

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-NSW/365

- Applicant** : WU Chiu Hung represented by R-riches Planning Limited
- Site** : Lot 3577 RP in D.D. 104, Nam Sang Wai, Yuen Long, New Territories
- Site Area** : About 222m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Nam Sang Wai Outline Zoning Plan (OZP) No. S/YL-NSW/12
(currently in force)
- Draft Nam Sang Wai OZP No. S/YL-NSW/11
(at the time of submission)
- Zoning** : “Village Type Development” (“V”)
[restricted to a maximum building height of 3 storeys (8.23m)]
(no change on the current OZP)
- Application** : Proposed Temporary Shop and Services and Associated Filling of Land
for a Period of Five Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary shop and services 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 the “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 largely vacant, with some miscellaneous items placed thereon, partially covered by vegetation (**Plan A-4**).
- 1.2 The Site is accessible from Kam Pok Road East via a local access to its north (**Plans A-2 to A-4**). According to the applicant, the proposed use is for a real estate agency to serve the nearby locals, which involves a single-storey structure

(not more than 3m in height) with a total floor area of about 72m². One parking space for private car, but no loading/unloading space, will be provided within the Site. Sufficient manoeuvring space will be provided within the Site to ensure that no vehicle will turn back onto the local access. No tree felling will be involved for the proposed use. The proposed operation hours are from 9:00 a.m. to 6:00 p.m. daily, including public holidays. The applicant also applies for proposed filling of land for the entire site with concrete of not more than 0.2m in depth (raising the site level from +5.2mPD to +5.4mPD) for site formation of structure, parking and circulation space (**Drawing A-2**). The proposed layout plan and land filling plan submitted by the applicant are at **Drawings A-1 and A-2** respectively.

1.3 In support of the application, the applicant has submitted the following documents:

- (a) Application Form with Supporting Planning Statement (**Appendix I**) (SPS) and Supplementary Information (SI) received on 11.3.2026 and 13.3.2026 respectively
- (b) Further Information (FI) received on 22.4.2026[#] (**Appendix Ia**)
- (c) FI received on 24.4.2026[#] (**Appendix Ib**)

[#] *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 SPS and SI at **Appendix I**. They can be summarised as follows:

- (a) The proposed real estate agency is to cope with the high demand for real estate consultancy services and aims to bring convenience to the nearby locals and business operators. The proposed use would better utilise precious land resources.
- (b) The proposed low-rise structure is considered not incompatible with the surrounding areas and would not frustrate the long-term planning intention of the “V” zone. There are similar applications for temporary ‘Shop and Services’ use approved in the past five years and approval of the current application is in line with the Board’s previous decisions.
- (c) Drainage and fire service installations proposals will be submitted and implemented to alleviate the potential adverse impacts arising from the proposed use.

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

The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

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

5. Previous Application

There is no previous application involving the Site.

6. Similar Applications

There are four similar applications (No. A/YL-NSW/289, 323, 351 and 355) covering two sites for temporary shop and services use with or without filling of land within the same “V” zone in the vicinity of the Site in the past five years. All of them were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board, mainly on the considerations that temporary approval of the proposed/applied use would not jeopardise the long-term planning intention of “V” zone; the proposed/applied 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. The planning permission of application No. A/YL-NSW/323 was subsequently revoked in 2025 due to non-compliance with time-limited approval condition on drainage aspect. Details of the similar applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

7. The Site and Its Surrounding Areas (Plans A-1 to A-4)

7.1 The Site is:

- (a) accessible from Kam Pok Road East via a local access located to its north; and
- (b) currently largely vacant, with some miscellaneous items placed thereon, and partially covered by vegetation.

7.2 The surrounding areas comprise predominantly scattered residential structures, open storage and storage yards, a recycling workshop, shop and services and vehicle repair workshop (with valid planning permission), parking of vehicles (with valid planning permission), grassland and ponds. To the north and east of the Site are Kam Pok Road East and Castle Peak Road –Tam Mi and San Tin Highway.

8. Planning Intention

- 8.1 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.
- 8.2 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.

9. 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 III and IV** respectively.

10. Public Comment Received During Statutory Publication Period

On 20.3.2026, the application was published for public inspection. During the statutory public inspection period, one comment was received from an individual stating that the Site is currently used as a car repair workshop without valid planning approval and the proposed access appears to straddle the building further back.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary shop and services with associated filling of land for a period of five years at the Site zoned “V” on the OZP (**Plan A-1**). Whilst the proposed use is not entirely in line with the planning intention of the “V” zone, the applicant states that the proposed use is intended to provide real estate consultancy services to the nearby locals and business operators and cope with the demand for such services. The District Lands Officer/Yuen Long of Lands Department has no adverse comments on the application and advises that there is currently no Small House application approved/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. Taking into account the above and the planning assessments below, there is no objection to the proposed use with associated filling of land on a temporary basis for a period of five years.

- 11.2 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 Drainage Services Department and Director of Environmental Protection have no objection to or no comment on the application from public drainage and environmental planning perspectives respectively.
- 11.3 The proposed use is considered not incompatible with the surrounding areas which are occupied predominantly by scattered residential structures, open storage and storage yards, a recycling workshop, shop and services and vehicle repair workshop, parking of vehicles, grassland and ponds, as well as Kam Pok Road East, Castle Peak Road – Tam Mi and San Tin Highway (**Plan A-2**). The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) considers that significant landscape impact arising from the proposed use is not anticipated.
- 11.4 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 the concerned departments, appropriate approval conditions are recommended in paragraph 12.2 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 proposed use on the surrounding areas.
- 11.5 There are four approved similar applications within the same “V” zone in the past five years as mentioned in paragraph 6 above. Approving the current application is in line with the Committee’s previous decisions.
- 11.6 Regarding the public comment as summarised in paragraph 10 above, the Site is currently largely vacant and partially covered with vegetation, with some miscellaneous items thereon. The structure to the south of the Site is accessed via Castle Peak Road – Tam Mi (**Plans A-2 and A-3**). Departmental comments and planning assessments above are also relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comment mentioned in paragraph 10 above, PlanD has no objection to the application.
- 12.2 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 8.5.2031. 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 8.11.2026;
- (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 8.2.2027;
- (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 8.11.2026;
- (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 8.2.2027;
- (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 IV**.

- 12.3 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 "Village Type Development" zone, which is to provide land primarily for development of Small Houses by indigenous villagers. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 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.
- 13.3 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.

14. Attachments

Appendix I	Application Form with SPS received on 11.3.2026 and SI received on 13.3.2026
Appendix Ia	FI received on 22.4.2026
Appendix Ib	FI received on 24.4.2026
Appendix II	Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment
Drawing A-1	Proposed Layout Plan
Drawing A-2	Land Filling Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
MAY 2026**