

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

**Application No. A/YL-MP/278**

<b><u>Applicant</u></b>	:	Teamset Investment Limited
<b><u>Site</u></b>	:	Lots 11 (Part) and 12 (Part) in D.D. 101, Mai Po, Yuen Long
<b><u>Site Area</u></b>	:	800 m <sup>2</sup>
<b><u>Lease</u></b>	:	Block Government Lease (demised for agricultural use) (no structures are allowed to be erected without the prior approval of the Government)
<b><u>Plan</u></b>	:	Approved Mai Po and Fairview Park Outline Zoning Plan (OZP) No. S/YL-MP/6
<b><u>Zoning</u></b>	:	“Open Space” (“O”)
<b><u>Application</u></b>	:	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 for temporary sales offices (for real estate and furniture) and furniture showrooms for a period of 3 years at the application site (the Site) (**Plan A-1a**). According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires permission from the Town Planning Board (the Board), notwithstanding that the use or development is not provided for in terms of the OZP. The Site is currently used for the applied use with valid planning permission under application No. A/YL-MP/249 (valid up to 9.4.2019).
- 1.2 The Site is the subject of 11 previously approved applications (Nos. A/YL-MP/4, 13, 32, 49, 63, 87, 126, 158, 180, 210 and 249) for similar temporary sales office and furniture showroom uses (**Plan A-1b**). The last Application No. A/YL-MP/249 submitted by the same applicant for renewal of planning approval for the same temporary sales offices (for real estate and

furniture) and furniture showrooms use was approved by the Rural and New Town Planning Committee (the Committee) of the Town Planning Board (the Board) on 18.3.2016 for a period of 3 years from 10.4.2016 to 9.4.2019. All approval conditions have been complied with.

- 1.3 As shown on the layout plan at **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.
- 1.4 The layout and major parameters of the current application are the same as the last approved application No. A/YL-MP/249. They are summarized below:

<b>Major Development Parameters</b>	<b>Current Application No. A/YL-MP/278</b>
Development/ use	Temporary sales offices (for real estate and furniture) and furniture showrooms
Site area	800 m <sup>2</sup>
Total floor area	96.38 m <sup>2</sup>
No. of structures	6 structures <ul style="list-style-type: none"> <li>• 1 real estate agency sales office</li> <li>• 1 outdoor-furniture showroom and office</li> <li>• 1 outdoor-furniture showroom</li> <li>• 1 store room</li> <li>• 2 portable toilets</li> </ul>
Maximum Building Height	1 storey (3m)
No. of private car parking spaces	3
Operation hours	<p><u>Sales office for real estate:</u></p> <ul style="list-style-type: none"> <li>• 9:30 a.m. to 8:30 p.m. daily</li> </ul> <p><u>Sales office for furniture and furniture showrooms:</u></p> <ul style="list-style-type: none"> <li>• 9:30 a.m. to 6:00 p.m. on Mondays to Saturdays</li> <li>• no operation on Sundays and public holidays</li> </ul>

- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application form received on 24.1.2019 including (**Appendix I**) landscape plan, drainage plan and fire service installation certificate
- (b) Further Information (FI) received on 28.2.2019 in (**Appendix Ia**) response to departmental comments

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in part 8 of the application form and supplementary information attached (**Appendix I**). They can be summarized as follows:

- (a) The Site has been used for the same purpose since 1996 under the previous planning application Nos. A/YL-MP/4, 13, 32, 49, 63, 87, 126, 158, 180, 210 and 249 respectively.
- (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) Drainage system, fire service installation 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 owner” of the lots within the Site. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Town Planning Board Guidelines**

*Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34B)*

- 4.1 According to TPB PG-No. 34B, the criteria for assessing applications for renewal of planning approval are as follows:
- (a) whether there has been any material change in planning circumstances since the previous temporary approval was granted (such as a change in the planning policy/ land-use zoning for the area) or a change in the land uses of the surrounding areas;
  - (b) whether there are any adverse planning implications arising from the renewal of the planning approval (such as pre-emption of planned permanent development);
  - (c) whether the planning conditions under previous approval have been complied with to the satisfaction of relevant Government departments within the specified time limits;
  - (d) whether the approval period sought is reasonable;
  - (e) any other relevant considerations; and
  - (f) the approval period for renewal should not be longer than the original validity period of the temporary approval.

***Town Planning Board Guidelines for Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance (TPB PG-No. 12C)***

- 4.2 According to TPB PG-No. 12C, the Site falls within the Wetland Buffer Area (WBA). The relevant assessment criteria are summarized as follows:
- (a) the intention of the WBA is to protect the ecological integrity of the fish ponds and wetland within the Wetland Conservation Area (WCA) and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds; and
  - (b) within the WBA, for development or redevelopment which requires planning permission, an ecological impact assessment (EcoIA) would need to be submitted. Some local and minor uses (including temporary uses) are however exempted from the requirement of EcoIA.

**5. Background**

The Site is not the subject of active enforcement action.

**6. Previous Applications**

- 6.1 The Site is the subject of 12 previous applications with the first (No. A/DPA/YL-MP/14) rejected and the remaining 11 (Nos. A/YL-MP/4, 13, 32, 49, 63, 87, 126, 158, 180, 210 and 249) approved by the Committee.
- 6.2 Application No. A/DPA/YL-MP/14 for residential development was rejected by the Committee on 18.9.1992 mainly on the consideration that the residential development was not in line with the planning intention of the "O" zone which was primarily to restrict developments to recreational uses, and the applicant failed to demonstrate that the residential development would not cause adverse impacts on environment, drainage and traffic of the area.
- 6.3 Applications Nos. A/YL-MP/4, 13, 32, 49, 63, 87, 126, 158 and 180 for similar temporary sales office and furniture showroom uses were approved by the Committee on 26.1.1996, 20.12.1996, 3.4.1998, 26.3.1999, 17.3.2000, 30.3.2001, 26.3.2004, 27.4.2007 and 9.4.2010 respectively for periods of 12 months or 3 years, mainly on the consideration that the developments were not incompatible with the surrounding land uses, and the concerns of Government departments could be addressed by approval conditions.
- 6.4 Applications No. A/YL-MP/210 and its renewal application No. A/YL-MP/249 submitted by the same applicant for the same applied use of temporary sales offices (for real estate and furniture) and furniture showrooms was approved by the Committee on 5.4.2013 and 18.3.2016 respectively for periods 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, including those in relation to the submission of as-built drainage plans and photographs of existing drainage facilities, and the submission and implementation of FSIs proposal have been complied with. The planning permission of A/YL-MP/249 will lapse on 10.4.2019.

- 6.5 Details of the previous applications are summarized at **Appendix II**. Their locations are shown on **Plan A-1b**.

## 7. **Similar Applications**

Since 2009, there are 16 applications for similar shop and services uses within the “O” zone on the OZP. These applications were all approved by the Committee mainly on the consideration that the developments were not incompatible with the surrounding land uses, and the concerns of Government departments could be addressed by approval conditions. Details of the similar applications are summarized at **Appendix III**. Their locations are shown on **Plan A-1a**.

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

8.1 The Site is:

- (a) accessible at the southeast via a local track leading to Palm Springs Boulevard and Castle Peak Road - Mai Po;
- (b) currently used for sales offices (for real estate and furniture) and furniture showrooms with valid planning permission; and
- (c) located within the WBA of Deep Bay.

8.2 The surrounding areas mainly comprise shops and services, open storage yards, residential developments and cycle track under construction by Civil and Engineering Development Department (CEDD). Some open storage uses are subject to enforcement action by the Planning Authority:

- (a) to the immediate east and northeast is cycle track under construction by CEDD. To the further east across Castle Peak Road - Mai Po and San Tin Highway are residential developments (i.e. Maple Gardens);
- (b) to the immediate south is a restaurant approved under Application No. A/YL-MP/265. To the further south across Palm Springs Boulevard are real estate agency, and metal hardware and household items retail shop approved under application Nos. A/YL-MP/258 and 275 respectively, open storage of construction materials, residential dwellings, pond, cycle track under construction by CEDD, and unused and vacant land;
- (c) to the west and northwest is a large-scale residential development (i.e. Royal Palms); and

- (d) to the north is an open storage yard for converted containers. To the further north are parking of vehicles, metal hardware shop and household item retail store approved under A/YL-MP/269, and open storage of construction materials.

## **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 The following Government departments have been consulted and their views on the application and the public comments are summarized as follows:

### **Land Administration**

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

- (a) The Site comprises Old Schedule Agricultural Lots held under the Block Government Lease under which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
- (b) The private land of Lot Nos. 11 and 12 in D.D. 101 are covered by Short Term Waiver (STW) No. 1900 to permit structures for the purpose of “Temporary Property Sales Office and Furniture Showrooms”.
- (c) The Site is accessible from Palm Springs Boulevard through both private land and GL. His Office provides no maintenance works for the GL involved and does not guarantee any right-of-way.
- (d) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (e) Should planning approval be given to the application, the STW holder will need to apply to his office for modification of the STW conditions where appropriate. Given the applied 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 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 premium or fee, as may be imposed by LandsD.

## **Traffic**

### 10.1.2 Comments of the Commissioner for Transport (C for T):

- (a) The Site is connected to the public road network via a section of a local access which is not managed by Transport Department (TD). The land status of the local access road 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.
- (b) Should the application be approved, the following conditions should be incorporated:
  - (i) Only private car is allowed to access the Site.
  - (ii) No vehicle is allowed to queue back to or reverse onto/from the Site at any time during the planning approval period.

### 10.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) The proposed access arrangement of the Site from Castle Peak Road - Mai Po Road should be commented by TD.
- (b) His department does not and will not maintain any access connecting the Site and Castle Peak Road - Mai Po. The relevant departments will provide their comments, if any.
- (c) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

### 10.1.4 Comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department (CE/RD 2-2, RDO, HyD):

The Site neither falls within any administrative route protection boundary, gazette railway scheme boundary, nor railway protection boundary of heavy rail systems. He has no comment on the application from railway development viewpoint.

## **Environment**

### 10.1.5 Comments of the Director of Environmental Protection (DEP):

In accordance with the revised “Code of Practice on Handling the Environmental Aspects of Temporary uses and Open Storage Sites”, he has no objection to the application.

## **Nature Conservation**

### 10.1.6 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

He has no comment on the application from nature conservation point of view, as the Site has been hard-paved and used for the same applied uses as previously approved.

## **Landscape**

### 10.1.7 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) The Site, located to the west of Castle Peak Road – Mai Po Section, and to the north of Ko Hang, falls within an area zoned “O” on the OZP. The Site is the subject of 12 previous applications. The last Application No. A/YL-MP/249 for the same use on the same site to which he has no objection, was approved by the Committee on 18.3.2016.
- (b) According to the aerial photo of 2017, the surrounding area is comprised of low-rise residential houses, open car park, temporary structures and scattered tree groups. The applied use is considered not incompatible with the existing landscape setting proximity.
- (c) Based on his site visit conducted on 13.2.2019, it is observed that the existing trees and shrubs planting were generally in fair condition, and the overall landscape quality was maintained. As further adverse landscape impact arising from the continued use of the Site is not anticipated, he has no objection to the application from landscape planning perspective.
- (d) Should the application be approved, he would suggest including the following condition in planning approval:

The existing trees and shrubs within the Site shall be maintained in healthy condition at all times during the approval period.



- (e) The applicant is reminded of the importance of proper tree care and routine horticultural maintenance. Useful information published by the Greening, Landscape and Tree Maintenance Section of Development Bureau on general tree maintenance is available for reference:

- 樹木管理手冊  
[https://www.greening.gov.hk/filemanager/content/pdf/tree\\_care/handbook\\_TM/HTM\\_tc\\_Full\\_version.pdf](https://www.greening.gov.hk/filemanager/content/pdf/tree_care/handbook_TM/HTM_tc_Full_version.pdf)
- 護養樹木的簡易圖解  
[https://www.greening.gov.hk/filemanager/content/pdf/tree\\_care/Pictorial\\_Guide\\_for\\_Tree\\_Maintenance.pdf](https://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf)
- 樹木修剪的錦囊（小冊子）  
[https://www.greening.gov.hk/filemanager/content/pdf/tree\\_care/factsheet\\_c.pdf](https://www.greening.gov.hk/filemanager/content/pdf/tree_care/factsheet_c.pdf)

### **Fire Safety**

#### 10.1.8 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the application subject to FSIs being provided to his satisfaction.
- (b) 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. The applicant should also be 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.
- (c) The applicant is reminded that 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.

### **Building Matters**

#### 10.1.9 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) There is no in-principle objection under the BO to the use on the Site.

- (b) There is no record of approval by the Building Authority (BA) for the structures existing at the Site and the Buildings Department (BD) is not in a position to offer comments on their suitability for the use related to the application.
- (c) If the existing structures are erected on leased land without approval of the BD (not being New Territories Exempted Houses), they are unauthorized under the BO and should not be designated for any approved use under the application.
- (d) Before any new building works (including open sheds as temporary buildings) are to be carried out on the Site, prior approval and consent of the 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.
- (e) 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.
- (f) 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.
- (g) 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.

### **Drainage**

#### 10.1.10 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) He has no objection in principle to the application from drainage operation and maintenance point of view.
- (b) The applicant implemented the drainage facilities on site under previous application No. A/YL-MP/249. The relevant drainage proposal and implementation works were considered satisfactory at that time. Under the current application, the planning area is not much different from the

previous application. The applicant should provide DSD the approved drainage proposal under application No. A/YL-ST/249 (with approval letter), and a set of latest record photographs showing the completed drainage works (including the internal condition of the drains) with corresponding photographic locations marked clearly on the approved drainage plan for reference. DSD will inspect the completed drainage works jointly with the applicant with reference to a comprehensive set of photographs.

- (c) The applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas.
- (d) 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.
- (e) No public sewerage maintained by CE/MN, DSD is currently available for connection. For sewage disposal and treatment, agreement from DEP shall be obtained.
- (f) The applicant should consult DLO/YL regarding all the proposed drainage works outside the lot boundary in order to ensure the unobstructed discharge from the Site in future.
- (g) 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 facilities on site under proper maintenance at all times.

### **Others**

#### 10.1.11 Comments of the Commissioner of Police (C of P):

He has no comment on the application. The applicant is reminded that no obstruction caused to the vicinity would be tolerated.

#### 10.1.12 Comments of the Director of Food and Environmental Hygiene (DFEH):

- (a) If any Food and Environmental Hygiene Department (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.

- (b) Proper licence and/or permit issued by FEHD is required if there is any food business / catering service / activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and its subsidiary legislation and the operation of any business should not cause any obstruction.
- (c) If the proposal involves any commercial/trading activities, its state should not as to be a nuisance or injurious or dangerous to health and surrounding environment. Also, for any waste generated from the commercial/trading activities, the applicant should handle on their own/at their expenses.

10.1.13 Comments of the Director of Leisure and Cultural Services (DLCS):

- (a) The Site is zoned "O" on the OZP. The zone is not on the priority list for development agreed by the Yuen Long District Council. He has no plan to develop the Site into public open space at present.
- (b) He has no in-principle objection to the application since the application involves private lots only and the applicant is the sole current land owner.

**District Officer's Views**

10.1.14 Comments of the District Officer (Yuen Long), Home Affairs Department (DO/YL), HAD):

His office has no comment on the application and the local comments should be submitted to the Board direct, if any.

10.2 The following Government departments have no comment on the application:

- (a) Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD);
- (b) Project Manager (West) (PM(W)), CEDD;
- (c) Director of Electrical and Mechanical Services (DEMS); and
- (d) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

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

On 1.2.2019, the application was published for public inspection. During the first 3 weeks of the statutory public inspection period, which ended on 22.2.2019, two objecting public comments were received raising concerns that the applied use is

inappropriate as the Site lies within the wetland buffer area; besides, there would be adverse traffic impact at the junction of Palm Springs Boulevard and Castle Peak Road – Mai Po arising from illegal on-street parking and crossing of opposite lanes into the Site via a local access (**Appendix IV**).

## **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 is 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. To the south of the Site across Palm Springs Boulevard is a real estate agency approved by the Committee on 23.6.2017 for a period of 3 years (No. A/YL-MP/258).
- 12.3 The current application is for the renewal of the planning permission under application No. A/YL-MP/249 for the same use for a further period of 3 years. The renewal is in line with TPB PG-No. 34B 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.
- 12.4 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 EcoIA. DAFC has no comment on the application from nature conservation point of view as the Site has been hard-paved and used for the same applied uses previously approved.
- 12.5 Other concerned Government departments, including C for T, DEP, CE/MN of DSD, D of FS, and CTP/UD&L of PlanD, have no objection to or no adverse comment on traffic, environmental, drainage, fire safety and landscape aspects respectively. To mitigate potential environmental impacts on the surrounding area and meet the requirements of concerned departments, approval conditions restricting operation hours, types of vehicle, the maintenance of landscape planting and boundary fencing, the submission of as-built drainage plans and photographs of existing drainage facilities, and the submission and

implementation of FSIs proposal are recommended in paragraphs 13.2 (a) to (j) below. Non-compliance with any of the approval conditions would result in revocation of the planning permission and unauthorized development on-site would be subject to enforcement action by the Planning Authority. Besides, the applicant should be advised to follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”.

- 12.6 The Site is the subject of 11 approved previous applications (Nos. A/YL-MP/4, 13, 32, 49, 63, 87, 126, 158, 180, 210 and 249) for similar temporary uses (**Plan A-1b**). The last Application No. A/YL-MP/249 submitted by the same applicant for renewal of planning approval for the same applied use was approved by the Committee on 18.3.2016 for a period of 3 years from 10.4.2016 to 9.4.2019. All approval conditions have been complied with. Since 2008, 16 applications for similar shop and services use within the same “O” zone were approved by the Committee. Approval of the current application is in line with the previous decisions of the Committee.
- 12.7 There are two objecting public comments raising concerns on planning intention and traffic impact. The above assessments are of relevance.

### **13. Planning Department’s Views**

- 13.1 Based on the assessment made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11 above, the Planning Department 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 3 years and be renewed from 10.4.2019 to 9.4.2022. 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 all times during the planning approval period;

- (e) the existing trees and shrubs within the Site shall be maintained in healthy condition at all times during the planning approval period;
- (f) the maintenance of boundary fencing within the Site at all times during the planning approval period;
- (g) the submission of as-built drainage plans and photographs of existing drainage facilities within **3** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 10.7.2019;
- (h) the maintenance of existing drainage facilities within the Site at all times during the planning approval period;
- (i) the submission of fire service installations proposal within **6** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 10.10.2019;
- (j) in relation to (i) above, the implementation of fire service installations proposal within **9** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 10.1.2020;
- (k) 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;
- (l) if any of the above planning conditions (g), (i) or (j) 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; and
- (m) upon the expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

[As compared to the previous permission under Application No. A/YL-MP/249, conditions (c) and (e) are updated, conditions (d) and (h) are new conditions included based on the updated requirements of the concerned departments, and all other conditions are retained and remain unchanged.]

#### 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 applicant.

**15. Attachments**

<b>Appendix I</b>	Application Form received on 24.1.2019
<b>Appendix Ia</b>	Further Information received on 28.2.2019 in response to departmental comments
<b>Appendix II</b>	Previous s.16 applications covering the application site
<b>Appendix III</b>	Similar s.16 applications within the “O” zone on the Mai Po and Fairview Park Outline Zoning Plan No. S/YL-MP/6
<b>Appendix IV</b>	Public comments received during statutory publication period
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	Landscape Plan
<b>Drawing A-3</b>	Drainage Plan
<b>Drawing A-4</b>	Plan Showing Location of Fire Extinguishers
<b>Plans A-1a</b>	Location Plan with Similar Applications



<b>Plans A-1b</b>	Previous Application Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
MARCH 2019**