

RNTPC Paper No. A/YL-MP/385
For Consideration by the
Rural and New Town
Planning Committee
on 28.2.2025

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-MP/385

- Applicant** : Chung Fai Wooden Ware Co. represented by R-riches Property Consultants Limited
- Site** : Lots 2907 S.C RP, 2908 RP (Part), 2910 (Part) and 2911 RP (Part) in D.D. 104 and adjoining Government Land (GL), Mai Po, Yuen Long
- Site Area** : About 1,209m² (including GL of about 240.7m² or 19.9%)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Mai Po & Fairview Park Outline Zoning Plan (OZP) No. S/YL-MP/8
- Zoning** : “Open Space” (“O”)
- Application** : Temporary Shop and Services (Wooden Ware Retail Shop) for a Period of 5 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary shop and services (wooden ware retail shop) 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 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 used for the applied use without valid planning permission (**Plans A-2 and A-4**).
- 1.2 The Site is accessible via a local access leading to Castle Peak Road – Mai Po (**Plan A-2**), with an ingress/egress (about 10m wide) at the south-eastern part of the Site. According to the applicant, there are six structures, including four single-storey structures (about 3m to 7.2m in height) with a total floor area of about 359.5m² for shop and services, storage, fire service water tank and control panel uses, and two two-storey structures (about 6m to 7.2m in height) with a total floor area of about 152m² for shop and services, storage, site office and toilet uses. A total of four private car parking spaces and one loading/unloading bay for light goods vehicles are provided within the Site.

No medium and heavy goods vehicle is allowed to enter/park at the Site. The operation hours are from 9:30 a.m. to 7:30 p.m. daily, including public holidays. The layout plan submitted by the applicant is at **Drawing A-1**.

- 1.3 The Site, in part or in whole, is the subject of three previous applications (No. A/YL-MP/76, 264 and 302) for various temporary uses (**Plan A-1**) (details at paragraph 6 below). The last approved application (No. A/YL-MP/302) submitted by the same applicant for the same use for a period of five years was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 5.2.2021, and the planning permission was subsequently revoked on 5.11.2024 due to non-compliance with time-limited approval conditions. Compared with the last application, there is no change to the layout and development parameters in the current application.
- 1.4 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with attachments received on 6.1.2025 (**Appendix I**)
 - (b) Further Information (FI) received on 24.2.2025[#] (**Appendix Ia**)

[#]*accepted and exempted from the 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 and Ia**, and can be summarised as follows:

- (a) The vicinity of the Site is predominated by residential and industrial uses. The wooden ware shop mainly serves the nearby local community. The applied use is not considered incompatible with the surrounding land uses.
- (b) There is no known programme to develop the Site into an open space. The temporary use will not frustrate the long-term planning intention of the “O” zone. The Site is the subject of several previously approved applications for shop and services use. Approval of the current application will not set an undesirable precedent for similar use within the same “O” zone.
- (c) Car parking spaces, loading/unloading space and adequate manoeuvring space are provided within the Site to ensure no vehicle queuing and turning back outside the Site. No medium and heavy goods vehicle is allowed to enter/park at the Site.
- (d) The applied use will not create significant adverse traffic, environmental, landscape and drainage impacts to the surrounding areas. Adequate mitigation measures are provided to mitigate any adverse impact arising from the applied use. The applicant will strictly follow the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (CoP) issued by the Environmental Protection Department (EPD).

- (e) In support of the application, the applicant has submitted a drainage proposal and a fire service installations (FSIs) proposal.
- (f) The applicant is committed to fulfil all approval conditions should the application be approved. The applicant will also remove the unauthorised structure(s) and submit Short Term Waiver (STW) application to the Lands Department (LandsD).

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

The applicant is not the “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 Section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by posting site notices and sending notice to the San Tin Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the requirements as set out at TPB PG-No. 31B are not applicable.

4. Town Planning Board Guidelines

The Site is located within the Wetland Buffer Area (WBA) (**Plan A-1**) of Deep Bay Area. 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 not subject to active planning enforcement action.

6. Previous Applications

- 6.1 The Site, in part or in whole, is the subject of three previous applications (No. A/YL-MP/76, 264 and 302) for various temporary uses. Application No. A/YL-MP/76 for temporary open storage is not relevant to the current application due to different use involved.
- 6.2 Application No. A/YL-MP/264, covering part of the Site, submitted by the current applicant for proposed temporary shop and services (metal ware retail shop) for a period of three years was approved by the Committee in 2017 mainly on considerations that the proposed use was not incompatible with the surrounding land uses and the concerns of relevant government departments consulted could be addressed by approval conditions. Approval conditions in relation to landscape, drainage and fire safety aspects had been complied with and the planning permission lapsed in 2020.

- 6.3 The last application (No. A/YL-MP/302) also submitted by the current applicant for the same applied use with the same layout and development parameters for a period of five years was approved by the Committee on 5.2.2021 mainly on similar considerations as stated in paragraph 6.2 above. The planning permission was subsequently revoked in November 2024 due to non-compliance with time-limited approval conditions on the submission of drainage proposal as well as the implementation of the drainage and FSIs proposals.
- 6.4 Details of these previous applications are summarised in **Appendix III** and the locations are shown on **Plan A-1**.

7. Similar Applications

- 7.1 During the past five years, there are 11 similar applications (No. A/YL-MP/298, 300, 306, 311, 319, 321, 325, 329, 348, 351 and 364) for temporary shop and services within the same “O” zone in the vicinity of the Site. All these applications were approved with conditions by the Committee between 2020 and 2024 mainly on 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-1**.
- 7.2 Besides, application No. A/YL-MP/386 for renewal of planning approval for temporary sales office (for real estate and furniture) and furniture showrooms within the same “O” zone will be considered at the same meeting (**Plan A-1a**).

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

- 8.1 The Site is:
- (a) fenced-off and currently used for the applied use without valid permission;
 - (b) accessible from its southeast via 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 predominated by open storage/storage yards, shops, vehicle repair workshop, residential structures, plant nursey, pond and grassland.

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 from the District Lands Officer/Yuen Long, LandsD (DLO/YL, LandsD):

- (a) has adverse comment on the application;
- (b) the Site comprises GL and Old Schedule Agricultural Lots No. 2907 S.C RP, 2908 RP, 2910 and 2911 RP in D.D. 104 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) LandsD has reservation on the planning application since there is/are unauthorised structure(s) or uses on the Lot No. 2911 RP in D.D. 104 which is 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;
- (d) the GL within the Site (about 240.7m² as mentioned in the Application Form) has been fenced off/unlawfully occupied with unauthorised structure(s) without any permission. Any occupation of GL without government’s prior approval is an offence under Cap. 28. His office reserves the rights to take necessary land control action against the unlawful occupation of GL without further notice; and
- (e) if the application is approved, the lot owner(s) shall apply to his office for a STW and/or Short Term Tenancy (STT) to permit the structure(s) erected within the said private lot(s) and the occupation of the GL. The application(s) for STW/STT

will be considered by the government in its capacity as a landlord and there is no guarantee that the STW/STT will be approved. The application(s) for STW/STT, if approved, will be subject to such terms and conditions including the payment of waiver fee/rent and administrative fee as considered appropriate by LandsD. Besides, given the applied use is temporary in nature, only erection of temporary structure(s) will be considered.

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

Open Space Provision

10.3.1 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 a public open space in the upcoming five years.

11. Public Comment Received During Statutory Publication Period

On 14.1.2025, the application was published for public inspection. During the statutory public inspection period, one public comment (**Appendix VI**) was received from an individual objecting to the application mainly on the ground that the previous application was revoked due to non-compliance with approval conditions.

12. Planning Considerations and Assessments

12.1 The application is for temporary shop and services (wooden ware retail shop) for a period of five years at the Site zoned “O” (**Plan A-1**). 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 upcoming five years. Approval of the application on a temporary basis for a period of five years would not frustrate the long-term planning intention of the “O” zone.

12.2 The applicant claims that the applied use is to serve the local community. The applied use is considered not incompatible with the surrounding areas which are rural in character predominated by open storage/storage yards, shops, vehicle repair workshop, residential structures, plant nursey, pond and grassland. 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 and the applied use is not incompatible with the surrounding landscape character.

- 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 Regarding DLO/YL, LandsD's concern on the unauthorised structure(s) and uses on the concerned lot and the illegal occupation of GL, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application. Other relevant government departments consulted, including the Director of Environmental Protection, Commissioner for Transport, Chief Engineer/Mainland North, 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 departments, relevant approval conditions are recommended in paragraph 13.2 below. It is also recommended to advise the applicant to follow the revised CoP issued by EPD to minimise any potential environmental impacts by the applied use on the surrounding areas.
- 12.5 The Site is involved in two previously approved applications submitted by the same applicant for similar use as detailed in paragraph 6 above. Although the planning permission under the last application No. A/YL-MP/302 was revoked in 2024 due to non-compliance with approval conditions related to the fire safety and drainage aspects, the applicant has submitted FSIs and drainage proposals in support of the current application. The applicant is also committed to fulfil all approval conditions. Should the Committee decide to approve the application, the applicant will be advised that should he fail to comply with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given to any further application.
- 12.6 As detailed in paragraph 7 above, there are 11 approved similar applications for various temporary shop and services within the same "O" zone in the vicinity of the Site in the past five years. Approval of the current application is in line with the Committee's previous decisions.
- 12.7 Regarding the public comment as detailed in paragraph 11, the planning assessments and departmental comments 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 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 28.2.2030. 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 28.8.2025;
- (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 28.11.2025;
- (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 revised fire services 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 28.8.2025;
- (e) in relation to (d) above, the implementation of the revised fire services 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 28.11.2025;
- (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 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

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| Appendix I | Application Form received on 6.1.2025 |
| Appendix Ia | FI received on 24.2.2025 |
| Appendix II | Extract 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 |
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| Drawing A-1 | Layout plan |
| Plan A-1 | Location plan with similar applications |
| Plan A-2 | Site plan |
| Plan A-3 | Aerial photo |
| Plan A-4 | Site photos |

**PLANNING DEPARTMENT
FEBRUARY 2025**