

RNTPC Paper No. A/YL-NSW/345A
For Consideration by
the Rural and New Town
Planning Committee
on 23.5.2025

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-NSW/345

- Applicant** : Active Point Real Estate Investment Limited represented by Tai Wah Development Consultants Limited
- Site** : Lot 3719 S.H ss.1 RP (Part) in D.D. 104, Tai Sang Wai, Yuen Long, New Territories
- Site Area** : About 1,303 m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : 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)
- 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 including car park]*

(no change on the current OZP)
- Application** : Proposed Temporary Warehouse (excluding Dangerous Goods Godown) with Ancillary Facilities and Associated Filling of Land 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 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 land within “OU(CDWRA)” zone also requires planning permission from the Board. The Site is currently formed, hard-paved and vacant with some overgrown vegetation (**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 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 1,539m² 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 land for the entire Site with concrete with a depth of not more than 0.2m up to a level of +4.2mPD 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 filling plan submitted by the applicant are at **Drawings A-1 to A-3** respectively.
- 1.4 The Site is involved in three previous applications. Application No. A/YL-NSW/21 for temporary car park was approved in 1997 by the Rural and New Town Planning Committee (the Committee) while applications No. A/YL-NSW/167 and 179 for proposed low density residential/house developments were rejected by the Board upon review (**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 18.3.2025
 - (b) Further Information received on 6.5.2025 and (**Appendix Ia**) 7.5.2025 [#]
[#] 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 the applicant's affected business operation (i.e. a storage yard) in NTM 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 relocation of the affected operations and minimise the impact on implementation of government project.
- (c) Four planning applications for four sites (including the current application)² 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 the 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 used for 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 '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

² Four planning applications (No. A/YL-NSW/341, 342, 345 and 346) are collectively submitted to facilitate the relocation of a brownfield operation affected by NTM development. Application No. A/YL-NSW/346 was approved by the Committee on 2.5.2025.

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 posting site notice 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 two previous planning enforcement cases (No. E/YL-NSW/49 and 81) against container vehicle park and parking of vehicles with Enforcement Notice (EN) issued between 1997 and 2001 (**Plan A-2**). Compliance Notice (CN) for EN were subsequently issued for all two cases between 1997 and 2002.

6. Previous Applications

- 6.1 The Site is involved in three previous applications (No. A/YL-NSW/21, 167 and 179) for temporary public car park and proposed house/residential developments. The considerations for applications No. A/YL-NSW/167 and 179 for proposed low-density residential/house developments are irrelevant due to different uses involved. Details of the applications are summarised at **Appendix III** and their locations are shown on **Plan A-1b**.
- 6.2 Application No. A/YL-NSW/21 for temporary public car park was approved by the Committee in 1997 mainly on the grounds that the applied use was not incompatible with the planning intention of the “Recreation” zone³; the applied

³ 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.

use was not incompatible with the surrounding area; and the applied use was 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 applied use.

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 use 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/341 and 342 (submitted by the same/a different applicant) for 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**).

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 vacant with some overgrown vegetation; and
 - (c) located within the WBA of Deep Bay Area.
- 8.2 The surrounding areas comprise predominantly open storage and storage yards, warehouses, scattered residential structures, a milk factory and restaurants. 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 are located to the north of the Site across a local track. Yau Pok Road and a drainage channel leading to Kam Tin River bounded the Site to the 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 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

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 25.3.2025, 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 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 the 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 on temporary basis of three years.
- 12.2 Filling of 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 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 one approved application for temporary public car park in 1997 as summarised in paragraph 6 above. Under the current application, 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 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 18.3.2025
Appendix Ia	FI received on 6.5.2025 and 7.5.2025
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
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**