

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TM-LTTY/506

- Applicant** : 施玉鳳 represented by Allgain Land Planning Limited
- Site** : Lots 2447 RP (Part) and 2447 S.D RP (Part) in D.D.130 and Adjoining Government Land (GL), Tuen Mun
- Site Area** : About 1,220m² (including GL of about 11m² or 1%)
- Lease** : Lots comprising “House” land and agricultural land
- Plan** : Draft Lam Tei and Yick Yuen Outline Zoning Plan (OZP) No. S/TM-LTTY/13
- Zoning** : “Green Belt” (“GB”)
- Application** : Proposed Temporary Warehouse (Excluding Dangerous Goods Godown) and Associated Filling of Land for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary warehouse (excluding dangerous goods godown) and associated filling of land for a period of three years at the application site (the Site) zoned “GB” 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 Notes of the OZP for the “GB” zone stipulate that filling of land also requires planning permission from the Board. The Site is currently formed, hard paved and vacant (**Plan A-4**).
- 1.2 The Site is accessible via a strip of GL leading from Shun Tat Street (**Plan A-2a**). According to the applicant, the application is to facilitate the relocation of a brownfield operator’s (i.e. P&M Entertainment¹) business operation in San Tin (site area of about 1,300m²) affected by the land resumption and clearance exercise for the construction of Northern Link (NOL) Main Line. There is an imminent need for the brownfield operator to secure a relocation site to continue its operation.

¹ The applicant is the authorised representative of P&M Entertainment (**Appendix Ib**).

- 1.3 According to the applicant, the proposed use consists of two single-storey fully-enclosed structures (7m in height) with a total floor area of about 460m² for warehouse for hardware accessories products. No on-site car parking space or loading/unloading space is proposed. The operation hours are from 9:00 a.m. to 6:00 p.m. from Mondays to Saturdays (i.e. no operation on Sundays and public holidays). No workshop activities will be permitted at the Site. The applicant claims that there are no existing trees within the Site and no tree felling is involved. Nevertheless, the applicant proposes to plant nine trees along the periphery of the Site.
- 1.4 The application also applies for regularisation of filling of land for the entire Site with concrete (about 0.2m in depth) for stabilisation of structures. No further land filling works will be carried out. Plans showing the proposed layout with landscape treatment and land filling area submitted by the applicant are at **Drawings A-1** and **A-2** respectively.
- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 5.1.2026 **(Appendix I)**
 - (b) Supplementary Information (SI) received on 9.1.2026 **(Appendix Ia)**
 - (c) Further Information (FI) received on 2.2.2026* **(Appendix Ib)**
 - (d) FI received on 11.2.2026* **(Appendix Ic)**

**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 FIs at **Appendices I** to **Ic** respectively. They can be summarised as follows:

- (a) the proposal is for relocating the business operations (i.e. P&M Entertainment) affected by the land resumption and clearance for the construction of NOL Main Line. As the concerned lots in San Tin (i.e. Lots 942 (Part), 943 (Part) and 952 in D.D. 102) had already been resumed by the Government in 2025, there is an imminent need for the brownfield operator to secure a relocation site to continue its operation. The Site is identified as the most suitable relocation site after a thorough site search process;
- (b) the need for warehouse is increasing in recent years and the proposed use can lead support the local warehouse activities;
- (c) the Site has been formed and open storage yards are found in the surrounding areas. The proposed use, which is temporary in nature, is not incompatible with the nearby land uses and would not jeopardise the long-term planning intention of the “GB” zone;

- (d) the applicant intends to utilise the parking spaces in a nearby temporary public vehicle park (PVP) located in Shun Tat Street (about 220m away from the Site)² (**Appendix Ic and Plan A-2b**) to minimise adverse traffic impact to the surrounding areas;
- (e) the applicant will follow the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (CoP) and will reinstate the Site upon expiry of the planning permission to minimise adverse environmental impacts arising from the proposed use; and
- (f) the applicant commits to meet the requirements of the Drainage Services Department (DSD) and Fire Services Department on drainage and fire safety matters, when required.

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

For the private land portion, the applicant is the sole ‘current land owner’. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, 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) are not applicable.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines for ‘Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 10) are relevant to this application. The relevant assessment criteria are detailed at **Appendix II**.

5. Background

The Site is subject to planning enforcement action (No. E/TM-LTYT/419) (**Plan A-2a**). Enforcement Notice was issued on 4.3.2025 against unauthorized development involving parking of vehicles and Reinstatement Notice was issued on 17.10.2025 requiring reinstatement of the concerned land. As the Site has not been reinstated upon expiry of the notice, prosecution action is being considered.

6. Previous Applications

The Site was involved in two previous applications (No. A/TM-LTYT/226 and 348), both by a different applicant to the current application for proposed house (New Territories Exempted House) (NTEH) which were approved by the Committee on 16.12.2011 and 20.4.2018 respectively. The considerations of these previous applications are not relevant to the current application which involves a different use. Both planning permissions were

² The site in Shun Tat Street is covered by a valid planning permission under application No. A/TM-LTYT/487 for temporary PVP (light and medium goods vehicles) with ancillary facilities for a period of five years, which was approved with conditions by the Rural and New Town Planning Committee (the Committee) on 1.8.2025. The distance between the concerned PVP and the Site is about 236m.

not implemented and lapsed in 2015 and 2022 respectively. Details of the previous applications are at **Appendix III** and their locations are shown on **Plan A-1**.

7. **Similar Application**

There is no similar application within the same “GB” zone on the OZP.

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

8.1 The Site is:

- (a) currently formed, hard paved and vacant (**Plan A-4**); and
- (b) accessible via a strip of GL leading to Shun Tat Street (**Plan A-2a**).

8.2 The surrounding areas are rural in nature predominantly occupied by rural settlements and scattered houses intermixed with open storage yards, cultivated agricultural land and vacant land. The North West New Territories (NWNT) Refuse Transfer Station is located to the north, and the Kong Sham Western Highway and Yuen Long Highway are located to the west of the Site (**Plans A-2a and A-3**).

9. **Planning Intention**

9.1 The planning intention of the “GB” zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone.

9.2 According to the Explanatory Statement of the OZP for the “GB” zone, as filling of land may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment, permission from the Board is required for such activities.

10. **Comments from Relevant Government Bureau/Departments**

10.1 Apart from the government bureau/department as set out in paragraphs 10.2 and 10.3 below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments are provided in **Appendices IV and V** respectively.

10.2 The following government bureau supports the application:

Policy Aspect

10.2.1 Comments of the Secretary for Development (SDEV):

- (a) the application is to facilitate relocation of the brownfield operation at various lots in D.D. 102 in San Tin affected by the construction of NOL Main Line;

- (b) the brownfield operator indicates that 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. The site area under the application generally tallies with the area of the original premises of the affected brownfield operation; 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.

10.3 The following government department objects to the application:

Land Administration

10.3.1 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 Lots 2447 RP (Part) and 2447 S.D RP (Part) in D.D. 130 (“the 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. According to the assignment documents registered in the Land Registry, the Lots comprise “House” land and agricultural land. Since the application is still at the processing stage, further verification of the building status will be proceeded with upon receipt of Short Term Waiver (STW) application from the Lots owner, as appropriate;
- (c) the following irregularity covered by the application have been detected by his office:

unlawful occupation of GL adjoining the Lots covered by the application

the GL within the Site (about 11m² as mentioned in the Application Form (**Appendix Ia**)) has been fenced off/illegally occupied without any permission. Any occupation of GL without Government’s prior approval is an offence under Cap. 28. LandsD objects to the application since there is illegal occupation of GL which regularisation would not be considered according to the prevailing land policy. The Lots owner should immediately cease the illegal occupation of GL and remove the unauthorised structure(s) as demanded by LandsD. His office reserves the rights to take necessary land control action against the illegal occupation of GL without further notice;

- (d) in respect of the FI submitted by the applicant dated 2.2.2026 (**Appendix Ib**), it is noted that the suspected unauthorized structure(s) on the Lots have been removed. However, the applicant has not yet rectified/ceased the unlawful occupation of GL adjoining the Lots;

- (e) if the application is approved, the Lots owner shall apply to his office for a STW to permit the structure(s) erected within the Lots. The application for a STW will be considered by the Government in its capacity as a landlord and there is no guarantee that it will be approved. The STW, if approved, will be subject to such terms and conditions including the payment of waiver fee 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;
- (f) unless and until the unlawful occupation of GL is duly rectified by the Lots owner/applicant, please take it as his office's objection to the application which must be brought to the attention of the Board when considering the application;
- (g) the Site is accessible via a local access on GL leading from Tung Fuk Road and Shun Tat Street. His office 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; and
- (h) to note his advisory comments as detailed in **Appendix V**.

11. Public Comment Received During the Statutory Publication Period

On 13.1.2026, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual (**Appendix VI**) objecting to the application on the grounds that the proposed use is not in line with the prevailing policy regarding development in "GB" zone and approval of the application would encourage further abuse of the "GB" zone.

12. Planning Considerations and Assessments

12.1 The application is for proposed temporary warehouse (excluding dangerous goods godown) and associated filling of land for a period of three years at the Site zoned "GB" on the OZP. There is a general presumption against development within the "GB" zone. The proposed use with filling of land is not in line with the planning intention of the "GB" zone. Nonetheless, taking into account the planning assessments below and with the policy support from SDEV, sympathetic consideration may be given to the proposed use on a temporary basis for a period of three years.

12.2 According to the applicant, the application is to facilitate the relocation of a brownfield operator's business operation affected by the construction of NOL Main Line in San Tin. The former lots for the brownfield operation were resumed by the Government in 2025. Thus, there is an imminent need for the brownfield operator to secure a relocation site for the affected operation. The brownfield operator has conducted a thorough site search and the Site is identified as a suitable relocation site. The size of the Site (i.e. about 1,220m²) is generally comparable to that of the operation in San Tin (i.e. about 1,300m²). To facilitate the relocation of brownfield

operation displaced by the NOL Main Line, SDEV supports the application from policy perspective.

- 12.3 The applicant also applies for regularisation of land filling works with concrete (about 0.2m in depth) already undertaken at the entire Site for stabilisation of structures (**Drawing A-2**). The applicant submits that no further land filling works will be carried out and commits to reinstate the Site upon expiry of the planning permission. Filling of land within the “GB” zone require planning permission from the Board as it may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment. In this regard, the Chief Engineer/Mainland North, DSD and the Director of Agriculture, Fisheries and Conservation have no objection to/no adverse comment on the application from drainage and nature conservation perspectives respectively. As the Site is zoned “GB”, an approval condition requiring the reinstatement of the Site upon expiry of the planning permission so as to uphold the planning intention of the “GB” zone and restore the greenery of the area is recommended should the Committee decide to approve the application.
- 12.4 The Site is situated at the fringe of the “GB” zone in an area of rural character predominantly occupied by rural settlements and scattered houses intermixed with open storage yards, cultivated agricultural land and vacant land. It is also located close to the NWNT Refuse Transfer Station to the north, and the Kong Sham Western Highway and Yuen Long Highway to the west (**Plans A-2a** and **A-3**). While the Site is already formed, hard paved with no existing trees and vegetation, the applicant proposes to plant nine trees along the periphery of the Site (**Drawing A-1**). In this regard, the Chief Town Planner/Urban Design and Landscape, Planning Department has no adverse comment on the application from landscape planning perspective as no significant adverse landscape impact arising from the proposed use is anticipated. Considering the overall land use context of the locality and the wider area, the proposed use is considered not entirely incompatible with the character of the surrounding areas.
- 12.5 According to TPB PG-No. 10, an application for new development in “GB” zone will only be considered in exceptional circumstances and must be justified with very strong planning grounds. In addition, the design and layout of any proposed development within the “GB” zone should be compatible with the surrounding areas; and the development should not involve extensive clearance of existing natural vegetation and affect the existing natural landscape. The issues of compatibility as well as impact on existing natural vegetation and landscape have been discussed in paragraph 12.4 above. Besides, the Site was involved in two previous applications for proposed house (NTEH) approved in 2011 and 2018 respectively and part of the Site has building status for house development. In view of the above, the proposed use is generally considered not contravening TPB PG-No. 10.
- 12.6 Other relevant government departments, including the Commissioner for Transport, Director of Environmental Protection and Director of Fire Services have no objection to or no adverse comment on the application from traffic, environmental and fire safety perspectives respectively. To address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 13.2 below. Should the application be approved, the applicant/potential brownfield operator of the Site will also be advised to follow the latest CoP in order to minimise the potential environmental nuisance on surrounding areas.

- 12.7 Regarding the concerns of DLO/TM, LandsD on unlawful occupation of GL adjoining the Lots, the applicant will be advised to liaise with LandsD on the land administration matters should the Committee approve the application.
- 12.8 Regarding the public comment objecting to the application as summarised in paragraph 11 above, the planning considerations and assessments in paragraphs 12.1 to 12.7 are relevant.

13. **Planning Department's Views**

- 13.1 Based on the assessments made in paragraph 12 and taking into account the public comment mentioned in paragraph 11 above, the Planning Department has no objection to the application.
- 13.2 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 **27.2.2029**. 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 **27.8.2026**;
- (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 **27.11.2026**;
- (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 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 **27.8.2026**;
- (e) in relation to (d) 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 **27.11.2026**;
- (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 fill materials and hard paving 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 V**.

- 13.3 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 "Green Belt" zone, which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl, as well as to provide passive recreational outlets. There is a general presumption against development within this zone. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 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.
- 14.3 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.

15. Attachments

Appendix I	Application Form with attachments received on 5.1.2026
Appendix Ia	SI received on 9.1.2026
Appendix Ib	FI received on 2.2.2026
Appendix Ic	FI received on 11.2.2026
Appendix II	Relevant Extract of TPB PG-No. 10
Appendix III	Previous Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comment
Drawing A-1	Proposed Layout Plan with Landscape Treatment
Drawing A-2	Proposed Land Filling Plan
Plan A-1	Location Plan
Plans A-2a and A-2b	Site Plans
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
FEBRUARY 2026**