

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-HTF/1208

- Applicant** : Sum Wui Investment Limited 深匯投資有限公司 represented by R-riches Planning Limited
- Site** : Various Lots in D.D. 128 and adjoining Government Land (GL), Pak Nai, Yuen Long
- Site Area** : About 23,313m² (including GL of about 330m² or 1%)
- 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) 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 “AGR” zone require planning permission from the Town Planning Board (the Board). The Site is largely covered by bare soil and vegetation, with some portions formed and paved without planning permission. Some vacant converted-container structures are located at the southern part of the Site (**Plans A-3 to A-4b**).
- 1.2 According to the applicant, the application seeks to facilitate the relocation of two existing open storage operations¹, i.e. K.Y.H. Steel Company Limited and Skyview Company Limited, occupying areas of about 9,149m² and 9,158m² respectively at Ha Tsuen (18,304m² in total) affected by the Second Phase and Remaining Phase Developments of Hung Shui Kiu/Ha Tsuen New Development

¹ The applicant is the authorised representative of these two brownfield operators.

Area (HSK/HT NDA). The majority part of the original premises of these two operators has already been resumed by the Government under the land resumption and clearance exercise under the Second Phase Development of HSK/HT NDA. Thus, there is an imminent need for the applicant to secure a relocation site for the affected operations.

- 1.3 The Site can be accessed via a local track leading from Deep Bay Road and the ingress/egress is located at the northern tip of the Site (**Plans A-2 and Drawing A-2**). As shown on the layout plan at **Drawing A-2**, the Site is mainly proposed for open storage of construction materials and machinery (with an area of about 15,216m², or about 65% of the Site) and two two-storey structures (about 7m in height) with a total floor area of about 120m² will be erected for site office, washroom and storage of construction materials. According to the applicant, the remaining area is for circulation, vehicle parking and loading/unloading (L/UL) spaces. Four parking spaces for private cars and four L/UL spaces for heavy goods vehicles (HGVs) are provided. No dangerous goods will be stored at the Site. The operation hours are between 9 a.m. and 7 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays.
- 1.4 As shown on the land filling plan at **Drawing A-3**, the applicant also seeks regularisation of the land filling that had already been undertaken at the entire Site up to a level ranging from 8.1mPD and 10.4mPD. 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 9.3mPD and 11.6mPD) using asphalt, soil and concrete to facilitate open storage use, site formation for structures, and provision of parking and circulation spaces.
- 1.5 In support of the application, the applicant has submitted Traffic Impact Assessment (TIA) (**Appendix Ia**) and Drainage Impact Assessment (DIA) (**Appendix Ib**) reports with proposed mitigation measures, including proposed passing bay(s) along Deep Bay Road, to demonstrate that no adverse traffic and drainage impacts by the proposed use. The location plan, proposed layout plan, land filling plan, swept path analysis and drainage layout plan submitted by the applicant are at **Drawings A-1 to A-5** respectively.
- 1.6 The major development parameters of the current application are summarised as follows:

Site Area	about 23,313m ²
Extent of Filling of Land	about 23,313m 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 120m ²
No. of Structures	2 (for site office, washroom and storage of construction materials)
Height of Structures	about 7m (2 storeys)

Parking Spaces	4 for private cars (5m x 2.5m)
L/UL Spaces	4 for 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 13.3.2026 **(Appendix I)**
- (b) Planning Statement including TIA **(Appendix Ia)**
- (c) Supplementary Information (SI) including DIA **(Appendix Ib)**
received on 18.3.2026
- (d) Further Information (FI) received on 27.3.2026* **(Appendix Ic)**
- (e) FI received on 16.4.2026 and 21.4.2026* **(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, SI and FIs 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, two applications No. A/YL-HTF/1193 and 1203 (with an area of about 9,938m² and 14,072m² respectively) to the east of the Site (**Plan A-1**) were 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 Limited) which were approved by the Rural and New Town Planning Committee (the Committee) of the Board in 2025 and 2026 respectively. The current application is for relocating the remaining portion at the original premises of K.Y.H. Steel Company Limited and the original premises of another affected open storage business (i.e. Skyview Company Limited) in order to maintain the affected operations.
- (b) The applicant has conducted a lengthy 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 total site area of the three relocation sites under applications No. A/YL-HTF/1193 and 1203 and the current application is slightly increased by about 5% (or 5,006m²)² as compared to the original premises mainly for the reason that the relocated operations in three separate locations would require additional space for substantial amount of circulation spaces within each site to

² The current application and the two approved applications No. A/YL-HTF/1193 and 1203 (with a total site area of about 47,323m²) are for relocation of existing open storage operations of K.Y.H. Steel Company Limited and Skyview Company Limited occupying two sites in HSK/HT NDA with area of about 33,159m² and 9,158m² respectively (i.e. about 42,317m² in total).

enhance the overall efficiency of the operations and to minimise the potential adverse traffic impact to the surrounding road network.

- (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, landscape, 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 publishing notices in local newspapers 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.

4. Background

The Site is not subject to active planning enforcement action. Should there be sufficient evidence, enforcement action will be taken.

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 three previous applications (No. A/YL-HT/414, 950 and 1029). 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 Rural and New Town Planning Committee (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 Nos. A/YL-HT/950 and 1029 covering portion of the Site for temporary open storage (for metal ware and brand-new vehicles (private cars and light goods vehicle only) respectively) were rejected by the Committee/the Board upon review in 2015 and 2017 respectively mainly on the consideration that there was no strong planning justification for a departure from the planning intention; the applications were not in line with the then TPB PG-No. 13E in that there were adverse departmental comment on agricultural, landscape and environmental aspects; approval of the application would set undesirable precedents and/or the proposed development was not compatible with the rural neighbourhood.

7. **Similar Applications**

There are 11 applications (No. A/YL-HTF/1133, 1150, 1155, 1166, 1179, 1182, 1185, 1190, 1193, 1198 and 1203) 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 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/1133, 1166, 1179, 1193 and 1203 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) largely covered by bare soil and vegetation, with some portions formed and paved without planning permission. Some vacant converted-container structures are located at the southern part of the Site.
 - (b) accessed via a local track leading from Deep Bay Road; and

(c) located within the Ngau Hom Sha Site of Archaeological Interest (SAI).

8.2 The surrounding areas are predominated by vacant/unused land, ponds intermixed with active agricultural land and residential dwellings. To the east and north of the Site are sites for temporary storage and open storage uses (under approved applications No. A/YL-HTF/1193, 1201 and 1203) under implementation (**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/department supports/has no adverse comment on the application:

Policy Aspect

10.2.1 Comments of the SDEV:

- (a) the application is to facilitate relocation of two brownfield operations providing open storage at Ha Tsuen. The brownfield operations have been 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 is the most suitable relocation site. It is noted that portions of the original premises would be relocated to other sites with planning applications (No. A/YL-HTF/1193 and 1203) approved. The remaining portion of the original premises with a total area of about 18,307m² is proposed to be relocated to the Site with a larger area which is needed for providing circulation space to support the operation;

and

- (c) subject to no adverse comments on land use compatibility and technical aspects from concerned departments, the application is supported from policy perspective.

Traffic

10.2.2 Comments of the Commissioner for Transport (C for T):

- (a) the application is considered acceptable from traffic engineering point of view subject to the following suggested approval conditions:
 - (i) the submission of a detailed passing bay improvement proposal and associated engineering drawings within 6 months from the date of planning approval;
 - (ii) in relation to (i) above, the implementation of the detailed passing bay improvement proposal and associated engineering works within 9 months from the date of planning approval; and
- (b) advisory comments as detailed in **Appendix V**.

10.3 The following government department does not support on the application:

Agriculture and Nature Conservation

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

- (a) the Site falls within the “AGR” zone and is generally vacant. The agricultural activities are active in the vicinity and agricultural infrastructures such as road access and water source are also 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) he has no adverse comment on the application from nature conservation point of view. Should the application be approved, the applicant is advised to note his comment from nature conservation perspective as detailed in **Appendix V**.

11. Public Comments Received During the Statutory Publication Period

On 20.3.2026, the application was published for public inspection. During the

statutory public inspection period, two public comments from Kadoorie Farm & Botanic Garden Corporation and an individual were received (**Appendix VI**) objecting to the application mainly on the grounds that the proposed use is not in line with the planning intention; the Site is the subject of a rejected application No. A/YL-HT/1029; the proposed use would have adverse landscape, ecological and archaeological impacts to the surrounding and the ponds nearby; and there is no justification to support the proposed relocation of brownfield operation outside the Category 2 Areas under the TPB PG-No. 13G.

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 two brownfield operators whose operations are affected by the Second Phase and Remaining Phase Developments of 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 majority part of the original premises of the operators has already been resumed by the Government for implementation of the HSK/HT NDA and one of them has been partially relocated under approved applications No. A/YL-HTF/1193 and 1203 to the east of the Site which are currently under implementation. The current application is for relocating the remaining portion at the original premises of K.Y.H. Steel Company Limited and the original premises of Skyview Company Limited (with an area of about 18,304m²) to the Site. The applicant states that he has conducted a lengthy site search and the Site is identified as the most suitable relocation site. While the area of the Site (i.e. about 23,313m²) is larger than the original premises and the total site area of the three relocation sites under the approved applications No. A/YL-HTF/1193 and 1203 and the current application is about 47,323m², which is about 5% larger than the one of the two original premises (i.e. 42,317m²), the applicant explains that the relocated operations in three separate locations would require substantial additional space for circulation within each relocation site to enhance the overall efficiency of the operations and to minimise potential adverse traffic impact on the surrounding road network. To facilitate the relocation of brownfield operation displaced by the HSK/HT NDA Development, SDEV supports the application from policy perspective. In view of the above and taking into account the planning assessments below, there is no objection to the application on a temporary basis for a period of three years.

12.2 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.

- 12.3 The applicant also proposes to regularise the existing land filling and seek permission to 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 9.3mPD and 11.6mPD) 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 and the Director of Environmental Protection have no objection to the application from drainage and environmental perspectives respectively. As the Site is zoned “AGR”, an approval condition requiring the reinstatement of the Site upon expiry of the planning permission so as to uphold the planning intention of the “AGR” zone and restore the greenery of the area is recommended should the Committee decide to approve the application.
- 12.4 The surrounding areas are predominated by vacant/unused land, ponds intermixed with active agricultural land and residential dwelling. To the east and north of the Site are sites for temporary storage and open storage uses (under approved applications No. A/YL-HTF/1193, 1201 and 1203) under implementation. 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 C for T, Director of Fire Services, DAFC and Antiquities and Monuments Office of DEVB, have no objection to or no adverse comment on the application from traffic, fire safety, nature conservation 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 passing bay improvement proposal are recommended as suggested by C for T. 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. The proposed use is generally in line with TPB PG-No. 13G in that relevant government departments consulted generally have no objection to or no adverse comment on the application. Taking into account the policy support given by SDEV and that the local objections received on the application and the concerns of relevant government departments can be addressed through the implementation of approval conditions, sympathetic consideration can be given to the current application.
- 12.7 Regarding the two previous applications No. A/YL-HT/950 and 1029 for

temporary open storage uses rejected by the Committee/Board upon review in 2015 and 2017 respectively as detailed in paragraph 6.3 above, the current application is different from the rejected applications on grounds summarised in paragraph 12.6 above. Furthermore, the overall the planning context of the vicinity has changed in that temporary storage and open storage uses have been approved in the vicinity of the Site since 2022 (**Plan A-2**).

- 12.8 The Committee has approved 11 similar applications involving various open storage uses with/without filling of land within the same “AGR” zone between 2022 and 2026. Approval of this application is generally in line with the previous decisions of the Committee.
- 12.9 Regarding the public comments objecting to the application as summarised in paragraph 11 above, the planning considerations and assessments in paragraphs 12.1 to 12.8 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 comments 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 8.5.2029. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the submission of a detailed passing bay 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 **8.11.2026**;
- (b) in relation to (a) above, the implementation of the detailed passing bay 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 **8.2.2027**;
- (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 **8.11.2026**;
- (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 **8.2.2027**;

- (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 **8.11.2026**;
- (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 **8.2.2027**;
- (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 received on 13.3.2026
Appendix Ia	Planning Statement
Appendix Ib	SI dated 18.3.2026
Appendix Ic	FI dated 27.3.2026
Appendix Id	FI dated 16.4.2026 and 21.4.2026
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	Public Comments
Drawing A-1	Location Plan
Drawing A-2	Proposed Layout Plan
Drawing A-3	Land Filling Plan
Drawing A-4	Vehicular Access Plan
Drawing A-5	Drainage Layout 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
MAY 2026**