

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-LFS/492

- Applicant** : Wecater Group Limited represented by 海願規劃發展公司
- Site** : Lots 2098, 2099, 2100 (Part), 2101 S.A (Part), 2101 S.B (Part) and 2116 (Part) in D.D. 129, Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 3,005m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan (OZP) No. S/YL-LFS/11
- Zoning** : “Recreation” (“REC”)
- Application** : Temporary Eating Place for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary eating place for a period of three years at the application site (the Site) (**Plan A-1**) zoned “REC” on the OZP. According to the Notes of the OZP for the “REC” zone, ‘Eating Place’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently hard paved, erected with structures and used for the applied use without valid planning permission (**Plans A-2, A-4a to A-4c**).
- 1.2 The Site is accessible from the Lau Fau Shan Roundabout via a local track, with the ingress/egress located at the southwest of the Site. As shown on the layout plan at **Drawing A-1**, 11 structures of one to two storeys (about 3m to 6m in height) with a total floor area of 1,155m² are used for eating place, storage, kitchen, toilet, electricity meter room and pump room. A total of 80 seats (all indoor) are provided. There is no outside seating accommodation. 13 parking spaces for private cars and two loading/unloading spaces for light goods vehicles are also provided.
- 1.3 As indicated in the submission, the temporary eating place is a Chinese restaurant primarily intended to serve local villagers which operates from 10 a.m. to 11 p.m. daily, including public holidays. The estimated number of diners would be about 138 per day. Advanced booking is required for dining at the temporary eating place as well as using the parking spaces on-site. Connection to public sewer would be undertaken to discharge sewage generated from the Site.

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

- (a) Application Form with attachments received on 21.9.2023 (Appendix I)
- (b) Supplementary Information (SI) received on 27.9.2023 (Appendix Ia)

2. Justifications from the Applicant

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

- (a) the applied use is temporary in nature, and would not jeopardise the long-term planning intention;
- (b) water and electricity supply are available at the Site. No tree felling, land filling and excavation or diversion of stream is required;
- (c) the temporary eating place is not a chain restaurant. Rather, it is operated by indigenous villagers nearby which serves the need of local villagers, creates job opportunities and rejuvenates the local economy;
- (d) sufficient manoeuvring space is provided within the Site. Advanced appointment would be made for goods delivery, which would be undertaken during off-peak hours. No vehicles would queue back to public roads or reverse onto/from public roads. With good management, the temporary eating place would not generate adverse traffic impact on the surroundings; and
- (e) the applied use could facilitate proper management of the Site. By preventing dumping or fly-tipping at the Site, the local environment would be improved.

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 Ordinance (TPB PG-No. 31B) by posting site notice and sending notification letter to the Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The eating place use on-site would be subject to planning enforcement action.

5. Previous Applications

The Site is involved in two previous applications (No. A/YL-LFS/6 and 7) for proposed residential development and proposed resort house with recreation facilities respectively. Both of them were rejected by the Rural and New Town Planning Committee (the Committee) of the Board or the Board on review in 1995 and 1996 respectively. The considerations of these previous applications are not relevant to the current application for

temporary eating place. Details of the previous applications are summarised in **Appendix II** and their locations are shown on **Plan A-1**.

6. Similar Application

There is no similar application for eating place within the same “REC” zone.

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

7.1 The Site is:

- (a) hard-paved, erected with structures and used for the applied use without valid planning permission; and
- (b) accessible from Lau Fau Shan Roundabout via a local track.

7.2 The surrounding areas are predominated by open storage yards, warehouse/storage yard, vehicle parks/parking of vehicles. Eating places are found near the Lau Fau Shan roundabout and along Lau Fau Shan Main Street. Other uses such as plant nursery, residential dwellings, village office, shop and vehicle repair workshop are also found in the vicinity of the Site. Some of the uses are covered by valid planning permissions, whilst some are suspected unauthorized developments subject to planning enforcement action.

8. Planning Intention

The “REC” zone is intended primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the recreational developments may be permitted subject to planning permission.

9. 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 III and IV** respectively.

10. Public Comment Received During Statutory Publication Period

On 29.9.2023, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual (**Appendix V**) was received objecting to the application mainly on the grounds that the applied use is a brownfield operation in disguise; and that further extension of brownfield uses towards the coastline would extinguish the natural habitats therein which could help mitigate the risk from sea level rise.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary eating place for a period of three years within the “REC” zone of the OZP (**Plan A-1**). Although the applied use is not in line with the planning intention of the “REC” zone as stated in paragraph 8 above, there is no known development proposal at the Site. Approval of the application on a temporary basis for a period of three years would not jeopardise the long-term planning intention of the “REC” zone.
- 11.2 The Site is located in an area predominated by open storage yards, warehouses and vehicle parks/parking of vehicles. It is also in proximity to the cluster of eating places, shops and residential dwellings within the “Commercial/Residential” zone at the Lau Fau Shan Roundabout and along Lau Fau Shan Main Street. The applied use is considered not incompatible with the surrounding land uses.
- 11.3 Concerned government departments including the Commissioner for Transport (C for T), Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department (CE/MN of DSD) and Director of Fire Services (D of FS) have no objection to or no adverse comment on the application. The applied use would unlikely cause significant adverse traffic, environmental, drainage and fire safety impacts on the surroundings. The technical requirements of CE/MN of DSD and D of FS could be addressed by imposing approval conditions recommended in paragraph 12.2 below. To minimise any possible environmental nuisance, the applicant will be advised to follow the best practical measures with reference to the ‘Control of Oily Fume and Cooking Odour from Restaurants and Food Business’ issued by the Environmental Protection Department to minimise cooking fume emissions from the applied use.
- 11.4 Regarding the public comment objecting to the application as stated in paragraph 10 above, the planning considerations and assessments in paragraphs 11.1 to 11.3 above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comment mentioned in paragraph 10 above, the Planning Department 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 three years until **10.11.2026**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) no vehicle exceeding 5.5 tonnes, including medium goods vehicle, heavy goods vehicle and container trailer/tractor, as defined in the Road Traffic Ordinance, is allowed to enter/exit or to be parked/stored on the Site at any time during the planning approval period;

- (b) 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 **10.5.2024**;
- (c) in relation to (b) 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 **10.8.2024**;
- (d) in relation to (c) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (e) the submission of a sewerage 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 **10.5.2024**;
- (f) in relation to (e) above, the implementation of the sewerage 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 **10.8.2024**;
- (g) in relation to (f) above, the implemented sewerage facilities shall be maintained at all times during the planning approval period;
- (h) 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 **10.5.2024**;
- (i) in relation to (h) 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 **10.8.2024**;
- (j) if any of the above planning condition (a), (d) or (g) 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
- (k) if any of the above planning condition (b), (c), (e), (f), (h) or (i) 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 IV**.

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

the applied use is not in line with the planning intention of the "Recreation" zone, which is primarily for recreational developments for the use of the general public. There is no strong planning justification 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 planning 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 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 21.9.2023
Appendix Ia	SI received on 27.9.2023
Appendix II	Previous Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment Received During Statutory Publication Period
Drawing A-1	Layout Plan
Plan A-1	Location Plan with Previous Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4c	Site Photos

**PLANNING DEPARTMENT
NOVEMBER 2023**