

**APPLICATION FOR RENEWAL OF PLANNING APPROVAL
FOR TEMPORARY USE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

APPLICATION NO. A/YL-SK/334

<u>Applicant</u>	:	Mr. LAI Wing-ming represented by Mr. LIT Ying-cheung, Edward
<u>Site</u>	:	Lot 1445 S.A (Part) in D.D. 114, Yuen Long, New Territories
<u>Site Area</u>	:	94.86m ² (about)
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Shek Kong Outline Zoning Plan No. S/YL-SK/9
<u>Zoning</u>	:	“Residential (Group D)” (“R(D)”) [restricted to maximum plot ratio of 0.2 and a maximum building height of 2 storeys (6m)]
<u>Application</u>	:	Renewal of Planning Approval for Temporary Rural Workshop (Food Processing Workshop) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning permission to use the application site (the Site) for temporary rural workshop (food processing workshop) for a period of 3 years (**Plan A-1**). The applied use is neither a Column 1 nor Column 2 use for the “R(D)” zone. According to the covering Notes of the OZP, temporary use or development of any land not exceeding a period of three years requires planning permission from the Town Planning Board (the Board), notwithstanding that the use or development is not provided for in terms of the OZP. The Site is currently used for the applied use with valid planning permission (**Plans A-2 and A-4**). All the approval conditions of the last approved application (Application No. A/YL-SK/262) have been complied with and the planning permission is valid until 4.10.2022.
- 1.2 According to the information provided by the applicant, the Site is covered by one single-storey (not more than 3.75m in height) structure with floor area of about 94.86m². The Site is accessible via a pedestrian access from Kam Sheung Road, and from the South Garden Seafood Restaurant (the restaurant) located at Kam Sheung Road (**Plan A-1**) which the applied use will serve exclusively as an ancillary food processing workshop for the preparation of the basin meal (盆菜), with operations concentrating mainly near the days of festive seasons. The operation hours will be between 8 a.m. and 5 p.m. daily, including public holidays. No parking space and loading/unloading space will be provided. The layout submitted by the applicant is at **Drawing A-1**.

- 1.3 When compared with the last approved application (No. A/YL-SK/262), the current application submitted by the same applicant is the same in terms of applied use, site area/boundary, layout, height and floor area.
- 1.4 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with attachments received on (Appendix I) 18.7.2022
 - (b) Supplementary Information (SI) received on 25.7.2022 (Appendix Ia)
 - (c) Further Information (FI) received on 22.8.2022 (Appendix Ib) [exempted from publication and recount requirements]

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Application Form, SI and FI at **Appendices I to Ib** respectively and summarized below:

- (a) the applied use will exclusively serve the restaurant, and with the expected economic recovery, the applied use will continue to play an important role to support the restaurant in creating traditional basin meals in rural areas.
- (b) the site conditions, layout, use, and operating hours will remain the same as the previously approved application. All approval conditions of the permission under the previous application have been complied with.
- (c) the transportation of food between the Site and the restaurant will be via trolleys, and will not generate additional vehicular traffic to the area. The Site has been well maintained by the applicant, including the fire service installation provisions. No complaints have been lodged against the Site regarding traffic, nuisance, noise and hygiene aspects.

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.31A) by obtaining the land owner’s consent. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Town Planning Board Guidelines**

- 4.1 Town Planning Board Guidelines on ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development’ (TPB PG-No. 34D) are relevant to this application. The relevant assessment criteria are extracted below:
 - (a) whether there has been any material change in planning circumstances since the previous temporary approval was granted (such as a change in the

planning policy/land-use zoning for the area) or a change in the land uses of the surrounding areas;

- (b) whether there are any adverse planning implications arising from the renewal of the planning approval (such as pre-emption of planned permanent development);
- (c) whether the planning conditions under previous approval have been complied with to the satisfaction of relevant government departments within the specified time limits;
- (d) whether the approval period sought is reasonable; and
- (e) any other relevant considerations.

5. **Background**

The Site is not subject to any active enforcement action.

6. **Previous Application**

The Site is the subject of one previous application (no. A/YL-SK/262) for the same applied use by the same applicant for a period of 3 years approved by the Committee on 4.10.2019 on the considerations that the development would not jeopardize the long-term planning intention of “R(D)” zone; it was not incompatible with the surrounding environment; and government departments consulted generally had no adverse comment on the application. Details of the previous application are summarized at **Appendix II** and the location is shown on **Plan A-2**.

7. **Similar Application**

There is no similar application within the same “R(D)” zone on the Shek Kong OZP.

8. **The Site and Its Surrounding Areas (Plans A-2 to A-4b)**

8.1 The Site is:

- (a) currently used as temporary rural workshop (food processing workshop) with a valid planning permission (application No. A/YL-SK/262); and
- (b) accessible from Kam Sheung Road via a local access.

8.2 The surrounding areas are predominantly rural in character intermixed mostly with workshop, open storage/storage yards, eating place, shops, domestic structures and vacant land (**Plans A-2 and A-3**):

- (a) to the north, south, east and west in the same “R(D)” zone, and to the further west in the adjacent “Agriculture” (“AGR”) zone are open storage/storage yards, workshop, vacant land and domestic structures; and

- (b) to the further north across the nullah in the same “R(D)” zone are workshop, open storage/storage yards, eating place, shops and domestic structures.

9. Planning Intention

The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board.

10. Comments from Relevant Government Departments

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 III and IV** respectively.

11. Public Comment Received During Statutory Publication Period

The application was published for public inspection on 29.7.2022. During the statutory public inspection period, no public comment was received.

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of the planning permission for temporary rural workshop (food processing workshop) at the Site for a period of 3 years in the “R(D)” zone. The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and for low-rise, low-density residential developments subject to planning permission from the Board. While the applied use is not entirely in line with the planning intention of the “R(D)” zone, there is no known proposal for permanent development at the Site. It is considered that approval of the application on a temporary basis would not frustrate the long-term planning intention of the “R(D)” zone.
- 12.2 The development is considered not incompatible with the surrounding land uses which are rural in character intermixed mostly with workshops, storage yards, domestic structures and vacant land.
- 12.3 The application is in line with the TPB PG-No. 34D in that the previous approval for the same applied use was granted in 2019 and all the approval conditions of the previous approved application (No. A/YL-SK/262) have been complied with. Compared with the last approved application, the current application submitted by the same applicant is the same in terms of applied use, site area / boundary and layout. Besides, there has been no major change in planning circumstances since the last approval.

- 12.4 Relevant government departments consulted, including CE/MN of DSD, D of FS, CTP/UD&L of PlanD, C for T and DEP have no objection to/no adverse comment on the application. To minimize the possible environmental nuisance, the applicant will be advised to adopt the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites'. The technical requirements of CE/MN of DSD and D of FS could be addressed by approval conditions in paragraphs 13.2 (a) to (c) below.
- 12.5 No public comment was received during the statutory publication period.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12, the Planning Department considers that the temporary rural workshop (food processing workshop) could be tolerated for a further period of 3 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, and be renewed from 5.10.2022 until 4.10.2025. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (b) the submission of a record of the existing drainage facilities on the Site within **3** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 5.1.2023;
- (c) the existing fire service installations implemented on the Site shall be maintained in efficient working order at all times during the planning approval period;
- (d) if any of the above planning conditions (a) or (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
- (e) if the above planning condition (b) 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.

[The above planning conditions are largely the same as those under the planning permission of previous Application No. A/YL-SK/262, except deletion / change of those on FSIs based on the comments of D of FS, and addition of that on drainage based on the comments of CE/MN of DSD.]

Advisory Clauses

The recommended advisory clauses are at **Appendix IV**.

13.3 There is no strong reason to recommend rejection of the renewal application.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission for renewal of the planning approval.
- 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 reasons for rejection should be given to the applicant.

15. Attachments

Appendix I	Application form with attachments received on 18.7.2022
Appendix Ia	SI received on 25.7.2022
Appendix Ib	FI received on 22.8.2022
Appendix II	Previous application
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Drawing A-1	Layout plan
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plans A-4a and A-4b	Site photos

**PLANNING DEPARTMENT
SEPTEMBER 2022**