

APPLICATION FOR RENEWAL OF PLANNING APPROVAL
FOR TEMPORARY USE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-MP/391

- Applicant** : Hui Kwing Wing represented by Goldrich Planners and Surveyors Limited
- Site** : Lot 29 in D.D. 101, Mai Po, Yuen Long
- Site Area** : About 574m²
- 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** : Renewal of Planning Approval for Temporary Shop and Services (Retail Shop for Hardware Groceries) with Ancillary Facilities for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval for temporary shop and services (retail shop for hardware groceries) with ancillary facilities for a period of three 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 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 occupied by the applied use with valid planning permission under application No. A/YL-MP/329 until 29.7.2025 (**Plans A-2, A-4a and A-4b**).
- 1.2 The Site is accessible from a local access leading to Castle Peak Road – Mai Po (**Plan A-2**), with an ingress/egress at the south-eastern part of the Site. According to the applicant, the applied use involves one single-storey structure (about 3.5m in height) and one two-storey (about 8m in height) structure with a total floor area of about 264m² for a hardware grocery shop, ancillary storage of hardware groceries and office, open shed and toilet (**Drawing A-1**). No workshop or open storage activity will be carried out at the Site. One parking space for light goods vehicle is provided at the Site. The applied use operates from 8:30 a.m. to 6:30 p.m. daily, including Sundays and public holidays. The layout plan submitted by the applicant is at **Drawing A-1**.
- 1.3 The Site is the subject of two previous applications (details at paragraph 6), including the last application No. A/YL-MP/329 submitted by the same applicant for the same shop and services use at the same Site which was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 29.7.2022, and all approval

conditions have been complied with. Compared with the last application, there is no change in the major development parameters except a slight reduction in site coverage (i.e. -5.2%) and minor adjustment in the layout.

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

- (a) Application Form with attachments received and Supplementary Information (SI) received on 30.5.2025 and 9.6.2025 respectively **(Appendix I)**
- (b) Further Information (FI) received on 4.7.2025 **(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**. They can be summarised as follows:

- (a) The applied use is intended to serve the need of local residents for hardware groceries.
- (b) The Site will be used for retail purpose only, no workshop or open storage activity will be carried out at the Site.
- (c) There are 20 similar applications for temporary shop and services use approved in the vicinity of the Site over the last decade.
- (d) The applicant has submitted a drainage proposal and as-built drainage record in support of the current application, and no adverse drainage impact from the applied use is anticipated. Besides, the applicant has submitted a fire service installations proposal and relevant F.S. 251 certificates in support of the current application.

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

The applicant is not a “current land owner” of the Site 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 obtaining consent from the current land owner. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

- 4.1 The Site is located within the Wetland Buffer Area (WBA) in Deep Bay Area (**Plan A-1a**). 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.
- 4.2 The Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34D) is also relevant to the application.

4.3 Relevant extracts of the above-mentioned Guidelines are attached at **Appendix II**.

5. **Background**

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

6. **Previous Applications**

- 6.1 The Site is the subject of two previous applications (No. A/YL-MP/268 and 329). Application No. A/YL-MP/268 covering a larger site for temporary open storage of construction machinery and equipment with ancillary converted container office and staff common room submitted by a different applicant, which was rejected by the Committee in 2018, is not relevant to the current application due to different uses involved.
- 6.2 The last application No. A/YL-MP/329 submitted by the same applicant for same use at the same Site for a period of three years was approved by the Committee in 2022 mainly on the considerations that temporary approval would not frustrate the long-term planning intention; the proposed use was not incompatible with the surrounding areas; and government departments consulted in general had no adverse comment or their concerns could be addressed by relevant approval conditions. All time-limited approval conditions under the last application have been complied with and the planning permission is valid until 29.7.2025.
- 6.3 Details of the previous applications are summarised in **Appendix III** and their locations are shown on **Plan A-1b**.

7. **Similar Applications**

During the past five years, there are 13 similar applications (No. A/YL-MP/298, 300, 302, 306, 311, 319, 321, 325, 348, 351, 364, 383 and 385) for temporary shop and services within the same “O” zone and the “O” zone in the vicinity of the Site. All these applications were approved with conditions by the Committee between 2020 and 2025 mainly on the similar considerations as stated in paragraph 6.2 above. Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1a**.

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

8.1 The Site is:

- (a) currently occupied by the applied use with valid planning permission;
- (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 and predominated by residential development/structures including the Royal Palms, open storage yards, shop and services, vacant land and plant nursery. To the further south of the Site is a temporary shop and

services for metal hardware shop and household item retail store with valid planning permission.

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 IV and V** respectively.

10.2 The following government department has provided views 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 three years only; and
- (b) there is no plan to develop the Site into a public open space in the coming three years.

11. Public Comments Received During Statutory Publication Period

On 10.6.2025, the application was published for public inspection. During the statutory public inspection period, two public comments were received from Estate Owners' Committees of Royal Palms raising objection on the grounds of traffic issues including adverse traffic impact on the Royal Palms Boulevard thus triggering safety concerns of the residents (**Appendix VI**).

12. Planning Considerations and Assessments

12.1 The application is for renewal of planning approval for temporary shop and services (retail shop for hardware groceries) with ancillary facilities for a period of three years at the Site zoned “O” (**Plan A-1a**). While the applied use is not 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 coming three years. Taking into account the above and the planning assessments below, approval of the application on a temporary basis for a further period of three years would not frustrate the long-term planning intention of the “O” zone.

12.2 The applied use is considered not incompatible with the surrounding areas which are rural in character and predominated by residential development/structures, open storage yards,

shop and services, vacant land and plant nursery. The Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective as no significant landscape impact arising from the applied use is anticipated.

- 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 adverse comment on the application.
- 12.4 Other relevant government departments consulted including the Commissioner for Transport, Director of Environmental Protection, 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 government 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 to minimise any potential environmental nuisance caused by the applied use on the surrounding areas.
- 12.5 The application is considered generally in line with TPB PG-No. 34D in that there has been no material change in the planning circumstances since the previous approval was granted; no adverse planning implication arising from the renewal application is anticipated; all the time-limited approval conditions under the last application (No. A/YL-MP/329) had been complied with; and the three-year approval period sought which is same as the previous approval granted by the Committee is considered reasonable.
- 12.6 Given one approved previous application for the same applied use at the Site and 13 approved similar applications in the vicinity of the Site in the past five years as detailed in paragraphs 6 and 7 above respectively, 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 above and having taken into account the public comments 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 three years and be renewed from 30.7.2025 until 29.7.2028. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period; and

- (b) if the above planning condition (a) 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 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 applied use is not in line with the planning intention of the "Open Space" 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 with attachments received on 30.5.2025 and SI received on 9.6.2025
Appendix Ia	FI received on 4.7.2025
Appendix II	Relevant extract of TPB PG-No. 12C and 34D
Appendix III	Previous and Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comments
Drawing A-1	Site Layout Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Application Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and 4b	Site Photos