

Planning Statement

(Revised on 3.1.2024)

Introduction

1. This Planning Statement is submitted to the Town Planning Board (“the Board”) on behalf of Mr. TSANG Hin Keung (“the Applicant”) in support of the planning application for a temporary restaurant for a period of 3 years (“the Development”) at Lot Nos. 1637 R. P., 1649 S.A (G/F) and 1649 R. P. (G/F) in D. D. 106, Kam Sheung Road, Yuen Long, New Territories (“the Site”) under Section 16 of the Town Planning Ordinance.

Application Site

2. The Site comprises Lot Nos. 1637 R. P., 1649 S.A (G/F) and 1649 R. P. (G/F) in D. D. 106, Yuen Long, New Territories. The Site is accessible from Kam Sheung Road via the ingress to the northwest (**Plans 1 and 2**).
3. The site area is about 1,400 m². No Government Land is involved.
4. The hard-paving on the Site had been in existence before the incorporation of land filling restriction to the “AGR” zone on the Draft Kam Tin South OZP No. S/YL-KTS/8 on 1.4.2005.
5. Two New Territories Exempted Houses (“NTEHs”) were erected at Lot Nos. 1649 S.A and 1649 R. P. respectively. The ground floor of the NTEHs and the adjoining area within the Site are currently used for the applied use.
6. The applied use is operating with a General Restaurant Licence No. 22 94 001099 issued by the Food and Environmental Hygiene Department.

Planning Context

7. The Site falls within an area zoned “Agriculture” (“AGR”) on the Approved Kam Tin South Outline Zoning Plan (the “OZP”) No. S/YL-KTS/15.
8. 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. According to the Notes of the OZP, although ‘Restaurant’ is neither a Column 1 nor 2 use within the “AGR” zone, temporary use or development of any land or building not exceeding a period of 3 years requires planning permission from the Board notwithstanding that the use or development is not provided for in terms of the OZP.

10. Provided that the structures of the Development are temporary in nature, approval of the Application on a temporary basis for a period of 3 years would not frustrate the long-term planning intention of the “AGR” zone.

Development Parameters

11. The following table summarises the details of the structures on site (**Plan 3**):

No.	Uses	Floor Area (ab.) (m ²)	Covered Area (ab.) (m ²)	Height (ab.) (m)	No. of Storey
1	Open shed (seating area)	72.39	72.39	2.7	1
2	Open shed (storage)	110.70	110.70		
3	Open shed (seating area)	81.46	81.46		
4	Restaurant (G/F of an NTEH)	65.03	65.03	2.4	
5	Kitchen (G/F of an NTEH)	46.40	46.40		
6	Open shed (corridor)	33.20	33.20	2.7	
Total		<u>409.18</u>	<u>409.18</u>		
		Plot Ratio	Site Coverage		
		0.29	29%		

12. The restaurant and kitchen are accommodated on the G/F of two NTEHs in the eastern portion of the Site. Outside seating area is also provided in area adjoining the restaurant.
13. 8 nos. of parking space for private cars are provided within the Site for staff and customer use. 1 no. of loading/unloading (“L/UL”) space for light goods vehicles (“LGV”) is provided for operational need. Sufficient space is provided for vehicle manoeuvring (**Plan 4**).
14. Operation hours are from 9 a.m. to 11 p.m. daily (including Sundays and public holidays).
15. No vegetation clearance and tree felling will be carried out at the Site.

Previous Applications

16. The Site is the subject of 5 previous applications approved by the Rural and New Town Planning Committee (“the Committee”) between 2006 and 2017:

Application No.	Applied Use	Date of Approval
A/YL-KTS/368	Temporary Restaurant for a Period of 3 Years	7.4.2006
A/YL-KTS/415	Temporary Restaurant for a Period of 3 Years	7.3.2008
A/YL-KTS/533	Temporary Restaurant for a Period of 3 Years	15.4.2011

Application No.	Applied Use	Date of Approval
A/YL-KTS/634	Temporary Restaurant for a Period of 3 Years	4.4.2014
A/YL-KTS/738	Temporary Restaurant for a Period of 3 Years	23.6.2017

17. The previous applications were approved by the Committee mainly on considerations that the development would not have significant impact on the rural character of the area; the provision of catering services to serve local residents, workers and visitors; and there were previous approvals for the applied use.
18. Compared with the last approval no. A/YL-KTS/738, the layout and development parameters of the application remain similar. The planning context of the adjacent areas has not been significantly altered since the last approval.
19. The Applicant complied with most of the approval conditions under the last approval no. A/YL-KTS/738, including the submission of a condition record of the existing drainage facilities on the Site and the submission of a fire service installations (FSI) proposal.
20. The Applicant complied with the approval condition in relation to the implementation of the FSI proposal under previous approval no. A/YL-KTS/634. Given that the Applicant has already complied with all submission-related approval conditions, the remaining implementation-related approval condition in relation to the FSI proposal will be complied shortly upon receiving the planning approval from the Board.

Similar Applications Approved Within or Straddling the “AGR” Zone on the OZP

21. With reference to the Definition of Terms promulgate by the Board, ‘Restaurant’ is a subsumed use term under the broad use term of ‘Eating Place’.
22. There are 2 similar applications approved by the Committee within or straddling the “AGR” zone on the OZP in the past 5 years:

Application No.	Applied Use	Date of Approval
A/YL-KTS/964	Proposed Temporary Eating Place with Ancillary Facilities for a Period of 3 Years and Filling of Land	14.7.2023
A/YL-KTS/975	Proposed Temporary Eating Place with Ancillary Facilities for a Period of 3 Years and Filling of Land	27.10.2023

23. The similar applications were approved by the Committee on considerations that the development was not incompatible with surrounding uses; no adverse comments from relevant departments; potential adverse impacts could be addressed through approval conditions; and would not frustrate the long-term planning intention of the “AGR” zone.

24. Given that the planning context of the adjacent areas has not been significantly altered, it is considered that the planning circumstances of the application are relevant to the similar approved applications.

No Adverse Impacts to the Surroundings

Visual and Landscape

25. The Development involves G/F of NTEHs and the erection of single-storey temporary structures. It is considered not incompatible with surrounding land uses comprising private residential development, temporary residential structures, plant nursery and vacant land.
26. No vegetation clearance and tree felling will be carried out at the Site. As such, adverse visual and landscape impacts to the surrounding areas should not be anticipated.

Traffic

27. The daily trip attraction and generation rates are as follows:

Trip Generation		Trip Attraction	
Private Car	LGV	Private Car	LGV
12	2	12	2

28. A vehicular access (6.3 m in width) is provided to the west of the Site. A L/UL space for LGV and 8 parking space for private cars are provided within the Site for staff/customer use and daily operation of the Development. Sufficient space is allowed for vehicle manoeuvring within, entering and leaving the Site (**Plan 4**). No parking, reversing or turning of vehicles on public road is expected.
29. The provision of 8 parking spaces for private cars is necessary to cope with the influx of customers during evening peak hours (i.e. 8 p.m. to 10 p.m.), which serve to prevent illegal parking along Kam Sheung Road. During non-peak hours, the trip attraction and generation rates are generally low, given that customers are limited and they mainly travel by public transport.
30. The Development does not incur any additional traffic to Kam Sheung Road during the morning peak hours (i.e. 7 a.m. to 9 a.m.), which is beyond its operation hours.
31. In view of the low trip attraction and generation rates, adverse traffic impacts arising from the Development to the adjacent area and road network are not expected.
32. The Development is accessible by public transport services. The walking time to the nearest franchised bus stop (Tung Pin Road Pat Heung) is about 1 minute (**Plan 5**).

Environment

33. The Applicant will follow the measures as set out in the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department in order to minimise any possible environmental nuisances, and to comply with all environmental protection/pollution control ordinances.
34. No public announcement systems, whistle blowing or portable loudspeaker will be allowed within the Site. Potential adverse noise impacts to the surrounding areas are not anticipated.

Drainage

35. The drainage works (**Plan 6**) were completed to the satisfaction of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) under previous application no. A/YL-KTS/415 (**Annex 1a**).
36. The existing drainage facilities have been maintained in good conditions throughout the approval period of previous application nos. A/YL-KTS/415, 533, 634 & 738. The condition record of the existing drainage facilities on site was accepted by CE/MN, DSD on 12.1.2018 (**Annex 1b**).

Fire Safety

37. The FSI proposal (**Plan 7**) was accepted by the Director of Fire Services (D of FS) under last approval no. A/YL-KTS/738 (**Annex 2a**). However, the subsequent implementation of the FSI proposal was not accepted by D of FS before the expiry of the compliance date (**Annex 2b**). Upon receiving the planning approval, the Applicant undertakes to implement the FSI proposal shortly.

Planning Gain

38. The Development provides job opportunities and satisfy residents' demand for catering services in the vicinity.

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