

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

**APPLICATION NO. A/TM-LTYT/469**

**Applicant** : Mr. WONG Kwong Ching Philip

**Site** : Lots 804 S.B RP, 804 S.B ss.3 S.B, 804 S.B ss.3 RP and 804 S.B ss. 5 in D.D. 130, 83 Lam Tei Main Street, Lam Tei, Tuen Mun, New Territories

**Site Area** : About 270m<sup>2</sup>

**Lease** : Block Government Lease (demised for agricultural use)

**Plan** : Approved Lam Tei and Yick Yuen Outline Zoning Plan (OZP) No. S/TM-LTYT/12

**Zonings** : “Village Type Development” (“V”) (about 96.4%, 260m<sup>2</sup>)  
*[Restricted to a maximum building height (BH) of 3 storeys (8.23m)]*  
  
“Comprehensive Development Area” (“CDA”) (about 3.6%, 10m<sup>2</sup>)<sup>1</sup>  
*[Restricted to a maximum plot ratio of 2.0 and a maximum BH of 15 storeys excluding car park (45m)]*

**Application** : Temporary Shop and Services and School (Tutorial School) for a Period of 5 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary shop and services and school (tutorial school) for a period of five years at the application site (the Site) (**Plan A-1**). The Site mainly falls within an area zoned “V” (about 96.4%, 260m<sup>2</sup>). According to the Notes for “V” zone on the OZP, both ‘Shop and Services’ not on the ground floor of a New Territories Exempted House (NTEH) and ‘School’ are Column 2 uses which require planning permission from the Town Planning Board (the Board). The Site is currently occupied by a temporary structure and used for the applied uses without valid planning permission (**Plans A-4a and 4b**).
- 1.2 The Site is abutting Lam Tei Main Street to its south (**Plan A-2**). Plans showing the layout and Fire Services Installations (FSIs) proposal submitted by the applicant are at **Drawings A-1 to A-2e**.

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<sup>1</sup> Regarded as minor boundary adjustment permitted under the covering Notes of the OZP.

- 1.3 The Site is the subject of two previous applications (No. A/TM-LTYT/339 and 436) for temporary shop and services with/without tutorial school for a period of five years (**Plan A-1**) which were approved by the Rural and New Town Planning Committee (the Committee) of the Board in 2017 and 2022 respectively (details at paragraph 5 below). The current application is submitted by the same applicant of the previously approved applications for the same uses at the same site with the same layout and development parameters. The development parameters of the current application are summarised as follows:

	<b>Current application A/TM-LTYT/469</b>
Site Area	About 270 m <sup>2</sup>
Total Floor Area	About 275 m <sup>2</sup>
No. of Structure	5 for shop and services, school (tutorial school)
Height of Structure	Not more than 5m (2 storey(s))
No. of Parking Spaces	nil
Operation Hours	8:00 a.m. to 10:00 p.m., daily

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

- (a) Application Form with attachments received on 26.2.2024 (**Appendix I**)
  - (b) Further Information (FI) received on 8.4.2024\* (**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 **Appendix I**. They can be summarised as follows:

A FSI's proposal was implemented on 21.6.2023 but failed to comply with the approval condition of the previous application. Thus, a fresh s.16 planning application is submitted again for the continuous operation of the existing shop and services and tutorial school uses.

## **3. Compliance with the "Owner's Consent/Notification" Requirements**

The applicant is one of the "current land owner" and 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. 31B) by obtaining consents from the other current land owners. Detailed information would be deposited at the meeting for Members' inspection.

## **4. Background**

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

## **5. Previous Applications**

The Site is the subject of two previous applications (No. A/TM-LTYT/339 and 436) for temporary shop and services with/without school (tutorial school) for a period of five

years submitted by the same applicant which were approved by the Committee in 2017 and 2022 respectively mainly on the considerations that approval of the application on a temporary basis would not jeopardise the long-term planning intention of the “V” zone; the proposal was not incompatible with the surrounding uses; and the concerns of relevant government departments could be addressed by imposing approval conditions. However, the planning permission for application No. A/TM-LTYT/436 was revoked on 22.3.2024 due to non-compliance with approval condition on the implementation of FSI proposal. Details of the application are at **Appendix II** and the boundary of the sites is shown on **Plan A-1**.

## **6. Similar Applications**

There are two similar applications (No. A/TM-LTYT/366 and 407) for temporary shop and services use with/without public vehicle park (private cars only) in the subject “V” zone in the last five years. Both applications were approved by the Committee in 2019 and 2020 respectively on similar grounds as stated in paragraph 5 above. Details of the similar applications are summarised at **Appendix II** and the locations of the sites are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) covered with a temporary structure. Part of the temporary structure is divided into several cubicles with mezzanine floor;
- (b) currently used for the applied uses without valid planning permission; and
- (c) abutting Lam Tei Main Street to its south which is a one-way street.

7.2 The surrounding areas are rural residential in nature comprising village houses, medium-rise medium-density residential developments (namely The Sherwood and Botania Villa), temporary structures together with shops and restaurants along Lam Tei Main Street.

## **8. Planning Intention**

The planning intention of “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 an NTEH. Other commercial, community and recreational uses may be permitted on application to the Board.

## **9. Comments from Relevant Bureau/ Government Departments**

All government bureau/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 5.3.2024, 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 temporary shop and services and school (tutorial school) for a period of five years at the Site zoned “V” on the OZP. Although the applied uses are not entirely in line with the planning intention of the “V” zone, they could meet the demand for shop and services as well as school (tutorial school) in the area. As there is no Small House application approved/under processing for the Site as advised by District Lands Officer/Tuen Mun, Lands Department, approval of the application on a temporary basis of five years would not jeopardise the long-term planning intention of the area.
- 11.2 The Site is located on Lam Tei Main Street, which is predominantly occupied by village houses intermixed with shops and restaurants on both sides (**Plan A-2**). The applied uses are not incompatible with the surrounding land uses.
- 11.3 Concerned government departments, including the Commissioner for Transport, Director of Environmental Protection, Director of Fire Services (D of FS) and Chief Engineer/Mainland North of Drainage Services Department have no objection to/no adverse comment on the application from traffic, environmental, fire safety and drainage perspectives respectively. Should the application be approved, relevant approval conditions are recommended in paragraph 12.2 below to address the technical requirements of the concerned government departments and 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” to minimise potential environmental nuisances on the surrounding areas.
- 11.4 The Site is the subject of two previous applications (No. A/TM-LTYT/339 and 436) for temporary shop and services with/without school (tutorial school) which were approved by the Committee in 2017 and 2022 respectively. However, the planning permission for the last application No. A/TM-LTYT/436 was revoked due to non-compliance with approval condition on implementation of the FSIs proposal. In the current application, the applicant has submitted a FSIs proposal to support the application and the FSIs proposal is considered acceptable by D of FS. As such, sympathetic consideration may be given to the current application. The applicant will be advised that should he fail to comply with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration would unlikely be given to any further applications.
- 11.5 Given that there are two previous applications for temporary shop and services uses approved at the Site and two similar applications approved in the past five years, approval of the current application is generally in line with the Committee’s previous decisions.

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

- 12.1 Based on the assessments made in paragraph 11, the Planning Department has no objection to the application.
- 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 five years until **19.4.2029**. 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 **19.10.2024**;
- (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 **19.1.2025**;
- (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 implementation of the accepted 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 **19.1.2025**;
- (e) 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
- (f) if any of the above planning condition (a), (b) or (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.

### **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 applied use is not in line with the planning intention of the "Village Type Development" 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 such 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**

<b>Appendix I</b>	Application Form with attachments received on 26.2.2024
<b>Appendix Ia</b>	FI received on 8.4.2024
<b>Appendix II</b>	Previous and Similar Applications
<b>Appendix III</b>	Government Bureau/Departments' General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Layout Plan
<b>Drawings A-2a to A-2e</b>	Fire Service Installations Proposal
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to 4b</b>	Site Photos

**PLANNING DEPARTMENT  
APRIL 2024**