

RNTPC Paper No. A/YL-MP/325
For Consideration by
the Rural and New Town
Planning Committee
on 22.4.2022

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

APPLICATION NO. A/YL-MP/325

<u>Applicant</u>	: Teamset Investment Limited
<u>Site</u>	: Lots 11 (Part) and 12 (Part) in D.D. 101, Mai Po, Yuen Long
<u>Site Area</u>	: 800 m ²
<u>Lease</u>	: Block Government Lease (demised agricultural use)
<u>Plan</u>	: Approved Mai Po and Fairview Park Outline Zoning Plan (OZP) No. S/YL-MP/6
<u>Zoning</u>	: “Open Space” (“O”)
<u>Application</u>	: Renewal of Planning Approval for Temporary Sales Offices (for Real Estate and Furniture) and Furniture Showrooms for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval to use the application site (the Site) for temporary sales offices (for real estate and furniture) and furniture showrooms for a period of 3 years (**Plan A-1a**). According to the Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is currently used for the applied uses with planning permission under application No. A/YL-MP/278 valid until 9.4.2022.
- 1.2 As shown in **Plan A-2**, the Site is accessible from the southeast via a local track leading to Palm Springs Boulevard and Castle Peak Road - Mai Po. According to the layout plan (**Drawing A-1**) submitted by the applicant, there are six existing structures (single storey, not exceeding 3m in height with a gross floor area (GFA) of 96.38m²) for real estate agency sales office, outdoor-furniture

showrooms and office, store rooms and portable toilets. Three private car parking spaces are provided. The operation hours of real estate agency sales office are between 9:30 a.m. and 8:30 p.m. from Mondays to Sundays including public holidays. The operation hours of furniture showroom and office are between 9:30 a.m. and 6:00 p.m. from Mondays to Saturdays and no operation on Sundays and public holidays.

- 1.3 The Site is the subject of 12 previous applications for similar temporary sales offices and furniture showroom uses (**Plan A-1b**). The last application (No. A/YL-MP/278) submitted by the same applicant for renewal of planning approval was approved with conditions by the Rural and New Town Planning Committee (the Committee) on 22.3.2019 for a period of 3 years from 10.4.2019 until 9.4.2022. All approval conditions had been complied with.
- 1.4 The current application is same as the last approved application No. A/YL-MP/278 in terms of applied use, site area/boundary, floor area, number of structures and site layout.
- 1.5 In support of the application, the applicant has submitted the following documents:
 - (a) Application form received on 27.1.2022 including (**Appendix I**) appendices.
 - (b) Further information (FI) received on 9.3.2022 in (**Appendix Ia**) response to departmental comments. *

Remarks: * accepted and exempted from publication and recounting requirements.

- 1.6 In light of the special work arrangement for government departments due to the COVID-19 pandemic, all fieldwork were suspended during the special work arrangement, some relevant background information of the Site as well as comments from some relevant departments were not available. As such, the Board agreed to defer consideration of the application on 18.3.2022 (the previous planning permission was valid up to 9.4.2022). The application is now scheduled for consideration by the Committee at this meeting.

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the application form and appendices at **Appendix I**. They can be summarized as follows:

- (a) The Site has been used for the applied use since 1996 under previous approved applications.

- (b) With the on-going residential developments in the neighbourhood of the Site, the applicant wishes to continue the use of the Site for providing sales office (for real estate and furniture) and furniture showrooms in the area.
- (c) Landscape, drainage system, fire service installations and boundary fencing have been provided on site and have been well maintained throughout past years.

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

The applicant is the sole “current land owners”. Detailed information would be deposited at the meeting for Member’s inspection.

4. **Town Planning Board Guidelines**

The Town Planning Board Guidelines for ‘Application for Development within Deep Bay Area under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 12C) and ‘Renewal of Planning Approval and Extension of Time Limit for Compliance with Planning Conditions’ (TPB PG-No. 34D) are relevant to the application. Relevant extracts of the Guidelines is at **Appendix II**.

5. **Background**

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

6. **Previous Application**

- 6.1 The Site is the subject of 12 previous applications (No. A/YL-MP/4, 13, 32, 49, 63, 87, 126, 158, 180, 210, 249 and 278) for temporary property/real estate sales offices and furniture showrooms approved by the Committee.
- 6.2 Application No. A/YL-MP/249 and its renewal application No. A/YL-MP/278 submitted by the same applicant were approved by the Committee on 18.3.2016 and 22.3.2019 respectively for a period of 3 years mainly on the consideration that the development was not incompatible with the surrounding land uses, and the concerns of government departments could be addressed by approval conditions. All approval conditions have been complied with.
- 6.3 Details of the applications are summarised at **Appendix III**. Their locations are shown on **Plan A-1b**.

7. **Similar Applications**

- 7.1 During the past five years since 2017, there are 13 similar applications (No. A/YL-MP/258, 264, 267, 269, 275, 280, 298, 300, 302, 306, 311, 319 and 321) for shop and services uses within the same “O” zone on the OZP which were approved by the Committee mainly on the consideration that approval on a temporary basis would not frustrate the long-term planning intention of the “O” zone, the developments were not incompatible with the surrounding land uses and the concerns of government departments could be addressed by approval conditions.
- 7.2 Details of the applications are summarized at **Appendix III**. Their locations are shown on **Plan A-1a**.

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

- 8.1 The Site is:
- (a) accessible at the southeast from Palm Springs Boulevard via a local access;
 - (b) paved, fenced off, and occupied by structures for the applied use; and
 - (c) located within the Wetland Buffer Area of Deep Bay.
- 8.2 The surrounding areas are a mix of shop and services, eating place, open storage yards and residential developments:
- (a) to the immediate north is vacant land and further north are the metal hardware retail shop and storage approved under application No. A/YL-MP/306, plant nursery and vacant land;
 - (b) to the east is a cycling track. To the further east across Castle Peak Road – Mai Po and San Tin Highway is a residential development (i.e. Maple Gardens);
 - (c) to the immediate south is a restaurant approved under A/YL-MP/299. To the further south across and Palm Springs Boulevard are real estate agency and metal hardware and household items retail shop approved under A/YL-MP/298 and A/YL-MP/319 respectively, open storage yards, pond and residential dwellings; and
 - (d) to the west is a residential development (i.e. Royal Palms).

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**

All government 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 are provided in **Appendices IV and V** respectively.

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

On 8.2.2022, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 1.3.2022, two comments were received (**Appendix VI**) raising objection to/concerns about the application on the grounds that the development will result in adverse traffic impact, environmental pollution and increase in fire risk, thereby affecting the living quality and safety of the community; and the implementation schedule on providing outdoor and recreational spaces in the “O” zone.

12. **Planning Considerations and Assessments**

- 12.1 The application is for the renewal of planning approval for temporary sales offices (for real estate and furniture) and furniture showrooms for a period of 3 years. 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. DLCS has no objection to the application as there is no plan to develop the Site into public open space at present. Approval of the application for a period of 3 years would not frustrate the long-term planning intention of the “O” zone.
- 12.2 The temporary sales offices (for real estate and furniture) and furniture showrooms are considered not incompatible with the surrounding land uses, comprising real estate agency, open storage yards, village houses and other shop and services uses. There are some large-scale residential developments in the vicinity of the Site, including Royal Palms and Palm Springs. The development could continue to provide real estate and furniture sales services to the nearby residents.

- 12.3 The Site falls within the WBA of the TPB PG-No. 12C and the guidelines specify that planning applications for temporary uses are exempted from the requirement of Eco Impact Assessment. DAFC has no comment on the application from nature conservation point of view. Other concerned government departments including C for T, DEP, CTP/UD&L, PlanD, CE/MN, DSD and D of FS have no adverse comments on traffic, environmental, landscape, drainage and fire safety aspects respectively, and their technical concerns/requirements could be addressed by approval conditions as recommended in paragraph 13.2 below.
- 12.4 The renewal application is generally in line with the TPB PG-No. 34D in that since the last approval, there has been no major change in planning circumstances; adverse planning implications arising from the renewal of the planning approval are not expected; concerned government departments have no objection to or no adverse comment on the application; and all the approval conditions under the previous approval have been complied with.
- 12.5 Two public comments were received during the statutory application period objecting to the application as stated in paragraph 11 above. In this regard, relevant departments' comments as well as the planning assessments and considerations stated above are relevant.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 and having taking into account the public comment in paragraph 11, the Planning Department considers that the applied use could be tolerated for a further period of 3 years.
- 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 3 years and be renewed from 22.4.2022 to 22.4.2025. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) no operation of the sales office for real estate between 8:30 p.m. and 9:30 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation of the sales office for furniture and furniture showrooms between 6:00 p.m. and 9:30 a.m. from Mondays to Saturdays, and whole day on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no vehicle other than private car is allowed to access the Site at all times during the planning approval period;

- (d) no vehicle is allowed to queue back to or reverse onto/from the Site at any time during the planning approval period;
- (e) the maintenance of boundary fencing within the Site at all times during the planning approval period;
- (f) the existing fire services installations implemented on the Site shall be maintained in efficient working order at all times during the planning approval period;
- (g) the submission of photographic records of the existing drainage facilities on the site within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.7.2022;
- (h) in relation to (g) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (i) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (h) 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;
- (j) if the above planning condition (g) 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.

[The above approval conditions are similar to those under the last approved Application No. A/YL-MP/278, except those on deletion of the conditions on tree maintenance and the submission and implementation of drainage and fire service installations proposal, and the addition of submission of photographic records of the existing drainage facilities and maintenance of the existing fire service installations implemented on the site based on the latest comments of CTP/UD&L, PlanD, CE/MN of DSD and D of FS]

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 Site is zoned "Open Space" and is intended 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. The continual occupation

of the Site for the applied use will jeopardize the fulfilment of this planning intention.

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 applicants.

15. Attachments

Appendix I	Application form received on 27.1.2022
Appendix Ia	FI received on 9.3.2022
Appendix II	Relevant Extracts 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
Drawing A-2	Landscape layout plan
Drawing A-3	Site drainage plan
Drawing A-4	Fire extinguishers location map
Plan A-1a	Location plan with similar applications
Plan A-1b	Previous application plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos