

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/1135

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| <u>Applicant</u> | : Harvest Hill (Hong Kong) Limited represented by R-riches Planning Limited |
| <u>Site</u> | : Various Lots in D.D. 107 and Adjoining Government Land (GL), Yuen Long, New Territories |
| <u>Site Area</u> | : About 12,880m ² (including GL of about 36m ² (0.3%)) |
| <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 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 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 in the “AGR” zone also requires planning permission from the Board. The Site is largely vacant, partly covered by trees and shrubs, and partly occupied by some temporary structures (**Plans A-2 to A-4**).
- 1.2 According to the applicant, the application is to facilitate relocation of his open storage operation at a site of about 13,160m² in Ha Tsuen, Yuen Long which was affected by the government project of Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA). Majority of the site of the affected operation has been resumed by the Government and pending full clearance.
- 1.3 The Site is accessible from San Tam Road via local tracks and the adjoining site to its north which is subject to an application (No. A/YL-KTN/1136) for proposed temporary warehouse and associated filling of land to be considered at the same meeting (**Plans A-1 and A-2**). According to the applicant, the proposed use

involves a total area of about 9,051m² (about 70.2% of the Site) for open storage of construction materials (such as scaffolding materials, bricks, tiles, columns and screws) and machineries (such as elevated platforms, digging machines and generators) with a maximum stacking height of 3m (**Drawing A-1**). The applicant also applies for proposed filling of land for about 12,828m² (about 99.6% of the Site) with concrete of not more than 1m in depth (to levels of not more than 7.2mPD) for site formation and vehicular circulation (**Drawing A-2**). Peripheral fence wall of 2.5m in height will be erected along the site boundary on all sides. No structure will be erected, and no storage of dangerous goods, dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities will be involved at the Site at all times. 11 existing trees within the Site will be felled and 11 new trees will be planted in the unfilled area of the Site as compensation (**Drawings A-1 and A-2**). Two loading/unloading spaces for container vehicle (CV) 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 filling area submitted by the applicant are on **Drawings A-1 and A-2** respectively.

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

- (a) Application Form with attachments received on 24.6.2025 (**Appendix I**)
- (b) Further Information (FI) received on 10.9.2025* (**Appendix Ia**)
- (c) FI received on 19.9.2025* (**Appendix Ib**)
- (d) FI received on 21.11.2025# (**Appendix Ic**)
- (e) FI received on 22.12.2025# (**Appendix Id**)
- (f) FI received on 2.1.2026* (**Appendix Ie**)
- (g) FI received on 7.1.2026* (**Appendix If**)

accepted but not exempted from publication and recounting requirements

** accepted and exempted from publication and recounting requirements*

1.5 On 15.8.2025 and 7.11.2025, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months 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 and FIs at **Appendices I to If**, and can be summarised as follows:

- (a) The applicant is a brownfield business operator and the application is to facilitate relocation of his open storage operation at a site in Ha Tsuen, Yuen Long which has largely been resumed by the Government for implementation of the Second Phase Development of HSK/HT NDA. Currently, the affected operation in Ha Tsuen is still in operation pending full clearance. After carrying out a thorough site-selection process, the Site (about 12,880m²) with a size comparable to the affected site (about 13,160m²) is identified as the most suitable for relocation purpose.

- (b) The temporary nature of the proposed use will not frustrate the long-term planning intention of the “AGR” zone. The proposed filling of land is necessary to meet the operational needs. The proposed use is not incompatible with the surrounding areas and there are similar applications approved in the vicinity of the Site.
- (c) The proposed vehicular access to the Site will pass through the adjoining site to its north which is subject to an application (No. A/YL-KTN/1136) (**Plans A-1 and A-2**) for proposed temporary warehouse and associated filling of land submitted by the same applicant. Consent from the relevant land owners will be obtained for the proposed access arrangement. 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 tree survey and drainage proposal. The tree survey is prepared in accordance with the relevant Practice Note issued by the Agriculture, Fisheries and Conservation Department.

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 newspaper notice 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 3 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 Application

There is no previous application involving the Site.

7. Similar Applications

There are 17 similar applications for temporary open storage (including four also involving warehouse with/without container storage yard use; and 15 with filling of land) within/straddling the same “AGR” zone in the Fung Kat Heung area in the past five years. All these applications were approved with conditions by the Committee between 2021 and 2026 mainly on the considerations that the proposed/applied use on a temporary basis could be tolerated; the applied/proposed use was not incompatible with the surrounding areas; the relevant government departments consulted generally had no adverse comments or their concerns and public comments, if any, could be addressed by approval conditions; and the application was generally in line with TPB PG-No. 13. Details of the 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-4)

8.1 The Site is:

- (a) largely vacant, partly covered by trees and shrubs, and partly occupied by some temporary structures;
- (b) accessible from San Tam Road via local tracks and the adjoining site to its north which is subject to an application (No. A/YL-KTN/1136) for proposed temporary warehouse and associated filling of land to be considered at the same meeting (**Plans A-1 and A-2**); and
- (c) Mei Fung Road is to the east in the vicinity.

8.2 The immediate surrounding areas are rural in character, with an intermix of open storage/storage yards (including those to the northeast subject to planning permissions for temporary warehouse), scattered farmland and residential structures, vacant land and grassland, and parking of vehicles (with valid planning permission) to the east along Mei Fung Road; open storage/storage yards (including the site under application No. A/YL-KTN/1136 for proposed temporary warehouse to be considered at the same meeting), scattered residential structures, vacant land and grassland within the “AGR” and “Industrial (Group D)” (“I(D)”) zones to the north; and works site, residential structures and farmland to the southwest within the “Village Type Development” (“V”) zone (**Plan A-2**). The village settlements of Sha Po Tsuen are to the further southwest separated by Sha Po Tsuen Road in the “V” zone, and to the further north are storage yards/warehouses intermixed with residential structures in the “I(D)” zone (**Plans A-2 and A-3**). Active farmland clusters of Shui Mei area are located to the further southeast beyond Mei Fung Road (**Plan 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 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 Bureau/Departments

10.1 Apart from the government bureau/departments as set out in paragraphs 10.2 and 10.3 below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses, if any, are provided at **Appendices IV** and **V** respectively.

10.2 The following government bureau supports the application:

Policy Aspect

Comments of the Secretary for Development (SDEV):

- (a) the application is to facilitate relocation of a brownfield operation providing open storage service which was previously situated at various lots in Yuen Long. The brownfield operation has been affected by the Second Phase development of the HSK/HT NDA;
- (b) according to the applicant, a site search was conducted with a view to identifying suitable site for re-establishment of the businesses elsewhere, and the Site under the current application is the most suitable relocation site. The site area under the current application generally tallies with the area of the original premises of the affected brownfield operation; and
- (c) subject to no adverse comments on land use compatibility and technical aspects from concerned departments, the application is supported from the policy perspective.

10.3 The following government departments do not support the application:

Environment

10.3.1 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 not involve dusty operation but would involve use of heavy vehicles (i.e. CV). According to his review, 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;
- (d) there was no environmental complaint received against the Site in the past three years; and
- (e) advisory comments are at **Appendix V**.

Agriculture and Nature Conservation

10.3.2 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 with some structures. The 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.; and
- (c) no comment on application from nature conservation perspective.

11. Public Comments Received During Statutory Publication Periods

On 4.7.2025, 5.12.2025 and 2.1.2026, the application and FIs were published for public inspection. During the statutory public inspection periods, 21 public comments were received, including 10 from individuals providing views that mitigation measures for drainage and environmental impacts should be proposed, and the submitted tree survey information is not accurate; 10 from Kadoorie Farm and Botanic Garden Corporation and individuals objecting to the application mainly on the grounds that the proposed use is not in line with the planning intention of the “AGR” zone, and there would be potential impacts on the Agricultural Priority Areas and adverse drainage, landscape, traffic and environmental impacts on the surrounding areas; and an objecting comment from an individual who claims to be the land owner of Lot 965 in D.D. 107 within the Site indicating that no consent has been given to the applicant for the proposed use at the concerned lot (**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 for a period of three years at the Site zoned “AGR” (**Plan A-1**). 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. Nevertheless, according to the applicant, the application is to facilitate relocation of the brownfield operation affected by HSK/HT NDA. In this regard, SDEV advises that the application is supported from policy perspective subject to concerned departments’ comments on land use compatibility and technical aspects. Taking into account the planning

assessments below and the policy support rendered by SDEV, sympathetic consideration could be given to the proposed use with associated filling of land on a temporary basis of three years.

12.2 Filling of land 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 has no comment on the proposed filling of land from environmental perspective. As the Site is zoned “AGR”, an approval condition requiring the reinstatement of the Site upon expiry of the planning permission so as to uphold the planning intention of the “AGR” zone and restore the greenery of the area is recommended should the Committee decide to approve the application.

12.3 The proposed use is considered not incompatible with the immediate surrounding areas, including storage/storage yards, scattered farmland and residential structures, vacant land and grassland, and parking of vehicles to the east along Mei Fung Road; open storage/storage yards, scattered residential structures, vacant land and grassland to the north within the “AGR” and “I(D)” zones; and works site, residential structures and farmland to the southwest within the “V” zone (**Plan A-2**). The village settlements of Sha Po Tsuen in the “V” zone are to the further southwest separated by Sha Po Tsuen Road and active farmland clusters are located to the further southeast beyond Mei Fung Road (**Plan A-3**). 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 of the area 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 use of heavy vehicles and there are sensitive receivers in the vicinity of the Site, according to the applicant, peripheral fence wall of 2.5m in height will be erected along the site boundary. Besides, the village settlements of Sha Po Tsuen are separated by Sha Po Tsuen Road to the further southwest. 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 will also be subject to the relevant pollution control ordinances.

12.5 The Site falls within Category 3 areas under TPB PG-No. 13G. The application is considered generally in line with TPB PG-No. 13G in that policy support is rendered by SDEV to the application for relocation of open storage operation affected by government project, and except DAFC and DEP, other relevant departments consulted, including the Commissioner for Transport and Director of Fire Services, have no objection to or no adverse comment on the application. DEP’s concerns 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 17 approved similar applications involving temporary open storage within/straddling the same “AGR” zone in the Fung Kat Heung area in the past

five years as mentioned in paragraph 7 above. Approving the current application is in line with the Committee's previous decisions.

12.7 Regarding the public comments as mentioned in paragraph 10, the departmental comments and planning assessments above are relevant. For the public comment on the ownership issue for Lot 965 in D.D. 107 within the Site, the applicant will be advised to resolve any land issue relating to the proposed use with the concern land owner(s) should the Committee approve the application.

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 6.2.2029. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission of a 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 6.8.2026;
- (b) in relation to (a) above, the implementation of the drainage facilities identified in the 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 6.11.2026;
- (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 6.11.2026;
- (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 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

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| Appendix I | Application Form with attachments received on 24.6.2025 |
| Appendix Ia | FI received on 10.9.2025 |
| Appendix Ib | FI received on 19.9.2025 |
| Appendix Ic | FI received on 21.11.2025 |
| Appendix Id | FI received on 22.12.2025 |
| Appendix Ie | FI received on 2.1.2026 |
| Appendix If | FI received on 7.1.2026 |
| Appendix II | Relevant extracts of TPB PG-No. 13G |
| Appendix III | Similar applications |
| Appendix IV | Government departments' general comments |
| Appendix V | Recommended advisory clauses |
| Appendix VI | Public comments |

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| Appendix VII | Fire Services Department's good practice guidelines for open storage sites |
| 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
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