

**APPLICATION FOR RENEWAL OF PLANNING APPROVAL
FOR TEMPORARY USE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

APPLICATION NO. A/NE-LT/781

<u>Applicant</u>	: International Property Investment Agency Limited
<u>Site</u>	: Lot 431 RP (Part) in D.D. 10, Lam Kam Road, Lam Tsuen, Tai Po
<u>Site Area</u>	: About 1,427 m ²
<u>Land Status</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Lam Tsuen Outline Zoning Plan (OZP) No. S/NE-LT/11
<u>Zoning</u>	: “Agriculture” (“AGR”)
<u>Application</u>	: Renewal of Planning Approval for Temporary Shop and Services (Real Estate Agency) with Ancillary Car Park for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval for temporary shop and services (real estate agency) with ancillary car park for a period of three years at the application site (the Site) falling within an area zoned “AGR” on the OZP. According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding three years requires planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use with planning permission under application No. A/NE-LT/728 valid until 16.8.2025 (**Plans A-1 and A-2**).
- 1.2 The Site is accessible via a local track connecting to Lam Kam Road (**Plan A-2**). According to the applicant, the applied use consists of a single-storey temporary structure with a total floor area of about 201m² and the building height of not more than 3.5m for real estate agency office use. The remaining open area is used for eight ancillary open-air parking spaces, circulation space and landscaping area. The operating hours are between 9:00 a.m. and 6:00 p.m. from Mondays to Sundays (including public holidays). The layout plan submitted by the applicant is shown in **Drawing A-1**.
- 1.3 The Site is the subject of three previous approved applications (No. A/NE-LT/615, 664 and 728) for the same use submitted by the same applicant as the current application. The last application (No. A/NE-LT/728) was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 12.8.2022. The applicant has complied with all approval conditions under the last previous application. Details of the previous applications are set out in paragraph 6 below.

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

- (a) Application Form with attachments received on 22.5.2025 (Appendix I)
- (b) Supplementary Information (SI) received on 26.5.2025 (Appendix Ia)

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form and SI at **Appendices I and Ia**, as summarised below:

- (a) the applied use is to serve the local community which requires local agency services on sales, purchases or tenting of houses or various kinds of land; and
- (b) the application is to renew an approval planning permission (No. A/NE-LT/728) for the same use. There is no change to the layout of the existing real estate agency.

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

The applicant is not the “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 (the Ordinance) (TPB PG-No. 31B) by obtaining consent from the “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34D) is relevant to the application. The relevant assessment criteria are summarised at **Appendix II**.

5. Background

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

6. Previous Applications

- 6.1 The Site is the subject of three previous applications (No. A/NE-LT/615, 664 and 728) for the same use submitted by the same applicant as the current applicant, which were approved with conditions by the Committee on 8.12.2017, 16.8.2019 and 12.8.2022 respectively mainly on the considerations that the applied use on temporary basis would not frustrate the long-term planning intention of the “AGR” zone and the technical requirements of relevant government departments could be addressed by approval conditions.
- 6.2 Compared with the last previous application No. A/NE-LT/728, the site area, general layout, development parameters, operation hours and access arrangement of the current application remain the same. All time-limited approval conditions under the last previous

application have been complied with and the planning permission is valid until 16.8.2025.

- 6.3 Details of the previous applications are summarised at **Appendix III** and their locations are shown on **Plans A-1** and **A-2**.

7. Similar Application

There is no similar application within the same “AGR” zone in the vicinity of the Site.

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

8.1 The Site is:

- (a) currently used for the applied use with valid planning permission;
- (b) partly paved and partly covered with vegetation;
- (c) bounded by a concrete wall to the north, east and south; and
- (d) accessible via a local track connecting to Lam Kam Road.

8.2 The surrounding areas are predominantly rural in character with tree clusters, farmlands and village houses. The village proper of Pak Ngau Shek is at about 100m to the northwest and Lam Kam Road is about 15m to the south of the Site. A stream connecting to Lam Tsuen River is found to the immediate east of the Site (**Plans A-2**).

9. Planning Intention

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.

10. Comments from Relevant Government Departments

All the 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 IV** and **V** respectively.

11. Public Comments Received During Statutory Publication Period

On 30.5.2025, the application was published for public inspection. During the statutory public inspection period, two comments from individuals object to the application mainly on the grounds that the applied use would generate nuisance to the surroundings (e.g. noise and safety) and has damaged the village roads during construction, and illegal occupation of private land (**Appendix VI**).

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of a planning permission for temporary shop and services (real estate agency) with ancillary car park for a further period of three years at the Site zoned “AGR” on the OZP. Whilst the applied use is not in line with the planning intention of “AGR” zone, the Director of Agriculture, Fisheries and Conservation has no adverse comment on the application from agricultural perspective. In view of the above and taking into account the planning assessment below, there is no objection to the applied use on temporary basis for a further period of three years.
- 12.2 The Site is located at the southeast of the village proper of Pak Ngau Shek and adjacent to Lam Kam Road. It is partly paved and partly covered with grass and currently used for the applied use with valid planning permission (**Plans A-3 to A-4b**). The Chief Town Planner/Urban Design and Landscape of Planning Department considers that the applied use is considered not entirely incompatible with its surrounding environment. Further significant adverse impact on the existing landscape resources arising from the applied use is not anticipated.
- 12.3 Other relevant government departments consulted, including the Commissioner for Transport, Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD), Chief Engineer/Construction of Water Supplies Department and Director of Fire Services have no objection to or no adverse comment on the application. To address the technical requirements of CE/MN, DSD, relevant approval conditions are recommended in paragraph 13.2 below. Should the application be approved, the applicant will be advised to follow the relevant mitigation measures and requirements in Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites and to meet the statutory requirements under relevant pollution control ordinances. Besides, 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.
- 12.4 The application generally complies with the TPB PG-No. 34D in that there has been no material change in planning circumstances since the approval of the last application (No. A/NE-LT/728); all the time-limited approval conditions under the last previous application have been complied with; there are no major adverse departmental comments against the renewal application; and the three-year approval period sought, which is the same timeframe as the previous approval is considered reasonable.
- 12.5 The Site is the subject of three previously approved applications for the same applied use as detailed in paragraph 6 above. The planning circumstances of the current applications are similar to those of the approved previous applications. As such, approval of the current application is in line with Committee’s previous decisions.
- 12.6 Regarding the public comments as detailed in paragraph 11 above, the government departments’ comments and planning assessments above are relevant.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments 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 3 years and be renewed from 17.8.2025 until 16.8.2028. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) the submission of a condition record of the existing drainage facilities within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 16.11.2025;
- (b) in relation to (a) above, the existing drainage facilities implemented on the site shall be maintained at all times during the planning approval period;
- (c) if the above planning condition (a) 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
- (d) if any of the above planning condition (b) 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;
- (e) 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**.

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 "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 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 the 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 22.5.2025
Appendix Ia	Supplementary Information received on 26.5.2025
Appendix II	Extract of TPB PG-No. 34D
Appendix III	Previous Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	Section 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
JULY 2025**