

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-MP/383

- Applicant** : Fu Hop Yick Investment Limited represented by Lanbase Surveyors Limited
- Site** : Lot 2879 RP (Part) in D.D. 104, Mai Po, Yuen Long
- Site Area** : About 350m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Mai Po & Fairview Park Outline Zoning Plan (OZP) No. S/YL-MP/8
- Zoning** : “Open Space” (“O”)
- Application** : Proposed Temporary Shop and Services for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary shop and services for a period of three years at the application site (the Site), which falls within an area zoned “O” on the OZP (**Plan A-1**). According to the Notes of the OZP for the “O” zone, ‘Shop and Services’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently hard-paved, fenced-off and vacant (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from a local access leading to Castle Peak Road – Mai Po (**Plan A-2**), with an ingress/egress (minimum 6m wide) at the eastern part of the Site. According to the applicant, the proposed use involves two single-storey structures for fire service water tank (about 2m in height) and fire service pump room (about 2.5m in height), and one two-storey structure (about 8.5m in height) for shop and services use, with a total floor area of about 229.25m² (**Drawing A-1**). One loading/unloading space for light goods vehicle, but no vehicle parking space, will be provided at the Site. The proposed operation hours are from 8 a.m. to 11 p.m. daily, including public holidays. The layout plan submitted by the applicant is at **Drawing A-1**.

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

- (a) Application Form received on 23.12.2024 (Appendix I)
- (b) Further Information (FI) received on 13.3.2025[#] (Appendix Ia)

[#]*accepted and exempted from the publication and recounting requirements*

1.4 On 14.2.2025, the Rural and New Town Planning Committee (the Committee) of the Board agreed to the applicant's request to defer making a decision on the application for two months.

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Application Form and FI at **Appendices I and Ia**, and can be summarised as follows:

- (a) The proposed temporary use for a period of three years, which is intended to serve the nearby residents, will not jeopardise the long-term planning intention of the "O" zone.
- (b) The proposed use is considered compatible with the surrounding areas where are mainly occupied by temporary retail shops and residential structures. Similar shop and services uses had been approved in nearby areas within the same "O" zone.
- (c) The proposed use will not generate significant traffic and environmental impacts. No heavy traffic flow is anticipated, and adequate vehicle manoeuvring space will be provided within the Site. Appropriate drainage facilities will also be provided.
- (d) The proposal can make efficient use of the subject vacant land for supporting the local needs in the surrounding areas.
- (e) No government land (GL) is included in the application. The applicant will submit Short Term Waiver (STW) application for the proposed structures on the Site should the application be approved.

3. **Compliance with the "Owner's Consent/Notification" Requirements**

The applicant is the sole "current land owner" of the Site. Detailed information would be deposited at the meeting for Members' inspection.

4. **Town Planning Board Guidelines**

The Site is located within the Wetland Buffer Area (WBA) (**Plan A-1**) of Deep Bay Area. The Town Planning Board Guidelines for ‘Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 12C) is relevant to the application. Relevant extracts of the Guidelines are at **Appendix II**.

5. **Background**

The Site is currently not subject to active planning enforcement action.

6. **Previous Application**

The Site is not involved in any previous application.

7. **Similar Applications**

7.1 During the past five years, there are 11 similar applications (No. A/YL-MP/298, 300, 302, 311, 319, 325, 348, 351, 364, 385 and 386) for temporary shop and services uses within the same “O” zone in the vicinity of the Site. All applications were approved by the Committee between 2020 and 2025 mainly on the considerations that the temporary approval would not frustrate the long-term planning intention of the “O” zone; the proposed use was considered not incompatible with the surrounding land uses and could serve the need of local residents; and there was no objection to or no adverse comment from relevant departments.

7.2 Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

8. **The Site and Its Surrounding Areas (Plans A-1 to A-4)**

8.1 The Site is:

- (a) hard-paved, fenced-off and vacant;
- (b) accessible from a local access leading to Castle Peak Road – Mai Po; and
- (c) located within the WBA in Deep Bay Area.

8.2 The surrounding areas are rural in character predominated by residential structures, open storage yards, warehouses, eating place (with valid planning permission under application No. A/YL-MP/353), shop and services (with valid planning permission under application No. A/YL-MP/351), a plant nursey and a pond.

9. **Planning Intention**

The planning intention of the “O” zone is primarily for the provision of outdoor open-air space for active and/or passive recreational uses serving the needs of local residents as well as the general public.

10. **Comments from Relevant Government Departments**

10.1 Apart from the government departments as set out in paragraphs 10.2 and 10.3 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, if any, are provided in **Appendices IV and V** respectively.

10.2 The following government department objects to the application:

Land Administration

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

- (a) objects to the application;
- (b) the Site comprises Old Schedule Agricultural Lot No. 2879 RP in D.D. 104 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
- (c) the following irregularities not covered by the subject planning application have been detected by his office:

the GL adjoining the Site has been fenced off/illegally occupied with unauthorised structure(s) without permission. The GL being illegally occupied is not included in the application. Any occupation of GL without government’s prior approval is an offence under Cap. 28. His office reserves the rights to take necessary land control action against the illegal occupation of GL without further notice.

The lot owner(s)/applicant shall either (i) remove the unauthorised structure(s) and cease the illegal occupation of the GL not covered by the subject planning application immediately; or (ii) include the unauthorised structure(s) and the adjoining GL being illegally occupied in the subject planning application for the further consideration by the relevant departments and, subject to the approval of the Board to the planning application which shall have reflected the rectification or amendment as aforesaid required, apply to his

office for a STW and Short Term Tenancy (STT) to permit the structure(s) erected and the occupation of the GL. The application(s) for STW and STT will be considered by the government in its capacity as a landlord and there is no guarantee that the STW and STT will be approved. The STW and STT, if approved, will be subject to such terms and conditions including the payment of waiver fee/rent and administrative fee as considered appropriate to be imposed by LandsD. In addition, LandsD reserves the rights to take land control action for any unlawful occupation of GL.

10.3 The following government department provides views on the application:

Open Space Provision

10.3.1 Comments from the Director of Leisure and Cultural Services (DLCS):

- (a) no in-principle objection to the application since the application is for three years only;
- (b) there is no plan to develop the Site into public open space in the upcoming three years; and
- (c) advisory comments are detailed in **Appendix V**.

11. Public Comment Received During Statutory Publication Period

On 31.12.2024, the application was published for public inspection. During the statutory public inspection period, one public comment (**Appendix VI**) was received from an individual objecting to the application mainly on the ground that the proposed use is not compatible with the surrounding rural areas.

12. Planning Considerations and Assessments

- 12.1 The application is for proposed temporary shop and services for a period of three years at the Site zoned “O” (**Plan A-1**). While the proposed use is not entirely in line with the planning intention of the “O” zone, DLCS has no objection to the application as there is currently no plan to develop the Site into a public open space in the upcoming three years. Approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the “O” zone.
- 12.2 The Site is located at the fringe of “O” zone with access connected to Castle Peak Road – Mai Po, and is currently hard-paved, fenced-off and vacant. Given its small scale and the nature of serving the local community, the proposed use with three one- to two-storey structures is considered not incompatible with the surrounding land uses which are mainly residential

structures, open storage yards, eating place, shop and services and warehouses. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective as no significant landscape impact arising from the proposed use is anticipated and the proposed use is not incompatible with the surrounding landscape character.

- 12.3 The Site falls within the WBA in Deep Bay Area under the TPB PG-No. 12C, which specifies that planning applications for temporary uses are exempted from the requirement of ecological impact assessment. The Director of Agriculture, Fisheries and Conservation has no comment on the application from nature conservation point of view.
- 12.4 Regarding DLO/YL, LandsD's concern on the occupation of GL with unauthorised structures outside the Site, the applicant will be advised to liaise with LandsD on this land administration matter should the Committee approve the application. Other relevant government departments consulted, including the Director of Environmental Protection, Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services, have no objection to or no adverse comment on the application. To address the technical requirements of the concerned departments, relevant approval conditions are recommended in paragraph 13.2 below. Should the application be approved, the applicant will also be advised to follow the revised 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimise any potential environmental impacts by the proposed use on the surrounding areas.
- 12.5 As detailed in paragraph 7 above, there were 11 similar applications approved for temporary shop and services uses within the same "O" zone in the vicinity of the Site in the past five years. Approval of the current application is in line with the Committee's previous decisions.
- 12.6 Regarding the public comment received as detailed in paragraph 11, the planning assessments and departmental comments above are relevant.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 and having taking into account the public comment mentioned in paragraph 11, PlanD has no objection to the application.
- 13.2 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 2.5.2028. 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 2.11.2025;
- (b) in relation to (a) above, 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 2.2.2026;
- (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 services installations 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 2.11.2025;
- (e) in relation to (d) above, the implementation of the fire services 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 2.2.2026;
- (f) if 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.

Advisory Clauses

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

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the proposed use is not in line with the planning intention of the "O" zone, which is primarily for the provision of outdoor open-air space for active and/or passive recreational uses serving the needs of local residents as well as the general public. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.

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 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.
- 14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

15. Attachments

Appendix I	Application Form received on 23.12.2024
Appendix Ia	FI received on 13.3.2025
Appendix II	Extract of TPB PG-No. 12C
Appendix III	Similar applications
Appendix IV	Government departments' general comments
Appendix V	Recommended advisory clauses
Appendix VI	Public comment
Drawing A-1	Layout plan
Plan A-1	Location plan with similar applications
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
MAY 2025**