

**Application for Renewal of Planning Approval for Temporary Use
Under Section 16 of the Town Planning Ordinance**

Application No. A/YL-MP/422

1. <u>Proposal</u>	
Applicant	Fu Hop Yick Company Limited represented by Lanbase Surveyors Limited
Site (Plan A-1)	Various Lots in D.D. 101, Mai Po, Yuen Long
Site Area	About 2,177m ²
Zoning and Outline Zoning Plan (OZP) No.	“Open Space” (“O”) zone on the approved Mai Po and Fairview Park OZP No. S/YL-MP/10 (<i>currently in force</i>) “O” zone on the draft Mai Po and Fairview Park OZP No. S/YL-MP/9 (<i>at the time of submission</i>) <i>[no change to the zoning of the application site (the Site)]</i>
Application	Renewal of Planning Approval for Temporary Eating Place (Restaurant) for a Period of Three Years
Site Context and the Current Proposal	The Site is accessible from Palm Springs Boulevard with an ingress/egress (6m in width) at its southern edge (Plan A-2). According to the applicant, the applied use, with a total floor area of not more than 230m ² , involves one single-storey structure (not more than 6m in height) for restaurant and kitchen uses. The operation hours are from 7:00 a.m. to 12:00 a.m. daily, including Sundays and public holidays. 20 private car parking spaces and one loading and unloading bay for private car are provided within the Site. The layout and section plans submitted by the applicant is at Drawings A-1 and A-2 .
Last Previous Relevant Application ¹	Application No. A/YL-MP/353 ² approved on 22.9.2023 for a period of three years until 7.11.2026, which was submitted by the same applicant for the same use at the same Site with the same development parameters and minor change to the layout of the car parking spaces.

¹ The Site, in whole or in part, is involved in nine relevant previous applications No. A/YL-MP/22, 125, 153, 171, 194, 237, 265, 299 and 353 for the same applied use (last eight of which was submitted by the same applicant as the current application) which were all approved by the Rural and New Town Planning Committee (the Committee) of the Town Planning Board (the Board) each for a period of three years between 1997 and 2023. Two of the planning approvals (No. A/YL-MP/125 and 153) were subsequently revoked due to non-compliance with time-limited approval conditions.

² The Site fell within the same “O” zone on the then approved Mai Po and Fairview Park OZP No. S/YL-MP/6 at the time when the last previous relevant application was considered by the Committee.

	(Please refer to https://www.tpb.gov.hk/uploads/page/meetings/RNTPC/A_YL-MP_353/A_YL-MP_353_MainPaper.pdf for details of the last previous relevant application)
Justifications from the Applicant (Appendices I and Ia)	(a) The applied use on a temporary basis is considered not incompatible with the surrounding uses, and could allow the existing restaurant to continue providing catering services to nearby residents. (b) As compared to the last approved application No. A/YL-MP/353, there is no change to the major development parameters and layout (except a minor change to the layout of the car parking spaces). The Site has been occupied by the applied use over the years with nine previous approvals, and all approval conditions under the last approved application have been complied with. (c) No adverse traffic, drainage and environmental impacts arising from the applied use are anticipated. In support of the current application, the applicant has submitted an as-built drainage plan and a FSIs plan accepted under the previous application No. A/YL-MP/265 with updated FS 251 certificates. The applicant will continue to maintain the existing drainage facilities and fire service installations at the Site.
Compliance with the “Owner’s Consent/Notification” requirements ³	Published notices in local newspapers and sent notice to San Tin Rural Committee.

2. <u>Planning Considerations and Assessments</u>				
	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
(a)	In line with <u>TPB PG No. 34D</u>⁴, including: i. no material change in planning circumstances since the previous approval was granted (e.g. a change in planning policy/zoning for the area) or land uses of surrounding areas);	✓		Whilst the applied use is not in line with the planning intention of the “O” zone, according to the applicant, the applied use provides catering services to the nearby residents. The Director of Leisure and Cultural Services 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. Approval of the application on a temporary basis for a period of three years would not jeopardise the long-term planning intention of the “O” zone.

³ As set out in TPB Guidelines on Satisfying the ‘Owner’s Consent/Notification’ Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) and detailed information would be deposited at the meeting for Members’ inspection.

⁴ TPB Guidelines No. 34D on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development.

	ii. no adverse planning implications arising from the renewal of the planning approval (e.g. pre-emption of planned permanent development); iii. all the time-limited approval conditions under the previous approval have been complied with; and iv. the three-year approval period sought does not exceed the duration of the last approval.			
(b)	In line with <u>TPB PG-No.12C</u> ⁵	✓		The Site falls within the Wetland Buffer Area 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.
(d)	Any other relevant considerations (e.g. minor change in layout/development parameters)?	✓		Compared with the last previous application No. A/YL-MP/353, there is a minor change to the layout of the car parking spaces. Nonetheless, all other major development parameters and layout, including the total floor area, height and number of structures, as well as the number of car parking spaces, have remained unchanged.
(e)	Any adverse departmental comments?	✓		Relevant government departments consulted, except for District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD), have no objection to or no adverse comments on the application (Appendix II). <u>Adverse Departmental Comment</u> DLO/YL, LandsD has adverse comment on the application since there is/are unauthorized structure(s) or use(s) on Lot Nos. 6 and 7 (which have been carved out into Lot Nos. 7 S.A. and 7 RP) in D.D. 101 which is/are already

⁵ TPB Guidelines No. 12C for Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance.

				subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/apply for regularisation on the lease breaches as demanded by LandsD; <u>PlanD's Assessments</u> - To address the technical requirements of concerned departments, relevant approval conditions and advisory clauses are recommended in paragraph 4 below, and 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' to minimise any potential environmental nuisance caused by the applied use on the surrounding areas. - Regarding DLO/YL, LandsD's concerns on the unauthorized structure(s) or use(s) on the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the renewal application.
(f)	Public comments received during statutory publication period	✓		Total : 1 - Supporting comment: 1 (Appendix III) <u>Supporting comment</u> (from an individual) - The eating place use could provide nearby residents with catering services and for better utilisation of land resources in the area.

3. Planning Department's View

- No objection to the application.

4. Decision Sought

- 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 8.11.2026 to 7.11.2029. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the existing fire service installations implemented on the site shall be maintained in efficient working order at all times during the planning approval period;
- (b) the submission of a revised drainage proposal within **6** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 8.5.2027;
- (c) in relation to (b) above, the implementation of the revised drainage proposal within **9** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 8.8.2027;
- (d) in relation to (c) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (e) if any of the above planning condition (a) or (d) 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 (b) 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.

Advisory clauses

The recommended advisory clauses are at **Appendix IV**.

- There is no strong reason to recommend rejection of the renewal application.

Attachments

Appendix I	Application Form received on 28.8.2026
Appendix Ia	Further Information received on 7.10.2026 (accepted and exempted from publication and recounting requirements)
Appendix II	Government Departments with No Objection/No Adverse Comment
Appendix III	Public Comment Received During Statutory Publication Period
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Layout Plan
Drawing A-2	Floors, sections and elevations plan
Plan A-1a	Location Plan
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan

**PLANNING DEPARTMENT
OCTOBER 2026**