

SECTION 16 PLANNING APPLICATION

Proposed Temporary Shop & Services for a
Period of 3 Years in “Residential (Group C)”
Zone

at Lot 3250 S.B. ss. 48 & ss.49 (Part) in D.D. 104
and Adjoining Government Land, Nam Sang Wai,
Yuen Long, New Territories

Supplementary Planning Statement

August 2026

Applicant

Topfit HK Investment Limited

Planning Consultant

DeSPACE (International) Limited

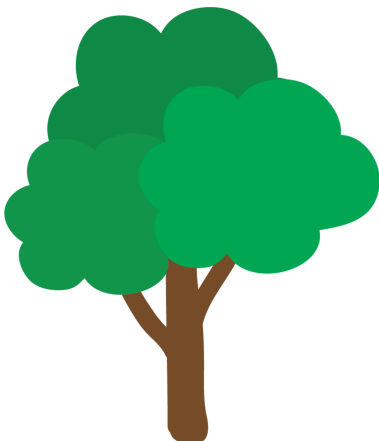


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Executive Summary

This Planning Statement is prepared in support of an application under Section 16 of the Town Planning Ordinance (Cap. 131) for planning permission for a Temporary Shop and Services for a Period of 3 Years (the “Proposed Development”) at Lots 3250 S.B. ss.48, 3250 S.B. ss.49 (Part) in D.D.104 and Adjoining Government Land, Mai Po, Yuen Long, New Territories (the “Application Site”). The Application Site has a total area of about 608m².

According to the Draft Mai Po and Fairview Park Outline Zoning Plan No. S/YL-MP/9 (the “OZP”), the proposed “Shop and Services” is a Column 2 use under the “Residential (Group C)” zone, which requires planning permission from the TPB. The Application Site has a valid planning permission (No. A/YL-MP/361) approved on 19th April 2024 with condition(s) on a temporary basis for proposed Temporary Shop and Services for a Period of 3 Years. The current application is to propose for additional temporary structures to be erected due to operational needs of the Applicant.

The Proposed Development is fully justified on the following grounds:

- The Proposed Development on a temporary basis possesses compatible development scale and land use with its nearby rural developments predominated by low-rise dwellings, restaurant, shop and services and open storage yards.
- The nature of Shop and Services use could serve the local neighbourhood;
- There is no immediate permanent development proposal at the Site, and approval of the application on a temporary basis of a period of 3 years would not frustrate the long-term planning intention of the “R(C)” zone; and
- There would be no adverse impacts to the surroundings in terms of traffic, environmental, drainage and fire safety issues.

Given the aforementioned justifications, the Applicant respectfully requests the TPB to approve the current Application.

行政摘要

本規劃綱領是根據《城市規劃條例》（第 131 章）第 16 條提出的規劃許可申請而編製，申請擬議於新界元朗米埔丈量約份第 104 約地段第 3250 號 B 分段第 48 小分段及第 3250 號 B 分段第 49 小分段（部份）和毗連政府土地（下稱「申請地點」）作臨時商店及服務行業（為期 3 年）。申請地點總面積約 608 平方米。

根據米埔及錦綉花園分區計劃大綱草圖編號 S/YL-MP/9（「大綱草圖」），擬議「商店及服務行業」用途屬於「住宅（丙類）」地帶內的第二欄用途，須取得城規會的規劃許可。申請地點已於 2024 年 4 月 19 日在有條件下批出規劃許可（個案編號 A/YL-MP/361），作「臨時商店及服務行業（為期 3 年）」用途。是次申請旨在因應申請人營運需要，增加臨時建構物。

擬議發展有充分規劃理據支持，理由如下：

- 擬議發展的規模及土地用途與其附近以低矮住宅建築、食肆、商店及服務行業及露天貨倉為主的鄉郊發展相容；
- 商店及服務行業的性質可服務本地社區；
- 申請地點目前並無永久發展計劃，批出為期 3 年的臨時許可並不影響「住宅（丙類）」地帶的長遠規劃意向；及
- 擬議發展不會對周邊交通、環境、排水及消防安全造成不良影響。

基於以上理據，申請人謹請城規會批准本申請。

（聲明：此中文譯本僅供參考，如中文譯本和英文原文有差異時，應以英文原文為準。）

1. Introduction

DeSPACE (International) Limited acts on behalf of the Applicant, namely **Topfit HK Investment Limited**, to prepare and submit this Section 16 Town Planning Application to the Town Planning Board (“TPB”) to seek planning permission for a Proposed Temporary Shop and Services for a Period of 3 Years at Lots 3250 S.B. ss. 48 and 3250 S.B. ss. 49 (Part) in D.D. 104 and Adjoining Government Land (“GL”), Mai Po, Yuen Long (See **Figure 1** – Location Plan).

The Application Site falls within the area zoned as “Residential (Group C)” (“R(C)”) on the Draft Mai Po & Fairview Park Outline Zoning Plan No. S/YL-MP/9 (the “OZP”, see **Figure 1**). According to the Notes of the OZP for the “R(C)” zone, the proposed ‘Shop and Services’ is a Column 2 use which requires planning permission from the TPB.

The Application Site has a valid planning permission (No. A/YL-MP/361) approved on 19th April 2024 with condition(s) on a temporary basis for proposed Temporary Shop and Services for a Period of 3 Years. The current application is to propose for additional temporary structures to be erected due to operational needs of the Applicant.

This Planning Statement is written to provide the project information and justifications of the captioned planning application in order to seek favourable consideration by the TPB.

2. Site Context

2.1 Application Site and Its Surrounding Areas

The Application Site is currently hard paved and partially fenced-off, and occupied by temporary structures for shop and services use. It abuts to a local track connecting Fairview Park Boulevard (See **Figure 1**).

The surrounding areas are intermixed with low-rise residential development (Fairview Park, Yau Pok Road Light Public Housing), open storage yards, school, plant nursery, vehicle parks, restaurant, nullahs and roads. To its east and its northeast are temporary shop and services with an approved planning applications No. A/YL-NSW/362 and A/YL-MP/401 respectively, and to its southeast is an eating place with a valid planning permission No. A/YL-NSW/369. These uses create synergy in serving the need of the nearby residencies.

2.2 Land Administration

With reference to the preliminary land status check, the Application 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.

A valid Short Term Waiver (“STW”) No. STW5599 is held under the Application Site to permit the structures erected within the subject private lots. Regarding the occupation of GL, a valid Short Term Tenancy (“STT”) No. STTYL0239 is also held. Once the current application is approved, the Applicant will apply to the Lands Department for the variation of STW and STT accordingly.

3. Town Planning Context

3.1 Statutory Planning Requirements

The Application Site is currently zoned “R(C)” on the OZP and the Applicant intends to use the Application Site for the purpose of a Temporary Shop and Services on a temporary basis of 3 years. According to the Notes of the OZP with regard to “R(C)” zone, the planning intention is primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the TPB.

According to the covering Notes of the OZP, temporary use not exceeding a period of 3 years requires planning permission from the Board. It is essential to highlight that the proposed temporary use is to better serve the local community and visitors and would not frustrate the long-term planning intention of the area.

As the Application Site falls within the Wetland Buffer Area (“WBA”), the development guidelines and criteria set out in the “Town Planning Board Guidelines for Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance” (“TPB PG-NO. 12C”) should be taken into account during the planning and operation phases of the proposed development. 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. With reference to Appendix A of TPB PG-NO. 12C, the proposed development which is under “Temporary Uses” is exempted from the requirement of ecological impact assessment (“EcolA”) as part of the submission to the TPB.

3.2 Previous Planning Application

The Application Site is subject to a previous planning application under Section 16 of the Town Planning Ordinance No. A/YL-MP/361 for a Temporary Shop and Services for a Period of 3 Years. It was approved on 19th April 2024 with conditions below:

- (a) no vehicle is allowed to queue back to or reverse onto/from public road at all times during the planning approval period;
- (b) the implementation of the accepted drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Service or of the Town Planning Board by 19.1.2025;
- (c) in relation to (b) above, the implemented drainage facilities shall be maintained at all times during the planning approval period; and
- (d) the implementation of the accepted fire service installations proposal within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the Town Planning Board by 19.1.2025.

Since conditions (b) and (d) are yet to be fulfilled, an extension of time for compliance with approval conditions was granted under Section 16A(2) of the Town Planning Ordinance on 18th July 2025 (No. A/YL-MP/361-2). The Applicant has committed to implement the accepted drainage proposal and the accepted fire service installations proposal at the Application Site.

3.3 Similar Planning Applications

Please refer to **Table 1** below. There are similar applications for temporary shop and services uses within the same “R(C)” zone and/or are situated in the near vicinity of the Application Site (See **Figure 1**). The approval grounds of the above cases are as follows:

- there was no adverse comment from concerned government departments;
- the development would not frustrate the long-term planning intention of the subject zone;
- the development was not incompatible with the surrounding land uses; and
- the development would serve the need of the nearby residencies.

Table 1: Similar Planning Approvals

Case No. (Decision Date)	Applied Use	Planning Considerations
A/YL-NSW/362 (27.02.2026)	Proposed Temporary Shop and Services for a Period of 3 Years	• All government departments consulted have <u>no objection</u> to or no adverse comment on the application. • Approval of the application on a temporary basis for a period of three years <u>would not jeopardize the long-term planning intention</u> of the “OU(CDWRA)” zone. • It is considered <u>not incompatible with the surrounding areas</u> which are predominantly low-rise residential developments and shop and services. • It could <u>provide retail service for selling daily necessities to local residents</u> in the area.
A/YL-MP/401 (19.12.2025)	Proposed Temporary Shop and Services for a Period of 3 Years	• All government departments consulted have <u>no objection</u> to or no adverse comment on the application. • Approval of the application on a temporary basis of a period of 3 years <u>would not frustrate the long-term planning intention</u> of the “R(C)” zone as there is no immediate permanent development proposal at the Site. • It is considered <u>not incompatible with the surrounding land uses</u>, comprising mainly low-rise residential developments/dwellings, shops, restaurant, school, gardening, grassland and vehicle parks.

Case No. (Decision Date)	Applied Use	Planning Justifications
A/YL-MP/335 (05.05.2023)	Proposed Temporary Shop and Services for a Period of 3 Years	- All government departments consulted have <u>no objection</u> to or no adverse comment on the application. - Approval of the application on a temporary basis of a period of 3 years <u>would not frustrate the long-term planning intention</u> of the "R(C)" zone as there is no immediate permanent development proposal at the Site. - It is considered <u>not incompatible with the surrounding land uses</u>, comprising mainly residential dwellings, open storage yards, vehicle parks and vacant land. - The proposed temporary shop and service is to <u>serve the needs of nearby residents</u>.

4. Proposed Development

The Application Site has a total site area of about 608m², including about 219m² of GL. Compared to the Approved Scheme, the Proposed Development involves modifying existing temporary structures (TS1 & TS2) and adding 2 new blocks of temporary structures (TS3 & TS4) (See **Figure 2 – Site Plan**).

As compared with the previously approved application No. A/YL-MP/361, the current application has an increase in site area, total GFA, covered area, number of blocks, and no. of parking spaces, whereas the proposed use, maximum BH, and operation hours remain unchanged. A comparison of the major development parameters of the current application and the previous approved application is summarised as **Table 2** below.

Table 2: Major Development Parameters

Major Development Parameters	A/YL-MP/361 (a)	Current Application (b)	Difference (b) - (a)
Proposed Use	Temporary Shop and Services (Real Estate Agency)		-
Site Area (about)	521m ² (incl. 137m ² of GL)	608m ² (incl. 219m ² of GL)	+ 87m ² (+ 17%)
Total GFA (about)	275m ²	About 600m ²	+ 325m ² (+ 118%)
Covered Area (about)	137.5m ²	About 335m ²	+ 197.5m ² (+ 144%)
No. of Blocks	2	4	+ 2
Maximum BH	2 storeys (or 7.5m)		-
No. of Parking Spaces	Private car: 1 space (5m(L) x 2.5m(W))	Private car: 2 spaces (5m(L) x 2.5m(W))	+ 1
Operation Hours	9:00 a.m. - 8:00 p.m. (daily)		-

5. Planning and Development Justifications

5.1 No Frustration of Long-term Planning Intention of R(C) Zone

The applied use of temporary shop and services have been in operation with a valid planning approval obtained in 2024. There is no immediate permanent development proposal at the Application Site. Approval of the current application on a temporary basis for a period of 3 years would not frustrate the long-term planning intention of the “R(C)” zone. The Proposed Development will not cause permanent or irreversible influence on the land and its temporary nature will not generate significant nuisance. It should be encouraged to make economic use and better utilisation of scarce land resources on a temporary basis.

5.2 Compatible Land Use

In view of the surrounding land uses which are intermixed with low-rise residential development, plant nursery, open storage yards, vehicle parks, restaurant and shop and services, the Proposed Development is not incompatible to the surrounding area. The proposed shop and services could serve the needs of local residents, workers as well as visitors in the area. The recent approved planning applications in the close vicinity as highlighted in paragraph 3.3 also demonstrated that there is a growing demand for shop and services in the community.

5.3 No Insurmountable Traffic Impacts

The Application Site is accessed via a local track connected to Fairview Park Boulevard (see **Figure 1**). Ample internal circulation space within the Site will allow for smooth vehicle movements to and from the access road, thereby avoiding vehicle queuing and maintaining an efficient traffic flow. A detailed swept path analysis is provided in **Figure 3**.

To accommodate the projected traffic demand, TWO(2) private car parking spaces (5m(L) x 2.5m(W)) will be designated exclusively for visitor parking. No goods vehicles will be permitted to enter the site. Given the operational nature of the proposed real estate agency, frequent or heavy goods transport is not anticipated. Should occasional goods delivery be required, it will be limited to non-peak daytime hours and will be handled manually using trolleys. No nighttime replenishment or loading activity will occur. The agency will employ a maximum of 5 staff members, all of whom reside locally and will commute on foot. This minimises additional vehicular trips associated with daily operations. Based on observations of existing activity patterns, the incremental traffic impact during peak hours is expected to be negligible, as summarised in **Table 3**.

In conclusion, the Proposed Development is not expected to cause any adverse traffic implications on the local access road or adjoining road network. The minor increase in traffic generation will be well within the capacity of the existing infrastructure.

Table 3: Trip Generation and Attraction of the Proposed Development

Time Period	PC	
	In	Out
Trips at AM peak per hour (09:00-10:00)	2	0
Trips at PM peak per hour (19:00-20:00)	0	2

5.4 No Insurmountable Environmental Impacts

No significant sewage impact will be caused to the surrounding areas. The applicant will strictly follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise adverse environmental impacts and nuisance to the surrounding area.

5.5 No Insurmountable Drainage Impacts

A drainage proposal is attached as **Appendix 1**. It is anticipated that drainage impacts from the Proposed Development are negligible. The Applicant will be liable for the implementation and maintenance of the proposed drainage at his/her cost. The change in the drainage proposal under the current application compared to the previously approved proposal is minimal with no significant change in the flow characteristics.

5.6 No Insurmountable Fire Safety Impacts

A FSI proposal is attached as **Appendix 2**. It is anticipated that fire safety impacts from the Proposed Development are negligible. The Applicant will be liable for the implementation and maintenance of the proposed FSI at his/her cost. The change in the FSI provision under the current application compared to the previously approved proposal is minimal.

6. Conclusion

This section 16 planning application is submitted to seek planning permission for a Proposed Temporary Shop and Services on a temporary basis of 3 years at Lots 3250 S.B. ss. 48 and 3250 S.B. ss. 49 (Part) in D.D. 104 and Adjoining Government Land, Mai Po, Yuen Long, New Territories.

The proposal is fully justified on the following grounds:

- The Proposed Development on a temporary basis possesses compatible development scale and land use with its nearby rural developments predominated by low-rise residential development, residential dwellings, restaurant, shop and services and open storage yards.
- The nature of shop and services use could serve the local neighbourhood;
- There is no immediate permanent development proposal at the Application Site, and approval of the application on a temporary basis of a period of 3 years would not frustrate the long-term planning intention of the “R(C)” zone; and
- There would be no adverse impacts to the surroundings in terms of traffic, environmental, drainage and fire safety issues.

In view of the above, members of the TPB are respectfully requested to favourably consider the present application in support of the proposed development.