

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

**APPLICATION NO. A/YL-NSW/351**

- Applicants** : Wing Lee New Energy Limited represented by R-riches Planning Limited
- Site** : Lots 4000 (Part), 4001, 4002 (Part), 4003 (Part), 4004, 4005 S.A (Part), 4005 S.B, 4005 RP, 4006 (Part), 4007 (Part), 4008 (Part), 4009 (Part), 4011 (Part), 4012 (Part), 4018 RP, 4019 RP (Part), 4020 (Part), 4041 S.C RP (Part), 4041 S.D RP (Part) and 4042 RP (Part) in D.D. 104 and Adjoining Government Land (GL), Pok Wai, Yuen Long, New Territories
- Site Area** : About 4,015m<sup>2</sup> (including GL of about 73m<sup>2</sup> or 1.8%)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Nam Sang Wai Outline Zoning Plan (OZP) No. S/YL-NSW/10
- Zonings** : “Village Type Development” (“V”)  
*[restricted to maximum building height of 3 storeys (8.23m)]*
- Application** : Temporary Shop and Services with Ancillary Facilities and Associated Filling of Land for a Period of 5 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary shop and services with ancillary facilities and associated filling of land for a period of five years at the application site (the Site), which falls within an area zoned “V” on the OZP (**Plan A-1**). According to the Notes of the OZP for “V” zone, ‘Shop and Services’ other than on the ground floor of a New Territories Exempted House (NTEH), which is a Column 2 use, and filling of land require planning permission from the Town Planning Board (the Board). The Site is currently hard-paved and occupied by the applied use without valid planning permission (**Plans A-2 to A-4c**).
- 1.2 The Site is accessible from Castle Peak Road – Tam Mi via a local access (**Plans A-2 and A-3**). According to the applicant, the applied use is for sales and showcasing of electric vehicles (EVs), electricity-powered construction machinery (ECM), intelligent parking system and their supporting facilities including charging station and charging dock, as well as smart home system,

to serve the general public, nearby locals and business operators (**Plans A-4a to A-4c**). The applied use with a total floor area of about 1,145m<sup>2</sup> involves 14 structures, including two 2-storey structures (not more than 8.23m in height) for reception, showroom and ancillary office uses and 12 single-storey structures for showroom, automatic parking system sample, charging station/dock, electric generator, meter room, fire service pump room, water tank, transformer, switch room, guard house and advertisement board (**Drawing A-1**). No structure at the Site will be used for domestic purpose. The uncovered area of about 3,245m<sup>2</sup> is reserved for open-air product display area, circulation space, eight private car parking spaces and one loading/unloading (L/UL) bay for container vehicle (**Drawing A-1**).

- 1.3 No dangerous goods will be stored and no car beauty, washing, repairing, dismantling or other workshop activities or open storage activities will be carried out at the Site at all times. The L/UL bay is used for transportation of EVs and ECM to the Site for showroom demonstration. To minimise potential nuisance to the surrounding areas, solid metal fencing of 2.5m high is proposed along the boundaries of the Site; the L/UL bay for container vehicle is arranged in the southern part of the Site so as to allow a buffer distance from the existing residential dwellings to the north of the Site (**Drawing A-1 and Plan A-2**); and access of container vehicle entering/leaving the Site is limited from 9:00 a.m. to 10:00 a.m. and from 6:00 p.m. to 7:00 p.m. (once for each timeslot) in a day to minimise trip generation. Sufficient manoeuvring space is provided within the Site to ensure no vehicles would queue back or reverse outside the Site and the staff deployed to station at the ingress/egress of the Site will direct the movement of incoming/outgoing vehicles to secure pedestrian safety. The proposed operation hours will be from 9:00 a.m. to 7:00 p.m. on Mondays to Saturdays, with no operation on Sundays and public holidays. The applicant also applies for regularisation of filling of land for the entire Site with concrete of not more than 0.3m in depth (from +5.8mPD to +6.1mPD) (**Drawing A-2**) and no additional land filling will be conducted at the Site. The site layout plan and land filling plan submitted by the applicant are at **Drawings A-1 and A-2** respectively.
- 1.4 In support of the application, the applicant has submitted the following documents:

- |                                                             |               |
|-------------------------------------------------------------|---------------|
| (a) Application Form with attachments received on 18.7.2025 | (Appendix I)  |
| (b) Further Information (FI) received on 7.8.2025*          | (Appendix Ia) |
| (c) FI received on 15.8.2025*                               | (Appendix Ib) |
| (d) FI received on 21.8.2025*                               | (Appendix Ic) |
| (e) FI received on 29.8.2025*                               | (Appendix Id) |

\* *accepted and exempted from publication and recounting requirement*

## 2. **Justifications from the Applicant**

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

- (a) The applied use involves sale of EVs and ECM as well as showroom for demonstrating the latest ‘intelligent parking system’ targeting at the general public, nearby locals and business operators to facilitate the promotion of the use of EVs and ECM as well as support the development and usage of green energy in the New Territories. It serves as a pilot scheme to echo with the Hong Kong’s Climate Action Plan 2050 on reducing carbon emissions.
- (b) While the Site falls within “V” zone, there is no small house application approved or under processing within the Site by the Lands Department (LandsD). The applied use is intended to serve the needs of the nearby brownfield operators and potential customers who are interested in electricity-powered products. Approval of the current application on a temporary basis would not frustrate the long-term planning intention of the “V” zone and would better utilise the vacant land in the New Territories.
- (c) Two applications covering the same site for shop and services uses were approved by the Rural and New Town Planning Committee (the Committee) of the Board within the same “V” zone. Approving the current application would not set an undesirable precedent.
- (d) Given that the height and forms of the proposed structures are similar to that in the vicinity, the applied use is not incompatible with the surrounding areas.
- (e) The Site had been occupied by open storage use from 1990 to 2024. The applied use, however, will involve enclosed structures only and 2.5m-high fencing will be erected along the boundary of the Site and hence, potential adverse impact on the surrounding areas is not anticipated.
- (f) The applied use will not create significant nuisance to the surrounding areas. The applicant 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) and other relevant statutory environmental requirements and practice notes to minimise possible adverse impacts and environmental nuisance to the surrounding areas. The applicant will also submit and implement drainage and fire service installations (FSIs) proposals for the Site.
- (g) The applicant will submit Short Term Waiver (STW) and Short Term Tenancy (STT) applications to rectify the lease breaches upon planning approval was given by the Board.

## 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 Ordinance (TPB PG-No. 31B) by posting site notice and sending notice to San Tin

Rural Committee. Detailed information would be deposited at the meeting for Members' inspection. For the GL portion, the "Owner's Consent/Notification" requirements are not applicable.

#### 4. **Town Planning Board Guidelines**

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) is relevant to this application. Relevant extract of the said Guidelines is attached at **Appendix II**.

#### 5. **Background**

- 5.1 A substantial portion of the Site was formed and occupied by open storage of containers before the gazettal of the Interim Development Permission Area Plan No. IDPA/YL-NSW/1 on 17.8.1990 while the whole Site was formed before the incorporation of land filling control to the Notes for the "V" zone on the draft Nam Sang Wai OZP No. S/YL-NSW/5 gazetted on 16.4.2004.
- 5.2 Part of the Site was involved in one previous planning enforcement case (No. E/YL-NSW/156) against Unauthorised Development (UD) involving storage use with Enforcement Notice issued on 8.9.2004, with Compliance Notice subsequently issued on 19.1.2005 (**Plan A-2**).
- 5.3 The Site is currently not subject to any active enforcement action. Regarding the applied use currently found at the Site, warning letters have been issued to the land owners requiring the discontinuation of the suspected UD.

#### 6. **Previous Applications**

The Site is involved in five previous applications (No. A/DPA/YL-NSW/26, A/YL-NSW/3, 6, 83 and 150) submitted by different applicants for various permanent or temporary uses. The former three applications were rejected by the Committee or upon review by the Board between 1994 and 1995, while the latter two were approved by the Committee or upon review by the Board in 2000 and 2004 respectively. Considerations of these applications are not relevant to the current application due to different uses involved. Details of the applications are summarised in **Appendix III** and the location is shown on **Plan A-1**.

#### 7. **Similar Applications**

There are two similar applications (No. A/YL-NSW/289 and 323) covering the same site for temporary shop and services uses (one for real estate agency and another for shop and services and vehicle repair workshop) within the same "V" zone in the vicinity of the Site in the past five years. Both applications were approved with conditions by the Committee in 2021 and 2024 respectively, mainly on the considerations that temporary approval of the proposed use would not jeopardize the long-term planning intention of "V" zone; the proposed use was not incompatible with the surrounding areas; significant adverse impacts on the surrounding areas were

not anticipated; and relevant government departments consulted generally had no adverse comment or the concerns could be addressed by approval conditions. Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

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

8.1 The Site is:

- (a) accessible from Castle Peak Road – Tam Mi via a local access;
- (b) currently hard-paved and occupied by the applied use without valid planning permission; and
- (c) located within the Wetland Buffer Area (WBA) of the Deep Bay Area.

8.2 The surrounding areas comprise predominantly gardening areas and a low-rise residential development named 金翠軒 in the north, and an open storage yards, parking of vehicles and woodland in the south. The Site is bounded by Pok Wai Road and a nullah to its immediate south and southwest and Castle Peak Road – Tam Mi and San Tin Highway to its east.

## **9. Planning Intention**

9.1 The planning intention of the “V” zone is to designate both existing recognised villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a NTEH. Other commercial, community and recreational uses may be permitted on application to the Board.

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 environment, permission from the Board is required for such activities.

## **10. Comments from the Relevant Government Bureau/ Departments**

10.1 Apart from the government bureau/department set out in paragraph 10.2 below, 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 department has adverse comments on the application:

### Land Administration

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

- a) has adverse comment on the application;
- b) the Site comprises GL and Old Schedule Agricultural Lots 4000, 4001, 4002, 4003, 4004, 4005 S.A, 4005 S.B, 4005 RP, 4006, 4007, 4008, 4009, 4011, 4012, 4018 RP, 4019 RP, 4020, 4041 S.C RP, 4041 S.D RP and 4042 RP in D.D. 104 held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government;
- c) Lots 4005 S.A, 4005 S.B and 4041 RP in D.D. 104 and Lot 4000 in D.D. 104 are covered by STW No. 2388 for office and ancillary use for container depot and STW No. 3271 for ancillary use for a container depot respectively;

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

- d) LandsD has reservation on the planning application since there is/are unauthorised structure(s) on Lots 4005 RP, 4006, 4008, 4009, 4020 & 4041 S.D in D.D. 104. The lots owner(s) should rectify/apply for regularisation on the lease breaches as demanded by LandsD;

#### Unlawful occupation of GL with unauthorised structure(s) covered by the planning application

- e) the GL within the Site (of about 73m<sup>2</sup>) has been fenced-off/unlawfully occupied with unauthorized structure(s) without any permission. Any occupation of GL without Government's prior approval is an offence under Cap. 28. His office reserves the rights to take necessary land control action against the unlawful occupation of GL without further notice;
- f) the lot owner(s) shall apply to this office for a STW and/or STT to permit the structure(s) erected within the said private lot(s) and the occupation of GL. The application(s) for STW and/or STT will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The STW and/or STT, if approved, will be subject to such terms and conditions including the payment of waiver fee/rent and administrative fee as considered appropriate by LandsD. Besides, given the applied use in temporary in nature, only erection of temporary structure(s) will be considered;
- g) there is no Small House application approved or under processing at the Site; and
- h) his advisory comments are in **Appendix V**.

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

On 22.7.2025, the application was published for public inspection. During the statutory public inspection period, two comments were received from individuals objecting to the application mainly on the grounds of no enforcement action taken against the brownfield operation at the Site; insufficient justification for the applied use; and potential environmental and drainage impacts, fire risks and safety issues arising from the applied use on the adjacent areas (**Appendix VI**).

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

- 12.1 The application is for temporary shop and services with ancillary facilities and associated filling of land for a period of five years at the Site zoned “V” (**Plan A-1**). Whilst the applied use is not entirely in line with the planning intention of the “V” zone, the applicant states that the applied use is intended to serve the general public, nearby locals and business operators to facilitate the promotion of the use of EVs and ECM as well as support the development and usage of green energy in the New Territories. The Secretary for Environment and Ecology also has no adverse comments on the application from the EV policy perspective. According to DLO/YL, LandsD, there is currently no Small House application approved or under processing at the Site. The applied use of temporary nature would not adversely affect the land availability for NTEH/Small House within the “V” zone in the long term. Taking into account the above and the planning assessments below, there is no objection to the applied use with associated filling of land on a temporary basis for a period of three years.
- 12.2 Filling of land within the “V” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the adjacent areas. In this regard, the Chief Engineer/Mainland North of the Drainage Services Department and the Director of Environmental Protection have no objection to or no comment on the application from public drainage and environmental planning perspectives respectively.
- 12.3 The applied use is considered not incompatible with the surrounding areas which are occupied predominantly by gardening areas, a low-rise residential development named 金翠軒, open storage yards, parking of vehicles, woodland, a nullah, Pok Wai Road as well as Castle Peak Road – Tam Mi. (**Plan A-2**). To minimise potential nuisance to the surrounding areas, the applicant has proposed to confine the L/UL activities of container vehicles within restricted periods of time in a day and physically away from the residential dwelling to the north, and to provide solid metal fencing along the boundary of the Site. The Chief Town Planner/Urban Design and Landscape of the Planning Department (PlanD) considers that significant landscape impact arising from the applied use is not anticipated and has no comment on the application from landscape planning perspective.
- 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. The Director of Agriculture, Fisheries and Conservation has no objection to the application from nature conservation perspective.

- 12.5 Regarding DLO/YL, LandsD's concerns on the unauthorised structures and illegal occupation of GL, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application. The applicant has also committed to applying for STW and STT to rectify the lease breaches upon planning approval given. Other concerned government departments consulted, including the Commissioner for Transport and the Director of Fire Services have no objection to or no adverse comment on the application. To address the technical requirements of the concerned departments, appropriate approval conditions are recommended in paragraph 13.2 below. It is also recommended to advise the applicant to follow the latest 'CoP' issued by EPD in order to minimise the potential environmental nuisance caused by the applied use on the surrounding areas.
- 12.6 There are two approved similar applications within the same "V" zone in the past five years as mentioned in paragraph 7 above. Approving the current application is in line with the Committee's previous decisions.
- 12.7 Regarding the public comments as summarised in paragraph 11 above, background of the Site, departmental comments and planning assessments above are 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 five years until 5.9.2030. 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 5.3.2026;
- (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 5.6.2026;
- (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 5.3.2026;

- (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 5.6.2026;
- (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; and
- (g) if any of the above planning conditions (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 V**.

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

the applied use with associated filling of land is not in line with the planning intention of the "V" zone, which is to provide land primarily for development of Small Houses by indigenous villagers. 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 with attachments received on 18.7.2025
<b>Appendix Ia</b>	FI received on 7.8.2025
<b>Appendix Ib</b>	FI received on 15.8.2025
<b>Appendix Ic</b>	FI received on 21.8.2025
<b>Appendix Id</b>	FI received on 29.8.2025

<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>	Site Layout Plan
<b>Drawing A-2</b>	Land Filling Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to A-4c</b>	Site Photos

**PLANNING DEPARTMENT  
SEPTEMBER 2025**