

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TM-LTYT/475

<u>Applicants</u>	:	Mr. Tang Sui Cheong and Miss Tang Shui Fun Carman
<u>Site</u>	:	Lot 694 S.L ss.1 in D.D. 130 and adjoining Government Land (GL), G/F, No. 28 Lam Tei Main Street, Tuen Mun, New Territories
<u>Site Area</u>	:	About 40.85 m ² (including GL of about 19.05 m ² (about 47%))
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Lam Tei and Yick Yuen Outline Zoning Plan (OZP) No. S/TM-LTYT/12
<u>Zoning</u>	:	“Village Type Development” (“V”) <i>[Restricted to a maximum building height (BH) of 3 storeys (8.23m)]</i>
<u>Application</u>	:	Temporary Shop and Services with Ancillary Office for a Period of 5 Years

1. The Proposal

- 1.1 The applicants seek planning permission for temporary shop and services with ancillary office for a period of five years at the application site (the Site) zoned “V” on the OZP (**Plan A-1**). According to the Notes for the “V” zone on the OZP, ‘Shop and Services’ other than on the ground floor of a New Territories Exempted House (NTEH) is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use without valid planning permission. (**Plans A-4a and 4b**).
- 1.2 The Site is abutting Lam Tei Main Street to its north (**Plan A-2**). Plans showing the layout and fire service installations (FSIs) of the Site submitted by the applicants are at **Drawings A-1 to A-3**.
- 1.3 The Site is involved in five previous applications for shop and services with/without ancillary office on permanent basis or for a period of three to five years (**Plans A-1 and A-2**) which were all approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2001 and 2019 (details at paragraph 5 below). Compared with the last application No. A/TM-LTYT/366, the current application is submitted by the same applicants for the same use at the same site with the same layout and development parameters. The development parameters of the current application are summarised as follows:

	Current application
Site Area	About 40.85 m ² (including GL of about 19.05 m ² (about 47%))
No. of Structure	1 for shop and service with ancillary office and toilet
Total Floor Area	About 32.6 m ²
Height of Structure	3.8m (1 storey)
No. of Parking Spaces	nil
Operation Hours	8:00 a.m. to 9:00 p.m., daily

1.4 In support of the application, the applicants have submitted the following documents:

- (a) Application Form with attachments received on 28.5.2024 **(Appendix I)**
- (b) Further Information (FI) received on 8.7.2024* **(Appendix Ia)**
*accepted and exempted from recounting requirements

2. Justifications from the Applicants

The justifications put forth by the applicants in support of the application are detailed at **Appendix I**. They can be summarised as follows:

- the applicants' customers are mainly local residents in Lam Tei area. The applicants wish to continue the use at the Site to serve the customers and local villagers.

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

The applicants are the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the “Owner’s Consent/Notification” requirements as set out in TPB PG-No. 31B are not applicable.

4. Background

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

5. Previous Applications

The Site is involved in five previous applications (No. A/TM-LTYYY/73, 75, 303, 328 and 366) for shop and services with/without office on permanent basis or for a period of three to five years which were all approved with conditions by the Committee between 2001 and 2019 mainly on considerations that the proposed/applied uses would not jeopardise the long-term planning intention of the “V” zone; being not incompatible with the surrounding uses; and would serve nearby villagers. However, the planning permissions for applications No. A/TM-LTYYY/303 and 328 were revoked in 2016 and 2017 respectively due to non-compliance with the approval conditions on the submissions and/or implementation of drainage and FSI proposals. For the last approved application No. A/TM-LTYYY/366, all the approval conditions have been complied with. Details of the previous applications are at **Appendix II and Plan A-1**, and the boundaries of the sites of these applications are shown on **Plan A-2**.

6. Similar Applications

There are two similar applications (No. A/TM-LTYT/436 and 469) involving the same site for temporary shop and services and school (tutorial school) for a period of five years within the subject “V” zone in the past five years. These applications were approved by the Committee in 2022 and 2024 respectively on similar grounds as stated in paragraph 5 above. However, the planning permission for application No. A/TM-LTYT/436 was revoked in 2024 due to non-compliance with the approval condition on the implementation of the FSI proposal. 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) mainly occupied by a retail shop with store room and toilet at the rear portion; and
- (b) abutting Lam Tei Main Street to its north 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 E Lu and The Sherwood), Lam Tei Market cum Hawker Bazaar, 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 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 4.6.2024, 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 with ancillary office for a period of five years at the Site zoned “V” on the OZP. Although the applied use is not entirely in line with the planning intention of the “V” zone, it can serve the needs for shop and services of the local residents in the area. As advised by District Lands Officer/Tuen Mun of Lands Department, there is no Small House application approved/under processing for the Site. 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 use is 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 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. The applicants 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 There are five previously approved applications for shop and services use and two similar applications approved in the past five years. Approval of the current application at the Site is 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 **19.7.2029**. 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 **19.1.2025**;
- (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 **19.4.2025**;
- (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 submission of a revised 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 **19.1.2025**;
- (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 **19.4.2025**;
- (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 There is no strong reason to recommend rejection of the 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 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 applicants.

14. Attachments

Appendix I	Application Form with attachments received on 28.5.2024
Appendix Ia	FI received on 8.7.2024
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Layout Plan
Drawings A-2a and A-2b	Section Plans
Drawing A-3	Fire Service Installations Proposal
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to 4b	Site Photos

**PLANNING DEPARTMENT
JULY 2024**