

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-HTF/1203

- Applicant** : Sum Wui Investment Limited 深匯投資有限公司 represented by R-riches Planning Limited
- Site** : Lots 477(Part), 492 (Part), 504 (Part), 505 RP (Part) and 506 (Part) in D.D. 128 and adjoining Government Land (GL), Yuen Long, New Territories
- Site Area** : About 14,072m² (including GL of about 663m² or 5%)
- 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 within “AGR” zone require planning permission from the Town Planning Board (the Board). The Site is currently occupied by some vacant structures and has been formed without planning permission at its northern part, while the southern part is generally vacant (**Plans A-3 to 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 24,237m² 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 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 can be accessed via a local track leading from Deep Bay Road and the ingress/egress is located at the western portion of the Site (**Plans A-2 and A-3**). As shown on the proposed layout plan at **Drawing A-3**, the Site is mainly proposed for open storage of construction materials and machinery (with area of about 7,150m², or about 51% of the Site) with stacking height of not more than 3m in the majority part of the Site and five single-to-two-storey structures (about 7m to 12m in height) with a total floor area of about 980m² will be erected for site office, washroom and ancillary warehouse (excluding dangerous goods godown) use at the western portion of the Site. According to the applicant, the remaining area is for circulation and vehicle parking.
- 1.4 As shown on the land filling plan at **Drawing A-6**, the applicant also seeks regularisation of existing land filling that had already been undertaken at the entire Site up to a level ranging from 4.7mPD and 10.7mPD. In addition, the applicant proposes to further fill the entire Site with a depth of not more than 1.2m (i.e. to a level ranging from 5.9mPD and 11.2mPD) using asphalt, soil and concrete to facilitate open storage use, site formation of the structures, provision of parking and circulation spaces.
- 1.5 The applicant has conducted Drainage Impact Assessment (DIA) and Traffic Impact Assessment (TIA) with proposed mitigation measures to demonstrate that no adverse drainage and traffic impact by the proposed use. The location plan, land status plan, proposed layout plan, vehicular access plan, drainage layout plan and land filling plan submitted by the applicant are at **Drawings A-1 to A-6** respectively.
- 1.6 The major development parameters of the current application are summarised as follows:

Site Area	about 14,072m ²
Extent of Filling of Land	about 14,072m ² (i.e. the entire Site, regularisation of existing land filling and further filling with a depth of not more than 1.2m)
Total Floor Area	about 980m ²
No. of Structure	5 (for site office, washroom and warehouse (excluding dangerous goods godown))
Height of Structure	about 7m to 11m (1 to 2 storeys)
Parking Spaces	4 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

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

- (a) Application Form received on 28.11.2025 (Appendix I)
- (b) Planning Statement (Appendix Ia)
- (c) Supplementary Information (SI) including DIA and TIA received on 3.12.2025 (Appendix Ib)
- (d) Further Information (FI) received on 2.1.2026 (Appendix Ic)
[accepted and exempted from publication and recounting requirements]
- (e) Further Information (FI) received on 20.1.2026 (Appendix Id)
[accepted and exempted from publication and recounting requirements]

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 at **Appendices I to Id** respectively. They can be summarised as follows:

- (a) To facilitate the implementation of the Second Phase and Remaining Phase of the HSK/HT NDA, a planning application No. A/YL-HTF/1193 (with an area of about 9,938m²) at a site adjoining the Site in the north (**Plan A-2**) was submitted by the same applicant to relocate part of the original premises of an existing open storage operation (i.e. K.Y.H. Steel Company Limited¹) which was approved by the Rural and New Town Planning Committee (the Committee) of the Board in 2025. The current application is for relocating another significant portion of the original premises in order to maintain the affected operation.
- (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, easily accessible and the proposed use is considered not incompatible with the surrounding areas. The proposed use at the Site is of the same use and the site area is decreased by about 42% (or 10,200m²) as compared to the original premises.
- (c) 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).
- (d) Similar applications for open storage use have been approved by the Board within the same “AGR” zone.
- (e) No adverse traffic, environmental, drainage and archaeological impacts are anticipated.

¹ The applicant is the authorised representative of K.Y.H. Steel Company Limited. The current application and the approved application No. A/YL-HTF/1193 (with a total site area of about 24,010m²) are for relocation of an existing open storage operation of K.Y.H. Steel Company Limited occupying areas of about 24,237m² and 8,922m² respectively (i.e. about 33,159m² in total).

- (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.

4. **Background**

The Site is not subject to 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) promulgated on 14.4.2023 are relevant to the application. The Site is located within Category 3 areas under TPB PG-No. 13G. Relevant extract of the Guidelines is at **Appendix II**.

6. **Previous Applications**

- 6.1 The Site was involved in two previous applications (No. A/YL-HT/414 and A/YL-HTF/1160). Details of these applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.
- 6.2 Application No. A/YL-HT/414 covering a much larger area for temporary racing circuit use was rejected by the Committee in 2005. The considerations of this previous application are not relevant to the current application which involves a different use.
- 6.3 Application No. A/YL-HTF/1160 covering a smaller area at the northeastern part of the Site for temporary storage of metalware and tools and private vehicle park (private cars only) was rejected by the Committee in 2023 mainly on the consideration that there was no strong planning justification for a departure from the planning intention.

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 (SDEV) as they were for accommodating brownfield operations affected by the development of the HSK/HT NDA. 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) occupied by some vacant structures and has been formed without planning permission at its northern part, while the southern part is generally vacant;
- (b) accessed via a local track leading from Deep Bay Road; and
- (c) located mainly within the Ngau Hom Sha Site of Archaeological Interest (SAI) with a minor portion within the Fu Tei Au SAI.

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/1166 and 1193), warehouse/area used for storage and ponds intermixed with residential dwellings. To the immediate east is the unused land currently under Application No. A/YL-HTF/1197 for proposed temporary warehouse (storage of recyclable and construction materials) with ancillary open storage and facilities and associated filling of land (to be considered at the same meeting) (**Plan A-2**).

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 paragraphs 10.2 and 10.3 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 bureau supports the application:

Policy Aspect

10.2.1 Comments of the SDEV:

- (a) The application is to facilitate 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 businesses elsewhere, and the Site under the current application is the most suitable relocation site. It is noted that portion of the original premises would be relocated to another site with planning application (No. A/YL-HTF/1193) approved. The remaining portion of the original premises with a site area of 24,237m² is proposed to be relocated to the Site with a smaller site area of 14,072m²; 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 departments have adverse comment/do not support on the application:

Land Administration

10.3.1 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;

- (c) the GL within the Site (about 663m² as mentioned in **Appendix I**) has been fenced off / unlawfully occupied with unauthorised structure(s) without any permission. Any occupation of GL without Government's prior approval is an offence under Cap. 28 – Land (Miscellaneous Provisions) Ordinance. 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 V**.

Agriculture and Nature Conservation

10.3.2 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) he has no comment from nature conservation perspective.

Environment

10.3.3 Comments of the Director of Environment Protection (DEP):

- (a) he does not support the application from environmental planning perspectives;
- (b) the proposed use would generate traffic of heavy vehicles but not involve dusty operation. According to our desktop review, there are residential dwellings within 100m from the boundary of the Site;
- (c) there was no substantiated environmental complaint pertaining to the Site in the past three years; and
- (d) should the application be approved, the applicant should note his advisory comments from environmental planning perspectives at **Appendix V**.

11. Public Comment Received During the Statutory Publication Period

On 5.12.2025, 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 the applicant had already obtained planning permission under application No. A/YL-HTF/1193; and the proposed use would have adverse landscape and ecological impact to the surrounding and the watercourse nearby.

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. 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 12.2 and the planning assessments below, sympathetic consideration could 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, part of the original premises of the operator has already been resumed by the Government for implementation of the HSK/HT NDA and has been relocated under the approved application No. A/YL-HTF/1193 to the immediate north of the Site which is currently under implementation. As there is an imminent need to secure a relocation site for maintaining the affected operation, the current application is for relocating the remaining portion of the original premises to the Site. 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 14,072m²) is smaller than the remaining portion of the original premises (area of about 24,237m²). To facilitate the relocation of brownfield operation displaced by the HSK/HT NDA Development, SDEV supports the application from policy perspective.
- 12.3 The applicant also proposes to regularise the existing land filling and further fill the entire Site using asphalt, soil and concrete with a depth of not more than 1.2m (i.e. to a level ranging from 5.9mPD and 11.2mPD) to facilitate open storage use, site formation of the structures, provision of parking and circulation spaces. 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 has no objection to the application from drainage

perspective. 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 surrounding areas are predominated by vacant/unused land, open storage yards and warehouse uses intermixed with residential dwellings. To the east and north of the Site 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 Chief Town Planner/Urban Design & Landscape of Planning Department has no adverse comment on the application from landscape planning point of view.
- 12.5 Other relevant government departments consulted, including the Commissioner for Transport (C for T), Director of Fire Services and Antiquities and Monuments Office of DEVB, have no objection to or no adverse comment on the application from traffic, fire safety and archaeological perspectives respectively. To address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 13.2 below. In particular, as the proposed use, involving the use of heavy goods vehicles, is expected to generate a certain amount of traffic to Deep Bay Road which is a single-lane two-way carriageway, approval conditions on submission and implementation of a detailed road improvement works are proposed as suggested by C for T. While DEP does not support the application from environmental planning perspective, there was no substantiated environmental complaint pertaining to the Site in the past three years. 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 objection 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. Regarding DLO/YL, LandsD’s concern on the unlawful occupation of GL, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 12.7 The Committee has rejected a previous application No. A/YL-HTF/1160 in 2023 covering a small portion of the Site (**Plan A-2**). The planning circumstances of this rejected application is different from the current application in that the current application is for relocation of affected brownfield operation with policy support from SDEV. Furthermore, the Committee has approved nine similar applications involving various open storage uses with/without filling of land within the same “AGR” zone between 2022 and

2025, including four applications located to the east and north of the Site to accommodate the affected brownfield operations. Approval of this application is generally 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.

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 23.1.2029. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission of a detailed road improvement proposal and associated engineering drawings within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport and Director of Highways, or of the Town Planning Board by 23.7.2026;
- (b) in relation to (a) above, the implementation of the detailed road improvement proposal and associated engineering works within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport and Director of Highways, or of the Town Planning Board by 23.10.2026;
- (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 23.7.2026;
- (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 23.10.2026;
- (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 **23.7.2026**;

- (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 **23.10.2026**;
- (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 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 28.11.2025
Appendix Ia	Planning Statement
Appendix Ib	SI dated 3.12.2025
Appendix Ic	FI dated 2.1.2026
Appendix Id	FI dated 20.1.2026
Appendix II	Extract of TPB PG-No.13G
Appendix III	Previous and 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	Location Plan
Drawing A-2	Land Status Plan
Drawing A-3	Proposed Layout Plan
Drawing A-4	Vehicular Access Plan
Drawing A-5	Drainage Layout Plan
Drawing A-6	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**