

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

APPLICATION NO. A/TM-LTYT/452

- Applicant** : Roosendall International Investment Limited
- Site** : Lot 694 S.L RP in D.D. 130 and adjoining Government Land (GL), Lam Tei, Tuen Mun, New Territories
- Site Area** : About 41.01m² (including GL of about 9.7m² (about 23.7%))
- 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** : “Village Type Development” (“V”)
[Restricted to a maximum building height of 3 storeys (8.23m)]
- Application** : Renewal of Planning Approval for Temporary Office for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval to continue using the application site (the Site) for temporary office for a period of three years (**Plan A-1**). Temporary use or development of any land or buildings 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 with a valid planning permission until 26.5.2023 (**Plans A-2 to A-4**).
- 1.2 The Site is accessible via Lam Tei Main Street (**Plan A-2**). According to the applicant, there is no change to the site boundary and all parameters comparing to the previously approved application (No. A/TM-LTYT/397). There is one structure with a total floor area of 41 m² and a building height of one storey/3.8m for the applied use. The operation hours are from 8:00 a.m. to 9:00 p.m. from Mondays to Sundays including public holidays. The lot index plan, floor plan, existing fire service installations (FSIs) plan and drainage proposals are at **Drawings A-1 to A-5** respectively.
- 1.3 The Site is the subject of five previous applications approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2001 and 2020 (details at paragraph 6 below).
- 1.4 Compared with the last application (No. A/TM-LTYT/397, the current application is submitted by the same applicant for the same use at the same site

with the same development parameters and layout.

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

- (a) Application Form with attachments received on 10.3.2023 (Appendix I)
- (b) Supplementation Information (SI) received on 16.3.2023 (Appendix Ia)
- (c) Further Information (FI) received on 19.4.2023* (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 at **Appendices I to Ib**. They can be summarised as follows:

- (a) The applicant would like to continue the office use at the Site in order to serve the customers and local villagers in Lam Tei who live nearby.
- (b) The development proposal, parameters, layout and use are the same as those under previous application No. A/TM-LTTY/397.
- (c) No vehicle would be involved in the operation of the office and large pedestrian flow is not anticipated. No adverse impact in terms of traffic and pedestrian flow on the surrounding environment is envisaged.

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

The applicant is the sole “current land owner” of the Site. 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) are relevant to this application. The relevant assessment criteria are at **Appendix II**.

5. **Background**

The Site is not subject to planning enforcement action.

6. **Previous Applications**

6.1 The Site is the subject of five previous applications (No. A/TM-LTTY/73, 75, 309, 334 and 397) submitted by the same applicant for the same applied use as the current application. Details of the previous applications are summarised at

Appendix III and shown on **Plan A-1**.

- 6.2 All previous applications were approved with conditions by the Committee between 2001 to 2020 on the considerations that the proposed development would serve nearby villagers, not adversely affect the existing character of the villages, not incompatible with the surrounding uses, no adverse impact on the area and no adverse comment from relevant government departments. However, application No A/TM-LTYY/306 was revoked on 13.2.2017 due to non-compliance with approval conditions on drainage and fire safety aspects. For the last approved application No. A/TM-LTYY/397, all the time-limited approval conditions have been complied with and the planning permission is valid until 26.5.2023.

7. Similar Application

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

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

8.1 The Site is:

- (a) occupied by the applied use with valid permission under application No. A/TM-LTYY/397; and
- (b) accessible from via Lam Tei Main Street, which is a one-way street (**Plan A-2**).

8.2 The surrounding areas have the following characteristics:

- (a) Lam Tei Main Street is predominantly occupied by shops, restaurants and local stores intermixed with residential dwellings on both sides;
- (b) to the immediate south are a godown and a restaurant which are suspected unauthorized developments (UD). To the further south are village type developments and vacant land;
- (c) to its immediate east are vacant land and commercial/residential uses and a restaurant. To the further east are Lam Tei Market cum Hawker Bazaar, a public toilet and a refuse collection point;
- (d) to its immediate west are a restaurant and commercial uses. To the further west are Castle Peak Road – Lam Tei Section and some commercial uses which are suspected UD; and
- (e) to the north across Lam Tei Main Street are village type developments and to the further north is the Miu Fat Buddhist Monastery.

9. Planning Intention

The planning intention of the “V” zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and

reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House (NTEH). Other commercial, community and recreational uses may be permitted on application to the Board.

10. Comments from Relevant Government Departments

All government 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 Comment Received During the Statutory Publication Period

The application was published for public inspection on 21.3.2023. During the statutory public inspection period, no public comment was received.

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of planning approval for temporary office for a period of three years at the Site zoned “V” on the OZP. While the applied development is not entirely in line with the planning intention of the “V” zone, there is no Small House application involving the Site. The applied use could provide office use to meet any such demand in the area. Approval of the application on a temporary basis for a period of three years would not jeopardise the long-term planning intention of the “V” zone.
- 12.2 The Site is situated on Lam Tei Main Street and is mainly surrounded by shops, restaurants and local stores (**Plan A-2**). The applied use is not incompatible with the surrounding land uses.
- 12.3 The application complies with TPB PG-No. 34D in that there is no material change in planning circumstances since the granting of the previous approval under application No. A/TM-LTTY/397; adverse planning implications arising from the renewal of the planning approval are not envisaged; all the time - limited conditions under previous approval have been complied with; and the three-year approval period sought is the same as the previous approval and is considered reasonable.
- 12.4 Concerned government departments, including the Director of Environmental Protection, Commissioner for Transport, Director of Fire Services and Chief Engineer/Mainland North, Drainage Services Department have no objection to or no adverse comment on the application. Adverse environmental, traffic, fire safety and drainage impacts on the surrounding areas are not envisaged. To address the technical requirements of concerned government departments, relevant approval conditions have been recommended in paragraph 13.2 below.

Should the planning application be approved, the applicant will also be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”.

- 12.5 Five previous approvals for the same temporary office use at the Site have been granted by the Committee from 2001 to 2020. Approval of the application is in line with the Committee’s previous decisions.
- 12.6 There is no public comment received during the publication period.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12, the Planning Department considers that the temporary office could be tolerated for a further period of three years.
- 13.2 Should the Committee decide to approve the application, it is suggested that the renewal shall be valid on a temporary basis for a period of three years, and be renewed from 27.5.2023 to 26.5.2026. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) a minimum horizontal clearance of 500mm from Lam Tei Main Street shall be maintained at all time during the planning approval period to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (b) the existing drainage facilities on the Site shall be maintained at all times during the approval period;
- (c) the submission of a condition record of existing drainage facilities within **3** months from the date of commencement of the renewal planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 27.8.2023;
- (d) the existing fire service installations implemented on the Site shall be maintained in efficient working order at all times during the planning approval period;
- (e) if any of the above planning conditions (a), (b) or (d) 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 the above planning condition (c) 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.

[Approval conditions (a) to (d) are the same as the previous application No. A/TM-LTY/397, restrictions on operation hours has been removed as per Planning Department’s latest requirement.]

Advisory clauses

The recommended advisory clauses are attached 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 applied use is not in line with the planning intention of the "V" zone which is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and re-provisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. 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 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 10.3.2023
Appendix Ia	SI received on 16.3.2023
Appendix Ib	FI received on 19.4.2023
Appendix II	Relevant Extracts of TPB PG-No.34D
Appendix III	Previous Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Drawing A-1	Lot Index Plan
Drawing A-2	Layout Plan
Drawing A-3	Existing FSIs Plan
Drawings A-4 and A-5	Drainage Proposal
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos