

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-NSW/362

- Applicant** : Topfit HK Investment Limited represented by DeSPACE (International) Limited
- Site** : Lot 3250 S.B. ss. 49 (Part) in D.D. 104 and Adjoining Government Land (GL), Nam Sang Wai, Yuen Long
- Site Area** : About 80m² (including GL of about 51m² (about 63.8%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Nam Sang Wai Outline Zoning Plan (OZP) No. S/YL-NSW/11
- Zoning** : “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” (“OU(CDWRA)”)
[restricted to a maximum plot ratio of 0.4 and a maximum building height of 6 storeys]
- Application** : Temporary Shop and Services for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary shop and services for a period of three years at the application site (the Site), which falls within an area zoned “OU(CDWRA)” on the OZP (**Plan A-1a**). According to the Notes of the OZP for the “OU(CDWRA)” zone, ‘Shop and Services’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently occupied by the applied use without valid planning permission (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from Fairview Park Boulevard via a local track (**Plans A-2 and A-3**). According to the applicant, the applied use involves a two-storey structures (not exceeding 7.5m in height) with a total floor area of about 93m² for selling household hardware and related products (**Appendix Ia**). No parking or loading/unloading space is provided at the Site and all goods will be transported to the Site via trolleys. No goods vehicles and container vehicles will be allowed

to enter the Site. Besides, the replenishment of goods for the applied use will be carried out during non-peak hours in the daytime, but not in the nighttime. No workshop or open storage activities will be carried out within the Site at all times. The operation hours are from 9:00 a.m. to 6:00 p.m. daily (including public holidays). The layout plan submitted by the applicant is at **Drawing A-1**.

- 1.3 Majority of the Site is involved in two previous applications (No. A/YL-NSW/284 and 308) for temporary shop and services (convenience store) (details at paragraph 6 below) (**Plan A-1b**). Compared with the last application No. A/YL-NSW/308, the current application is submitted by a different applicant for the same use with changes in layout and development parameters, including increase in total floor area from about 80m² to about 93m² (i.e. +13m² / +16.3%), increase in number of storeys from 1 to 2 (i.e. +1 / +100%) and building height (BH) from 3m to 7.5m (i.e. +4.5m / +150%), and reduction in site coverage from 100% to 81% (i.e. -19%).
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 8.1.2026 (**Appendix I**)
 - (b) Further Information (FI) received on 12.2.2026[#] (**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 at the Application Form and FI at **Appendices I and Ia**, and can be summarised as follows:

- (a) The applied use on a temporary basis could meet the local demand of the residents for retail services. Given that there is no known future development plan for the Site, approval of the current application for three years would not jeopardise the long-term planning intention of the “OU(CDWRA)” zone. The planning permission granted could make economic use and utilise scarce land resources on a temporary basis.
- (b) The applied use is considered compatible with the surrounding environment. Applications No. A/YL-NSW/298 and 330 and A/YL-MP/335 and 361 for ‘shop and services’ use nearby were approved recently, reflecting that there is a growing demand for such ‘shop and services’ in the vicinity.
- (c) No insurmountable environmental, drainage and fire safety impacts are anticipated from the current application. The applicant will strictly follow the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (the CoP) issued by the Environmental Protection Department (EPD) to minimise nuisance to the surroundings. The applicant will also implement and maintain drainage facilities at its own cost. Drainage and fire service installations (FSIs) proposals are submitted in support of the current application.

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

The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion of the Site, the “Owner’s Consent/Notification” requirements are not applicable.

4. **Town Planning Board Guidelines**

Town Planning Board Guidelines for “Application for Developments within Deep Bay Area” (TPB PG-No. 12C) is relevant to this application. The Site falls within the Wetland Buffer Area (WBA) of the TPB PG-No. 12C and relevant extract of the Guidelines is attached at **Appendix II**.

5. **Background**

The Site is currently not subject to active planning enforcement action.

6. **Previous Applications**

Majority of the Site is involved in two previous applications (No. A/YL-NSW/284 and 308) for temporary shop and services (convenience store) which were approved with conditions by the Rural and New Town Planning Committee (the Committee) each for a period of three years in 2021 and 2023 respectively, mainly on the considerations that the temporary approval would not frustrate the long-term planning intention of the “OU(CDWRA)” zone; the proposed/applied use was not incompatible with surrounding land uses; and the relevant government departments consulted generally had no adverse comment or their concerns could be addressed by approval conditions. The two planning permissions were subsequently revoked on 5.5.2023 and 19.2.2025 respectively due to non-compliance with approval conditions on submission and/or implementation of drainage and FSIs proposals. Compared with the last application No. A/YL-NSW/308, the current application is submitted by a different applicant for the same use with changes in layout and development parameters as detailed in paragraph 1.3 above. Details of the application are summarised at **Appendix III** and their locations are shown on **Plan A-1b**.

7. **Similar Applications**

There are four similar applications, including No. A/YL-NSW/298 and 330 within the same and other “OU(CDWRA)” zones on the OZP, and No. A/YL-MP/358 and 392 straddling another “OU(CDWRA)” zone on the OZP and the “Commercial/Residential” zone on the approved Mai Po and Fairview Park OZP No. S/YL-MP/8 (the MP OZP)), in the vicinity of the Site in the past five years. All these applications were approved by the Committee from 2022 to 2025 each for a period of three years on similar considerations as mentioned in paragraph 6 above and the planning permissions under

Applications No. A/YL-NSW/298 and 330 and No. A/YL-MP/358 were subsequently revoked due to non-compliance with time-limited approval conditions. Details of the applications are summarised in **Appendix III** and their locations are shown on **Plan A-1a**.

8. The Site and Its Surrounding Areas (Plans A-1a, A-1b, A-2 to A-4)

8.1 The Site is:

- (a) currently occupied by the applied use without valid planning permission;
- (b) accessible from Fairview Park Boulevard via a local track; and
- (c) located within the WBA of Deep Bay Area.

8.2 The surrounding areas comprise predominantly low-rise residential developments (i.e. Fairview Park and Man Yuen Chuen) and a school within the “Residential (Group C)” zone on the MP OZP, residential dwellings, parking of vehicles, storage yard, a warehouse, a restaurant, shop and services (some of them were covered by valid planning permissions) and vacant land. The Site is bounded by Yau Pok Road and a nullah to Kam Tin River to its immediate east.

9. Planning Intention

The “OU(CDWRA)” zone is intended 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. 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.

10. Comments from Relevant Government Departments

All government 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 IV and V** respectively.

11. Public Comment Received During Statutory Publication Period

On 13.1.2026, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual objecting to the application mainly on the grounds that the applicant of the previous applications failed to comply with the approval conditions; and there is lack of justification for the applied use (**Appendix VI**).

12. Planning Considerations and Assessments

- 12.1 The application is for temporary shop and services for a period of three years at the Site which is zoned “OU(CDWRA)” (**Plan A-1a**). Whilst the applied use is not in line with the planning intention of the “OU(CDWRA)” zone, according to the applicant, it could provide retail service for selling daily necessities to local residents in the area to meet such demand. There is also no known long-term development proposal at the Site. Approval of the application on a temporary basis would not jeopardize the long-term planning intention of the “OU(CDWRA)” zone. Taking into account the above and the planning assessments below, there is no objection to the applied use on a temporary basis for a period of three years.
- 12.2 The applied use is considered not incompatible with the surrounding areas which comprise predominantly low-rise residential developments (i.e. Fairview Park and Man Yuen Chuen), residential dwellings, a school, parking of vehicles, storage yard, a warehouse, a restaurant, shop and services, vacant land, nullah and road (**Plans A-1a, A-2 and A-3**). The Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) has no adverse comments on the application from landscape planning perspective and considers that no significant adverse landscape impact arising from the applied use is anticipated.
- 12.3 While the Site falls within the WBA of TPB PG-No. 12C (**Plan A-1a**), planning applications for temporary uses are exempted from the requirement of ecological impact assessment. The Director of Agriculture, Fisheries and Conservation has no comment on the application from nature conservation point of view.
- 12.4 Other relevant government departments consulted, including the Commissioner for Transport, Chief Engineer/Mainland North, Drainage Services Department (who also considers the submitted drainage proposal acceptable), Director of Fire Services and Director of Environmental Protection, have no objection to or no adverse comment on the application. To address the technical requirements of the concerned departments, relevant approval conditions are recommended in paragraph 13.2 below. It is also recommended to advise the applicant to follow the CoP issued by EPD and other relevant environmental guidelines and legislation to minimise nuisance caused by the applied use on the surrounding areas.
- 12.5 There are two approved previous applications (**Plan A-1b**) and four approved similar applications within/straddling the same or other “OU(CDWRA)” zones (**Plan A-1a**) in the vicinity of the Site in the past five years as detailed in paragraphs 6 and 7 above. Approving the current application is in line with the Committee’s previous decisions.
- 12.6 Regarding the public comment as stated in paragraph 11 above, the departmental comments and planning assessments above are relevant. Besides, the previous applications with planning permissions revoked were not submitted by the applicant of the current application.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 and having taking into account the public comment in paragraph 11 above, PlanD has no objection to the application.
- 13.2 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 27.2.2029. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the implementation of the accepted 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 27.11.2026;
- (b) in relation to (a) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (c) the submission of a revised fire service installations proposal within **6** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 27.8.2026;
- (d) in relation to (c) above, the implementation of the revised 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 27.11.2026;
- (e) if the above planning condition (b) 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 conditions (a), (c) 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 V**.

- 13.3 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.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 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.
- 14.3 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.

15. Attachments

Appendix I	Application Form with supporting documents received on 8.1.2026
Appendix Ia	FI received on 12.2.2026
Appendix II	Relevant Extracts of TPB PG-No. 12C
Appendix III	Previous and Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comment
Drawing A-1	Site Layout Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Application Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
FEBRUARY 2026**