

Previous s.16 Applications involving the Application Site

Approved Application

No.	Application No.	Use(s)/Development(s)	Date of Consideration (RNTPC)
1.	A/YL-NSW/298	Proposed Temporary Shop and Services for a Period of 3 Years	24.6.2022 [revoked on 24.12.2023]

Rejected Application

Application No.	Use(s)/Development(s)	Date of Consideration (RNTPC)
A/YL-NSW/153	Temporary Open Storage of Construction Materials and Ancillary Site Office for a Period of 2 Years	4.2.2005

**Similar s.16 Applications within/straddling the “OU(CDWRA)” zone(s)
on the Nam Sang Wai Outline Zoning Plan in the Past Five Years**

Approved Applications

No.	Application No.	Use(s)/Development(s)	Date of Consideration (RNTPC)
1.	A/YL-NSW/284	Proposed Temporary Shop and Services (Convenience Store) for a Period of 3 Years	5.2.2021 [revoked on 5.5.2023]
2.	A/YL-NSW/308	Proposed Temporary Shop and Services (Convenience Store) for a Period of 3 Years	19.5.2023 [revoked on 19.2.2025]
3.	A/YL-MP/358	Proposed Temporary Shop and Services for a Period of 3 Years	13.10.2023 [revoked on 13.4.2025]
4.	A/YL-NSW/330	Proposed Temporary Shop and Services (Motor-vehicle Showroom) for a Period of 3 Years	2.8.2024 [revoked on 2.2.2026]
5.	A/YL-MP/392	Temporary Shop and Services with Ancillary Facilities for a Period of 3 Years	15.8.2025
6.	A/YL-NSW/362	Temporary Shop and Services for a Period of 3 Years	27.2.2026

Government Departments' General Comments

1. Traffic

Comments of the Commissioner for Transport:

- no adverse comment to the application from traffic engineering perspective; and
- advisory comments are in **Appendix IV**.

Comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD):

- no in-principle objection to the application from highway maintenance point of view; and
- advisory comments are in **Appendix IV**.

2. Environmental

Comments of the Director of Environmental Protection:

- no objection to the application from environmental planning perspective;
- there are residential buildings within 100m from the boundary of the application site (the Site) and within 50m of the access road. Based on the information provided by the applicant, the proposed use would not cause traffic of heavy vehicle and dusty operation;
- there was no substantiated environmental complaint concerning the Site received in the past three years; and
- advisory comments are at **Appendix IV**.

3. Drainage

Comments of the Chief Engineer/Mainland North, Drainage Services Department:

- no in-principle objection to the application from the drainage point of view;
- should the application be approved, approval condition(s) should be stipulated in the approval letter requiring the applicant to submit and implement a revised drainage proposal, and to maintain the implemented facilities to the satisfaction of the Director of Drainage Services or the Town Planning Board; and
- advisory comments are at **Appendix IV**.

4. Fire Safety

Comments of the Director of Fire Services:

- no in-principle objection to the application subject to fire service installations (FSIs) and water supplies for firefighting being provided to his satisfaction; and
- detail comments on the FSIs proposal are at **Appendix IV**.

5. **Urban Design and Landscape**

Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department:

- no adverse comment on the application from visual perspective;
- the Site is located in an area characterised by village type developments with low-rise buildings of one to three storeys. The proposed temporary development involving 12 one-storey structures with building heights of not more than 3m and a total floor area of about 160m² (plot ratio of 0.12) is considered not incompatible with the surrounding context from visual perspective;
- no adverse comments to the application from landscape planning perspective;
- based on the aerial photo taken in 2024 and 2025, the Site was located in an area of comprehensive residential development landscape character comprising village houses, temporary structures, ponds and scattered tree clusters. The proposed use is not incompatible with the surrounding environment;
- with reference to the aerial photos, site photos (**Plans A-4a and A-4b**) and site inspection on 25.6.2026, the Site was generally formed and vacant. One tree of common species was found along the northwestern periphery of the Site. According to the Application Form (**Appendix I**), no tree felling will be involved. Significant adverse landscape impact arising from the application is not anticipated;
- notwithstanding the above, it is noted from the aerial photos taken in 2024 that trees and vegetation were found within the Site. However, as observed from the site photos taken on 22.6.2026 (**Plans A-4a and A-4b**), clearance of trees and vegetation has taken place; and
- advisory comments are at **Appendix IV**.

6. **District Officer's Comments**

Comments of the District Officer (Yuen Long), Home Affairs Department:

- no comment on the application; and
- his office has not received comment from locals upon close of consultation.

7. **Other Departments**

The following government departments have no objection to or no comment on the application and their advisory comments, if any, are at **Appendix IV**:

- Chief Engineer/Railway Development 1-1, Highways Department (HyD);
- Project Manager/Major Works, HyD;
- Chief Engineer/Construction, Water Supplies Department;
- Director of Agriculture, Fisheries and Conservation;
- Project Manager (West), Civil Engineering and Development Department (CEDD);
- Head of Geotechnical Engineering, CEDD;
- Chief Building Surveyor/New Territories West, Building Department;
- Director of Food and Environmental Hygiene;
- Director of Electrical and Mechanical Services; and
- Commissioner of Police.

Recommended Advisory Clauses

- (a) the permission is given to the use and/or structures under application. It does not condone any other use(s) and/or structure(s) which currently occur on the application site (the Site) but is/are not covered by the application. Immediate action should be taken to discontinue such use(s) and/or remove such structure(s) not covered by the permission;
- (b) should the applicants fail to comply with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given by the Rural and New Town Planning Committee/Town Planning Board to any further application;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that:
 - Lot No. 3250 S.B RP in D.D. 104, which has been carved out into lots including Lot No. 3250 S.B ss.46 in D.D. 104, is 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;
 - the lot owner(s) shall apply to his office for a Short Term Waiver (STW) to permit the structures erected within the Site. The application(s) for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that it will be approved. The STW application, if approved, will be subject to such terms and conditions including the payment of waiver fee and administrative fee as considered appropriate by LandsD. Besides, given the proposed use is temporary in nature, only erection of temporary structure(s) will be considered; and
 - should any STW/Short Term Tenancy (STT) applications be submitted to DLO/YL, LandsD after the date of the project pre-clearance survey, DLO/YL, LandsD will not process either regularisation or new applications for STW/STT in accordance with the current guidelines of LandsD;
- (d) to note the comments of the Commissioner for Transport that the Site is connected to the public road network via a section of a local access road which is not managed by the Transport Department (TD). The land status of the local access road should be checked with LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that:
 - the proposed access arrangement of the Site should be approved by TD; and
 - adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public road and drains;

- (f) to note the comments of the Director of Environmental Protection that the applicant shall comply with all environmental protection/pollution control ordinances and the required mitigation measures in the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' to minimise the potential environmental nuisance on the surrounding areas;
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that:
- the detailed comments on the drainage proposal previously provided to the applicant shall be taken into account in the future submission of drainage proposal;
 - the applicant shall demonstrate in the revised drainage proposal that the proposed use will not obstruct the overland flow nor cause any adverse drainage impact to the adjacent areas;
 - the applicant shall be liable for any adverse drainage impact due to the proposed use; and
 - to encourage a higher quality submission and avoid rounds of comments, thereby shortening the processing time, the applicant shall complete the checklist previously provided in preparing the drainage proposal and include the checklist in the future submission of drainage proposal. Otherwise, a longer processing time may be required;
- (h) to note the comments of the Director of Fire Services that:
- the applicant shall submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to the Fire Services Department (FSD) for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of proposed FSIs to be installed should be clearly marked on the layout plans;
 - the detailed comments on the previously-submitted FSIs proposal provided to the applicant shall be taken into account in the future submission of the revised FSIs proposal; and
 - if the proposed structures are required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire services requirements will be formulated upon receipt of formal submission of general building plans;
- (i) to note the comments from Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) that approval of the application does not imply approval of tree works such as crown and root pruning, transplanting and felling. The applicant is reminded to seek approval for any proposed tree works from relevant departments prior to commencement of the works;
- (j) to note the comments of the Head of Geotechnical Engineering, Civil Engineering and Development Department that the applicant shall submit the proposed building works to the Buildings Department (BD) for approval as required under the provisions of the BO;

(k) to note the comments of the Chief Building Surveyor/New Territories West, BD that:

- it is noted that 12 structures are proposed in the application. Before any new building works (including containers/open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on the Site, prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are unauthorized building works (UBW) under the BO. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
- the Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively;
- the Site does not abut on a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;
- if the existing structures are erected on leased land without the approval of the BA, they are UBW under the BO and should not be designated for any proposed use under the application;
- for UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with the prevailing enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO;
- any temporary shelters or converted containers for office, storage, washroom or other uses which are considered as temporary buildings are subject to the control of Part VII of the B(P)R; and
- detailed checking under the BO will be carried out at the building plan submission stage;

(l) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that:

- no Food and Environmental Hygiene Department's (FEHD's) facilities shall be affected;
- proper licence/permit issued by this Department is required if there is/are any food business/catering service/activities regulated by DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public:
 - (i) in accordance with the Public Health and Municipal Services Ordinance (Cap. 132) and the Food Business Regulation (Cap. 132X), a food business licence should be obtained for any premises intended to operate the relevant type of food business (e.g. restaurant, food factory, fresh provision shop, etc.) listed in the Regulation. The application for licence, if acceptable by FEHD, will be referred to relevant government departments such as BD, FSD and PlanD for comment. If there is no objection from the departments concerned, a letter of requirements will be issued to the applicant for compliance and the licence will be issued upon compliance of all the requirements;

- (ii) depending on the mode of operation, generally there are several types of food business licence/permits that the operator may apply for under the Food Business Regulation:
 - if food is sold to customers for consumption on the premises, a restaurant licence should be obtained;
 - if food is only prepared for sale for consumption off the premises, a food factory licence should be obtained;
 - if fresh, chilled or frozen beef, mutton, pork, reptiles (including live snake), fish (including live fish) and poultry is sold, a fresh provision shop licence should be obtained; and
 - if restricted foods like milk, frozen confections, non-bottled drinks, cut fruit etc. are to be sold, relevant restricted food permits should be obtained;
 - (iii) when choosing a premises for food business licences, the applicant must ensure that the operation of food business at the subject premises is in compliance with the requirements imposed under the legislation administered by FEHD, other government departments and the relevant authorities. No part of a food premises should be located in, under or over any structures built without the approval and consent of the Building Authority. Applicants should satisfy FEHD that their premises applying for a food business licence be (i) free of unauthorised building works; (ii) in compliance with Government lease conditions; and (iii) in compliance with statutory plan restrictions, otherwise FEHD will not process the application for a licence further;
- proper licence issued by FEHD is required if related place of entertainment is involved. Any person who desires to keep or use any place of public entertainment (PPE) for example a theatre and cinema or a place, building, erection or structure, whether temporary or permanent, on one occasion or more, capable of accommodating the public presenting or carrying on public entertainment within Places of Public Entertainment Ordinance (Cap. 172) and its subsidiary legislation, such as a concert, opera, ballet, stage performance or other musical, dramatic or theatrical entertainment, cinematograph or laser projection display, a circus, a lecture or story-telling, an exhibition of any one or more of the following, namely, pictures, photographs, books, manuscripts or other documents or other things, a sporting exhibition or contest, a bazaar, a dance party or an amusement ride and mechanical device which is designed for amusement, a PPE Licence (or Temporary PPE Licence) should be obtained from FEHD whatever the general public is admitted with or without payment;
 - there should be no encroachment on the public place and no environmental nuisance should be generated to the surroundings. Its state should not be a nuisance or injurious or dangerous to health and surrounding environment. Also, for any waste generated from such activities/operation, the applicant should arrange disposal properly at their own expenses; and
 - the applicant should conduct, by all practical means, pest control measures to avoid infestation of pest including mosquitos and rodents at the Site and its surroundings; and

- (m) to note the comments of the Director of Electrical and Mechanical Services that based on the information provided, there are 400kV extra high voltage overhead lines running above the Site, which is within the preferred working corridor of the concerned overhead lines as stipulated in the Hong Kong Planning Standards and Guidelines (HKPSG) published by PlanD. The applicant should observe the requirements of minimum safety clearance, minimum vertical clearance and preferred working corridor of the concerned overhead lines as stipulated in Clause 2.3.5, 2.3.6 and 2.3.14 under Chapter 7 - Utility Services of the HKPSG published by PlanD and ensure they should be maintained at any time during and after construction;
- no scaffolding, crane and hoist should be built or operated within 6m from the outermost 400kV conductors at all times. Warning notices should be posted at conspicuous locations to remind operators and workers of the site boundary. CLP Power should be consulted on the safety precautions required for carrying out any works near the concerned overhead lines;
 - in any time during and after construction, CLP Power should be allowed to get access to the working corridor area of the concerned overhead lines for carrying out any operation, maintenance and repair work including tree trimming;
 - the applicant and his contractors shall observe the Electricity Supply Lines (Protection) Regulation and the 'Code of Practice on Working near Electricity Supply Lines' established under the Regulation when carrying out works in the vicinity of the electricity supply lines;
 - as regards the electric and magnetic fields arising from the transmission overhead lines, the applicant should be warned of possible undue interference to some electronic equipment in the vicinity;
 - the applicant shall note that there are high pressure underground town gas transmission pipeline and the Fairview Park offtake station located in the vicinity of the Site;
 - the project proponent/works contractor should therefore liaise with the Hong Kong and China Gas Company Limited in respect of the exact locations of existing or planned gas pipes/gas installations in the vicinity of the proposed work areas and any required minimum set back distance away from them during the design and construction stages of the works; and
 - the applicant shall observe the requirements of the Electrical and Mechanical Services Department's Code of Practice on 'Avoidance of Damage to Gas Pipes' 2nd Edition for reference.

寄件者: [REDACTED]
寄件日期: 2026年07月07日星期二 0:17
收件者: tpbpd/PLAND
主旨: A/YL-NSW/371 DD 104 Nam Sang Wai Wetlands
類別: Internet Email

A/YL-NSW/371

Lots 3250 S.B ss.46 (Part) and 3250 S.A RP in D.D. 104, Nam Sang Wai

Site area: 1,286sq.m

Zoning: "Other Specified Uses" annotated "Comprehensive Development to include Wetland Restoration Area"

Applied use: 12 Shops / ??? Parking

Dear TPB.Members,

298 approved 24 June 2022, revoked 24 Dec 2023 for failure to fulfil many conditions.

However not only was the operation not suspended, the operator extended the site to include twelve outlets.

Why was this tolerated? No mention in the papers of any measures to implement conditions. Also, how can a dozen shops operate with no offloading facility.

Are food items being sold? If so there should certainly be handwashing facilities.

Members did not question this in 2022. They should fulfil their duty 'to inquire into matters' this time around.

The application should be rejected.

Mary Mulvihill

From: [REDACTED]
To: tpbpd <tpbpd@pland.gov.hk>
Date: Wednesday, 25 May 2022 11:57 PM HKT
Subject: A/YL-NSW/298 DD 104 Nam Sang Wai Wetlands

☐Urgent ☐Return receipt ☐Expand Group ☐Restricted ☐Prevent Copy ☐Confidential

Dear TPB Members,

295 withdrawn, back with 9 shops and no parking. Ummm so how are goods delivered to the stores?

Fairview Park has its own mall, no need for additional retail nodes.

Previous objections upheld.

Mary Mulvihill

From: [REDACTED]
To: tpbpd <tpbpd@pland.gov.hk>
Date: Friday, 18 February 2022 1:50 AM CST
Subject: A/YL-NSW/295 DD 104 Nam Sang Wai Wetlands

A/YL-NSW/295

Lot 3250 S.B ss.46 (Part) in D.D. 104, Nam Sang Wai

Site area : 700sq.m

Zoning : "Other Specified Uses" annotated "Comprehensive Development to include Wetland Restoration Area"

Applied use : 6 Shops / ??? Parking

Dear TPB Members,

Strongest objections. This is a buffer zone with trees close to and opposite to a group of large ponds.

No data as to how many trees would be felled.

The function of this buffer is obviously to mitigate the impact of noise and light pollution on the ecosystem of the wetlands.

There are hundreds of empty shop premises around the territory and, going by what I see in my district, more on the way. There is absolutely no justification in disturbing the WRA for commercial purposes.

No mention of parking that would generate additional negative impact on the local environment.

Members must reject this inappropriate application.

Mary Mulvihill