

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-HTF/1197

Applicant : Chung Kin Engineering (International) Limited represented by R-riches Planning Limited

Site : Lots 404 (Part), 406 S.A, 406 RP, 407, 408, 409, 410, 411 and 475 S.A (Part) in D.D. 128 and Adjoining Government Land (GL), Yuen Long, New Territories

Site Area : About 4,713m² (including GL of about 115m² or 2%)

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 : Temporary Warehouse (Storage of Recyclable and Construction Materials) with Ancillary Open Storage and Facilities and Associated Filling of Land for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary warehouse (storage of recyclable and construction materials) with ancillary open storage and 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 partly occupied by structures for storage use and has been formed without planning permission (**Plans A-2, A-4a and A-4b**).
- 1.2 According to the applicant, the application seeks to facilitate the relocation of an existing warehouse and open storage operation by an operator (being the tenant of the applicant) 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). The original premises of the operator (with an area of about 3,809m²) has already been resumed by the Government. Thus, there is an imminent need for the operator to secure a relocation site for the affected operation.

1.3 The Site can be accessed from Deep Bay Road via a local track and the ingress/egress is located at the northern tip of the Site (**Plans A-2 and A-3**). As shown on the proposed layout plan at **Drawing A-1**, five single-to-two-storey structures (about 3 to 11m in height) with a total floor area of about 2,058m² will be erected for storage of recyclable and/or construction materials, site office, washroom and metre room uses, while two portions at the eastern and southern parts of the Site (about 665m² or 14%) will be used for ancillary open storage of recyclable and construction materials with a stacking height of not more than 3m. According to the applicant, no workshop activity will be carried out at the Site. Five parking spaces for private cars and two loading/unloading spaces for light goods vehicles will be provided, and no medium or heavy goods vehicle including container tractor/trailer will be used.

1.4 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-2**, the majority part of the Site (i.e. about 4,641m² or 98%) has been filled with concrete of not more than 0.2m in depth and a strip of land at its western part (i.e. about 72m² or 2%) currently hard paved will be reinstated for tree planting. No further filling of land will be carried out at the Site.

1.5 In order to mitigate the potential landscape and environmental impacts, ten new trees are proposed along the western boundary and peripheral planting with climbing species along the fencing will be provided. The proposed layout plan, land filling plan, landscape plan and vehicular access plan submitted by the applicant are at **Drawings A-1 to A-4** respectively.

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

Site Area	about 4,713m ² (including GL of about 115m ²)
Extent of Filling of Land	about 4,641m ² (about 98% of the Site) (with a depth of not more than 0.2m)
Total Floor Area	about 2,058m ²
No. of Structures	5 (for storage of recyclable and/or construction materials, site office, washroom and metre room uses)
Height of Structures	about 3 to 11m (1 to 2 storeys)
Parking Spaces	5 for private cars (5m x 2.5m)
Loading/unloading Spaces	2 for light goods vehicles (7m 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

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

(a) Application Form received on 18.8.2025 (Appendix I)
(b) Planning Statement (Appendix Ia)
(c) Supplementary Information (SI) received on (Appendix Ib)
20.8.2025
(d) Further Information (FI) received on 27.11.2025 (Appendix Ic)

[accepted and exempted from publication and recounting requirements]

1.8 On 10.10.2025, 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 Planning Statement and SI at **Appendices I to Ic** respectively. They can be summarised as follows:

- (a) The current application is for facilitating the relocation of an existing storage and open storage operation (forming part of the site covered by planning permission under application No. A/HSK/516, with the applicant's tenant, Mr. TANG Sheung Chai as the operator¹) 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, located in close proximity to the original premises and easily accessible. As compared with the original premises, the site area is increased by about 24%. The increase in site area, number of structures and floor area are required to meet operational needs and provide better circulation space within the Site.
- (c) Similar applications for warehouse and open storage uses have been approved by the Board within the same "AGR" zone.
- (d) The proposed use is considered not incompatible with the surrounding areas and no adverse landscape impact is anticipated.
- (e) No adverse traffic, environmental, drainage and archaeological impacts are anticipated.
- (f) 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 Rural Committee. Detailed information would be deposited at the meeting for Members' inspection. For the GL portion, the requirements under TPB PG-No. 31B are not applicable.

¹ The applicant has been authorised by Mr. TANG Sheung Chai to submit the current application (**Appendix Ic**).

4. Background

The storage use at the Site will be subject to planning enforcement action.

5. Previous Applications

5.1 The Site was involved in three previous applications (No. A/YL-HT/414, A/YL-HTF/1133 and 1147) for various uses with/without filling of land. Details of these previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

Approved Applications

5.2 Application No. A/YL-HTF/1133², which was submitted by a different applicant and covered a much larger area (about 8.3 ha), for temporary open storage of new vehicles (private cars), construction materials, machineries, equipment and storage of tools and parts with filling of land and pond was approved with conditions by the Committee in 2022 mainly on considerations that the development was 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 (the then TPB PG-No. 13F) in that the application had obtained policy support from the Secretary for Development (SDEV) as it was to accommodate brownfield operations affected by the development of HSK/NT NDA; 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 implementation of approval conditions. The planning permission was subsequently revoked in 2024 owing to non-compliance with time-limited approval conditions.

5.3 Application No. A/YL-HTF/1147 which involves a much larger site (submitted by a different applicant) for temporary hobby farm, recreation centre and barbecue site with filling of land was approved with conditions by the Committee in 2023. The considerations for this application are not relevant to the current application which involves a different use.

Rejected Application

5.4 Applications No. A/YL-HT/414 for temporary racing circuit use was rejected by Committee in 2005. The considerations for this application are not relevant to the current application which involves a different use.

6. Similar Applications

6.1 There are eight similar applications for temporary warehouse/storage uses with/without filling of land within the same “AGR” zone in the past five years.

² Application No. A/YL-HTF/1133 covered an area of about 8.3 ha and was intended to accommodate five affected brownfield operations. The same applicant later submitted another application (No. A/YL-HTF/1166) which involved excising parts of the site under application No. A/YL-HTF/1133 (including the current site under application) owing to land administration issues. Application No. A/YL-HTF/1166, covering an area of about 7.8 ha, was approved with conditions by the Committee in 2024 and is now under implementation.

Seven 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-1**.

Approved Applications

6.2 Seven applications (No. A/YL-HTF/1141, 1150, 1158, 1166, 1179, 1190 and 1202) involving various temporary warehouse/storage/godown uses and open storage use with/without filling of land were approved with conditions by the Committee between 2022 and 2026 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 implementation of approval conditions. Applications No. A/YL-HTF/1158, 1166, 1179 and 1202 had also obtained policy support from SDEV as they were for accommodating brownfield operations affected by the implementation of the HSK/HT NDA. The planning permissions under applications No. A/YL-HTF/1141, 1150 and 1158 were subsequently revoked between 2024 and 2025 owing to non-compliance with time-limited approval conditions.

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-1 to A-4b)

7.1 The Site is:

- (a) partly occupied by structures for storage use and has been formed without planning permission;
- (b) accessible from Deep Bay Road via a local track; and
- (c) located within the Fu Tei Au Site of Archaeological Interest.

7.2 The surrounding areas are predominated by vacant/unused land, open storage yards, some of which have obtained planning permission (Applications No. A/YL-HTF/1166 and 1193), warehouse/area used for storage and ponds intermixed with residential dwellings. To the immediate west is the unused land currently under Application No. A/YL-HTF/1203 for proposed temporary open storage of construction materials and machinery with ancillary facilities and associated filling of land (to be considered at the same meeting) (**Plan A-2**).

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 Bureau/Departments

9.1 Apart from the government bureau/departments as set out in paragraphs 9.2 and 9.3 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 III and IV** respectively.

9.2 The following government bureau supports the application:

Policy Aspect

9.2.1 Comments of the SDEV:

- (a) the application is to facilitate relocation of a brownfield operation in relation to warehouse and open storage at the ex-Lots 280 (Part) and 681 (Part) in D.D. 125 in Yuen Long. The premises of the brownfield operation covers lands affected by the Second 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 businesses 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 meet the operational needs and provide better circulation space within the application site; 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.

9.3 The following government departments have adverse comment on/do not support the application:

Land Administration

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

- (a) he has adverse comment on the application;
- (b) the Site comprises Old Schedule Agricultural Lots 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, and GL;

- (c) the GL within the Site (about 115m² as mentioned in the application) has been fenced off/unlawfully occupied with unauthorised structure(s) without any permission. Any occupation of GL without the Government's prior approval is an offence under Cap. 28. His office reserves the rights to take necessary land control action against the unlawful occupation of GL without further notice; and
- (d) should the planning application be approved, the applicant should note his advisory comments at **Appendix IV**.

Agriculture and Nature Conservation

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

- (a) the Site falls within the “AGR” zone and is generally paved with some structures. Agricultural infrastructures such as road access and water source are available. As the Site can be used for agricultural activities such as greenhouses and plant nurseries, the proposed development is not supported from agricultural perspective; and
- (b) should the application be approved, the applicant should note his advisory comments from nature conservation perspective at **Appendix IV**.

10. Public Comment Received During the Statutory Publication Period

On 22.8.2025, the application was published for public inspection. During the statutory public inspection period, a public comment from an individual was received (**Appendix VI**) objecting to the application mainly on the grounds that approval conditions of the previous application (No. A/YL-HTF/1147) for hobby farm use have not been complied with; and the Site is not located within Category 2 areas under TPB PG-No. 13G and there is no justification to support the proposed use.

11. Planning Considerations and Assessments

11.1 The application is for proposed temporary warehouse (storage of recyclable and construction materials) with ancillary open storage and facilities and associated filling of land for a period of three years at the Site zoned “AGR” on the OZP. The applicant is the representative of a brownfield operator affected by the Second Phase and Remaining Phase Developments of the HSK/HT NDA. 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 policy support from SDEV as detailed in paragraph 11.2 and the planning assessments below, there is no objection to the proposed use with associated filling of land on a temporary basis for a period of three years.

- 11.2 According to the applicant, the original premises of the operator has already been resumed by the Government for implementation of the HSK/HT NDA and therefore there is an imminent need to secure a relocation site for the affected operation. The applicant 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 4,713m²) is larger than its existing operation (i.e. about 3,809m²) mainly due to operational needs and the need to provide better circulation space within the Site. To facilitate the relocation of brownfield operators displaced by the HSK/HT NDA Development, SDEV supports the application from policy perspective.
- 11.3 The applicant also proposes to regularise the filling of land with concrete of not more than 0.2m in depth for the majority part of the Site (about 4,641m² or 98%). 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.
- 11.4 The surrounding areas are predominated by vacant/unused land, open storage yards and warehouse uses intermixed with residential dwellings. To its immediate east and north are the sites for temporary open storage and storage uses under implementation (under approved applications No. A/YL-HTF/1166 and 1193). Considering the existing and planned 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 ten new trees to mitigate the potential landscape impact. In this regard, the Chief Town Planner/Urban Design & Landscape of Planning Department has no adverse comment on the application from landscape planning point of view.
- 11.5 Other relevant government departments consulted, including the Commissioner for Transport, Director of Fire Services and Antiquities and Monuments Office (AMO) of DEVB, have no objection to or no adverse comment on the application from traffic, fire safety and archaeological perspectives respectively. As the Site falls within the Fu Tei Au SAI, approval conditions requiring the submission of an archaeological impact assessment and implementation of the mitigation measures recommended there are proposed as suggested by the AMO.

To address the technical requirements of other concerned government departments, appropriate approval conditions are also 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. Regarding DLO/YL, LandsD's concern on the occupation of GL with unauthorised structures within the Site, the applicant has committed to submit Short Term Tenancy application upon approval of this application. The applicant will also be advised to liaise with LandsD on these land administration matters should the Committee approve the application.

- 11.6 The Committee has approved a previous application (No. A/YL-HTF/1133) and seven similar applications involving various warehouse/storage/godown uses between 2022 and 2026, including two applications (No. A/YL-HTF/1158 and 1166) located at the immediate east and west of the Site respectively. While the Committee rejected a similar application No. A/YL-HTF/1160 in 2023, the planning circumstances of the current application is different in that it is for relocation of affected brownfield operation with policy support from SDEV. Approval of this application is general in line with the previous decisions of the Committee.
- 11.7 Regarding the public comment objecting to the application as summarised in paragraph 10 above, the planning considerations and assessments in paragraphs 11.1 to 11.6 above are relevant. Moreover, the previous application No. A/YL-HTF/1147 is for a different use and hence not relevant to the current application. The TPB PG-No. 13G is not applicable to the current application for warehouse use.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comment 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 23.1.2029. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission of a drainage proposal within **6 months** from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 23.7.2026;
- (b) in relation to (a) above, the implementation of the 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 23.10.2026;

- (c) in relation to (b) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (d) the submission of a fire service installations proposal within **6 months** from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **23.7.2026**;
- (e) in relation to (d) 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 **23.10.2026**;
- (f) the submission of an archaeological impact assessment within **6 months** from the date of planning approval to the satisfaction of the Antiquities and Monuments Office or of the Town Planning Board by **23.7.2026**;
- (g) in relation to (f) above, the implementation of the mitigation measures identified in the archaeological impact assessment within **9 months** from the date of planning approval to the satisfaction of the Antiquities and Monuments Office or of the Town Planning Board by **23.10.2026**;
- (h) 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;
- (i) if any of the above planning condition (a), (b), (d), (e), (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 IV**.

12.3 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.

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

Appendix I	Application Form received on 18.8.2025
Appendix Ia	Planning Statement
Appendix Ib	SI dated 20.8.2025
Appendix Ic	FI dated 27.11.2025
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	'Good Practice for Open Storage Sites' issued by the Fire Services Department
Appendix VI	Public Comment
Drawing A-1	Proposed Layout Plan
Drawing A-2	Land Filling Plan
Drawing A-3	Landscape Proposal
Drawing A-4	Vehicular Access 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
JANUARY 2026**