條件	<p><input type="checkbox"/> The permission does not have any approval condition 許可並沒有任何附帶條件</p> <p><input type="checkbox"/> Applicant has complied with all the approval conditions 申請人已履行全部附帶條件</p> <p><input type="checkbox"/> Applicant has not yet complied with the following approval condition(s): 申請人仍未履行下列附帶條件：</p> <p>.....</p> <p>.....</p> <p>Reason(s) for non-compliance: 仍未履行的原因：</p> <p>.....</p> <p>.....</p> <p>(Please use separate sheets if the space above is insufficient) (如以上空間不足，請另頁說明)</p>
(f) Renewal period sought 要求的續期期間	<p><input type="checkbox"/> year(s) 年</p> <p><input type="checkbox"/> month(s) 個月</p>

7. Justifications 理由

The applicant is invited to provide justifications in support of the application. Use separate sheets if necessary.
 現請申請人提供申請理由及支持其申請的資料。如有需要，請另頁說明。

善用資源，避免閒置可用土地

擬議臨時露天存放，儲存家居雜物

(現場有兩個一層高約4米開放式棚架覆蓋的臨時構築物擬用作臨時露天存放用途，

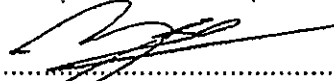
現場不再有其他臨時構築物，如有會按要求搬走。)

8. Declaration 聲明

I hereby declare that the particulars given in this application are correct and true to the best of my knowledge and belief.
本人謹此聲明，本人就這宗申請提交的資料，據本人所知及所信，均屬真實無誤。

I hereby grant a permission to the Board to copy all the materials submitted in this application and/or to upload such materials to the Board's website for browsing and downloading by the public free-of-charge at the Board's discretion.
本人現准許委員會酌情將本人就此申請所提交的所有資料複製及/或上載至委員會網站，供公眾免費瀏覽或下載。

Signature
簽署


.....
文亦揚

☒ Applicant 申請人 / ☐ Authorised Agent 獲授權代理人

MANAGER

Name in Block Letters
姓名 (請以正楷填寫)

Position (if applicable)
職位 (如適用)

Professional Qualification(s) ☐ Member 會員 / ☐ Fellow of 資深會員

專業資格

☐ HKIP 香港規劃師學會 /

☐ HKIA 香港建築師學會 /

☐ HKIS 香港測量師學會 /

☐ HKIE 香港工程師學會 /

☐ HKILA 香港園境師學會 /

☐ HKIUD 香港城市設計學會

☐ RPP 註冊專業規劃師

Others 其他

on behalf of
代表

富合益置業有限公司 FU HOP YICK INVESTMENT LIMITED

☒ Company 公司 / ☐ Organisation Name and Chop (if applicable) 機構名稱及蓋章 (如適用)

Date 日期

02/08/2022

(DD/MM/YYYY 日/月/年)

Remark 備註

The materials submitted in this application and the Board's decision on the application would be disclosed to the public. Such materials would also be uploaded to the Board's website for browsing and free downloading by the public where the Board considers appropriate.

委員會會向公眾披露申請人所遞交的申請資料和委員會對申請所作的決定。在委員會認為合適的情況下，有關申請資料亦會上載至委員會網頁供公眾免費瀏覽及下載。

Warning 警告

Any person who knowingly or wilfully makes any statement or furnish any information in connection with this application, which is false in any material particular, shall be liable to an offence under the Crimes Ordinance.

任何人在明知或故意的情況下，就這宗申請提出在任何要項上是虛假的陳述或資料，即屬違反《刑事罪行條例》。

Statement on Personal Data 個人資料的聲明

- The personal data submitted to the Board in this application will be used by the Secretary of the Board and Government departments for the following purposes:
委員會就這宗申請所收到的個人資料會交給委員會秘書及政府部門，以根據《城市規劃條例》及相關的城市規劃委員會規劃指引的規定作以下用途：
(a) the processing of this application which includes making available the name of the applicant for public inspection when making available this application for public inspection; and
處理這宗申請，包括公布這宗申請供公眾查閱，同時公布申請人的姓名供公眾查閱；以及
(b) facilitating communication between the applicant and the Secretary of the Board/Government departments.
方便申請人與委員會秘書及政府部門之間進行聯絡。
- The personal data provided by the applicant in this application may also be disclosed to other persons for the purposes mentioned in paragraph 1 above.
申請人就這宗申請提供的個人資料，或亦會向其他人士披露，以作上述第 1 段提及的用途。
- An applicant has a right of access and correction with respect to his/her personal data as provided under the Personal Data (Privacy) Ordinance (Cap. 486). Request for personal data access and correction should be addressed to the Secretary of the Board at 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong.
根據《個人資料(私隱)條例》(第 486 章)的規定，申請人有權查閱及更正其個人資料。如欲查閱及更正個人資料，應向委員會秘書提出有關要求，其地址為香港北角渣華道 333 號北角政府合署 15 樓。

Gist of Application 申請摘要

(Please provide details in both English and Chinese as far as possible. This part will be circulated to relevant consultees, uploaded to the Town Planning Board's Website for browsing and free downloading by the public and available at the Planning Enquiry Counters of the Planning Department for general information.)

(請盡量以英文及中文填寫。此部分將會發送予相關諮詢人士、上載至城市規劃委員會網頁供公眾免費瀏覽及下載及於規劃署規劃資料查詢處供一般參閱。)

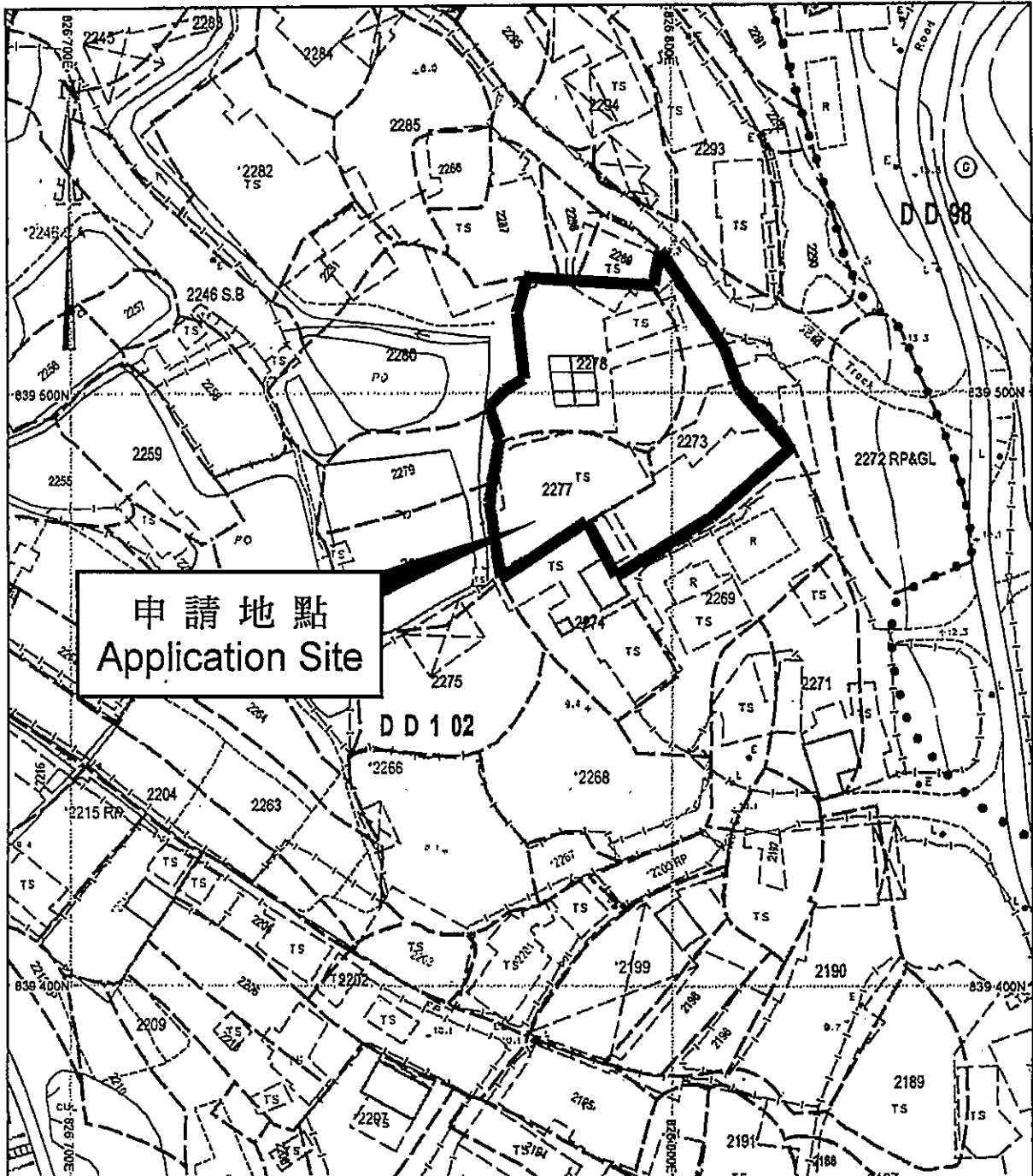
Application No. 申請編號	(For Official Use Only) (請勿填寫此欄)		
Location/address 位置/地址	元朗新田麒麟山村丈量約份第102約地段 第2273號, 第2277號, 第2278號		
Site area 地盤面積	1770	sq. m 平方米	<input checked="" type="checkbox"/> About 約
	(includes Government land of 包括政府土地	sq. m 平方米	<input type="checkbox"/> About 約)
Plan 圖則	S/YL - NTM/12		
Zoning 地帶	綠化地帶 GB		
Type of Application 申請類別	<input checked="" type="checkbox"/> Temporary Use/Development in Rural Areas for a Period of 位於鄉郊地區的臨時用途/發展為期 <input checked="" type="checkbox"/> Year(s) 年 <u>3</u> <input type="checkbox"/> Month(s) 月 _____ <input type="checkbox"/> Renewal of Planning Approval for Temporary Use/Development in Rural Areas for a Period of 位於鄉郊地區臨時用途/發展的規劃許可續期為期 <input type="checkbox"/> Year(s) 年 _____ <input type="checkbox"/> Month(s) 月 _____		
Applied use/ development 申請用途/發展	擬議臨時露天存放(為期3年)及填土		

Submitted Plans, Drawings and Documents 提交的圖則、繪圖及文件		
	Chinese 中文	English 英文
Plans and Drawings 圖則及繪圖		
Master layout plan(s)/Layout plan(s) 總綱發展藍圖／布局設計圖	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Block plan(s) 樓宇位置圖	<input type="checkbox"/>	<input type="checkbox"/>
Floor plan(s) 樓宇平面圖	<input type="checkbox"/>	<input type="checkbox"/>
Sectional plan(s) 截視圖	<input type="checkbox"/>	<input type="checkbox"/>
Elevation(s) 立視圖	<input type="checkbox"/>	<input type="checkbox"/>
Photomontage(s) showing the proposed development 顯示擬議發展的合成照片	<input type="checkbox"/>	<input type="checkbox"/>
Master landscape plan(s)/Landscape plan(s) 園境設計總圖／園境設計圖	<input type="checkbox"/>	<input type="checkbox"/>
Others (please specify) 其他（請註明）	<input checked="" type="checkbox"/>	<input type="checkbox"/>
位置圖，行車路線圖		
Reports 報告書		
Planning Statement/Justifications 規劃綱領/理據	<input type="checkbox"/>	<input type="checkbox"/>
Environmental assessment (noise, air and/or water pollutions) 環境評估（噪音、空氣及／或水的污染）	<input type="checkbox"/>	<input type="checkbox"/>
Traffic impact assessment (on vehicles) 就車輛的交通影響評估	<input type="checkbox"/>	<input type="checkbox"/>
Traffic impact assessment (on pedestrians) 就行人的交通影響評估	<input type="checkbox"/>	<input type="checkbox"/>
Visual impact assessment 視覺影響評估	<input type="checkbox"/>	<input type="checkbox"/>
Landscape impact assessment 景觀影響評估	<input type="checkbox"/>	<input type="checkbox"/>
Tree Survey 樹木調查	<input type="checkbox"/>	<input type="checkbox"/>
Geotechnical impact assessment 土力影響評估	<input type="checkbox"/>	<input type="checkbox"/>
Drainage impact assessment 排水影響評估	<input type="checkbox"/>	<input type="checkbox"/>
Sewerage impact assessment 排污影響評估	<input type="checkbox"/>	<input type="checkbox"/>
Risk Assessment 風險評估	<input type="checkbox"/>	<input type="checkbox"/>
Others (please specify) 其他（請註明）	<input type="checkbox"/>	<input type="checkbox"/>
Note: May insert more than one '✓'. 註：可在多於一個方格內加上「✓」號		

Note: The information in the Gist of Application above is provided by the applicant for easy reference of the general public. Under no circumstances will the Town Planning Board accept any liabilities for the use of the information nor any inaccuracies or discrepancies of the information provided. In case of doubt, reference should always be made to the submission of the applicant.

註：上述申請摘要的資料是由申請人提供以方便市民大眾參考。對於所載資料在使用上的問題及文義上的歧異，城市規劃委員會概不負責。若有任何疑問，應查閱申請人提交的文件。

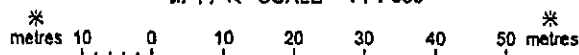
位置圖



地政總署測繪處

Survey and Mapping Office, Lands Department

比例尺 SCALE 1:1 000



Locality :

Lot Index Plan No. : ags_S00000092643_0001

District Survey Office : Lands Information Center

Date : 21-Apr-2022

Reference No. : 2-SE-13B

香港特別行政區政府 一 版權所有

© Copyright reserved - Hong Kong SAR Government

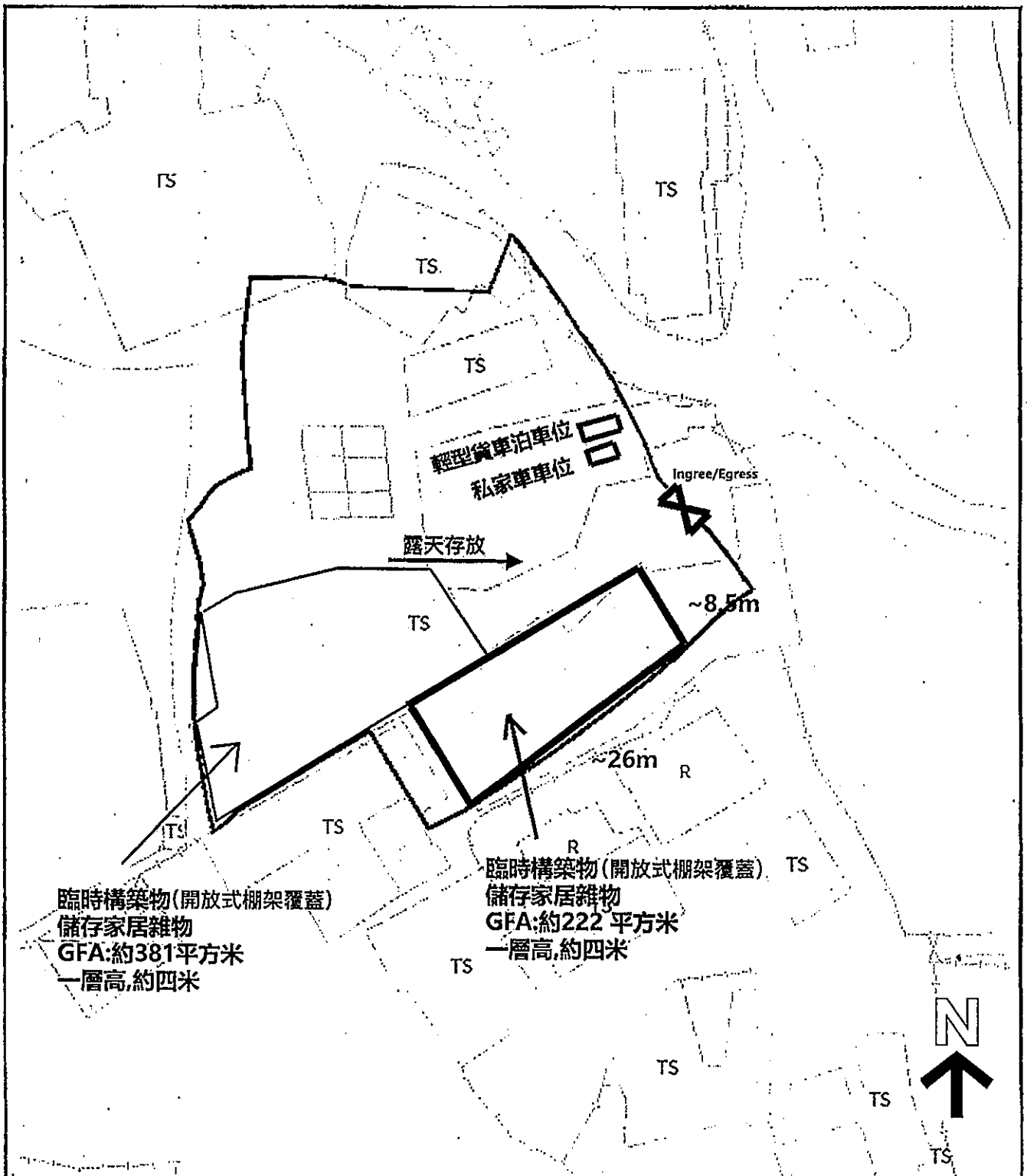
SMO-P01 20220421152536 10

摘要說明：本地索引圖在其背景的地形圖上標示了各種永久和短期持有的土地的圖像界線。這些土地包括私人地塊、政府擁地、短期租約地塊，以及其他作特殊用途的土地。請注意：(1)索引圖上的資料會與不時更新而不作事先通知；(2)索引圖的更新或會基於有關資料的實際需要；以及(3)本索引圖中顯示的界線提供識別之用，資料是否準確可靠，應就詢導某土地附屬商的意見。

免責說明：如因使用本地索引圖，或因所依據的本索引圖資料出錯、遺漏、過時或有誤差而導致任何損失或損害，政府概不承擔任何法律責任。

Explanatory notes : This plan shows the graphical boundaries of different kinds of permanent and temporary land holdings with the topographic map in the backdrop. The land holdings as shown may include private lots, government land allocations, short term tenancies and other permitted uses of land. It must be noted that: (1) the information shown on this plan is subject to update without prior notification; (2) there may be time lag between an update and the related changes taken place; and (3) the graphical boundaries as shown are for identification purpose only and interpretation of their accuracy and reliability requires the advice from professional land surveyor.

Disclaimer : The Government shall not be responsible for any loss or damage howsoever arising from the use of this plan or in reliance upon its correctness, completeness, timeliness or accuracy.



Project 項目名稱:

Drawing Title 圖名:

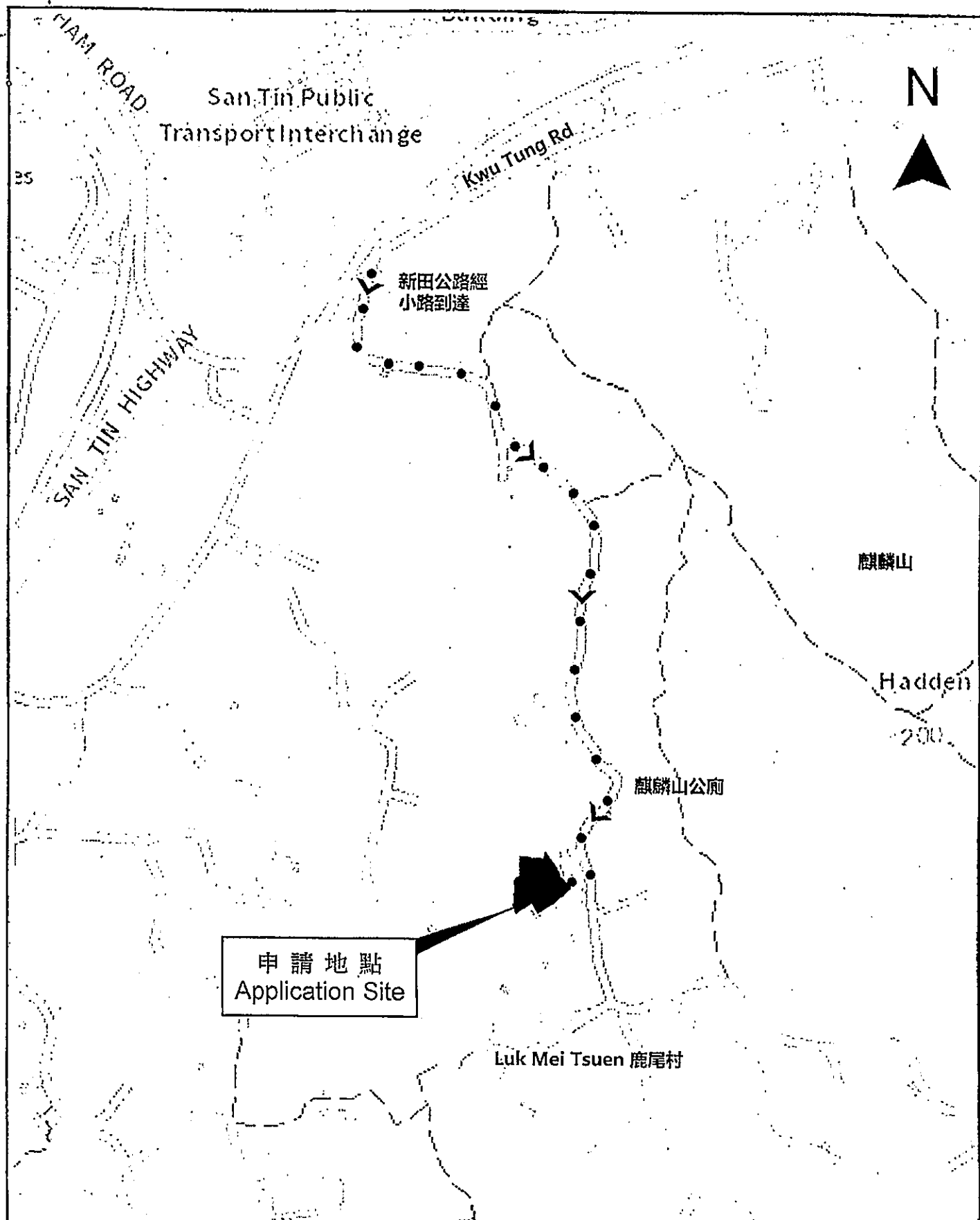
Proposed Layout Plan
布局設計圖

Remarks 備註:

Drawing No. 圖號:

Scale 比例:

20 m



Project 項目名稱:	Drawing Title 圖目: 行車路線圖	Remarks 備註: • • • Vehicular Access leading to site
	Drawing No. 圖號:	Scale 比例:

☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt ☐ Mark Subject Restricted ☐ Expand personal&public groups



To: tpbpd@pland.gov.hk, kyt tang@pland.gov.hk
Cc: Yeung M <[redacted]>, gtllam@pland.gov.hk,
Bcc:
Subject: Re: S.16 Application No. A/YL-NTM/447 - Departmental Comments (TD and AFCD)
File Ref:
From: Helen Y <[redacted]> - Thursday 03/11/2022 13:23

Dear Ms. Tang and Town Planning Board

Below our responses to TD and AFCD's comments sent again for your speedy processing.

Enquiries	Response
1. TD's comment (a) The applicant should specify the clear width of the ingress/egress point.	The ingress/egress is approximately 6 meters wide.
2. AFCD's comment (a) It is noted that there is watercourse located to the west of the subject site. The applicant should clarify if any measures would be adopted to avoid polluting the nearby watercourse during land filling activities.	There will not be any land filling activities. Please see page 6 of the application, Part 6(A)(e)(i) and (iii).

Thanks!
FHY

Relevant extract from the Town Planning Board Guidelines
for Application for Development within Green Belt zone
(TPB PG-No. 10)

TPB PG - No.10 is relevant to this application and the relevant assessment criteria are summarized as below:

- (a) There is a general presumption against development (other than redevelopment) in a "GB" zone. In general the Board will only be prepared to approve applications for development in the context of requests to rezone to an appropriate use
- (b) An application for new development in a "GB" zone will only be considered in exceptional circumstances and must be justified with very strong planning grounds.
- (c) The design and layout of any proposed development should be compatible with the surrounding area. The development should not involve extensive clearance of existing natural vegetation, affect the existing natural landscape, or cause any adverse visual impact on the surrounding environment.
- (d) The vehicular access road and parking provision proposed should be appropriate to the scale of the development and comply with relevant standards. Access and parking should not adversely affect existing trees or other natural landscape features. Tree preservation and landscaping proposals should be provided.
- (e) The proposed development should not overstrain the capacity of existing and planned infrastructure such as sewerage, roads and water supply. It should not adversely affect drainage or aggravate flooding in the area.
- (f) The proposed development should not be susceptible to adverse environmental effects from pollution sources nearby such as traffic noise, unless adequate mitigating measures are provided, and it should not itself be the source of pollution.

**Relevant extract from the Town Planning Board Guidelines
for Application for Open Storage and Port Back-up Uses
(TPB PG-No. 13F)**

The Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No.13F) provides guidelines for open storage and port back-up uses. The Site falls within Category 4 areas under the guidelines. The following criteria are relevant:

Category 4 areas

- Category 4 areas are areas with ponds or wetland or with extensive vegetation or close to environmentally or ecologically sensitive areas, areas which are mostly used for residential purpose or proposed for such purposes, areas near existing major village settlements or areas subject to extremely high flooding risk. Applications for open storage and port back-up uses in Category 4 areas would normally be rejected except under exceptional circumstances. For applications on sites with previous planning approvals (irrespective of whether the application is submitted by the applicant of previous approval or a different applicant), and subject to no adverse departmental comments and local objections, sympathetic consideration may be given if genuine efforts have been demonstrated in compliance with approval conditions of the previous planning applications and relevant technical assessments/proposals have been included in the fresh application, if required, to demonstrate that the proposed uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. The intention is however to encourage the phasing out of such non-conforming uses as early as possible. Since the planning intention of Category 4 areas is to phase out the open storage and port back-up uses, a maximum period of 2 years may be allowed upon renewal of planning permission for an applicant to identify suitable sites for relocation. No further renewal of approval will be given unless under very exceptional circumstances and each application for renewal of approval will be assessed on its individual merits.
- Taking into account the demand for cross-boundary car parking facilities, applications for cross-boundary parking facilities at suitable sites in areas of close proximity to the border crossing TPB PG-No. 13F - 5 - points, such as in the San Tin area, particularly near the existing cross-boundary link in Lok Ma Chau, may also be considered. Notwithstanding the criteria set out in paragraphs 2.1(c) and (d) above, application of such nature will be assessed on its own merits, including its nature and scale of the proposed use and the local circumstances, and subject to satisfactory demonstration that the proposed use would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas, and each case will be considered on its individual merits.

**Similar s.16 Applications within the “GB” Zone
on the Approved Ngau Tam Mei Outline Zoning Plan No. S/YL-NTM/12 in the Past Five Years**

Rejected Applications

No.	Application No.	Use(s)/Development(s)	Date of Consideration (RNTPC/TPB)
1.	A/YL-NTM/394	Proposed Temporary Open Storage of Construction Materials and Machinery Parts for a Period of 3 Years	6.3.2020 Rejected by RNTPC
2.	A/YL-NTM/395	Proposed Temporary Open Storage of Construction Materials and Machinery Parts for a Period of 3 Years	6.3.2020 Rejected by RNTPC
3.	A/YL-NTM/433	Proposed Filling of Land	28.1.2022 Rejected by RNTPC

Government Departments' General Comments

1. Land Administration

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

- The application site comprises of three Old Schedule Agricultural Lots (OSAL). The OSALs are 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 as detailed in **Appendix V**.

2. Traffic

Comments of the Commissioner for Transport (C for T):

- He has no comment from traffic engineering point of view;
- Should the application be approved, the following condition should be incorporated:
No vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval; and
- Advisory comments as detailed in **Appendix V**.

3. Drainage

Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- He has no objection from drainage operation and maintenance point of view;
- Should the application be approved, the following conditions should be included to request the applicant to:
 - (i) Submit a drainage proposal for the development to the satisfaction of the Director of Drainage Services or of the Town Planning Board.
 - (ii) Implement and maintain the drainage proposal for the development to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- Advisory comments as detailed in **Appendix V**.

4. **Environment**

Comments of the Director of Environmental Protection (DEP):

- The applicant is advised to follow relevant mitigation measures and requirements in the latest COP issued by DEP in order to minimize any potential environmental nuisance;
- There is no complaint case related to the application site in the past three years; and
- Advisory comments as detailed in **Appendix V**.

5. **Fire Safety**

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

- He has no objection in principle to the proposal subject to fire service installations (FSIs) being provided to his satisfaction;
- In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval; and
- Advisory comments as detailed in **Appendix V**.

6. **Other Departments**

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

- Chief Building Surveyor/New Territories West, Buildings Department
- Chief Highway Engineer/New Territories West, Highways Department (HyD)
- Comments of the Chief Engineer/ Railway Development 2-2, Railway Development Office, Highways Department (CE/RD 2-2, RDO, HyD)
- Chief Estate Surveyor/ Railway Development Section, Lands Department
- Project Manager (West), West Development Office, Civil Engineering and Development Department (CEDD)
- Project Manager/North, CEDD (PM/N, CEDD)
- Director of Agriculture, Fisheries and Conservation (DAFC)
- Commissioner of Police
- Chief Engineer/Construction, Water Supplies Department (CE/C, WSD)
- District Officer (Yuen Long), Homes Affairs Department

Recommended Advisory Clauses

- (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that:
- Should planning approval be given to the subject planning application, the lot owner will need to immediately apply to his office to permit the structures to be erected or regularize any irregularity on site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Application(s) for any of the above will be considered by the Lands Department acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by the Lands Department.
- (b) to note the comment of the Project Manager/ North, Civil Engineering and Development Department (PM/N, CEDD) that:
- The subject site is within the proposed boundary of San Tin/ Lok Ma Chau Development Node (STLMC DN). According to the latest tentative development programme of STLMC DN, the construction work and land resumption will commence tentatively by 2024. Thus, the subject site, within the boundary of STLMC DN, will probably be required for timely clearance and construction.
- (c) to note the comments of the Commissioner for Transport (C for T), Transport Department that:
- The Site is connected to public road network via a section of a local access which is not managed by Transport Department. The land status of the local access road should be clarified with the Lands Department by the applicant. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.
- (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 at the site access to prevent surface water flowing from the site to nearby public roads or exclusive road drains; and
 - The access road connecting the application site and Kwu Tung Road is not and will not be maintained by HyD. HyD is not responsible for maintaining any access connecting the application site with Kwu Tung Road.
- (e) to follow the environmental mitigation measures as set out in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection (DEP) in order to minimise any possible environmental nuisances as advised by DEP.

(f) to note the comments of the Chief Town Planner/ Urban Design and Landscape Sections, Planning Department that:

- The applicant is advised to preserve the existing trees within the site as far as practicable and avoid excavation/ change of soil level within the Tree Protection Zone (TPZ) of the existing trees. Proper tree preservation measures should be carried out to avoid damage to existing trees during construction. It is advised to refer to guidelines promulgated by the Development Bureau on Tree Preservation during construction.
- The application is advised that approval of application does not imply approval of tree works such as pruning, transplanting and felling under lease. The applicant is reminded to seek approval for any proposed tree works from relevant departments prior to the commencement of the works.

(g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:

- The drainage submission should demonstrate how the applicant will collect, convey and discharge rain water falling onto or flowing to his site. A clear drainage plan showing full details of the existing drains and the proposed drains (e.g. cover and invert levels of pipes/catchpits/outfalls and ground levels justifying water flow etc.) with supporting design calculation and charts should be included. (For preparation of the drainage proposal, the Guideline on preparation of the drainage proposal is available in DSD homepage at https://www.dsd.gov.hk/EN/Files/Technical_Manual/dsd_Guidelines/Drainage_Submission.pdf for reference). The applicant is reminded that approval of the drainage proposal must be sought prior to the implementation of drainage works on site;
- After the completion of the required drainage works, the applicant shall provide DSD for reference a set of record photographs showing the completed drainage works with corresponding photograph locations marked clearly on the approved drainage plan. DSD will inspect the completed drainage works jointly with the applicant with reference to the set of photographs;
- The applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas;
- The applicant is reminded that the proposed drainage proposal/ works as well as the site boundary should not cause encroachment upon areas outside DSD's jurisdiction;
- No public sewerage maintained by DSD is currently available for connection. No sewerage collected from the Site should be discharged to the drainage system. For sewage disposal and treatment, agreement from DEP shall be obtained;
- The applicant shall consult DLO/YL regarding all the proposed drainage works outside the lot boundary in order to ensure the unobstructed discharge from the application site in future; and

- All the proposed drainage facilities should be constructed and maintained by the applicant at his own cost. The applicant should ensure and keep all drainage works on site under proper maintenance at all times.
- (h) to note the comments of the Director of Fire Services (D of FS), Fire Services Department that:
- The layout plans to be submitted to his department should be drawn to scale and depicted with dimensions and nature of occupancy;
 - The location of where the proposed FSI to be installed should be clearly marked on the layout plans; and
 - The applicant is reminded that if any 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:
- The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulation 5 and 41D of the Building (Planning) Regulations [B(P)R] respectively;
 - 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;
 - If the existing structure (not being a New Territories Exempted House) are erected on leased land without the approval of the BA, they are unauthorized building works (UBW) under the Building Ordinance (BO) and should not be designated for any proposed use under the captioned application;
 - For UBW erected on leased land, enforcement action may be taken by the Building Department 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 constructed as an acceptance of any existing building works or UBW on the application site under the BO;
 - Before any new building works (including containers/open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on application site, prior approval and consent of the BA should be obtained, otherwise they are UBW. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
 - 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;
 - Detailed checking under the BO will be carried out at the building plan submission stage.

就規劃申請/覆核提出意見 Making Comment on Planning Application / Review

參考編號

Reference Number:

221007-163924-38193

提交限期

Deadline for submission:

18/10/2022

提交日期及時間

Date and time of submission:

07/10/2022 16:39:24

有關的規劃申請編號

The application no. to which the comment relates:

A/YL-NTM/447

「提意見人」姓名/名稱

Name of person making this comment:

先生 Mr. Lam Ka Hing

意見詳情

Details of the Comment :

反對，郊區設倉庫及工場必會增加附近車輛出入流量，引至附近交通阻塞、環境污染，增加引發火警危機，影響村民安全及生活質數。

☐ Urgent ☐ Return Receipt Requested ☐ Sign ☐ Encrypt ☐ Mark Subject Restricted ☐ Expand personal&pul



KFBG's comments on two planning applications

13/10/2022 17:24

From: EAP KFBG <eap@kfbg.org>
To: "tpbpd@pland.gov.hk" <tpbpd@pland.gov.hk>
File Ref:

2 attachments



221013 s16 KTS 939.pdf 221013 s16 NTM 447.pdf

Dear Sir/ Madam,

Attached please see our comments regarding two applications. There are two pdf files attached to this email. If you cannot see/ download/ open these files, please notify us through email.

Thank You and Best Regards,

Ecological Advisory Programme
Kadoorie Farm and Botanic Garden

Email Disclaimer:

The information contained in this e-mail (including any attachments) is confidential and is intended solely for the addressee. If you are not the intended recipient, please notify the sender immediately and delete this e-mail from your system. Any unauthorised use, disclosure, copying, printing, forwarding or dissemination of any part of this information is prohibited. KFBG does not accept responsibility and shall not be liable for the content of any e-mail transmitted by its staff for any reason other than bona fide official purposes. There is no warranty that this e-mail is error or virus free. You should not rely on any information that is not transmitted via secure technology.



嘉道理農場暨植物園公司
Kadoorie Farm & Botanic Garden Corporation

The Secretary,
Town Planning Board,
15/F, North Point Government Offices,
333, Java Road, North Point,
Hong Kong.
(Email: tpbpd@pland.gov.hk)

13th October 2022.

By email only

Dear Sir/ Madam,

Proposed Temporary Open Storage for a Period of 3 Years and Filling of Land
(A/YL-NTM/447)

1. We refer to the captioned.
2. The application site is within Green Belt (GB) zone. We urge the Board to reject this application as the proposed use is unlikely to be in line with the planning intention of GB zone. We also urge the Board to consider the potential cumulative impacts of approving this application on the GB zone of concern as the approval would set a precedent for similar cases in this GB zone.
3. Thank you for your attention.

Ecological Advisory Programme
Kadoorie Farm and Botanic Garden

☐ Urgent ☐ Return Receipt Requested ☐ Sign ☐ Encrypt ☐ Mark Subject Restricted ☐ Expand personal&publi



A/YL-NTM/447 DD 102 Ngau Tam Mei/Ki Lun Shan GB
17/10/2022 02:14

From: [REDACTED]
To: tpbpd <tpbpd@pland.gov.hk>
File Ref:

Dear TPB Members,

Application 440 also withdrawn.

The applicant must be advised in no uncertain terms that with no previous history of approvals and with pledges to phase out brownfield current policy applications like this will not be approved.

Previous objections applicable.

Mary Mulvihill

From: [REDACTED]
To: tpbpd <tpbpd@pland.gov.hk>
Date: Thursday, 7 July 2022 3:21 AM CST
Subject: A/YL-NTM/440 DD 102 Ngau Tam Mei/Ki Lun Shan GB

A/YL-NTM/440

Lots 2273, 2277 and 2278 in D.D.102, Ki Lun Shan Tsuen, San Tin

Site area : 1,770sq.m

Zoning : "Green Belt"

Applied use : Open Storage / **Filling of Land** / 2 Vehicle Parking

Dear TPB Members,

Application 399 was withdrawn but obviously brownfield use of the site has continued.

There is no previous approval so absolutely no justification to reward excavation of the site.

Members must reject this application.

Mary Mulvihill

From: [REDACTED]
To: tpbpd <tpbpd@pland.gov.hk>
Date: Saturday, 20 April 2019 4:04 AM CST
Subject: A/YL-NTM/388 DD 102 Ngau Tam Mei

A/YL-NTM/388
Lots 2269 (Part), 2273 (Part), 2277 and 2278 (Part) in D.D. 102, and Adjoining
Government Land, Ngau Tam Mei
Site area : About 1,280m² Includes Government Land of about 135m²
Zoning : "Green Belt"
Applied Use : Vehicle Repair Workshop

Dear TPB Members,

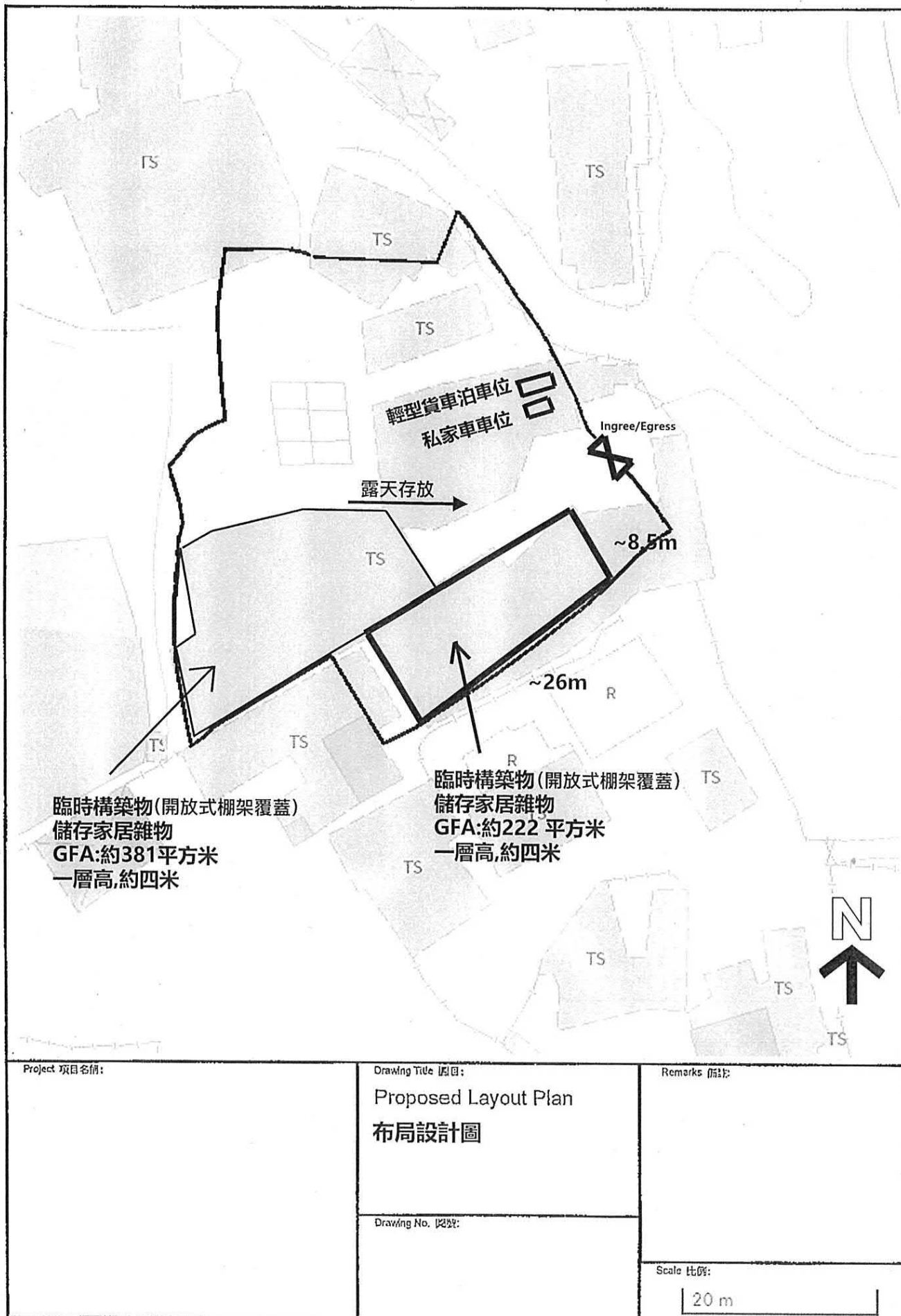
The application is obviously to legitimize an ongoing brownfield operation.

Vehicle repair workshop is totally inappropriate for sites zoned GB. The leaching of toxins into the soil makes it difficult to rehabilitate the land.

Operations like this should be centralized in custom built industrial parks complete with appropriate facilities to handle the effluent and discharges, with proper parking and toilet and hand washing facilities, etc.

Approval of such brownfield uses delays the long overdue upgrading of such facilities and perpetuates the degradation of NT.

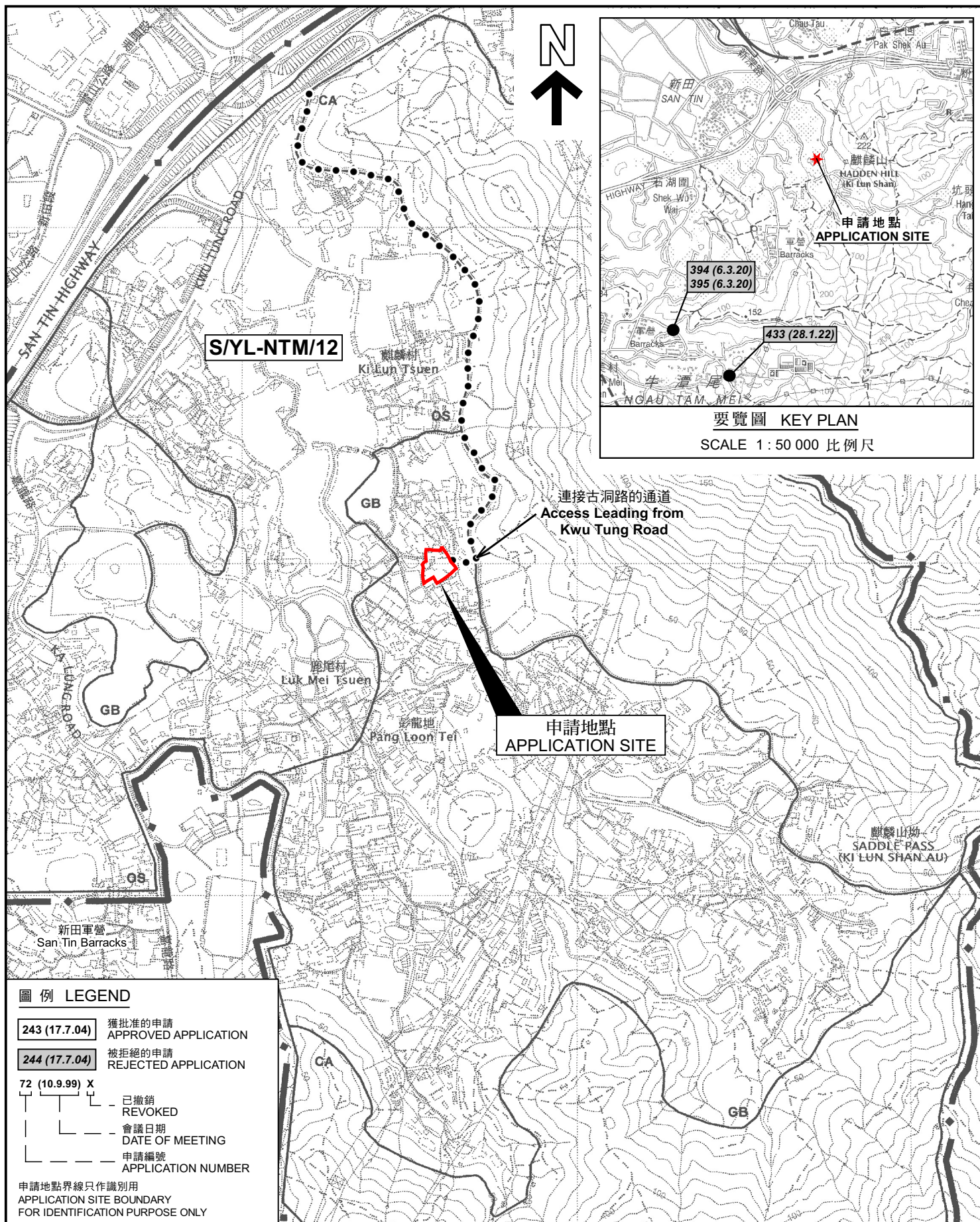
Mary Mulvihill



(摘錄自申請人於 19.9.2022 呈交的申請書)
(Extract from Applicant's
Submission of 19.9.2022)

參考編號
REFERENCE No.
A/YL-NTM/447

繪圖
DRAWING
A - 1



位置圖 LOCATION PLAN

擬議臨時露天貯物（為期3年）及填土工程
元朗牛潭尾丈量約份第102約多個地段
PROPOSED TEMPORARY OPEN STORAGE
FOR A PERIOD OF 3 YEARS AND FILLING OF LAND
VARIOUS LOTS IN D.D. 102, NGAU TAM MEI, YUEN LONG

SCALE 1:7 500 比例尺
米 100 0 100 200 300 米
METRES

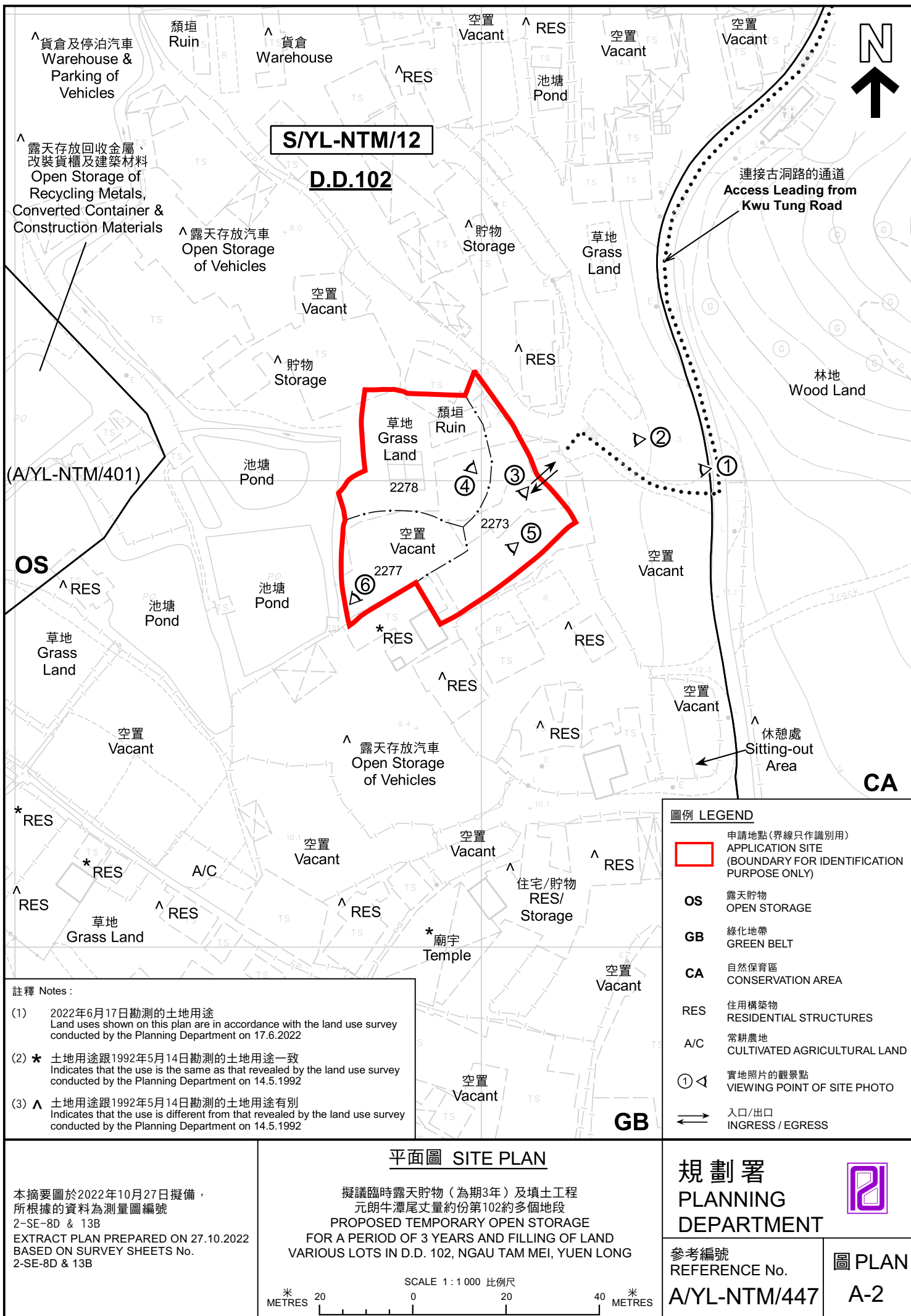
規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/YL-NTM/447

圖 PLAN
A-1

本摘要圖於2022年11月4日擬備，
所根據的資料為於2006年12月5日
核准的分區計劃大綱圖編號 S/YL-NTM/12
EXTRACT PLAN PREPARED ON 4.11.2022
BASED ON OUTLINE ZONING PLAN No.
S/YL-NTM/12 APPROVED ON 5.12.2006





圖例 LEGEND



申請地點 (界線只作識別用)
APPLICATION SITE (BOUNDARY FOR
IDENTIFICATION PURPOSE ONLY)

本摘要圖於2022年10月28日擬備，
所根據的資料為地政總署於2022年1月19日
拍得的航攝照片編號 E146419C
EXTRACT PLAN PREPARED ON 28.10.2022
BASED ON AERIAL PHOTO No.
E146419C TAKEN ON 19.1.2022
BY LANDS DEPARTMENT

航攝照片 AERIAL PHOTO

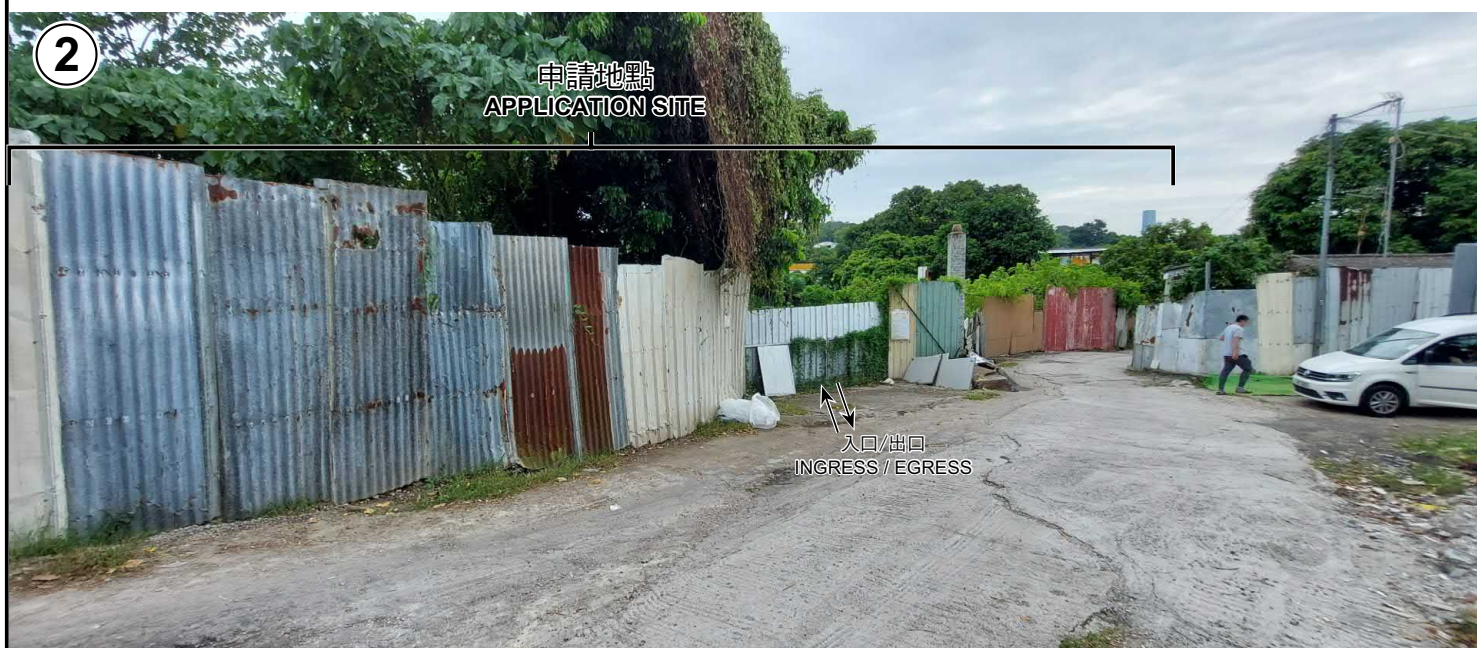
擬議臨時露天貯物 (為期3年) 及填土工程
元朗牛潭尾丈量約份第102約多個地段
PROPOSED TEMPORARY OPEN STORAGE
FOR A PERIOD OF 3 YEARS AND FILLING OF LAND
VARIOUS LOTS IN D.D. 102, NGAU TAM MEI, YUEN LONG

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/YL-NTM/447

圖 PLAN
A-3



申請地點界線只作識別用 APPLICATION SITE BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

實地照片 SITE PHOTOS

擬議臨時露天貯物（為期3年）及填土工程
元朗牛潭尾丈量約份第102約多個地段
PROPOSED TEMPORARY OPEN STORAGE
FOR A PERIOD OF 3 YEARS AND FILLING OF LAND
VARIOUS LOTS IN D.D. 102, NGAU TAM MEI, YUEN LONG

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/YL-NTM/447

圖 PLAN
A-4a

本圖於2022年10月21日擬備，所根據的
資料為攝於2022年9月27日的實地照片
PLAN PREPARED ON 21.10.2022
BASED ON SITE PHOTOS
TAKEN ON 27.9.2022



申請地點界線只作識別用 APPLICATION SITE BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

實地照片 SITE PHOTOS

本圖於2022年10月21日擬備，所根據的資料為攝於2022年9月27日的實地照片
PLAN PREPARED ON 21.10.2022
BASED ON SITE PHOTOS
TAKEN ON 27.9.2022

擬議臨時露天貯物（為期3年）及填土工程
元朗牛潭尾丈量約份第102約多個地段
PROPOSED TEMPORARY OPEN STORAGE
FOR A PERIOD OF 3 YEARS AND FILLING OF LAND
VARIOUS LOTS IN D.D. 102, NGAU TAM MEI, YUEN LONG

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/YL-NTM/447

圖 PLAN
A-4b

Extract of the Minutes of 707th Meeting of the Rural and New Town Planning Committee
held on 11.11.2022

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/447 Proposed Temporary Open Storage for a Period of 3 Years and Filling
of Land in “Green Belt” Zone, Lots 2273, 2277 and 2278 in D.D. 102,
Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/447)

Presentation and Question Sessions

61. With the aid of some plans, Ms Christine C.M. Cheung, STP/FSYLE, briefed Members on the background of the application, the proposed use, departmental and public comments, and the planning considerations and assessments as detailed in the Paper. The Planning Department did not support the application.

62. Members had no question on the application.

Deliberation Session

63. The Committee noted that the application site (the Site) was subject to a previous enforcement action. The Planning Authority (PA) issued an Enforcement Notice (EN) to the concerned parties requiring the discontinuance of the unauthorized storage and workshop uses at the Site in December 2018. The concerned parties complied with the requirements of the EN, and Compliance Notice was issued in December 2020. Noting that the chicken farm structures on the Site had existed before the gazettal of the Interim Development Permission Area Plan (IDPA Plan) covering the Site, the EN required the discontinuance of the unauthorized uses only.

64. In response to a Member's question, the Chairman said that at the time of gazettal of the IDPA Plan, there were chicken farm structures on the Site. Hence, the PA only enforced the unauthorized storage and workshop uses. Whilst the use on the Site would continue to be monitored, no further action would be taken on the vacated structures on the Site.

65. After deliberation, the Committee decided to reject the application. The reasons were :

- “(a) the proposed use and filling of land are not in line with the planning intention of the “Green Belt” zone which is intended for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets and there is a general presumption against development within this zone. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the proposed use and filling of land are not in line with the Town Planning Board Guidelines for ‘Application for Development within Green Belt zone under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 10) in that the proposed use and filling of land are incompatible with the surrounding area and will affect the landscape character; and
- (c) the proposed use and filling of land are not in line with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13F) in that there is no previous planning approval for the proposed use at the site and there are adverse departmental comments on the landscape aspect.”

城市規劃委員會

香港北角渣華道三百三十三號
北角政府合署十五樓

TOWN PLANNING BOARD

15/F., North Point Government Offices
333 Java Road, North Point,
Hong Kong.

傳 真 Fax: 2877 0245 / 2522 8426

電 話 Tel: 2231 4835

來函檔號 Your Reference:

By Email

fuhopyick@netvigator.com

覆函請註明本會檔號

In reply please quote this ref.: TPB/A/YL-NTM/447

25 November 2022

Fu Hop Yick Investment Ltd.
G/F, 299 Wing Ping Tsuen
San Tin
Yuen Long, New Territories
(Attn.: 文亦揚)

Dear Sir/Madam,

**Proposed Temporary Open Storage for a Period of 3 Years and Filling of Land in
“Green Belt” Zone, Lots 2273, 2277 and 2278 in D.D. 102, Ngau Tam Mei, Yuen Long**

I refer to my letter to you dated 7.11.2022.

After giving consideration to the application, the Town Planning Board (TPB) decided to reject the application and the reasons are :

- (a) the proposed use and filling of land are not in line with the planning intention of the “Green Belt” zone which is intended for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets and there is a general presumption against development within this zone. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the proposed use and filling of land are not in line with the TPB Guidelines for ‘Application for Development within Green Belt zone under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 10) in that the proposed use and filling of land are incompatible with the surrounding area and will affect the landscape character; and
- (c) the proposed use and filling of land are not in line with the TPB Guidelines for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13F) in that there is no previous planning approval for the proposed use at the site and there are adverse departmental comments on the landscape aspect.

A copy of the TPB Paper in respect of the application is available at TPB website at this link (https://www.info.gov.hk/tpb/tc/meetings/RNTPC/Agenda/707_rnt_agenda.html). A copy of the TPB Paper in Chinese in respect of the application (except the supplementary planning statement/technical report(s), if any) and the relevant extract of minutes of the TPB

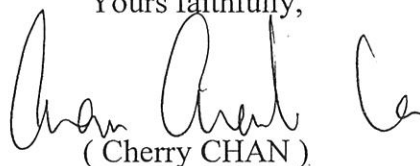
meeting held on 11.11.2022, in both English and Chinese, are enclosed herewith for your reference.

Under section 17(1) of the Town Planning Ordinance, an applicant aggrieved by a decision of the TPB may apply to the TPB for a review of the decision. If you wish to seek a review, you should inform me within 21 days from the date of this letter (on or before 16.12.2022). I will then contact you to arrange a hearing before the TPB which you and/or your authorized representative will be invited to attend. The TPB is required to consider a review application within three months of receipt of the application for review. Please note that any review application will be published for three weeks for public comments.

Under the Town Planning Ordinance, the TPB can only reconsider at the review hearing the original application in the light of further written and/or oral representations. Should you decide at this stage to materially modify the original proposal, such proposal should be submitted to the TPB in the form of a fresh application under section 16 of the Town Planning Ordinance.

If you wish to seek further clarifications/information on matters relating to the above decision, please feel free to contact Ms. Christine Cheung of Fanling, Sheung Shui & Yuen Long East District Planning Office at 3168 4033.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Cherry Chan', with a stylized flourish at the end.

(Cherry CHAN)

for Secretary, Town Planning Board

(With Chinese Translation)

To Town Planning Board
15/F., North Point Government Offices
333 Java Road, North Point
Hong Kong
(Atten: Ms. Cherry Chan, Secretary, Town Planning Board)

6 December 2022

Dear Sir/ Madam,

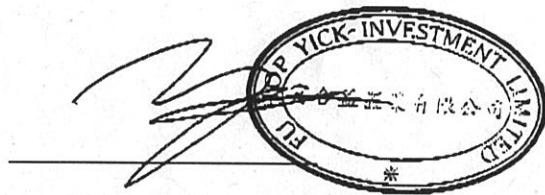
Ref: TPB/A/YL-NTM/447

I refer to your letter dated 25 November 2022 regarding the referenced matter.

I wish to seek a review and attend the hearing before the TPB under s.17(1) of the Town Planning Ordinance.

Thank you.

Fu Hop Yick Investment Ltd.
Man Yick Yeung

An oval-shaped corporate stamp for "FU HOP YICK INVESTMENT LIMITED" with Chinese characters "富合益投资有限公司" inside. A handwritten signature in black ink is written over the stamp.

**Similar s.16 Applications within the “GB” Zone
on the Approved Ngau Tam Mei Outline Zoning Plan No. S/YL-NTM/12 in the Past Five Years**

Rejected Applications

No.	Application No.	Use(s)/Development(s)	Date of Consideration (RNTPC/TPB)
1.	A/YL-NTM/394	Proposed Temporary Open Storage of Construction Materials and Machinery Parts for a Period of 3 Years	6.3.2020 Rejected by RNTPC
2.	A/YL-NTM/395	Proposed Temporary Open Storage of Construction Materials and Machinery Parts for a Period of 3 Years	6.3.2020 Rejected by RNTPC
3.	A/YL-NTM/433	Proposed Filling of Land	28.1.2022 Rejected by RNTPC

就規劃申請/覆核提出意見 Making Comment on Planning Application / Review

參考編號

Reference Number:

221216-162112-20355

提交限期

Deadline for submission:

06/01/2023

B-1

提交日期及時間

Date and time of submission:

16/12/2022 16:21:12

有關的規劃申請編號

The application no. to which the comment relates:

A/YL-NTM/447

「提意見人」姓名/名稱

Name of person making this comment:

先生 Mr. Lam Ka Hing

意見詳情

Details of the Comment :

反對，郊區設倉庫及工場必會增加附近車輛出入流量，引至附近交通阻塞、環境污染，增加引發火警危機，影響村民安全及生活質數。

The Secretary,
Town Planning Board,
15/F, North Point Government Offices,
333, Java Road, North Point,
Hong Kong.
(Email: tpbpd@pland.gov.hk)

R-2

3rd January 2023.

By email only

Dear Sir/ Madam,

Proposed Temporary Open Storage for a Period of 3 Years and Filling of Land
(A/YL-NTM/447)
(Review under Section 17)

1. We refer to the captioned.
2. The application site is within Green Belt (GB) zone. We urge the Board to reject this application as the proposed use is unlikely to be in line with the planning intention of GB zone. We also urge the Board to consider the potential cumulative impacts of approving this application on the GB zone of concern as the approval would set a precedent for similar cases in this GB zone.
3. Thank you for your attention.

Ecological Advisory Programme
Kadoorie Farm and Botanic Garden



☐ Urgent ☐ Return Receipt Requested ☐ Sign ☐ Encrypt ☐ Mark Subject Restricted ☐ Expand personal&publi



Re: A/YL-NTM/447 DD 102 Ngau Tam Mei/Ki Lun Shan GB
04/01/2023 02:55

From: [REDACTED]
To: tpbpd <tpbpd@pland.gov.hk>
File Ref:

R-3

Dear TPB Members,

The whole site has been filled with concrete for 0.1m in depth **without valid planning permission.**

no tree information and proposed tree treatment are provided in the application and therefore potential impact on the existing trees arising from the proposed use cannot be reasonably ascertained

The Site is in close vicinity of Ki Lun Shan **falling within "CA" zone with woodland**. Although there are a few open storages identified around the Site, they are **operated without valid planning permission**

The Site is not subject to any active enforcement action.

Clearly what is required is enforcement not approval for Destroy to Build that would encourage others to follow example.

Mary Mulvihill

From: [REDACTED]
To: tpbpd <tpbpd@pland.gov.hk>
Date: Monday, 17 October 2022 2:14 AM CST
Subject: A/YL-NTM/447 DD 102 Ngau Tam Mei/Ki Lun Shan GB

Dear TPB Members,

Application 440 also withdrawn.

The applicant must be advised in no uncertain terms that with no previous history of approvals and with pledges to phase out brownfield current policy applications like this will not be approved.

Previous objections applicable.

Mary Mulvihill

From: [REDACTED]
To: tpbpd <tpbpd@pland.gov.hk>
Date: Thursday, 7 July 2022 3:21 AM CST
Subject: A/YL-NTM/440 DD 102 Ngau Tam Mei/Ki Lun Shan GB

A/YL-NTM/440

Lots 2273, 2277 and 2278 in D.D.102, Ki Lun Shan Tsuen, San Tin

Site area : 1,770sq.m

Zoning : "Green Belt"

Applied use : Open Storage / **Filling of Land** / 2 Vehicle Parking

Dear TPB Members,

Application 399 was withdrawn but obviously brownfield use of the site has continued.

There is no previous approval so absolutely no justification to reward excavation of the site.

Members must reject this application.

Mary Mulvihill

From: [REDACTED]

To: tpbpd <tpbpd@pland.gov.hk>

Date: Saturday, 20 April 2019 4:04 AM CST

Subject: A/YL-NTM/388 DD 102 Ngau Tam Mei

A/YL-NTM/388

Lots 2269 (Part), 2273 (Part), 2277 and 2278 (Part) in D.D. 102, and Adjoining Government Land, Ngau Tam Mei

Site area : About 1,280m² Includes Government Land of about 135m²

Zoning : "Green Belt"

Applied Use : Vehicle Repair Workshop

Dear TPB Members,

The application is obviously to legitimize an ongoing brownfield operation.

Vehicle repair workshop is totally inappropriate for sites zoned GB. The leaching of toxins into the soil makes it difficult to rehabilitate the land.

Operations like this should be centralized in custom built industrial parks complete with appropriate facilities to handle the effluent and discharges, with proper parking and toilet and hand washing facilities, etc.

Approval of such brownfield uses delays the long overdue upgrading of such facilities and perpetuates the degradation of NT.

Mary Mulvihill

Recommended Advisory Clauses

- (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that:
- Should planning approval be given to the subject planning application, the lot owner will need to immediately apply to his office to permit the structures to be erected or regularize any irregularity on site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Application(s) for any of the above will be considered by the Lands Department acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by the Lands Department.
- (b) to note the comment of the Project Manager/ North, Civil Engineering and Development Department (PM/N, CEDD) that:
- The subject site is within the proposed boundary of San Tin/ Lok Ma Chau Development Node (STLMC DN). According to the latest tentative development programme of STLMC DN, the construction work and land resumption will commence tentatively by 2024. Thus, the subject site, within the boundary of STLMC DN, will probably be required for timely clearance and construction.
- (c) to note the comments of the Commissioner for Transport (C for T), Transport Department that:
- The Site is connected to public road network via a section of a local access which is not managed by Transport Department. The land status of the local access road should be clarified with the Lands Department by the applicant. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.
- (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 at the site access to prevent surface water flowing from the site to nearby public roads or exclusive road drains; and
 - The access road connecting the application site and Kwu Tung Road is not and will not be maintained by HyD. HyD is not responsible for maintaining any access connecting the application site with Kwu Tung Road.
- (e) to follow the environmental mitigation measures as set out in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection (DEP) in order to minimise any possible environmental nuisances as advised by DEP.

(f) to note the comments of the Chief Town Planner/ Urban Design and Landscape Sections, Planning Department that:

- The applicant is advised to preserve the existing trees within the site as far as practicable and avoid excavation/ change of soil level within the Tree Protection Zone (TPZ) of the existing trees. Proper tree preservation measures should be carried out to avoid damage to existing trees during construction. It is advised to refer to guidelines promulgated by the Development Bureau on Tree Preservation during construction.
- The application is advised that approval of application does not imply approval of tree works such as pruning, transplanting and felling under lease. The applicant is reminded to seek approval for any proposed tree works from relevant departments prior to the commencement of the works.

(g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:

- The drainage submission should demonstrate how the applicant will collect, convey and discharge rain water falling onto or flowing to his site. A clear drainage plan showing full details of the existing drains and the proposed drains (e.g. cover and invert levels of pipes/catchpits/outfalls and ground levels justifying water flow etc.) with supporting design calculation and charts should be included. (For preparation of the drainage proposal, the Guideline on preparation of the drainage proposal is available in DSD homepage at https://www.dsd.gov.hk/EN/Files/Technical_Manual/dsd_Guidelines/Drainage_Submission.pdf for reference). The applicant is reminded that approval of the drainage proposal must be sought prior to the implementation of drainage works on site;
- After the completion of the required drainage works, the applicant shall provide DSD for reference a set of record photographs showing the completed drainage works with corresponding photograph locations marked clearly on the approved drainage plan. DSD will inspect the completed drainage works jointly with the applicant with reference to the set of photographs;
- The applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas;
- The applicant is reminded that the proposed drainage proposal/ works as well as the site boundary should not cause encroachment upon areas outside DSD's jurisdiction;
- No public sewerage maintained by DSD is currently available for connection. No sewerage collected from the Site should be discharged to the drainage system. For sewage disposal and treatment, agreement from DEP shall be obtained;
- The applicant shall consult DLO/YL regarding all the proposed drainage works outside the lot boundary in order to ensure the unobstructed discharge from the application site in future; and

- All the proposed drainage facilities should be constructed and maintained by the applicant at his own cost. The applicant should ensure and keep all drainage works on site under proper maintenance at all times.
- (h) to note the comments of the Director of Fire Services (D of FS), Fire Services Department that:
- The layout plans to be submitted to his department should be drawn to scale and depicted with dimensions and nature of occupancy;
 - The location of where the proposed FSI to be installed should be clearly marked on the layout plans; and
 - The applicant is reminded that if any 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:
- The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulation 5 and 41D of the Building (Planning) Regulations [B(P)R] respectively;
 - 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;
 - If the existing structure (not being a New Territories Exempted House) are erected on leased land without the approval of the BA, they are unauthorized building works (UBW) under the Building Ordinance (BO) and should not be designated for any proposed use under the captioned application;
 - For UBW erected on leased land, enforcement action may be taken by the Building Department 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 constructed as an acceptance of any existing building works or UBW on the application site under the BO;
 - Before any new building works (including containers/open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on application site, prior approval and consent of the BA should be obtained, otherwise they are UBW. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
 - 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;
 - Detailed checking under the BO will be carried out at the building plan submission stage.