

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

**APPLICATION NO. A/YL-KTN/939**

<b><u>Applicant</u></b>	:	Harvest Hill (Hong Kong) Limited represented by R-riches Property Consultants Limited
<b><u>Site</u></b>	:	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, Kam Tin, Yuen Long, New Territories
<b><u>Site Area</u></b>	:	About 5,678m <sup>2</sup> (including Government land (GL) of about 77m <sup>2</sup> (1.3%))
<b><u>Lease</u></b>	:	Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	:	Draft Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/10
<b><u>Zoning</u></b>	:	“Agriculture” (“AGR”)
<b><u>Application</u></b>	:	Proposed Temporary Warehouse (excluding Dangerous Goods Godown) with Ancillary Facilities for a Period of 3 Years and Filling of Land

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary warehouse (excluding dangerous goods godown) with ancillary facilities for a period of 3 years and filling of land at the application site (the Site), which falls within an area zoned “AGR” on the Kam Tin North OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use of land not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). Filling of land within the “AGR” zone also requires planning permission from the Board. The Site is currently fenced, paved, partly vacant and partly occupied by vehicles (**Plans A-2 and A-4**).
- 1.2 According to the applicant, the proposed temporary warehouse is for storage of miscellaneous goods such as packaged food, apparel, footwear, electronic goods and furniture, etc. The proposed development involves erection of two 2-storey structures with a total floor area of about 6,988m<sup>2</sup> and building heights of not more than 13m<sup>2</sup> for warehouse and site office uses (**Drawing A-1**). The applicant also applies for filling of land for the whole site with concrete by not more than 0.2m in depth (from +3.4mPD/+3.9mPD to +3.6mPD/+4.1mPD) for site formation, parking, loading/unloading (L/UL) Space and circulation. A maximum of 10 staff members

will be stationed at the Site to support the warehouse operation. The 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. No workshop, recycling, cleansing, dismantling and other workshop activities will be carried out at the Site. Two private car parking spaces, one L/UL spaces for light goods vehicle and one L/UL space for container vehicle will be provided at the Site. The Site is accessible from San Tam Road via a local access (**Plans A-1 and A-2**). The site layout plan and paving plan submitted by the applicant are at **Drawings A-1 and A-2**.

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

- (a) Application form with supplementary information received (**Appendix I**) on 6.7.2023
- (b) Further Information (FI) received on 21.8.2023\* (**Appendix Ia**)

*\* 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, supplementary information and FI at **Appendices I and Ia**. They can be summarised as follows:

- (a) The proposed development is temporary in nature and will not frustrate the long-term planning intention of the “AGR” zone. The proposed development is not incompatible with the surrounding environment.
- (b) Due to increasing demand for indoor storage space, the proposed use is to support the local warehousing and storage industry. There are similar applications approved by the Rural and New Town Planning Committee (the Committee) in the vicinity of the Site within the same “AGR” zone.
- (c) The filling of land of 0.2m in depth is necessary for site formation, parking, L/UL spaces and circulation purposes and has been kept minimal to meet the operational needs of the proposed development. The Site will be reinstated upon expiry of the planning approval.
- (d) As the goods to be stored at the Site are packed in pallets or large in size, container vehicle is required for transporting large quantity of goods and enhancing warehouse’s operational efficiency.
- (e) The applicant will strictly follow the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Environmental Protection Department (EPD) to minimise adverse environmental impacts and nuisance to the surrounding area and the ‘Professional Persons Environmental Consultative Committee Practice Notes’ for sewerage treatment. The proposed development will not induce adverse traffic, environmental and drainage impacts to the surrounding areas.

### 3. **Compliance with the “Owner’s Consent/Notification” Requirements**

The applicant is not the “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. 31A) by posting site notice and sending notification letter to the Kam Tin Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the “Owner’s consent/Notification” Requirements are not applicable.

### 4. **Background**

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

### 5. **Previous Application**

Part of the Site is involved in a previous application (No. A/YL-KTN/678) for temporary shop and services (retail of forklift) which is not relevant to the current application. Details of the previous application are summarised in **Appendix II** and the location is shown on **Plan A-1**.

### 6. **Similar Applications**

- 6.1 There are eight similar applications (No. A/YL-KTN/709, 824, 852, 890, 898, 904, 905 and 920) (including renewal of temporary planning approval) for various temporary warehouse uses (seven of which with filling of land) within the same “AGR” zone in the vicinity of the Site in the past 5 years. All the applications were approved with conditions by the Committee between June 2020 and July 2023 mainly on the considerations that temporary approval would not frustrate the long-term planning intention; the development was not incompatible with the surrounding land uses; and relevant departments consulted in general had no adverse comment on the application or their technical concerns could be addressed by relevant approval conditions.
- 6.2 Details of the applications are summarised in **Appendix II** and the locations are shown on **Plan A-1**.
- 6.3 Other than similar applications as stated in paragraph 6.1 above, applications No. A/YL-KTN/937, 938 and 940 for the same use as the current application will be considered at the same meeting.

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

7.1 The Site is:

- (a) currently fenced, paved, partly vacant and partly occupied by vehicles; and

- (b) accessible from San Tam Road via a local access.

7.2 The surrounding areas have the following characteristics:

- (a) to its immediate north and northwest are logistics centre and open storage of vehicles within the “Residential (Group A)” zone which is planned for Sha Po public housing development with anticipated completion by 2031; and
- (b) to its east, west and south are farmlands, vacant lands and grassland. To the further northeast are residential structures/dwellings (the nearest within about 50m from the Site), open storage, and parking of vehicle within the “Industrial (Group D)” zone.

## **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, 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 Departments**

- 9.1 Apart from the government departments as set out in paragraph 9.2 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 are provided in **Appendices III and IV** respectively.
- 9.2 The following government departments do not support/ have adverse comment on the application:

### **Land Administration**

- 9.2.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):
  - (a) LandsD has adverse comments on the application;
  - (b) the Site comprises GL and Old Schedule Agricultural Lots held under the Block Government Lease, which contains the restriction that no structures are allowed to be erected without the prior approval of the Government; and

- (c) LandsD has grave concerns given that there are unauthorized building works (UBWs) and/or uses on Lot No. 490 in D.D. 107 which are already subject to lease enforcement actions according to case priority. The lot owner(s) should remedy the lease breaches as demand by LandsD.

### **Agriculture and Nature Conservation**

#### **9.2.2 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 used for parking of vehicles. The agricultural activities are active in the vicinity, and agricultural infrastructures such as road access and water source are also 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.

### **Environment**

#### **9.2.3 Comments of the Director of Environmental Protection (DEP):**

- (a) does not support the application as it involves the use of heavy vehicles and there is residential dwelling within 100m from the Site boundary (**Plan A-2**), environmental nuisance on the nearby residential uses could be generated by the proposed use;
- (b) should the application be approved, the applicant is advised to follow the relevant mitigation measures and requirements in the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise any potential environmental nuisance from the proposed use; and
- (c) there were two substantiated environmental complaints related to Site on waste aspect in the past three years.

## **10. Public Comments Received During Statutory Publication Period (Appendix V)**

The application was published for public inspection. During the statutory public inspection period, a public comment from an individual was received objecting to the application mainly on the grounds that approval of the application would result in brownfield sprawl; warehouse should be accommodated in purpose-built industrial estates; and previous application was revoked due to non-compliance with approval conditions.

## **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 3 years and filling of land at the Site zoned “AGR” (**Plan A-1**). The planning intention of the “AGR” zone 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. Whilst the proposed development is not in line with the planning intention of “AGR” zone and DAFC does not support the application from agricultural perspective, taking into account the planning assessments below, the proposed development on a temporary basis of 3 years could be tolerated. Filling of land within 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 the Drainage Services Department (CE/MN of DSD) and the Director of Environmental Protection (DEP) have no adverse comment on the proposed filling of land from the drainage and environmental perspectives. An approval condition requiring the reinstatement of the Site to an amenity area is recommended should the Committee decide to approve the application.
- 11.2 The proposed development is considered not incompatible with the surrounding areas which are rural in character predominated by logistics centre, open storage/storage yards, vacant land and residential structures/dwellings. The Chief Town Planner/Urban Design and Landscape of the Planning Department considers that significant adverse impact arising from the proposed development is not anticipated and has no objection to the application from landscape planning perspective. The planned Sha Po public housing development to the north of the Site is anticipated to be completed by 2031 and the Project Team Leader/Housing, Civil Engineering and Development Department has no adverse comment on the application.
- 11.3 While DEP does not support the application as it involves the use of heavy vehicles and environmental nuisance is expected. In this regard, the proposed access to the Site is via the northwestern boundary near the existing logistics centre and open storage, and vehicles to the Site would not pass through the residential dwellings to the northeast of the Site. Besides, according to the applicant, there will be no workshop activities at the Site. To address DEP concerns, relevant approval conditions restricting the operation hours and prohibiting workshop activities are recommended in paragraph 12.2 below. To minimise any potential environmental nuisances, the applicant will also be advised to follow the ‘Code of Practice on Handling the Environmental Aspect of Temporary Uses and Open Storage Sites’ issued by EPD.
- 11.4 DLO/YL of LandsD has adverse comments on the application in view of the existing UBWs and/or uses at the Site. In this regard, the applicant states that remedial action will be followed-up and Short Term Waiver application will be submitted to LandsD. Relevant advisory clause on need for application to LandsD for regularisation for UBWs is also recommended. Other relevant department, including Commissioner for Transport, CE/MN of DSD and Director of Fire Services have no objection to/ no adverse comment on the application. To address

the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 12.2 below.

- 11.5 There are eight approved similar applications in the past 5 years as mentioned in paragraph 6.1 above. Approval of the current application is in line with the Committee's previous decisions.
- 11.6 Regarding the public comment objecting the application as mentioned in paragraph 10, the departmental comments and planning assessments as stated 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, the Planning Department considers that the proposed development could be tolerated for a period of 3 years.
- 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 3 years until 25.8.2026. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval conditions

- (a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no recycling, cleansing, repairing, dismantling work nor other workshop activities, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (d) the submission of a 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 25.2.2024;
- (e) in relation to (d) above, the implementation of the 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 25.5.2024;
- (f) in relation to (e) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (g) the submission of a fire service installations proposal within **6** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 25.2.2024;
- (h) in relation to (g) above, the implementation of the fire service installations proposal within **9** months from the date of planning approval to the

satisfaction of the Director of Fire Services or of the Town Planning Board by 25.5.2024;

- (i) if any of the above planning condition (a), (b), (c) or (f) 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;
- (j) if any of the above planning condition (d), (e), (g) or (h) 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
- (k) upon expiry of the planning permission, the reinstatement of the site to an amenity area, as proposed by the applicant, 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 development 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. It is also intended 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**

<b>Appendix I</b>	Application form with supplementary information received on 6.7.2023
<b>Appendix Ia</b>	FI received on 21.8.2023
<b>Appendix II</b>	Previous and Similar application(s)
<b>Appendix III</b>	Government departments' general comments
<b>Appendix IV</b>	Recommended advisory clauses



<b>Appendix V</b>	Public comments
<b>Drawing A-1</b>	Site layout plan
<b>Drawing A-2</b>	Paving plan
<b>Plan A-1</b>	Location plan
<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial photo
<b>Plan A-4</b>	Site photos

**PLANNING DEPARTMENT  
AUGUST 2023**