

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-KTN/1166**

|                           |                                                                                                                                                                        |
|---------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b><u>Applicant</u></b>   | : Harvest Hill (Hong Kong) Limited represented by Metro Planning & Development Company Limited                                                                         |
| <b><u>Site</u></b>        | : Lots 486 (Part), 487 (Part), 488 (Part), 489 (Part), 1643 (Part) and 1644 (Part) in D.D. 107 and Adjoining Government Land (GL), Kam Tin, Yuen Long, New Territories |
| <b><u>Site Area</u></b>   | : About 2,182m <sup>2</sup> (including GL of about 127m <sup>2</sup> (5.8%))                                                                                           |
| <b><u>Lease</u></b>       | : Block Government Lease (demised for agricultural use)                                                                                                                |
| <b><u>Plan</u></b>        | : Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/11                                                                                                     |
| <b><u>Zoning</u></b>      | : “Residential (Group A)” (“R(A)”)<br><i>[restricted to a maximum plot ratio of 6.7 and a maximum building height of 185mPD]</i>                                       |
| <b><u>Application</u></b> | : Temporary Open Storage for Construction Materials and Warehouse for Storage of Vehicle Parts with Ancillary Facilities for a Period of Three Years                   |

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary open storage for construction materials and warehouse for storage of vehicle parts with ancillary facilities for a period of three years at the application site (the Site), which falls within an area zoned “R(A)” on the OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is hard-paved, erected with some temporary structures and partly used for open storage of construction materials without valid planning permission (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from San Tam Road via local tracks (**Plans A-1 to A-3**). According to the applicant, the applied use involves an open storage area of about 750m<sup>2</sup> (34.4% of the Site) for construction materials (such as barricades, pipes and metal rods) with a maximum stacking height of 5m; and four single-storey structures with height of not more than 13m and a total floor area of about 670m<sup>2</sup> for warehouse of vehicle parts, ancillary workshop, guard room, site office, toilet and covered parking space (**Drawing A-1**). One parking space and one

loading/unloading (L/UL) space for medium/heavy goods vehicle (MGV/HGV) will be provided within the Site. Peripheral fencing of 2.5m in height will be erected along the site boundary on all sides. No vehicle dismantling or assembling will be involved at all times at the Site. The operation hours are between 9:00 a.m. and 7:00 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. Plan showing the site layout submitted by the applicant is on **Drawing A-1**.

- 1.3 Different parts of the Site are the subject of three previous applications (details at paragraph 6 below), including the last application No. A/YL-KTN/790 covering a larger site area to the southwest for temporary open storage of vehicles approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2021. The planning permission under application No. A/YL-KTN/790 was subsequently revoked in 2023 due to non-compliance with approval conditions. Compared with the last application which involved no structure and parking space, the current application has a different site configuration and reduced site area (-12,158m<sup>2</sup> / -84.8%) as well as a different layout with incorporation of structures and parking spaces.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 9.9.2025 (**Appendix I**) and 15.9.2025
  - (b) Further Information (FI) received on 19.10.2025\* (**Appendix Ia**)
  - (c) FI received on 30.10.2025\* (**Appendix Ib**)
- \* 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 and FIs at **Appendices I** to **Ib**, and can be summarised as follows:

- (a) There is insufficient supply to meet open storage and warehouse demand in Kam Tin. The applied use is compatible with the surrounding areas.
- (b) Sufficient space will be provided for vehicles to manoeuvre within the Site. Adverse traffic and environmental impacts on the surrounding areas are not anticipated. In support of the current application, the applicant has submitted a drainage proposal.
- (c) Regarding the Lands Department (LandsD)'s concern on lease breaches at the Site, the applicant will take appropriate follow-up actions including submission of Short Term Waiver (STW) and Short Term Tenancy (STT) applications to LandsD upon approval of the current application.

## 3. **Compliance with the 'Owner's Consent/Notification' Requirements**

The applicant is not a 'current land owner' but has complied with the requirement 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 Kam Tin Rural Committee. Detailed information would be deposited at the meeting for Members' inspection. For the GL portion of the Site, the 'Owner's Consent/Notification' Requirements are not applicable.

#### **4. 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 by the Board on 14.4.2023 are relevant to the application. The Site falls within Category 2 areas under TPB PG-No. 13G, and the relevant extracts of which are at **Appendix II**.

#### **5. Background**

- 5.1 The Site is currently not subject to any active planning enforcement action. Subject to collection of sufficient evidence, appropriate enforcement action under the Town Planning Ordinance would be undertaken.
- 5.2 The Site forms part of a larger area rezoned from "Agriculture" ("AGR") to "R(A)" on the OZP in 2023 to facilitate the planned Sha Po public housing development. Subsequently, the 2025 Policy Address announces that the Government will engage the Mass Transit Railway Corporation Limited to conduct a land use review for the area around Sha Po at proposed Au Tau Station (**Plan A-1**), with a view to considering a larger proportion of private housing in the area for development into a New Development Area.

#### **6. Previous Applications**

- 6.1 Different parts of the Site are the subject of three previous applications (No. A/YL-KTN/678, 689 and 790)<sup>1</sup>. Applications No. A/YL-KTN/678 and 689 for temporary shop and services were approved with conditions by the Committee in 2021, and the considerations of these applications are not relevant to the current application due to different use involved.
- 6.2 The south-western corner of the Site is the subject of the previous application No. A/YL-KTN/790, which covered a larger site area to the southwest, for temporary open storage of vehicles submitted by a different applicant from the current application. The application was approved with conditions by the Committee in 2021 mainly on the considerations that the applied use on a temporary basis would not jeopardise the long-term planning intention of the then "AGR" zone; the applied use was not incompatible with the surrounding areas; the relevant government departments consulted generally had no adverse comments or the concerns could be addressed by approval conditions; and the application was

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<sup>1</sup> The sites of these previous applications were within area zoned "Agriculture" ("AGR") at the time of consideration by the Committee.

generally in line with the then Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses. The planning permission was subsequently revoked in 2023 due to non-compliance with approval conditions related to submission and implementation of drainage proposal. Compared with application No. A/YL-KTN/790, the current application involves the changes in site area and layout as mentioned in paragraph 1.3 above.

- 6.3 Details of the previous applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

## **7. Similar Application**

There is one similar application (No. A/YL-KTN/1112) for temporary open storage within the same “R(A)” zone in the vicinity of the Site in the past five years. It was approved with conditions by the Committee in July 2025 mainly on the similar considerations as mentioned in paragraph 6.2 above. Details of the similar application are summarised at **Appendix III** and its location is shown on **Plan A-1**.

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

- 8.1 The Site is:

- (a) hard-paved, erected with some temporary structures and partly used for open storage of construction materials without valid planning permission; and
- (b) accessible from San Tam Road via local tracks.

- 8.2 The surrounding areas are rural in character with an intermix of open storage/storage yards/warehouse, residential structures and grassland.

## **9. Planning Intention**

The planning intention of the “R(A)” zone is primarily for high-density residential developments. Commercial uses are always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building. According to the Explanatory Statement of the OZP, the “R(A)” zone is intended for public housing development.

## **10. Comments from Relevant Government Departments**

- 10.1 Apart from the government departments as set out in paragraphs 10.2 to 10.4 below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses, if any, are provided at **Appendices IV** and **V** respectively.

10.2 The following government department has adverse comments on the application:

**Land Administration**

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

- (a) has adverse comments on the application;
- (b) the Site comprises GL and Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government;
- (c) no permission is given for occupation of GL (about 127m<sup>2</sup> as mentioned in the applicant's submission). Any occupation of GL without Government's prior approval is an offence under Land (Miscellaneous Provisions) Ordinance (Cap. 28);
- (d) LandsD has reservation on the application since there is/are unauthorized structure(s) and/or use(s) on Lots No. 489 and 1643 both in D.D. 107 covered by the application 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
- (e) if the application is approved, advisory comments are at **Appendix V**.

10.3 The following government department does not support the application:

**Environment**

Comments of the Director of Environmental Protection (DEP):

- (a) does not support the application from environmental planning perspective;
- (b) based on the applicant's submission, the applied use would not involve dusty operation but it would cause traffic of heavy vehicles (i.e. MGV/HGV). There are residential structures within 100m from the boundary of the Site. As such, according to the revised 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' ('CoP'), it is anticipated that the applied use would cause environmental nuisance to the residential structures nearby;
- (c) there was no environmental complaint received against the Site in the past three years; and
- (d) if the application is approved, advisory comments are at **Appendix V**.

10.4 The following government department provides views on the application:

**Project Interface**

Comments of the Head of Civil Engineering Office, Civil Engineering and Development Department (Head of CEO, CEDD):

- (a) no adverse comment on the application;
- (b) the Site is entirely located within the southern portion of site boundary of the Sha Po public housing development under “Agreement No. CE8/2022 (CE) – Site Formation and Infrastructure Works for Public Housing Developments at Sha Po, Shap Pat Heung and Tai Kei Leng, Yuen Long – Investigation, Design and Construction”; and
- (c) it is noted that the applicant intends to apply for temporary planning permission for a period of three years. The applicant should be reminded about the potential implications arising from land acquisition and clearance under the above public housing project, and should vacate and handover the Site to the concerned authorities upon request.

**11. Public Comments Received During Statutory Publication Period**

On 16.9.2025, the application was published for public inspection. During the statutory public inspection period, two public comments were received from individuals mainly raising concerns on the potential drainage and fire safety impacts on the surrounding areas; non-compliance with approval conditions under the previous application; suspected unauthorized development at the Site; and interface with planned residential development (**Appendix VI**).

**12. Planning Considerations and Assessments**

- 12.1 The application is for temporary open storage for construction materials and warehouse for storage of vehicle parts with ancillary facilities for a period of three years at the Site zoned “R(A)” (**Plan A-1**). Whilst the applied use is not in line with the planning intention of the “R(A)” zone which is to facilitate the Sha Po public housing development, the Head of CEO, CEDD has no adverse comment on the application for temporary permission from the perspective of project interface with the Sha Po public housing development. According to the 2025 Policy Address, the area around Sha Po at proposed Au Tau Station will also be subject to land use review. Should the Committee approve the application, the applicant will be advised to terminate the applied use and vacate the Site upon implementation of the Sha Po public housing development and/or any other government project(s) at any time during the planning approval period. In this regard, it is considered that approving the application on a temporary basis would not frustrate the long-term planning intention of the “R(A)” zone. Taking into account the above and the planning assessments below, there is no objection to the applied use on a temporary basis of three years.

- 12.2 The applied use is considered not incompatible with the surrounding areas which are rural in character with an intermix of open storage/storage yards/warehouse, residential structures and grassland. The Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L, PlanD) considers that significant landscape impact arising from the applied use is not anticipated.
- 12.3 Whilst DEP does not support the application as the applied use involves use of heavy vehicles and there are sensitive receivers in the vicinity of the Site, according to the applicant, peripheral fencing of 2.5m in height will be erected along the site boundary. To address DEP's concerns, the applicant will be advised to follow the revised 'CoP' to minimise any potential environmental nuisance caused by the applied use. The operation of the applied use is also subject to the relevant pollution control ordinances. Regarding DLO/YL, LandsD's concern on the unauthorized structure(s) and/or use(s) on the concerned lot(s) of the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 12.4 The Site falls within Category 2 areas under TPB PG-No. 13G. The application is considered generally in line with TPB PG-No. 13G in that, except DEP and DLO/YL, LandsD, other relevant government departments consulted, including the Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department, Director of Fire Services and CTP/UD&L, PlanD, have no objection to or no adverse comment on the application. Concerns from DEP and DLO/YL, LandsD can be addressed as mentioned in paragraph 12.3 above. To address the technical requirements of concerned departments, appropriate approval conditions are recommended in paragraph 13.2 below.
- 12.5 Part of the Site is the subject of an approved previous application No. A/YL-KTN/790 for temporary open storage use as mentioned in paragraph 6.2 above. Whilst there is a change in planning circumstances in that the Site has been rezoned from "AGR" (at the time of consideration of previous application No. A/YL-KTN/790) to "R(A)" on the prevailing OZP, the surrounding context remains generally the same. In addition, there is one approved similar application for temporary open storage use within the same "R(A)" zone in the vicinity of the Site in the past five years as mentioned in paragraph 7 above. Approving the current application is in line with the Committee's previous decisions.
- 12.6 Regarding the public comments as mentioned in paragraph 11, the departmental comments and planning assessments above are relevant. Moreover, any unauthorized development on the Site would be subject to planning enforcement action.

### **13. Planning Department's View**

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments 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

7.11.2028. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission of a revised drainage proposal within **6** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 7.5.2026;
- (b) in relation to (a) above, the implementation of the revised drainage proposal within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 7.8.2026;
- (c) in relation to (b) above, the implemented drainage facilities on the site 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 planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 7.5.2026;
- (e) in relation to (d) above, the implementation of the fire service installations proposal within **9** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 7.8.2026;
- (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; and
- (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.

Advisory clauses

The recommended advisory clauses are 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 applied use is not in line with the planning intention of the "R(A)" zone which is primarily for high-density residential developments. 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**

|                     |                                                                            |
|---------------------|----------------------------------------------------------------------------|
| <b>Appendix I</b>   | Application Form with attachments received on 9.9.2025 and 15.9.2025       |
| <b>Appendix Ia</b>  | FI received on 19.10.2025                                                  |
| <b>Appendix Ib</b>  | FI received on 30.10.2025                                                  |
| <b>Appendix II</b>  | Relevant extracts of TPB PG-No. 13G                                        |
| <b>Appendix III</b> | Previous and similar applications                                          |
| <b>Appendix IV</b>  | Government departments' general comments                                   |
| <b>Appendix V</b>   | Recommended advisory clauses                                               |
| <b>Appendix VI</b>  | Public comments                                                            |
| <b>Appendix VII</b> | Fire Services Department's good practice guidelines for open storage sites |
| <b>Drawing A-1</b>  | Site layout plan                                                           |
| <b>Plan A-1</b>     | Location plan                                                              |
| <b>Plan A-2</b>     | Site plan                                                                  |
| <b>Plan A-3</b>     | Aerial photo                                                               |
| <b>Plan A-4</b>     | Site photos                                                                |

**PLANNING DEPARTMENT  
NOVEMBER 2025**