

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-HTF/1198

- Applicant** : 得寶實業公司
- Site** : Lots 295, 296 and 297 in D.D. 128, Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 1,010m²
- 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 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 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 within “AGR” zone require planning permission from the Town Planning Board (the Board). The Site is formed, hard paved, vacant and currently occupied by some vacant structures at the northern portion (**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 located at the western periphery of the Site (**Plans A-2 and A-3**). As shown on the proposed layout plan at **Drawing A-1**, the southern part of the Site will be used for open storage of construction materials and no structure is proposed within the Site. According to the applicant, the remaining area in the northern portion is for circulation and landscaping purposes. No workshop activity will be carried out at the Site. A loading/unloading space for light goods vehicle will be provided. No medium or heavy goods vehicle or container trailer/tractor will be used. The operation hours will be between 8:00 a.m. to 6:00 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. According to the landscape

proposal (**Drawing A-2**), six existing trees will be retained and preserved within the Site. Plans showing the proposed site layout and landscape proposal submitted by the applicant are at **Drawings A-1 and A-2** 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-3**, the entire Site (i.e. about 1,010m²) has been filled with concrete of about 0.2m in depth. No further filling of land will be carried out at the Site.
- 1.4 In support of the application, the applicant submitted the following documents:
 - (a) Application Form with attachments received on (**Appendix I**) 26.8.2025
 - (b) Supplementary Information (SI) received on (**Appendix Ia**) 29.8.2025
 - (c) Further Information (FI) received on 5.12.2025 (**Appendix Ib**) *[accepted but not exempted from publication and recounting requirements]*
- 1.5 On 24.10.2025, the Rural and New Town Planning Committee (the Committee) of the Board 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, SI and FI at **Appendices I to Ib** respectively. They can be summarised as follows:

- (a) Planning permissions for temporary open storage and warehouse uses were granted in the vicinity of the Site.
- (b) The proposed use is compatible with the surrounding areas.
- (c) No adverse traffic, environmental and archaeological impacts are anticipated.
- (d) The six existing trees will be retained and preserved within the Site and no tree felling will be involved. The applicant will avoid storing construction materials near the existing trees.
- (e) 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 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.

4. Background

Majority part of the Site is subject to planning enforcement action against unauthorized development (UD) involving storage use (including deposit of containers), use of place for parking of vehicles and workshop use (case No. E/YL-HTF/967) (**Plan A-2**). Enforcement Notice (EN) was issued on 30.5.2025 requiring discontinuation of the UD. Site inspection on 3.9.2025 revealed that the UD has been discontinued.

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) promulgated on 14.4.2023 are relevant to the application. The Site is located within Category 2 areas under TPB PG-No. 13G. Relevant extract of the Guidelines is at **Appendix II**.

6. Previous Application

The Site is not involved in any previous application.

7. Similar Applications

There are nine similar applications (No. A/YL-HTF/1133, 1150, 1155, 1166, 1179, 1182, 1185, 1190 and 1193) involving various temporary 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 implementation of approval conditions. Applications No. A/YL-HTF/1133, 1166, 1179 and 1193 had also obtained policy support from the Secretary for Development as they were for accommodating brownfield operations affected by the implementation of the Hung Shui Kiu/Ha Tsuen New Development Area. The planning permissions under applications No. A/YL-HTF/1133, 1150 and 1155 were subsequently revoked between 2024 and 2025 owing to non-compliance with time-limited approval conditions. Details of these similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

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

8.1 The Site is:

- (a) formed, hard paved, vacant and currently occupied by some vacant

structures at the northern portion;

- (b) accessible via a local track leading from Deep Bay Road; and
- (c) located within the Sha Kong Miu (South) Site of Archaeological Interest.

8.2 The surrounding areas are predominated by vacant/unused land, open storage yards, some of which have obtained planning permission (Application No. A/YL-HTF/1182), and scrubland intermixed with residential dwellings.

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 departments as set out in paragraph 10.2 below, other bureau/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 departments do not support/have adverse comment on the application:

Land Administration

10.2.1 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;
- (c) LandsD has reservation on the planning application since there is/are unauthorized structure(s) on Lot 295 in D.D. 128 which is/are already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/apply for regularisation on the lease breaches as demanded by LandsD; and

- (d) should the planning application be approved, the applicant should note his advisory comments at **Appendix V**.

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 with some structures. 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) should the application be approved, the applicant should note his advisory comments from nature conservation perspective at **Appendix V**.

11. **Public Comment Received During the Statutory Publication Period**

On 2.9.2025, the application was published for public inspection. During the statutory public inspection period, a public comment from an individual was received (**Appendix VII**) objecting to the application mainly on the grounds that there is no previous approval covering the Site; the Site is located at a distance from the existing brownfield operations; and the application is not intended for relocation of affected brownfield operation.

12. **Planning Considerations and Assessments**

12.1 The application is for proposed temporary open storage of construction materials 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, there is no objection to the proposed use with associated filling of land on a temporary basis for a period of three years.

12.2 The applicant also seeks to regularise the filling of land with concrete 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 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 surrounding areas are predominated by vacant/unused land, open storage yards and scrubland. The proposed use is generally considered not incompatible with the surrounding areas. According to the submitted landscape proposal, the six existing trees will be retained and preserved within the Site. In this regard, the Chief Town Planner/Urban Design & Landscape of Planning Department (PlanD) has no adverse 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 relevant government departments consulted, including CE/MN, DSD, DEP, Commissioner for Transport, Director of Fire Services and the Antiquities and Monuments Office, have no objection to or no adverse comment on the application. 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 structure(s) erected within Lot 295 in D.D. 128, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 12.5 The Committee has approved nine 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 comment 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 comment mentioned in paragraph 11 above, PlanD has no objection to the application.
- 13.2 Should the Committee decide to approve the application, it is suggested that the

permission shall be valid on a temporary basis for a period of three years until 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) if the above planning condition (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (g) if any of the above planning condition (a), (b), (d) or (e) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (h) upon expiry of the planning permission, the reinstatement of the 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 26.8.2025
Appendix Ia	SI dated 29.8.2025
Appendix Ib	FI dated 5.12.2025
Appendix II	Extract of TPB PG-No.13G
Appendix III	Similar Applications
Appendix IV	Government Bureau/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	Landscape Proposal
Drawing A-3	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
JANUARY 2026**