

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

**APPLICATION NO. A/YL-NSW/372**

- Applicant** : Gala Growth Company Limited represented by DeSPACE (International) Limited
- Site** : Lots 3719 S.G ss.9 RP and 3719 S.G ss.10 (Part) in D.D. 104 and Adjoining Government Land (GL), Nam Sang Wai, Yuen Long
- Site Area** : About 1,228m<sup>2</sup> (including GL of about 360m<sup>2</sup> (about 29.3%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Nam Sang Wai Outline Zoning Plan (OZP) No. S/YL-NSW/12
- 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 Eating Place (Restaurant) for a Period of Three Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary eating place (restaurant) 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, ‘Eating Place’ is a Column 2 use under the “OU(CDWRA)” zone which requires planning permission from the Town Planning Board (the Board). The Site is occupied by a New Territories Exempted House (NTEH) and a temporary structure, where the applied use was accommodated and is currently under renovation (**Plans A-2, A-4a and A-4b**).
- 1.2 The Site is accessible from Fairview Park Boulevard via a local track (**Plans A-1a to A-3**). According to the applicant, the existing NTEH (not more than 8.23m in height) and one temporary structure (not more than 5.48m in height) with a total floor area of about 1,224m<sup>2</sup> will be renovated to accommodate the applied use with ancillary staff quarters. Four parking spaces for private car and one loading/unloading (L/UL) space for light

goods vehicle (LGV) will be provided at the Site. The operation hours are between 7:30 a.m. and 10:00 p.m. daily, including Sundays and public holidays. The layout plan and floor plans submitted by the applicant are at **Drawings A-1 to A-4**.

- 1.3 Major part of the Site is the subject of 13 previous applications approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board between 1991 and 2026 (details in paragraph 6 below) (**Plan A-1b**). Compared with the last approved application No. A/YL-NSW/369 of which the planning permission is valid until 22.7.2029, the current application is submitted by the same applicant for the same use but with a larger site area (+388 m<sup>2</sup> / +46.2%), increase in total gross floor area (+355m<sup>2</sup> / +40.9%), reduction in site coverage and number of building blocks, provision of four parking spaces for private car, change in type of L/UL space from heavy goods vehicle to LGV, and consequential changes in the layout.
- 1.4 In support of the application, the applicant has submitted the following documents:
- |     |                                                                                                                                          |                      |
|-----|------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| (a) | Application Form with Supporting Planning Statement (SPS) received on 11.6.2026 and Supplementary Information (SI) received on 15.6.2026 | <b>(Appendix I)</b>  |
| (b) | Further Information (FI) received on 25.6.2026 <sup>#</sup>                                                                              | <b>(Appendix Ia)</b> |
| (c) | FI received on 8.7.2026*                                                                                                                 | <b>(Appendix Ib)</b> |
| (d) | FI received on 28.7.2026 <sup>#</sup>                                                                                                    | <b>(Appendix Ic)</b> |

<sup>#</sup> accepted and exempted from publication and recounting requirements

\* accepted but not 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, SPS, SI and FIs at **Appendices I to Ic**, and can be summarised as follows:

- (a) The applied use could meet the local demand of the residents and workers. As there is no known future development at the Site, approval of the current application for three years would not jeopardise the long-term planning intention of the “OU(CDWRA)” zone. Approval of the application could better utilise scarce land resources for economic use.
- (b) The applied use is considered compatible with the surrounding environment. Similar applications nearby for ‘shop and services’ and/or ‘eating place’ use(s) were also approved recently to reflect that there is a growing demand for such uses in the vicinity.
- (c) No insurmountable environmental, hygiene, traffic, drainage and fire safety impacts are anticipated from the current application. The applicant will also follow the ‘Control of Oil Fume and Cooking Odour from Restaurant and Food Business’ and the revised ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage

Sites' ('CoP') issued by the Environmental Protection Department (EPD) to minimise potential nuisance to the surroundings. The applicant will also implement and maintain drainage facilities and fire service installations (FSIs) at its own cost.

### **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 requirements as set out in the Town Planning Board Guidelines on the Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) 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**

Major part of the Site was involved in 13 previous applications (A/DPA/YL-NSW/4, A/YL-NSW/20, 40, 66, 111, 174, 193, 208, 228, 256, 279, 311 and 369). The first application (A/DPA/YL-NSW/4) was approved with conditions by the Committee in 1991 for a NTEH (Small House) and the considerations of which are not relevant to the application due to different use involved. The other 12 applications for the same eating place (restaurant) use (including six for renewal of planning approval granted) were all approved with conditions by the Committee between 1997 and 2026, mainly on the considerations that the temporary approval would not frustrate the long-term planning intention of the “OU(CDWRA)” zone; the applied use was not incompatible with surrounding land uses and would not cause significant adverse impacts on surrounding areas; and relevant government departments consulted generally had no adverse comment or their concerns could be addressed by approval conditions. Compared with the last approved application No. A/YL-NSW/369 of which the planning permission is valid until 22.7.2029, the current application is submitted by the same applicant for the same use with changes in development parameters and layout as mentioned in paragraph 1.3 above. Details of the previous applications are summarised in **Appendix III** and their locations are shown on **Plan A-1b**.

**7. Similar Application**

There is no similar application within the same and the other “OU(CDWRA)” zones on the OZP in the past five years.

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

8.1 The Site is:

- (a) accessible from Fairview Park Boulevard via a local track;
- (b) occupied by the applied use which is currently under renovation; and
- (c) located within the WBA of Deep Bay Area.

8.2 The surrounding areas comprise mainly the low-rise residential developments of Fairview Park and Man Yuen Chuen, village settlement, school, shop and services (one with valid planning permission under application No. A/YL-NSW/362), warehouses (two with valid planning permissions under applications No. A/YL-NSW/341 and 345), open storage yard, a site for parking of vehicles, a gardening site, grassland and vacant land. The Site is bounded by Yau Pok Road and a nullah leading to Kam Tin River to its southeast.

**9. Planning Intention**

The planning intention of the “OU(CDWRA)” zone 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. 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 16.6.2026 and 17.7.2026, the application was published for public inspection. During the statutory public inspection periods, no public comment was received.

## **12. Planning Considerations and Assessments**

- 12.1 The application is for temporary eating place (restaurant) for a period of three years at the Site zoned “OU(CDWRA)” (**Plan A-1a**). Whilst the applied use is not in line with the planning intention of the “OU(CDWRA)” zone, there is no known long-term development proposal at the Site and approval of the application on a temporary basis would not jeopardize the long-term planning intention of the “OU(CDWRA)” zone. Besides, according to the applicant, the applied use could meet the demand for such use from the local residents and workers. 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 mainly low-rise residential developments and village settlement, school, shop and services, warehouses, open storage yard, site for parking of vehicles, gardening site, grassland and vacant land (**Plans A-2 and A-3**). The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective and considers that the applied use is not incompatible with the surrounding environment and significant adverse landscape impact arising from the application is not 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 of Drainage Services Department, Director of Environmental Protection, Director of Fire Services and Director of Food and Environmental Hygiene, 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’ to minimise any potential nuisance caused by the applied use on the surrounding areas. The operation of the applied use is also subject to the relevant pollution control ordinances.
- 12.5 Major part of the Site is the subject of 12 relevant approved previous applications (**Plan A-1b**) for the same applied use as the current application since 1997. The planning permission of the last approved application No. A/YL-NSW/369 is valid until 22.7.2029 and the current application is submitted for the changes in development parameters and layout as mentioned in paragraph 1.3 above. Approving the current application is in line with the previous decisions of the Committee.

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

- 13.1 Based on the assessments made in paragraph 12 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 28.8.2029. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the submission of a 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 28.2.2027;
- (b) in relation to (a) above, the implementation of the 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 28.5.2027;
- (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 submission of a 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 28.8.2027;
- (e) in relation to (d) above, the implementation of the 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 28.8.2027;
- (f) 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
- (g) if any of the above planning condition (a), (b), (d) or (e) 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 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**

|                            |                                                                                 |
|----------------------------|---------------------------------------------------------------------------------|
| <b>Appendix I</b>          | Application Form with SPS received on 11.6.2026 and<br>SI received on 15.6.2026 |
| <b>Appendix Ia</b>         | FI received on 25.6.2026                                                        |
| <b>Appendix Ib</b>         | FI received on 8.7.2026                                                         |
| <b>Appendix Ic</b>         | FI received on 28.7.2026                                                        |
| <b>Appendix II</b>         | Relevant Extracts of TPB PG-No. 12C                                             |
| <b>Appendix III</b>        | Previous Applications                                                           |
| <b>Appendix IV</b>         | Government Departments' General Comments                                        |
| <b>Appendix V</b>          | Recommended Advisory Clauses                                                    |
| <b>Drawing A-1</b>         | Site Layout Plan                                                                |
| <b>Drawings A-2 to A-4</b> | Floor Plans                                                                     |
| <b>Plan A-1a</b>           | Location Plan                                                                   |
| <b>Plan A-1b</b>           | Previous Application Plan                                                       |
| <b>Plan A-2</b>            | Site Plan                                                                       |
| <b>Plan A-3</b>            | Aerial Photo                                                                    |
| <b>Plans A-4a and A-4b</b> | Site Photos                                                                     |

**PLANNING DEPARTMENT  
AUGUST 2026**