

**Application for Renewal of Planning Approval for Temporary Use
 Under Section 16 of the Town Planning Ordinance**

Application No. A/YL-NSW/366

1. <u>Proposal</u>	
Applicant	Rich Throw Limited represented by LI Fu Chuen
Site (Plan A-1)	Lots 3730 S.E (Part), 3733 (Part), 3734 S.A (Part), 3734 S.B ss.1, 3734 S.B RP (Part), 3734 RP (Part) and 3535 RP (Part) in D.D. 104, Pok Wai, Nam Sang Wai, Yuen Long
Site Area	About 320m ²
Zoning and Outline Zoning Plan (OZP) No.	“Village Type Development” (“V”) zone on the approved Nam Sang Wai OZP No. S/YL-NSW/12 <i>[restricted to a maximum building height of 3 storeys (8.23m)]</i>
Application	Renewal of Planning Approval for Temporary Private Swimming Pool and Garden Use for a Period of Three Years
Site Context and the Current Proposal	The application site (the Site) is accessible via a local road leading to Castle Peak Road – Tam Mi (Plan A-2). According to the applicant, the applied uses involve a total floor area of 147.65m ² (including 144.5m ² for the swimming pool of 1.3m deep and 3.15m ² for the single-storey ancillary plant room of 1.5m in height), and the remaining land area of 172.35m ² for garden use (Drawing A-1). No parking or loading/ unloading space is provided at the Site. The layout plan submitted by the applicant is at Drawing A-1 .
Last Previous Relevant Application ¹	Application No. A/YL-NSW/313 approved on 19.5.2023 for renewal of planning approval for a period of three years until 26.5.2026, which was submitted by the same applicant for the same uses at the same Site with same development parameters and layout. (Please refer to https://www.tpb.gov.hk/uploads/page/meetings/RNTPC/A_YL-NSW_313/A_YL-NSW_313_MainPaper.pdf for details of the last previous relevant application)

¹ The Site is involved in eight previous applications (No. A/YL-NSW/100, 151, 177, 206, 227, 253, 277 and 313) for the same applied uses as the current renewal application which were approved between 2001 and 2023.

<p>Justifications from the Applicant (Appendices I to Ib)</p>	<p>(a) The applicant is the land owner of the Site and the ground and first floors of the house at Lot 3730 S.E. adjoining the southwestern boundary of the Site. The applied uses are intended for leisure use and is made available to be used by the applicant, his relatives and nearby neighbours free of charge. The applicant will continue to take up the responsibility for the maintenance and repair of the applied uses.</p> <p>(b) The applied uses were the subject of eight previous approved applications and the approval conditions have all been complied with. The applicant is willing to continue to maintain the implemented drainage, landscape and FSIs facilities.</p> <p>(c) The swimming pool and the ancillary plant room were built in 2007 and there has been no change in the building structures since then. As such, there will not be any impact on the surrounding areas.</p>
<p>Compliance with the “Owner’s Consent/Notification” requirements²</p>	<p>The applicant is the sole “current land owner”.</p>

2. Planning Considerations and Assessments

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
(a)	<p>In line with TPB PG No. 34D³, including:</p> <p>i. no material change in planning circumstances since the previous approval was granted (e.g. a change in planning policy/zoning for the area) or land uses of surrounding areas);</p> <p>ii. no adverse planning implications arising from the renewal of the planning approval (e.g. pre-emption of planned permanent development);</p>	✓		<p>Whilst the applied uses are not in line with the planning intention of the “V” zone, the District Lands Officer/Yuen Long of Lands Department has no comment on the application, and advises that there is currently no Small House application approved or under processing at the Site.</p>

² As set out in TPB Guidelines on Satisfying the ‘Owner’s Consent/Notification’ Requirements under Sections 12A and 16 of the Town Planning Ordinance ([TPB PG-No. 31B](#)).

³ TPB Guidelines No. 34D on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development.

	<p>iii. all the time-limited approval conditions under the previous approval have been complied with; and</p> <p>iv. the 3-year approval period sought does not exceed the duration of the last approval.</p>			
(b)	In line with TPB PG No. 12C ⁴	✓		The Site falls within the Wetland Buffer Area in Deep Bay Area under the TPB PG-No. 12C, which specifies that planning applications for temporary uses are exempted from the requirement of ecological impact assessment. The Director of Agriculture, Fisheries and Conservation has no comment on the renewal application.
(c)	Any other relevant considerations (e.g. minor change in layout/development parameters)?		✓	
(d)	Any adverse departmental comments?		✓	<p>Relevant government departments consulted have no objection to or no adverse comment on the application (Appendix II). Relevant approval conditions and advisory clauses are recommended in paragraph 4 below.</p> <p><u>PlanD's Assessments</u></p> <p>To address the technical requirements of concerned departments, relevant approval conditions and advisory clauses are recommended in paragraph 4 below. .</p>
(e)	Public comments received during statutory publication period		✓	No public comment was received.

3. Planning Department's View

- No objection to the application.

⁴ TPB Guidelines No. 12C for Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance.

4. Decision Sought

- 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, and be renewed from 27.5.2026 to 26.5.2029. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) the swimming pool should not be open to members of the public;
- (b) the drainage facilities implemented for the development on the Site should be maintained properly at all times during the planning approval period;
- (c) the submission of condition records of the existing drainage facilities on the Site within **3** months from the date of commencement of the renewed planning approval to the satisfaction of Director of Drainage Services or of the Town Planning Board by 27.8.2026;
- (d) the existing fire service installations implemented on the site shall be maintained in efficient working order at all times during the planning approval period;
- (e) if any of the above planning conditions (a), (b) or (d) 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 the above planning condition (c) 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 III**.

- There is no strong reason to recommend rejection of the renewal application.

Attachments

Appendix I	Application Form with supporting documents received on 24.3.2026
Appendix Ia	Further Information (FI) received on 30.4.2026 (accepted and exempted from publication and recounting requirements)
Appendix Ib	FI received on 7.5.2026 (accepted and exempted from publication and recounting requirements)
Appendix II	Government Departments with No Objection / No Adverse Comment
Appendix III	Recommended Advisory Clauses
Drawing A-1	Layout Plan
Plan A-1	Location Plan with Previous Applications
Plan A-2	Site Plan

**PLANNING DEPARTMENT
MAY 2026**