

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/HSK/494**

**Applicant** : Mr. HUI Yick-hang (許亦恒) represented by Miss HUI Hang-yu (許幸如)

**Site** : Lots 67 (Part), 68 (Part) and 69 (Part) in D.D. 124, Ha Tsuen, Yuen Long

**Site Area** : About 810m<sup>2</sup>

**Land Status** : Block Government Lease (demised for agricultural use)

**Plan** : Approved Hung Shui Kiu and Ha Tsuen Outline Zoning Plan (OZP) No. S/HSK/2

**Zoning** : “Village Type Development” (“V”)  
[*Restricted to a maximum building height of 3 storeys (8.23m)*]

**Application** : Proposed Temporary Eating Place (Canteen) for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary eating place (canteen) for a period of three years (**Plan A-1**). According to the Notes for the “V” zone on the OZP, ‘Eating Place’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently paved and mostly vacant with some parking of vehicles (**Plans A-2 to A-4**).
- 1.2 The Site is accessible from Tin Ha Road via a local track and the ingress/egress point is at the southeast of the Site (**Drawing A-1 and Plan A-2**). The proposed temporary eating place comprises a single-storey structure (not exceeding 5.5m high) with a floor area of about 229m<sup>2</sup>. According to the applicant, the canteen is intended to serve the staffs of nearby companies. About 30 seats will be provided in the canteen. One parking space for light goods vehicle (LGV) will be provided at the Site. The operation hours are from 8:00 a.m. to 7:00 p.m. from Mondays to Saturdays, and there will be no operation on Sundays and public holidays. The proposed layout plan, fire service installations (FSIs) plan and drainage plan submitted by the applicant are shown on **Drawings A-1 to A-3** respectively.
- 1.3 The Site is the subject of three previous applications including two applications for the same proposed use approved by the Rural and New Town Planning Committee (the Committee) of the Board in 2019 and 2020 respectively (**Plan A-1**) (details at paragraph 6 below). Compared with the last previous application No. A/HSK/237,

the current application is submitted by the same applicant for the same use at the same site with a different layout. Comparison of the major development parameters are summarised as follows:

<b>Major Development Parameters</b>	<b>Previous Application (No. A/HSK/237) (a)</b>	<b>Current Application (No. A/HSK/494) (b)</b>	<b>Difference (b) - (a)</b>
<b>Proposed Use</b>	Proposed Temporary Eating Place (Canteen) (3 years)		No change
<b>Site Area</b>	810m <sup>2</sup>		No change
<b>No. of Structures</b>	1		No change
<b>Total Floor Area</b>	227.5m <sup>2</sup>	229m <sup>2</sup>	+ 1.5m <sup>2</sup> (+0.2%)
<b>No. of Parking Spaces</b>	1 for LGV (7 x 3.5m) 3 for Private Cars (5 x 2.5m)	1 for LGV (7 x 3.5m)	-3 private car parking spaces
<b>Operation Hours</b>	9:00 a.m. to 7:00 p.m. daily	8:00 a.m. to 7:00 p.m., excluding Sundays and public holidays	-

- 1.4 In support of the application, the applicant has submitted an Application Form with attachments on 24.10.2023 (**Appendix I**).

## **2. Justifications from the Applicant**

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

- (a) the proposed use is temporary in nature which would not jeopardise the long-term planning of “V” zone nor be incompatible with the surrounding environment;
- (b) the proposed use of the current application are the same as the previous applications No. A/HSK/167 and 237. All the approval conditions of the last previous application have been complied with. As the last planning permission had lapsed, a fresh application is needed;
- (c) drainage and FSIs proposals under the last previous application had been implemented. The applicant commits to comply with the relevant approval conditions of the current application upon approval;
- (d) no workshop activity, neon/ night time lighting and storage of flammable/ polluting materials will be allowed on the Site. The applicant will follow the environmental measures recommended in the relevant Code of Practice issued by the Environmental Protection Department. The proposed use will have minimal environmental impact to the surrounding areas; and
- (e) the proposed one LGV parking space is only for delivery of supply. Sufficient manoeuvring space will be provided within the Site such that there will be no reversing of vehicles into or out from the Site. Therefore, the proposed use will not cause adverse traffic impact on the local road network.

### **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 notification letter to the Ha Tsuen Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Town Planning Board Guidelines**

The Town Planning Board Guidelines for Application for Eating Place within “V” Zone in Rural Areas under Section 16 of the Town Planning Ordinance (TPB PG-No. 15A) are relevant to the application. The relevant assessment criteria are at **Appendix II**.

### **5. Background**

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

### **6. Previous Applications**

- 6.1 The Site is involved in three previous applications (No. A/YL-HTF/1034, A/HSK/167 and 237). Except Application No. A/YL-HTF/1034 which was rejected, the other two applications were approved with conditions by the Committee. Details of these applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.
- 6.2 Application A/YL-HT/1034 covering a much larger area for temporary open storage of metal ware was rejected by the Committee in 2016. Considerations of this application are not relevant to the current application which involves a different use.
- 6.3 Application No. A/HSK/167 covering the northwestern part of the Site and Application No. A/HSK237 at the same site for the same proposed use were approved with conditions for a period of three years by the Committee in 2019 and 2020 respectively, mainly on similar considerations that temporary approval would not jeopardise the long-term development of the site; the proposal was not incompatible with the surrounding land uses; the application was generally in line with TPB PG-No. 15A; and there was no adverse departmental comment.
- 6.4 The last application No. A/HSK/237 was approved with conditions by the Committee on 21.8.2020 for a period of three years with validity up to 21.8.2023. All time-limited conditions had been complied with.

### **7. Similar Application**

There is no similar application within the same “V” zone in the past five years on the current OZP.

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

8.1 The Site is:

- (a) accessible from Tin Ha Road via a local track; and
- (b) paved and mostly vacant with some parking of vehicles.

8.2 The surrounding areas are predominantly occupied by warehouses, open storage yards, rural workshops, storage facilities, parking of vehicles, a canteen, a logistic centre, a wood factory and some shop and services uses, intermixed with some residential dwellings and unused land. Some of these uses are covered with valid planning permissions and some uses are suspected unauthorized developments 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 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 New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.

## **10. Comments from Relevant Government Departments**

All 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 IV and V** respectively.

## **11. Public Comment Received During Statutory Publication Period**

On 31.10.2023, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual was received objecting to the application on the reason that the previous approval conditions had not been fulfilled which could potentially lead to hygiene and food safety problems (**Appendix VI**).

## **12. Planning Considerations and Assessments**

12.1 The application is for proposed temporary eating place (canteen) for a period of three years at the Site zoned “V” on the OZP (**Plan A-1**). Whilst the proposed use is not entirely in line with the planning intention of the “V” zone, it could provide catering service to meet any such demand in the area. The District Lands Officer/Yuen Long of Lands Department advises that there is no Small House application approved/ under processing within the Site. In this regard, approval of the application on a temporary basis of three years would not jeopardise the long-term intention of the “V” zone.

- 12.2 The proposed use is considered not incompatible with the surrounding land uses which are predominantly occupied by warehouses, open storage yards, rural workshops, storage facilities, parking of vehicles and shop and services uses intermixed with some residential dwellings (**Plan A-2**).
- 12.3 The application is generally in line with the TPB PG-No. 15A in that the proposed eating place is located at the fringe of the “V” zone and readily accessible from Tin Ha Road via a local track. Concerned government departments, including the Director of Environmental Protection, Commissioner for Transport, Chief Engineer/Mainland North, Drainage Services Department, Director of Fire Services and Director of Food and Environmental Hygiene have no objection to/ no adverse comment on the application from environmental, traffic, drainage, fire safety and food and environmental hygiene aspects. To address the technical requirements of concerned departments, relevant approval conditions are recommended in paragraph 13.2 below.
- 12.4 Two previous approvals had been granted between 2019 and 2020 for temporary eating place use at the Site. Approval of the current application is generally in line with the previous decisions of the Committee.
- 12.5 Regarding the public comment objecting to the application as summarised in paragraph 11 above, the planning considerations and assessments in paragraphs 12.1 to 12.4 above are relevant.

### **13. Planning Department's Views**

- 13.1 Based on the assessments made in paragraph 12 above and having taken into account the public comment mentioned in paragraph 11, the Planning Department has no objection to the proposed temporary eating place (canteen) for a period of three years.
- 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 **22.12.2026**. 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 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 **22.3.2024**;
- (c) if the above planning condition (a) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (d) if the above planning condition (b) is not complied with by the above 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 V**.

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the development is not in line with the planning intention of the "Village Type Development" zone which is primarily to designate both existing recognized villages and areas of land considered suitable for village expansion. There is no strong justification to deviate 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**

<b>Appendix I</b>	Application Form with attachments received on 24.10.2023
<b>Appendix II</b>	Relevant Extracts of TPB PG-No. 15A
<b>Appendix III</b>	Previous Applications
<b>Appendix IV</b>	Government Departments' General Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Appendix VI</b>	Public Comment
<b>Drawing A-1</b>	Proposed Layout Plan
<b>Drawing A-2</b>	FSIs Plan
<b>Drawing A-3</b>	Drainage Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
DECEMBER 2023**