

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/1145

<u>Applicant</u>	: Harvest Hill (Hong Kong) Limited represented by R-riches Planning Limited
<u>Site</u>	: Various Lots in D.D. 107, Kam Tin, Yuen Long, New Territories
<u>Site Area</u>	: About 5,770m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/11
<u>Zoning</u>	: “Agriculture” (“AGR”)
<u>Application</u>	: Proposed Temporary Open Storage of Construction Materials and Machineries and Associated Filling of Land and Pond for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary open storage of construction materials and machineries and associated filling of land and pond for a period of three years at the application site (the Site), which falls within an area zoned “AGR” 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). Filling of land/pond in the “AGR” zone also requires planning permission from the Board. The Site is largely vacant and covered by vegetation including trees and shrubs, and occupied by some temporary structures and some existing ponds in the central portion (**Plans A-2 to A-4**).
- 1.2 The Site is accessible from San Tam Road via local tracks (**Plans A-1, A-2 and A-3**). According to the applicant, the proposed use involves an open storage area of about 3,620m² (about 62.7% of the Site) in the southern portion of the Site for storing construction materials and machineries with a maximum stacking height of 3m (**Drawing A-1**). The applicant also applies for proposed filling of land and pond for a total area of about 5,748m² (about 99.6% of the Site, including pond filling for about 736m²) with concrete of 0.5m and not more than 2.5m in depth for pond filling and land filling respectively (to a level of about 5.6mPD) for site formation and vehicular circulation (**Drawing A-2**). No structure will be erected at the Site. Four existing trees within the Site will be felled and four new

trees will be planted in the unfilled area of the Site as compensation (**Drawing A-3**). No dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities will be involved at all times. Two loading/unloading spaces for container vehicle will be provided within the Site. The operation hours will be between 9:00 a.m. and 7:00 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. Plans showing the site layout and land/pond filling area submitted by the applicant are on **Drawings A-1** and **A-2** respectively.

1.3 In support of the application, the applicant has submitted the following documents:

- (a) Application Form with attachments received on 9.7.2025 (**Appendix I**) and 17.7.2025
- (b) Further Information (FI) received on 17.10.2025 [#] (**Appendix Ia**)
[#] accepted but not exempted from publication and recounting requirements

1.4 On 5.9.2025, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months as requested by the applicant

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form and FI at **Appendices I** and **Ia**, and can be summarised as follows:

- (a) The temporary nature of the proposed use will not frustrate the long-term planning intention of the “AGR” zone. The proposed use is not incompatible with the surrounding areas and there were similar applications approved in the vicinity of the Site.
- (b) No fishery activities are involved in the existing ponds within the Site. Filling of the ponds is required to meet the operational need.
- (c) The proposed access to the Site will pass through its adjoining site to the east which is subject to an application being processed (No. A/YL-KTN/1136) (**Plan A-2**) for proposed temporary warehouse submitted by the same applicant. Sufficient space will be provided for vehicle to manoeuvre smoothly within the Site. Adverse traffic, drainage, landscape and environmental impacts are not anticipated. In support of the application, the applicant has submitted a drainage impact assessment.

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 posting site notice and sending notice to the Kam Tin Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

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

The Site is currently not subject to any active planning enforcement action.

6. Previous Applications

A minor portion in the southwest of the Site is involved in two previous applications No. A/YL-KTN/689 and 790. Application No. A/YL-KTN/689 for temporary shop and services was approved with conditions by the Committee in 2021, and its considerations are not relevant to the current application due to different use involved. Application No. A/YL-KTN/790, mainly covering a larger area to the west of the Site, was for temporary open storage of vehicles submitted by a different applicant, and it was approved with conditions by the Committee in 2021 mainly on the considerations that the applied use on a temporary basis could be tolerated; the applied use was not incompatible with the surrounding areas; the relevant government departments consulted generally had no adverse comments or their concerns could be addressed by approval conditions; and the application was in line with the then TPB PG-No. 13. The planning permission under application No. A/YL-KTN/790 was subsequently revoked in 2023 due to non-compliance with approval conditions. Details of the previous applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

7. Similar Applications

- 7.1 There are 12 similar applications for temporary open storage (including three also involving warehouse use) with filling of land within the same “AGR” zone in the vicinity of the Site in the past five years. All these applications were approved with conditions by the Committee between 2023 and 2025 mainly on the similar considerations as mentioned in paragraph 6 above. Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.
- 7.2 A similar application No. A/YL-KTN/1165 for temporary open storage with associated filling of land within the same “AGR” zone will be considered at the same meeting (**Plan A-1**).

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

8.1 The Site is:

- (a) largely vacant and covered by vegetation including trees and shrubs, and occupied by some temporary structures and existing ponds in the central portion; 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/warehouses, grassland and vacant land. The area to the immediate north has been rezoned from “AGR” to “Residential (Group A)” on the OZP in 2023 to facilitate the planned Sha Po public housing development, and the area around the proposed Au Tau Station (**Plan A-1**) will be subject to land use review. To the further south across some grassland/vacant land and Sha Po Tsuen Road is the village settlement of Sha Po Tsuen (**Plans A-2 and A-3**).

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 for the “AGR” zone, as filling of land/pond may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities.

10. Comments from Relevant Government Departments

- 10.1 Apart from the government departments as set out in paragraph 10.2 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 departments do not support the application:

Environment

10.2.1 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 proposed use would involve dusty operation and use of heavy vehicle (container vehicle). 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 proposed use would cause environmental nuisance to the residential structures nearby;

- (c) no comment on the proposed filling of land and pond;
- (d) there was no environmental complaint received against the Site in the past three years; and
- (e) in the event that application is approved, advisory comments are at **Appendix V**.

Agriculture and Nature Conservation

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

- (a) does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation;
- (b) the Site falls within the "AGR" zone and is generally vacant. The 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.; and
- (c) no comment on the proposed filling of land and pond from nature conservation and fisheries perspectives.

11. Public Comments Received During Statutory Publication Periods

On 18.7.2025 and 28.10.2025, the application and FI were published for public inspection. During the statutory public inspection periods, three public comments were received, including two from Kadoorie Farm and Botanic Garden Corporation and one from an individual. The three comments object to the application mainly on the grounds that the proposed use is not in line with the planning intention of the "AGR" zone; there would be potential impacts on the Agricultural Priority Areas and adverse drainage impacts on the surrounding areas (**Appendix VI**).

12. Planning Considerations and Assessments

- 12.1 The application is for proposed temporary open storage of construction materials and machineries and associated filling of land and pond for a period of three years at the Site zoned "AGR" (**Plan A-1**). Whilst the proposed use is not in line with the planning intention of the "AGR" zone and DAFC does not support the application from agricultural perspective, taking into account the planning assessments below, there is no objection to the proposed use with associated filling of land and pond on a temporary basis of three years.

- 12.2 Filling of land or pond in the “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the surrounding areas. In this regard, the Chief Engineer/Mainland North of Drainage Services Department has no objection to the application from drainage perspective, and DEP and DAFC have no comment on the proposed filling of land and pond from environmental planning perspective and nature conservation and fisheries perspectives respectively. As the Site is zoned “AGR”, an approval condition requiring the reinstatement of the Site upon expiry of the planning permission so as to uphold the planning intention of the “AGR” zone and restore the greenery of the area is recommended should the Committee decide to approve the application.
- 12.3 The proposed use is considered not incompatible with the surrounding areas which are rural in character with an intermix of open storage/storage yards/warehouses, residential structures, grassland and vacant land. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective and considers that the proposed use is not incompatible with the surrounding landscape setting and significant adverse landscape impact arising from the proposed use is not anticipated.
- 12.4 Whilst DEP does not support the application as the proposed use involves dusty operation and use of heavy vehicle and there are sensitive receivers in the vicinity of the Site, the village settlement of Sha Po Tsuen to the further south is separated from the Site by grassland/vacant land and Sha Po Tsuen Road. To address DEP’s concerns, the applicant will be advised to follow the revised ‘CoP’ to minimise any potential nuisance caused by the proposed use should the Committee approve the application. The operation of the proposed use is also subject to the relevant pollution control ordinances.
- 12.5 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 DAFC and DEP, 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. Concerns from DEP can be addressed as mentioned in paragraph 12.4 above. To address the technical requirements of concerned departments, appropriate approval conditions are recommended in paragraph 13.2 below.
- 12.6 There are one approved previous application involving a minor portion of the Site and 12 approved similar applications for temporary open storage within the same “AGR” zone in the vicinity of the Site in the past five years as mentioned in paragraphs 6 and 7.1 above. Approving the current application is in line with the Committee’s previous decisions.
- 12.7 Regarding the public comments as mentioned in paragraph 11, the departmental comments and planning assessments above are relevant.

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 5.12.2028. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission of a revised drainage impact assessment 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 5.6.2026;
- (b) in relation to (a) above, the implementation of the revised drainage impact assessment 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 5.9.2026;
- (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 compliance with fire safety requirements 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 5.9.2026;
- (e) 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;
- (f) if any of the above planning condition (a), (b) or (d) 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
- (g) upon expiry of the planning permission, the reinstatement of the site, including the removal of hard paving and fill materials 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 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 and pond 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, and to

retain fallow arable land with good potential for rehabilitation for cultivation and other 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 9.7.2025 and 17.7.2025
Appendix Ia	FI received on 17.10.2025
Appendix II	Relevant extracts of TPB PG-No. 13G
Appendix III	Previous and similar applications
Appendix IV	Government departments' general comments
Appendix V	Recommended advisory clauses
Appendix VI	Public comments
Drawing A-1	Site layout plan
Drawing A-2	Land filling plan
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
DECEMBER 2025**