

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-MP/382**

- Applicant** : Ying Fung Environmental Limited represented by R-riches Property Consultants Limited
- Site** : Lot 2905 S.C RP (Part) in D.D.104 and Adjoining Government Land (GL), Mai Po, Yuen Long, New Territories
- Site Area** : 574m<sup>2</sup> (about) (including GL of about 205m<sup>2</sup> (about 35.7%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Mai Po and Fairview Park Outline Zoning Plan (OZP) No. S/YL-MP/8
- Zoning** : “Open Space” (“O”)
- Application** : Temporary Shop and Services and Eating Place with Ancillary Facilities for a Period of 5 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary shop and services and eating place with ancillary facilities for a period of five years at the application site (the Site), which falls within an area zoned “O” on the OZP (**Plan A-1a**). According to the Notes of the OZP, ‘Shop and Services’ and ‘Eating Place’ are Column 2 uses within “O” zone which require planning permission from the Town Planning Board (the Board). The Site is currently occupied by the applied uses without valid planning permission (**Plans A-2 to A-4**).
- 1.2 The Site is accessible from a local access leading to Castle Peak Road – Mai Po, with an ingress/egress (about 7.3m wide) at the south-eastern part of the Site (**Drawing A-1 and Plan A-2**). According to the applicant, the applied uses comprise two 2-storey structures (with height not more than 7m) with a total floor area of about 379.5m<sup>2</sup> for eating place, shop and services, and ancillary site office and washroom. Besides, an uncovered outdoor dining area with an area of about 32m<sup>2</sup> are located between the two structures. Four private car parking spaces for visitors (each of 5m x 2.5m) are provided at the Site. Three existing trees have been preserved in-situ at the Site. The operation hours are from 7:30 am to 11:00 pm

daily including public holidays. The layout plan submitted by the applicant is at **Drawing A-1**.

- 1.3 The Site, in part or in whole, is the subject of seven previous applications (No. A/YL-MP/77, 188, 225, 254, 267, 300 and 348) (details at paragraph 6 below) (**Plan A-1b**). The last application for the same applied uses was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2023, and the planning permission was subsequently revoked on 11.6.2024 due to non-compliance with approval condition. As compared with the last application, the current application is submitted by a different applicant for the same uses at the same Site with same development parameters and similar layout.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments and Supplementary Information (SI) received on 15.11.2024 (**Appendix I**)
  - (b) Further Information (FI) received on 10.3.2025\* (**Appendix Ia**)
  - (c) FI received on 20.5.2025\* (**Appendix Ib**)
  - (d) FI received on 2.7.2025\* (**Appendix Ic**)
- \*accepted and exempted from the publication and recounting requirements
- 1.5 On 10.1.2025 and 2.5.2025, the Committee of the Board agreed to defer making a decision on the application for two months each as requested by the applicant.

## **2. Justifications from the Applicant**

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

- (a) The shop and services use has been established at the Site since 2010s. With the increasing population of local residents and workers in the Mai Po area, there is a growing demand for diverse dining options. Hence, the applicant seeks planning permission to offer these uses to serve the local community.
- (b) The Site is subject to several previous applications for similar uses submitted by different applicants. The planning permissions for the last three applications were revoked due to non-compliance with approval conditions and poor management by the previous applicant. The current applicant has taken over the management of the Site and is committed to fulfilling all approval conditions. In support of the application, the current applicant has also submitted relevant proposals including a fire service installations (FSIs) proposal, Certificate of Fire Service Installation and Equipment (F.S. 251), as-built drainage drawing and photographic records of existing drainage facilities. The FSIs proposal and Certificate of F.S. 251 are accepted by Fire Services Department.
- (c) The applied uses with two 2-storey structures are considered not incompatible with the surrounding areas which include low-rise residential structures, retail shop, plant nursery, open storage yard and grassland.
- (d) There is currently no known programme to develop the Site into an open space. Continuing the operation of the applied uses, which only involve temporary

structures, will not frustrate the long-term planning intention of the “O” zone and could better utilise the valuable land resources. Besides, similar applications have been approved in the “O” zones of the same OZP. Approval of the current application aligns with the previous decisions of the Board.

- (e) Food and goods supporting the daily operations of the applied uses will be transported by private cars. There is also sufficient manoeuvring space at the Site, ensuring no vehicle will queue back onto the public road. A notice will also be displayed at a prominent location to indicate that no light, medium or heavy goods vehicles are allowed at the Site.
- (f) The applicant will adhere to the ‘Control of Oily Fume and Cooking Odour from Restaurants and Food Business’ issued by Environmental Protection Department (EPD) to control oily fume and cooking odour emissions arising from the applied eating place use, and comply with the Air Pollution Control Ordinance and implement adequate equipment for air pollution control at the kitchen ventilation system. The applicant will also strictly follow all other relevant guidelines, including the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (CoP) and ‘Professional Persons Environmental Consultative Committee Practice Note’ No. 1/23. Regarding the waste management, licenced collectors will be employed to handle the collection and disposal of sewage on a regular basis.

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

The applicant is not a “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the ‘Owner’s Consent/Notification’ Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by posting site notice and sending notice to San Tin Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the requirements as set out in TPB PG-No. 31B are not applicable.

### **4. Town Planning Board Guidelines**

The Site is located in the Wetland Buffer Area (WBA) (**Plan A-1a**) in 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 this 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**

- 6.1 The Site, in part or in whole, is the subject of seven previous applications (No. A/YL-MP/77, 188, 225, 254, 267, 300 and 348). Application No. A/YL-MP/77 for

proposed temporary car park is not relevant to the current application which involves different uses. Details of the previous applications are summarised at **Appendix III** and their locations are shown on **Plan A-1b**.

- 6.2 The remaining six previous applications (No. A/YL-MP/188, 225, 254, 267, 300 and 348) for similar/same uses were submitted by different applicants and approved with conditions by the Committee between 2010 and 2023 mainly on the considerations that approval of the application would not frustrate the long-term planning intention of the “O” zone; the proposed development was considered not incompatible with the surrounding land uses; adverse impacts on the surrounding area were not envisaged and technical concerns of government departments could be addressed by approval conditions; and approval of the application was in line with the previous decisions of the Committee. The planning permission of the last application (No. A/YL-MP/348) was revoked on 11.6.2024 due to non-compliance with time-limited approval condition on drainage aspect. As compared with the last application, the current application is submitted by a different applicant for the same uses at the same Site with same development parameters and similar layout.

## **7. Similar Applications**

- 7.1 During the past five years, there were 16 similar applications, of which 13 of them involve temporary shop and services use (No. A/YL-MP/298, 302, 306, 311, 319, 321, 325, 329, 351, 364, 385, 386 and 389) and three involve temporary eating place use (No. A/YL-MP/292, 299 and 353) within the “O” zones in the vicinity of the Site. All of them were approved with conditions by the Committee between 2020 and 2025 mainly on similar considerations as stated in paragraph 6.2 above. Details of the similar applications are summarised at **Appendix IV** and their locations are shown on **Plan A-1a**.
- 7.2 Other than the above similar applications, application No. A/YL-MP/391 for renewal of planning approval for temporary shop and services with ancillary facilities will be considered by the Committee at the same meeting (**Plan A-1a**).

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

- 8.1 The Site is:
- (a) accessible from its southeast from a local access leading to Castle Peak Road – Mai Po;
  - (b) currently occupied by the applied uses without valid planning permission; and
  - (c) located within the WBA of Deep Bay Area.
- 8.2 The surrounding areas are rural in character and predominated by low-rise residential structures and village houses, intermixing with retail shop with valid planning permission, plant nursery, vehicle park, storage yard and grass land.

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

## **11. Public Comment Received During the Statutory Publication Period**

On 22.11.2024, the application was published for public inspection. During the statutory public inspection period, one public comment was received (**Appendix VII**) from an individual objecting the application in relation to the non-compliance with approval condition of the previous application.

## **12. Planning Considerations and Assessments**

12.1 The application is for temporary shop and services and eating place with ancillary facilities for a period of five years at the Site zoned “O” (**Plan A-1**). Although the applied uses are not entirely in line with the planning intention of the “O” zone, according to the applicant, the applied uses are intended to serve the local demand for shop and services and eating place in the area. DLCS has no in-principle objection to the application as there is no plan to develop the Site into public open space in the coming five years. Taking into account the above and planning assessments below, there is no objection to the applied uses on a temporary basis for a period of five years.

12.2 The applied uses are considered not incompatible with the surrounding areas which are rural in character and predominated by low-rise residential structures and village houses, intermixing with retail shop, plant nursery, vehicle park, storage yard and grass land (**Plan A-2**). The Chief Town Planner/Urban Design and Landscape,

Planning Department (PlanD) considers that further significant adverse landscape impact arising from the applied uses is not anticipated and has no objection to the application from landscape planning perspective.

- 12.3 The Site falls within the WBA under 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 Other relevant government departments consulted including the Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department (CE/MN of DSD), Director of Food and Environmental Hygiene and Director of Fire Services (D of FS) have no objection to or no adverse comment on the application. To address the technical requirement of 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 CoP issued by EPD and other relevant environmental guidelines and legislation to minimise any potential environmental nuisance caused by the applied uses on the surrounding areas.
- 12.5 The Site, in part or in whole, is the subject of six previously approved applications (No. A/YL-MP/188, 225, 254, 268, 300 and 348) for similar/same uses of the current application as detailed in paragraph 6.2 above. Although the last previous approval under application No. A/YL-MP/348 for same applied uses was subsequently revoked in 2024 due to non-compliance with approval condition on drainage aspect, the current application is submitted by a different applicant whom has taken over the management of the Site and is committed to fulfilling all approval conditions. The applicant of the current application has submitted a FSIs proposal, Certificate of F.S. 251, as-built drainage plan and photographic records of existing drainage facilities in support of the current application of which the FSIs proposal and Certificate of F.S. 251 are accepted by D of FS.
- 12.6 Given the six approved previous applications for similar/same uses at the Site and 16 approved similar applications within the “O” zones in the vicinity of the Site in the past five years as detailed in paragraphs 6.2 and 7.1 above respectively, approving the current application is in line with the Committee’s previous decisions.
- 12.7 Regarding the public comment 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 comment mentioned in paragraph 11 above, 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 18.7.2030. 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 18.1.2026;
- (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 18.4.2026;
- (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) 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
- (e) if any of the above planning condition (a) or (b) 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 at **Appendix VI**.

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

the applied uses are 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**

<b>Appendix I</b>	Application Form with attachments and SI received on 15.11.2024
<b>Appendix Ia</b>	FI received on 10.3.2025
<b>Appendix Ib</b>	FI received on 20.5.2025
<b>Appendix Ic</b>	FI received on 2.7.2025
<b>Appendix II</b>	Relevant Extracts of TPB PG-No. 12C
<b>Appendix III</b>	Previous Applications
<b>Appendix IV</b>	Similar Applications
<b>Appendix V</b>	Government Departments' General Comments
<b>Appendix VI</b>	Recommended Advisory Clauses
<b>Appendix VII</b>	Public Comment
<b>Drawing A-1</b>	Layout Plan
<b>Plan A-1a</b>	Location Plan with Similar Applications
<b>Plan A-1b</b>	Location Plan with Previous Applications
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
JULY 2025**