

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-MP/392**

- Applicant** : N.I.C. (International) Holding Limited represented by R-riches Property Consultants Limited
- Site** : Lot 3250 S.B ss.45 in D.D. 104, Mai Po, Yuen Long
- Site Area** : About 743m<sup>2</sup>
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Mai Po and Fairview Park Outline Zoning Plan (OZP) No. S/YL-MP/8 (MP OZP) and Approved Nam Sang Wai OZP No. S/YL-NSW/10 (NSW OZP)
- Zoning** : “Commercial/Residential” (“C/R”) on MP OZP (about 62% of the Site)  
“Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” (“OU(CDWRA)”) on NSW OZP (about 38% of the Site)
- Application** : Temporary Shop and Services with Ancillary Facilities for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary shop and services with ancillary facilities for a period of three years at the application site (the Site), which falls within an area partly zoned “C/R” on the MP OZP and partly zoned “OU(CDWRA)” on the NSW OZP. According to the Notes of the respective OZPs, while ‘Shop and Services’ is a Column 1 use always permitted under the “C/R” zone on the MP OZP, it is a Column 2 use under the “OU(CDWRA)” zone on the NSW OZP which requires planning permission from the Town Planning Board (the Board). The Site is currently fenced-off, hard-paved, partly vacant and partly occupied by some temporary structures and containers for the applied use without valid planning permission (**Plans A-2, A-4a and A-4b**).
- 1.2 The Site is accessible from Fairview Park Boulevard (**Plan A-2**), with an ingress/egress (about 7.3m wide) at the northern part of the Site. According to the applicant, the applied use with a total floor area of about 524m<sup>2</sup> involves two two-storey structures (about 7m in height) for shop and services with ancillary office uses, and one single-storey canopy (about 7m in height) providing rain shelter for five car parking spaces at the Site (**Drawing A-1**). No light, medium or heavy vehicles including container vehicles will be allowed to be parked/stored on or enter/exit the Site at all times. Sufficient maneuvering

space will also be provided within the Site to avoid queueing of vehicles outside the Site. The applied use operates from 7:00 a.m. to 10:00 p.m daily, including Sundays and public holidays. The layout plan submitted by the applicant is at **Drawing A-1**.

1.3 The Site is the subject of two previous applications (No. A/YL-MP/308 and 358) including one for the same applied use as the current application which was approved by the Rural and New Town Planning Committee (the Committee) of the Board in 2023 (details at paragraph 5 below). Planning permission under the last application No. A/YL-MP/358 was subsequently revoked on 13.4.2025 due to non-compliance with approval conditions. Compared with the last application, the current application is submitted by the same applicant for the same use at the same Site with the same layout, development parameters and operation hours.

1.4 In support of the application, the applicant has submitted the following documents:

- (a) Application Form with attachments received on 19.6.2025 **(Appendix I)**
- (b) Further Information (FI) received on 30.7.2025 **(Appendix Ia)**  
*\*accepted and exempted from publication and recounting requirements*

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

The justifications put forth by the applicant in support of the application are detailed in the Application Form and FI at **Appendices I and Ia**. They can be summarised as follows:

- (a) The applied use on a temporary basis will not jeopardise the long-term planning intention of the “OU(CDWRA)” zone on the NSW OZP, and could alleviate the pressing demand for shop and services in the area, create additional employment opportunity and serve the nearby residents.
- (b) The Site is the subject of a previously approved application submitted by the same applicant for the same use. The applicant has demonstrated efforts in complying with the approval conditions related to drainage and fire safety aspects. As the short term waiver for erection of structure at the Site, which was submitted in 2024, is still being processed by the Lands Department (LandsD), the accepted fire service installations (FSIs) proposal under the previous application could not be implemented in time. The applicant has submitted the previously accepted FSIs proposal and a drainage proposal in support of the current application.
- (c) There is a similar application for temporary shop and services use approved within the nearby “OU(CDWRA)” zone on the NSW OZP in 2023, approval of the current application would not set an undesirable precedent within the “OU(CDWRA)” zone on the NSW OZP.
- (d) The applied use will not create significant nuisance 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’ (‘CoP’) and the Professional Persons Environmental Consultative Committee Practice Notes (ProPECCPNs) 1/23 issued by the Environmental Protection Department (EPD) and other relevant statutory environmental requirements and practice notes to minimise possible adverse impacts and environmental nuisance to the nearby residents.

### **3. Compliance with the “Owner’s Consent/Notification” Requirements**

The applicant is not a “current land owner” of the Site but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by posting site notice and sending notice to San Tin Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Background**

The Site was formed on the date of gazettal of the Nam Sang Wai Interim Development Permission Area Plan No. IDPA/YL-NSW/1 on 17.8.1990. The Site is currently not subject to any active planning enforcement action.

### **5. Previous Applications**

5.1 The Site is the subject of two previous applications (No. A/YL-MP/308 and 358) which were approved with conditions by the Committee in 2022 and 2023 respectively. Application No. A/YL-MP/308 was submitted by a different applicant for proposed temporary car testing centre for a period of three years and the planning permission was revoked in 2023. Considerations of this previous application are not relevant to the current application due to different uses involved. Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

5.2 The last application (No. A/YL-MP/358) submitted by the same applicant for the same use at the same Site with the same layout, development parameters and operation hours was approved by the Committee for three years on 13.10.2023 mainly on the considerations that the temporary approval would not frustrate the long-term planning intention of the “OU(CDWRA)” zone of the NSW OZP; the proposed use was not incompatible with the surrounding land uses; and concerned government departments consulted had no objection to or no adverse comment on the application or their concerns could be addressed by relevant approval conditions. Subsequently, the planning permission was revoked on 13.4.2025 due to non-compliance with time-limited approval conditions on the submission of drainage proposal and implementation of both drainage and FSIs proposals.

### **6. Similar Applications**

During the past five years, there are four similar applications (No. A/YL-NSW/284, 298, 308 and 330) for temporary shop and services within the same “OU(CDWRA)” zone and another “OU(CDWRA)” zone, both on the NSW OZP, in the vicinity of the Site. All these applications were approved with conditions by the Committee between 2021 and 2024 mainly on similar considerations as stated in paragraph 5.2 above. Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

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

**7.1 The Site is:**

- (a) currently fenced-off, hard-paved, partly vacant and partly occupied by some temporary structures and containers for the applied use without valid planning permission; and
- (b) accessible from Fairview Park Boulevard to its north.

7.2 The surrounding areas are sub-urban in character and predominated by a mix of residential developments/structures including Lake Park, Royal Camellia, Kamease Garden, Helene Terrace and Villa Camellia, village settlements including Man Yuen Chuen, shop and services, vehicle repair workshop, restaurant, pet clinic and storage/open storage yards.

**8. Planning Intentions**

- 8.1. The planning intention of the “C/R” zone on the MP OZP is primarily for commercial and/or residential development. A selected range of commercial uses is always permitted to serve the local community.
- 8.2. The planning intention of the “OU(CDWRA)” zone on the NSW OZP is to provide incentive for the restoration of degraded wetlands adjoining existing fish ponds through comprehensive residential and/or recreational development in include wetland restoration area. It is also intended to phase out existing sporadic open storage and port back-up uses on degraded wetlands. Any new building should be located farthest away from Deep Bay.

**9. Comments from Relevant Government Departments**

9.1 Apart from the government department as set out in paragraph 9.2 below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses, if any, are provided in **Appendices III and IV** respectively.

9.2 The following government department has reservation on the application:

**Land Administration**

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

- (a) the Site comprises Old Schedule Agricultural Lot No. 3250 S.B ss.45 in D.D. 104 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;
- (b) he has reservation on the planning application since there is unauthorised structure(s) or use(s) on the said private lot which is already subject to lease enforcement actions according to case priority. The lot owner(s)

should rectify/apply for regularisation on the lease breaches as demanded by LandsD; and

(c) advisory comments are at **Appendix IV**.

## **10. Public Comment Received During Statutory Publication Period**

On 27.6.2025, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual raising concerns on the non-compliance with the approval conditions of the previous applications at the Site as well as safety and security issues arising from the applied use (**Appendix V**).

## **11. Planning Considerations and Assessments**

- 11.1 The application is for temporary shop and services with ancillary facilities for a period of three years at the Site partly zoned “C/R” on the MP OZP (about 62%) and partly zoned “OU(CDWRA)” on the NSW OZP (about 38%) (**Plan A-1**). While the applied use is always permitted within the “C/R” zone on the MP OZP, planning permission is required for the applied use within the “OU(CDWRA)” zone on the NSW OZP. While the applied use is not entirely in line with the planning intention of the “OU(CDRWA)” zone, there is no known long-term development programme or proposal for the Site and according to the applicant, the applied use is intended to serve the nearby residents. The Director of Agriculture, Fisheries and Conservation has no objection to the application from nature conservation perspective. Taking into account the above and planning assessments below, approval of the application on a temporary basis would not jeopardise the long-term planning intention of the “OU(CDWRA)” zone.
- 11.2 The applied use is considered not incompatible with the surrounding areas which are suburban in character and predominated by a mix of residential developments/structures, village settlements, shop and services, vehicle repair workshop, restaurant, pet clinic and storage/open storage yards. The Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective as no significant landscape impact arising from the applied use is anticipated.
- 11.3 Other relevant government departments consulted including the Commissioner for Transport, Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services (D of FS) have no objection to or no adverse comment on the application. To address the technical requirements of the concerned government departments, relevant approval conditions are recommended in paragraph 12.2 below. It is also recommended to advise the applicant to follow the CoP issued by the EPD to minimise any potential environmental nuisance caused by the applied use on the surrounding areas. Regarding DLO/YL, LandsD’s concerns on the unauthorised structure(s) and/or use(s) at the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application. The applicant has also committed to applying for STW to rectify the lease breaches upon planning approval given.
- 11.4 As detailed in paragraph 5 above, the Site is the subject of a previous application submitted by the same applicant for the same use at the same Site approved by the

Committee in 2023. The planning permission was subsequently revoked on 13.4.2025 due to non-compliance with time-limited approval conditions related to the submission of drainage proposal and implementation of both drainage and FSIs proposals. In support of the current application, the applicant has submitted drainage and FSIs proposals, and the FSIs proposal is considered acceptable by D of FS. As such, sympathetic consideration may be given to the current application. Should the Committee decide to approve the application, the applicant will be advised that should there be non-compliance with any of the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration may not be given to any further application.

- 11.5 There are also four approved similar applications within “OU(CDWRA)” zones in the vicinity of the Site in the past five years as detailed in paragraph 6 above. Approving the current application is in line with the Committee’s previous decisions.
- 11.6 Regarding the public comment as stated in paragraph 10 above, the departmental comments and planning assessments above are relevant.

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

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comment mentioned in paragraph 10 above, PlanD has no objection to the application.
- 12.2 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 three years until 15.8.2028. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

### Approval conditions

- (a) the submission of a revised drainage proposal within **6** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 15.2.2026;
- (b) in relation to (a) above, the implementation of the revised drainage proposal within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 15.5.2026;
- (c) in relation to (b) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (d) the implementation of the accepted fire service installations proposal within **9** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 15.5.2026;
- (e) if the above planning condition (c) 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; and
- (f) if any of the above planning condition (a), (b) or (d) 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.

### Advisory clauses

The recommended advisory clauses are at **Appendix IV**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the applied use is not in line with the planning intention of the "Other Specified Uses" annotated "Comprehensive Development to include Wetland Restoration Area" zone, which is to provide incentive for the restoration of degraded wetlands adjoining existing fish ponds through comprehensive residential and/or recreational development to include wetland restoration area, and to phase out existing sporadic open storage and port back-up uses on degraded wetlands. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.

## **13. Decision Sought**

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.1 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.
- 13.1 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.

## **14. Attachments**

<b>Appendix I</b>	Application Form with attachments received on 19.6.2025
<b>Appendix Ia</b>	FI received on 30.7.2025
<b>Appendix II</b>	Previous and Similar Applications
<b>Appendix III</b>	Government Departments' General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Appendix V</b>	Public Comment
<b>Drawing A-1</b>	Site Layout Plan
<b>Plan A-1</b>	Location Plan with Previous and Similar Applications
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and 4b</b>	Site Photos