

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

**Approved Applications**

<b>No.</b>	<b>Application No.</b>	<b><u>Proposed Use(s)/ Development(s)</u></b>	<b><u>Date of Consideration (by RNTPC/TPB)</u></b>	<b><u>Approval Condition(s)</u></b>
1.	A/YL-MP/164	Renewal of Planning Approval for Temporary Shop and Service (Estate Agent) Use under Application No. A/YL-MP/142 for a Period of 3 Years	7.3.2008 Approved by RNTPC (3 years) *[revoked on 7.9.2008]	(1), (2), (3)
2.	A/YL-MP/175	Temporary Shop and Service (Real Estate Agency) for a Period of 3 Years	5.6.2009 Approved by RNTPC (3 years)	(1), (2), (3)
3.	A/YL-MP/179	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	12.2.2010 Approved by RNTPC (3 years)	(1), (2), (3)
4.	A/YL-MP/180	Temporary Sales Offices and Furniture Showrooms for a Period of 3 Years	9.4.2010 Approved by RNTPC (3 years)	(1), (2), (3)
5.	A/YL-MP/188	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	23.12.2010 Approved by RNTPC (3 years)	(1), (2), (3), (4), (5)
6.	A/YL-MP/201	Temporary Shop and Service (Real Estate Agency) for a Period of 3 Years	15.6.2012 Approved by RNTPC (3 years) *[revoked on 15.3.2013]	(1), (2), (3), (4), (5)
7.	A/YL-MP/210	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	5.4.2013 Approved by RNTPC (3 years)	(1), (2), (3), (4), (5), (6)
8.	A/YL-MP/211	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	19.4.2013 Approved by RNTPC (3 years)	(1), (2), (3), (4), (5)
9.	A/YL-MP/225	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	13.12.2013 Approved by RNTPC (3 years)	(1), (2), (3), (4), (5)
10.	A/YL-MP/233	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	7.3.2014 Approved by RNTPC (3 years)	(1), (2), (3), (4), (5),
11.	A/YL-MP/239	Temporary Shop and Services (Florist and Gardening Shop) for a Period of 3 Years	13.3.2015 Approved by RNTPC (3 years) *[revoked on 13.9.2015]	(1), (2), (3), (4), (5), (6)
12.	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)	(1), (2), (3), (4), (5), (6), (7)
13.	A/YL-MP/249	Renewal of Planning Approval	18.3.2016	(1), (2), (3),

		for Temporary Sales Offices (for Real Estate and Furniture) and Furniture Showrooms for a Period of 3 Years	Approved by RNTPC (3 years)	(5), (6)
14.	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), (3), (5)
15.	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), (2), (3), (4), (5)
16.	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), (2), (3), (4), (5), (6)
17.	A/YL-MP/267	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)	(1), (2), (3), (4), (5), (6), (8)

\*denotes permission revoked

#### Approval Conditions

- (1) The provision of the 3kg dry powder/9litre water type fire extinguisher in the site office. The submission and implementation of fire service installations proposal/ the provision of fire extinguisher(s).
- (2) The submission and implementation of drainage proposal/The existing drainage facilities on the site should be maintained at all times during the planning approval period/The submission of a condition record of the existing drainage facilities. /The implemented drainage facilities on the site shall be maintained at all times during the planning approval period.
- (3) The submission and implementation of landscaping and tree preservation proposals/The landscape planting on the site should be maintained at all times during the approval period./The existing trees and vegetation on the site shall be maintained at all times during the planning approval period.
- (4) The provision of boundary fencing/the paving and boundary fencing on the site should be maintained.
- (5) No operation for certain time limit specified in the approved conditions of respective applications.
- (6) No medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes) including container/tractor as defined in the Road Traffic Ordinance is allowed to be parked/stored. / Only private car is allowed to enter/park at the Site at all times during the planning approval period.
- (7) No operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period
- (8) No vehicle is allowed to queue back or reverse onto/from public road at all times during the planning approval period.

**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 under 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. 20 RP in D.D. 101 is covered by Short Term Waiver (STW) No. 4259 to permit structures for the purpose of "Temporary Shop and Services (Metal Hardware Shop and Household Item Retail Store)". The Site is accessible to Castle Peak Road – Mai Po through Government Land (GL) and private land. 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. Should planning approval be given to the planning application, the STW holder will need to apply to his office for modification of the 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 others the payment of premium or fee, as may be imposed by the LandsD;
- (b) to note CHE/NTW, HyD's comments that Highways Department is/shall not be responsible for the maintenance of the track road 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;
- (c) to note DEP's comments that all waste water from the Site shall comply with the requirements stipulated in the Water Pollution Control Ordinance;
- (d) to note CTP/UD&L, PlanD's comments that based on their site inspection photos taken on 27.3.2018, it is observed that 2 trees planted under the last approved application (A/YL-MP/244) were dead. Replacement tree planting should be provided on site as compensation;
- (e) to note D of FS's comments that in consideration of the design/nature of the proposal, fire service installations (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. However, 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;
- (f) to note CBS/NTW, BD's comments that if the existing structures are erected on leased land without approval of BD, they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including containers as temporary buildings are to be carried out on the Site, the prior approval and consent of the BA should be obtained otherwise they are Unauthorized Building Works (UBW). An Authorized Person (AP) should be

appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA 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. 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 respectively. 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 Building (Planning) Regulation at building plan submission stage;

- (g) to note CE/MN, DSD's comments that he notes that the applicant implemented the drainage facilities on site under previous planning Application No. A/YL-MP/244 and the drainage implementation works were considered satisfactory. Under current application, the applicant should provide DSD with a set of latest record photographs showing the completed drainage works (including the internal condition of the drains) with the corresponding photograph with locations marked clearly on the approved drainage plan. 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 should not cause encroachment upon areas outside his 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 regarding all the proposed drainage works outside the lot boundary 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 works on site under proper maintenance at all times;
- (h) to note DEMS's comment that in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the "Code of Practice on Working near Electricity Supply Lines" established under the Regulation when carrying out works in the vicinity of the electricity supply lines;
- (i) to note DFEH's comment that if any Food and Environmental Hygiene Department (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

- (j) 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 area.

