

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-NSW/334

<u>Applicant</u>	: Extensive Noval Limited represented by R-riches Property Consultants Limited
<u>Site</u>	: Lots 1212 S.A ss.2 (Part) and 1212 S.A ss.3 (Part) in D.D. 115 and Adjoining Government Land (GL), Yuen Long, New Territories
<u>Site Area</u>	: About 11,770m ² (including GL of about 2,824m ² or 24%)
<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/9
<u>Zoning</u>	: “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” (“OU(CDWRA)”) <i>[restricted to a maximum plot ratio of 0.4 and a maximum building height of 6 storeys including car park]</i>
<u>Application</u>	: Proposed Temporary Warehouse (excluding Dangerous Goods Godown) with Ancillary Facilities for a Period of 3 Years and Associated Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary warehouse (excluding dangerous goods godown) with ancillary facilities for a period of three years and associated filling of land 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)” zone also requires planning permission from the Board. The Site is currently formed, partly paved and vacant with some vegetation (**Plans A-2 to A-4b**).
- 1.2 According to the applicant, the application is to facilitate the relocation of a business operation at a site (with an area of about 6,664m²) in Sha Po, Yuen Long affected by government project, i.e. MTR Northern Link (NOL) Main Line. The site of the affected operation will be resumed for implementation of the NOL Main Line.

- 1.3 The Site abuts Chung Yip Road (**Drawing A-1, Plans A-2 and A-3**). According to the applicant, the proposed temporary warehouse is for storage of miscellaneous goods, comprising a two-storeys structure (about 13m in height) for warehouse, site office, washroom and fire service installations (FSIs) with a total floor area of about 13,298m² (**Drawing A-2**). All items would be stored within the enclosed structures, and no dangerous goods will be stored and no workshop or open storage activities will be carried out at the Site. Six private car parking spaces, and three loading/unloading spaces each for medium goods vehicles and container vehicles will be provided within the Site. All 122 existing trees at the Site are proposed to be felled (including 1 dead tree and 54 tree of invasive species). 68 new trees of not less than 2.75m tall for compensatory purpose will be planted along the north-eastern boundary of the Site to form a greenery set back of about 5.7m in width from the adjacent transitional housing development (i.e. United Court). Solid metal fencing of 2.5m high is also proposed along the boundary of the Site to minimise potential nuisance to the surrounding areas (**Drawings A-2, A-4 and Plan A-2**). The applicant also applies for filling of land for the entire Site with concrete (93.4%) and soil (6.6%) with a depth of not more than 0.2m up to a level ranging from +4.3mPD to +5.0mPD for site formation of structures, vehicular circulation, parking and loading/unloading spaces and compensatory planting (**Drawings A-3 and A-4**). The proposed operation hours are between 8:00 a.m. and 8:00 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. The vehicular access plan, layout plan, land filling plan and landscape proposal submitted by the applicant are at **Drawings A-1 to A-4** respectively.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form and supplementary planning (**Appendix I**) statement (SPS) received on 28.8.2024
 - (b) Further Information (FI) received on 31.10.2024[#] (**Appendix Ia**)
 - (c) FI received on 23.12.2024[#] (**Appendix Ib**)
 - (d) FI received on 12.2.2025[#] (**Appendix Ic**)
- [#]*accepted but not exempted from publication and recounting requirements*
- 1.5 On 25.10.2024 and 20.12.2024, the Rural and New Town Planning Committee (the Committee) of the Board agreed to the applicant's requests to defer making a decision on the application for two months each.

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed at the Application Form, SPS and FIs at **Appendix I to Ic**. They can be summarised as follows:

- (a) The proposed use is to facilitate the relocation of the applicant's affected business (i.e. a warehouse) at Sha Po for the implementation of NOL Main Line project, for which the site of the affected business operation will be resumed.
- (b) The applicant has conducted a thorough site search for relocation of the affected operations, but sites identified were considered not suitable due to incompatibility with the surrounding areas, environmental concerns, land ownership issues, accessibility and site area being too small.
- (c) The proposed use is the same as the affected business in Sha Po. While the site area and GFA are larger than the affected business operation (site area and GFA of the affected premises is about 6,664m² and 4,714m² respectively), the additional space under the current application can enhance the operational efficiency of the business and is intended to alleviate the pressing demand for indoor storage space. The proposed use would also optimise the use of valuable land resources in the New Territories and reduce cross-district traffic cost for goods delivery.
- (d) The Site is currently vacant with no known long-term planned development. Approval of the current application on a temporary basis would not frustrate the long-term planning intention of the "OU(CDWRA)" zone.
- (e) Although the proposed use is not in line with the planning intention of "OU(CDWRA)" zone, the special background of the application should be considered on its individual merit and the approval of the current application would not set an undesirable precedent for the "OU(CDWRA)" zone.
- (f) The applicant has submitted drainage impact assessment (DIA), landscape proposal and tree survey report to support the application. The proposed use will not create significant nuisance and traffic impact on the surrounding areas. The applicant will follow relevant requirements in the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' (the CoP) issued by Environmental Protection Department (EPD) to minimise any potential environmental impacts. The applicant will also strictly comply with all environmental protection/pollution control ordinances.
- (g) The applicant will submit Short Term Waiver (STW) and Short Term Tenancy (STT) applications to the Lands Department (LandsD) for the erection of the proposed structure and occupation of GL respectively.
- (h) The applicant 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 applicant is not a 'current land owner' 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 publishing notice in local newspapers and sending notice to the Shap Pat Heung Rural Committee. Detailed information would be deposited

at the meeting for Member's inspection. For the GL portion, the 'Owner's Consent/Notification' Requirements are not applicable.

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

The Site is not subject to any active enforcement action.

6. Previous Applications

- 6.1 The Site is involved in 21 previous applications (No. A/YL-NSW/35, 81, 82, 99, 114, 117, 125, 147, 148, 190, 191, 200, 201, 210, 211, 214, 215, 220, 221, 229 and 230), all for temporary private car park, lorry and container vehicle park and/or open storage of containers and lorries. Details of the applications are summarised at **Appendix III** and their locations are shown on **Plan A-1b**.
- 6.2 For the first seven applications, four applications (No. A/YL-NSW/35, 82, 99 and 114) were approved by the Rural and New Town Planning Committee (the Committee) of the Board between 1997 and 2002 mainly on the grounds that the applied use are acceptable in traffic terms and there is no known implementation programme for residential uses at the site and its surroundings. Three applications (No. A/YL-NSW/81, 117 and 125) were rejected by the Committee/dismissed by the Town Planning Appeal Board (TPAB) between 2000 and 2003. Planning permissions for A/YL-NSW/99 and 114 were subsequently revoked in 2001 and 2002 respectively due to non-compliance with approval conditions.
- 6.3 Applications No. A/YL-NSW/147 and 148 were allowed by the TPAB in 2007 mainly on the grounds that the applied uses were on a temporary basis and the sites had been used for the applied uses for nearly 10 years since 1996 and no drainage and visual impacts were anticipated from the applied uses and departmental concerns could be addressed by conditions.
- 6.4 The remaining 12 applications (No. A/YL-NSW/190, 191, 200, 201, 210, 211, 214, 215, 220, 221, 229 and 230) were the renewal applications for applications No. A/YL-NSW/147 and 148, which were all approved by the Committee/the Board between 2009 and 2014 for a period of one year each. The applicant of these applications were also advised that further renewal would not be granted and alternative site should be identified for relocation so as to avoid undesirable interface issues with the proposed residential developments in the Tung Tau Industrial Area (TTIA) at that time. The planning permissions for the last two applications No. A/YL-NSW/229 and 230 were lapsed on 21.8.2015.

7. Similar Application

There is no similar application within the same “OU(CDWRA)” zone on the OZP.

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

8.1 The Site is:

- (a) abutting Chung Yip Road;
- (b) currently formed, partly paved and vacant with some vegetation; and
- (c) located within the WBA of Deep Bay Area.

8.2 The surrounding areas comprise predominantly village settlements of Shan Pui Chung Hau Tsuen, a proposed low density residential development under construction (with valid planning permission under application No. A/YL-NSW/282), parking of vehicles, logistic centres, industrial buildings, transitional housing development named United Court under application No. A/YL-NSW/321, well established residential developments named the Parcville and Twin Regency, playground and grassland. TTIA is located to the southwest of the Site across Lau Yip Street.

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.

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/Department

10.1 Apart from the government bureau and department as set out in paragraph 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 bureau has specific comments on the application:

NOL Project Aspect

10.2.1 Comments of the Secretary for Transport and Logistics (STL):

- (a) it is noted that the affected business premises in Sha Po as shown in the applicant's SPS in **Appendix I** falls within the land resumption boundary under the railway scheme of the NOL Main Line project, and that the Site under the current application in Nam Sang Wai falls outside the scheme boundary of NOL Main Line project; and
- (b) noting that the operator's application is arising from the relocation of its business due to the resumption of land for implementation of NOL Main Line project, we see merit for the subject application to be considered favourably.

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 the proposed use involves the use of heavy vehicles and loading and unloading activities, which would cause environmental nuisance to the sensitive receivers nearby;
- (b) there were five environmental complaints received at the Site in the past three years regarding suspected construction works and light pollution issues. All complaints were non-substantiated; and
- (c) advisory comments as detailed in **Appendix V**.

11. Public Comments Received During Statutory Publication Period

On 6.9.2024, 8.11.2024, 7.1.2025 and 21.2.2025, the application and its FIs were published for public inspection. During the statutory publication periods, 24 public comments were received from the Conservancy Association, residents of United Court and the Parcville and individuals (**Appendix VI**), all objecting to the application mainly on the grounds that the proposed use would cause adverse traffic and environmental impacts on the surrounding residential developments and arouse traffic safety, fire safety, hygiene, health and security concerns in the surrounding areas; there is no details to illustrate how the land would be recovered after the proposed use is terminated and whether the landscape and visual impacts could be mitigated is questionable; and there is no justification to approve the application.

12. Planning Considerations and Assessments

- 12.1 The application is for proposed temporary warehouse (excluding dangerous goods godown) with ancillary facilities for a period of three year and associated filling of land 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 Sha Po affected by the NOL Main Line project. In this regard, STL confirms that the applicant’s affected business operation is within the land resumption boundary under the railway scheme of the NOL Main Line project, and sees the merit for the application to be considered favourably. Besides, there is no known long-term development programme or proposal for the Site, and the proposed use could utilise the land resource to facilitate the relocation of the business operation affected by the NOL Main Line project. Approval of the application on a temporary basis would not jeopardize the long-term planning intention of the “OU(CDWRA)” zone. Taking into account the above and the planning assessments below, Planning Department (PlanD) has 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 it may cause adverse drainage and environmental impacts on the surrounding areas. In this regard, the Director of Agriculture, Fisheries and Conservation (DAFC), Chief Engineer/Mainland North of Drainage Services Department and DEP have no adverse comments on the land filling from nature conservation, drainage and environmental perspectives respectively. 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 restore the greenery of the area is recommended should the Committee decide to approve the application. The applicant has also committed to reinstatement of the Site to an amenity area upon expiry of the approval period given.
- 12.3 The Site is located at the southern fringe of the subject “OU(CDWRA)” zone (**Plan A-1a**). The surrounding areas comprise predominantly village settlements of Shan Pui Chung Hau Tsuen, proposed and existing residential developments, parking of vehicles, logistic centres, industrial buildings, transitional housing development named United Court, playground and grassland. According to the applicant, the proposed use will be accommodated in a fully enclosed structure. Besides, 68 new trees of not less than 2.75m tall will be planted for compensation purpose along the north-eastern boundary of the Site which will also form a greenery set back of about 5.7m in width from the adjacent transitional housing development (i.e. United Court), and solid metal fencing of 2.5m high will also be erected along the boundary of the Site to minimise potential nuisance to the surrounding areas (**Drawings A-2 and A-4 and Plan 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 PlanD while considers that the approval of the application may further alter the landscape character of the area, she has no adverse comment on the application from landscape planning perspective and considers that adverse impact on the existing

landscape resources within the Site arising from the proposed use is not anticipated.

- 12.4 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. DAFC has no objection to the application from ecological perspective.
- 12.5 DEP does not support the application as the proposed use involves the use of heavy vehicles and loading and unloading activities, which would cause environmental nuisance to the sensitive receivers nearby. It should be noted that the Site would be accessed via Chung Yip Road leading to TTIA and would not pass thru the transitional housing development (i.e. United Court) to its immediate northeast. Nonetheless, there was no substantiated environmental complaint concerning the Site in the past three years. The applicant has also proposed greenery setback/fencing along the site boundary to minimise potential nuisance to the surrounding areas as mentioned in paragraph 12.3 above (**Drawings A-2 and A-4**). Should the planning application be approved, the applicant will be advised to follow the CoP to minimise any potential environmental nuisance caused by the applied use on the surrounding areas. Other relevant government departments, including the Commissioner for Transport and Director of Fire Services have no objection to or no adverse comments on the application. To address the technical requirements of concerned departments, appropriate approval conditions are recommended in paragraph 13.2 below.
- 12.6 The Site is involved in 18 approved previous applications for other brownfield operations as mentioned in paragraph 6 above. Though the Committee/the Board approved the later applications (between 2009 and 2014) with a short approval period of 12 months and advised that further renewal would not be granted and alternative site should be identified for relocation so as to avoid undesirable interface issues with the proposed residential developments in the TTIA at the time of approval given. The circumstances of the current application are different in that the proposed use is to facilitate the relocation of business operation to be affected by the implementation of NOL Main Line project and STL sees the merits of favourable consideration of the current application by the Committee. Furthermore, according to our record, the Site has been left vacant since 2017 thus the proposed use could utilize the scarce land resource. Moreover, with the provision of a strip of compensatory planting with a width of about 5.7m along the northeastern boundary (**Drawings A-2 and A-4**) and solid metal fencing of 2.5m high along the Site boundary, potential environmental nuisance would be minimized and the proposed use is unlikely result in significant impact to the surrounding areas and the applicant committed to reinstate the Site upon the expiry of the approval period given. Approval of the current application for a period of three years is not in conflict with the previous decision of the Committee/the Board.
- 12.7 For the public comments as 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 three years until 11.4.2028. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission of a revised drainage impact assessment (DIA) 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 11.10.2025;
- (b) in relation to (a) above, the implementation of the mitigation measures identified in the revised DIA 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 11.1.2026;
- (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 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 11.10.2025;
- (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 11.1.2026;
- (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;
- (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 given 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

Appendix I	Application Form and SPS received on 28.8.2024
Appendix Ia	FI received on 31.10.2024
Appendix Ib	FI received on 23.12.2024
Appendix Ic	FI received on 12.2.2025
Appendix II	Extract of TPB PG-No. 12C
Appendix III	Previous Applications
Appendix IV	Government departments' general comments
Appendix V	Recommended advisory clauses
Appendix VI	Public Comments
Drawing A-1	Vehicular Access Plan
Drawing A-2	Layout Plan
Drawing A-3	Plan showing Filling of Land
Drawing A-4	Landscape Proposal
Plan A-1a	Location Plan
Plan A-1b	Previous Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo

Plans A-4a and A-4b

Site Photos

**PLANNING DEPARTMENT
APRIL 2025**