

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

**APPLICATION NO. A/YL-NSW/367**

- Applicant** : Rich Valley Limited <sup>1</sup> represented by R-riches Planning Limited
- Site** : Lot 3719 S.C RP (Part) in D.D. 104, Pok Wai, Yuen Long
- Site Area** : About 7,736 m<sup>2</sup>
- 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** : “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” (“OU(CDWRA)”) (about 7,504 m<sup>2</sup> (97%))  
[*restricted to a maximum plot ratio (PR) of 0.4 and a maximum building height (BH) of 6 storeys including car park*]
- “Residential (Group D)” (“R(D)”) (about 232 m<sup>2</sup> (3%)) <sup>2</sup>  
[*restricted to a maximum PR of 0.2 and a maximum BH of 2 storeys (6m)*]
- (*no change on the current OZP*)
- Application** : Proposed Temporary Warehouse (Excluding Dangerous Goods Godown) with Ancillary Facilities and Associated Filling of Land for a Period of Three Years

## **1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary warehouse (excluding dangerous goods godown) with ancillary facilities and associated filling of land for a period of three years at the application site (the Site) which falls within an area zoned “OU(CDWRA)” on the OZP (**Plan A-1a**). According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). Filling of land within “OU(CDWRA)”

---

<sup>1</sup> The applicant claimed to be authorised by an affected brownfield operator (i.e. Starwall Solar System Limited) of First and Second Phases of Yuen Long South New Development Area (YLS NDA) to facilitate relocation of the affected premises.

<sup>2</sup> Regarded as minor boundary adjustment allowed under the covering Notes of the OZP and the planning assessment for the application will not take this into account.

zone also requires planning permission from the Board. The Site is currently formed, partially hard-paved, fenced-off and vacant (**Plans A-2 to A-4**).

- 1.2 According to the applicant, the application is to facilitate the relocation of a business operation (i.e. Starwall Solar System Limited) at a site (with an area of about 6,320m<sup>2</sup>) in Tong Yan San Tsuen which has been resumed to facilitate the implementation of government project, i.e. YLS NDA. The site of the affected operation was resumed for implementation of the YLS NDA development<sup>3</sup>.
- 1.3 The Site abuts Kam Pok Road as shown on the proposed vehicular access plan submitted by the applicant (**Drawing A-1 and Plan A-1a**), the vehicular traffic leading to the Site is connected to San Tin Highway and Castle Peak Road – Tam Mi via Kam Po Road East (**Drawing A-1 and Plan A-1a**). According to the applicant, the proposed use with a total floor area of about 10,931m<sup>2</sup> involves one two-storey structure (about 13m in height) for warehouse for storage of solar panels and photovoltaic system, vehicle parts, construction materials (i.e. bricks, tiles, metal rods etc.) and machinery (i.e. excavators, electricity generators, forklifts etc.), ancillary site office and washroom, and one single-storey structure (about 7m in height) for rain shelter for loading/unloading (L/UL) activities (**Drawing A-2**). A green buffer area with peripheral planting of about 3m wide and a green wall of 2.5m high are proposed along the northern boundary of the Site to provide visual screening for the adjacent residential development, i.e. Man Yuen Chuen (**Drawing A-2 and Plan A-2**). Solid metal fence wall of 2.5m high will also be erected along the remaining boundaries of the Site to minimise nuisance to the surrounding areas. All items will be stored within the enclosed structure, no dangerous goods will be stored and no workshop or open storage activities will be carried out at the Site. Four private car parking spaces and three L/UL spaces for container vehicles will be provided within the Site. Sufficient manoeuvring space will be provided within the Site to ensure that no vehicles will be allowed to queue back to or reverse onto/from the Site to the public road, and staff will be deployed to station at the ingress/egress, with prior communication with drivers, erection of ‘no right-turn’ sign and painting of road marking to ensure that vehicles entering/leaving the Site will use Kam Pok Road and Kam Pok Road East and to enhance pedestrian safety (**Appendix Ic**). No vehicle without valid licenses issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations are allowed to be parked/stored at the Site. The applicant also applies for filling of land for the entire Site with concrete in a depth of not more than 0.2m up to a level of +4.4mPD for site formation of structures, vehicular circulation, parking and L/UL spaces (**Drawing A-3**). The proposed operation hours are between 7:00a.m. and 7:00p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. The vehicular access plan, proposed layout plan and land filling plan submitted by the applicant are at **Drawings A-1 to A-3** respectively.
- 1.4 The Site was involved in two previous applications (**Plan A-1b**) (details in paragraph 6 below). Compared with the last approved application No. A/YL-NSW/337 which was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 15.8.2025, the current application is submitted by the same applicant covering the same site for the same use and the same extent and depth of associated land filling, but with slight changes in development layout and ingress/egress design, increase in the number of L/UL spaces for container vehicle from 2 to 3 and different storage items.

---

<sup>3</sup> According to the applicant, the affected business in Tong Yan San Tsuen has ceased operation.

1.5 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 30.3.2026 and 8.4.2026 respectively
- (b) Further Information (FI) received on 24.4.2026 <sup>#</sup> (**Appendix Ia**)
- (c) FI received on 8.5.2026 <sup>#</sup> (**Appendix Ib**)
- (d) FI received on 19.5.2026 <sup>#</sup> (**Appendix Ic**)

<sup>#</sup> *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 in the Application Form, SPS, SI and FIs at **Appendices I to Ic**. They can be summarised as follows:

- (a) The applicant has conducted a thorough site search for relocation of the operation affected by YLS NDA, but sites identified were considered not suitable due to land use incompatibility, environmental concerns, land ownership and accessibility. The Site is considered suitable with its flat and easy accessibility.
- (b) Due to the growth of online shopping trend which stimulated demand for indoor storage space since the 2010s, the applicant has previously proposed expanding the operation scale to cope with the growing demand. However, the Government's land resumption plan for YLS NDA caused the applicant's business expansion plan to be put on hold. Although the area of the Site (about 7,736m<sup>2</sup>) and the proposed floor area (about 10,931m<sup>2</sup>) are larger than that of the original premises (with site area and floor area of about 6,320m<sup>2</sup> and 3,940m<sup>2</sup> respectively), apart from a significant portion of the Site (about 28%) will be uncovered and reserved for manoeuvring and parking of vehicles within the Site, the proposed relocation of business operation to the Site could provide an opportunity for the applicant to endeavour the long-awaited expansion plan in coping with the high demand for more indoor storage space and enhancing the efficiency of the affected operator.
- (c) The proposed use is temporary in nature and approval of the current application will not frustrate the long-term planning of the "OU(CDWRA)" zone while facilitating better utilisation of valuable land resources. The proposed filling of land is necessary for site formation to meet the operational needs of the proposed use. The applicant will reinstate the Site to an amenity area upon expiry of the planning approval period.
- (d) The surrounding areas are mainly used for open storage yards, low-rise structures for warehouse and logistics centre. The proposed use is considered not incompatible with the surrounding areas.
- (e) The proposed use would not induce adverse environmental, traffic, fire safety, drainage and landscape impacts on the surrounding areas. The applicant would follow the revised 'Code of Practice on Handling the Environmental Aspects of

Temporary Uses and Open Storage Sites' ('CoP') to minimise potential environmental nuisance. Besides, the applicant would follow the Professional Persons Environmental Consultative Committee Practice Notes No. 1/23 and 2/24 during the construction and operation stage respectively to minimise the impact on the nearby watercourse. The applicant would also comply with relevant environmental protection/pollution control ordinances. Drainage and fire service installations proposals would be submitted and duly implemented upon the approval of the current application.

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

According to 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), which is relevant to the application, the Site falls within the Wetland Buffer Area (WBA) and the relevant extract of the Guidelines is at **Appendix II**.

### **5. Background**

- 5.1 The Site was formed on the date of gazettal of the Nam Sang Wai Interim Development Permission Area Plan No. IDPA/YL-NSW/1 on 17.8.1990.
- 5.2 The Site was also involved in four previous planning enforcement cases (No. E/YL-NSW/11, 89, 232 and 273) against unauthorised open storage of vehicles, setting up of converted containers, deposit of containers, and/or parking of vehicles with Enforcement Notices (ENs) issued between 1996 and 2023 (**Plan A-2**). The Compliance Notices (CNs) for ENs were subsequently issued for all cases between 1997 and 2025.
- 5.3 The latest planning enforcement action at the Site involves unauthorised storage use (including deposit of containers) (No. E/YL-NSW/273), with an EN issued in October 2023. The notice recipients were prosecuted in September 2024 and May 2025 due to non-compliance with the EN. The CN for EN was subsequently issued in September 2025 and the Site has been vacant since then (**Plan A-4**).

### **6. Previous Applications**

The Site is involved in two previous applications (No. A/YL-NSW/181 and 337). Application No. A/YL-NSW/181 for proposed low-rise residential development and minor relaxation of building height and plot ratio restrictions was rejected by the Committee in 2008 and considerations of which are irrelevant to the current application due to different use involved. Application No. A/YL-NSW/337 for proposed temporary warehouse for storage of new vehicles with ancillary facilities for a period of three years and associated filling of land was approved by the Committee on 15.8.2025 mainly on the considerations that the temporary approval would not frustrate the long-term planning

intention; the proposed use was not entirely incompatible with the surrounding uses; the proposed use would unlikely result in significant adverse environmental nuisance and impacts on the surrounding areas; the government departments consulted in general had no adverse comment or their concerns could be addressed by relevant approval conditions; and relevant policy bureau gave policy support to the application to facilitate relocation of business operation affected by government project. The planning permission is valid until 15.8.2028. Compared with the last approved application No. A/YL-NSW/337, the current application is submitted by the same applicant<sup>4</sup> covering the same Site for the same use, but with changes as set out in paragraph 1.4 above. Details of the previous applications are summarised at **Appendix III** and their locations are shown on **Plan A-1b**.

## 7. **Similar Applications**

There are seven similar applications (No. A/YL-NSW 334 and 341 to 346) for proposed temporary warehouse (excluding dangerous goods godown) with ancillary facilities and associated filling of pond/land for a period of three years within the same and the other “OU(CDWRA)” zone on the OZP in the past five years. All applications were approved with conditions by the Committee in 2025 each for a period of three years on the considerations similar to those mentioned in paragraph 6 above. Details of the similar applications are summarised in **Appendix III** and their locations are shown on **Plan A-1a**.

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

### 8.1 The Site:

- (a) abuts Kam Pok Road which is connected to San Tin Highway and Castle Peak Road – Tam Mi via Kam Po Road East;
- (b) is currently formed, partially hard-paved, fenced-off and vacant; and
- (c) located within WBA of Deep Bay Area.

8.2 The surrounding areas comprise predominantly low-rise residential developments (including Man Yuen Chuen and Fairview Park), scattered residential dwellings, warehouses, open storage yards, vehicle services centres, a milk factory, a shop, ponds and grassland. The Site is bounded by Kam Pok Road and a drainage channel leading to Kam Tin River to its immediate west.

## 9. **Planning Intention**

9.1 The planning intention of the “OU(CDWRA)” zone is to provide incentive for the restoration of degraded wetlands adjoining existing fish ponds through comprehensive residential and/or recreational development to include wetland restoration area. It is also intended to phase out existing sporadic open storage and port back-up uses on degraded wetlands. Any new building should be located farthest away from Deep Bay.

---

<sup>4</sup> For Application No. A/YL-NSW/337, the applicant claimed to be authorised by an affected brownfield operator (i.e. Zung Fu Company Limited) of Remaining Phase of Hung Shui Kiu/Ha Tsuen New Development Area to facilitate the relocation of the affected premises.

- 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 natural environment. In view of the conservation value of the area within the “OU(CDWRA)” zone, permission from the Board is required for such activities.

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

- 10.1 Apart from the government bureau and department as set out in paragraphs 10.2 and 10.3, 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 bureau supports the application:

### **Policy Aspect**

- 10.2.1 Comments of the Secretary for Development (SDEV):

- (a) supports the application from policy perspective subject to no adverse comments on land use compatibility and technical aspects from relevant departments; and
- (b) according to the applicant, the application is to facilitate the relocation of a temporary warehouse at Lots 296 S.D (Part) and 298 RP in D.D. 121 which is affected by the implementation of YLS NDA. A site search was conducted by the applicant to identifying suitable site for re-establishment of affected businesses operations, and that the Site is considered the most suitable for the relocation. While the Site is larger than the site area of the original premises, the applicant has explained that a larger site is considered necessary to provide internal circulation/maneuvering space to support its operational need.

- 10.3 The following government department does not support the application:

### **Environment**

- 10.3.1 Comments of the Director of Environmental Protection (DEP):

- (a) does not support the application in accordance with the latest ‘CoP’ as there are sensitive receivers in the vicinity (i.e. the nearest residential development located to the immediate northeast of the Site) (**Plan A-2**) and the proposed use involves traffic of heavy vehicles, and environmental nuisance is expected;
- (b) has no adverse comment on the proposed filling of land from environmental perspective; and
- (c) there was no environmental complaint received at the Site in the past three years and his advisory comments are detailed in **Appendix V**.

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

On 10.4.2026, the application was published for public inspection. During the statutory public inspection period, three public comments were received respectively from the Fairview Park Property Management Limited, a resident from Man Yuen Chuen and an individual (**Appendix VI**) objecting to the application mainly on the grounds that the proposed use would generate heavy traffic flow to Kam Pok Road, Fairview Park Boulevard and Fairview Park Interchange, leading to exceedance in the capacity, and would cause adverse traffic safety impact; concern on the management and maintenance of Fairview Park Boulevard and the Government is suggested to resume this private road for public purpose; the Site is not under Category 2 areas of the Town Planning Board Guidelines No. 13G on Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13G); and no enforcement action is undertaken against the brownfield operation at the Site.

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

12.1 The application is for proposed temporary warehouse (excluding dangerous goods godown) with ancillary facilities and associated filling of land for a period of three years at the Site zoned “OU(CDWRA)” (**Plan A-1a**). While the proposed use is not in line with the planning intention of the “OU(CDWRA)” zone, according to the applicant, the application is to facilitate the relocation of the business operation in Tong Yan San Tsuen affected by Phases 1 and 2 of YLS NDA. In this regard, SDEV supports the application having considered the current application is to facilitate the relocation of an affected brownfield operation in YLS NDA. Besides, there is currently no known long-term development proposal for the Site, and the proposed use could utilise the land resource to facilitate the relocation of the business operation affected by government project. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the “OU(CDWRA)” zone. Taking into account the above and the planning assessments below, there is no objection to the proposed use on temporary basis of three years with associated filling of land.

12.2 Filling of land within the “OU(CDWRA)” zone requires planning permission from the Board as they may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment. In this regard, the Director of Agriculture, Fisheries and Conservation (DAFC) and Chief Engineer/Mainland North of Drainage Services Department have no adverse comments on the application from nature conservation and drainage perspectives respectively. DEP also has no adverse comment on the proposed filling of land from environmental perspective. As the Site is zoned “OU(CDWRA)”, an approval condition requiring the reinstatement of the Site upon expiry of the planning permission so as to uphold the planning intention of the “OU(CDWRA)” zone and to restore greenery of the area is recommended should the Committee decide to approve the application. The applicant has also committed to reinstate the Site to an amenity area upon expiry of the approval period given.

12.3 The Site is located within the “OU(CDWRA)” zone and bounded by a local road and drainage channel to its west (**Plan A-1a**). The surrounding areas comprise predominantly low-rise residential developments (including Man Yuen Chuen and Fairview Park), scattered residential dwellings, warehouses, open storage

yards, vehicle services centres, a milk factory, shop, ponds and grassland (**Plan A-2**). According to the applicant, the proposed use will be accommodated in a fully enclosed structure. Besides, a 3m wide buffer area formulated by peripheral planting, a green wall of 2.5m high along the northern boundary and solid metal fence wall of 2.5m high along the remaining boundaries of the Site are proposed to provide visual screening and to minimise potential nuisance to the surrounding areas, especially for the adjacent residential development (i.e. Man Yuen Chuen) (**Drawing A-2**). In view of the above, the proposed use is considered not entirely incompatible with the surrounding land uses. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective and considers that the proposed use is generally not incompatible with the surrounding landscape character.

- 12.4 While the Site falls within WBA of the TPB PG-No. 12C, planning applications for temporary uses are exempted from the requirement of ecological impact assessment. DAFC has no adverse comment to the application from ecological perspective.
- 12.5 DEP does not support the application as the proposed use involves the use of heavy vehicles, which would cause environmental nuisance to the sensitive receivers nearby (**Plan A-2**). Nonetheless, there was no substantiated environmental complaint concerning the Site in the past three years. The applicant has also proposed green wall/fencing along the site boundary to minimize potential nuisance to the surrounding areas as mentioned in paragraphs 1.3 and 12.3 above (**Drawing A-2**). Should the planning application be approved, the applicant will be advised to follow the ‘CoP’ to minimise any potential environmental nuisance caused by the proposed use on the surrounding areas. Other relevant government departments consulted including the Commissioner for Transport (C for T) and Director of Fire Services have no objection to or no adverse comment on the application. To address the technical requirements of concerned departments, appropriate approval conditions are recommended in paragraph 13.2 below.
- 12.6 There are one approved previous application and seven approved similar applications within the “OU(CDWRA)” zones on the OZP in the past five years as mentioned in paragraphs 6 and 7 above. Approving the current application is in line with the previous decisions of the Committee.
- 12.7 Regarding the public comments as detailed in paragraph 11, the proposed vehicular access plan submitted by the applicant (**Drawing A-1**) shows that vehicular traffic leading to the Site would use Kam Pok Road via Kam Pok Road East. Furthermore, the management and maintenance responsibility of Fairview Park Boulevard is not relevant to the current application, the applicant has proposed various measures, such as staff deployed to station at the ingress/egress of the Site, ‘no right-turn’ sign, road marking and communication with drivers in advance, to ensure that the vehicles entering/leaving the Site will use Kam Pok Road and Kam Pok Road East and to enhance pedestrian safety (**Appendix Ic**). C for T also has no adverse comment on the application from traffic engineering perspective. Besides, TPB PG-No. 13G is not applicable to the current application which only involves warehouse use. The departmental comments and planning assessments above are also 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 planning 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 22.5.2029. 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 22.11.2026;
- (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 22.2.2027;
- (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 22.11.2026;
- (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 22.2.2027;
- (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;
- (g) if any of the above planning condition (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; and
- (h) upon expiry of the planning permission, the reinstatement of the site, including the removal of hard paving and fill materials and grassing of the site to the satisfaction of the Director of Planning or of the Town Planning Board.

#### 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 proposed use with associated filling of land is not in line with the planning intention of the "Other Specified Uses" annotated "Comprehensive Development to include Wetland Restoration Area" zone which is to provide incentive for the restoration of degraded wetlands adjoining existing fish ponds through comprehensive residential and/or recreational development to include wetland restoration area, and to phase out existing sporadic open storage and port back-up uses on degraded wetlands. 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 SPS received on 30.3.2026 and SI received on 8.4.2026
<b>Appendix Ia</b>	FI received on 24.4.2026
<b>Appendix Ib</b>	FI received on 8.5.2026
<b>Appendix Ic</b>	FI received on 19.5.2026
<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>	Vehicular Access Plan
<b>Drawing A-2</b>	Proposed Layout Plan
<b>Drawing A-3</b>	Land Filling Plan
<b>Plan A-1a</b>	Location Plan with Similar Applications
<b>Plan A-1b</b>	Previous Application Plan
<b>Plan A-2</b>	Site Plan with Previous Enforcement Cases
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos