

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TM-LTYT/466

Applicant : Kam Ho Trading Company Limited represented by Grandmax Surveyors Limited

Site : Lot 526 RP (part) in D.D. 130, Lam Tei, Tuen Mun, New Territories

Site Area : About 393.5 m²

Land Status : 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 (BH) of 3 storeys (8.23m)]

Application : Proposed Temporary Office for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary office for a period of three years at the application site (the Site) (**Plan A-1**). According to the Notes of the OZP, 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 largely vacant and deposited with miscellaneous items (**Plans A-2 to A-4**).
- 1.2 The Site is accessible via a local track leading from Ng Lau Road (**Drawing A-2 and Plan A-2**). According to the applicant, the proposed office is to serve the local villagers in Lam Tei. Plans showing the site layout and vehicular and pedestrian accesses submitted by the applicant are at **Drawings A-1 and A-2** respectively.
- 1.3 The major development parameters of the application are summarised as follows:

Site Area	About 393.5 m ²
Total Floor Area	About 190 m ²
No. of Structure	1
Height of Structure	Not more than 4 m (1 storey)
No. of Parking Spaces	2 for private car (5m x 2.5m)
Operation Hours	8:00 a.m. to 8:00 p.m. (Monday to Saturday). No operation on Sundays and public holidays

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

- (a) Application Form with attachments received on 2.11.2023 **(Appendix I)**
- (b) Further Information (FI) received on 22.11.2023* **(Appendix Ia)**
**accepted and exempted from recounting requirements*

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed at **Appendices I and Ia**. They can be summarised as follows:

- (a) the proposed use would serve the local residents in Lam Tei area;
- (b) the proposed use is temporary in nature and generally in line with the planning intention of the “V” zone;
- (c) there are similar applications approved by the Board in the vicinity of the Site (**Plan A-1**); and
- (d) no adverse traffic, environmental and landscape impacts are anticipated.

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 Ordinance (TPB PG-No. 31B) by giving notification to the current land owner. 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 Application

The Site is involved in a previous application (No. A/TM-LTY/171) for temporary public vehicle park (private cars, light/medium/heavy goods vehicles and coaches) for a period of three years approved by the Board on review in 2008, the considerations of which are not relevant to the current application. Details of the application is at **Appendix II** and its location is shown at **Plan A-1**.

6. Similar Application

There is no similar application within the subject “V” zone in the past five years.

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

7.1 The Site is:

- (a) largely vacant and deposited with some miscellaneous items (**Plan A-4**); and
- (b) accessible via a local track leading from Ng Lau Road (**Plan A-2**).

7.2 The surrounding areas have the following characteristics (Plans A-2 to A-4**):**

- (a) predominated by residential dwellings intermixed with open storage/storage yards, warehouse and office; and
- (b) the open storage/storage yards, warehouse and office in the vicinity are suspected unauthorized developments subject to planning enforcement action.

8. 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 re-provisioning 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. Other commercial, community and recreational uses may be permitted on application to the Board.

9. 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 III and IV** respectively.

10. Public Comment Received During Statutory Publication Period

On 10.11.2023, 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 proposed temporary office for a period of three years at the Site zoned “V” on the OZP. Whilst the proposed use is not entirely in line with the planning intention of the “V” zone, it could meet any such demand for office use in the area. According to the District Lands Officer/Tuen Mun, Lands Department, there is currently no Small House application approved/ under processing at the Site. Approval of the application on a temporary basis for a period of three years would not jeopardise the planning intention of the “V” zone.

- 11.2 The Site is mainly surrounded by residential dwellings, storage, warehouses and office uses (**Plan A-2**). The proposed use is generally not incompatible with the surrounding land uses.
- 11.3 Relevant government departments, including the Commissioner for Transport, Director of Environmental Protection, Chief Engineer/Mainland North, 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. To address the technical requirements of concerned government departments, relevant approval conditions are recommended in paragraph 12.2 below.

12. Planning Department's Views

- 12.1 Based on the assessment made in paragraph 11 above, the Planning Department considers that the proposed office 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 until **22.12.2026**. 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 **22.6.2024**;
- (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 **22.9.2024**;
- (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 **22.6.2024**;
- (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 **22.9.2024**;
- (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 "V" zone which is primarily intended for development of Small Houses by indigenous villagers. No strong planning justification has been given 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 2.11.2023
Appendix Ia	FI received on 22.11.2023
Appendix II	Previous Application
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Proposed Layout Plan
Drawing A-2	Vehicular Access Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2023**