

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-NSW/356

<u>Applicant</u>	:	Team Harvest Limited represented by Aikon Development Consultancy Limited
<u>Site</u>	:	Lot 1743 S.C RP (Part) in D.D. 107, Castle Peak Road, Sha Po, Yuen Long, New Territories
<u>Site Area</u>	:	About 31,670m 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
<u>Zoning</u>	:	“Other Specified Uses” annotated “Soy Sauce Factory” (“OU(SSF)”) (about 66%) <i>[restricted to a maximum non-domestic gross floor area (GFA) of 13,700m² and a maximum building height (BH) of 15mPD]</i> “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area (2)” (“OU(CDWRA)(2)”) (about 34%) <i>[restricted to a maximum GFA of 392,300m² and a maximum BH of 115mPD]</i>
<u>Application</u>	:	Temporary Container Storage Yard with Ancillary Office and Facilities for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary container storage yard with ancillary office and facilities for a period of three years at the application site (the Site), which falls within an area zoned partly “OU(SSF)” and partly “OU(CDWRA)(2)” on the OZP (**Plan A-1a**). According to the covering Notes

of the OZP, temporary use or development of any land not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is currently largely occupied by the applied use (**Plans A-2 to A-4d**).

- 1.2 The Site is accessible from Castle Peak Road – Tam Mi via a local track with an ingress/egress located at the north-eastern corner of the Site (**Plans A-2 and A-4a**). According to the applicant, the Site is sub-divided into four areas by internal fencing of which three of them are used as container storage yards and the area at the north-eastern portion of the Site is designated as internal vehicular access and waiting area for container vehicles (**Drawing A-1**). The applied use also involves nine single-storey structures with a total GFA of about 1,990m² and height of not more than 6m for general storage, ancillary site office, meter room and water tank uses. The stacking height of the containers would not exceed five units. No parking space and loading/unloading space is provided within the Site. Sufficient manoeuvring space is provided within the Site and no vehicles will queue back to or reverse onto/from public road at all times. The operation hours are from 7:00 a.m. to 11:00 p.m. daily, including public holidays, while night-time operation at the Site is not allowed. No dangerous goods will be stored and no repairing, assembling, dismantling or workshop activities will be carried out at the Site at all times. The existing boundary fencing along the Site, existing trees and the drainage facilities implemented within the Site will be properly maintained at all times. The site layout plan submitted by the applicant is at **Drawing A-1**.
- 1.3 The Site is involved in eight previous applications covering a larger site for the same container storage use of which seven of them were approved with conditions for a period of five years by the Rural and New Town Planning Committee (the Committee) of the Board or by the Board upon review between 1994 and 2025 (details at paragraph 6 below) (**Plan A-1b**). Compared with the last approved application No. A/YL-NSW/338 approved with conditions on 28.2.2025, the current application is submitted by the same applicant for the same use covering a smaller site (from 39,000m² to 31,670m² (-7,330m² / -18.8%) under different zonings with changes in development layout and parameters, i.e. reduction in GFA from 3,500m² to 1,990m² (-1,510m² / -43.1%), site coverage from 8.4% to 6.3% (-2.1%) and number of structures from 18 to 9 (-9 structures / -50%), which reflect the current layout and operation arrangement at the Site.
- 1.4 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with attachments and Supplementary (**Appendix I**) Information (SI) received on 16.9.2025, 19.9.2025 and 22.9.2025
 - (b) Further Information (FI) received on 28.10.2025 # (**Appendix Ia**)

(c) FI received on 30.10.2025 [#] (Appendix Ib)

(d) FI received on 3.11.2025 [#] (Appendix Ic)

[#] accepted and exempted from publication and recounting requirements

2. **Justifications from the Applicant**

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

- (a) Approvals had been granted to seven previous applications for the same use since 1994, and the applied use will not set an undesirable precedent.
- (b) The Site falls within Category 1 areas under the Town Planning Board Guidelines No. 13G for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13G). The application is considered in line with TPB PG-No. 13G.
- (c) No adverse infrastructural and environmental impacts are anticipated from the current application since there will be no substantial change in planning circumstances, no changes in terms of the nature and operation mode for the applied use, and the existing boundary fencing, drainage facilities and landscape treatment will be properly maintained at all time.
- (d) The applied use is temporary in nature will not jeopardize the long-term development of the Site, i.e. a comprehensive residential development, a proposed school and a relocated soy sauce factory. The planning permission granted could allow continuation of utilising the Site for the applied use in short term.

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

The applicant is not a “current land owner” of the Site 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 notifying the “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Town Planning Board Guidelines**

Town Planning Board Guidelines for “Application for Developments within Deep Bay Area” (TPB PG-No. 12C) and TPB PG-No. 13G are relevant to the application. Relevant extract of the Guidelines are attached at **Appendix II**.

5. **Background**

5.1 The Site was zoned “Open Storage” (“OS”) since the gazettal of the Interim Development Permission Area (IDPA) plan on 17.8.1990 and the zoning remained unchanged on the then approved Nam Sang Wai OZP No. S/YL-NSW/10. In order to take forward the partially agreed section 12A application No. Y/YL-NSW/9 ¹ which covers majority of the Site (**Plan A-2**), the then approved Nam Sang Wai OZP No. S/YL-NSW/10 was amended as agreed by the Committee on 15.8.2025. Subsequently, the draft Nam Sang Wai OZP No. S/YL-NSW/11 (the OZP currently in force) was exhibited under section 5 of the Town Planning Ordinance on 12.9.2025. The Site now falls within an area zoned partly “OU(SSF)” and partly “OU(CDWRA)(2)” on the OZP currently in force (**Plans A-1a and A-2**).

5.2 The Site is currently not subject to any active planning enforcement action.

6. **Previous Applications**

6.1 The Site is involved in eight previous applications ² (No. A/DPA/YL-NSW/18, A/YL-NSW/2, 70, 158, 194, 234, 276 and 338) for container storage yard at the time when the Site was zoned “OS”. Details of the applications are summarised at **Appendix III** and their locations are shown on **Plan A-1b**.

6.2 Except application No. A/DPA/YL-NSW/18 which was rejected by the Committee in 1994, the remaining seven applications (No. A/YL-NSW/2, 70, 158, 194, 234, 276 and 338) were all partially approved/approved with conditions by the Committee or by the Board upon review between 1994 and 2025 on temporary basis, mainly on the considerations that the proposed/applied use was generally in line with the planning intention of the Site; the proposed/applied use was generally in line with the TPB PG-No. 13G or its previous versions in that previous approvals for similar applied use had been granted; no adverse comments had been received from relevant government departments; there were no changes in planning circumstances; and/or all approval conditions under previous applications had been complied with. Applications No. A/YL-NSW/2 and 158 originally sought approval on a permanent basis, but permanent approval was not given to both applications mainly on the considerations that the proposed use was not entirely compatible with the planning intention of the “OS” zone as potential environmental and traffic problems were not fully addressed; there was no detailed assessment to justify the permanent development of the applied use on the site; and temporary approval was considered appropriate to monitor the environmental and traffic impacts generated by the operation.

¹ Section 12A Application No. Y/YL-NSW/9 for a proposed comprehensive residential development, a proposed primary school and a relocated soy sauce factory was partially agreed by the Committee on 28.2.2025.

² All the eight previous applications fell within the then “OS” zone on previous IDPA, Development Permission Area Plan and OZPs at the time of consideration by the Committee or upon review by the Board.

- 6.3 Compared with the last approved application No. A/YL-NSW/338, the current application is submitted by the same applicant for the same use covering a smaller site under different zonings with changes in development layout and parameters as mentioned in paragraph 1.3 above. The planning permission is valid until 20.3.2030.

7. Similar Application

There is no similar application within the same “OU(SFF)” and/or “OU(CDWRA)(2)” zones on the OZP.

8. The Site and Its Surrounding Areas (Plans A-1 to A-3, A-4a to A-4d)

8.1 The Site is:

- (a) accessible from Castle Peak Road – Tam Mi via a local track;
- (b) largely occupied by the applied use; and
- (c) located within the Wetland Buffer Area (WBA) of the Deep Bay Area.

8.2 The surrounding areas are rural in character comprising predominately scattered residential structures, ponds, grasslands, an existing soy sauce factory (i.e. Koon Chun Soy Sauce Factory), a temporary centralised quarter for imported labour in the construction sector (with planning permission under application No. A/YL-NSW/354). The Site is bounded by the bank of the old meander of Kam Tin River and Pok Wai South Road to its west and Castle Peak Road – Tam Mi and Tsing Long Highway to its east and south (**Plan A-2**).

9. Planning Intention

- 9.1 The planning intention of the “OU(SSF)” zone is primarily for the relocation and redevelopment of a soy sauce factory and uses related and/or ancillary to the operation of the factory.
- 9.2 The planning intention of the “OU(CDWRA)(2)” zone is to provide incentive for the restoration of degraded wetlands adjoining existing fish ponds through comprehensive residential development to include wetland restoration area in Area (a) and phasing out of the existing industrial, open storage and port back-up uses through comprehensive residential development in Area (b), with the provision of public transport terminus as well as government, institution or community and other supporting facilities. Commercial uses serving the local neighbourhood and/or a wider area may also be permitted. Any new building should be located farthest away from Deep Bay.

10. Comments from Relevant Government Departments

All government 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.

11. Public Comment Received During Statutory Publication Period

On 23.9.2025, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

12. Planning Considerations and Assessments

- 12.1 The application is for temporary container storage yard with ancillary office and facilities for a period of three years at the Site zoned partly “OU(SSF)” and partly “OU(CDWRA)(2)” (**Plan A-1a**). Whilst the applied use is not in line with the planning intentions of “OU(SSF)” and “OU(CDWRA)(2)” zones, according to the applicant, approval of the application could allow continuation of utilising the Site for the applied use in short term. Besides, the implementation of the proposed developments at the “OU(SSF)” and “OU(CDWRA)(2)” zones is still at an early stage as mentioned in paragraph 5.1 above. Taking into account the above and the planning assessments below, there is no objection to the applied use on a temporary basis of three years.
- 12.2 The applied use is considered not incompatible with the surrounding areas which are rural in character with an intermix of scattered residential structures, an existing soy sauce factory, a temporary centralised quarter for imported labour in the construction sector, ponds and grasslands (**Plans A-2 and A-3**). The Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L, PlanD) considers that the applied use is not entirely incompatible with the landscape setting in its proximity and significant landscape impact arising from the applied uses is not anticipated.
- 12.3 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.
- 12.4 The site falls within Category 1 areas under TPB PG-No. 13G. The application is considered generally in line with TPB PG-No. 13G in that relevant government departments consulted, including the Commissioner for Transport, Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department, Director of Fire Services and CTP/UD&L, PlanD, 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 revised 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department in order to minimise the potential environmental nuisance caused by the applied uses on the surrounding areas.

- 12.5 Although the land use zonings for the Site have been amended from "OS" to "OU(SSF)" and "OU(CDWRA)(2)" as mentioned in paragraph 5.1 above, there is no significant change in the development context of the Site and its surroundings since the last approval for the same use was granted on 28.2.2025. Considering that there are seven approved previous applications at the Site between 1994 and 2025 as detailed in paragraphs 1.3 and 6.2 above, approving the current application is not in conflict with the previous decisions of the Committee/the Board.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 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 7.11.2028. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (b) the submission of a condition record of the existing drainage facilities on the Site within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 7.2.2026;
- (c) 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 7.5.2026;
- (d) in relation to (c) 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 7.8.2026;
- (e) if the above planning condition (a) 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

- (f) if any of the above planning condition (b), (c) or (d) 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**.

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

the applied use is not in line with the planning intentions of the "OU(SSF)" and "OU(CDWRA)(2)" zones, which are for the relocation and redevelopment of a soy sauce factory and uses related and/or ancillary to the operation of the factory, and to provide incentive for the restoration of degraded wetlands adjoining existing fish ponds through comprehensive residential development. There is no strong justification in the submission for a departure from the planning intentions, 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 with attachments and SI received on 16.9.2025, 19.9.2025 and 22.9.2025
Appendix Ia	FI received on 28.10.2025
Appendix Ib	FI received on 30.10.2025
Appendix Ic	FI received on 3.11.2025
Appendix II	Relevant extracts of TPB PG-No. 12C and 13G
Appendix III	Previous Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses

Drawing A-1	Site Layout Plan
Plan A-1a	Location Plan
Plan A-1b	Previous Application Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4d	Site Photos

**PLANNING DEPARTMENT
NOVEMBER 2025**