

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-MP/393

<u>Applicant</u>	: Fung Sau Yu represented by R-riches Property Consultants Limited
<u>Site</u>	: Lot 2882 S.B RP in D.D. 104, Mai Po, Yuen Long
<u>Site Area</u>	: About 380m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Mai Po and Fairview Park Outline Zoning Plan (OZP) No. S/YL-MP/8
<u>Zoning</u>	: “Open Space” (“O”)
<u>Application</u>	: Proposed Temporary Shop and Services with Ancillary Facilities and Associated Filling of Land for a Period of Five 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 hard-paved, vacant and fenced-off (**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 (about 5m wide) at the eastern part of the Site. According to the applicant, the proposed use involves a two-storey structure with a height of not more than 7m and a total floor area of about 176m² for shop and services with ancillary office uses (interior design service) (**Drawing A-1**). Three private car parking spaces and one loading/unloading (L/UL) space for light goods vehicle (LGV) will be provided at the Site. No medium or heavy vehicles, including container vehicles, will be allowed to enter/exit the Site at all times. Sufficient maneuvering space will be provided within the Site to avoid queueing of vehicles outside 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 of not more than 3.7mPD) for site formation and circulation space (**Drawing A-2**). The proposed use will operate from 9:00 a.m to 7:00 p.m daily (including public holidays). 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 a previous application (No. A/YL-MP/311) approved by the Rural and New Town Planning Committee (the Committee) of the Board in 2021, and the planning permission was subsequently revoked in 2024 due to non-compliance with approval conditions (details at paragraph 6 below). Compared with the previous application, the current application is submitted by a different applicant for the same use at the same Site and the development parameters and layout are largely the same, except for provision of an additional L/UL space for LGV.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 8.7.2025 and (Appendix I)
Supplementary Information (SI) received on 14.7.2025
 - (b) Further Information (FI) received on 22.8.2025* (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 proposed shop and services use is for providing interior design service to nearby villages and developments, catering the demand from the residents and business operators in the vicinity. Besides, the proposed use is not incompatible with the surrounding environment which is predominated by residential and brownfield uses.
- (b) The Site is the subject of a previously approved application for the same use. However, the applicant of the previous application was unable to implement the accepted fire service installations (FSIs) proposal in time since the short term waiver application for erection of structure at the Site was still being processed by the Lands Department upon revocation of the application. There is also insufficient time for the applicant of the previous application to rectify the drainage proposal. The applicant of the current application, which is different from that of the previous application, has submitted both FSIs and drainage proposals in support of the current application.
- (c) With a previous application for the same use at the Site and multiple similar applications for the same use approved within the nearby “O” zone in the past five years, approval of the current application would not set an undesirable precedent.
- (d) The proposed use will not create significant nuisance to the surrounding areas. The applicant will strictly follow the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (‘CoP’) and the Professional Persons Environmental Consultative Committee Practice Notes (ProPECCPNs) 1/23 issued by the Environmental Protection Department (EPD) and other relevant statutory environmental requirements and practice notes to minimise possible adverse impacts and environmental nuisance to the nearby residents.

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 currently subject to a planning enforcement action (No. E/YL-MP/264) against unauthorized development (UD) involving storage use. Enforcement Notice (EN) was issued on 28.5.2025 requiring discontinuation of the UD by 28.7.2025. The latest site inspection on 31.7.2025 revealed that the Site was now vacant. Further site inspection would be conducted and if subsequent site inspection reveals that the UD has been discontinued, a Compliance Notice would be issued.

6. **Previous Application**

The Site is the subject of a previous application (No. A/YL-MP/311) submitted by a different applicant for the same use at the same Site without associated filling of land, which was approved with conditions by the Committee for a period of five years in 2021 mainly on the considerations that the proposed use would not frustrate the long-term planning intention of the “O” zone; the proposed use was not incompatible with the surrounding areas; and there was no adverse comment from relevant government departments consulted or their concerns could be addressed by approval conditions. Subsequently, the planning permission was revoked in 2024 due to non-compliance with time-limited approval conditions on the submission of drainage proposal and implementation of both drainage and FSIs proposals. The development parameters and layout under the current application are largely the same as that of the previous application, except for provision of an additional L/UL space for LGV. Details of the previous application are summarised at **Appendix III** and its location is shown on **Plan A-1**.

7. **Similar Applications**

During the past five years, there are 17 similar applications (No. A/YL-MP/298, 300, 302, 306, 319, 321, 325, 329, 348, 351, 364, 382, 383, 385, 386, 389 and 391) for similar temporary shop and services use within the “O” zones in the vicinity of the Site. All these applications were approved with conditions by the Committee between 2020 and 2025 mainly on 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-4)**

8.1 The Site is:

- (a) currently hard-paved, vacant and fenced-off;
- (b) accessible from Castle Peak Road – Mai Po via a local access; and

(c) located within WBA of Deep Bay Area.

- 8.2 The surrounding areas are sub-urban in character and predominated by a mix of low-rise residential developments/structures and village houses including the Royal Palm, storage/open storage yards, plant nursery, shop and services, a restaurant, ponds and vacant land.

9. Planning Intention

- 9.1 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.
- 9.2 According to the Explanatory Statement of the OZP for “O” zone, as filling of land may cause adverse drainage impacts on the areas and adverse impacts on the environment, permission from the Board is required for such activities.

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) 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 public open space in the coming five years.

11. Public Comment Received During Statutory Publication Period

On 15.7.2025, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual raising concerns on the non-compliance with the approval conditions of the previous application at the Site, insufficient justifications for the proposed use as well as safety and security issues arising from the proposed use (**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**). Although the proposed use is not in line with the planning intention of the “O” zone, according to the applicant, the proposed use can cater the demand from the residents and business operators in the vicinity. 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. Taking into account the above and the planning assessments below, there is no objection to the applied use on a temporary basis for a period 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 and Director of Environmental Protection 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 sub-urban in character and predominated by a mix of low-rise residential developments/structures and village houses, storage/open storage yards, plant nursery, shop and services, a restaurant, ponds and vacant land (**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 considering that 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 and Director of Fire Services (D of FS), 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 CoP 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 The Site is the subject of a previous application (No. A/YL-MP/311) for the same use as detailed in paragraph 6 above. Although the previous approval was subsequently revoked in 2024 due to non-compliance with approval conditions on drainage and fire services aspects, the current application is submitted by a different applicant and both drainage and FSIs proposals have been submitted in support of the current application. The FSIs proposal is considered acceptable by D of FS. Besides, there are 17 approved similar applications within the “O” zones in the vicinity of the Site in the past five years as detailed in paragraph 7 above. 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 departmental comments and planning assessments 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 5.9.2030. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission of a revised 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 5.3.2026;
- (b) in relation to (a) above, the implementation of the revised 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 5.6.2026;
- (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 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 5.6.2026;
- (e) 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
- (f) if any of the above planning condition (a), (b) or (d) 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 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 "Open Space" zone, which 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. There is no strong planning justification 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 8.7.2025 and SI received on 14.7.2025
Appendix Ia	FI received on 22.8.2025
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 Comment
Drawing A-1	Site Layout Plan
Drawing A-2	Plan of Filling of Land
Plan A-1	Location Plan with Previous and Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2025**