

Previous s.16 Applications covering the Site

Approved Applications

No.	Application No.	Proposed Use(s)/ Development(s)	Date of Consideration (by RNTPC/TPB)	Approval Condition(s)
1.	A/YL-MP/23	Temporary Office (Real Estate Agency) and Ancillary Car Parking Area for a Period of 12 Months	5.9.1997 (12 months)	1, 2, 3
2.	A/YL-MP/50	Temporary Office Use (Property Sales Office) for a Period of 12 Months	26.3.1999 (12 months)	1, 2, 3
3.	A/YL-MP/68	Temporary Office Use (Transportation Company) for a Period of 12 Months	19.5.2000 (12 months)	1, 2, 3
4.	A/YL-MP/95*	Temporary Office Use (Property Sales Office) for a Period of 3 Years	3.8.2001 (3 years) [revoked on 3.2.2002]	1, 3, 11, 12
5.	A/YL-MP/108	Temporary Estate Agency Office Use for a Period of 3 Years	23.8.2002 (3 years)	1, 3, 11, 12
6.	A/YL-MP/142	Temporary Shop and Service (Real Estate Agency) for a Period of 3 Years	24.6.2005 (3 years)	3, 4, 5, 11, 12
7.	A/YL-MP/164*	Temporary Shop and Service (Real Estate Agency) for a Period of 3 Years	7.3.2008 (3 years) [revoked on 7.9.2008]	3, 4, 5, 6, 12
8.	A/YL-MP/175	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	5.6.2009 (3 years)	3, 4, 5, 6, 7, 12
9.	A/YL-MP/201*	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	15.6.2012 (3 years) [revoked on 15.3.2013]	3, 4, 7, 8, 10, 11, 12
10.	A/YL-MP/233	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	7.3.2014 (3 years)	3, 4, 6, 7, 8, 9, 10, 12
11.	A/YL-MP/258	Temporary Shop and Services (Real Estate Agency) For a Period of 3 Years	23.6.2017 (3 years)	2, 3, 4, 6, 7, 8, 10, 12

*Denotes permission revoked

Approval Conditions

- (1) The submission and implementation of landscaping proposals.
- (2) The submission and implementation of drainage proposal.
- (3) Reinstatement of the application site upon expiry of the planning permission.
- (4) The landscape planting should be maintained at all time during the planning approval period.
- (5) The provision of a 9-litre water type/3kg dry powder fire extinguisher in the site office.
- (6) The drainage facilities implemented on site should be maintained at all time during the planning approval period.
- (7) The submission and provision of fire services installations.
- (8) The paving and boundary fencing on the site should be maintained at all times during the planning

approval period.

- (9) The submission of records of the existing drainage facilities on-site.
- (10) No operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period.
- (11) The submission and provision of drainage facilities proposals.
- (12) Revocation clause.

**Similar s.16 Applications within "Open Space" Zone
on the Mai Po and Fairview Park OZP No. S/YL-MP/6**

Approved Applications

No.	<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/179	Temporary shop and services (Real Estate Agency) for a Period of 3 Years	12.2.2010 (3 years)	1, 2, 3, 8, 9, 16
2.	A/YL-MP/180	Temporary sales offices and furniture showrooms for a Period of 3 Years	9.4.2010 (3 years)	1, 3, 8, 9, 16
3.	A/YL-MP/188	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	23.12.2010 (3 years)	1, 3, 6, 7, 8, 9, 16
4.	A/YL-MP/210	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	5.4.2013 (3 years)	1, 3, 5, 8, 9, 10, 11, 16
5.	A/YL-MP/211	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	19.4.2013 (3 years)	1, 3, 5, 7, 8, 9, 16
6.	A/YL-MP/225	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	13.12.2013 (3 years)	1, 3, 6, 7, 8, 9, 16
7.	A/YL-MP/239*	Temporary Shop and Services (Florist and Gardening Shop) for a Period of 3 Years	13.3.2015 (3 years) [Revoked on 13.9.2015]	1, 3, 7, 8, 9, 11, 12, 16
8.	A/YL-MP/244	Temporary Shop and Services (Metal Hardware Shop and Household Item Retail Store) for a Period of 3 Years	5.6.2015 (3 years)	1, 3, 5, 7, 8, 9, 13, 16
9.	A/YL-MP/246*	Temporary Shop and Services (Metal Hardware Shop and Household Items Retail Store) for a Period of 3 Years	8.1.2016 (3 years) [Revoked on 8.6.2018]	1, 3, 7, 8, 9, 11, 14, 15, 16
10.	A/YL-MP/249	Temporary Sales Offices (for Real Estate and Furniture) and Furniture Showrooms for a Period of 3 Years	18.3.2016 (3 years)	1, 3, 5, 7, 8, 9, 11, 16
11.	A/YL-MP/254	Renewal of Planning Approval for Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	9.12.2016 (3 years)	1, 3, 6, 7, 8, 9, 16
12.	A/YL-MP/264	Temporary Shop and Services (Metalware Retail Shop) for a Period of 3 Years	8.12.2017 (3 years)	1, 3, 7, 8, 11, 16, 18
13.	A/YL-MP/267	Temporary Shop and Services (Real Estate Agent and Retail Store) and Ancillary Staff Canteen and Site Office for a Period of 3 Years	6.4.2018 (3 years)	1, 3, 7, 8, 9, 11, 16, 18, 19
14.	A/YL-MP/269	Renewal of Planning Approval for	4.5.2018	1, 3, 5, 7, 8, 9,

		Temporary Shop and Services (Metal Hardware Shop and Household Item Retail Store) for a Period of 3 Years	(3 years)	13, 15, 16, 20
15.	A/YL-MP/275	Proposed Temporary Shop and Services (Metal Hardware and Household Items Retail Shop) for a Period of 3 Years	2.11.2018 (3 years)	1, 3, 8, 9, 11, 16, 17, 19
16.	A/YL-MP/278	Renewal of Planning Approval for Temporary Sales Offices (for Real Estate and Furniture) and Furniture Showrooms for a Period of 3 Years	22.3.2019 (3 years)	1, 3, 7, 8, 9, 10, 11, 15, 16, 19, 21
17.	A/YL-MP/280	Proposed Temporary Shop and Services (Retail Store) for a Period of 3 Years	31.5.2019 (3 years)	3, 7, 8, 9, 11, 16, 17, 18

*Denotes permission revoked

Approval Conditions

- (1) The submission and implementation of (tree preservation and) landscape proposal / maintenance of existing trees and shrubs/landscape planting on the site.
- (2) The submission and implementation of parking layout including site access arrangement / maintenance of the vehicular access to the site.
- (3) The submission and implementation of drainage proposals/maintenance of drainage facilities on the site.
- (4) The provision of a 9-litre water type/3kg dry powder fire extinguisher for each of the sales offices.
- (5) No operation between 6:00p.m. and 9:00a.m., as proposed by the applicant.
- (6) No operation between 8:00p.m. and 10:15a.m., as proposed by the applicant.
- (7) The provision of boundary fencing / maintenance of paving and/or boundary fencing on the site.
- (8) The submission and implementation of fire service installations proposal/The provision of fire service installations.
- (9) Upon expiry of the planning permission, the reinstatement of the application site to an amenity area.
- (10) No operation between 8:30 p.m. and 9:30 a.m., as proposed by the applicant.
- (11) No medium or heavy goods vehicle exceeding 5.5 tonnes including container trailers/tractors defined in the Road Traffic Ordinance was allowed to be parked/stored at the Site/ No vehicle other than light goods vehicle is allowed to access the site/Only private car is allowed to enter/park at the site.
- (12) No operation between 9:00 p.m. and 6:00 a.m., as proposed by the applicant.
- (13) No cutting, dismantling, cleansing, repairing, compaction, workshop and open storage activity is allowed on the site.
- (14) No operation between 7:00 p.m. and 9:00 a.m., as proposed by the applicant.
- (15) No operation on Sundays and public holidays, as proposed by the applicant.
- (16) Revocation clause.
- (17) No operation between 6:00 p.m. and 10:00 a.m., as proposed by the applicant.
- (18) No operation between 7:30 p.m. and 9:30 a.m., as proposed by the applicant.
- (19) No vehicle is allowed to queue back to or reverse onto/from public road at all times.
- (20) No operation between 5:00 p.m. and 6:00 p.m. on Saturdays, as proposed by the applicant.
- (21) No operation between 6:00 p.m. and 9:30 a.m. from Mondays to Saturdays, as proposed by the applicant.

Recommended Advisory Clauses

- (a) to note DLO/YL, LandsD's comments that the Site comprises an 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 Lots No. 2873 in D.D. 104 is covered by Short Term Waiver (STW) No. 2538 to permit structures for the purpose of "Temporary Office". The STW holder will need to apply to his Office for modification of the STW conditions where appropriate. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Applications for any of the above will be considered by LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such applications will be approved. If such applications are approved, it will be subject to such terms and conditions, including among others the payment of premium of fee, as may be imposed by LandsD;
- (b) to note C for T's comments that the Site is connected to Castle Peak Road – Mai Po via a section of a local access which is not managed by Transport Department. The land status of the local access should be clarified with the LandsD by the applicant. Moreover, the management and maintenance responsibilities of the local access should be clarified with the relevant lands and maintenance authorities accordingly;
- (c) to note CHE/NTW, HyD's comments that Palm Springs Boulevard is not and shall not be maintained by HyD. The proposed access arrangement of the Site from Castle Peak Road – Mai Po should be commented and approved by Transport Department. HyD shall not be responsible for the maintenance of any access connecting the Site and Castle Peak Road – Mai Po. The applicant may need to liaise with the management/maintenance party of Palm Springs Boulevard for management/maintenance of the access point;
- (d) to note D of FS's comments that 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. In addition, the applicant should also be advised on the following points: (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 FSIs to be installed should be clearly marked on the layout plans. Regarding the submitted FSI proposal attached with the application, he has the following comments: a fire extinguisher of suitable type shall be provided for any enclosed structures not exceeding 230m² with access for emergency vehicles being provided to reach 30m travel distance from the structure (i.e. the intended container for conference use) as indicated on plan. 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;
- (e) to notes CBS/NTW, BD's comments that as there is no record of approval by the Building Authority (BA) for the structures existing at the Site, BD is not in a position to offer comments on their suitability for the use proposed in the application. If the existing structures (not being New Territories Exempted Houses) are erected on leased land without approval of the BA, they are unauthorized building works (UBW) under the

Buildings Ordinance (BO) and should not be designated for 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 the prevailing enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO. Before any new building works (including containers/ open sheds as temporary buildings, demolition and land filling) are to be carried out on the Site, prior approval and consent of the BA 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. 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 the building plan submission stage;

- (f) to note CE/MN, DSD's comments that the applicant implemented the drainage facilities on site under previous approved planning Application No. A/YL-MP/258. The relevant drainage proposal and implementation works were considered satisfactory at that time. Please provide DSD a set of latest record photographs showing the completed drainage works (including the internal condition of the drains) with the corresponding photograph locations marked clearly on the approved drainage plan. The photos included in this submission by the applicant is considered insufficient for the purpose. DSD will inspect the completed drainage works jointly with the applicant with reference to a comprehensive 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 shall not cause encroachment upon areas outside the applicant's jurisdiction. No public sewerage maintained by CE/MN, DSD is currently available for connection. For sewage disposal and treatment, agreement from DEP shall be obtained. The applicant should consult DLO/YL, LandsD regarding all the proposed drainage works outside the Site in order to ensure the unobstructed discharge from the Site in future. 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 facilities on site under proper maintenance during occupancy of the Site;
- (g) to note DFEH's comments that if any FEHD's facility is affected by the development, FEHD's prior consent must be obtained. Re provisioning 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 re provisioned facilities to FEHD. 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
- (h) the applicant is reminded to make reference to the "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites".