

Previous Applications at the Site

Rejected Application

No.	Application No.	Proposed Uses	Date of Consideration (RNTPC/TPB)	Rejection Reasons
1.	A/YL-MP/76	Temporary Open Storage of Scrap Metal for a Period of 12 Months	5.1.2001 Rejected on review	(1) to (4)

Rejection Reasons

- (1) The development is not in line with the planning intention of the “Open Space” zone.
- (2) The development is not compatible with the nearby residential developments.
- (3) The development does not comply with the revised TPB Guidelines for “Application for Developments within Deep Bay Area”.
- (4) Approval of the application would set an undesirable precedent for other similar applications / The cumulative effect of approving such similar applications would result in a general degradation of the environment and ecology of the area.

Approved s.16 Application

No.	Application No.	Proposed Uses	Date of Consideration (RNTPC/TPB)	Approval Conditions
1.	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) to (7)

Approval Conditions

- (1) Restriction on operation hours.
- (2) No medium and heavy goods vehicles exceeding 5.5 tonnes or container trailers/ tractors allowed to access the site.
- (3) Maintenance of existing paving.
- (4) Submission and implementation of drainage proposal.
- (5) Submission and implementation of fire service installations proposal.
- (6) Submission and implementation of tree preservation and landscape proposal.
- (7) Revocation clause.

**Similar Applications within “Open Space” Zones
on the Approved Mai Po and Fairview Park OZP No. S/YL-MP/6**

Approved s.16 Applications since 2011

No.	Application No.	Proposed Uses	Date of Consideration (RNTPC/TPB)	Approval Conditions
1.	A/YL-MP/201*	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	15.6.2012 Approved by RNTPC (3 years) [Revoked on 15.3.2013]	(1), (4) to (7)
2.	A/YL-MP/210	Renewal of Planning Approval for Temporary “Sales Offices (for Real Estate and Furniture) and Furniture Showrooms” for a Period of 3 Years	5.4.2013 Approved by RNTPC (3 years)	(1), (4) to (7)
3.	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), (4) to (7)
4.	A/YL-MP/225	Renewal of Planning Approval for Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	13.12.2013 Approved by RNTPC (3 years)	(1), (3) to (9)
5.	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)	(4) to (7)
6.	A/YL-MP/239*	Proposed Temporary Shop and Services (Florist and Gardening) for a Period of 3 Years	13.3.2015 Approved by RNTPC (3 years) [Revoked on 14.9.2015]	(1), (4) to (7)
7.	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) to (9)
8.	A/YL-MP/246*	Temporary Shop and Services (Metal Hardware Shop and Household Item Retail Store) for a Period of 3 Years	8.1.2016 Approved by RNTPC (3 years) [Revoked on 8.6.2018]	(1), (3) to (8), (10) & (11)
9.	A/YL-MP/249	Renewal of Planning Approval for Temporary “Sales Offices (for Real	18.3.2016 Approved by RNTPC	(1), (4) to (7)

		Estate and Furniture) and Furniture Showrooms” for a Period of 3 Years	(3 years)	
10.	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), (4) to (9)
11.	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), (4) to (9)
12.	A/YL-MP/267*	Temporary Shop and Services (Real Estate Agency and Retail Store) and Ancillary Staff Canteen and Site Office for a Period of 3 Years	6.4.2018 Approved by RNTPC (3 years) [Revoked on 9.6.2020]	(1), (4) to (11)
13.	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), (4) to (9) & (11)
14.	A/YL-MP/275	Proposed Temporary Shop and Services (Metal Hardware Shop and Household Item Retail Store) for a Period of 3 Years	2.11.2018 Approved by RNTPC (3 years)	(1), (3) to (8), (10) & (11)
15.	A/YL-MP/278	Renewal of Planning Approval for Temporary Sales Offices (for Real Estate and Furniture) and Furniture Showrooms for a Period of 3 Years	22.3.2019 Approved by RNTPC (3 years)	(1), (3) to (11)
16.	A/YL-MP/280	Proposed Temporary Shop and Services (Retail Store) for a Period of 3 Years	31.5.2019 Approved by RNTPC (3 years)	(4) to (11)
17.	A/YL-MP/298	Temporary Shop and Services for a Period of 3 Years	21.8.2020 Approved by RNTPC (3 years)	(1), (4), (6), (7) to (9) & (11)
18.	A/YL-MP/300	Temporary Shop and Services with Ancillary Staff Canteen and Site Office for a Period of 3 Years	18.12.2020 Approved by RNTPC (3 years)	(1), (4) to (10)

*Denotes permission revoked

Approval Conditions

- (1) Submission and implementation of landscape proposal(s)/ maintenance of landscape planting on the site.

- (2) No cutting, dismantling, cleansing, repairing, compaction, workshop and open storage activity allowed on the site.
- (3) Provision of hard paving to the vehicular access road and car-parking area to minimize dust impact/ provision of boundary fencing.
- (4) Submission and implementation of drainage proposals/ submission of record of existing drainage facilities/ as-built drainage plan and maintenance of drainage facilities on the site.
- (5) Reinstatement clause.
- (6) Revocation clause.
- (7) Submission and provision of fire service installations (FSIs) proposal/ provision of a 9-litre water type/ 3kg dry powder fire extinguisher for each of the sales offices/ in the site office.
- (8) Restriction on operation hours.
- (9) Maintenance of existing paving and fencing on the site.
- (10) No vehicle without valid license/ no medium and heavy goods vehicles exceeding 5.5 tonnes or container trailers/ tractors as defined in the Road Traffic Ordinance / no vehicle/ no vehicle other than private car/ light goods vehicle allowed to access the site.
- (11) No vehicle allowed to queue back to or reverse onto/from the site.

Recommended Advisory Clauses

- (a) To resolve any land issues related to the temporary use with the concerned owner(s) of the application site (the Site);
- (b) the permission is given to the development uses/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 take immediate action to discontinue such development/ uses and remove such structures not covered by the permission;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site comprises Government Land (GL) and Old Schedule Agricultural Lots held under Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government. No permission is given for occupation of GL of about 240.7m² in area (subject to verification) included in the Site. The act of occupation of GL without Government's prior approval is not allowed. The lot owner(s) will need to apply to his office to permit the structures to be erected or regularise any irregularity on the Site, if any. The applicant has to either exclude the GL from the Site or apply for a formal approval prior to the actual occupation of the GL. Besides, given the applied use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. Application for any of the above will be considered by 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 others the payment of rent or fee, as may be imposed by LandsD;
- (d) to note the comments of the Commissioner for Transport (C for T) that the Site is connected to Castle Peak Road – Mai Po via a section of local access which is not managed by the Transport Department (TD). The land status of the local access should be clarified with LandsD by the applicant. Moreover, the management and maintenance responsibilities of the local access should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that the proposed access arrangement of the Site from Castle Peak Road – Mai Po should be approved by TD. HyD shall not be responsible for the maintenance for 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;
- (f) to note the comments of the Director of Environmental Protection (DEP) to follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise potential environmental impacts on the surrounding areas;
- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that approval of the application does not imply approval of tree works such as pruning, transplanting and felling under lease. Tree removal applications should be submitted direct to LandsD for approval;

- (h) to note the comments of the Director of Fire Services (D of FS) that:
 - (i) in consideration of the design/nature of the proposal, fire services installations (FSIs) are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The applicant is also advised that (1) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and (2) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans;
 - (ii) to observe the requirements under Timber Stores Ordinance (Cap. 464) that a licence is required for timber store operation; and
 - (iii) if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans or referral from relevant licensing authority respectively; and
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
 - (i) there is no record of approval by the Building Authority (BA) for the existing structures at the Site, he is not in a position to offer comments on their suitability for the applied use;
 - (ii) if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of BA, they are unauthorised building works (UBW) under BO and should not be designated for any applied use under the application;
 - (iii) for UBW erected on leased land, enforcement action may be taken by BD 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 constructed as an acceptance of any existing building works or UBW on the Site under BO;
 - (iv) before any new building works (including containers/open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on the Site, prior approval and consent of BD should be obtained, otherwise they are UBW. An Authorised Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with BO;
 - (v) 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;
 - (vi) if the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the Building (Planning) Regulations at the building plan submission stage;
 - (vii) any temporary shelters or converted containers for office, storage, washroom or other uses are considered as temporary buildings are subject to the control of Part VII of the Building (Planning) Regulations; and

(viii) detailed checking under BO will be carried out at the building plan submission stage.

