

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-HTF/1193

- Applicant** : Sum Wui Investment Limited represented by R-riches Planning Limited
- Site** : Lots 505 RP (Part), 506 (Part), 507 (Part), 508, 509 (Part) and 510 (Part)
in D.D. 128, Pak Nai, Yuen Long, New Territories
- Site Area** : About 9,938m²
- 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 and Machinery with Ancillary Facilities and Associated Filling of Land for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary open storage of construction materials and machinery with ancillary facilities and associated filling of land for a period of three years at the application site (the Site) zoned “AGR” on the OZP (**Plan A-1**). 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 require planning permission from the Town Planning Board (the Board). The Site is currently mainly vacant with some solar panels erected on the southern portion and partly hard-paved without valid planning permission (**Plans A-2, A-3, A-4a and A-4b**).
- 1.2 According to the applicant, the application seeks to facilitate the relocation of an existing open storage operation occupying an area of about 8,922m² at various lots in D.D. 125, Ha Tsuen affected by the land resumption and clearance exercise under the Second Phase and Remaining Phase Developments of the Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA). Part of the original premises of the operator has already been resumed by the Government. Thus, there is an imminent need for the applicant to secure a relocation site for the affected operation.

1.3 The Site is accessible via a local track leading from Deep Bay Road (**Plans A-2 and A-3**). According to the applicant, the Site is mainly for open storage of construction materials and machinery (about 5,652m² or 57%) with a stacking height of not more than 2.5m. A two-storey structure (about 7m in height) with a floor area of about 60m² will be erected for site office and guardroom uses. The applicant also seeks regularisation of land filling with a depth of not more than 0.2m involving asphalt and soil at the entire Site and proposes to further fill the entire Site with a depth of not more than 0.5m using asphalt and soil to facilitate the open storage use, site formation of structure and provision of parking and circulation spaces. In order to mitigate the potential landscape and environmental impacts, 23 new trees and boundary fencing will be provided along the site boundary. The proposed layout plan, land filling plan, landscape plan, drainage plan and vehicular access plan submitted by the applicant are at **Drawings A-1 to A-5** respectively.

1.4 The major development parameters of the current application are summarised as follows:

Site Area	about 9,938m ²
Extent of Filling of Land	about 9,938m ² (i.e. the entire Site, with a depth of not more than 0.2m for regularisation of existing land filling and 0.5m for proposed land filling)
Total Floor Area	about 60m ²
No. of Structure	1 (for site office and guardroom uses)
Height of Structure	about 7m (2 storeys)
Parking Spaces	3 for private cars (5m x 2.5m)
Loading/unloading Spaces	2 for heavy goods vehicles (HGVs) (11m x 3.5m)
Operation Hours	9:00 a.m. to 7:00 p.m. from Mondays to Saturdays and no operation on Sundays and public holidays

1.5 To facilitate the use of HGVs along Deep Bay Road (i.e. a single-track road with two-way traffic) and mitigate the potential traffic impact, the applicant has undertaken to implement road upgrading works which include provision of passing bays at a section of Deep Bay Road (**Drawing A-6**).

1.6 In support of the application, the applicant submitted the following documents:

- (a) Application Form received on 8.7.2025 (**Appendix I**)
- (b) Planning Statement (**Appendix Ia**)
- (c) Supplementary Information (SI) received on 10.7.2025 (**Appendix Ib**)
- (d) Further Information (FI) received on 28.7.2025* (**Appendix Ic**)
- (e) FI received on 25.8.2025# (**Appendix Id**)

*accepted but not exempted from publication and

*recounting requirements
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recounting requirements*

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Planning Statement at **Appendix Ia**. They can be summarised as follows:

- (a) The current application aims to facilitate the relocation of an existing open storage operation (i.e. K.Y.H. Steel Company Limited¹) affected by the Second Phase and Remaining Phase Developments of the HSK/HT NDA.
- (b) The applicant has conducted a lengthy and thorough site search to identify a suitable site for relocation of the affected operation. The Site is considered the most suitable as it is relatively flat and easily accessible, and the proposed use is considered not incompatible with the surrounding areas. The proposed development at the Site is of the same use and similar scale as the affected operation in Ha Tsuen.
- (c) The Site was involved in a previous application (No. A/YL-HTF/1158) for temporary warehouse use approved by the Board in February 2024. Although the application was intended to facilitate the relocation of a warehouse operation also affected by the Second Phase Development of the HSK/HT NDA, the affected operator decided not to relocate to the Site owing to various issues, and the Site has been left vacant.
- (d) The proposed use is in line with 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).
- (e) Similar applications for open storage use have been approved by the Board within the same “AGR” zone.
- (f) No adverse traffic, environmental, drainage, landscape and archaeological impacts are anticipated.
- (g) Approval of the application on a temporary basis will not frustrate the long-term planning intention of the “AGR” zone.

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 posting site notice and sending notice to the Ha Tsuen

¹ The applicant is the authorised representative of K.Y.H. Steel Company Limited.

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

TPB PG-No. 13G are relevant to the application. The Site is located within Category 3 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

The Site was involved in two previous applications (No. A/YL-HT/414 and A/YL-HTF/1158). Application No. A/YL-HT/414 covering a much larger area for temporary racing circuit use was rejected by the Rural and New Town Planning Committee (the Committee) of the Board in 2005, whereas application No. A/YL-HTF/1158 for temporary warehouse use with filling of land submitted by a different applicant from the current application was approved with conditions by the Committee in 2024² and has not been implemented so far. The considerations of these previous applications are not relevant to the current application which involves a different use. Details of these applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

7. Similar Applications

There are eight similar applications (No. A/YL-HTF/1133, 1150, 1155, 1166, 1179, 1182, 1185 and 1190) 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 2025 mainly on considerations that the application was in line with TPB PG-No. 13F/G; 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. Applications No. A/YL-HTF/1133, 1166 and 1179 had also obtained policy support from the Development Bureau (DEVB) as they were for accommodating brownfield operations affected by the development of the HSK/HT NDA. Details of these similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

² Application No. A/YL-HTF/1158 which was submitted by a different applicant for temporary warehouse use with filling of land is to facilitate the relocation of another existing business operation affected by the Second Phase Development of the HSK/HT NDA. Policy support from DEVB had been obtained for the application.

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

8.1 The Site is:

- (a) mainly vacant with some solar panels erected on the southern portion and partly hard-paved without valid planning permission;
- (b) accessible via a local track leading from Deep Bay Road; and
- (c) located within the Ngau Hom Sha Site of Archaeological Interest.

8.2 The surrounding areas are predominated by vacant/unused land and ponds intermixed with residential dwellings, cultivated/fallow agricultural land and areas used for storage/open storage. To the east of the Site is a temporary open storage and storage yard about 7.8 ha in area and accommodating five affected business operations covered by valid planning permission under application No. A/YL-HTF/1166 currently under implementation.

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 for the “AGR” zone, as filling of land may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities.

10. Comments from Relevant Government Bureau/Departments

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

Policy Aspect

10.2.1 Comments of the Secretary for Development (SDEV):

- (a) the application is to facilitate the relocation of a brownfield operation providing open storage of construction materials and machineries at various lots in D.D. 125 in Yuen Long. The premises of the brownfield operation covers lands affected by the Second Phase and Remaining Phase Developments of the HSK/HT NDA;

- (b) according to the applicant, a site search was conducted with a view to identifying suitable site for re-establishment of the business elsewhere, and the site under the current application is the most suitable relocation site. While the site area is larger than that of the original premises, the applicant has explained that it is to provide the needed circulation space to enhance site efficiency and minimise the traffic impact on the surrounding road networks; and
- (c) subject to no adverse comments on land use compatibility and technical aspects from concerned departments, the application is supported from the policy perspective.

10.3 The following government department does not support the application:

Agriculture and Nature Conservation

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

- (a) the Site falls within the “AGR” zone and is generally vacant. Agricultural infrastructures such as road access and water source are available in the area. 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 from nature conservation perspective.

11. Public Comment Received During the Statutory Publication Periods

During the statutory public inspection periods, a public comment was received from an individual (**Appendix VII**) objecting to the application mainly on the grounds that the Site falls within Category 3 areas under TPB PG-No. 13G; the area of the Site is larger than that of the applicant’s affected premises; potential drainage impact; and approval conditions of the previous application (No. A/YL-HTF/1158) have not been complied with.

12. Planning Considerations and Assessments

12.1 The application is for proposed temporary open storage of construction materials and machinery with ancillary facilities and associated filling of land for a period of three years at the Site zoned “AGR” on the OZP. While 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, 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 be advised not to carry out any substantial works therein. Taking into consideration the planning assessments below and with the policy support from SDEV, sympathetic consideration may be given to the proposed use with associated filling of land on a temporary basis for a period of three years.

- 12.2 According to the applicant, the application is to facilitate the relocation of an existing business operation affected by the Second Phase and Remaining Phase Developments of the HSK/HT NDA. Part of the original premises of the operator has already been resumed by the Government and therefore there is an imminent need for the applicant to secure a relocation site for the affected operation. The applicant also states that it has conducted a lengthy and thorough site search and the Site is identified as the most suitable relocation site. The size of the Site (i.e. about 9,938m²) is generally comparable to its existing operation in Ha Tsuen (i.e. about 8,922m², part of which has been already resumed by the Government). To facilitate the relocation of brownfield operators displaced by the HSK/HT NDA Development, SDEV supports the application from policy perspective.
- 12.3 The applicant also seeks to regularise the filling of land with asphalt and soil of not more than 0.2m in depth for the entire Site and proposes to further fill the entire Site with asphalt and soil with a depth of not more than 0.5m. 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 and Director of Environmental Protection 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.
- 12.4 The Site is situated in an area of miscellaneous rural fringe landscape character predominated by vacant/unused land and ponds. To its east is a site of about 7.8 ha in area under implementation for temporary open storage and storage uses approved under application No. A/YL-HTF/1166 in March 2024. Considering the existing context of the surrounding environment, the proposed use is considered not entirely incompatible with the surrounding areas. The applicant has also submitted a landscape plan with provision of 23 new trees to mitigate the landscape impact. In this regard, the Chief Town Planner/Urban Design & Landscape of Planning Department has no comment on the application from landscape planning point of view.
- 12.5 The Commissioner for Transport considers the application acceptable from traffic perspective. Other relevant government departments consulted, including the Director of Fire Services, also have no objection to the application

from fire safety perspective. 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.

- 12.6 The Site falls within Category 3 areas under TPB PG-No. 13G. Taking into account the policy support given by SDEV, no major adverse departmental comments and local objections have been received on the application and the concerns of relevant government departments can be addressed through the implementation of approval conditions, sympathetic consideration can be given to the current application.
- 12.7 The Committee has approved eight similar applications involving various open storage uses with/without filling of land between 2022 and 2025, including three applications (No. A/YL-HTF/1133, 1166 and 1179) located to the east of the Site and with policy support. Approval of this application is in line with the previous decisions of the Committee.
- 12.8 Regarding the public comment objecting to the application as summarised in paragraph 11 above, the planning considerations and assessments in paragraphs 12.1 to 12.7 above are relevant. Also, the previous application No. A/YL-HTF/1158 was submitted by a different applicant for a different use and is hence not relevant to the current application.

13. **Planning Department’s Views**

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comment 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 19.9.2028. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the submission of a detailed proposal in respect of additional passing bay(s) within **6 months** from the date of planning approval to the satisfaction of the Commissioner for Transport and the Director of Highways or of the Town Planning Board by **19.3.2026**;
- (b) in relation to (a) above, the implementation of the detailed proposal in respect of additional passing bay(s) and associated engineering works within **9 months** from the date of planning approval to the satisfaction of the Commissioner for Transport and the Director of Highways or of the Town Planning Board by **19.6.2026**;

- (c) the submission of a drainage proposal including a revised drainage impact assessment 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 **19.3.2026**;
- (d) in relation to (c) above, the implementation of the drainage proposal including mitigation measures identified in the revised drainage impact assessment 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 **19.6.2026**;
- (e) in relation to (d) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (f) 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 **19.3.2026**;
- (g) in relation to (f) 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 **19.6.2026**;
- (h) if the above planning condition (e) 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;
- (i) if any of the above planning condition (a), (b), (c), (d), (f) or (g) 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
- (j) 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 reasons for rejection are 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 received on 8.7.2025
Appendix Ia	Planning Statement
Appendix Ib	SI received on 10.7.2025
Appendix Ic	FI received on 28.7.2025
Appendix Id	FI received on 25.8.2025
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 Comment
Drawing A-1	Proposed Layout Plan
Drawing A-2	Proposed Land Filling Plan
Drawing A-3	Landscape Plan
Drawing A-4	Drainage Plan
Drawing A-5	Vehicular Access Plan
Drawing A-6	Location Plan showing Proposed Road Upgrading Works along Deep Bay Road
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
SEPTEMBER 2025**