

Planning Statement

Introduction

1. This Planning Statement is submitted to the Town Planning Board (“the Board”) on behalf of Mr. TANG Chi Hok (“the Applicant”) in support of the planning application for ‘Temporary Eating Place (Restaurant with Ancillary Outside Seating Accommodation)’ for a period of 5 years (“the Development”) at Lot Nos. 1355 RP and 1356 RP (Part) in D.D. 121, Tong Yan San Tsuen, Yuen Long, New Territories (“the Site”) under Section 16 of the Town Planning Ordinance.

Application Site (Plans 1 and 2)

2. The Site comprises Lot Nos. 1355 RP and 1356 RP (Part) in D.D. 121, Tong Yan San Tsuen, Yuen Long, New Territories. The Site is accessible from Castle Peak Road – Ping Shan via Tong Yan San Tsuen Road leading to the ingress to its west.
3. The site area is about 2,212 m². No Government Land is involved.
4. The Site is at the location of the former Wai Kwan Primary School which had existed before the first publication in the Gazette of the Draft Tong Yan San Tsuen Development Permission Area Plan No. DPA/YL-TYST/1 on 18.6.1993 and the school was closed in 2007. Since 2014, the Site has been utilized as eating place.

Planning Context

5. The Site falls within an area zoned “Residential (Group B)1” (“R(B)1”) on the Approved Tong Yan San Tsuen Outline Zoning Plan (the “OZP”) No. S/YL-TYST/14.
6. The planning intention of the “R(B)” zone is primarily intended for sub-urban medium-density residential developments in rural areas where commercial uses serving the residential neighbourhood may be permitted on application to the Town Planning Board.
7. According to the Notes of the OZP, ‘Eating Place’ use is a Column 2 use within the “R(B)” zone on the OZP requiring planning permission from the Board.
8. Provided that the structures of the Development are temporary in nature, approval of the application on a temporary basis for a period of 5 years would not frustrate the long-term planning intention of the “R(B)1” zone.

Development Parameters

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

No.	Use	Floor Area (ab.) (m²)	Covered Area (ab.) (m²)	Height (ab.) (m)	No. of Storey
1	Sitting area and Food Preparation Area	200	200	4.5	1
1a	Canopy	50	50	4.5	
2	Kitchen	51	45 (partially under 3a)	4.5	
2a	Canopy	25	23 (partially under 3a)	4.5	
3	Sitting area and Food Preparation Area	200	200	5	
3a	Canopy	*106	133	5	
4	Storeroom	14	(under 3a)	4.5	
4a	Canopy	13	8 (partially under 3a)	4.5	
5	Storeroom	13	13	4.5	
6	Storeroom	14	14	4.5	
7	F.S. Water Tank and Ancillary Facilities	56	56	4.5	
8	Toilet	32	32	4.5	
9	Storeroom	80	80	4.5	
10	Storeroom	19	19	4.5	
11	Outdoor Sitting Area	152	152	4.5	
Total		<u>1,025</u>	<u>1,025</u>		
* Excluded the overlapped GFA of Structures 2, 2a, 4 & 4a.		Plot Ratio	Site Coverage		
		0.46	46.3%		

10. The Development provides an alternative option of eating place for residents in the vicinity.
11. Operation hours are from 12 p.m. to 11 p.m. daily (including Sundays and public holidays).
12. The Site is accessible from Castle Peak Road – Ping Shan via Tong Yan San Tsuen Road leading to the ingress to its west. 7 nos. of parking space for private cars and 2 nos. of parking space for light goods vehicles (LGV) are provided at the Site for the daily operation of the Development. Sufficient space is allowed for vehicle manoeuvring within, entering and leaving the Site (**Plan 4**).

Previous Applications

13. The Site is the subject of 7 previous applications for proposed extension of school building or temporary eating place uses, which were all approved by the Rural and New Town Planning Committee (“the Committee”) between 2002 and 2022:

Application No.	Applied Use	Date of Approval
A/YL-TYST/161	Proposed Extension of School Building	1.3.2002

A/YL-TYST/674	Proposed Eating Place with Ancillary Parking Spaces	25.4.2014
A/YL-TYST/740	Proposed Temporary Eating Place with Ancillary Parking Spaces for a Period of 3 Years	3.7.2015
A/YL-TYST/789	Temporary Eating Place with Ancillary Parking Spaces for a Period of 3 Years	3.2.2017
A/YL-TYST/878	Temporary Eating Place with Ancillary Parking Spaces for a Period of 3 Years	2.3.2018
A/YL-TYST/961	Temporary Eating Place and Outside Seating accommodation of Restaurant for a Period of 3 Years	17.5.2019
A/YL-TYST/1168	Temporary Eating Place (Restaurant with Ancillary Outside Seating Accommodation) for a Period of 3 Years	12.8.2022

14. The previous applications were approved mainly on considerations that the development would not frustrate the long-term planning intention of the “R(B)1” zone; not incompatible with the surrounding land uses; and no adverse departmental comments or the concerns could be addressed by relevant approval conditions.
15. Given that the planning context of the adjacent areas has not been significantly altered, it is considered that the planning circumstances of the current application are relevant to the previously approved applications.

Similar Applications

16. There are 2 similar applications approved by the Committee within the same “R(B)” zone in the vicinity of the Site in the past 3 years:

Application No.	Applied Use	Date of Approval
A/YL-TYST/1189	Temporary Eating Place for a Period of 3 Years	23.12.2022
A/YL-TYST/1283	Temporary Eating Place for a Period of 3 Years	4.10.2024

17. The similar applications were approved by the Committee between 2022 and 2024 on considerations that temporary approval would not frustrate the long-term planning intention of the “R(B)” zone; not incompatible with surrounding land uses; and no adverse departmental comments or the concerns could be addressed by relevant approval conditions.
18. Given that the planning context of the adjacent areas has not been significantly altered, it is considered that the planning circumstances of the current application are relevant to the similar approved applications.

No Adverse Impacts to the Surroundings

Visual and Landscape

19. The Development involves the erection of temporary structures. The applied use is considered not incompatible with surrounding land uses intermixed with social welfare facility, shop and services, parking of vehicles and residential structures.
20. No vegetation clearance and tree felling will be carried out at the Site. As such, adverse visual and landscape impacts to the surrounding areas are not anticipated.

Drainage

21. The applicant would maintain the same drainage facilities as those implemented under the previous planning application No. A/YL-TYST/961.

Fire Safety

22. The Applicant will submit a layout plan incorporated with the proposed fire service installations (FSI) after the planning approval has been granted from the Board. The Applicant will proceed to implement the FSI proposal at the Site once it is accepted by the Director of Fire Services.

Traffic

23. The trip attraction and generation rates are expected as follows:

Trip Generation		Trip Attraction	
Private Car	LGV	Private Car	LGV
13	2	13	2

24. In view of the low trip attraction and generation rates, it is expected that the Development should not cause adverse traffic impacts to the adjacent areas and road network.
25. The Site is accessible from Castle Peak Road – Ping Shan via Tong Yan San Tsuen Road leading to the ingress to its west. 7 nos. of parking space for private cars and 2 nos. of parking space for LGV are provided at the Site for the 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.
26. The provision of 7 parking spaces for private cars is necessary to cope with the influx of customers during evening peak hours (i.e. 7 p.m. to 10 p.m.). 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.
27. The Development is accessible by public transport services. The walking time to the nearest green minibus stop (Ma Fung Ling Road) is about 1 minute (**Plan 5**).

Environment

28. The Applicant undertakes to 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.
29. 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.

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