

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

Approved Applications

No.	<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/180	Renewal of Planning Approval for Temporary Sales Offices and Furniture Showrooms for a Period of 3 Years	9.4.2010 Approved by RNTPC (3 Years)	(1), (2), (3), (9) & (10)
4.	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)
5.	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)
6.	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), (4), (5), (6), (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), (3), (4), (5), (9) & (10)
8.	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)
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), (3), (4), (5), (9) & (10)
10.	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)
11.	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)
12.	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)
13.	A/YL-MP/249	Renewal of Planning Approval for	18.3.2016	(1), (2), (3),

		Temporary Sales Offices (for Real Estate and Furniture) and Furniture Showrooms for a Period of 3 Years	Approved by RNTPC (3 Years)	(4), (5), (6), (9) & (10)
14.	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)
15.	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)
16.	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), (4), (5), (6) & (9)
17.	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)
18.	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)
19.	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)
20.	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), (2), (3), (4), (5), (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 resolve any land issues relating to the temporary development 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 the permission;
- (d) to note DLO/YL, LandsD's comments that the Site is accessible from Castle Peak Road – Mai Po through Government Land (GL). His office provides no maintenance works for the GL involved and does not guarantee any right-of-way. The lot owner will need to apply to his office to permit the structures to be erected or regularize any irregularity on site, if any. 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 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;
- (e) 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;
- (f) to note CHE/NTW, HyD's comments that adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to the nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting the Site and Castle Peak Road - Mai Po;
- (g) 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;

- (h) 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;
- (i) to note CE/MN, DSD's comments that the applicant shall submit a drainage submission to demonstrate how he will collect, convey and discharge rain water falling onto or flowing to his site. A clear drainage plan showing full details of the existing drains and the proposed drains (e.g. cover and invert levels of pipes/catchpits/outfalls and ground levels justifying waterflow etc.) with supporting design calculations and charts should be included. (For preparation of the drainage proposal, the Guideline on preparation of the drainage proposal is available in DSD homepage at http://www.dsd.gov.hk/EN/Files/Technical_Manual/dsd_guideline/Drainage_Submission.pdf). The applicant is reminded that approval of the drainage proposal must be sought prior to the implementation of drainage works on site. After completion of the required drainage works, the applicant shall provide DSD a set of record photographs showing the completed drainage works with corresponding photograph locations marked clearly on the approved drainage plan for reference. DSD will inspect the completed drainage works jointly with the applicant with reference to the 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. 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 is reminded that the proposed drainage proposal/works as well as the Site boundary should not cause encroachment upon areas outside his jurisdiction. 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 facilities on site under proper maintenance at all times;
- (j) to note C of P's comments that obstruction to road access in the vicinity would not be tolerated;
- (k) to note PM(W), CEDD's comments that the vehicular access to the Site from Castle Peak Road – Mai Po indicated in Drawing No. P01 of the application falls within the works limit of CEDD Contract No. YL/2015/01 – Cycle Tracks from Tuen Mun to

Sheung Shui – Remaining Works. The applicant should seek CEDD’s agreement if any interface issues arise;

- (l) to note DFEH’s comments that if the proposal involves any commercial/trading activities, its state should not 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; and
- (m) 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.

