

Previous s.16 Applications covering the Application Site

Approved Applications

<u>No.</u>	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1.	A/YL-MP/239	Proposed Temporary Shop and Services (Florist and Gardening Shop) for a Period of 3 Years	13.3.2015 Approved by RNTPC (3 years) (revoked on 13.9.2015)	(1) - (5), (7), (8)
2.	A/YL-MP/246	Temporary Shop and Services (Metal Hardware Shop and Household Items Retail Store) for a Period of 3 Years	8.1.2016 Approved by RNTPC (3 years) (revoked on 8.6.2018)	(1) - (8)

Approval Conditions

1. No operation within specified time periods / on Sundays and public holidays
2. No medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes) including container/tractors as define din the Road Traffic Ordinance is allowed to be parked/stored on the site at any time during the planning approval period
3. The submission and implementation of drainage proposal
4. The submission and implementation of landscape and tree preservation proposals
5. The provision of boundary fencing on the site
6. The submission and implementation of fire service installations proposal
7. Revocation clause
8. Reinstatement clause



**Appendix III of RNTPC
Paper No. A/YL-MP/275**

**Similar s.16 Applications within "Open Space" Zone
on the Mai Po and Fairview Park OZP No. S/YL-MP/6**

Approved Applications

No.	Application No.	Proposed Use(s)/ Development(s)	Date of Consideration (by RNTPC/TPB)	Approval Condition(s)
1.	A/YL-MP/175	Temporary Shop and Service (Real Estate Agency) for a Period of 3 Years	5.6.2009 Approved by RNTPC (3 years)	(6), (7), (8), (9), (10)
2.	A/YL-MP/179	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	12.2.2010 Approved by RNTPC (3 years)	(6), (7), (8), (9), (10)
3.	A/YL-MP/180	Temporary Sales Offices and Furniture Showrooms for a Period of 3 Years	9.4.2010 Approved by RNTPC (3 years)	(6), (7), (8), (9), (10)
4.	A/YL-MP/188	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	23.12.2010 Approved by RNTPC (3 years)	(1), (2), (6), (7), (8), (9), (10)
5.	A/YL-MP/201	Temporary Shop and Service (Real Estate Agency) for a Period of 3 Years	15.6.2012 Approved by RNTPC (3 years) *[revoked on 15.3.2013]	(1), (2), (6), (7), (8), (9), (10)
6.	A/YL-MP/210	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	5.4.2013 Approved by RNTPC (3 years)	(1), (2), (3), (6), (7), (8), (9), (10)
7.	A/YL-MP/211	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	19.4.2013 Approved by RNTPC (3 years)	(1), (2), (6), (7), (8), (9), (10)
8.	A/YL-MP/225	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	13.12.2013 Approved by RNTPC (3 years)	(1), (2), (6), (7), (8), (9), (10)
9.	A/YL-MP/233	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	7.3.2014 Approved by RNTPC (3 years)	(1), (2), (6), (7), (8), (9), (10)
10.	A/YL-MP/244	Temporary Shop and Services (Metal Hardware Shop and Household Item Retail Store) for a Period of 3 Years	5.6.2015 Approved by RNTPC (3 years)	(1), (2), (4), (6), (7), (8), (9), (10)
11.	A/YL-MP/249	Renewal of Planning Approval for Temporary Sales Offices (for Real Estate and Furniture) and Furniture Showrooms for a Period of 3 Years	18.3.2016 Approved by RNTPC (3 years)	(1), (2), (3), (6), (7), (8), (9), (10)

12.	A/YL-MP/254	Renewal of Planning Approval for Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	9.12.2016 Approved by RNTPC (3 years)	(1), (2), (6), (7), (8), (9), (10)
13.	A/YL-MP/258	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	23.6.2017 Approved by RNTPC (3 years)	(1), (2), (6), (7), (8), (9), (10)
14.	A/YL-MP/264	Temporary Shop and Services (Metalware Retail Shop) for a Period of 3 Years	8.12.2017 Approved by RNTPC (3 years)	(1), (2), (3), (6), (7), (8), (9)
15.	A/YL-MP/267	Temporary Shop and Services (Real Estate Agency and Retail Store) and Ancillary Site Office for a Period of 3 Years	6.4.2018 Approved by RNTPC (3 years)	(1), (2), (3), (5), (6), (7), (8), (9), (10)
16.	A/YL-MP/269	Renewal of Planning Approval for Temporary Shop and Services (Metal Hardware Shop and Household Item Retail Store) for a Period of 3 Years	4.5.2018 Approved by RNTPC (3 years)	(1), (2), (4), (6), (7), (8), (9), (10)

*denotes permission revoked

Approval Conditions

- (1) No operation during specified times
- (2) Maintenance of paving and boundary fencing / provision of boundary fencing
- (3) No medium or heavy goods vehicles(i.e. exceeding 5.5 tonnes) is allowed to be parked/stored on the site / only private car is allowed to enter/park
- (4) No cutting, dismantling, cleansing, repairing, compaction, workshop and open storage activities is allowed on the site
- (5) No vehicle is allowed to queue back to or reverse onto/from public road at all times
- (6) Maintenance of existing landscape planting/trees and vegetation / submission and implementation of landscape and tree preservation proposal
- (7) Submission and implementation of drainage proposal / submission of as-built drainage plan/ photographic records of the existing drainage facilities / records of the existing drainage facilities / condition records of the existing drainage facilities on site / maintenance of drainage facilities
- (8) Submission and implementation of fire service installations proposal / provision of fire service installations
- (9) Revocation clause
- (10) Reinstatement clause

Recommended Advisory Clauses

- (a) to resolve any land issues relating to the temporary use with the concerned owner(s) of the Site;
- (b) prior planning permission should have been obtained before commencing the applied use at the Site;
- (c) the permission is given to the development/uses and structures under application. It does not condone any other development/uses and structures which currently occur on the Site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/ uses and remove such structures not covered by permission;
- (d) should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration may not be given by the Committee to any further application;
- (e) to note DLO/YL, LandsD's comments that the Site comprises an Old Schedule Agricultural Lot 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. The private land of Lot No. 2874 in D.D. 104 is covered by Short Term Waiver (STW) No. 4043 to permit structures for the purpose of "Temporary Shop and Services (Florist and Gardening Shop)". The Site is accessible from Castle Peak Road - Mai Po through both Government Land (GL) and private land. This office provides no maintenance work for the GL involved and does not guarantee any right-of-way. The Site does not fall within Shek Kong Airfield Height Restriction Area. Should planning approval be given to the planning application, the STW holder will need to apply to his office for modification of the STW conditions if there is any irregularity on site. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted building(s) will be considered or allowed. Applications for any of the above will be considered by the LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among other the payment of premium or fee, as may be imposed by the LandsD;
- (f) to note DAFC's comments that the applicant is advised to ensure that the development would not encroach on or affect the nearby pond to the immediately south of the south of the Site;
- (g) to note C for T's comments that the Site is connected to the public road network via a section of a local access which is not managed by TD. The land status of the local access road and private lot(s) should be clarified with LandsD by the applicant. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;

- (h) to note CHE/NTW, HyD's comments that his department does not and will not maintain any access connecting the Site and Castle Peak Road - Mai Po. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (i) to note CE/MN, DSD's comments that he notes that the applicant has obtained approval of drainage proposal under previous planning application No. A/YL-MP/246. Under current application, the planning area is not much different from the previous application. The applicant should provide the approved drainage proposal under planning application No. A/YL-MP/246 (with approval letter), and a set of latest record photographs showing the completed drainage works (including the internal conditions of the drains) with the corresponding photograph locations marked clearly on the approved drainage plan for DSD's reference. DSD will inspect the completed drainage works jointly with the applicant with reference to a comprehensive set of photographs. The applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas. The applicant is reminded that the proposed drainage proposal / works as well as the site boundary should not cause encroachment upon areas outside his jurisdiction. No public sewerage maintained by CE/MN, DSD is currently available for connection. For sewage disposal and treatment, agreement from DEP shall be obtained. The applicant should consult DLO/YL, LandsD regarding all the proposed drainage works outside the lot boundary in order to ensure the unobstructed discharge from the Site in future. All the proposed drainage facilities should be constructed and maintained by the applicant at his own cost. The applicant should ensure and keep all drainage works on site under proper maintenance at all times;
- (j) to note D of FS's comments that in consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. In addition, the applicant is advised on the following points: i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and ii) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans. However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (k) to note CBS/NTW, BD's comments that before any new building works (including containers and open sheds as temporary buildings) are to be carried out on the Site, prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations respectively. If the Site does not abut on a specified street of not less than 4.5 m wide, its permitted development intensity shall be determined under Regulation

19(3) of the Building (Planning) Regulations at the building plan submission stage;

- (l) to note CTP/UD&L, PlanD's comments that according to his site visit conducted on 4.10.2018, some existing trees along the southern side of site boundary were found. The applicant is required to revise the landscape plan indicating the actual nos. of existing trees on Site. The applicant is reminded of conducting weed control, observing and following the information below promulgated by the Greening, Landscape and Tree Management (GLTM) Section under Development Bureau (DEVB): 樹木修剪的一般指引 (General Guidelines on Tree Pruning) https://www.greening.gov.hk/filemanager/content/pdf/tree_care/guideline_c.pdf; 護養樹木的建議圖解 (Pictorial Guide for Tree Maintenance) https://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf; 工程期間的樹木護理 (Tree Care during Construction) https://www.greening.gov.hk/filemanager/content/pdf/tree_care/Tree_Care_during_Construction_e.pdf; and 減低樹木風險的樹木護養簡易圖解 (Pictorial Guide for Tree Maintenance to Reduce Tree Risks) [https://www.greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk\(eng\).pdf](https://www.greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk(eng).pdf);
- (m) to note DFEH's comments that if any FEHD's facility is affected by the development, FEHD's prior consent must be obtained. Re-provisioning of the affected facilities by the project proponent up to the satisfaction of FEHD may be required. Besides, the project proponent should provide sufficient amount of additional recurrent cost for management and maintenance of the re-provisioned facilities to FEHD; if the proposal involves any commercial/trading activities, no environmental nuisance should be generated to the surroundings. Also, for any waste generated from the commercial/trading activities, the applicant should handle on their own/at their expenses; and
- (n) the applicant is advised to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" to minimize potential environmental impacts on the surrounding areas.

