

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/1136

<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), Fung Kat Heung, Yuen Long, New Territories
<u>Site Area</u>	: About 10,240m ² (including GL of about 182m ² (1.8%))
<u>Lease</u>	: - Block Government Lease (demised for agricultural use) - Tai Po New Grant No. 5579 for agricultural purpose (Lot 822 in D.D. 107 only)
<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 Warehouse (Excluding Dangerous Goods Godown) with Ancillary Facilities and Associated Filling of Land for a Period of Three Years

1. **The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary warehouse (excluding dangerous goods godown) with ancillary facilities 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 partly vacant and covered by shrubs, and partly hard-paved, fenced-off and used as open storage of vehicles without valid planning permission (**Plans A-2 to A-4**).

- 1.2 According to the applicant, the application is submitted on behalf of a brownfield business operator, namely Chun Sing Air-Sea Worldwide Limited, to facilitate relocation of its warehouse operation at a site of about 17,963.8m² in Ha Tsuen, Yuen Long, which was affected by the government project of Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA). 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 (**Plans A-1 to A-3**). According to the applicant, the proposed use for storage of miscellaneous goods (such as packaged food, apparel, footwear, electronic goods and furniture) involves two structures of two storeys with height of not more than 13m and a total floor area of about 12,052m² for warehouse, site office and covered loading/unloading (L/UL) spaces for medium goods vehicle (MGV) and container vehicle (CV) (**Drawing A-1**). The applicant also applies for regularisation of filling of land for about 5,685m² (about 55.5% of the Site) and proposed filling of land for about 4,555m² (about 44.5% of the Site) with concrete of not more than 2m in depth (to a level of about 5.6mPD) 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 open storage, storage of dangerous goods or workshop activities will be involved at the Site at all times. Four parking spaces for private car, two L/UL spaces for MGV and two L/UL spaces for CV will be provided within the Site. Ingresses/egresses will be provided on both northern and southern site boundaries and through-access across the Site will be maintained to provide connection between the existing local track to the north and the adjoining site to the south, which is subject to an application (No. A/YL-KTN/1135) for proposed temporary open storage and associated filling of land to be considered at the same meeting (**Plans A-1 and A-2**). 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 Various parts of the Site are subject to three previous applications (details at paragraph 5 below), including two for the same use submitted by the same applicant as the current application. The last application No. A/YL-KTN/1090 was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in April 2025 with the planning permission valid until 2028. Compared with the last application, the current application mainly involves increases in site area (+4,555m²/+80%), total floor area (+3,672m²/+44%), parking spaces (+2/+100%) and L/UL spaces (+1/+33.3%).
- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 25.6.2025 (**Appendix I**)
 - (b) Further Information (FI) received on 10.9.2025* (**Appendix Ia**)
 - (c) FI received on 21.11.2025# (**Appendix Ib**)
 - (d) FI received on 24.12.2025# (**Appendix Ic**)
- * accepted and exempted from publication and recounting requirements*
accepted but not exempted from publication and recounting requirements
- 1.6 On 15.8.2025 and 7.11.2025, the Committee 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 Ic**, and can be summarised as follows:

- (a) The application is submitted on behalf of a brownfield business operator, namely Chun Sing Air-Sea Worldwide Limited, to facilitate relocation of its warehouse operation at a site in Ha Tsuen, Yuen Long which has 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 10,240m²), despite having a smaller size than the affected site (about 17,963.8m²), is identified suitable due to easy accessibility and flat topography.
- (b) The temporary nature of the application will not frustrate the long-term planning intention of the “AGR” zone. The applied 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 majority part of the Site is subject to approved previous applications No. A/YL-KTN/939 and 1090 for the same use submitted by the same applicant. The current application includes additional area to meet the pressing demand for warehouse use. In support of the current application, the applicant has submitted drainage and fire service installations (FSIs) proposals.
- (d) Through-access across the Site will be maintained to provide connection between the existing local track to the north and the adjoining site to the south, which is subject to an application No. A/YL-KTN/1135 (**Plans A-1 and A-2**) for proposed temporary open storage and associated filling of land submitted by the same applicant. Sufficient space will be provided for vehicles to manoeuvre smoothly within the Site and the proposed use will generate infrequent trips. Adverse traffic impact is not anticipated.

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 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. Background

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. Previous Applications

- 5.1 Various parts of the Site are subject to three previous applications (No. A/YL-KTN/678, 939 and 1090). Application No. A/YL-KTN/678, which covers a larger area with a minor portion at the Site, 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.
- 5.2 Applications No. A/YL-KTN/939 and 1090, which covers the majority of the central portion of the Site, for the same use submitted by the same applicant as the current application were approved with conditions by the Committee in 2023 and 2025 respectively, mainly on the considerations that the proposed use on a temporary basis could be tolerated; the proposed use was not incompatible with the surrounding areas; and the relevant government departments consulted generally had no adverse comments or the concerns and public comments, if any, could be addressed by approval conditions. The planning permission under application No. A/YL-KTN/939 was subsequently revoked in 2025 due to non-compliance with approval conditions related to submission and implementation of drainage and FSIs proposals. For the last application No. A/YL-KTN/1090, the planning permission is valid until 2028 and the time-limited approval conditions are not yet complied with. Compared with the last application, the current application mainly involves increases in site area, total floor area, parking spaces and L/UL spaces as detailed in paragraph 1.4 above. Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

6. Similar Applications

There are 43 similar applications for temporary warehouse with filling of land/pond (including five also involving open storage with/without container storage yard use) within the same “AGR” zone in Fung Kat Heung and Shui Mei areas in the past five years. All these applications were approved with conditions by the Committee between 2022 and 2025 mainly on the similar considerations as mentioned in paragraph 5.2 above. Details of the similar applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

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

- 7.1 The Site is:
- partly vacant and covered by shrubs, and partly hard-paved, fenced-off and used as open storage of vehicles without valid planning permission; and
 - accessible from San Tam Road via local tracks.
- 7.2 The immediate surrounding areas are rural in character with an intermix of open storage/storage yards/warehouses, works site, scattered residential structures, grassland and vacant land. The area to the northwest 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. The village settlements of Sha Po Tsuen are to the further southwest separated by Sha Po Tsuen Road in the “Village Type Development” zone, and to the further northeast are storage yards/warehouses intermixed with residential structures in the “Industrial (Group D)” zone (**Plans A-2 and A-3**).

8. Planning Intention

- 8.1 The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.
- 8.2 According to the Explanatory Statement of the OZP 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.

9. Comments from Relevant Government Bureau/Departments

- 9.1 Apart from the government bureau/departments as set out in paragraphs 9.2 and 9.3 below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses, if any, are provided at **Appendices III and IV** respectively.
- 9.2 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 warehouse 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. It is understood that the affected brownfield operation who authorizes the applicant to submit the current application, has submitted another planning application (No. A/YL-KTN/1189) which is under processing because the total gross floor area of the affected premises can only be accommodated under the two application sites combined; and
- (c) subject to no adverse comments on land use compatibility and technical aspects from concerned departments, the application is supported from the policy perspective.

9.3 The following government departments have adverse comments on or do not support the application:

Land Administration

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

- (a) has adverse comment on the application;
- (b) the Site comprises GL, Old Schedule Agricultural Lots No. 490, 491, 818, 819, 820, 821, ~~822~~, 823, 824 S.A, 824 S.B RP, 830 S.B RP, 831, 832 S.A, 832 S.B, 833, 834, 835, 836, 837, 843 S.A, 843 S.B, 847 and 848 all in D.D. 107 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 and Lot No. 822 in D.D. 107 held under Tai Po New Grant No. 5579 for agricultural purpose and no structures shall be erected on the lot;
- (c) no permission is given for occupation of GL (about 182m² as mentioned in the applicant's submission) included in the Site. Any occupation of GL without Government's prior approval is an offence under the Land (Miscellaneous Provisions) Ordinance (Cap. 28);
- (d) LandsD has reservation on the application since there is/are unauthorized structure(s) and/or uses on Lot No. 490 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) advisory comments are at **Appendix IV**.

Environment

9.3.2 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. MGV and 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 were two substantiated environmental complaints received regarding waste aspect concerning the Site in the past three years; and
- (e) advisory comments are at **Appendix IV**.

Agriculture and Nature Conservation

9.3.3 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. 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 the application from nature conservation perspective.

10. 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 nine from individuals providing views that mitigation measures for drainage and environmental impacts should be proposed, and 12 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, fire safety and environmental impacts on the surrounding areas (**Appendix V**).

11. Planning Considerations and Assessments

11.1 The application is for proposed temporary warehouse (excluding dangerous goods godown) with ancillary facilities for a period of three years and associated filling of land 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, there is no objection to the proposed use on temporary basis of three years with associated filling of land.

- 11.2 Filling of land in the “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the adjacent areas. In this regard, the Chief Engineer/Mainland North of the Drainage Services Department has no objection to the application from drainage perspective, and DEP has no comment on the applied 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.
- 11.3 The proposed use is considered not incompatible with the immediate surrounding areas which are rural in character with an intermix of open storage/storage yards/warehouses, works site, scattered 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.
- 11.4 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 environmental nuisance caused by the proposed use. The operation of the proposed use will also be subject to the relevant pollution control ordinances. Regarding DLO/YL, LandsD’s concerns on the unauthorized structures and/or uses on the concerned lot within the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 11.5 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. To address the technical requirements of concerned departments, appropriate approval conditions are recommended in paragraph 12.2 below.
- 11.6 The Site is involved in two approved previous applications (No. A/YL-KTN/939 and 1090) for the same use submitted by the same applicant as detailed in paragraph 5.2 above. Whilst the planning permission under application No. A/YL-KTN/939 was revoked due to non-compliance with approval conditions related to submission and implementation of drainage and FSIs proposals, the subsequent application No. A/YL-KTN/1090 was approved with the relevant conditions imposed and the planning permission is valid until 2028. In support of the current application, the applicant has also submitted drainage and FSIs proposals. In this regard, sympathetic consideration may be given to the current application. Should the application be approved by the Committee, the applicant will be advised that should he fail to comply with any of the approval conditions

again resulting in revocation of the planning permission, sympathetic consideration may not be given to any further application.

- 11.7 There are 43 approved similar applications for temporary warehouse within the same “AGR” zone in Fung Kat Heung and Shui Mei areas in the past five years as mentioned in paragraph 6 above. Approving the current application is in line with the Committee’s previous decisions.
- 11.8 Regarding the public comments as mentioned in paragraph 10, the departmental comments and planning assessments above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10 above, PlanD has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of three years until 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 submission of the revised 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 6.8.2026;
- (e) the implementation of the revised 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 6.11.2026;
- (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;
- (g) if any of the above planning condition (a), (b), (d) or (e) is not complied with by the specified date, the approval hereby given shall cease to have

effect and shall on the same date be revoked without further notice; and

- (h) upon expiry of the planning permission, the reinstatement of the site, including the removal of hard paving and fill materials and grassing of the site to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory clauses

The recommended advisory clauses are at **Appendix IV**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the proposed use with associated filling of land is not in line with the planning intention of the "AGR" zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, 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.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

14. Attachments

Appendix I	Application Form with attachments received on 25.6.2025
Appendix Ia	FI received on 10.9.2025
Appendix Ib	FI received on 21.11.2025
Appendix Ic	FI received on 24.12.2025
Appendix II	Previous and similar applications
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Appendix V	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
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