

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/4 | Sales Office and Furniture Showrooms (Temporary for One Year) | 26.1.1996 Approved by RNTPC (12 months) | (1), (2), (4) & (5) & (8) |
| 2. | A/YL-MP/13 | Sales Office and Furniture Showrooms (Temporary for One Year) | 20.12.1996 Approved by RNTPC (12 months) | (1), (2) & (8) |
| 3. | A/YL-MP/32 | Temporary Property Sales Office and Furniture Showrooms for a Period of 12 Months | 3.4.1998 Approved by RNTPC (12 months) | (1), (2) & (8) |
| 4. | A/YL-MP/49 | Temporary Property Sales Office and Furniture Showrooms for a Period of 12 Months | 26.3.1999 Approved by RNTPC (12 months) | (4), (8) |
| 5. | A/YL-MP/63 | Temporary Property Sales Office and Furniture Showrooms for a Period of 12 Months | 17.3.2000 Approved by RNTPC (3 years) | (4), (8) |
| 6. | A/YL-MP/87 | Temporary Property Sales Office and Furniture Showrooms for a period of 3 Years | 30.3.2001 Approved by RNTPC (3 years) | (4), (8) |
| 7. | A/YL-MP/126 | Temporary Property Sales Office and Furniture Showrooms for a period of 3 Years | 26.3.2004 Approved by RNTPC (3 years) | (1), (4), (7) & (8) |
| 8. | A/YL-MP/158 | Temporary Sales Office and Furniture Showrooms for a period of 3 Years | 27.4.2007 Approved by RNTPC (3 years) | (1), (2), (3), (7) & (8) |
| 9. | A/YL-MP/180 | Renewal of Planning Approval for Temporary Sales Offices and Furniture Showrooms for a Period of 3 Years | 9.4.2010 Approved by RNTPC (3years) | (1), (2), (3), (7) & (8) |
| 10. | 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), (2), (3), (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) |

Approval Conditions

1. The submission (and implementation) of landscape proposals/ maintenance of landscape planting.
2. The submission and implementation of drainage proposals/ the design and/or provision of drainage facilities/ maintenance of drainage facilities/ the submission of as-built drainage plan/ a condition record of the existing drainage facilities.
3. The submission (and provision) of fire service installations proposal/ the provision of a 9-litre water type/3kg dry powder fire extinguisher for each of the sales offices.
4. The provision of a vehicular access and on-site car-parking spaces / the submission and implementation of parking layout including site access arrangement / maintenance of the vehicular

access to the site.

5. The provision of hard paving to the vehicular access road and car-parking area to minimize dust impact.
6. No operation between specified time periods and on certain days.
7. Revocation Clause.
8. Reinstatement Clause.
9. No medium or heavy goods vehicle exceeding 5.5 tonnes including container trailers/tractors defined in the Road Traffic Ordinance was allowed to be parked/stored at the site.
10. The provision of boundary fencing.

Rejected Application

| <u>No.</u> | <u>Application No.</u> | <u>Proposed Uses</u> | <u>Date of Consideration</u> <u>(RNTPC/TPB)</u> | <u>Reasons for</u> <u>Rejection</u> |
|------------|------------------------|-------------------------|--|--|
| 1. | A/DPA/YL-MP/14 | Residential Development | 18.9.1992 | (1) & (2) |

Reasons for Rejection

1. The proposed development is not in line with the planning intention for the area.
2. No indication is given to demonstrate that the proposed development would not cause adverse impacts on environment, drainage and traffic of the area.

**Similar s.16 Applications within "O" zone
on the Mai Po & Fairview Park OZP No. S/YL-MP/6**

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/175 | Temporary Shop and Services (Estate Agent) for a Period of 3 Years | 5.6.2009 Approved by RNTPC (3 Years) | (1), (2), (3), (9) & (10) |
| 2. | A/YL-MP/179 | Proposed Temporary Shop and Services (Estate Land Agent) for a Period of 3 Years | 12.2.2010 Approved by RNTPC (3 Years) | (1), (2), (3), (9) & (10) |
| 3. | A/YL-MP/188 | Proposed Temporary Shop and Services (Estate Agency) for a Period of 3 Years | 23.12.2010 Approved by RNTPC (3 Years) | (1), (2), (3), (4), (5), (9) & (10) |
| 4. | 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), (2), (3), (4), (5), (9) & (10) |
| 5. | 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), (3), (4), (5), (9) & (10) |
| 6. | 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), (2), (3), (4), (5), (9) & (10) |
| 7. | 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), (3), (4), (5), (9) & (10) |
| 8. | 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), (2), (3), (4), (5), (6), (9) & (10) |
| 9. | 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), (3), (4), (5), (7), (9) & (10) |
| 10. | 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), (2), (3), (4), (5), (6), (9) & (10) |
| 11. | 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), (3), (4), (5), (9) & (10) |
| 12. | 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), (3), (4), (5), (9) & (10) |
| 13. | A/YL-MP/264 | Temporary Shop and Services (Metalware Retail Shop) for a Period | 8.12.2017 Approved by RNTPC | (1), (2), (3), (4), (5), (6) & |

| | | of 3 Years | (3 Years) | (9) |
|-----|-------------|--|---|---|
| 14. | A/YL-MP/267 | Temporary Shop and Services (Real Estate Agent and Retail Store) and Ancillary Staff Canteen and Site Office for a Period of 3 Years | 6.4.2018 Approved by RNTPC (3 Years) | (1), (2), (3), (4), (5), (9), (10) & (11) |
| 15. | 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), (3), (4), (5), (7), (8), (9) & (10) |
| 16. | A/YL-MP/275 | Proposed Temporary Shop and Services (Metal Hardware and Household Items Retail Shop) for a Period of 3 Years | 2.11.2018 Approved by RNTPC (3 Years) | (1), (2), (3), (4), (5), (6), (9), (10), (11) & (12) |

* denotes permission revoked

Approval Conditions

1. The submission and implementation of landscape (and tree preservation) proposals / maintenance of existing landscape planting/trees and vegetation.
2. The submission and implementation of drainage proposals/ the submission of as-built drainage plans and photographs of existing drainage facilities/records of the existing drainage facilities / maintenance of existing drainage facilities.
3. The submission and provision/implementation of fire service installations proposal.
4. The provision of boundary fencing / maintenance of the paving and/or boundary fencing.
5. No operation between specified time periods was allowed on the site.
6. No medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes) including container/tractor as defined in the Road Traffic Ordinance is allowed to be parked/stored on the site.
7. No cutting, dismantling, cleansing, repairing, compaction, workshop and open storage activity is allowed on the site.
8. No operation on Sundays and public holidays.
9. Revocation Clause.
10. Reinstatement Clause.
11. Only private car is allowed to enter/park at the site.
12. No vehicle is allowed to queue back to or reverse onto/from public road.

Recommended Advisory Clauses

- (a) to note DLO/YL, LandsD's comments that 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. 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". 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. The Site does not fall within Shek Kong Airfield Height Restriction Area. 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;
- (b) 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 Transport Department (TD). The land status of the local access road should be clarified with LandsD by the applicant. The management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (c) 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;
- (d) to note CTP/UD&L, PlanD's comments that 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
 - 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
 - 樹木修剪的錦囊 (小冊子)
https://www.greening.gov.hk/filemanager/content/pdf/tree_care/factsheet_c.pdf

- (e) to note D of FS' 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. The applicant should also be advised: (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. 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;
- (f) to note CBS/NTW, BD's comments that 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. 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 co-ordinator 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;
- (g) to note CE/MN, DSD's comments that 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. 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 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 facilities on site under proper maintenance at all times;

- (h) to note C of P's comments that the no obstruction caused to the vicinity would be tolerated; and
- (i) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas.

