

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

**APPLICATION NO. A/YL-NSW/337**

- Applicant** : Rich Valley Limited<sup>1</sup> represented by R-riches Property Consultants Limited
- Site** : Lot 3719 S.C RP (Part) in D.D. 104, Pok Wai, Yuen Long
- Site Area** : About 7,736 m<sup>2</sup>
- 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 OZP No. S/YL-NSW/9  
(at the time of submission)
- Zoning** : “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” (“OU(CDWRA)”) (about 7,504 m<sup>2</sup> (97%))  
*[restricted to a maximum plot ratio of 0.4 and a maximum building height of 6 storeys including car park]*
- “Residential (Group D)” (“R(D)”) (about 232 m<sup>2</sup> (3%))<sup>2</sup>  
*[restricted to a maximum plot ratio of 0.2 and a maximum building height of 2 storeys (6m)]*
- (no change on the current OZP)
- Application** : Proposed Temporary Warehouse for Storage of New Vehicles with Ancillary Facilities for a Period of Three Years and Associated Filling of Land

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary warehouse for storage of new vehicles with ancillary facilities for a period of three years and associated filling of land at the application site (the Site) which falls within an area zoned “OU(CDWRA)” on the OZP (**Plan A-1**). 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

---

<sup>1</sup> The applicant claimed to be authorised by an affected brownfield operator (i.e. Zung Fu Company Limited) of Remaining Phase of Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA) to facilitate the relocation of the affected premises.

<sup>2</sup> Regarded as minor boundary adjustment allowed under the covering Notes of the OZP.

Planning Board (the Board). Filling of land within “OU(CDWRA)” zone also requires planning permission from the Board. The Site is currently formed, partially hard-paved, fenced-off and vacant (**Plans A-2 to A-4**).

- 1.2 According to the applicant, the application is to facilitate the relocation of a business operation (i.e. Zung Fu Company Limited) at a site (with an area of about 7,050m<sup>2</sup>) in Hung Shui Kiu (HSK) which will be affected by government project, i.e. Remaining Phase of HSK/Ha Tsuen New Development Area (HSK/HT NDA). The site of the affected operation is anticipated to be resumed for implementation of the HSK/HT NDA development and is currently covered by a valid planning permission (No. A/HSK/483) until 9.10.2026.
- 1.3 The Site abuts Kam Pok Road which is connected to San Tin Highway and Castle Peak Road – Tam Mi via Kam Po Road East (**Drawing A-1, Plans A-1, A-2 and A-3**). According to the applicant, the proposed use with a total floor area of about 10,931m<sup>2</sup> involves one two-storey structure (about 13m in height) for warehouse for storage of new vehicles including private cars, taxis, light goods vehicles and light buses, site office and toilet, and one single-storey structure (about 7m in height) for rain shelter for loading/unloading (L/UL) activities (**Drawing A-2**). A green buffer area with peripheral planting of about 3m in width and the erection of a green wall of 2.5m high are proposed along the northern boundary of the Site to provide visual screening for the adjacent residential development, i.e. Man Yuen Chuen (**Drawing A-2**). Solid metal fence wall of 2.5m high will also be erected along the remaining boundaries of the Site to minimise potential nuisance to the surrounding areas. 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. Four private car parking spaces and two L/UL spaces for container vehicles will be provided within the Site. Sufficient manoeuvring space will be provided within the Site to ensure that no vehicles will turn back outside the Site and staff will be deployed to station at the ingress/egress of the Site to direct incoming/outgoing vehicles to enhance pedestrian safety. The applicant also applies for filling of land for the entire Site with concrete with a depth of not more than 0.2m up to a level of +4.4mPD for site formation of structures, vehicular circulation, parking and L/UL spaces (**Drawing A-3**). The proposed operation hours are between 7:00 a.m. and 8:00 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 In support of the application, the applicant has submitted the following documents:
- (a) Application Form and supplementary planning (**Appendix I**) statement (SPS) received on 23.12.2024
  - (b) Further Information (FI) received on 8.4.2025 \* (**Appendix Ia**)
  - (c) FI received on 2.7.2025 \* (**Appendix Ib**)
  - (d) FI received on 28.7.2025 \* (**Appendix Ic**)
- \* accepted and exempted from publication and recounting requirements*
- 1.5 On 14.2.2025 and 6.6.2025, the Rural and New Town Planning Committee (the Committee) of the Board agreed to the applicant’s requests to defer making a decision on the application for two months each.

## 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 FIs at **Appendices I to Ic**. They can be summarised as follows:

- (a) The applicant has conducted a thorough site search for relocation of the operation affected by HSK/HT NDA, but sites identified were considered not suitable due to land use incompatibility, environmental concerns, land ownership, accessibility and small site area. The Site is considered suitable with its flat topography and easy accessibility. Although the area of the Site (about 7,736m<sup>2</sup>) and the proposed floor area (about 10,931m<sup>2</sup>) are larger than that of the original premises (with site area and floor area of about 7,050m<sup>2</sup> and 4,669m<sup>2</sup> respectively), a substantial portion of the Site (about 28%) will be uncovered and reserved for manoeuvring and parking of vehicles to support the daily operation of the Site.
- (b) The increase in electric vehicle sales has boosted the demand for covered vehicle storage space for new vehicles which creates opportunity for the applicant to expand the business. The increased floor area could create significant number of job opportunities for residents of the New Territories.
- (c) 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 while facilitating better utilisation of valuable land resources.
- (d) The surrounding areas are mainly used for open storage yards, low-rise structures for warehouse and logistics centre. The proposed use is considered not incompatible with the surrounding areas.
- (e) The proposed filling of land is necessary for site formation to meet the operational needs of the proposed use. The applicant will reinstate the Site upon expiry of the planning approval period.
- (f) The proposed use would not induce adverse environmental, traffic, fire safety, drainage and landscape impacts on the surrounding areas. The Site is accessible from Kam Po Road East via Kam Pok Road and vehicular trips generated and attracted by the proposed use are minimal. The applicant would follow the revised ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (CoP) to minimise potential environmental nuisance. The applicant will also follow the Professional Persons Environmental Consultative Committee Practice Notes (ProPECCPNs) No. PN 2/23 and ProPECCPNs 1/23 during the construction and operation stage respectively to minimise the impact on the nearby watercourse. The applicant would comply with relevant environmental protection/pollution control ordinances. Drainage and fire service installations proposals would be submitted and duly implemented upon the approval of the current applications.

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

The applicant is the sole “current land owner” of the Site. Detailed information would be deposited at the meeting for Members’ 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 was formed on the date of gazettal of the Nam Sang Wai Interim Development Permission Area Plan No. IDPA/YL-NSW/1 on 17.8.1990.
- 5.2 The Site was subject to planning enforcement action against Unauthorised Development involving storage use (including deposit of containers) (No. E/YL-NSW/273). Enforcement Notice (EN) was issued in October 2023. The notice recipients were prosecuted in September 2024 and May 2025 due to non-compliance with EN. According to the latest site inspection in July 2025, the Site was vacant.
- 5.3 The Site was also involved in of three previous planning enforcement cases (No. E/YL-NSW/11, 89 and 232) against unauthorised open storage of vehicles, setting up of converted containers, deposit of containers, and parking of vehicles with EN issued between 1996 and 2016 (**Plan A-2**). Compliance Notice for EN were subsequently issued for all cases between 1997 and 2017.

### 6. Previous Application

The Site is involved in one previous application No. A/YL-NSW/181 for proposed low-rise residential development and minor relaxation of building height and plot ratio restrictions in 2008. The application was rejected by the Committee and considerations of which are irrelevant to the current application due to different use involved. Details of the previous application is summarised at **Appendix III** and the location is shown on **Plan A-1b**.

### 7. Similar Applications

There are seven similar applications (No. A/YL-NSW 334 and 341 to 346) for proposed temporary warehouse (excluding dangerous goods godown) with ancillary facilities and associated filling of pond/land for a period of three years within the same and the other “OU(CDWRA)” zone on the OZP in the past five years. They were approved with conditions by the Committee in April and May 2025 mainly on the considerations that the temporary approval would not frustrate the long-term planning intention; the proposed use was not entirely incompatible with the surrounding uses; 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. Details of the applications are summarised at **Appendix III** and their locations are shown on **Plan A-1a**.

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

### **8.1 The Site:**

- (a) abuts Kam Pok Road which is connected to San Tin Highway and Castle Peak Road – Tam Mi via Kam Po Road East;
- (b) is currently formed, partly paved, fenced-off and vacant; and
- (c) located within WBA of Deep Bay Area.

8.2 The surrounding areas comprise predominantly low-rise residential developments (including Man Yuen Chuen and Fairview Park), scattered residential dwellings, warehouses, open storage yards, vehicle repair workshops, a milk factory, car services, restaurant and ponds. The Site is bounded by Kam Pok Road and a drainage channel leading to Kam Tin River to its immediate west.

## **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 and department as set out in paragraphs 10.2 and 10.3, 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) supports the application from policy perspective subject to no adverse comments on land use compatibility and technical aspects from concerned departments;
- (b) the application is to facilitate relocation of a brownfield operation providing warehouse for storage of new vehicles which is currently situated at various lots in D.D. 124 in Yuen Long. The premises of the brownfield operation covers lands affected by the Second Phase and Remaining Phase developments of the HSK/HA NDA. It is noted that the applicant proposes to relocate the portion of the premises falling within the Remaining Phase development to the Site;
- (c) according to the applicant, a site search was conducted with a view to identifying suitable site for re-establishment of the businesses elsewhere, and the site under the current application is the most suitable relocation site. While the site area is larger than that of the original premises, the applicant has explained that a significant portion of the Site is uncovered and designated for manoeuvring and parking of vehicles, in order to support the daily operation of the Site; and
- (d) the planning approval for the original premises (under application No. A/HSK/483) will expire in October 2026 and it is also noted that the applicant intends to relocate the affected business to the Site after planning approval has been granted from the Board. Early approval of the application will be conducive to the applicant's subsequent relocation exercise, and thus the implementation of the NDA.

10.3 The following government department does not support the application:

**Environment**

10.3.1 Comments of the Director of Environmental Protection (DEP):

- (a) does not support the application in accordance with the latest CoP as there are sensitive receivers in the vicinity (i.e. the nearest residential development located to the immediate northeast of the Site) (**Plan A-2**) and the proposed use involves the use of heavy vehicles, and environmental nuisance is expected;
- (b) there was no environmental complaint received at the Site in the past three years; and
- (c) advisory comments as detailed in **Appendix V**.

## **11. Public Comments Received During Statutory Publication Period**

On 31.12.2024, 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 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; the Site is not 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; and no enforcement action is undertaken against the brownfield operation at the Site.

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

- 12.1 The application is for proposed temporary warehouse for storage of new vehicles with ancillary facilities for a period of three years and associated filling of land 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 HSK affected by the Remaining Phase of HSK/HT NDA. In this regard, SDEV supports the application having considered the current application is to facilitate the relocation of a brownfield operation affected by HSK/HT NDA. 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 government project. Approval of the application on a temporary basis would not frustrate 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 on temporary basis of three years with associated filling of land.
- 12.2 Filling of land within the “OU(CDWRA)” zone requires planning permission from the Board as they may cause adverse 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 and DEP have no adverse comments on the application from nature conservation, drainage and environmental 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 to restore greenery of the area is recommended should the Committee decide to approve the application. The applicant has also committed to reinstate the Site to an amenity area upon expiry of the approval period given.
- 12.3 The Site is located within the subject “OU(CDWRA)” zone and bounded by a local road and drainage channel to its west (**Plan A-1a**). The surrounding areas comprise predominantly low-rise residential developments (including Man Yuen Chuen and Fairview Park), scattered residential dwellings, warehouses, open storage yards, vehicle repair workshops, a milk factory, restaurant and ponds (**Plan A-2**). According to the applicant, the proposed use will be accommodated

in a fully enclosed structure. Besides, a 3m wide buffer area formulated by peripheral planting, a green wall of 2.5m high along the northern boundary and solid metal fence wall of 2.5m high along the remaining boundary of the Site are proposed to provide visual screening and to minimise potential nuisance to the surrounding areas, especially for the adjacent residential development (i.e. Man Yuen Chuen). In view of the above, the proposed use is considered not entirely incompatible with the surrounding land uses. The Chief Town Planner/Urban Design and Landscape of PlanD has no adverse comment on the application from landscape planning perspective and considers that the proposed use is generally not incompatible with the surrounding landscape character.

- 12.4 While the Site falls within 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 DEP does not support the application as the proposed use involves the use of heavy vehicles, which would cause environmental nuisance to the sensitive receivers nearby (**Plan A-2**). Nonetheless, there was no substantiated environmental complaint concerning the Site in the past three years. The applicant has also proposed green wall/fencing along the site boundary to minimise potential nuisance to the surrounding areas as mentioned in paragraph 1.3 and 12.3 above (**Drawing A-2**). Should the planning application be approved, the applicant will be advised to follow the CoP to minimise any potential environmental nuisance caused by the proposed use on the surrounding areas. Other relevant government departments consulted including the Commissioner for Transport and Director of Fire Services have no objection to or no adverse comment on the application. To address the technical requirements of concerned departments, appropriate approval conditions are recommended in paragraph 13.2 below.
- 12.6 There are seven similar applications within the “OU(CDWRA)” zones on the OZP approved in the past five years as mentioned in paragraph 7 above. Approving the current application for a period of three years is in line with the previous decisions of the Committee.
- 12.7 Regarding the public comments as detailed in paragraph 11, the proposed vehicular access plan submitted by the applicant (**Drawing A-1**) shows that vehicular traffic leading to the Site would use Kam Pok Road via Kam Pok Road East and C for T has no adverse comment on the application from traffic engineering perspective. Furthermore, the management and maintenance responsibility of the 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 background in paragraph 5.2 and departmental comments and planning assessments in paragraphs 12.1 to 12.5 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 planning 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 15.8.2028. 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 15.2.2026;
- (b) in relation to (a) above, the implementation of 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 15.5.2026;
- (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 15.2.2026;
- (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 15.5.2026;
- (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 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**

<b>Appendix I</b>	Application Form and supplementary planning statement received on 23.12.2024
<b>Appendix Ia</b>	FI received on 8.4.2025
<b>Appendix Ib</b>	FI received on 2.7.2025
<b>Appendix Ic</b>	FI received on 28.7.2025
<b>Appendix II</b>	Extract of TPB PG-No. 12C
<b>Appendix III</b>	Previous and Similar Applications
<b>Appendix IV</b>	Government Departments' General Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Appendix VI</b>	Public Comments
<b>Drawing A-1</b>	Vehicular Access Plan
<b>Drawing A-2</b>	Layout Plan
<b>Drawing A-3</b>	Plan showing Filling of Land
<b>Plan A-1a</b>	Location Plan with Similar Applications
<b>Plan A-1b</b>	Previous Application Plan
<b>Plan A-2</b>	Site Plan with Enforcement Case
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
AUGUST 2025**