

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-NSW/371

- Applicants** : Somerset Group Limited (日森集團有限公司) and Silver Best Development Limited (銀輝發展有限公司)
- Site** : Lots 3250 S.A RP and 3250 S.B ss.46 (Part) in D.D. 104, Nam Sang Wai, Yuen Long
- Site Area** : About 1,286m²
- 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** : Proposed Temporary Shop and Services for a Period of Three Years

1. The Proposal

- 1.1 The applicants seek planning permission for proposed 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 elongated in shape, partially hard-paved and largely vacant with some container structures in the western portion of the Site (**Plans A-2, A-4a and A-4b**).
- 1.2 The Site is accessible from Kam Pok Road via a local track (**Plans A-1 and A-3**). According to the applicants, the proposed use involves 12 single-storey structures (not exceeding 3m in height) with a total floor area of about 160m² for selling vehicle parts (**Appendix Ia**). No parking or loading/unloading (L/UL) space is provided within the Site and no goods vehicles and container vehicles will be allowed to enter the Site. Replenishment of goods for the proposed use will be carried out by trolleys from Man Yuen Chuen¹ during non-peak hours only in the daytime. No open storage, storage of flammable goods, car beauty/washing, vehicle repairing, dismantling, spray painting, recycling or other workshop activities will be carried out at the Site at all times.

¹ The applicants claimed that they lived in Man Yuen Chuen.

Besides, no loud speakers, neon-light signboards or night lighting system will be used at the Site at all times. The operation hours will be from 8:00 a.m. to 7:00 p.m. daily, including public holidays. The site layout plan submitted by the applicants is at **Drawing A-1**.

- 1.3 Major part of the Site is involved in two previous applications (No. A/YL-NSW/153 and 298) for open storage and shop and services uses respectively (details at paragraph 6 below) (**Plan A-1b**). Compared with the last approved application No. A/YL-NSW/298, the current application submitted by two applicants, including one being the applicant of the last application, is for the same shop and services use but with increase in site area from about 700m² to 1,286m² (i.e. +586m²/+45.56%), increase in number of structures from 9 to 12 (i.e. +3/+25%), reduction in total floor area from about 342m² to 160m² (i.e. -182m²/-46%) and the consequential changes in layout.
- 1.4 In support of the application, the applicants have submitted the following documents:
- (a) Application Form with attachments received on 11.6.2026 **(Appendix I)**
 - (b) Further Information (FI) received on 10.8.2026[#] **(Appendix Ia)**
 - (c) FI received on 23.9.2026* **(Appendix Ib)**
- [#] accepted and but not exempted from publication and recounting requirements
- * accepted and exempted from publication and recounting requirements
- 1.5 On 24.7.2026, the Rural and New Town Planning Committee (the Committee) of the Board agreed to the applicants' request to defer making a decision on the application for two months.

2. **Justifications from the Applicants**

The justifications put forth by the applicants in support of the application are detailed at the Application Form and FIs at **Appendices I to Ib** and can be summarised as follows:

- (a) The proposed use is to provide retail services for selling vehicle parts and serve the local neighborhood. It is only temporary in nature, small in scale and compatible with the surroundings. Approval of the planning application could make economic use of scarce land resources on a temporary basis.
- (b) No insurmountable traffic, environmental, drainage and fire safety impacts are anticipated from the current application. The applicants will strictly follow the '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 nuisance to the surroundings. Besides, surveillance camera will be installed at the Site to ensure public safety. Drainage and fire service installations (FSIs) proposals have been submitted in support of the current application. The applicants also commit to applying for Short Term Waiver (STW) for the proposed use upon approval of the application.

3. **Compliance with the "Owner's Consent/Notification" Requirements**

The applicants are the sole "current land owner". Detailed information would be deposited at the meeting for Members' inspection.

4. **Background**

The Site has been formed before the 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**

Major part of the Site is involved in two previous applications. Application No. A/YL-NSW/153 for temporary open storage of construction materials and ancillary site office was rejected by the Board upon review in 2005 and the considerations are irrelevant to the current application due to different uses involved. The last previous application No. A/YL-NSW/298 for temporary shop and services was approved with conditions by the Committee on 24.6.2022 for a period of three years, mainly on the considerations that the temporary approval would not frustrate the long-term planning intention of the “OU(CDWRA)” zone; the proposed 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 planning permission was subsequently revoked in 2023 due to non-compliance with time-limited conditions on submission and implementation of drainage and FSIs proposals. The current application is submitted by two applicants, of which one is the same applicant of the last application No. A/YL-NSW/298. Compared with the last application, the current application is for the same use with changes in development parameters and layout as detailed in paragraph 1.3 above. Details of the applications are summarised at **Appendix II** and their locations are shown on **Plan A-1b**.

6. **Similar Applications**

There are six similar applications covering three sites, including No. A/YL-NSW/284, 308, 330 and 362 within the adjacent “OU(CDWRA)” zone, and No. A/YL-MP/358 and 392 straddling the same “OU(CDWRA)” zone and “Commercial/Residential” zone on the approved Mai Po and Fairview Park OZP No. S/YL-MP/10 (the MP OZP), in the vicinity of the Site in the past five years. All these applications were approved with conditions by the Committee from 2021 to 2026 each for a period of three years on similar considerations as mentioned in paragraph 5 above. The planning permissions under Applications No. A/YL-NSW/284, 308 and 330 and A/YL-MP/358 were subsequently revoked due to non-compliance with time-limited approval conditions. Details of the applications are summarised in **Appendix II** and their locations are shown on **Plan A-1a**.

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

7.1 The Site is:

- (a) accessible from Kam Pok Road via a local track; and
- (b) elongated in shape, partially hard-paved and largely vacant with some container structures on the western side of the Site.

7.2 The surroundings areas comprise mainly low-rise residential developments (i.e. Man Yuen Chuen, Royal Camellia, Kamease Garden and Greenery Gardens) and a vehicle repair workshop to the north and ponds and scattered residential structures to the south.

8. **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.

9. **Comments from Relevant Government Departments**

9.1 Apart from the government department as set out in paragraph 9.2 below, other relevant 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 adverse comments on the application:

Land Administration

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

- (a) the Site comprises Old Schedule Agricultural Lots No. 3250 S.A RP and 3250 S.B ss. 46 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;

Unauthorised structure(s) within the said private lot(s) covered by the planning application

- (b) LandsD has reservation on the planning application since there are unauthorised structures and uses on Lot No. 3250 S.B RP (which has been carved out into lots including Lot No. 3250 S.B ss.46) in D.D. 104 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) the applicant should note his advisory comments at **Appendix IV**.

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

On 16.6.2026, 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 current application involves a larger site despite the revocation of the previous approval and there is a lack of justification on the absence of L/UL spaces for the proposed use (**Appendix V**).

11. **Planning Considerations and Assessments**

11.1 The application is for proposed temporary shop and services for a period of three years at the Site zoned “OU(CDWRA)” (**Plan A-1a**). Whilst the proposed use is not in line with the planning intention of the “OU(CDWRA)” zone, there is also no known

development proposal at the Site and approval of the application on a temporary basis would not jeopardise the long-term planning intention of the “OU(CDWRA)” zone. Besides, according to the applicants, the proposed use could provide retail service of vehicle parts to the locals in the area. Taking into account the above and the planning assessments below, there is no objection to the proposed use on a temporary basis for a period of three years.

- 11.2 The proposed use is considered not incompatible with the surrounding areas which comprise mainly low-rise residential developments (i.e. Man Yuen Chuen, Royal Camellia, Kamease Garden and Greenery Gardens), ponds, scattered residential structures and a vehicle repair workshop (**Plans A-1a, A-2 and A-3**). The Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) has no adverse comment on the application from visual and landscape planning perspectives and considers that the proposed use is not incompatible with the surroundings and no significant adverse landscape impact arising from the proposed use is anticipated.
- 11.3 Other relevant government departments consulted, including the Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department, Director of Fire Services, Director of Agriculture, Fisheries and Conservation 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 12.2 below. It is also recommended to advise the applicants to follow the ‘CoP’ and other relevant environmental guidelines and legislation to minimise any potential nuisance caused by the proposed use on the surrounding areas. Regarding DLO/YL of LandsD’s concern on the unauthorised structures erected within the Site, the applicants will be advised to liaise with LandsD on these land administration matters should the Committee approve the current application. Besides, the applicant has also committed to applying to DLO/YL of LandsD for STW upon approval of the application.
- 11.4 The Site is the subject of an approved previous application No. A/YL-NSW/298 for the same use (**Plan A-1b**) which was submitted by one of the applicants of the current application as mentioned in paragraph 5 above. Whilst the planning permission under the previous application was revoked in 2023 due to non-compliance with time-limited approval conditions related to submission and implementation of drainage and FSIs proposals, the applicants have submitted drainage and FSIs proposals in support of the current application. In this regard, sympathetic consideration may be given to the current application. Should the application be approved by the Committee, the applicants will be advised that should they fail to comply with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given to any further application.
- 11.5 There are six approved similar applications within/straddling the same or the nearby “OU(CDWRA)” zones (**Plan A-1a**) 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 previous decisions of the Committee.
- 11.6 Regarding the public comment as stated in paragraph 10 above, the applicants have explained the operation for the proposed use while no L/UL space will be provided within the Site as set out in paragraph 1.2 above. Besides, departmental comments and planning assessments above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taking into account the public comment 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 9.10.2029. 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 9.4.2027;
- (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 9.7.2027;
- (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 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 9.4.2027;
- (e) in relation to (d) 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 9.7.2027;
- (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 IV**.

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

the proposed 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.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 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.
- 13.3 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.

14. Attachments

Appendix I	Application Form with supporting documents received on 11.6.2026
Appendix Ia	FI received on 10.8.2026
Appendix Ib	FI received on 23.9.2026
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	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
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2026**