

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TM-LTYT/499

- Applicant** : Gainman Property Management Limited represented by Goldrich Planners and Surveyors Limited
- Site** : Lot 771 RP in D.D.130, Lam Tei, Tuen Mun, New Territories
- Site Area** : 847m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Lam Tei and Yick Yuen Outline Zoning Plan No. S/TM-LTYT/13 (the OZP)
- Zoning** : “Residential (Group B)1” (“R(B)1”)
[Restricted to a maximum plot ratio of 1.0, a maximum site coverage of 40% and a maximum building height of 4 storeys over single-storey car park (15m)]
- Application** : Proposed Temporary Warehouse (excluding Dangerous Goods Godown) with Ancillary Office for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary warehouse (excluding dangerous goods godown) with ancillary office for a period of three years at the application site (the Site) zoned “R(B)1” on the OZP (**Plan A-1a**). 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 formed, fenced, and occupied by open storage of containers and miscellaneous items without valid planning permission (**Plan A-4**).
- 1.2 The Site is accessible from an unnamed access road connecting with Castle Peak Road – Lam Tei across the Light Rail Transit (LRT) track with an ingress/egress located at the southeast of the Site (**Plan A-2**). According to the applicant, three single-storey temporary structures (9m in height) are proposed for warehouses for storage of building materials (i.e. bamboo, scaffoldings, bricks, metals, and sand, etc.) with ancillary offices, with a total floor area of 453m². No visitor is allowed to enter the Site and staff are expected to access the Site via public transports/on foot. One parking space for medium goods vehicle (8m x 3.5m) would be provided

within the Site. The operation hours are from 8:00 a.m. to 7:00 p.m. from Mondays to Saturdays (i.e. no operation on Sundays and public holidays). No workshop activities, public announcement systems, whistle blowing, and portable loudspeaker would be permitted at the Site. An access road (about 3m wide) would be reserved within the Site for vehicular access to the adjacent private lot 769 RP. The layout plan submitted by the applicant is at **Drawing A-1**.

- 1.3 The Site was involved in eight previous applications, including one application (No. A/TM-LTTY/299) involving temporary warehouse use which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2015 (details at paragraph 5 below) (**Plan A-1b**).
- 1.4 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with attachments received on 20.8.2025 (**Appendix I**)
 - (b) Supplementary Information (SI) received on 26.8.2025 (**Appendix Ia**)
 - (c) Further Information (FI) received on 25.9.2025 (**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, SI, and FI at **Appendices I to Ib**. They can be summarised as follows:

- (a) the proposed use would meet the demand for warehouse in the Tuen Mun area;
- (b) the Site was involved in several previous applications for open storage and/or warehouse uses. Approval of the current application is in line with the Board's previous decisions;
- (c) approval of the application on a temporary basis would not frustrate the long-term planning intention of the "R(B)1" zone; and
- (d) adverse visual, drainage, fire safety and traffic impacts on the surrounding areas are not anticipated. The applicant will follow the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' (COP) and comply with all environmental protection/pollution control ordinances to minimise adverse environment impact arising from the proposed 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 publishing notices in local newspapers and sending notice to the Tuen Mun Rural Committee. Detailed information would be deposited at the meeting for Members' inspection.

4. Background

The Site is currently not subject to planning enforcement action.

5. Previous Applications

- 5.1 The Site was involved in eight previous applications (No. A/TM-LTY/95, 138, 178, 195, 252, 269, 299 and 326), all submitted by different applicants, for temporary open storage and/or warehouse, and shop and services uses. Amongst them, only application No. A/TM-LTY/299 was related to temporary warehouse use. Details of these previous applications are summarised in **Appendix II** and their locations are shown on **Plan A-1b**.
- 5.2 Application No. A/TM-LTY/299 for temporary open storage of building materials and warehouse for storage of building materials was approved with conditions by the Committee for a period of three years in October 2015 mainly on the considerations that sympathetic consideration was given to site constraints for residential development; temporary use could alleviate demand for the applied use; and no objection to or adverse comment from concerned government departments. However, the planning permission was subsequently revoked in November 2015 due to non-compliance with time-limited approval condition regarding the provision of fire extinguisher(s) and submission of fire certification.
- 5.3 The other seven applications (No. A/TM-LTY/95, 138, 178, 195, 252, 269 and 326) for temporary open storage/shop and services uses were approved by the Board upon review/the Committee between 2002 and 2017. The considerations for these applications are not relevant to the current application which involves different use.

6. Similar Application

There is no similar application within the same “R(B)1” zone on the OZP.

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

- 7.1 The Site is:
- (a) currently formed, fenced, and occupied by open storage of containers and miscellaneous items without valid planning permission; and
 - (b) accessible from an unnamed access road connecting with Castle Peak Road – Lam Tei across the LRT track.
- 7.2 The surrounding areas are sub-urban in nature predominantly occupied by low-density residential developments and rural settlements, intermixed with open storage, storage yards, petrol filling station, cultivated agricultural land and vacant land (**Plans A-2 and A-3**).

8. Planning Intention

The “R(B)” zone is intended primarily for sub-urban medium-density residential developments in rural areas where commercial uses serving the residential neighbourhood may be permitted on application to the Board.

9. Comments from Relevant Government Departments

9.1 Apart from the government department 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 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 Old Schedule Agricultural Lot 771 RP 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 following irregularities covered by the application have been detected by his office during the site inspection conducted in September 2025:

unauthorised structures within the Lot covered by the application

- (i) there are unauthorised structures (including but not limited to a toilet) within the Lot which are already subject to lease enforcement actions according to case priority. The Lot owner should rectify/regularise the lease breaches as demanded by LandsD; and

unlawful occupation of Government land (GL) not covered by the application

- (ii) the GL adjoining the Lot has been fenced off/illegally occupied without permission. The GL being illegally occupied is not included in the application. Please clarify the extent of the Site with the applicant. Any occupation of GL without Government’s prior approval is an offence under Cap. 28. LandsD reserves the rights to take necessary land control action against the illegal occupation of GL without further notice;

- (d) the Lot owner/applicant shall either (i) remove the unauthorised structures within the Lot covered by the application and cease the illegal occupation of the GL not covered by the application immediately; or (ii) include the unauthorised structures and the adjoining GL being illegally occupied in the application for the further consideration by the relevant departments and, subject to the approval of the Board to the application which shall have reflected the rectification or amendment as aforesaid required, apply to LandsD for Short Term Waiver (“STW”) and Short Term Tenancy (“STT”) to permit the structures erected and the occupation of the GL. The applications 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 fees as considered appropriate to be imposed by LandsD. In addition, LandsD reserves the right to take enforcement action against the Lot owner/applicant for any breach of the lease conditions, including the breaches already in existence or to be detected at any point of time in future and land control action for any unlawful occupation of GL;
- (e) unless and until the unauthorised structures and the unlawful occupation of GL are duly rectified by the Lot owner/applicant or entirely included in the application, 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; and
- (f) the Site is accessible via a local access on GL leading from Castle Peak Road – Lam Tei. LandsD does not carry out maintenance works for the said GL nor guarantee that any right-of-way to the Site will be given. The applicant shall be responsible for his own access arrangement.

10. Public Comment Received During the Statutory Publication Period

On 29.8.2025, the application was published for public inspection. During the statutory public inspection period, one objecting public comment from an individual was received (**Appendix V**) mainly on the grounds that there was non-compliance with time-limited approval condition regarding drainage facilities in the previous application and absence of enforcement action against suspected unauthorised development at the Site.

11. Planning Considerations and Assessments

11.1 The application is for proposed temporary warehouse (excluding dangerous goods godown) with ancillary office for a period of three years at the Site zoned “R(B)1” on the OZP. Whilst the proposed use is not in line with the planning intention of the “R(B)1” 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(B)1” zone.

- 11.2 The surrounding areas are sub-urban in nature predominantly occupied by low-density residential developments and rural settlements, intermixed with open storage, storage yards, petrol filling station, cultivated agricultural land and vacant land (**Plans A-2 and A-3**). The proposed use is considered not incompatible with the surrounding areas.
- 11.3 Concerned government departments consulted, including the Commissioner for Transport, Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services 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 implement appropriate mitigation measures/practices as set out in the Recommended Pollution Control Clauses for Construction Contracts, and to comply with relevant environmental protection and pollution control ordinances to minimise the possible environmental nuisance on the surrounding areas.
- 11.4 Regarding DLO/TM, LandsD's concerns on the unauthorised structures within the Site and unlawful occupation of GL covered/not covered by the application, the applicant will be advised to liaise with LandsD on land administration matters should the Committee approve the application.
- 11.5 The Site was involved in one previously approved application for temporary warehouse use as mentioned in paragraph 5 above. Approval of the current application is in line with the Committee's previous decision.
- 11.6 Regarding the public comment objecting to the application as summarised in paragraph 10 above, the planning considerations and assessments in paragraphs 11.1 to 11.5 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 **10.10.2028**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) 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 **10.4.2026**;
- (b) in relation to (a) 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 **10.7.2026**;

- (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 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 **10.4.2026**;
- (e) in relation to (d) above, the implementation of the 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 **10.7.2026**;
- (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; and
- (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.

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 is not in line with the planning intention of the "Residential (Group B)1" zone, which is primarily for sub-urban medium-density residential developments in rural areas. 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 20.8.2025
Appendix Ia	SI received on 26.8.2025
Appendix Ib	FI received on 25.9.2025
Appendix II	Previous Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment
Drawing A-1	Layout Plan
Plan A-1a	Location Plan
Plan A-1b	Previous Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2025**