

Previous Applications covering the Site

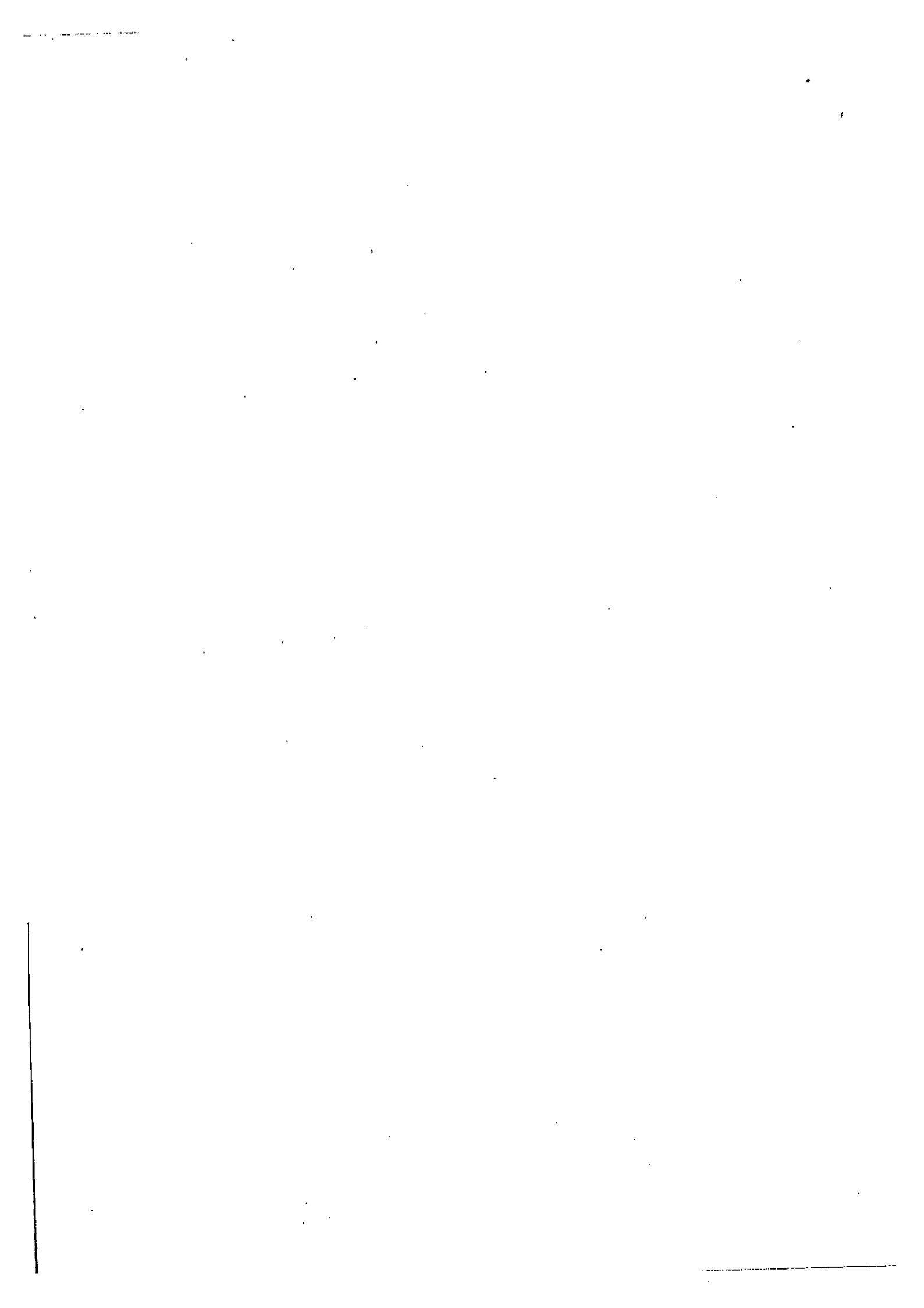
Approved s.16 Applications

No.	Application No.	Proposed Use(s)/ Development(s)	Date of Consideration (by RNTPC/TPB)	Approval Condition(s)
1.	A/YL-MP/77 [@]	Proposed Temporary Public Carpark (Private Cars) (12 months)	22.9.2000 Approved by RNTPC (12 months)	(2) to (6) & (12)
2.	A/YL MP/188	Proposed Temporary Shop and Services (Estate Agency) (3 years)	23.12.2010 Approved by RNTPC (3 years)	(1), (2), (3), (7), (8), (11) & (12)
3.	A/YL-MP/225	Renewal of Planning Approval for Temporary "Shop and Services (Real Estate Agency)" (3 years)	23.12.2013 Approved by RNTPC (3 years)	(1), (2), (3), (7), (9), (10), (11) & (12)
4.	A/YL-MP/254	Renewal of Planning Approval for Temporary "Shop and Services (Real Estate Agency)" (3 years)	9.12.2016 Approved by RNTPC (3 years)	(1), (2), (7), (8), (11) & (12)

[@] The applicant had not made any submission to comply with the approval conditions. However, there was no revocation clause imposed in the planning permission.

Approval Conditions

- (1) The submission and implementation of fire services installations proposals.
- (2) The submission and implementation of drainage proposals.
- (3) The submission and implementation of landscaping proposals.
- (4) No vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the site
- (5) No heavy vehicles and container vehicles is allowed to be parked on the site
- (6) No car repairing activities is allowed on the site.
- (7) No operation between 8:00p.m. and 10.15a.m. is allowed on the site.
- (8) The paving and boundary fencing on the site shall be maintained.
- (9) The paving on the site shall be maintained.
- (10) The provision of boundary fencing on the site.
- (11) Revocation clause.
- (12) Reinstatement clause.



**Similar Applications within "Open Space" zone
on the approved Mai Po and Fairview Park OZP No. S/YL-MP/6**

Approved s.16 Applications

<u>No.</u>	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Date of Consideration (by RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
1.	A/YL-MP/158	Temporary Sales Offices and Furniture Showrooms (3 years)	27.4.2007 Approved by RNTPC (3 years)	(1), (4) to (7)
2.	A/YL-MP/164*	Renewal of Planning Approval for Temporary Shop and Service (Estate Agent) (3 years)	7.3.2008 Approved by RNTPC (3 years) [Revoked on 7.9.2008]	(1), (4) to (7)
3.	A/YL-MP/175	Temporary Shop and Services (Estate Agent) (3 years)	5.6.2009 Approved by RNTPC (3 years)	(1), (4) to (7)
4.	A/YL-MP/179	Proposed Temporary Shop and Services (Estate Agent) (3 years)	12.2.2010 Approved by RNTPC (3 years)	(1), (4) to (7)
5.	A/YL-MP/180	Renewal of Planning Approval for Temporary Sales Offices and Furniture Showrooms (3 years)	9.4.2010 Approved by RNTPC (3 years)	(1), (4) to (7)
6.	A/YL-MP/201*	Temporary Shop and Services (Estate Agent) (3 years)	15.6.2012 Approved by RNTPC (3 years) [Revoked on 15.3.2013]	(1), (4) to (7)
7.	A/YL-MP/210	Renewal of Planning Approval for Temporary Sales Offices (for Real Estate and Furniture) and Furniture Showrooms (3 years)	5.4.2013 Approved by RNTPC (3 years)	(1), (4) to (7)
8.	A/YL-MP/211	Temporary Shop and Services (Real Estate Agent) (3 years)	19.4.2013 Approved by RNTPC (3 years)	(1), (4) to (7)
9.	A/YL-MP/233	Temporary Shop and Services (Real Estate Agent) (3 years)	7.3.2014 Approved by RNTPC (3 years)	(4) to (7)
10.	A/YL-MP/239*	Proposed Temporary Shop and Services (Florist and Gardening Shop)	13.3.2015 Approved by RNTPC (3 years)	(1), (4) to (7)

<u>No.</u>	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Date of Consideration (by RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
		(3 years)	[Revoked on 14.9.2015]	
11.	A/YL-MP/244	Temporary Shop and Services (Metal Hardware Shop and Household Item Retail Store) (3 years)	5.6.2015 Approved by RNTPC (3 years)	(1), (4) to (7)
12.	A/YL-MP/246	Temporary Shop and Services (Metal Hardware Shop and Household Items Retail Store) (3 years)	8.1.2016 Approved by RNTPC (3 years)	(1), (4) to (7)
13.	A/YL-MP/249	Renewal of Planning Approval for Temporary Sales Offices (for Real Estate and Furniture) and Furniture Showrooms (3 years)	18.3.2016 Approved by RNTPC (3 years)	(4) to (7)
14	A/YL-MP/258	Temporary Shop and Services (Real Estate Agency) (3 years)	23.6.2017 Approved by RNTPC (3 years)	(1), (4) to (9)
15	A/YL-MP/264	Temporary Shop and Services (Metalware Retail Shop) for a Period of 3 Years	8.12.2017 Approved by RNTPC (3 years)	(1), (4) to (10)

* denotes planning permission revoked

Approval Conditions

- (1) The submission and implementation of landscape proposal(s)/ maintenance of landscape planting on the site.
- (2) The provision of a vehicular access and on-site car-parking spaces/ the submission and implementation of parking layout including site access arrangement/ maintenance of the vehicular access to the site.
- (3) The provision of hard paving to the vehicular access road and car-parking area to minimize dust impact.
- (4) The submission and implementation of drainage proposals/ a condition record of existing drainage facilities/ as-built drainage plan and maintenance of drainage facilities on the site.
- (5) Reinstatement clause.
- (6) Revocation clause.
- (7) The submission and provision of FSI proposal / provision of a 9-litre water type/3kg dry powder fire extinguisher for each of the sales offices / in the site office.
- (8) No operation between specified hours during the planning approval period.
- (9) The existing paving and fencing on the site shall be maintained at all times during the

planning approval period.

- (10) No medium and heavy goods vehicles exceeding 5.5 tonnes or container trailers/tractors as defined in the Road Traffic Ordinance, as proposed by the applicant, are allowed to access the site at any time during the planning approval period



Recommended Advisory Clauses

- (a) to resolve any land issues relating to the temporary use with the concerned owner(s) of the application site (the Site);
- (b) the permission is given to the development/uses and structures under application. It does not condone any other development/uses and structures which currently occur on the Site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/uses and remove such structures not covered by the permission;
- (c) to note DLO's comments, LandsD's comments that the Site comprises Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. The private land of Lot No. 2905 S.C RP in D.D. 104 is covered by Short Term Waiver (STW) No. 3471 to permit structures for the purpose of "Shops and Services (Real Estate Agency)". The GL of the Site is covered by Short Term Tenancy (STT) No. 2563 for the purpose of "Ancillary Car-parking to Shop and Services (Real Estate Agency)". The Site is accessible to Castle Peak Road – Mai Po through GL. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way. The Site does not fall within Shek Kong Airfield Height Restriction Area. The STT and STW holder will need to apply to his office for modification of the STT and STW conditions if there is any irregularity on Site. Such application will be considered by the LandsD 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 other payment of premium or fee, as may be imposed by LandsD;
- (d) to note C for T's comments that the Site is connected to the public road network via a section of a local access road which is not managed by Transport Department. The land status of the local access road should be clarified with LandsD by the applicant. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance accordingly;
- (e) to note CHE/NTW, HyD's comments that HyD is not/shall not be responsible for the maintenance of any existing vehicular access connecting the Site and Castle Peak Road – Mai Po;
- (f) to note D of FS's comments that fire service installations (FSI) are anticipated to be required in consideration of the design/nature of the proposal. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The applicant should also be advised that (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and (ii) the location of where the proposed FSI to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

- (g) to note CBS/NTW, BD's comments that if the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of the BD, they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated of any proposed use under the application. For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO. Before any new building works (including containers/open sheds as temporary buildings and land filling) are to be carried out on the Site, the prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO. 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. 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. 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;
- (h) to note DFEH's comments that if any Food and Environmental Hygiene Department (FEHD)'s facility is affected by the development, FEHD's prior consent must be obtained. Reprovisioning of the affected facilities by the project proponent up to the satisfaction of FEHD may be required. Besides, the project proponent should provide sufficient amount of additional recurrent cost for management and maintenance of the reprovisioned facilities to FEHD. If provision of cleansing service for new roads, streets, cycle tracks, footpaths, paved areas etc, is required, FEHD should be separately consulted. Prior consent from FEHD must be obtained and sufficient amount of recurrent cost must be provided to him. 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. If the proposal involves any commercial/trading activities, no environmental nuisance should be generated to the surroundings. Also, for any waste generated from the commercial/trading activities, the applicant should handle on their own/ at their expenses; and
- (i) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas.