

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-MP/389

- Applicant** : Fast Sky Development Limited represented by R-riches Property Consultants Limited
- Site** : Lot 28 RP in D.D. 101, Mai Po, Yuen Long
- Site Area** : About 291m²
- 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 with Ancillary Facilities and Associated Filling of Land for a Period of 5 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary shop and services with ancillary facilities and associated filling of land for a period of five 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 “O” zone, ‘Shop and Services’, which is a Column 2 use, and filling of land require planning permission from the Town Planning Board (the Board). The Site is currently fenced-off, hard-paved and mostly vacant with some empty temporary structures (**Plans A-2, A-4a and A-4b**).
- 1.2 The Site is accessible from a local access leading to Mai Po South Road (**Plans A-2 and A-3**), with an ingress/egress (about 6m wide) at the eastern part of the Site. According to the applicant, the proposed use with a total floor area of about 122m² involves one two-storey structure (about 7m in height) for shop and services (for selling of household products) with washroom and office, and two single-storey structures (about 3m to 7m in height) for canopy for staircase and washroom. One private car parking space (5m x 2.5m) and one loading/unloading (L/UL) space for light goods vehicle (7m x 3.5m) will be provided at the Site. No workshop or manufacturing activities will be allowed at the Site. The applicant also applies for regularisation of associated filling of land for the entire Site with concrete of not more than 0.2m in depth (to a level not more than 5.5mPD) for site formation and erection of structures (**Drawing A-2**). The proposed use will operate from Mondays to Sundays (including

public holidays) from 9:00 a.m to 7:00 p.m. The layout plan and land filling plan submitted by the applicant are at **Drawings A-1** and **A-2** respectively.

1.3 The Site is the subject of two previous applications (No. A/YL-MP/280 and 321), which were both approved by the Rural and New Town Planning Committee (the Committee) of the Board in 2019 and 2021 respectively. Planning permissions under both applications were subsequently revoked in 2021 and 2024 respectively due to non-compliance with approval conditions (detailed at paragraph 6 below). Compared with the last approved application (No. A/YL-MP/321), the current application is submitted by a different applicant for the same use at the same Site with the same development parameters but a slightly different layout.

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

- (a) Application Form received on 24.4.2025 and **(Appendix I)**
Supplementary Information (SI) received on 29.4.2025
- (b) Further Information (FI) received on 27.5.2025* **(Appendix Ia)**
** accepted and exempted from publication and recounting requirements*

2. Justifications from the Applicant

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

- (a) The proposed shop and services use is for selling household products to nearby residents, which could cater the demand from the residents in the vicinity. The proposed use is surrounded by temporary structures for storage use, vehicle park and vacant land, which is not incompatible with the surrounding environment.
- (b) Temporary approval of the proposed use can better utilise vacant land in the New Territories and would not jeopardise the long-term planning intention of the “O” zone. The applicant only applies for regularisation of associated filling of land at the Site, and no further filling of land will be carried out.
- (c) Previous planning approvals had been given for shop and services use at the Site. Similar shop and services had also been approved in nearby areas within the same “O” zone.
- (d) The applicant has submitted a fire service installations (FSIs) proposal and a drainage proposal to support the current application.
- (e) The applicant will strictly follow relevant environmental protection and pollution control ordinances to minimise the potential adverse environmental impacts and nuisance to the surrounding areas.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicant is the sole “current land owner”. 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) of Deep Bay Area (**Plan A-1**). 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 not subject to any active planning enforcement action.

6. Previous Applications

The Site is the subject of two previous applications (No. A/YL-MP/280 and 321) for the same proposed use on the same Site submitted by an applicant different from that of the current application. The two applications were approved by the Committee in 2019 and 2021 respectively mainly on the considerations that there was no implementation programme for the concerned “O” zone at that time and 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 there was no adverse comment from concerned government departments or their concerns could be addressed by imposing approval conditions. Planning permissions under both applications were subsequently revoked in 2021 and 2024 respectively due to non-compliance with time-limited approval condition related to the implementation of FSIs proposal. Compared with the last application No. A/YL-MP/321, the current application submitted by a different applicant is for the same proposed use at the same Site with the same development parameters and a slightly different layout. Details of the previous applications are summarised at **Appendix III** and their location are shown on **Plan A-1**.

7. Similar Applications

During the past five years, there were 12 similar applications (No. A/YL-MP/298, 300, 302, 306, 311, 319, 325, 329, 348, 351, 364 and 385) for temporary shop and services use within the “O” zones in the vicinity of the Site. All applications were approved with conditions by the Committee between 2020 and 2025 mainly on the similar considerations as stated in paragraph 6 above. 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-4b)

8.1 The Site is:

- (a) currently fenced-off, hard-paved and mostly vacant with some empty temporary structures;
- (b) accessible from the east via a local access leading from Mai Po South Road; and
- (c) located within WBA of Deep Bay Area.

8.2 The surrounding areas are rural in character and predominated by vacant land, clusters

of residential structures and the residential development of Royal Palms, storage yards, shops (for selling of metal hardware with valid planning permissions under applications No. A/YL-MP/306 and 329) and a plant nursery.

9. Planning Intention

The planning intention of the “O” zone is primarily for the provision of outdoor open-air public 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 department as set out in paragraph 10.2 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 has specific comments on the application:

Open Space Provision

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

- (a) he has no in-principle objection to the application since the application is for five years only; and
- (b) he has no plan to develop the Site into public open space in the coming five years.

11. Public Comments Received During Statutory Publication Period

On 2.5.2025, the application was published for public inspection. During the statutory publication period, two public comments were received from individuals raising concerns that the proposed use would induce traffic issues and create nuisance to the villagers and residents nearby; and the approval conditions of previous applications were not complied with respectively (**Appendix VI**).

12. Planning Considerations and Assessments

12.1 The application is for proposed temporary shop and services with ancillary facilities and associated filling of land for a period of five years at the Site zoned “O” (**Plan A-1**). Whilst the proposed use is not entirely in line with the planning intention of the “O” zone, the proposed use can cater the demand for household products from the residents in the vicinity. Besides, DLCS has no objection to the application as there is no plan to develop the Site into public open space in the coming five years. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the “O” zone. Taking into account the above and the planning assessments below, there is no objection to the proposed use with associated filling of land on a temporary basis

of five years.

- 12.2 Filling of land in the “O” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the surrounding areas. In this regard, the Chief Engineer/Mainland North, Drainage Services Department (CE/MN of DSD) and Director of Environmental Protection (DEP) have no objection to the application from drainage and environmental planning perspectives respectively.
- 12.3 The proposed use with associated filling of land is considered not incompatible with the surrounding areas which are rural in character predominated by vacant land, residential development/structures, storage yards, shops and a plant nursery (**Plan A-2**). The Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective as the proposed use is not incompatible with the surrounding landscape setting and significant impact on the existing landscape resources within the Site is not anticipated.
- 12.4 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.
- 12.5 Other relevant government departments consulted, including the Commissioner for Transport, Director of Fire Services (D of FS) and Chief Highway Engineer/New Territories West, Highways Department, 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. It is also recommended to advise the applicant to follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department and other relevant environmental guidelines and legislation to minimise any potential environmental nuisance caused by the proposed use on the surrounding areas.
- 12.6 As detailed in paragraph 6 above, the Site is the subject of two approved previous applications submitted by a different applicant for same use at the same Site with a slightly different layout. Although the planning permissions under the two previous applications were revoked in 2021 and 2024 due to non-compliance with time-limited approval conditions related to the implementation of FSIs proposal, the current application is submitted by a different applicant who has committed to fulfill all approval conditions should the Committee approve the current application. To support the current application, the applicant has submitted a FSIs proposal and a drainage proposal, which are considered acceptable by D of FS and CE/MN of DSD respectively. Besides, there were 12 similar applications approved in the vicinity of the Site in the past five years as mentioned in paragraph 7 above. Approving the current application is in line with the Committee’s previous decisions.
- 12.7 Regarding the public comments as stated in paragraph 11 above, the planning considerations and departmental comments above are relevant.

13. Planning Department's Views

13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments 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 five years until 20.6.2030. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the implementation of the accepted 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 20.3.2026;
- (b) in relation to (a) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (c) the implementation of the accepted fire service 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 20.3.2026;
- (d) if any of the above planning condition (a) or (c) 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; and
- (e) if the above planning condition (b) 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.

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 with associated filling of land is not in line with the planning intention of the "Open Space" zone, which is to provide outdoor open-air public 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 24.4.2025 and SI received on 29.4.2025
Appendix Ia	FI received on 27.5.2025
Appendix II	Relevant Extracts of TPB PG-No. 12C
Appendix III	Previous and Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	Land Filling Plan
Plan A-1	Location Plan with Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4 to A-4b	Site Photos

**PLANNING DEPARTMENT
JUNE 2025**