

**Previous Applications covering the Site**

**Approved s.16 Applications**

No.	Application No.	Proposed Uses	Date of Consideration (RNTPC/TPB)	Approval Conditions
1.	A/YL-MP/77 <sup>@</sup>	Proposed Temporary Public Carpark (Private Cars) for a Period of 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) for a Period of 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) for a Period of 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) for a Period of 3 years	9.12.2016 Approved by RNTPC (3 years)	(1), (2), (7), (8), (11) & (12)
5.	A/YL-MP/267*	Proposed Temporary Shop and Services (Real Estate Agency and Retail Store) and Ancillary Site Office for a Period of 3 years	6.4.2018 Approved by RNTPC (3 years) [Revoked on 6.9.2020]	(1) to (3), (5), (7), (8) & (11) to (13)

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

\* Denotes permission revoked.

**Approval Conditions**

- (1) The submission / implementation of fire services installations proposals.
- (2) The submission / implementation / maintenance of drainage proposals / submission of records of the existing drainage facilities.
- (3) The submission / implementation / maintenance 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 / only private car 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. / between 7:30p.m. and 9.30a.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.
- (13) No vehicle is allowed to queue back to or reverse onto/from public road.



**Similar Applications within “Open Space” Zone  
on the Approved Mai Po and Fairview Park OZP No. S/YL-MP/6**

**Approved s.16 Applications since 2010**

No.	Application No.	Proposed Use(s)/ Development(s)	Date of Consideration (by RNTPC/TPB)	Approval Condition(s)
1.	A/YL-MP/179	Proposed Temporary Shop and Services (Estate Agent) for a Period of 3 years	12.2.2010 Approved by RNTPC (3 years)	(1), (4) to (7)
2.	A/YL-MP/180	Renewal of Planning Approval for Temporary Sales Offices and Furniture Showrooms for a Period of 3 years	9.4.2010 Approved by RNTPC (3 years)	(1), (4) to (7)
3.	A/YL-MP/201*	Temporary Shop and Services (Estate Agent) for a Period of 3 years	15.6.2012 Approved by RNTPC (3 years) [Revoked on 15.3.2013]	(1), (4) to (7)
4.	A/YL-MP/210	Renewal of Planning Approval for Temporary Sales Offices (for Real Estate and Furniture) and Furniture Showrooms for a Period of 3 years	5.4.2013 Approved by RNTPC (3 years)	(1), (4) to (7)
5.	A/YL-MP/211	Temporary Shop and Services (Real Estate Agent) for a Period of 3 years	19.4.2013 Approved by RNTPC (3 years)	(1), (4) to (7)
6.	A/YL-MP/233	Temporary Shop and Services (Real Estate Agent) for a Period of 3 years	7.3.2014 Approved by RNTPC (3 years)	(4) to (7)
7.	A/YL-MP/239*	Proposed Temporary Shop and Services (Florist and Gardening Shop) for a Period of 3 years	13.3.2015 Approved by RNTPC (3 years) [Revoked on 14.9.2015]	(1), (4) to (7)
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 Approved by RNTPC (3 years)	(1) to (9)
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 Approved by RNTPC (3 years) [Revoked on 8.6.2018]	(1), (3) to (8), (10) & (11)
10.	A/YL-MP/249	Renewal of Planning Approval for Temporary Sales Offices (for Real Estate and Furniture) and Furniture Showrooms for a Period of 3 years	18.3.2016 Approved by RNTPC (3 years)	(1), (4) to (7)
11.	A/YL-MP/258	Temporary Shop and Services (Real Estate Agency) for a Period of 3 years	23.6.2017 Approved by RNTPC (3 years)	(1), (4) to (9)

No.	Application No.	Proposed Use(s)/ Development(s)	Date of Consideration (by RNTPC/TPB)	Approval Condition(s)
12.	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), (3), (4) to (10)
13.	A/YL-MP/269	Renewal of Planning Approval for Temporary Shop and Services (Metal Hardware Shop and Household Item Retail Store) for a Period of 3 Years	4.5.2018 Approved by RNTPC (3 years)	(1), (4) to (9) & (12)
14.	A/YL-MP/275	Proposed Shop and Services (Metal Hardware Shop and Household Items Retail Store) for a Period of 3 years	2.11.2018 Approved by RNTPC (3 years)	(1), (3) to (8), (10) & (11)
15.	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 Approved by RNTPC (3 years)	(1), (3) to (11)
16.	A/YL-MP/280	Proposed Temporary Shop and Services (Retail Store) for a Period of 3 Years	31.5.2019 Approved by RNTPC (3 years)	(4) to (11)
17.	A/YL-MP/298	Temporary Shop and Services for a Period of 3 Years	21.08.2020 Approved by RNTPC (3 years)	(1), (4), (6), (7) to (9) & (11)

\* denotes planning permission revoked

#### Approval Conditions

- (1) The submission and implementation of landscape proposal(s)/ maintenance of landscape planting on the site.
- (2) No cutting, dismantling, cleansing, repairing, compaction, workshop and open storage activity is allowed on the site at any time during the planning approval period.
- (3) The provision of hard paving to the vehicular access road and car-parking area to minimize dust impact / provision of boundary fencing.
- (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 fire service installations (FSIs) proposal / provision of a 9-litre water type/3kg dry powder fire extinguisher for each of the sales offices / in the site office.
- (8) Restriction on operation hours.
- (9) The existing paving and fencing on the site shall be maintained.
- (10) No vehicle without valid licence / 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 / no vehicle / no vehicle other than private car / light goods vehicle is allowed to access the site.
- (11) No vehicle is allowed to queue back to or reverse onto/from the site.

**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 the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site comprises Government Land (GL) and 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 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 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)”. Upon granting of the planning permission for the application, the STT/STW holders will need to apply to LandsD for modification of the STT/STW conditions where appropriate. Besides, given the applied 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 application will be approved. If such applications are approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by LandsD;
- (d) to note the comments of the Director of Environmental Protection (DEP) that as the applied use is located within WBA under TPB PG-No. 12C and a staff canteen is proposed for the applied use, the applicant is advised to follow these requirements:
  - (i) the requirements as stipulated in the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’; and
  - (ii) effluent discharges from the Site are subject to control under the Water Pollution Control Ordinance. If connection to public sewer is not available and septic tank and soakaway system is used, its design and construction should follow the requirements of the Practice Note for Professional Person (ProPECC) PN 5/93 ‘Drainage Plans subject to Comment by the Environmental Protection Department’ including the percolation test;
- (e) to note the comments of the Commissioner for Transport (C for T) that the Site is connected to Castle Peak Road – Mai Po via section of a local access which is not managed by the Transport Department. The land status of the local access should be clarified with 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;

- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that HyD shall not be responsible for the maintenance of any access connecting the Site and Castle Peak Road – Mai Po; and adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (g) to note the comments of the Director of Fire Services (D of FS) to resubmit relevant layout plans incorporated with the proposed FSIs to D of FS for approval and 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 (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
  - (i) there is no record of approval by the Building Authority (BA) for the existing structures at the Site;
  - (ii) if the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of BA, they are unauthorized building works (UBW) under 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 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 BO. Before any new building works (including containers/open sheds as temporary buildings and land filling, etc.) are to be carried out on the Site, prior approval and consent of 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 BO;
  - (iii) 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 B(P)R at the building plan submission stage. Any temporary shelters or converted containers for office, storage, washroom or other uses are considered as temporary buildings which are subject to the control of Part VII of B(P)R;
  - (iv) if the use under application is subject to issue of a licence, the applicant should be reminded that any existing structures on the Site intended to be used for such purposes are required to comply with the building safety and other relevant

requirements as may be imposed by the licensing authority; and

- (v) detailed checking under BO will be carried out at the building plan submission stage;  
and
- (i) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that if any facility of Food and Environmental Hygiene Department (FEHD) 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. Proper licence/ permit issued by FEHD 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. For any waste generated from the commercial/trading activities, the applicant should handle on their own/ at their expenses.

