

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1341

<u>Applicant</u>	:	Mr. TANG Chi Hok represented by Goldrich Planners and Surveyors Limited
<u>Site</u>	:	Lots 1355 RP and 1356 RP (Part) in D.D. 121, Tong Yan San Tsuen, Yuen Long
<u>Site Area</u>	:	2,212 m ² (about)
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/14
<u>Zoning</u>	:	“Residential (Group B)1” (“R(B)1”) <i>[Restricted to a maximum plot ratio of 1, a maximum site coverage of 40% and a maximum building height of 4 storeys over single-storey car park (15m)]</i>
<u>Application</u>	:	Temporary Eating Place (Restaurant with Ancillary Outside Seating Accommodation) for a Period of 5 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary eating place (restaurant with ancillary outside seating accommodation (OSA)) for a period of five years at the application site (the Site) zoned “R(B)1” on the OZP (**Plan A-1a**). According to the Notes of the OZP for the “R(B)” zone, ‘Eating Place’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site was formerly occupied by a primary school (i.e. Wai Kwan Primary School) which ceased operation in 2007. The Site is currently occupied by the applied use without valid planning permission (**Plans A-2 to A-4b**).
- 1.2 The Site with the ingress/egress at the northwestern part is accessible from Tong Yan San Tsuen Road (**Plans A-2 and A-3**). According to the applicant, 15 single-storey structures (not exceeding 4.5m to 5m in height) with a total floor area of about 1,025m² are provided for sitting areas, food preparation areas, kitchen, canopies, storerooms, toilet, water tank and ancillary facilities uses. The OSA is about 152m² (i.e. about 6.9% of the site area). No vegetation clearance and tree felling will be carried out at the Site and no public announcement systems, whistle blowing or portable loudspeaker will be allowed within the Site. Plans showing the

vehicular access leading to the Site, site layout and run-in/out proposal submitted by the applicant are at **Drawings A-1 to A-3** respectively.

- 1.3 The Site was involved in six previous applications for eating place use which were all approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2014 and 2022 (details at paragraph 5 below). Compared with the last approved application (No. A/YL-TYST/1168), the current application is submitted by a different applicant covering a larger site with different layout and development parameters. A comparison of the major development parameters of the current application and the last approved application is summarised as follows:

Major Development Parameters	Last Approved Application No. A/YL-TYST/1168 (a)	Current Application No. A/YL-TYST/1341 (b)	Difference (b)-(a)
Applied Use(s)	Temporary Eating Place (Restaurant with Ancillary OSA) for a Period of 3 Years	Temporary Eating Place (Restaurant with Ancillary OSA) for a Period of 5 Years	Longer application period
Site Area	About 2,175 m ²	About 2,212 m ²	+37m ² - (+1.7%)
Total Floor Area (Non-domestic)	About 860 m ²	About 1,025 m ²	+165m ² - (+19.2%)
No. and Height of Structures	10 • for sitting areas, food preparation rooms, kitchen, storerooms, toilets, water tanks and ancillary facilities (4.5m, 1 storey)	15 • for sitting areas, food preparation areas, kitchen, canopies, storerooms, toilet, water tank and ancillary facilities (4.5 – 5m, 1 storey)	+5 and change in height of structures
No. of Parking Spaces	10 (for private cars) (5 m x 2.5 m each)	7 (for private cars) (5 m x 2.5 m each) 2 (for light goods vehicles) (7 m x 3.5 m each)	-1
No. of Loading/ Unloading Space	Nil		---
Operation Hours	12:00 p.m. to 11:00 p.m. daily		---

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

- (a) Application Form with attachments received on 13.11.2025 (**Appendix I**)
- (b) Further Information (FI) received on 30.12.2025* (**Appendix Ia**)
- (c) FI received on 2.1.2026* (**Appendix Ib**)
* *accepted and exempted from publication 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 and FIs (**Appendices I to Ib**). They can be summarised as follows:

- (a) the Site was formerly occupied by Wai Kwan Primary School which ceased operation in 2007. The Site has been the subject of previous planning permissions for eating place use since 2014;
- (b) the applied use is not incompatible with the surrounding land uses and it provides an alternative option of eating place for nearby residents;
- (c) the temporary use would not jeopardise the long-term planning intention of the “R(B)1” zone and two similar applications for temporary eating place use have been approved by the Board in the vicinity of the Site in the past three years;
- (d) the applicant pledges to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (“CoP”); and
- (e) there will be no adverse traffic, visual, landscape, environmental, noise, drainage and fire safety impacts arising from the applied use.

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 publishing notices in local newspapers and sending notice to the Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

- 4.1 According to the Planning Department’s latest Vacant School Premises Sites Reviewed under the Central Clearing House Mechanism (the VSP Review), the Site falls partly within the boundary of the former Wai Kwan Primary School and is recommended for residential use in the long term.
- 4.2 The eating place use on the Site is a suspected unauthorized development (UD) which would be subject to planning enforcement action.

5. Previous Applications

- 5.1 The Site was involved in seven previous applications, including six applications (No. A/YL-TYST/674, 740, 789, 878, 961 and 1168) for eating place with various ancillary uses. The remaining application (No. A/YL-TYST/161) was for proposed extension of school building (i.e. the former Wai Kwan Primary School), and its considerations are not relevant to the current application which involves a different

use. Details of the previous applications are summarised in **Appendix II** and the boundaries of the sites are shown on **Plan A-1b**.

- 5.2 Applications No. A/YL-TYST/674, 740, 789, 878, 961 and ~~1268~~**1168** were all approved with conditions by the Committee each for a period of three years between 2014 and 2022, mainly on the considerations that the proposal was not incompatible with the surrounding areas; approval of the application on a temporary basis would not frustrate the long-term development of the area; and the concerns of relevant government departments could be addressed by implementation of approval conditions. However, the planning permissions for four of them were subsequently revoked in 2014, 2015, 2017 and 2024 respectively due to non-compliance with time-limited approval conditions. The planning permission of the last application (No. A/YL-TYST/1168), which was submitted by a different applicant, was revoked on 12.2.2024 due to non-compliance with approval conditions regarding the submission and/or implementation of a condition record of the existing drainage facilities on site, a revised run-in/out proposal and fire service installations proposal.

6. Similar Application

There is no similar application within/straddling the subject “R(B)1” zone in the past five years.

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

7.1 The Site is:

- (a) accessible from Tong Yan San Tsuen Road (**Plans A-2 and A-3**); and
- (b) currently occupied by the applied use without valid planning permission (**Plans A-2 to A-4b**).

7.2 The surrounding areas comprise predominantly residential structures/developments (including Evergreen Place and Ping Hong Villa) intermixed with scattered warehouses, open storage/storage yards, petrol filling stations, a social welfare facility, carpark, workshop, playground, sitting-out area, electricity substation, stores and unused land (**Plans A-2 and A-3**).

8. Planning Intention

The planning intention of the “R(B)” zone is primarily for sub-urban medium-density residential developments in rural areas where commercial uses serving the residential neighbourhood 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 are provided in **Appendices III** and **IV** respectively.

10. Public Comment Received During the Statutory Publication Period

On 21.11.2025, the application was published for public inspection. During the statutory public inspection period, a public comment was received from an individual raising concerns that the planning permission of the last application (No. A/YL-TYST/1168) was revoked in 2024 due to non-compliance with approval conditions related to fire safety and drainage aspects and the current application should only be approved for a period of one year instead of five years to ensure timely implementation of the approval conditions (**Appendix V**).

11. Planning Considerations and Assessments

- 11.1 The application is for temporary eating place (restaurant with ancillary OSA) for a period of five years at the Site zoned “R(B)1” on the OZP. Although the applied use is not entirely in line with the planning intention of “R(B)” zone, it could serve any such demand for eating place in the area. According to the latest VSP Review, the former Wai Kwan Primary School at the Site is recommended for residential use in the long term. Nevertheless, there is no known development programme or proposal for residential development at the Site for the time being. Approval of the application on a temporary basis for a period of five years would not jeopardise the long-term development of the area.
- 11.2 The surrounding areas comprise predominantly residential structures/developments intermixed with scattered warehouses, open storage/storage yards, petrol filling stations, a social welfare facility, carpark, workshop, playground, sitting-out area, electricity substation, stores and unused land (**Plans A-2 and A-3**). The applied use is generally not incompatible with the surrounding land uses.
- 11.3 Concerned government departments consulted, including the Commissioner for Transport, Director of Environmental Protection, Director of Food and Environmental Hygiene, Director of Fire Services and Chief Engineer/Mainland North of Drainage Services Department have no objection to or no adverse comment on the application from traffic, environmental, hygiene, fire safety and drainage aspects respectively. Furthermore, relevant approval conditions are recommended in paragraph 12.2 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 “CoP” to minimise potential environmental nuisance on the surrounding areas.
- 11.4 Given that six previous approvals for eating place use have been granted to the Site between 2014 and 2022, approval of the current application is in line with the previous decisions of the Committee.
- 11.5 Regarding the public comment as summarised in paragraph 10 above, the planning considerations and assessments in paragraphs 11.1 to 11.4 above are relevant. Regarding the concerns that the Site is the subject of previous revocation due to non-compliance with approval conditions, the current application is submitted by a different applicant covering a larger site with different site layout and development parameters compared with the previous application.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comment mentioned in paragraph 10 above, PlanD 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 9.1.2031. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (b) the submission of a condition record of the existing drainage facilities on the site within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 9.4.2026;
- (c) the submission of a run-in/out proposal within **6** months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 9.7.2026;
- (d) in relation to (c) above, the implementation of the run-in/out proposal within **9** months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 9.10.2026;
- (e) the submission of a 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 9.7.2026;
- (f) in relation to (e) above, the implementation of the revised fire service installations proposal within **9** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 9.10.2026;
- (g) if the above planning condition (a) 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
- (h) if any of the above planning condition (b), (c), (d), (e) or (f) 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 are suggested for Members' reference:

the applied use is not in line with the planning intention of the "R(B)" zone, which is primarily for sub-urban medium-density residential developments in rural areas. No strong planning justification has been given in the submission for a departure from the 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

Appendix I	Application Form with attachments received on 13.11.2025
Appendix Ia	FI received on 30.12.2025
Appendix Ib	FI received on 2.1.2026
Appendix II	Previous Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment
Drawing A-1	Vehicular Access Plan
Drawing A-2	Site Layout Plan
Drawing A-3	Run-in/out Proposal
Plan A-1a	Location Plan
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4b	Site Photos

**PLANNING DEPARTMENT
JANUARY 2026**