

RNTPC Paper No. A/YL-PS/752
For Consideration by
the Rural and New Town
Planning Committee
on 6.6.2025

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PS/752

- Applicant** : Capital Time Development Limited represented by KTA Planning Limited
- Site** : Lots 73 (Part) and 74 (Part) in D.D. 122, Ping Shan, Yuen Long,
- Site Area** : About 137m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : ~~Draft~~**Approved** Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/~~4920~~
- Zoning** : “Village Type Development” (“V”)
[Restricted to a maximum building height of 3 storeys (8.23 m)]
- Application** : Proposed Temporary Eating Place with Ancillary Storage of Kitchenware for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary eating place with ancillary storage of kitchenware for a period of three years at the application site (the Site) zoned “V” on the OZP (**Plan A-1a**). According to the Notes of the OZP for “V” zone, ‘Eating Place’, except 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 hard-paved and vacant (**Plan A-4**).
- 1.2 The Site, comprise of southern and northern portions, is accessible from Yung Yuen Road via a local track (**Drawing A-2, Plans A-2 and A-3**). According to the applicant, the proposed use forms part of a proposed restaurant on the ground floor of three adjoining NTEHs¹. Two single-storey structures of about 3m in height will be erected each in the southern and northern portions. The southern portion, with an area of about 110 m², is for dining area of the proposed restaurant providing around 12 tables and accommodating a maximum of 36 patrons. The northern portion, with an area of about 27m², is for storage of

¹ According to the Notes of the OZP for “V” zone, ‘Eating Place’ is always permitted on the ground floor of a NTEH.

refrigerator and cooking wares within cabinet. No parking facilities will be provided within the Site and visitors could make use of the adjoining public vehicle park² to the east and south. The operation hours will be from 8 a.m. to 8 p.m. daily. The layout plan and location plan with access submitted by the applicant are at **Drawings A-1 to A-2** respectively.

1.3 In support of the application, the applicant submitted the following documents:

- (a) Application Form received on 15.4.2025 (Appendix I)
- (b) Supplementary Planning Statement (SPS) (Appendix Ia)
- (c) Further Information (FI) received on 27.5.2025 (Appendix Ib)
(exempted from publishing and recounting requirements)

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Application Form, SPS and FI at **Appendices I to Ib**. They can be summarised as follows:

- (a) The proposed use is in line with the planning intention of the “V” zone and can meet the demand for eating place from local residents, workers and visitors of the nearby mountain bike training ground.
- (b) The proposed use is temporary in nature and compatible with the surrounding land uses.
- (c) The proposed use conforms to the Town Planning Board Guidelines for Application for Eating Place Within “Village Type Development” Zone in Rural Areas (TPB PG-No. 15A).
- (d) Similar applications within the same “V” zone have been approved by the Board.
- (e) No significant adverse traffic, drainage and environmental 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 Town Planning Ordinance (TPB PG-No. 31B) by posting site notice and sending registered mail to Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

² The adjoining public vehicle park is covered with a valid planning permission under application No. A/YL-PS/703.

4. **Background**

The Site is not subject to any planning enforcement action.

5. **Town Planning Board Guidelines**

The TPB PG-No. 15A for ‘Application for Eating Place within “Village Type Development” Zone in Rural Areas under section 16 of the Town Planning Ordinance’ is relevant to the application. The relevant planning criteria are summarised in **Appendix II**.

6. **Previous Applications**

The Site was, in part or in whole, involved in five previous applications for temporary parking for various types of vehicles with/without other uses. One application (No. A/YL-PS/216) was approved by the Committee in 2005 while the remaining four applications (No. A/YL-PS/90, 119, 151 and 240) were rejected by the Committee / upon review by the Board between 2001 to 2006. The considerations of these applications are not relevant to current application which involves a different use. Details of the previous applications are shown in **Appendix III** and their locations are shown on **Plan A-1b**.

7. **Similar Applications**

There are three similar applications within the same “V” zone for temporary eating place (outdoor seating accommodation of a restaurant) with/without ancillary storage in the past five years. All three applications were approved by the Committee mainly on considerations that the applied use would not frustrate the long-term planning intention of the “V” zone; the applied use was not incompatible with the surrounding uses; no adverse comments from relevant government departments; and the applied use was in line with TPB PG-No. 15A. Details of the previous applications are shown in **Appendix IV** and their locations are shown on **Plan A-1a**.

8. **The Site and Its Surrounding Areas (Plans A-1a to A-4)**

8.1 The Site is:

- (a) hard-paved and vacant, and adjoining four NTEHs; and
- (b) accessible via Yung Yuen Road via a local track (**Plans A-2 and A-3**).

8.2 The surrounding areas comprises predominantly residential dwellings of Ha Mei San Tsuen, car parks, storage/open storage yards, shop and services, and eating place intermixed with vacant land, unused land and temporary structures. Some of these uses are covered by valid planning permissions while some other uses are suspected unauthorized development (UD) subject to planning

enforcement action.

9. Planning Intention

The planning intention of “V” zone is to reflect existing recognised 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 (SHs) 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 NTEH. Other commercial, community and recreational uses may be permitted on application to the Board.

10. Comments from Relevant Government Departments

10.1 Apart from the government department as set out in paragraph 10.2 below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments are provided in **Appendices V and VI** respectively.

10.2 The following government department objects to the application:

Land Administration

10.2.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) objects to the application;
- (b) the Site comprises Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government;
- (c) the following irregularities not covered by the current application have been detected by his office:

Unauthorized structure(s) within the subject private lot(s) not covered by the planning application

- (i) there are unauthorized structure(s) within the private lot not covered by the current planning application. The lot owner(s) should immediately rectify or apply for regularisation on the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice;

- (ii) the lot owner(s)/ applicant shall either (i) remove the unauthorized structure(s) not covered by the subject planning application immediately; or (ii) include the unauthorized structure(s) in the subject planning application for the further consideration by the relevant departments and, subject to the approval of the Board to the planning application which shall have reflected the rectification or amendment as aforesaid required, apply to his office for a Short Term Waiver (STW) to permit the structure(s) erected. The application for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The STW, if approved, will be subject to such terms and conditions, including the payment of waiver fee and administrative fee as considered appropriate by LandsD. In addition, LandsD reserves the right to take enforcement action against the lot owner(s)/applicant for any breach of the lease conditions, including the breach(es) already in existence or to be detected at any point of time in future; and
- (iii) unless and until the unauthorized structure(s) are duly rectified by the the lot owner(s)/applicant or entirely included in the current planning application, his office objects to the application which must be brought to the attention of the Board when it considers the application;
- (d) there is no SH application approved or under processing within the Site; and
- (e) the applicant should note his advisory comments at **Appendix VI**.

11. Public Comment Received During the Statutory Publication Period

On 25.4.2025, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

12. Planning Considerations and Assessments

- 12.1 The application is for proposed temporary eating place with ancillary storage of kitchenware for a period of three years at the Site zoned “V” on the OZP. The proposed use at the Site would form part of a proposed restaurant on the ground floor of three adjoining NTEHs which is always permitted within the “V” zone. While the proposed use is not entirely in line with the planning intention of the “V” zone, it could meet any such demand for eating place in the area. According to the DLO/YL, LandsD, there is no SH application approved or under processing at the Site. Approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention

of the “V” zone.

- 12.2 The Site is mainly surrounded by residential dwellings of Ha Mei San Tsuen, car parks, storage/open storage yards, shop and services, and eating place intermixed with vacant land, unused land and temporary structures (**Plan A-2**). The proposed use is considered not incompatible with the surrounding land uses.
- 12.3 The application is generally in line with the TPB PG-No. 15A in that the Site is located at the south-east fringe of Ha Mei San Tsuen is accessible via Yung Yuen Road. The proposed use would not have any adverse impacts to the surrounding areas, and the size and location of the Site would not adversely affect the land availability for village type development. Relevant government departments consulted including the Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department, Director of Environmental Protection, Director of Food and Environmental Hygiene and Director of Fire Services have no objection to/no adverse comment on the application from traffic, drainage, environmental, environmental hygiene and fire safety perspectives respectively. Relevant approval conditions are recommended in paragraph 13.2 below to address the technical requirements of concerned government departments. Should the planning application be approved, 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” in order to minimise possible environmental nuisance on the surrounding areas..
- 12.4 As for DLO/YL, LandsD’s concerns on the unauthorized structure(s) and outside the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 12.5 The Committee has approved three similar applications within the same “V” zone in the past five years. Approval of the application is in line with the previous decisions of the Committee.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 above, the Planning Department has no objection to the application.
- 13.2 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 **6.6.2028**. 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 the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **6.12.2025**;

- (b) in relation to (a) above, the implementation of the drainage proposal within **9** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **6.3.2026**;
- (c) in relation to (b) above, the implemented drainage facilities 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 the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **6.12.2025**;
- (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 **6.3.2026**;
- (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 attached at **Appendix VI**.

- 13.3 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 for development of Small Houses by indigenous villagers. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 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.

- 14.3 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.

15. Attachments

Appendix I	Application Form received on 15.4.2025
Appendix Ia	SPS
Appendix Ib	FI received on 27.5.2025
Appendix II	Extract of the TPB PG-No. 15A
Appendix III	Previous Applications
Appendix IV	Similar Applications
Appendix V	Government Departments' General Comments
Appendix VI	Recommended Advisory Clauses
Drawing A-1	Layout Plan
Drawing A-2	Location Plan with Access
Plan A-1a	Location Plan
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JUNE 2025**