

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-NSW/353

<u>Applicants</u>	:	Main Start Limited, Right Top Limited, Universal Faith Development Limited, Hill Win Development Limited, Park View Investment Limited and City Top Investment Development Limited represented by DeSPACE (International) Limited
<u>Site</u>	:	Lots 3669 S.A RP (Part), 3669 S.B RP (Part), 3670 RP (Part), 3671 RP (Part), 3672 RP (Part), and 3673 RP (Part) in D.D.104, Nam Sang Wai, Yuen Long, New Territories
<u>Site Area</u>	:	About 3,010m ²
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Draft Nam Sang Wai Outline Zoning Plan (OZP) No. S/YL-NSW/11 <i>(currently in force)</i> Approved Nam Sang Wai OZP No. S/YL-NSW/10 <i>(at the time of submission)</i>
<u>Zoning</u>	:	"Village Type Development" ("V") <i>[restricted to a maximum building height of 3 storeys (8.23m)]</i> <i>(no change on the current OZP)</i>
<u>Application</u>	:	Proposed Temporary Public Vehicle Park (Excluding Container Vehicle) and Associated Filling of Land for a Period of Three Years

1. The Proposal

- 1.1 The applicants seek planning permission for proposed temporary public vehicle park (excluding container vehicle) and associated filling of land for a period of three 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, 'public vehicle park (excluding container vehicle)', which is a Column 2 use, as well as filling of land require planning permission from the Town Planning Board (the

Board). The Site is currently partially fenced-off, partially hard paved and formed, largely vacant with a small portion occupied by temporary structures and parking of vehicles without valid planning permission (**Plans A-2 to A-4b**).

1.2 The Site with an ingress/egress at the northeastern part is accessible from Kam Pok Road East via a local track (**Plans A-2 and A-3**). According to the applicants, a total of 29 parking spaces including three for private cars (5m x 2.5m) and 26 for coaches (12m x 3.5m) will be provided within the Site (**Drawing A-1**). No structures will be erected within the Site. Only vehicles with valid licences are allowed to park or enter/exit the Site. No light, medium or heavy goods vehicles, including container tractors/trailers, as defined in the Road Traffic Ordinance, will be allowed to park/enter the Site. A notice which shows the said restriction will be posted at the ingress/egress of the Site. All coaches will enter the Site via the westbound of Kam Pok Road East at all times. Staffs will be deployed at the run-in/out of the Site to provide assistance for the vehicles moving-in/out of the Site so as to ensure pedestrian safety. No car washing, vehicle repairing, dismantling or other workshop activities will be carried out at the Site at all times. Sufficient manoeuvring space will be provided within the Site to ensure that no vehicles will turn back outside the Site. The applicants also apply for filling of land for the entire site, which has a descending slope relief from north to south, with concrete of not more than 0.2m in depth (from +7.2mPD to +7.4mPD at the north and from +5.0mPD to +5.2mPD at the south) for site formation and vehicular circulation (**Drawing A-2**). The operation hour will be 24 hours daily, including Sundays and public holidays. The layout plan and land filling plan submitted by the applicants are at **Drawings A-1 and A-2** respectively.

1.3 In support of the application, the applicants have submitted the following documents:

(a) Application Form with supplementary planning statement (**Appendix I**) (SPS) and supplementary information received on 6.8.2025 and 12.8.2025 respectively

(b) Further Information (FI) received on 15.9.2025 [#] (**Appendix Ia**)

[#] *accepted and exempted from publication and recounting requirements.*

2. Justifications from the Applicants

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

(a) The proposed temporary use will not jeopardise the long-term planning intention of the “V” zone as no Small House application is under processing or approved at the Site. There are two applications (No. A/YL-NSW/348 and 349) for proposed social

welfare facilities submitted by the same applicants as the current application at the northern and southern portions of the Site respectively (**Plan A-1**), which are still under processing. The applicants envisage that the proposed developments of these two applications, if approved, are unlikely to be implemented in the next three years. The proposed temporary use under the current application can utilise the scarce land resources and address the parking demand in the vicinity in the short term to avoid illegal parking and ensure pedestrian safety in the locality.

- (b) There is one similar application No. A/YL-KTS/318 (**Plan A-1**) for temporary public vehicle park and associated filling of land approved in the vicinity and the proposed development under current application is considered not incompatible with the surrounding areas.
- (c) The Site is accessible from Kam Pok Road East through a local access under a deed of grant of right of way (ROW) at Lot 3668 S.K in D.D. 104 (**Drawing A-1**). The proposed temporary use will be used by assigned operator with manageable traffic flow and volume. Necessary traffic management measures are proposed, including deploying staffs at the run-in/out of the Site to assist the traffic control, following the assigned timeslot for vehicles to enter/leave the Site and recording the arrival/departure time of vehicles, thus no adverse traffic impacts are anticipated. The applicants will strictly follow the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' (the 'CoP') issued by the Environmental Protection Department (EPD) to minimise adverse environmental impacts and nuisances to the surroundings. The applicants will also implement and maintain the proposed drainage facilities to avoid bringing adverse impacts to existing or planned drainage system and surrounding fishponds. No significant environmental, sewerage and drainage impacts are anticipated.
- (d) The applicants apply for filling of land for the entire site with concrete of not more than 0.2m in depth for site formation and vehicular circulation as well as preventing vehicles from compacting the existing soiled ground and weakening the ground surface. The applicants 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 applicants are the sole “current land owners”. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guideline

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

5. Background

The Site is currently subject to planning enforcement action (No. E/YL-NSW/295) against unauthorised development (UD) involving filling of land. Reinstatement Notice was issued on 24.7.2025 requiring the reinstatement of the concern land. If the notice is not complied with, prosecution action would be considered.

6. Previous Applications

6.1 The Site is involved in one previous application (No. A/YL-NSW/312) for temporary open storage of construction materials and machinery which was rejected by the Rural and New Town Planning Committee (the Committee) in 2023. The considerations of this application are not relevant due to different use involved. Details of the application are summarised at **Appendix III** and its location is shown on **Plan A-1**.

6.2 As mentioned in paragraph 2(a) above, there are two applications (No. A/YL-NSW/348 and 349) submitted by the same applicants as the current application for proposed social welfare facility (residential care home for persons with disabilities and residential care home for elderly respectively) covering the Site. The applicants request the Committee to defer making a decision on the two applications, which will be considered at the same meeting (**Plan A-1**).

7. Similar Applications

There are two similar applications (No. A/YL-NSW/305 and 318) covering different extent of a site for proposed temporary public vehicle park (for private cars, light goods vehicles and/or coaches) and associated filling of land with or without ancillary electric vehicle charging facility and office within the same “V” zone in the vicinity of the Site in the past five years (**Plan A-1**). Both applications were approved with conditions by the Committee in 2022 and 2023 respectively, mainly on the considerations that the temporary approval would not frustrate the long-term planning intention of “V” zone; the proposed use was not incompatible with the surrounding areas; the concerned government departments consulted in general had no adverse comment or their technical concerns could be addressed by relevant approval conditions; and supportive stances from relevant bureau and department were given for application No. A/YL-NSW/318. Planning permission for application No. A/YL-NSW/305 was subsequently revoked on 23.12.2023 due to non-compliance with time-limited approval conditions. Details of the 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-3, A-4a and A-4b)

8.1 The Site is:

- (a) currently partially fenced off, partially hard paved and formed, largely vacant with a small portion occupied by temporary structures and parking of vehicles without valid planning permission;
 - (b) accessible from Kam Pok Road East via a local track; and
 - (c) located within the WBA of the Deep Bay Area.
- 8.2 The surrounding areas comprise predominately residential structures, ponds, parking of vehicles (with valid planning permission), a Towngas Open Yard, grassland and vacant land.

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 New Territories Exempted House (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, as 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 Relevant Government Departments

- 10.1 Apart from the government department as set out in paragraphs 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 does not support the application:

Environment

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

- (a) based on the information provided, the proposed use would not involve dusty operation but it would cause traffic of heavy vehicles (i.e. coaches). According to the land use survey plan, there are

residential buildings within 100m from the boundary of the Site. As such, according to the revised 'CoP', it is anticipated that the proposed use would cause environmental nuisance to the residential buildings nearby;

- (b) he does not support the application from environmental planning perspective;
- (c) he has no comment on the proposed filling of land from environmental planning perspective;
- (d) there was no substantiated environmental complaint received at the Site in the past three years; and
- (e) his advisory comments are at **Appendix V**.

11. Public Comments Received During Statutory Publication Period

On 15.8.2025, the application was published for public inspection. During the statutory public inspection period, two public comments were received from an indigenous inhabitant representative of Pok Wai Village and an individual objecting the application mainly on the grounds that there is conflict among the applicants and villagers due to unresolved land issues related to the proposed access; the proposed use for parking of coaches would not benefit nearby villagers; adverse traffic impacts arising from the proposed use are anticipated; and the proposed use is not in line with the planning intention of "V" zone.

12. Planning Considerations and Assessments

12.1 The application is for proposed temporary public vehicle park (excluding container vehicles) with associated filling of land for a period of three years at the Site zoned "V" (**Plan A-1**). Whilst the proposed use is not entirely in line with the planning intention of the "V" zone, the applicants state that the proposed use could address the parking demand in the locality and help to avoid illegal parking to ensure pedestrian safety. According to the District Lands Officer/ Yuen Long of Lands Department, there is currently no Small House application approved or under processing at the Site. The proposed use of temporary nature would not adversely affect the land availability for NTEH/Small House within the "V" zone in the long term. Approval of the application on a temporary basis for a period of three years would not jeopardise the long-term planning intention of the "V" zone.

12.2 Filling of land within the "V" zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts in the adjacent areas. In this regard, the Chief Engineer/Mainland North of Drainage Services Department and Director of Environmental Protection have no objection to or no

comment on the proposed filling of land from drainage and environmental planning perspective.

- 12.3 The proposed use is considered not incompatible with the surrounding areas, which are occupied predominantly by residential structures, ponds, parking of vehicles, a Towngas Open Yard, grassland and vacant land. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) considers that significant adverse landscape impact arising from the proposed use is not anticipated.
- 12.4 While the Site falls within the WBA under 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 adverse comment on the application from nature conservation perspective.
- 12.5 DEP does not support the proposed use as there are sensitive receivers of residential use to the north of the Site (**Plan A-2**) and the proposed use will cause traffic of heavy vehicles, thus environmental nuisance is expected. To address DEP's concerns, the applicants will be advised to follow the revised 'CoP' issued by EPD to minimise any potential nuisances caused by the proposed use should the Committee approve the application. Other relevant government departments consulted, including the Director of Fire Services, the Commissioner for Transport and the Chief Highway Engineer/New Territories West of Highways Department, 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.
- 12.6 There are two approved similar applications within the same "V" zone in the vicinity of the Site 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 For the public comments mentioned in paragraph 11 above, the departmental comments and planning assessments above are relevant.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 above 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 3 years until 19.9.2028. 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 19.3.2026;
- (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 19.6.2026;
- (c) in relation to (b) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (d) the submission of a run-in/out proposal at Kam Pok Road East within **6** months from the date of planning approval to the satisfaction of the Director of Highways and the Commissioner for Transport or of the Town Planning Board by 19.3.2026;
- (e) in relation to (d) above, the implementation of the run-in/out proposal at Kam Pok Road East within **9** months from the date of planning approval to the satisfaction of the Director of Highways and the Commissioner for Transport or of the Town Planning Board by 19.6.2026;
- (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 attached 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 "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 applicants.

15. Attachments

Appendix I	Application Form with SPS received on 6.8.2025 and 12.8.2025
Appendix Ia	FI received on 15.9.2025
Appendix II	Relevant 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	Layout Plan
Drawing A-2	Land Filling Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2025**