

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

**APPLICATION NO. A/YL-HTF/1190**

- Applicant** : Mr. MAN Wai Shing represented by Mr. WONG Sun Wo William
- Site** : Lots 126 (Part) and 128 in D.D. 128, Yuen Long, New Territories
- Site Area** : About 6,034m<sup>2</sup>
- 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 Warehouse (Storage of Construction Materials, Metal and Electronic Parts) and Open Storage of Construction Materials with Ancillary Office and Associated Filling of Land for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary warehouse (storage of construction materials, metal and electronic parts) and open storage of construction materials with ancillary office and associated filling of land for a period of three years at the application site (the Site) zoned “AGR” on the OZP (**Plan A-1a**). According to the Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years and filling of land within “AGR” zone require planning permission from the Town Planning Board (the Board). The Site is currently formed and used for open storage of construction materials and machineries without valid planning permission (**Plans A-2, A-3, A-4a and A-4b**).
- 1.2 The Site, which comprises two portions, can be accessed via a local track leading from Kai Pak Ling Road and the ingresses/egresses are located along the northern periphery of the Site (**Plans A-2 and A-3**). As shown on the proposed layout plan at **Drawing A-1**, six single-storey structures (4.5m in height) with a total floor area of about 1,199m<sup>2</sup> will be erected for warehouse, office, meter room, staff lounge and toilet uses. A small portion at the eastern part of the Site (about 566m<sup>2</sup>, or 9.4% of the Site) will be used for open storage

of construction materials<sup>1</sup>. According to the applicant, the structures will be fully enclosed and no workshop activity will be carried out at the Site. Two parking spaces for private cars and two loading/unloading spaces for light goods vehicles will be provided. No medium or heavy goods vehicle or container vehicle will be used. The operation hours will be between 8:00 a.m. to 6:00 p.m. from Mondays to Saturdays, and there will be no operation on Sundays and public holidays. Based on the landscape proposal (**Drawing A-2**), 14 existing trees will be retained and 13 new trees will be planted within the Site. Plans showing the proposed site layout, landscape treatment, drainage facilities and vehicular access are at **Drawings A-1 to A-4** respectively.

- 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-5**, the entire Site (i.e. about 6,034m<sup>2</sup>) has been filled with concrete of about 0.15m in depth.
- 1.4 The Site, in whole or in part, was involved in four previous applications (No. A/YL-HT/27, 60, 856 and 1064) for open storage or workshop with warehouse/storage uses rejected by the Rural and New Town Planning Committee (the Committee) or the Board on review between 1998 and 2017 (details at paragraph 5 below).
- 1.5 In support of the application, the applicant submitted the following documents:
  - (a) Application Form with attachments received on (**Appendix I**) 17.3.2025
  - (b) Supplementary Information (SI) received on (**Appendix Ia**) 18.3.2025
  - (c) Further Information (FI) received on 18.6.2025 (**Appendix Ib**)  
*[accepted and exempted from publication and recounting requirements]*
- 1.6 On 2.5.2025, 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 and SI at **Appendices I and Ia** respectively. They can be summarised as follows:

- (a) Planning permissions for temporary warehouse, recycling centre and open storage uses were granted in the vicinity of the Site.
- (b) No tree felling and site formation works will be involved.

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<sup>1</sup> *The open storage is related to the warehouse use at the Site (comprises only a small portion (9.4% of the Site)) and hence 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) is not applicable.*

- (c) No adverse traffic and environmental impacts are anticipated.

**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 obtaining consent from the “current land owners” of the Site. 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. Previous Applications**

The Site, in whole or in part, was involved in four previous applications (No. A/YL-HT/27, 60, 856 and 1064) for temporary open storage or workshop with warehouse/storage uses. All of them were rejected by the Committee or the Board on review between 1998 and 2017 mainly on grounds that there was no strong justification for a departure from the planning intention of the “AGR” zone; no/insufficient information to demonstrate that development was compatible with the surrounding areas; the application was not in line with the then TPB PG-No. 13E<sup>2</sup>; no/insufficient information to demonstrate no adverse traffic, environmental, drainage, agricultural and/or landscape impacts; and setting an undesirable precedent. Details of these previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1b**.

**6. Similar Applications**

- 6.1 There are ten similar applications for temporary open storage and/or warehouse/storage uses within the same “AGR” zone in the past five years. Nine applications were approved while one application was rejected. Details of these similar applications are summarised at **Appendix II** and their locations are shown on **Plan A-1a**.

*Approved Applications*

- 6.2 Applications No. A/YL-HTF/1133, 1141, 1150, 1155, 1158, 1166, 1179, 1182 and 1185 involving various temporary open storage and/or warehouse/storage uses with/without filling of land were approved with conditions by the Committee between 2022 and 2025 mainly on considerations that the

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<sup>2</sup> For applications No. A/YL-HT/856 and 1064 involving open storage/storage use, the sites fell within Category 3 areas under the then TPB PG-No. 13E.

application was in line with TPB PG-No. 13F/G; the development 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. Applications No. A/YL-HTF/1133, 1158, 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.

#### *Rejected Application*

- 6.3 Application No. A/YL-HTF/1160 involving temporary storage use and private vehicle park was rejected by the Committee in 2023 mainly on grounds that there was no strong justification for a departure from the planning intention of the “AGR” zone.

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

- 7.1 The Site is:

- (a) formed and used for open storage of construction materials and machineries without valid planning permission; and
- (b) accessible via a local track leading from Kai Pak Ling Road.

- 7.2 The surrounding areas are predominated by open storage yards, warehouses, vacant/unused land and woodland intermixed with an area used for parking of vehicles and an orchard. Some of the open storage and warehouse uses are covered by valid planning permissions.

### **8. Planning Intention**

- 8.1 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.
- 8.2 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.

### **9. Comments from Relevant Government Departments**

- 9.1 Apart from the government department as set out in paragraph 9.2 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 III and IV** respectively.

9.2 The following government department does not support the application:

**Agriculture and Nature Conservation**

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

- (a) the Site falls within the “AGR” zone and is generally occupied by some structures. 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 comment on the application from nature conservation perspective.

**10. Public Comments Received During the Statutory Publication Period**

On 21.3.2025, 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 VI**) objecting to the application mainly on the grounds that the application is the subject of various rejected/withdrawn applications; the proposed uses are not in line with the planning intention of the “AGR” zone; potential drainage and geotechnical impacts; and the Site is considered inappropriate for the proposed uses.

**11. Planning Considerations and Assessments**

11.1 The application is for proposed temporary warehouse (storage of construction materials, metal and electronic parts) and open storage of construction materials with ancillary office and associated filling of land for a period of three years at the Site zoned “AGR” on the OZP. While the proposed uses are not in line with the planning intention of the “AGR” zone and DAFC does not support the application from the agricultural perspective, the Project Manager (West) of Civil Engineering and Development Department (CEDD) 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, sympathetic consideration could be given to the proposed uses with associated filling of land on a temporary basis for a period of three years.

- 11.2 The applicant also proposes to regularise the filling of land with concrete of about 0.15m 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 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.
- 11.3 The Site is situated in an area of miscellaneous rural fringe landscape character predominated by open storage yards, warehouses, vacant/unused land and woodland. The proposed uses are considered not incompatible with the surrounding areas. The Chief Town Planner/Urban Design & Landscape of Planning Department (CTP/UD&L, PlanD) has no comment on the application from landscape planning point of view.
- 11.4 Other relevant government departments consulted, including the Commissioner for Transport (C for T), Head of Geotechnical Engineering Office of CEDD and Director of Fire Services, have no objection to or no adverse comment on the application from traffic, geotechnical and fire safety perspectives respectively. To address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 12.2 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.
- 11.5 The Committee or the Board has rejected four previous applications (No. A/YL-HT/27, 60, 856 and 1064) involving temporary open storage or workshop with warehouse/storage uses at the Site between 1998 and 2017, as well as a similar application involving temporary storage use located in the further west of the same “AGR” zone in 2023, mainly on grounds summarised in paragraphs 5 and 6.3 above respectively. The planning considerations for the current application are different from these previously rejected applications in that C for T, DEP, CE/MN, DSD and CTP/UD&L, PlanD have no objection to or no adverse comment on the current application. Regarding DAFC’s concerns on the agricultural aspect, the consideration in paragraph 11.1 above is relevant. Besides, the Committee has approved nine similar applications involving various open storage and/or warehouse/storage uses with/without filling of land within the same “AGR” zone between 2022 and 2025 mainly on considerations summarised in paragraph 6.2 above. Approval of this application is generally in line with the previous decisions of the Committee.
- 11.6 Regarding the public comments objecting to the application as summarised in paragraph 10 above, the planning considerations and assessments in paragraphs 11.1 to 11.5 above are relevant.

## 12. **Planning Department's Views**

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10 above, the Planning Department 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 three years until 15.8.2028. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval conditions

- (a) the submission of a revised drainage proposal within **6 months** from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 15.2.2026;
- (b) in relation to (a) above, the implementation of the revised drainage proposal within **9 months** from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 15.5.2026;
- (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 26.9.2025;
- (e) the submission of a fire service installations proposal within **6 months** from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 15.2.2026;
- (f) in relation to (e) above, the implementation of the fire service installations proposal within **9 months** from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 15.5.2026;
- (g) the submission of a natural terrain hazard study within **6 months** from the date of the planning approval to the satisfaction of the Head of Geotechnical Engineering Office of Civil Engineering and Development Department or of the Town Planning Board by 15.2.2026;
- (h) in relation to (g) above, the implementation of the mitigation measures identified in the natural terrain hazard study within **9 months** from the date of planning approval to the satisfaction of the Head of Geotechnical Engineering Office of Civil Engineering and Development Department or of the Town Planning Board by

**15.5.2026;**

- (i) 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;
- (j) if any of the above planning condition (a), (b), (d), (e), (f), (g) or (h) 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
- (k) 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 IV**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the proposed uses with associated filling of land are 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.

**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**

<b>Appendix I</b>	Application Form with Attachments received on 17.3.2025
<b>Appendix Ia</b>	SI dated 18.3.2025
<b>Appendix Ib</b>	FI dated 18.6.2025



<b>Appendix II</b>	Previous and Similar Applications
<b>Appendix III</b>	Government Departments' General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Appendix V</b>	'Good Practice for Open Storage Sites' issued by the Fire Services Department
<b>Appendix VI</b>	Public Comments
<b>Drawing A-1</b>	Proposed Layout Plan
<b>Drawing A-2</b>	Landscape Proposal
<b>Drawing A-3</b>	Drainage Proposal
<b>Drawing A-4</b>	Vehicular Access Plan
<b>Drawing A-5</b>	Land Filling Plan
<b>Plan A-1a</b>	Location Plan with Similar Applications
<b>Plan A-1b</b>	Previous Applications Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
AUGUST 2025**