

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-HTF/1182

- Applicant** : 加興國際有限公司
- Site** : Lot 298 RP (Part) in D.D. 128, Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 5,500m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ha Tsuen Fringe Outline Zoning Plan (OZP) No. S/YL-HTF/12
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Open Storage of Construction Materials for a Period of 3 Years and Associated Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary open storage of construction materials for a period of three years and associated filling of land at the application site (the Site) zoned “AGR” on the OZP (**Plan A-1**). 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). According to the Notes of the OZP for the “AGR” zone, filling of land also requires planning permission from the Board. The Site is currently vacant and partly hard-paved (**Plans A-2, A-4a and A-4b**).
- 1.2 The Site can be accessed via a local track leading from Deep Bay Road and the ingress/egress is at the northeastern part of the Site (**Plans A-2 and A-3**). As shown on the proposed layout plan at **Drawing A-1**, the Site will mainly be used for open storage of construction materials (about 3,200m² or 58% of site area) with the remaining portion designated for circulation purpose. Three loading/unloading (L/UL) spaces for light goods vehicles (LGVs) will be provided, and no medium or heavy goods vehicle or container vehicle will be used. Based on the landscape plan (**Drawing A-2**), 20 new trees will be planted along the site boundary to enhance the amenity of the Site. Drainage channels have also been provided by the applicant along the site boundary (**Drawing A-3**).

- 1.3 The applicant also seeks planning permission to regularise the land filling works that had been undertaken at the Site. As shown on the land filling plan at **Drawing A-4**, the entire Site (i.e. 5,500m²) has been filled with concrete and soil of about 0.2m in depth. No further filling and excavation of land will be carried out at the Site.
- 1.4 The Site, in part or in whole, was involved in four previous applications, including two applications (No. A/YL-HT/504 and A/YL-HTF/1155) for open storage use. While application No. A/YL-HT/504 was rejected by the Rural and New Town Planning Committee (the Committee) of the Board in 2007, application No. A/YL-HTF/1155 was approved with conditions by the Committee in 2023 (details at paragraph 6 below).
- 1.5 Compared with the last approved application No. A/YL-HTF/1155, the current application is submitted by a different applicant for largely the same use (with addition of filling of land) at a much larger site with different development parameters and layout. A comparison of the major development parameters of the previous application and the current application is as follows:

Major Development Parameters	Previously Approved Application No. A/YL-HTF/1155 (a)	Current Application No. A/YL-HTF/1182 (b)	Difference (b) – (a)
Proposed Use	Proposed Temporary Open Storage of Construction Materials for a Period of 3 Years	Proposed Temporary Open Storage of Construction Materials for a Period of 3 Years and Associated Filling of Land	Addition of filling of land
Site Area	about 2,970m ²	about 5,500m ²	+2,530m² (+85%)
Extent of Filling of Land	--	about 5,500m ² (with a depth of about 0.2m)	+5,500m²
No. of L/UL Spaces	2 for LGVs	3 for LGVs	+1 LGV L/UL space
Operation Hours	8:00 a.m. to 6:00 p.m. from Mondays to Saturdays and no operation on Sundays and public holidays		No change

- 1.6 In support of the application, the applicant submitted the following documents:
- (a) Application Form with attachments received on (Appendix I) 19.12.2024
 - (b) Supplementary Information (SI) received on (Appendix Ia) 30.12.2024
 - (c) Further Information (FI) received on 9.4.2025 (Appendix Ib) *[accepted and exempted from publication and*

recounting requirements]

- 1.7 On 14.2.2025, the Committee agreed to defer making a decision on the application for two months as requested by the applicant.

2. Justifications from the Applicant

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

- (a) Planning permissions for temporary warehouse and open storage uses were granted in the vicinity of the Site.
- (b) The proposed use is compatible with the surrounding environment.
- (c) No adverse traffic, environmental and archaeological impacts are anticipated.
- (d) The proposed use is temporary in nature and will not jeopardise the long-term planning intention of the Site.

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

The applicant is not the “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 posting site notice and sending registered post to the Ha Tsuen Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

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

5. Town Planning Board Guidelines

The Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13G) are relevant to the application. The Site is located within Category 2 areas under the prevailing TPB PG-No. 13G promulgated on 14.4.2023. Relevant extract of the Guidelines is at **Appendix II**.

6. Previous Applications

- 6.1 The Site, in part or in whole, was involved in four previous applications for

temporary open storage, training centre and recycling centre uses. Details of these previous applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

Approved application

- 6.2 Application No. A/YL-HTF/1155 for temporary open storage of construction materials, which was submitted by a different applicant from the current application, was approved with conditions by the Committee in 2023 mainly on considerations that the application was in line with the prevailing TPB PG-No. 13G; the applied use was not incompatible with the surrounding areas; concerned government departments generally had no objection to the application and/or the technical concerns could be addressed by approval conditions. However, the planning permission was subsequently revoked in February 2025 owing to non-compliance with time-limited approval conditions.

Rejected applications

- 6.3 Application No. A/YL-HT/504 for temporary open storage of construction machinery and material was rejected by the Committee in 2007 mainly on grounds that there was no strong justification for a departure from the planning intention of the “AGR” zone; not compatible with the surrounding areas; not in line with the then TPB PG-No. 13D in that there were adverse departmental comments and insufficient information to demonstrate no adverse traffic, environmental and drainage impacts; and setting an undesirable precedent.
- 6.4 Application No. A/YL-HT/1040 for temporary training centre was rejected by the Board on review in 2017, while application No. A/YL-HTF/1098 for temporary recycling centre was rejected by the Committee in 2019. The considerations for these previous applications are not relevant to the current application which involves different uses.

7. Similar Applications

- 7.1 There are four similar applications (No. A/YL-HTF/1133, 1150, 1166 and 1179) involving various open storage uses with/without filling of land within the same “AGR” zone in the past five years. All of them were approved with conditions by the Committee between 2022 and 2024 on considerations similar to those mentioned in paragraph 6.2 above. Applications No. A/YL-HTF/1133, 1166 and 1179 had also obtained policy support from the Development Bureau as they were for accommodating brownfield operations affected by the development of the Hung Shui Kiu/Ha Tsuen New Development Area. Details of these similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.
- 7.2 For Members’ information, application No. A/YL-HTF/1185 for temporary open storage of construction materials with ancillary site office for a period of three years and associated filling of land within the subject “AGR” zone will be considered in the same meeting (**Plan A-1**).

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

8.1 The Site is:

- (a) vacant and partly hard-paved; and
- (b) accessible via a local track leading from Deep Bay Road.

8.2 The surrounding areas are predominated by vacant/unused land, open storage yards and scrubland intermixed with residential dwellings. Some of the open storage yards are suspected unauthorized developments subject to planning enforcement action.

9. Planning Intention

9.1 The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

9.2 According to the Explanatory Statement of the OZP, as filling of land may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities in the subject “AGR” zone.

10. Comments from Relevant Government Bureau/Departments

10.1 Apart from the government bureau/departments 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 are provided in **Appendices IV and V** respectively.

10.2 The following government bureau/departments express concern/do not support/have objection to the application:

Land Administration

10.2.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) the Site comprises an Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structure is allowed to be erected without the prior approval of the Government;
- (b) it is noted that no structure is proposed at the Site;
- (c) the Site is accessible to Deep Bay Road through a local track on both private lot and government land (GL). His office

provides no maintenance works to the GL involved and does not guarantee right-of-way;

- (d) the following irregularity not covered by the planning application has been detected by his office:

Unauthorised structures within the said private lot not covered by the planning application

there are unauthorised structures within the private lot not covered by the planning application. The lot owner should immediately rectify the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice; and

- (e) unless and until the unauthorised structures are duly rectified by the lot owner/applicant or entirely included in the planning application, his office objects to the application which must be brought to the attention of the Board when they consider the application.

Agriculture and Nature Conservation

10.2.2 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) the Site falls within the “AGR” zone and is generally vacant. Agricultural activities are active in the vicinity, and agricultural infrastructures such as road access and water source are also available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc. As the Site possesses potential for agricultural rehabilitation, the proposed development is not supported from agricultural perspective; and
- (b) he has no adverse comment on the application from nature conservation perspective. The applicant should note his advisory comments at **Appendix V**.

Archaeology

10.2.3 Comments of the Antiquities and Monuments Office, Development Bureau (AMO, DEVB):

- (a) the Site is situated within the Sha Kong Miu (South) Site of Archaeological Interest (SAI) (**Plan A-1**). It is noted that there were site formation and drainage works done in the Site without consulting AMO. AMO deeply regrets that those works were undertaken without their permission and might have already caused adverse and irreversible damage to the archaeological

potential of the Site; and

- (b) after reviewing the FI submitted by the applicant (**Appendix Ib**), the applicant should be advised to know and understand that no further excavation work in the Site is allowed under the current application without AMO's approval. If there is any further site work involving excavation or site formation work, an archaeological impact assessment with recommendation of mitigation measures in agreement with AMO will be required. AMO will conduct inspections at the Site as and when required to ensure that the SAI is not further disturbed by unauthorised excavation and site work.

11. Public Comments Received During the Statutory Publication Period

On 31.12.2024, the application was published for public inspection. During the statutory public inspection period, two public comments from Kadoorie Farm & Botanic Garden Corporation and an individual were received (**Appendix VII**) expressing concerns on or objecting to the application mainly on the grounds that the Site is the subject of rejected applications for recycling centre and training centre uses as well as a withdrawn application for open storage use; brownfield operations which should be phased out are being encouraged in the subject area; and the planning permissions of similar applications mentioned by the applicant in their justifications have been revoked or that the approval conditions have not yet been complied with.

12. Planning Considerations and Assessments

- 12.1 The application is for proposed temporary open storage of construction materials for a period of three years and associated filling of land at the Site zoned "AGR" on the OZP. The proposed use is not in line with the planning intention of the "AGR" zone and DAFC does not support the application from the agricultural perspective. Notwithstanding the above, the Project Manager (West) of Civil Engineering and Development Department advises that the Site falls within the study area of Lau Fau Shan Development in which the implementation and land resumption/clearance programme is currently being reviewed under the relevant investigation study and subject to change. Should the application be approved, the applicant should be reminded that the Site may be resumed by the Government at any time during the planning approval period for potential development project and advised not to carry out any substantial works therein. Taking into consideration the planning assessments below, there is no objection to the proposed use on a temporary basis for a period of three years with associated filling of land.
- 12.2 The applicant proposes to regularise the filling of land with concrete and soil of about 0.2m in depth for the entire Site. Filling of land within the "AGR" 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 (CE/MN, DSD) and

Director of Environmental Protection (DEP) have no objection to or no adverse comment on the application from drainage and environmental perspectives respectively. As the Site is zoned “AGR”, an approval condition requiring the reinstatement of the Site upon expiry of the planning permission so as to uphold the planning intention of the “AGR” zone and restore the greenery of the area is recommended should the Committee decide to approve the application.

- 12.3 The Site is situated in an area of rural landscape character predominated by vacant/unused land, open storage yards and scrubland intermixed with residential dwellings. The proposed use is considered generally not incompatible with the surrounding areas. In addition, the applicant has submitted a landscape plan with provision of 20 new trees to enhance the amenity of the Site (**Drawing A-2**). The Chief Town Planner/Urban Design & Landscape of Planning Department has no comment on the application from landscape planning point of view.
- 12.4 The Site falls within Category 2 areas under TPB PG-No. 13G. The proposed use is generally in line with TPB PG-No. 13G in that in addition to CE/MN, DSD and DEP, other relevant government departments including the Commissioner for Transport and Director of Fire Services also have no objection to or no adverse comment on the application from traffic and fire safety perspectives respectively. To address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 13.2 below. Should the application be approved, the applicant will also be advised to follow the latest ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ to minimise possible environmental nuisance on surrounding areas. Regarding DLO/YL, LandsD’s concern on the unauthorised structures erected within the subject private lot, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application. Regarding AMO, DEVB’s concerns on the site formation and excavation works already undertaken at the Site and the potential impact on the SAI, the applicant pledges that no further excavation of land will be carried out and will be advised to conduct the necessary assessment and seek agreement from AMO if further site works are required.
- 12.5 The Committee has approved a previous application (No. A/YL-HTF/1155) submitted by a different applicant covering part of the Site for largely the same use (without filling of land) in 2023 mainly on considerations summarised in paragraph 6.2 above. Besides, the Committee has also approved four similar applications involving various open storage uses with/without filling of land within the same “AGR” zone in the past five years. Approval of this application is generally in line with the previous decisions of the Committee.
- 12.6 Regarding the public comments expressing concerns on or objecting to the application as summarised in paragraph 11 above, the planning considerations and assessments in paragraphs 12.1 to 12.5 above are 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, the Planning Department 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 6.6.2028. 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 **6.12.2025**;
- (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 **6.3.2026**;
- (c) in relation to (b) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (d) the provision of fire extinguisher(s) within **6 weeks** from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **18.7.2025**;
- (e) 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 **6.12.2025**;
- (f) in relation to (e) 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 **6.3.2026**;
- (g) 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;
- (h) if any of the above planning condition (a), (b), (d), (e) or (f) 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
- (i) upon expiry of the planning permission, the reinstatement of the application site, including the removal of fill materials and hard paving and grassing of the application site to the satisfaction of the

Director of Planning or of the Town Planning Board.

Advisory clauses

The recommended advisory clauses are attached 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 "AGR" zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. There is no strong planning 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

Appendix I	Application Form with Attachments received on 19.12.2024
Appendix Ia	SI received on 30.12.2024
Appendix Ib	FI received on 9.4.2025
Appendix II	Extract of TPB PG-No. 13G
Appendix III	Previous and Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	'Good Practice for Open Storage Sites' issued by the Fire Services Department
Appendix VII	Public Comments
Drawing A-1	Proposed Layout Plan
Drawing A-2	Landscape Plan
Drawing A-3	Drainage Plan
Drawing A-4	Land Filling Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo

Plans A-4a and A-4b

Site Photos

**PLANNING DEPARTMENT
JUNE 2025**