

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-HTF/1201

- Applicant** : 許亦恒 represented by 海願規劃發展公司
- Site** : Lot 532 (Part) in D.D. 128, Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 1,816m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ha Tsuen Fringe Outline Zoning Plan (OZP) No. S/YL-HTF/12
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Warehouse (Storage of Construction Materials) with Ancillary Open Storage and Associated Filling of Land for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary warehouse (storage of construction materials) with ancillary open storage and associated filling of land for a period of three years at the application site (the Site) falling within an area 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 the “AGR” zone require planning permission from the Town Planning Board (the Board). The Site is currently vacant and mainly covered by vegetation and soil with some temporary structures at the northeastern portion (**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 storage operation occupying an area of about 1,500m² at Lot 1326 in D.D. 124, Ha Tsuen affected by the land resumption and clearance exercise under the Second Phase Development of Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA). 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 from Deep Bay Road (**Plans A-2 and A-3**) and the ingress/egress is located at the northern tip of the Site. As shown on the

proposed layout plan at **Drawing A-1**, a single-storey (about 10m) structure with a total floor area of about 970m² will be erected at the southern portion of the Site for warehouse, office and washroom. A small portion at the northeastern part of the Site (about 280m² or 15%) is designated for ancillary open storage of construction materials. According to the applicant, the proposed structure will be fully enclosed and no workshop activity will be involved at the Site. Two parking spaces for light goods vehicles will be provided, and no medium or heavy goods vehicle will be used. According to the Landscape Plan at **Drawing A-3**, four existing trees within the Site are proposed to be retained.

- 1.4 The Site is currently vacant and mainly covered by vegetation and soil. As shown on the land filling plan at **Drawing A-2**, the applicant proposes to fill the entire Site (i.e. about 1,816m²) with concrete of about 0.2m in depth to facilitate the proposed use. The proposed layout plan, land filling plan and landscape plan submitted by the applicant are at **Drawings A-1 to A-3** respectively.
- 1.5 The major development parameters of the current application are summarised as follows:

Site Area	about 1,816m ²
Extent of Filling of Land	about 1,816m ² (i.e. the entire Site, with a depth of about 0.2m)
Total Floor Area	about 970m ²
No. of Structure	1 (for warehouse, office and washroom)
Height of Structure	about 10m (1 storey)
Parking Spaces	2 for light goods vehicles (7m x 3.5m)
Operation Hours	8:00 a.m. to 8:00 p.m. from Mondays to Saturdays with no operation on Sundays and public holidays

- 1.6 In support of the application, the applicant submitted the following documents:
- (a) Application Form with attachments received on **(Appendix I)** 30.9.2025
 - (b) Supplementary Information (SI) received on **(Appendix Ia)** 3.10.2025
 - (c) Further Information (FI) received on 15.10.2025* **(Appendix Ib)**
 - (d) FI received on 21.1.2026* **(Appendix Ic)**
 - (e) FI received on 18.3.2026 and 20.3.2026* **(Appendix Id)**

**accepted and exempted from publication and recounting requirements*

- 1.7 On 21.11.2025 and 13.3.2026, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months each 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 FIs at **Appendices I to Id** respectively. They can be summarised as follows:

- (a) The current application is to facilitate relocation of an existing operation (得寶實業公司¹) which is affected by the Second Phase Development of HSK/HT NDA. The applicant has conducted site search to identify a suitable site for relocation of the affected operation. The Site is considered the most suitable as it has been formed and is easily accessible. While the Site is larger than that of the original premises, it is mainly due to the site inefficiency by the triangular shape at the southern part of the Site.
- (b) Similar applications have been approved by the Committee within the same “AGR” zone.
- (c) The proposed use is compatible with the surrounding areas.
- (d) No adverse traffic, environmental, archaeological and landscape impacts are anticipated.
- (e) The Site, which was previously hard-paved with concrete, was subject to a Reinstatement Notice (RN) and has subsequently been reinstated with the concrete paving removed.

3. **Compliance with the “Owner’s Consent/Notification” Requirements**

The applicant is not the “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 of the Site was involved in a planning enforcement case (No. E/YL-HTF/959) against unauthorized development (UD) (**Plan A-2**) involving filling of land. RN was issued on 7.3.2025 requiring removal of the debris, leftovers and fill materials (including hard paving) on the land and grassing of the land by 7.6.2025. The Compliance Notice for the RN was issued on 23.12.2025. The Site is currently not subject to active enforcement action.

¹ The applicant is the owner of 得寶實業公司 (**Appendix Ib**).

5. Previous Application

The Site was involved in a previous application (No. A/YL-HT/414) covering a much larger area for temporary racing circuit use rejected by the Committee in 2005. The considerations of this previous application are not relevant to the current application which involves a different use. Details of the previous application are summarised at **Appendix II** and the location is shown on **Plan A-1**.

6. Similar Applications

There are six similar applications (No. A/YL-HTF/1141, 1150, 1158, 1190, 1197 and 1202) involving warehouse/storage/godown 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 2026 mainly on considerations that 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, 1197 and 1202 had also obtained policy support from the Secretary for Development (SDEV) as they were for accommodating brownfield operations affected by the development of New Development Area(s). The planning permissions under application No. A/YL-HTF/1141, 1150 and 1158 were subsequently revoked between 2024 and 2025 due to non-compliance with time-limited approval conditions. Details of these similar applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) vacant and covered by vegetation and soil with some temporary structures at the northeastern portion;
- (b) accessible from Deep Bay Road; and
- (c) located within the Ngau Hom Sha Site of Archaeological Interest.

7.2 The surrounding areas are predominated by ponds, unused land and woodland intermixed with active agricultural land and residential dwellings. Some open storage and warehouse uses operating under valid planning permissions are also found in the vicinity.

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 which was previously located at the ex-Lot 1326 in D.D. 124 in Yuen Long. The brownfield operation has been affected by the Second Phase development of 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. Although the site area under the current application is larger than the area of the original premises of the affected brownfield operation, the applicant explained that it is mainly due to the site inefficiency by the triangular shape at the southern part of the relocation 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 Lot 532 in D.D. 128 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 532 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 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 vacant land occupied by structures. Agricultural infrastructures such as road access and water source are available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc. As the Site possesses potential for agricultural rehabilitation, the proposed development is not supported from agricultural perspective; and
- (b) should the application be approved, the applicant should note his advisory comments from nature conservation perspective at **Appendix IV**.

10. Public Comments Received During the Statutory Publication Period

On 10.10.2025, the application was published for public inspection. During the statutory public inspection period, two public comments from Kadoorie Farm & Botanic Garden Operation and an individual were received (**Appendix VI**) objecting to the application mainly on the grounds that the applicant has not provided valid justifications in support of the application; there is no previous approval covering the Site; the proposed use is not in line with the planning intention of the “AGR” zone and the Town Planning Boards Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13G); and the Site should be investigated against suspected UD.

11. Planning Considerations and Assessments

11.1 The application is for proposed temporary warehouse (storage of construction materials) with ancillary open storage 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, according to the applicant, the application is to facilitate the relocation of an existing business operation affected by the Second Phase Development of HSK/HT NDA. 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 he has conducted a site search and the Site is identified as the most suitable relocation site. The size of the Site (i.e. about 1,816m²) is generally comparable to its existing operation in Ha Tsuen (i.e. about 1,500m²). To facilitate the relocation of brownfield operators displaced by HSK/HT NDA, SDEV supports the application from policy perspective. 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.

- 11.2 The applicant also proposes to fill the entire Site with concrete of about 0.2m in depth to facilitate the proposed use. 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.
- 11.3 The Site is situated in an area of miscellaneous rural fringe predominated by ponds, unused land and woodland with some open storage and warehouse uses operating under valid planning permissions in the vicinity. Noting that the proposed warehouse structure as proposed by the applicant will be fully enclosed, the proposed use is considered not entirely incompatible with the surrounding areas. The applicant has also submitted a landscape plan to retain the four existing trees at 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.
- 11.4 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.
- 11.5 Regarding DLO/YL, LandsD’s concern on the unauthorised structure(s) erected within Lot 532 in D.D. 128, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 11.6 Other relevant government departments consulted, including the Commissioner for Transport and Director of Fire Services, have no objection to or no adverse comment on the application from traffic and fire safety perspectives respectively. To address the technical requirements of concerned government departments,

appropriate approval conditions are recommended in paragraph 12.2 below. Should the application be approved, the applicant will also be advised to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' to minimise possible environmental nuisance on surrounding areas.

- 11.7 The Committee has approved six similar applications within the same "AGR" zone between 2022 and 2026 as mentioned in paragraph 6 above. Approval of this application is generally in line with the previous decisions of the Committee.
- 11.8 Regarding the public comments objecting to the application as summarised in paragraph 10 above, the planning considerations and assessments in paragraphs 11.1 to 11.7 above are relevant. For the TPB PG-No. 13G, it is not applicable to the current application given that the proposed use is primarily for warehouse.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10 above, PlanD 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 17.4.2029. 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 17.10.2026;
- (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 17.1.2027;
- (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 17.10.2026;
- (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 17.1.2027;

- (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 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 with Attachments received on 30.9.2025
Appendix Ia	SI received on 3.10.2025
Appendix Ib	FI received on 15.10.2025
Appendix Ic	FI received on 21.1.2026
Appendix Id	FI received on 18.3.2026 and 20.3.2026
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 Comments
Drawing A-1	Proposed Layout Plan
Drawing A-2	Land Filling Plan
Drawing A-3	Landscape 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
APRIL 2026**