

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-LFS/502

- Applicant** : Mr. Tang Andy represented by Allgain Land Administrators (Hong Kong) Limited
- Site** : Lot 3398 (Part) in D.D. 129, Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 220m²
- Lease** : Block Government Lease (demised for agricultural use)
Modification of Tenancy for the purpose of Accommodation, Kitchen and Pigsty
- Plan** : Approved Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan (OZP) No. S/YL-LFS/11
- Zoning** : “Commercial/Residential” (“C/R”)
[restricted to a maximum plot ratio (PR) of 0.4 and a maximum building height of 3 storey (9m)]
- Application** : Proposed Temporary Wholesale Trade and Eating Place for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary wholesale trade and eating place for a period of three years at the application site (the Site) (**Plan A-1**) zoned “C/R” on the OZP. According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board)¹. The Site is currently hard-paved, erected with structures, and used for seafood shops (**Plans A-2, A-4a to A-4c**).
- 1.2 The Site is accessible by vehicle from Deep Bay Road via a local track (**Drawing A-2**), and on foot via Lau Fau Shan Main Street (**Drawing A-3**). As shown on the floor plans at **Drawing A-1**, a two-storey structure (about 7m in height) with a total floor area of about 440m² is proposed for wholesale area, reception, kitchen and toilet uses on the ground floor and eating place use on the first floor. While no parking space and loading/unloading space would be provided on-site, goods would be loaded/unloaded at a vehicle park to the west of the Site and delivered manually to the Site (**Drawing A-4**).

¹ While ‘Eating Place’ is a Column 1 use always permitted within the “C/R” zone of the OZP, ‘Wholesale Trade’ is neither a Column 1 nor Column 2 use. Moreover, the proposal of the current application (i.e. PR of about 2) exceeded the PR restriction of 0.4 of the “C/R” zone.

- 1.3 As indicated in the submission, the proposed wholesale trade would be for bulk purchase of food products such as dried seafood, Chinese sauces, puddings and snacks. It would operate from 9 a.m. to 6 p.m. from Mondays to Saturdays. There would be no operation from Sundays and public holidays. Regarding the proposed eating place, it would be a Chinese restaurant primarily intended to serve local residents and workers. It would provide a total of 40 seats (all indoors), and would operate from 9 a.m. to 10 p.m. daily, including public holidays. The estimated number of diners would be about 100 per day. Septic tank and grease trap would be provided on the Site to treat the sewage generated from the toilet and kitchen respectively.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 21.12.2023 (**Appendix I**)
 - (b) Supplementary Information (SI) received on 2.1.2024 (**Appendix Ia**)
 - (c) Further Information (FI) received on 10.1.2024* (**Appendix Ib**)
 - (d) Further Information (FI) received on 2.2.2024* (**Appendix Ic**)

** accepted and exempted from publication requirements*

2. Justifications from the Applicant

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

- (a) the surroundings of the Site are predominated by seafood/dried seafood shops and eating places. The proposed uses are not incompatible with the surrounding land uses;
- (b) the proposed uses are temporary in nature. Meanwhile, there is no plan for the Government to resume land of the area to date. Hence, the proposed uses would not jeopardise the long-term planning intention of the “C/R” zone;
- (c) no neon light signboard would be erected. No goods peddling and use of loudspeaker would be undertaken during night-time. Hence, the proposed use would not adversely affect the environment and nearby residents;
- (d) to alleviate possible environmental nuisance, the applicant shall follow the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Environmental Protection Department (EPD); and
- (e) no transportation of goods would be undertaken outside operation hours.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicant is the sole “current land owner” of the Site. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

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

5. Previous Application

The Site is not involved in any previous application.

6. Similar Application

There is no similar application for wholesale trade and eating place within the subject “C/R” 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 seafood shops; and
- (b) accessible by vehicle from Deep Bay Road via a local track, and on foot via Lau Fau Shan Main Street.

7.2 The surrounding areas are predominated by shops, eating places and residential dwellings. Other uses such as open space, institutional use, parking of vehicles, flea market, open storage yard and shrubland are also found in the vicinity. Some of the uses are suspected unauthorized developments subject to planning enforcement action.

8. Planning Intention

The “C/R” zone is intended primarily for commercial and/or residential development. A selected range of commercial uses are always permitted to serve the local community.

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 II and III** respectively.

10. Public Comment Received During Statutory Publication Period

On 5.1.2024, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary wholesale trade and eating place for a period of three years within the “C/R” zone of the OZP (**Plan A-1**). The “C/R” zone is intended primarily for commercial and/or residential development, within which ‘eating place’ is always permitted. As for the wholesale trade, it can meet any such demand in the area. As such, the proposed uses are generally in line with the planning intention of the “C/R” zone.
- 11.2 The Site is located along Lau Fau Shan Main Street which is predominated by shops, eating places and residential dwellings. The proposed uses are considered not incompatible with the surrounding land uses.
- 11.3 Concerned government departments including the Commissioner for Transport, Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department (CE/MN of DSD), Director of Fire Services (D of FS) and Director of Food and Environmental Hygiene have no objection to or no adverse comment on the application from traffic, environmental, drainage, fire safety, and food and environmental hygiene aspects. 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 and to control the oily fume and cooking odour, the applicant will be advised to follow the latest ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ and ‘Control of Oily Fume and Cooking Odour from Restaurant and Food Business’ issued by EPD.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 above, the Planning Department considers that the proposed temporary wholesale trade and eating place could be tolerated for a period of three years.
- 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 **16.2.2027**. 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 planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **16.8.2024**;
- (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 **16.11.2024**;
- (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 **16.8.2024**;

- (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 **16.11.2024**;
- (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 III**.

12.3 There is no strong planning reason to recommend rejection of the application.

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 21.12.2023
Appendix Ia	SI received on 2.1.2024
Appendix Ib	FI received on 10.1.2024
Appendix Ic	FI received on 2.2.2024
Appendix II	Government Departments' General Comments
Appendix III	Recommended Advisory Clauses
Drawing A-1	Layout Plan
Drawing A-2	Vehicular Access Plan
Drawing A-3	Pedestrian Access Plan
Drawing A-4	Vehicle Park in the Vicinity of the Site
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4c	Site Photos

**PLANNING DEPARTMENT
FEBRUARY 2024**