

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/1090

<u>Applicant</u>	: Harvest Hill (Hong Kong) Limited represented by R-riches Property Consultants Limited
<u>Site</u>	: Lots 490 (Part), 491 (Part), 818 (Part), 819 (Part), 820 (Part), 821, 822, 823, 832 S.A, 833, 835, 836 (Part) and 837 in D.D. 107 and Adjoining Government Land (GL), Kam Tin, Yuen Long, New Territories
<u>Site Area</u>	: About 5,685m ² (including GL of about 85m ² (1.5%))
<u>Leases</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 largely paved and fenced-off, and used for parking of vehicles without valid planning permission (**Plans A-2 to A-4b**).
- 1.2 The Site is accessible from San Tam Road via a local track (**Plans A-1 to A-3**). According to the applicant, the proposed use for storage of miscellaneous goods (i.e. packaged food, apparel, footwear, electronic goods, furniture, etc.) involves two structures of two storeys with building height of not more than 13m and a total floor area of about 8,380m² for warehouse, ancillary site office and loading/unloading (L/UL) area. The applicant also applies for regularisation of

filling of land for the existing concrete paving of about 5,408m² (95% of the Site at a level of about +5.4mPD) and proposes further filling of land of the entire Site by concrete with a depth of not more than 0.4m (to a level of about +5.6mPD) for site formation and vehicular circulation (**Drawing A-2**). Two open-air parking spaces for private car, two covered L/UL spaces for medium goods vehicle (MGV) and one covered L/UL space for container vehicle will be provided within the Site (**Drawing A-1**). No storage of dangerous goods, open storage or workshop activities will be involved at the Site. The proposed operation hours will be between 9:00 a.m. and 6:00 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 at **Drawings A-1** and **A-2** respectively.

- 1.3 The Site, in part or in whole, is involved in two previous applications (details at paragraph 5 below) including the last application No. A/YL-KTN/939 for the same use submitted by the same applicant as the current application, which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in August 2023. The planning permission was subsequently revoked due to non-compliance with approval conditions. A comparison of major development parameters of the current application and the last application is summarised as follows:

Major Development Parameters	Last Approved Application No. A/YL-KTN/939 (a)	Current Application (b)	Differences (b)-(a) (% change)
Site Area	5,678m ²	5,685m ²	+7m ² (+0.1%)
Total Floor Area	6,988m ²	8,380m ²	+1,392m ² (+20%)
Site Coverage	62%	74%	+12% (+19%)
No. of Structures	2	2	No change
No. of Storeys	2	2	
Building Height	Not more than 13m	Not more than 13m	
Parking Space for Private Cars	2	2	
Loading/Unloading Spaces	3	3	

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

- (a) Application Form with attachments received on 11.2.2025 (**Appendix I**)
- (b) Further Information (FI) received on 27.3.2025* (**Appendix Ia**)
- (c) FI received on 7.4.2025* (**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 FI at **Appendices I to Ib**, and can be summarised as follows:

- (a) The proposed use can meet the demand for warehouse in recent years. The temporary use will not frustrate the long-term planning intention of the “AGR” zone. The proposed use is not incompatible with the surrounding land uses. There were similar applications approved in the vicinity of the Site.
- (b) The applied filling of land is necessary to meet the operational needs. Sufficient space is allowed for vehicle manoeuvring within the Site and infrequent trip generation is anticipated. Adverse impacts generated by the proposed use are not anticipated. In support of the application, the applicant has submitted drainage and fire service installations (FSIs) proposals.
- (c) While several submissions have been made by the applicant in compliance with the approval conditions under the previously approved application No. A/YL-KTN/939 for the same use, it has ceased to operate due to economic downturn. The current application is submitted as there are new business partners engaged in the operation of the proposed use.
- (d) The applicant will terminate the proposed use and vacate the Site upon commencement of the land resumption and site formation works for the implementation of the Sha Po public housing development.

3. Compliance with the ‘Owner’s Consent/Notification’ Requirements

The applicant is not a ‘current land owner’ of the private land portion of the Site 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 posting site notices 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. The Site was previously covered by a planning permission (No. A/YL-KTN/939) for the same use for a period of three years, which was revoked on 25.2.2025. Subject to collection of sufficient evidence, appropriate enforcement action under the Town Planning Ordinance would be undertaken.

5. Previous Applications

- 5.1 The Site, in part or in whole, is involved in two previous applications (No. A/YL-KTN/678 and 939). Application No. A/YL-KTN/678, with the application site

covering the northwestern portion of the Site and a larger area to the northwest of the Site, for temporary shop and services (retail of forklift) was approved with conditions by the Committee in January 2021, and the planning permission for which was subsequently revoked due to non-compliance with approval conditions. Considerations of that application are not relevant to the current application due to different use involved.

- 5.2 The last application No. A/YL-KTN/939 covering the same Site for the same use with filling of land submitted by the same applicant was approved with conditions by the Committee in August 2023 mainly on the considerations that the proposed use on a temporary basis could be tolerated; the proposed use was not incompatible with the surrounding land uses; and the relevant government departments consulted generally had no adverse comments or the concerns could be addressed by approval conditions. The planning permission was subsequently revoked in February 2025 due to non-compliance with approval conditions related to submission and implementation of drainage and FSIs proposals. Compared with the last application No. A/YL-KTN/939, the current application involves mainly increase in floor area and site coverage with similar site boundary/area as detailed in paragraph 1.3 above.
- 5.3 Details of the previous applications are summarised in **Appendix II** and their locations are shown on **Plan A-1**.

6. Similar Applications

- 6.1 There are 33 similar applications for temporary warehouse (including one renewal of temporary approval granted, 32 with filling of land/pond, and three also involving open storage use) 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 2020 and 2025 mainly on similar considerations as mentioned in paragraph 5.2 above. The planning permissions under seven of these applications (No. A/YL-KTN/824, 852, 890, 898, 904, 905 and 938) were subsequently revoked in 2024 due to non-compliance with approval conditions.
- 6.2 Details of the similar applications are summarised in **Appendix II** and their locations are shown on **Plan A-1**.

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

- 7.1 The Site is:
- (a) largely paved and fenced-off, and used for parking of vehicles without valid planning permission; and
 - (b) accessible from San Tam Road via an existing local track.
- 7.2 The surrounding areas are rural in character with an intermix of open storage/storage yards and warehouse to the north; and grassland, vacant land and scattered residential structures to the east, west and south. The vacant land to the

east was previously used for farming and is currently subject to planning enforcement action against land/pond filling, dumping and site formation (**Plans A-2 to A-4b**). The warehouse and the existing local track portion to the northwest are within an area zoned “Residential (Group A)” (“R(A)”) which is planned for the Sha Po public housing development (**Plans A-1 to 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 the Relevant Government Departments

- 9.1 Apart from the government departments as set out in paragraphs 9.2 to 9.4 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 in **Appendices III** and **IV** respectively.
- 9.2 The following government department has adverse comments on the application:

Land Administration

- 9.2.1 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 Lot Nos. 490, 491, 818, 819, 820, 821, 823, 832 S.A, 833, 835, 836 and 837 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 85m² as mentioned in the Application Form) included in the Site. Any occupation of GL without Government’s prior approval is an offence under Cap. 28;
 - (d) LandsD has reservation on the current application since there is/are unauthorised structure(s) and/or uses on Lot No. 490 in D.D. 107

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;

- (e) if the planning application is approved, the lot owner(s) shall apply to his office for a Short Term Waiver (STW) and a Short Term Tenancy (STT) to permit the structure(s) erected within the said private lots and the occupation of the GL. The application(s) for STW and STT will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The STW and STT, if approved, will be subject to such terms and conditions including the payment of waiver fee, rent and administrative fee as considered appropriate by LandsD. Besides, given the proposed use is temporary in nature, only erection of temporary structure(s) will be considered; and
- (f) advisory comments are at **Appendix IV**.

9.3 The following government departments do not support the application:

Environment

9.3.1 Comments of the Director of Environmental Protection (DEP):

- (a) does not support the application from environmental planning perspective;
- (b) based on the information provided, the proposed use would not involve dusty operation but it would involve the use of heavy vehicle (i.e. MGV/heavy goods 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 applied filling of land;
- (d) there were two 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

9.3.2 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. Part of the Site is being used for car parking. The agricultural activities are active in the vicinity, and 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.

9.4 The following government department has specific views on the application:

Project Interface

9.4.1 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 located to the south 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 Keung and Tai Kei Leng, Yuen Long - Investigation, Design and Construction”;
- (c) the land resumption and site formation works of the Sha Po public housing development would commence in the fourth quarter of 2027 and 2028 respectively the earliest tentatively. The above programme of land resumption and construction works would overlap with the planning approval period sought for the proposed use at the Site under the application. The proposed road widening along San Tam Road under the above project might have possible interface issue with the existing track branching off San Tam Road and leading to the Site. It is observed that the existing track is situated in various private lots and most of the concerned lots would be resumed for the implementation of the Sha Po public housing development; and
- (d) advisory comments are at **Appendix IV**.

10. Public Comment Received During Statutory Publication Period

On 18.2.2025, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual objecting to the application mainly on the grounds that approval conditions under the last application were not complied with; the proposed use would cause adverse drainage impacts in the area; and there is no demand for storage as economic activity is declining (**Appendix V**).

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary warehouse (excluding dangerous goods godown) with ancillary facilities and associated filling of land 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 on a temporary basis of three years.
- 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 surrounding areas. In this regard, the Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) has no objection to the application from public 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 surrounding areas which are rural in character with an intermix of open storage/storage yards, warehouse, grassland, vacant land and scattered residential structures. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective considering that significant adverse landscape impact is not anticipated.
- 11.4 DEP does not support the application as the proposed use involves use of heavy vehicle and there are sensitive receivers in the vicinity of the Site. In this regard, the access to the Site via the existing local track to the northwest mainly passes by an existing warehouse where no residential structure is observed (**Plans A-2 and A-3**). Should the Committee decide to approve the application, 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 concern on the unauthorised structures and/or uses on the private 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 (D of FS), 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 As advised by the Head of CEO, CEDD, the land resumption and site formation works of Sha Po public housing development (within the “R(A)” zone to the northwest of the Site) would commence in the fourth quarter of 2027 and 2028 respectively the earliest tentatively. The programme would overlap with the

planning approval period sought for the proposed use under the application, and there might be possible interface issue with the existing local track branching off San Tam Road and leading to the Site and the area where the local track is situated would be resumed for implementation of the Sha Po public housing development. In this regard, the applicant indicates that the proposed use will be terminated and the Site will be vacated upon land resumption and site formation works for the implementation of the Sha Po public housing development. If the Committee decides to approve the application, the applicant will be advised to terminate the proposed use upon implementation of Sha Po public housing development at any time during the planning approval period.

- 11.7 The Site is the subject of a previously approved application (No. A/YL-KTN/939) 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 applicant has submitted the relevant proposals in support of the current application. CE/MN, DSD and D of FS have no objection to the application. Should the application be approved, 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.
- 11.8 There are 33 approved similar applications within the same “AGR” zone in the vicinity of the Site in the past five years as mentioned in 6.1 above. Approving the current application is in line with the Committee’s previous decisions.
- 11.9 Regarding the public comment 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 comment 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 11.4.2028. 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 11.10.2025;
- (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 11.1.2026;

- (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 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 11.10.2025;
- (e) in relation to (d) above, 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 11.1.2026;
- (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 given 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 11.2.2025
Appendix Ia	FI received on 27.3.2025
Appendix Ib	FI received on 7.4.2025
Appendix II	Previous and similar applications
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Appendix V	Public comment
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
Plans A-4a and 4b	Site photos

**PLANNING DEPARTMENT
APRIL 2025**