

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

**APPLICATION NO. A/NE-LT/728**

<b><u>Applicant</u></b>	International Property Investment Agency Limited
<b><u>Site</u></b>	Lot 431 RP (Part) in D.D. 10, Lam Kam Road, Lam Tsuen, Tai Po, New Territories
<b><u>Site Area</u></b>	About 1,427m <sup>2</sup>
<b><u>Lease</u></b>	Block Government Lease (demised for agricultural purpose)
<b><u>Plan</u></b>	Approved Lam Tsuen Outline Zoning Plan (OZP) No. S/NE-LT/11
<b><u>Zoning</u></b>	“Agriculture” (“AGR”)
<b><u>Application</u></b>	Renewal of Planning Approval for Temporary Shop and Services (Real Estate Agency) with Ancillary Car Park for a Period of 3 Years until 16.8.2025

**1. The Proposal**

- 1.1 The applicant seeks renewal of planning permission to continue using the application site (the Site) for temporary shop and services (real estate agency) with ancillary car park for a further period of three years until 16.8.2025 (**Plan A-1**). According to the 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 a temporary structure for an estate agency with a total floor area of about 201m<sup>2</sup> with a valid planning permission under Application No. A/NE-LT/664 until 16.8.2022 (**Plans A-2 and A-4**).
- 1.2 According to the applicant, the applied use consists of a single-storey temporary structure for an estate agency office, with the remaining open area used for eight ancillary open-air parking spaces for staff and visitors as well as circulation space. The daily opening hours will be from 9:00 a.m. to 6:00 p.m.. A plan showing the layout and vehicular ingress/egress of the ancillary car park is in **Drawing A-1**.

1.3 The Site is the subject of two previous applications (No. A/NE-LT/615 and 664) for the same use as the current application (details in paragraph 5 below). The current application is the same as the last approved application No. A/NE-LT/664 in terms of applied use, site area/boundary, floor area, number of structures and number of ancillary parking spaces.

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

(a) application form with attachments received on **(Appendix I)**  
14.6.2022

(b) further information (FI) received on 4.7.2022 **(Appendix Ia)**

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the attachment of the application form and FI at **Appendices I and Ia**, as summarized below:

(a) the applicant has complied with all the approval conditions as stipulated by the Board under Application No. A/NE-LT/664; and

(b) there is no change to the internal 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 (TPB PG-No. 31A) by obtaining consent from the “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

## **4. Town Planning Board Guidelines**

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

## **5. Previous Applications**

The Site is the subject of two previously approved applications (No. A/NE-LT/615 and 664) submitted by the same applicant for the same temporary use as the current application. They were approved by the Committee on 8.12.2017 and 16.8.2019 respectively mainly on the grounds that the proposed 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. However, the planning permission (No. A/NE-LT/615) was revoked on 8.12.2018 due to non-compliance with time-limited approval conditions. All approval conditions of the last application (No. A/NE-LT/664) have been complied with. Details of the applications are summarized at **Appendix III**.

**6. Similar Application**

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

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

7.1 The Site is:

- (a) partly paved and partly covered with grass;
- (b) bounded by a concrete wall to the north, east and south and occupied by the real estate agency; and
- (c) accessible via a local track connecting to Lam Kam Road.

7.2 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 and a large temporary structure which is currently vacant is located to the immediate north of the Site.

**8. 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.

**9. 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.

**10. Public Comment Received During Statutory Publication Period**

On 21.6.2022, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

## **11. Planning Considerations and Assessments**

- 11.1 The application is for renewal of planning approval for temporary shop and services (real estate agency) with ancillary car park for a period of three years at the Site zoned “AGR” on the OZP. Whilst the applied use is not entirely in line with the planning intention of “AGR” zone which is to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes, DAFC has no comment on the renewal application. It is considered that temporary approval of application would not jeopardize the long-term planning intention of the “AGR” zone.
- 11.2 The current scheme is the same as the last approved application (No. A/NE-LT/664) in terms of the applied use, site area, access arrangement and number of parking spaces. All approval conditions of the previous application have been complied with and there has been no material change in planning circumstances since the approval of the previous application.
- 11.3 The Site, situated to the southeast of the village proper of Pak Ngau Shek and adjacent to Lam Kam Road, is partly covered with grass (**Plans A-3 and A-4**). The applied use is considered not incompatible with the surrounding village setting. According to DEP, no environmental complaint in relation to the Site has been received in the past three years. Other relevant government departments consulted, including C for T, CE/MN of DSD, CE/C of WSD, H(GEO) of CEDD, CHE/NTE of HyD, DAFC, C of P and D of FS have no objection to or not adverse comment on the application.
- 11.4 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 previous applications; there are no major adverse departmental comments against the renewal application; all the time-limited approval conditions under the previous application No. A/NE-LT/664 have been complied with; and the three-year approval period sought is reasonable and of the same timeframe as the previous approval. In this regard, favourable consideration could be given to the current renewal application.
- 11.5 There is no public comment received regarding the application.

## **12. Planning Department's Views**

- 12.1 Based on the assessments made in paragraph 11, the Planning Department considers that the temporary use under application could be tolerated for a period of three 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 three years, and be renewed from 17.8.2022 until 16.8.2025. The following approval conditions and advisory clauses are also suggested for Members' reference:

### Approval Conditions

- (a) no operation between 6:00 p.m. and 9:00 a.m. from Mondays to Sundays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no medium or heavy goods vehicles exceeding 5.5 tonnes including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (c) no reversing of vehicles into or out from the site is allowed at any time during the planning approval period;
- (d) 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 16.11.2022;
- (e) in relation to (d) above, the existing drainage facilities implemented on the site shall be maintained at all times during the planning approval period;
- (f) the existing fire services installations implemented on the site shall be maintained in efficient working order at all times;
- (g) if any of the above planning conditions (a), (b), (c), (e) 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;
- (h) if the above planning condition (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; and
- (i) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

*[Conditions (a) to (c) and (i) are the same as the previous application No. A/NE-LT/664, except addition of conditions (d), (e) and (f) on drainage facilities and fire safety; and deletion on those conditions related to landscape and slope stability aspects, based on the latest comments of CE/MN of DSD, D of FS, CTP/UD&L of PlanD and H(GEO) of CEDD.]*

### Advisory Clauses

The recommended advisory clauses are attached at **Appendix V**.

12.3 There is no strong reason to recommend rejection of the renewal application.

### **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 conditions and advisory clauses, 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 and attachments received on 14.6.2022
Appendix Ia	Further Information received on 4.7.2022
Appendix II	Relevant extract of 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)
Appendix III	Previous applications
Appendix IV	Detailed comments from relevant government departments
Appendix V	Recommended advisory clauses
Drawing A-1	Layout plan submitted by the applicant
Drawing A-2	Section plan submitted by the applicant
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT  
AUGUST 2022**