

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

**APPLICATION NO. A/YL-MP/423**

- Applicant** : Creation Prospect Construction Engineering Limited represented by R-riches Planning Limited
- Site** : Lots 15 (Part) and 16 in D.D. 101, Mai Po, Yuen Long
- Site Area** : About 633m<sup>2</sup>
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Mai Po and Fairview Park Outline Zoning Plan (OZP) No. S/YL-MP/10  
*(currently in force)*
- Draft Mai Po and Fairview Park OZP No. S/YL-MP/9  
*(at the time of submission)*
- [no change to the zoning of the application site (the Site)]*
- Zoning** : “Open Space” (“O”)
- Application** : Proposed Temporary Shop and Services with Ancillary Facilities and Associated Filling of Land and Pond 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 and pond for a period of five years at 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 and pond require planning permission from the Town Planning Board (the Board). The Site is currently hard-paved, partly vacant and partly occupied by a temporary structure and open storage of miscellaneous items without valid planning permission (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from Palm Springs Boulevard via a local access, with an ingress/egress (about 6m wide) at its eastern edge (**Plan A-2**). According to the applicant, the proposed use, with a total floor area of about 406m<sup>2</sup>, involves two two-storey structures (not more than 7m in height) for shop and services (pick-up counters for courier services) with ancillary site offices and washrooms. Four private car parking spaces and one loading and unloading (L/UL) space for light goods vehicle (LGV) will

be provided. The proposed use will operate from 9:00 a.m. to 7:00 p.m. daily, including Sundays and public holidays. No medium or heavy vehicles will be allowed to enter/exit the Site at all times. The applicant also applies for regularisation of associated filling of pond for about 367m<sup>2</sup> (about 58% of the Site) with concrete of not more than 0.5m in depth up to a level about +4.8mPD, as well as regularisation of associated filling of land for the entire Site with concrete of not more than 0.2m in depth up to a level of about +5mPD, for site formation purpose. No further filling of land and pond will be undertaken at the Site. Plans showing the site layout and pond/land filling area submitted by the applicant are at **Drawings A-1 and A-2** respectively.

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

- (a) Application Form with attachments and Supplementary **(Appendix I)** Information (SI) received on 31.8.2026 and 7.9.2026 respectively
- (b) Further Information (FI) received on 20.10.2026\* **(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 and FI at **Appendices I to Ia**, and can be summarised as follows:

- (a) The proposed shop and services use involving pick-up counters for courier services intends to meet the demand from nearby residents. Besides, the proposed use is not incompatible with the surrounding environment which is predominated by residential developments and shop and services use.
- (b) There is no known programme to develop the Site into an open space. The proposed temporary use will not frustrate the long-term planning intention of the “O” zone. With multiple previously approved similar applications for shop and services use within the “O” zones on the same OZP, approving the current application will not set an undesirable precedent for similar use within the same and the adjoining “O” zones.
- (c) No adverse traffic, environmental, drainage and fire safety impacts are anticipated. The applicant will follow relevant requirements in the latest ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (‘CoP’) issued by the Environmental Protection Department to minimise any potential environmental impacts. The applicant is committed to strictly complying with relevant environmental protection/pollution control ordinances such as Water Pollution Control Ordinance, Air Pollution Control Ordinance, Noise Control Ordinance.
- (d) The applicant is committed to applying for Short Term Waiver (STW) to the Lands Department (LandsD) for the erection of the proposed structures should the current application be approved by the Rural and New Town Planning Committee (the Committee) of the Board.

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 posting site notice and sending notice to San Tin Rural Committee. 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 the Deep Bay Area (**Plan A-1**). The Town Planning Board Guidelines for ‘Application for Developments with Deep Bay Area under Section 16 of the Town Planning Ordinance’ (TPB PG-No.12C) are relevant to the application. Relevant extracts of the Guidelines are at **Appendix II**.

5. **Background**

The Site is subject to a planning enforcement action against Unauthorized Development (UD) involving storage use (including deposit of containers) and use for place for parking of vehicles (No. E/YL-MP/0286/P-B) (**Plan A-2**). An Enforcement Notice (EN) was issued on 10.9.2026 requiring discontinuation of the UD by 10.10.2026. If the EN is not complied with, prosecution action would be considered.

6. **Previous Application**

The Site is not the subject of any previous application.

7. **Similar Applications**

During the past five years, there were 16 similar applications (No. A/YL-MP/319, 321, 325, 329, 348, 351, 364, 382, 383, 385, 386, 388, 389, 391, 393 and 411) involving temporary shop and services use at twelve sites (with three of which also involved filling of land) within the same or adjoining “O” zones in the vicinity of the Site. All these similar applications were approved by the Committee from 2021 to 2026 mainly on the considerations that the proposed/applied use was not incompatible with the surrounding areas; and relevant government departments consulted had no objection to or no adverse comment on the application or their concerns could be addressed by relevant approval conditions. Planning permissions for five of the similar applications (No. A/YL-MP/319, 321, 348, 364 and 389) were revoked between 2021 and 2025 due to non-compliance with time-limited approval conditions. Details of these similar applications are summarised at **Appendix III**. 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, partly vacant and partly occupied by a temporary structure and open storage of miscellaneous items without valid planning permission;
- (b) accessible from Palm Springs Boulevard via a local access; and
- (c) within the WBA of the Deep Bay Area.

8.2 The surrounding areas are sub-urban in character comprising mainly low-rise residential development (Royal Palms), scattered residential dwellings, various shop and services/office uses such as real estate agency and pet supplies/hardware/groceries shops (most with valid planning permissions) and parking of vehicles. To the east of the Site are Castle Peak Road (Mai Po) and San Tin Highway.

**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 departments as set out in paragraphs 10.2 and 10.3 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 adverse comment on the application:

**Land Administration**

10.2.1 Comments of the District Lands Officer/Yuen Long, LandsD (DLO/YL, LandsD):

- (a) has adverse comment on the application;
- (b) the Site comprises Old Schedule Agricultural Lots 15 and 16 in D.D. 101 held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government;
- (c) has reservation on the planning application since there is/are unauthorized structure(s) on Lot 15 in D.D. 101 which is/are already 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; and

(d) advisory comments are at **Appendix V**.

10.3 The following government department has provided views on the application:

**Open Space Provision**

10.3.1 Comments of 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 Comments Received During Statutory Publication Period**

On 4.9.2026, the application was published for public inspection. During the statutory public inspection period, 39 public comments were received from the Estate Owners' Committee of Royal Palms (Phase A) and individuals including residents from Royal Palms objecting to the application mainly on the grounds that the proposed use is not in line with the planning intention of the "O" zone; there is sufficient provision of shop and services in the area; there will be adverse traffic, noise and environmental impacts on the surrounding due to land and pond filling works; the shared use of road with Royal Palms would add burden to maintenance cost born by the residents; and the Site should be developed into community park facilities (**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 and pond for a period of five years at the Site zoned "O" (**Plan A-1**). Whilst the proposed use is not in line with the planning intention of the "O" zone, DLCS has no in-principle objection to the application and advises that there is no plan to develop the Site into a public open space in the coming five years and, according to the applicant, the proposed use is intended to serve the nearby residents. Taking into account the above and the planning assessments below, there is no objection to the proposed use with associated filling of land and pond on a temporary basis for a period of five years.
- 12.2 Filling of land and pond in the "O" zone require 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, Director of Environmental Protection (DEP) and Director of Agriculture, Fisheries and Conservation (DAFC) have no objection to or no adverse comment on the application from drainage, environmental planning and nature conservation perspectives respectively.
- 12.3 The proposed use is considered not incompatible with the surrounding areas which are sub-urban in character and predominated by low-rise residential developments, shops, office, restaurant, real estate agency and parking of vehicles. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective and considers that the proposed temporary use is not incompatible with the surrounding environment and

significant adverse landscape impact arising from the proposed use 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. As mentioned in paragraph 12.2 above, DAFC has no comment on the application from nature conservation point of view.
- 12.5 Other relevant government departments consulted including the Commissioner for Transport, Chief Highway Engineer/New Territories West, Highways Department and Director of Fire Services have no objection to or no adverse comment on the application. To address technical requirements of the concerned government departments, relevant approval conditions are recommended in paragraph 13.2 below. It is also recommended to advise the application to follow the CoP to minimise any potential environmental nuisances on the surrounding areas caused by the proposed use. Regarding DLO/YL of LandsD's concern on the unauthorized structure(s) on the concerned lots, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 12.6 There are 16 similar applications involving temporary shop and services amongst other uses within the same and adjoining "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 decision.
- 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 as 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 23.10.2031. 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 23.4.2027;
- (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 23.7.2027;
- (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 submission of a fire service installations proposal within **6** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 23.4.2027;

- (e) in relation to (d) above, the implementation of the 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 23.7.2027;
- (f) 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
- (g) if any of the above planning condition (a), (b), (d) or (e) 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 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 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**

|                     |                                                                         |
|---------------------|-------------------------------------------------------------------------|
| <b>Appendix I</b>   | Application Form and SI received on 31.8.2026 and 7.9.2026 respectively |
| <b>Appendix Ia</b>  | FI received on 20.10.2026                                               |
| <b>Appendix II</b>  | Relevant Extracts of TPB PG-No. 12C                                     |
| <b>Appendix III</b> | Similar Applications                                                    |
| <b>Appendix IV</b>  | Government Departments' General Comments                                |
| <b>Appendix V</b>   | Recommended Advisory Clauses                                            |
| <b>Appendix VI</b>  | Public Comments                                                         |
| <b>Drawing A-1</b>  | Layout Plan                                                             |
| <b>Drawing A-2</b>  | Land and Pond Filling Plan                                              |

|                 |                                         |
|-----------------|-----------------------------------------|
| <b>Plan A-1</b> | Location Plan with Similar Applications |
| <b>Plan A-2</b> | Site Plan                               |
| <b>Plan A-3</b> | Aerial Photo                            |
| <b>Plan A-4</b> | Site Photos                             |

**PLANNING DEPARTMENT  
OCTOBER 2026**