

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-NSW/341

<u>Applicant</u>	: Prosperous Capital Resources Limited represented by Tai Wah Development Consultants Limited
<u>Site</u>	: Lot 3719 S.H ss.4 (Part) in D.D. 104, Tai Sang Wai, Yuen Long
<u>Site Area</u>	: About 1,769 m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Nam Sang Wai Outline Zoning Plan (OZP) No. S/YL-NSW/10 (currently in force) Draft Nam Sang Wai Outline Zoning Plan No. S/YL-NSW/9 (at the time of submission)
<u>Zoning</u>	: “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” (“OU(CDWRA)”) <i>[restricted to a maximum plot ratio of 0.4 and a maximum building height of 6 storeys including car park]</i> (no change on the current OZP)
<u>Application</u>	: Proposed Temporary Warehouse (excluding Dangerous Goods Godown) with Ancillary Facilities and Associated Filling of Land and Pond for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary warehouse (excluding dangerous goods godown) with ancillary facilities and associated filling of land and pond 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 covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). Filling of pond and/or land within “OU(CDWRA)” zone also requires planning permission from the Board. The Site is currently formed, hard-paved and largely vacant with minor portions occupied by storage of some construction materials (**Plans A-2 to A-4b**).

- 1.2 According to the applicant, the application is to facilitate the relocation of a part of a business operation at a site (with an area of about 19,025m²) in Ngau Tam Mei (NTM) which will be affected by government project, i.e. Potential Development Area under the Land Use Review Study for NTM Area (NTM development¹). The site of the affected operation is anticipated to be resumed for the implementation of the NTM development.
- 1.3 The Site is accessible via a local track leading to Fairview Park Boulevard which is connected to Castle Peak Road – Tam Mi (**Drawing A-1, Plans A-1a and A-3**). According to the applicant, the proposed temporary warehouse with a total floor area of about 2,236m² is for storage of miscellaneous goods (including packaged food, apparel, footwear, electronic goods and furniture, etc.), comprising one two-storeys structure (about 13m in height) which will be fully enclosed for warehouses, site office and washroom, and a single-storey rain shelter (about 7m in height) for loading/unloading (L/UL) activities (**Drawing A-2**). All items will be stored within the enclosed structure, and no dangerous goods will be stored and no workshop or open storage activities will be carried out at the Site. Solid metal fencing of 2.5m tall is proposed along the boundary of the Site to minimize potential nuisance to the surrounding areas. Two private car parking spaces and two L/UL spaces for light goods vehicles (LGVs) will be provided within the Site. Sufficient manoeuvring space will also be provided within the Site to ensure that no vehicles will turn back outside the Site. Only private cars and LGVs are allowed to enter the Site. The applicant also applies for regularisation of filling of pond with an area of about 1,415m² with a depth of about 0.5m (about 80% of the Site) and filling of land for the entire Site with concrete with a depth of not more than 0.2m up to a level of +4.5mPD for site formation of structures, vehicular circulation, parking and L/UL spaces (**Drawing A-3**). The proposed operation hours are between 9:00 a.m. and 7:00 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. The vehicular access plan, layout plan and land and pond filling plan submitted by the applicant are at **Drawings A-1 to A-3** respectively.
- 1.4 The Site is involved in eight previous applications (No. A/DPA/YL-NSW/22, A/YL-NSW/14, 21, 30, 59, 68, 113 and 139) for various temporary brownfield operations or uses, two of which were approved by the Rural and New Town Planning Committee (the Committee) between 1997 and 1999 (**Plan A-1b**) (details at paragraph 6 below).
- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with supplementary planning (**Appendix I**) statement (SPS) received on 5.3.2025
 - (b) Further Information (FI) received on 9.5.2025 [#] (**Appendix Ia**)
- [#] *accepted and exempted from publication and recounting requirements*
- 1.6 On 2.5.2025, the Committee of the Board agreed to defer making a decision on the application for two months as requested by the applicant.

¹ According to the latest programme, the works for NTM development is anticipated to commence in 2027.

2. **Justifications from the Applicant**

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

- (a) The proposed use is to facilitate the relocation of a part of an affected brownfield operation (i.e. a storage yard) in NTM² to a fully enclosed structure at the Site to make way for the implementation of NTM development, under which the site of the affected business is anticipated to be partly resumed for Integrated Medical Teaching and Research Hospital and Third Medical School.
- (b) The applicant has conducted a thorough site search for relocation of the affected operation, but sites identified were considered not suitable due to various issues such as incompatibility with the surrounding areas, environmental concerns and land ownership issues. Approval of the current application can facilitate the relocation of the affected operations and minimise the impacts on the implementation of government project.
- (c) Four planning applications for four sites (including the current application)³ are submitted to facilitate the relocation of the same affected brownfield operation in NTM due to the difficulty in finding suitable site with sizable land area. While the four applications have a combined site area of about 3.9ha which is larger than the affected brownfield operation (site area of about 1.9ha), the applicant considers that there is a substantial growth in the demand for local indoor storage space and the increase in site area can enhance operational efficiency with additional space. Besides, circulation space is required for each site.
- (d) The proposed use will support the transformation of brownfield operations in the New Territories, which echoes with the Government's intention to consolidate brownfield operations in a more land-efficient manner and enhance storage condition by protecting stored items from environmental harm.
- (e) The surrounding areas are mainly occupied by brownfield operations, including warehouses, logistics centres and open storage yards, and residential developments. The proposed use is considered not entirely incompatible with the surrounding areas.
- (f) The Site is currently vacant with no known long-term planned development. The proposed use is temporary in nature and approval of the current application will not frustrate the long-term planning of the "OU(CDWRA)" zone.
- (g) The proposed use will not create significant nuisance and traffic impact on the surrounding areas. The applicant will follow relevant requirements in the latest

² This applicant submitted the current application on behalf of the operator of the affected brownfield operation in NTM, with a memorandum of understanding undertaking that (i) the operator in NTM has authorized the applicant to handle relocation matters on behalf of the operator and (ii) the operator in NTM will be the future operator of the Site.

³ Four planning applications (No. A/YL-NSW/341, 342, 345 and 346) are collectively submitted to facilitate the relocation of the same brownfield operation affected by NTM development. Application No. A/YL-NSW/346 was approved by the Committee on 2.5.2025.

‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (the CoP) issued by Environmental Protection Department (EPD) to minimise any potential environmental impacts. The applicant will also strictly comply with all environmental protection/pollution control ordinances.

- (h) The applicant will reinstate the Site to an amenity area upon the expiry of planning approval period.

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

The applicant is not a ‘current land owner’ 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 publishing notice in local newspapers and sending notice to the San Tin Rural Committee. Detailed information would be deposited at the meeting for Member’s inspection.

4. Town Planning Board Guidelines

According to the Town Planning Board Guidelines for Application for Development within Deep Bay Area under Section 16 of the Town Planning Ordinance (TPB PG-No. 12C), which is relevant to the application, the Site falls within the Wetland Buffer Area (WBA) and the relevant extract of the Guidelines is at **Appendix II**.

5. Background

- 5.1 The Site is not subject to any active planning enforcement action.
- 5.2 The Site was involved in three previous planning enforcement cases (No. E/YL-NSW/3, 91 and 272) against workshop, container vehicle park and storage uses with Enforcement Notice (EN) issued between 1992 and 2023 (**Plan A-2**). Compliance Notice for EN were subsequently issued for all three cases between 1996 and 2024.

6. Previous Applications

- 6.1 The Site is involved in eight previous applications (No. A/DPA/YL-NSW/22, A/YL-NSW/14, 21, 30, 59, 68, 113 and 139) for temporary public car park/coach park, lorry and container vehicle/tractor park, car show and car sale office and/or open storage of construction equipment. Details of the applications are summarised at **Appendix III** and their locations are shown on **Plan A-1b**.

Approved applications

- 6.2 Applications No. A/YL-NSW/21 and 68 for temporary public car/coach park were approved by the Committee between 1997 and 1999 mainly on the grounds that the applied uses were not incompatible with the planning intention of the

“Recreation” zone⁴ in the interim; the applied uses were not incompatible with the surrounding area; and the developments were not likely to have significant adverse impacts on the traffic, environment, ecology, sewerage and drainage on the surrounding areas in view of their temporary nature and concerned departments had no adverse comments on the developments.

Rejected applications

- 6.3 The remaining six applications (No. A/DPA/YL-NSW/22, A/YL-NSW/14, 30, 59, 113 and 139) for various temporary brownfield operations or uses (not involving warehouse use) were all rejected by the Committee or the Board upon review between 1993 and 2004 mainly on the grounds that the developments were not in line with the planning intentions of the “REC” or “OU(CDWRA)” zone; the developments were not in line with the previous version of TPB PG-No. 12 as there was inadequate information in the submission to demonstrate that the developments would not have significant impact on the environment, ecology, drainage, sewerage and/or traffic in the area; the developments were not compatible with the rural character of the surrounding area and the adjacent land uses; and approval of the applications would set an undesirable precedent for similar applications leading to general degradation of the environment in the area.

7. Similar Applications

- 7.1 There are four similar applications within the “OU(CDWRA)” zones on the OZP in the past five years. Details of the applications are summarised at **Appendix III** and their locations are shown on **Plan A-1a**.
- 7.2 Four applications (No. A/YL-NSW/334, 343, 344 and 346) for proposed temporary warehouse (excluding dangerous goods godown) with ancillary facilities and associated filling of land/pond at the same and the other “OU(CDWRA)” zones were approved by the Committee in April and May 2025, mainly on the grounds that the temporary approval would not frustrate the long-term planning intention; the proposed use was not entirely incompatible with the surrounding uses; and the proposed uses would unlikely result in significant adverse environmental nuisance and impacts on the surrounding areas; the government departments consulted in general had no adverse comment or their concerns could be addressed by relevant approval conditions; and relevant policy bureau gave policy support or indicated supporting view to facilitate relocation of business operation affected by government projects.
- 7.3 Applications No. A/YL-NSW/342 and 345 (submitted by a different applicant) for proposed temporary warehouse (excluding dangerous goods godown) with ancillary facilities and associated filling of land/ and pond for a period of three years within the same “OU(CDWRA)” zone will be considered at the same meeting (**Plan A-1a**).

⁴ The Site was zoned “Recreation” under the draft Nam Sang Wai Outline Zoning Plan No. S/YL-NSW/1 which was exhibited in 1994. It was rezoned to “OU(CDWRA)” in 2000 under the draft Nam Sang Wai Outline Zoning Plan No. S/YL-NSW/2 and there has been no change in the zoning and development restrictions for the Site since then.

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

8.1 The Site is:

- (a) accessible via a local track leading to Fairview Park Boulevard which is connected to Castle Peak Road – Tam Mi;
- (b) currently formed, hard-paved and largely vacant with some open storages of construction materials; and
- (c) located within the WBA of Deep Bay Area.

8.2 The surrounding areas comprise predominantly low-rise residential development (i.e. Fairview Park) and a school within the “Residential (Group C)” (“R(C)”) zone on the Mai Po and Fairview Park Outline Zoning Plan, scattered residential dwellings, open storage and storage yards, warehouses, a milk factory and restaurants. The Site is bounded by Yau Pok Road and a drainage channel leading to Kam Tin River to its immediate southeast.

9. Planning Intention

- 9.1 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.
- 9.2 According to the Explanatory Statement of the OZP, filling of pond and land may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment. In view of the conservation value of the area within the “OU(CDWRA)” zone, permission from the Board is required for such activities.

10. Comments from Relevant Government Bureau/Departments

- 10.1 Apart from the government bureau as set out in paragraph 10.2, 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 IV and V** respectively.
- 10.2 The following government bureau supports the application:

Policy Aspect

10.2.1 Comments of the Secretary for Development (SDEV):

- (a) the application is to facilitate relocation of a brownfield operation that once operated within the project area of the NTM Land Use

Review Study. The preliminary land use proposals for NTM were released in November 2024 for a two-month public engagement. Taking into account the public views received, the Project Team will carry out detailed design for the works, conduct Environmental Impact Assessment and formulate the implementation programme and Recommended Outline Development Plan, prior to subsequent statutory procedures, including zoning amendment; and

- (b) according to the applicant, the brownfield operation has vacated the site in NTM in view of the impending development project. A site search was conducted with a view to identifying a suitable site for longer-term re-establishment of the business, and the site under the current application is considered suitable. The application is supported from policy perspective.

11. Public Comments Received During Statutory Publication Period

On 14.3.2025, the application was published for public inspection. During the statutory public inspection period, two public comments were received from the Fairview Park Property Management Limited and an individual (**Appendix VI**) objecting to the application mainly on the grounds that the proposed use would generate heavy traffic flow to the Fairview Park Boulevard and Fairview Park Interchange, leading to exceedance in the capacity, and would cause adverse traffic safety impact; there is concern on the management and maintenance of Fairview Park Boulevard and the Government is suggested to resume this private road for public purpose; and the proposed use is incompatible with the “OU(CDWRA)” zone and the Site is not included under Category 2 of the Town Planning Board Guidelines No. 13G on Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance.

12. Planning Considerations and Assessments

- 12.1 The application is for proposed temporary warehouse (excluding dangerous goods godown) with ancillary facilities and associated filling of land and pond for a period of three year at the Site zoned “OU(CDWRA)” (**Plan A-1a**). While the proposed use is not in line with the planning intention of the “OU(CDWRA)” zone, according to the applicant, the application is to facilitate the relocation of the business operation in NTM which will be affected by NTM development. In this regard, SDEV supports the application having considered that the current application is to facilitate relocation of an affected brownfield operation in NTM area. Besides, there is currently no known long-term development programme or proposal for the Site, and the proposed use could utilise the land resource to facilitate the relocation of the business operation affected by the government project. 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, Planning Department (PlanD) has no objection to the proposed use with associated filling of land and pond on temporary basis of three years.

- 12.2 Filling of pond and/or land within the “OU(CDWRA)” zone requires planning permission from the Board as they may cause drainage impacts on the adjacent areas and adverse impacts on the natural environment. In this regard, the Director of Agriculture, Fisheries and Conservation (DAFC), Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) and Director of Environmental Protection (DEP) have no adverse comments on the pond and land filling from nature conservation, public drainage and environmental planning perspectives respectively. As the Site is zoned “OU(CDWRA)”, an approval condition requiring the reinstatement of the Site upon expiry of the planning permission so as to uphold the planning intention of the “OU(CDWRA)” zone and restore the greenery of the area is recommended should the Committee decide to approve the application. The applicant has also committed to reinstatement of the Site to an amenity area upon expiry of the approval period given.
- 12.3 The Site located within the “OU(CDWRA)” zone is bounded by a local road to its northwest and Yau Pok Road and a drainage channel to its southeast (**Plan A-2**). The immediate surrounding areas of the Site are occupied predominantly by brownfield uses, such as open storage and storage yards, a milk factory, warehouses, whereas low-rise residential development (i.e. Fairview Park) and a school within the “R(C)” zone is located to the north of the Site (**Plans A-2 and A-3**). According to the applicant, the proposed use will be accommodated within a fully enclosed structure. A solid metal fencing of about 2.5m tall would be erected along the boundary of the Site to minimize potential nuisance to the surrounding areas. The proposed use is considered not entirely incompatible with the surrounding areas. The Chief Town Planner/Urban Design and Landscape of PlanD has no adverse comment on the application from landscape planning perspective and considers that significant adverse landscape impact on landscape resources within the Site arising from the proposed use is not anticipated.
- 12.4 While the Site falls within the WBA of the TPB PG-No. 12C, planning applications for temporary uses are exempted from the requirement of ecological impact assessment. DAFC has no objection to the application from ecological perspective.
- 12.5 Other relevant government departments consulted, including the Commissioner for Transport (C for T) and Director of Fire Services have no objection to or no adverse comments on the application. To address the technical requirements of concerned departments, appropriate 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 environmental nuisance caused by the proposed use on the surrounding areas. The operation of the proposed use will also be subject to the relevant pollution control ordinances.
- 12.6 The Site is involved in eight previous applications for other temporary brownfield operations or uses which were approved/rejected by the Committee or the Board upon review between 1993 and 2004 mainly on the grounds as summarised in paragraph 6 above. However, the circumstances and considerations of the current application are different in that all brownfield operation will be carried out within enclosed warehouse structure, solid metal fencing of 2.5m tall will be provided along the Site boundary to minimise potential environmental nuisance, policy support was given by SDEV and relevant government departments consulted have no adverse comments on or no objection to the current application as

mentioned in paragraphs 12.1 to 12.5 above. The applicant has committed to reinstate the Site upon expiry of the approval period. There are also four similar applications in the “OU(CDWRA)” zones on the OZP approved in the past five years as stated in paragraph 7 above. Approving the current application for a period of three years is not in conflict with the previous decisions of the Committee.

- 12.7 Regarding the public comments on the application as detailed in paragraph 11, on traffic aspect, C for T has no adverse comment on the application from traffic engineering perspective and the management and maintenance responsibility of Fairview Park Boulevard is not relevant to the current application. Besides, TPB PG-No. 13G is not applicable to the current application which only involves warehouse use. The departmental comments and planning assessments above are also relevant.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments mentioned 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 23.5.2028. 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 23.11.2025;
- (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 23.2.2026;
- (c) in relation to (b) above, the implemented drainage facilities 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 23.11.2025;
- (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 23.2.2026;
- (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;

- (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; and
- (h) upon expiry of the planning permission, the reinstatement of the site, including the removal of hard paving and fill materials and grassing of the site to the satisfaction of the Director of Planning or of the Town Planning Board.

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 proposed use with associated filling of land and pond 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 justification given 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 and supplementary planning statement received on 5.3.2025
Appendix Ia	FI received on 9.5.2025
Appendix II	Extract 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 Comments

Drawing A-1	Vehicular Access Plan
Drawing A-2	Layout Plan
Drawing A-3	Plan showing Filling of land and pond
Plan A-1a	Location Plan with similar applications
Plan A-1b	Previous application plan
Plan A-2	Site Plan with enforcement cases
Plan A-3	Aerial Photo
Plans A-4a to 4b	Site Photos

**PLANNING DEPARTMENT
MAY 2025**