

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TM-LTYT/484

- Applicant** : New Trend Management Limited represented by R-riches Property Consultants Limited
- Site** : Lot 2339 (Part) in D.D.130, Lam Tei, Tuen Mun, New Territories
- Site Area** : About 750m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Lam Tei and Yick Yuen Outline Zoning Plan (OZP) No. S/TM-LTYT/12
- Zoning** : “Residential (Group D)” (“R(D)”)
[Restricted to a maximum plot ratio of 0.2 and a maximum building height of 2 storeys (6m)]
- Application** : Temporary Wholesale Trade with Ancillary Storage for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary wholesale trade with ancillary storage for a period of three years at the application site (the Site) zoned “R(D)” on the OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is currently occupied by the applied use without valid planning permission (**Plans A-4a** and **A-4b**).
- 1.2 The Site is accessible via a local track leading from Shun Tat Street (**Plan A-2**). According to the applicant, the Site is used for wholesale trading of goods (drinks and household goods only) with ancillary storage and office. A total of five staff are working at the Site and about ten visitors are anticipated per day. Two loading/unloading (L/UL) spaces for light goods vehicles (LGV) are provided within the Site. Plans showing the layout and vehicular access submitted by the applicant are at **Drawings A-1** and **A-2** respectively.
- 1.3 The Site was involved in two previous applications (No. A/TM-LTYT/404 and 448) (**Plan A-1**) for temporary wholesale trade with ancillary storage which were approved by the Rural and New Town Planning Committee (the Committee) of the

Board in 2020 and 2023 respectively. Details of the previous applications are summarised in paragraph 5 below and **Appendix II**. However, both planning permissions were revoked due to non-compliance with time-limited approval conditions. Compared with the last approved application (No. A/TM-LTY/448), the current application is submitted by the same applicant for the same use with a smaller site area and similar layout and development parameters. A comparison of the major development parameters of the current application and the last approved application is summarised as follows:

Major Development Parameters	Last Approved Application No. A/TM-LTY/448 (a)	Current Application No. A/TM-LTY/484 (b)	Difference (b) - (a) (%)
Applied Use	Temporary Wholesale Trade with Ancillary Storage for a Period of 3 Years		--
Site Area (About)	819m ²	750m ²	-69m ² (-8.4%)
Total Floor Area (About)	819m ²	770m ²	-49m ² (-6%)
No. of Structures	2 (1 for Wholesale Trade with Ancillary Storage; and 1 for Canopy)	2 (1 for Wholesale Trade with Ancillary Storage and Office*; and 1 for Canopy)	--
Height of Structures	About 11m (1 storey)		--
No. of L/UL Spaces	2 (3.5m x 7m) for LGV		--
Operation Hours	9:00 a.m. to 7:00 p.m. from Mondays to Saturdays (i.e. no operation on Sundays and Public Holidays)		--

* A two-storey converted containers for ancillary office within the 1-storey main structure at the Site.

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

- (a) Application Form received on 4.2.2025 **(Appendix I)**
- (b) Supplementary Planning Statement (SPS) received on 4.2.2025 **(Appendix Ia)**
- (c) Further Information (FI) received on 2.4.2025* **(Appendix Ib)**
- (d) FI received on 30.4.2025* **(Appendix Ic)**
- (e) FI received on 13.5.2025* **(Appendix Id)**
**accepted and exempted from publication and recounting requirements*

1.5 On 28.3.2025, the Committee agreed to defer making a decision on the application for two months as requested by the applicant.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the SPS and FIs at **Appendices Ia to Id**. They can be summarised as follows:

- (a) the Site has been occupied by brownfield activities for decades without any known long-term residential development programme. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the Site;
- (b) the Site was involved in two previous planning permissions (No. A/TM-LTYT/404 and 448) for the same use. Approval of the current application is in line with the Board's previous decisions;
- (c) the applicant has justified that the non-compliance of the respective approval conditions of the previous planning permission (No. A/TM-LTYT/448) was mainly due to time constraints in rectifying faults in the implementation of run-in/out proposal as well as submission/implementation of fire service installation (FSIs) proposal. He also clarifies that the approval condition regarding the implementation of drainage proposal of the previous permission has been complied with. To support the current application, he has submitted as-built drainage facilities records, the previously accepted run-in/out proposal (**Drawing A-2**) and a fresh FSIs proposal (**Appendix Id**);
- (d) two L/UL spaces for LGV with sufficient space for manoeuvring of vehicle are provided within the Site to ensure no vehicle will turn back onto the local access. Visitors arriving by LGV are required to access the Site with advance booking. Only LGV are allowed to enter/exit the Site. Adverse traffic impact to the surrounding areas is not anticipated (**Drawing A-2**); and
- (e) the applicant will follow the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' (CoP) to minimise adverse environmental impacts arising from the applied use.

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 posting site notice and sending notice to the Tuen Mun Rural Committee by registered post. Detailed information would be deposited at the meeting for Members' inspection.

4. Background

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

5. **Previous Applications**

The Site was involved in two previous applications (No. A/TM-LTYT/404 and 448) for the same use submitted by the same applicant of the current application. Both applications were approved with conditions by the Committee each for a period of three years in 2020 and 2023 respectively mainly on the considerations that approval of the applications on a temporary basis would not jeopardise the long-term planning intention of the “R(D)” zone; the proposal was not incompatible with the surrounding land uses; and no objection to or adverse comment from concerned government departments. However, both planning permissions were revoked in 2023 and 2024 respectively due to non-compliance with time-limited approval conditions regarding the submission and/or implementation of drainage, FSI and/or run-in/out proposals. Details of these applications are at **Appendix II** and their locations are shown on **Plan A-1**.

6. **Similar Application**

There is no similar application within the same “R(D)” zone.

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

7.1 The Site is:

- (a) currently occupied by the applied use with ancillary storage and a two-storey office without valid planning permission (**Plans A-4a and A-4b**); and
- (b) accessible via a local track leading from Shun Tat Street (**Plan A-2**).

7.2 The surrounding areas are sub-rural in nature predominantly occupied by rural settlements intermixed with open storage of containers, storage yards, parking of vehicles, orchards and vacant land. Some of these uses are suspected unauthorized developments subject to planning enforcement action (**Plans A-2 and A-3**).

8. **Planning Intention**

The “R(D)” zone is intended primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board.

9. **Comments from Relevant Government Departments**

9.1 Apart from the government department as set out in paragraph 9.2 below, other government departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments are provided in **Appendices III and IV** respectively.

9.2 The following government department objects to the application:

Land Administration

9.2.1 Comments of the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD):

- (a) he objects to the application from land administration point of view;
- (b) the Site comprises an Old Schedule Agricultural Lot, namely Lot 2339 (Portion) in D.D. 130 (“the Lot”) 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;
- (c) the Lot is covered by Short Term Waiver (“STW”) No. 582 for the purpose of storage and repair of container boxes;
- (d) cancellation of STW No. 582 and reissue of STW application to permit the structure erected within the Lot for temporary wholesale trade with ancillary storage was approved in principle by his office subject to compliance with the Town Planning Ordinance. In the event that the planning permission is not given by the Board, LandsD may decide not to consider the STW application further. The Lot owner(s) is required to rectify the breaches to comply with the terms and conditions of STW No. 582. The Government reserves the right to terminate the STW subject to such terms and conditions as may be necessary and appropriate;
- (e) the following irregularities not covered by the planning application have been detected by his office:

unauthorised structure(s) within the Lot not covered by the planning application

- (i) there are unauthorised structures on the Lot including a toilet, a staff room and air conditioner hood not covered by the application. His on-site measurement revealed that the built-over area (B.O.A.) of the existing structures erected on the Lot exceeded the proposed B.O.A. of 750m² under the application. Besides, bed amenities were also found in Structure B1 as shown in the layout plan (**Drawing A-1**). The Lot owner(s) should immediately rectify/regularise the excessive B.O.A. and remove the bed amenities and his office reserves the rights to take necessary enforcement action against the irregularities without further notice;
- (ii) the Lots owner(s) shall rectify the excessive B.O.A. by either demolishing unauthorised structures not covered by the application or including all unauthorised structures erected on the Lot in the application in accordance with the layout plan, and cease any domestic uses in the Lot immediately. Unless and until the above irregularities are duly rectified by the Lot owner(s)/applicant, please take it as his office’s

objection to the application which must be brought to the attention of the Board when they consider the application;

- (f) the Site is accessible via a local access on Government land leading from Shun Tat Street and various private lots. His office does not carry out maintenance works for the said access nor guarantee that any right-of-way to the Site will be given. The Applicant shall be responsible for his own access arrangement; and
- (g) to note his advisory comments as detailed in **Appendix IV**.

10. Public Comment Received During the Statutory Publication Period

On 14.2.2025, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual (**Appendix V**) expressing views on the application that repeated revocations due to non-compliance with approval conditions should not be tolerated.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary wholesale trade with ancillary storage for a period of three years at the site zoned “R(D)” on the OZP. Whilst the applied use is not entirely in line with the planning intention of the “R(D)” zone, there is no known development proposal at the Site. In this regard, approval of the application on a temporary basis of three years would not jeopardise the long-term planning intention of the “R(D)” zone.
- 11.2 The surrounding areas are predominantly occupied by rural settlements intermixed with open storage of containers, storage yards, parking of vehicles, orchards and vacant land (**Plan A-2**). The applied use is considered not incompatible with the surrounding areas.
- 11.3 Concerned government departments consulted, including the Commissioner for Transport (C for T), Chief Highway Engineer/New Territories West of Highways Department (CHE/NTW, HyD), Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) and Director of Fire Services (D of FS) have no objection to or no adverse comment on the application from traffic, environmental, drainage and fire safety aspects respectively. To address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 12.2 below. Should the application be approved, the applicant will also be advised to follow the latest CoP to minimise the possible environmental nuisance on the surrounding areas.
- 11.4 The Site was involved in two previous applications (No. A/TM-LTYY/404 and 448) for the same use submitted by the same applicant of the current application with similar layout and development parameters, which were approved with conditions each for a period of three years in 2020 and 2023 respectively. However, the planning permissions were revoked in 2023 and 2024 respectively due to non-compliance with time-limited approval conditions. Nevertheless, the applicant has

justified that the non-compliance of the respective approval conditions of the previous planning permission (No. A/TM-LTYT/448) was mainly due to time constraints in rectifying faults in the implementation of run-in/out proposal as well as submission/implementation of FSIs proposal. He also clarifies that the approval condition regarding implementation of drainage proposal of the previous permission has been complied with. For the submitted as-built drainage facilities records, the previously accepted run-in/out proposal and the fresh FSIs proposal in support of the current application, concerned departments including C for T, CHE/NTW, HyD, CE/MN, DSD and D of FS have no adverse comment on the submitted proposals. As such, sympathetic consideration may be given to the current application. 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 further applications.

- 11.5 There has been no major change in the planning circumstances since the approval of two previous applications for the same use as detailed in paragraph 5 above. Approval of the current application is generally in line with the Committee's previous decisions.
- 11.6 Regarding DLO/TM, LandsD's concerns on the unauthorised structures erected within the Site not covered by the planning application, the applicant will be advised to liaise with LandsD on the land administration matters should the Committee approve the application.
- 11.7 Regarding the public comment as summarised in paragraph 10 above, the planning considerations and assessments in paragraphs 11.1 to 11.6 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, the Planning Department 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 **23.5.2028**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (b) the submission of a condition record of the existing drainage facilities on the site within **3** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **23.8.2025**;
- (c) the implementation of the accepted fire service installations proposal within **9** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **23.2.2026**;

- (d) the implementation of the accepted run-in/out proposal at the access point of Shun Tat Street within **9** months from the date of the planning approval to the satisfaction of the Commissioner for Transport and the Director of Highways or of the Town Planning Board by **23.2.2026**;
- (e) if the above planning condition (a) 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; and
- (f) if any of the above planning conditions (b), (c) 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.

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 applied use is not in line with the planning intention of the "Residential (Group D)" zone which is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. 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 received on 4.2.2025
Appendix Ia	SPS received on 4.2.2025
Appendix Ib	FI received on 2.4.2025
Appendix Ic	FI received on 30.4.2025
Appendix Id	FI received on 13.5.2025
Appendix II	Previous 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	Vehicular Access Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
MAY 2025**