

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

**APPLICATION NO. A/YL-KTS/1027**

- Applicant** : Chief Force Limited
- Premises** : Kat Hing Wai Lot No. 208 (Part) and Lot 407 S.B (Part) in D.D. 109, 182 Kam Tin Road, Kam Tin, Yuen Long, New Territories
- Premises Area** : About 317.5m<sup>2</sup>
- Lease** : Old Schedule House Lot for Kat Hing Wai Lot No. 208; and  
Block Government Lease (demised for agricultural use) for Lot 407 S.B
- Plan** : Approved Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/15
- Zoning** : “Village Type Development” (“V”)  
[*Restricted to a maximum building height of 3 storeys (8.23m)*]
- Application** : Proposed Temporary Eating Place for a Period of Three Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary eating place for a period of three years at the application premises (the Premises), which falls within an area zoned “V” on the OZP (**Plan A-1**). According to the Notes of the OZP for “V” zone, ‘Eating Place’, other than 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 Premises occupies the whole two-storey vacant building which is not a NTEH.
- 1.2 The Premises is accessible from Kam Tin Road via a local access. According to the applicant, the proposed use will occupy the ground floor and 1<sup>st</sup> floor of the existing building (not more than 8.23m and two storeys in height) with a total floor area of about 317.5m<sup>2</sup> mainly for seating area, kitchen and store room. No operation is proposed on the roof top. The operation hours are between 8 a.m. to 10 p.m. daily including public holidays. No parking space and loading/unloading space will be provided. The estimated number of staffs working at the Premises is about 40 and the estimated number of visitors per day is about 300. The layout plan submitted by the applicant is at **Drawing A-1**.

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

- (a) Application Form with supplementary information received (**Appendix I**) on 11.9.2024
- (b) Further Information (FI) received on 23.10.2024\* (**Appendix Ia**)

*\* 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 FI at **Appendices I and Ia**, which can be summarised as follows:

- (a) The proposed eating place is to serve the local neighbourhood and is compatible with the surrounding area.
- (b) The proposed eating place can provide more dining out options for the existing and future population arising from future residential developments in the surrounding area.
- (c) The Premises will provide sufficient fire service installations (FSIs) in accordance with the requirement of Fire Services Department (FSD) and the applicant will be responsible for the maintenance of the FSIs at the Premises. Adverse traffic impact is not anticipated as the Premises is served by bus/minibus stops which are located only 25m away along Kam Tin Road.

## **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 notice to the Pat Heung Rural Committee. Detailed information would be deposited at the meeting for Member’s inspection.

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

The Town Planning Board Guidelines for ‘Application for Eating Place within Village Type Development Zone in Rural Areas under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 15A) are relevant to the application. The relevant extract of the Guidelines is attached at **Appendix II**.

## **5. Background**

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

## **6. Previous Application**

There is no previous application covering the Premises.

## **7. Similar Applications**

- 7.1 There are two similar applications (No. A/YL-KTS/895 and 914) involving two sites for similar temporary eating place with or without shop and services within the same “V” zone in the past five years. Both applications were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2021 and 2022 respectively mainly on the considerations that the approval of the application on a temporary basis would not jeopardize the long-term planning intention of the “V” zone; the proposed development was not incompatible with the surrounding land uses; and the proposed development was in line with the Town Board Guidelines for Application for Eating Place within “V” Zone in Rural Areas (TPB PG-No. 15A). However, planning permissions for both applications were subsequently revoked due to non-compliance with approval conditions.
- 7.2 Details of the applications are summarized in **Appendix III** and their locations are shown on **Plan A-1**.

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

- 8.1 The Premises is:
- (a) accessible from Kam Tin Road via a local access road; and
  - (b) occupied the whole two-storey vacant building.
- 8.2 The Premises is located near the fringe of the subject “V” zone delineated by Kam Tin Road. The surrounding areas comprise predominantly village type developments intermixed with shop and services uses, restaurants and parking of vehicles. A shopping mall, the Kam Tin Market Playground and the Kam Tin Market are located to the north of the Premises across Kam Tin Road on the approved Kam Tin North Outline Zoning Plan No. S/YL-KTN/11.

## **9. Planning Intention**

The planning intention of the “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 NTEH. Other

commercial, community and recreational uses may be permitted on application to the Board.

#### **10. Comments from the 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 in the Recommended Advisory Clauses are provided in **Appendices IV and V** respectively.

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

On 20.9.2024, the application was published for public inspection. During the statutory public inspection period, two public comments were received, including one from the Chairman of Yuen Long Town Centre & Rural East Area Committee indicating no comment, and one from the Aviation Club of Hong Kong, China expressed concern on the height of the proposed development from flight safety perspective (**Appendix VI**).

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

- 12.1 The application is for proposed temporary eating place for a period of three years at the Premises which falls within an area zoned “V” (**Plan A-1**). The planning intention of the “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, and land within this zone is primarily intended for development of Small Houses by indigenous villagers. Although the proposed use is not entirely in line with the planning intention of the “V” zone, the applicant claims that the proposed use is to serve the local neighbourhood. Besides, the District Lands Officer/Yuen Long of Lands Department advises that there is no Small House application approved or under processing within the subject lots. The proposed use of temporary nature would not adversely affect the land availability for NTEH/Small House developments within the “V” zone in the long term. Approval of the application on a temporary basis for a period of three years would not jeopardise the long-term planning intention of the “V” zone.
- 12.2 The proposed use is considered not incompatible with the surrounding areas which comprise predominantly village type developments intermixed with shop and services uses, restaurants, market, playground and parking of vehicles (**Plan A-2**). The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) considers that no significant landscape impact arising from the proposed use is anticipated and has no objection to the application from landscape planning perspective.
- 12.3 The application is generally in line with TPB PG-No. 15A in that the Premises located near the fringe of the subject “V” zone is readily accessible from Kam Tin Road, and would unlikely generate significant adverse environmental, traffic and drainage impacts on the surrounding. Relevant departments consulted including the Director of Environmental Protection, Commissioner for Transport, Chief

Engineer/Mainland North of the Drainage Services Department, Director of Food and Environmental Hygiene and Director of Fire Services have no objection to or no adverse comment on the application. Should the application be approved, technical requirements of the concerned government departments can be addressed through relevant approval conditions as recommended in paragraph 13.2 below. Besides, the applicant will be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by Environmental Protection Department to minimise any potential environmental impacts on the surrounding areas.

- 12.4 There are two approved similar applications for temporary eating place within the same “V” zone in the past five years as mentioned in paragraph 7.1 above. Approval of the current application is in line with the Committee’s previous decisions.
- 12.5 For the public comments mentioned in paragraph 11 above, the Director-General of Civil Aviation advises that the maximum level of the Premises (i.e. two storey structure) is in general compatible with the building heights in the surrounding areas and has no comment on the application.

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

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11 above, PlanD 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 8.11.2027. The following condition 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 planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 8.5.2025;
- (b) in relation to (a) above, the implementation of the drainage proposal within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 8.8.2025;
- (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 planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 8.5.2025;
- (e) in relation to (d) above, the implementation of the 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 8.8.2025;

- (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 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 proposed use is not in line with the planning intention of the "Village Type Development" zone, which is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. No strong planning justification has been given 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**

<b>Appendix I</b>	Application form with attachments received on 11.9.2024
<b>Appendix Ia</b>	FI received on 23.10.2024
<b>Appendix II</b>	Relevant extract of TPB PG-No. 15A
<b>Appendix III</b>	Similar applications
<b>Appendix IV</b>	Government departments' general comments

<b>Appendix V</b>	Recommended advisory clauses
<b>Appendix VI</b>	Public Comments
<b>Drawing A-1</b>	Layout 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  
NOVEMBER 2024**