

SECTION 16 PLANNING APPLICATION

Proposed Temporary Shop & Services for a Period of 3 Years in “Other Specified Uses (Comprehensive Development to include Wetland Restoration Area)” Zone

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

Supplementary Planning Statement

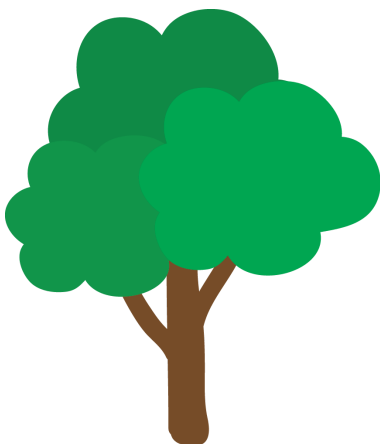
October 2025

Applicant

Topfit HK Investment Limited

Planning Consultant

DeSPACE (International) Limited



Executive Summary

The Applicant as the “current land owner” of Lot 3250 S.B. ss.49 (Part) in D.D.104 and Adjoining Government Land, Nam Sang Wai, Yuen Long, New Territories (the “Application Site”), now seeks town planning permission from the Town Planning Board (“TPB”) for a proposed Temporary Shops and Services for a Period of 3 Years (the “Proposed Development”) at the Application Site. The Application Site has a total area of about 138m². The Planning Statement serves to provide background information and planning justifications in support of the Application.

According to the Draft Nam Sang Wai Outline Zoning Plan No. S/YL-NSW/11 (the “OZP”), the proposed “Shop and Services” is a Column 2 use under the “Other Specified Uses (Comprehensive Development to include Wetland Restoration Area)” (“OU(CDWRA)”) zone, which requires planning permission from the TPB. The Application Site has a valid planning permission (No. A/YL-NSW/308) approved on 19th May 2023 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 an additional storey 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 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 “OU(CDWRA)” zone; and
- There would be no adverse impacts to the surroundings in terms of 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

申請人為現時新界元朗米埔丈量約份第 104 約地段第 3250 號 B 分段第 49 小分段（部份）和毗連政府土地（「申請地點」）之土地擁有人，現向城市規劃委員會（「城規會」）申請於上述地點作為期三年的臨時「商店及服務行業」用途（「擬議發展」）。申請地點總面積約 138 平方米。本規劃綱領旨在提供背景資料及規劃理據以支持是次規劃申請。

根據南生圍分區計劃大綱草圖編號 S/YL-NSW/11（「大綱核准圖」），擬議「商店及服務行業」用途屬於「其他指定用途（綜合發展包括濕地修復區）」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 2023 年 5 月 19 日在有條件下批出規劃許可（個案編號 A/YL-NSW/308），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，在已核准的建構物增加一層。

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「其他指定用途（綜合發展包括濕地修復區）」地帶的長遠規劃意向；及
- 擬議發展不會對周邊環境、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。）

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Figure 1 ----- Location Plan

Figure 2 ----- Site Plan

1. Introduction

DeSPACE (International) Limited, on behalf of Topfit HK Investment Limited (the “Applicant”), submits this Section 16 Town Planning Application to the Town Planning Board (“TPB”) for a Proposed Temporary Shop and Services for a Period of 3 Years at Lot 3250 S.B. ss. 49 (Part) in D.D. 104 and adjoining Government Land (“GL”), Nam Sang Wai, Yuen Long, New Territories (the “Application Site”, see **Figure 1** – Location Plan).

The Application Site covers about 138m² (including about 111m² of GL) and is zoned “Other Specified Uses (Comprehensive Development including Wetland Restoration Area)” (“OU(CDWRA)”) under the Draft Nam Sang Wai OZP No. S/YL-NSW/11 (the “OZP”). The proposed Shop and Services fall under a Column 2 use requiring TPB permission.

The Application Site currently holds a temporary planning permission (No. A/YL-NSW/308, the “Approved Scheme”) granted on 19th May 2023 for a Temporary Shop and Services (Convenience Store) for a Period of 3 Years. This application seeks approval to add an additional storey of temporary structure to support operational needs. This planning statement thus provides the project details and justifications for the TPB’s favourable consideration.

2. Site Context

2.1 Application Site and Its Surrounding Areas

The Application Site is currently a temporary structure for Shop and Services (Convenience Store) use that has planning approval (No. A/YL-NSW/308). It adjoins a local track branching from Fairview Park Boulevard (see **Figure 1**).

Surrounding areas include low-rise residential developments (Fairview Park, Yau Pok Road Light Public Housing), open storage yards, a school, plant nursery, vehicle parks, a restaurant, nullahs, and roads. Nearby uses with valid permissions include a temporary shop and services site to the west (No. A/YL-MP/361) and a restaurant to the south (No. A/YL-NSW/311), creating synergies for local residents.

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 (No. STW5486) is held allowing structures on the private lot, while a Short Term Tenancy (No. STTYL0195) is held on part of the GL of the Application Site. Upon approval, the Applicant will apply to the Lands Department to modify these permits.

3. Town Planning Context

3.1 Statutory Planning Requirements

The Application Site is zoned “OU(CDWRA)” on the OZP. According to the Schedule of Uses of the OZP, the zone is intended to encourage wetland restoration through comprehensive development while phasing out sporadic open storage and port back-up uses. New buildings should be located away from Deep Bay, but individual temporary uses under 3 years may be exempt from the requirement of providing a wetland restoration proposal. The Applicant proposes a 3-year temporary Shop and Services, requiring TPB planning permission. This use aims to serve the local community and visitors without conflicting with the area's long-term planning goals.

Since the Application Site is within the Wetland Buffer Area, the development must follow the “Town Planning Board Guidelines for Developments within Deep Bay Area” (TPB PG-NO. 12C) to protect the ecological value of nearby fish ponds. However, as a temporary use, the Application is exempted from submitting an ecological impact assessment.

3.2 Previous Planning Approvals

The Application Site previously received TPB approval (No. A/YL-NSW/308) on 19th May 2023 for Temporary Shop and Services for a Period of 3 Years, subject to conditions including revised drainage proposal submission and implementation, maintenance of drainage facilities, and implementation of the fire service installation (“FSI”) proposal. It should be noted that the Applicant has already implemented the said proposals on site, and is seeking approval from relevant government departments. If the current application is approved, the Applicant will strive to fully comply with all relevant conditions to the satisfaction of the TPB and relevant government departments.

3.3 Similar Planning Approvals

Table 1 shows 2 similar applications for temporary shop and services within the same “OU(CDWRA)” zone approved in the past three years. An approval was based on no adverse government comments, compatibility with surrounding uses, no frustration with long-term planning intention of the OU(CDWRA)” zone, and serving local community needs. The Application therefore fully complies with the above considerations.

Table 1: Similar Planning Approvals

Case No. (Decision Date)	Applied Use	Planning Justifications
A/YL-NSW/330 (02.08.2024)	Proposed Temporary Shop and Services (Motor-vehicle Showroom) for a Period of 3 Years	• All government departments consulted have <u>no objection to or no adverse comment</u> on the application. • The proposed use could <u>serve the demand for shop and services in the area</u>. • The proposed use <u>would not jeopardise the long-term planning intention</u> of the “OU(CDWRA)” zone. • The proposed use is generally <u>not incompatible with the surrounding land uses</u>, which comprise predominantly open storage/storage yards.
A/YL-NSW/298 (24.06.2022)	Proposed Temporary Shop and Services for a Period of 3 Years	• All government departments consulted have <u>no objection to or no adverse comment</u> on the application. • The proposed use could <u>serve the local neighbourhood</u>. • The proposed use is generally <u>not incompatible with the surrounding land uses</u> which are predominantly residential developments.

4. Proposed Development

The Application Site covers about 138m² in site area, including 111m² of GL. Compared to the Approved Scheme, the Proposed Development adds an extra storey of structure on top of the approved structure, totalling up to 2 storeys with a gross floor area (“GFA”) of approximately 90m² (see **Figure 2 – Site Plan**).

Compared to the Approved Scheme, the site area, GFA, and building height (“BH”) have increased, the proposed use, number of block(s), and operating hours remain unchanged, while the covered area has decreased. No car parking space or loading/unloading space is proposed within the Site. No medium goods or large goods vehicle including container vehicle will enter the Site. All goods will be transported to the Site via trolleys. Key differences in major development parameters are summarised in **Table 2**.

It is to be noted that the replenishment of goods for the Proposed Development will be carried out during non-peak hours in the daytime and no replenishment of goods will be carried out in the night-time. The Proposed Development is only envisaged for retail purpose, and no workshop and/or open storage use will be allowed on the Application Site. The proposed use will serve the needs of nearby residents and help meet local demand for shop and services.

Table 2: Major Development Parameters

Major Development Parameters	Approved Scheme (a)	Current Application (b)	Difference (b) - (a)
Proposed Use	Temporary Shop and Services		-
Site Area	About 80m ² (incl. 50m ² of GL)	About 138m ² (incl. 111m ² of GL)	+ 58m ² (+ 72.5%)
Total GFA	About 80m ²	About 90m ²	+ 10m ² (+ 12.5%)
Covered Area	About 80m ²	About 54m ²	- 26m ² (- 32.5%)
No. of Block(s)	1	1	-
Maximum BH	1 storey (or 3m)	2 storeys (or 7.5m)	+ 1 storey
Operation Hours	9:00 a.m. - 6:00 p.m. (daily)		-

5. Planning and Development Justifications

5.1 No Frustration of Long-term Planning Intention of OU(CDWRA) Zone

The temporary shop and services use has operated under valid approval since 2024. Although it does not fully align with the “OU(CDWRA)” zone’s long-term planning intention, it meets local demand and there are no known future development plans for the Application Site. Approval for 3 years will not jeopardise the zone’s planning goals, as 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 utilization of scarce land resources on a temporary basis.

5.2 Compatible Land Use

Surrounded by low-rise residential areas, plant nurseries, storage yards, vehicle parks, restaurants, and shop and services, the Proposed Development can meet the needs of residents, workers, and visitors. Nearby recent approvals for the Shop and Services use near the Application Site (e.g., A/YL-MP/335, A/YL-MP/361) and in the same OZP (e.g. A/YL-NSW/298, A/YL-NSW/330) also reflect growing community demand for such facilities, hence further justifying the approval of the Proposed Development.

5.4 No Insurmountable Environmental Impacts

No significant sewage impact to the surrounding area is anticipated. The Applicant shall 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 minimize adverse environmental impacts and nuisance to the surrounding area.

5.5 No Insurmountable Drainage Impacts

With an accepted drainage proposal under the Approved Scheme, drainage impacts from the Proposed Development are negligible. The Applicant will implement and maintain drainage measures at their own cost. The change in the surface characteristics under the current application will be minimal with no significant change in the flow characteristics.

5.6 No Insurmountable Fire Safety Impacts

Given that the Application Site is subject to an accepted FSI proposal under the Approved Scheme, adverse fire safety impact caused by the Proposed Development is expected to be negligible. The Applicant will be liable for the implementation and maintenance of the proposed FSI at their cost. The change in provision due to the current application will be minimal.

6. Conclusion

This supplementary planning statement seeks Section 16 planning permission for a 3-year Temporary Shop and Services for a Period of 3 Years at Lot 3250 S.B. ss. 49 (Part) in D.D. 104 and adjoining Government Land, Nam Sang Wai, Yuen Long. 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 “OU(CDWRA)” 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, TPB members are respectfully requested to grant approval in support of the Proposed Development.