

RNTPC Paper No. A/YL-ST/622  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 29.7.2022

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

**APPLICATION NO. A/YL-ST/622**

<b><u>Applicant</u></b>	: KWOK Yu Lun represented by Allgain Land Administration (Hong Kong) Limited
<b><u>Site</u></b>	: Lots 3083, 3087 S.A, 3087 S.B, 3087 S.C, 3087 S.D, 3087 RP, 3088 S.A ss.1, 3088 S.A ss.2, 3088 S.A RP and 3088 RP in D.D. 102, Wing Ping Tsuen, San Tin, Yuen Long
<b><u>Site Area</u></b>	: About 1,085 m <sup>2</sup>
<b><u>Lease</u></b>	: Block Government Lease (demised agricultural use)
<b><u>Plan</u></b>	: Approved San Tin Outline Zoning Plan (OZP) No. S/YL-ST/8
<b><u>Zoning</u></b>	: “Village Type Development” (“V”)
<b><u>Application</u></b>	: Proposed Temporary Eating Place 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 for a period of 3 years (**Plan A-1**). According to the Notes of “V” zone of the OZP, ‘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 Site is currently used for parking of vehicles without valid planning permission (**Plans A-2 to A-4**).
- 1.2 According to the applicant, the proposed temporary eating place involves a single storey structures (not exceeding 4m in height) with a gross floor area of about 225m<sup>2</sup>), which is to serve San Tin Wing Ping Tsuen, and nearby locals and workers (**Drawing A-1**). As shown in **Plan A-1** and **Plan A-2**, the Site is accessible from Tung Wing On Road via a local access. There will be six private car parking spaces. The operation hours of the proposed use are from 8:00 a.m. to 9:00 p.m. daily, including public holidays. The estimated number of staff

working at the Site is around 6 to 8. It is estimated that there will be not more than 100 visitors per day.

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

- (a) Application form with supplementary document (**Appendix I**) received on 7.6.2022.
- (b) Further Information (FI) received on 20.7.2022\* (**Appendix Ia**)

Remarks: \* 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 with supplementary document and FI at **Appendices I and Ia**. They can be summarised as follows:

- (a) The proposed use is a Column 2 use according to the Notes of “V” zone of the OZP. The Rural and New Town Planning Committee (the Committee) has approved similar applications in the vicinity of the Site within the same “V” zone.
- (b) The Site is accessible from Tung Wing On Road via a local access which is wide enough for the passing of private cars. Six private car parking spaces are provided for the customer of the proposed eating place. Sufficient manoeuvring space is provided within the Site.
- (c) No adverse or significant environmental (including air, noise and water pollution) and drainage impacts are anticipated. The proposed eating place does not involve any outside seating accommodation. Adequate mitigation measures on environmental, air ventilation, noise, sewage, drainage and fire safety aspects will be provided.
- (d) The applicant will provide septic tank and soakaway pit according to Professional Persons Environmental Consultative Committee Practice Notes 5/93 for sewage treatment at the application site. Licensed collectors will be employed by the applicant to collect and dispose of sewage regularly to minimise adverse environmental impact to the surrounding area.

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

The applicant is not a “current land owner” but has complied with the requirement 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 posting site notice and sending notice to the San Tin Rural Committee by registered post. 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 Development within Deep Bay Area under Section 16 of the Town Planning Ordinance (TPB PG-No. 12C) and Application for Eating Place within "Village Type Development" (TPB PG-No. 15A) are relevant to the application. Relevant extracts of the Guidelines are at **Appendix II**.

#### **5. Background**

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

#### **6. Previous Application**

There is no previous application covering the Site.

#### **7. Similar Applications**

- 7.1 During the past five years since 2017, there are four similar applications (No. A/YL-ST/499, 565, 604 and 621) for temporary eating place within the same "V" zone on the OZP which were approved by the Committee mainly on the consideration that the developments was considered not incompatible with the surrounding land uses, the eating place could meet the local demand, and the applied use was generally in line with the TPB PG-No. 12C and 15A.
- 7.2 Details of the applications are summarized at **Appendix III**. Their locations are shown on **Plan A-1**.

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

8.1 The Site is:

- (a) accessible at the north via a local access from Tung Wing On Road;
- (b) hard paved and used for parking of vehicles currently; and
- (c) located within the Wetland Buffer Area (WBA) of Deep Bay Area.

8.2 The surrounding areas are village settlements (Wing Ping Tsuen) with a mix of residential dwellings and vehicle parks:

- (a) to the north are vehicle parks, residential dwellings, a toilet, a refuse collection point, a local access road and vacant land;
- (b) to the east and south east are residential dwellings and vehicle parks;
- (c) to the south are vacant land, grassland, storage yards, residential dwellings, shops and declared monument Tai Fu Tai Mansion; and
- (d) to the west are vacant land, residential dwellings and a vehicle park.

## **9. Planning Intention**

The planning intention of the “V” zone 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. 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 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 Comment Received During Statutory Publication Period**

On 14.6.2022, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 5.7.2022, one comment was received from individual (**Appendix VI**) raising objection on the grounds that the approval will result in adverse traffic impact, environmental pollution and increase in fire risk, thereby affecting the living quality and safety of the community.

## 12. Planning Considerations and Assessments

- 12.1 The application is for temporary eating place for a period of 3 years. The Site falls within “V” zone which is intended to designate both existing recognised villages and areas of land considered suitable for village expansion. 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. Although the temporary eating place is not entirely in line with the planning intention of the “V” zone, DLO/YL of LandsD advises that no Small House application has been approved or is being processed at the Site. The proposed use could also serve the adjacent village and meet the local demand for eating place in the vicinity. In this regard, it is considered that the approval of the application on a temporary basis would not jeopardize the long-term planning intention of the “V” zone.
- 12.2 Given the small scale (total floor area of about 225m<sup>2</sup>) and the nature of the proposed use, it is considered not incompatible with the surrounding land uses, which are rural in character comprising mainly residential dwellings and vehicle parks (**Plan A-2**).
- 12.3 Although the Site falls within the WBA of the TPB PG-No. 12C, the guidelines also specify that planning applications for temporary uses are exempted from the requirement of Ecological Impact Assessment. DAFC has no comment on the application.
- 12.4 The application is generally in line with TPB PG-No. 15A. In view of the scale of the eating place, it would unlikely generate significant adverse traffic, environmental and sewerage impacts on the surrounding areas. Concerned government departments including DFEH, DEP, C for T, CTP/UD&L of PlanD, CE/MN of DSD and D of FS have no adverse comments on food and environmental hygiene, environmental, traffic, landscape, drainage and fire safety aspects respectively, and their technical concerns/requirements could be addressed by approval conditions as recommended in paragraph 13.2 below. Sympathetic consideration could be given to the application.
- 12.5 Since 2017, the Committee has approved four similar applications for temporary eating place use within the same “V” zone. Approval of the current application is therefore in line with the previous decisions of the Committee.
- 12.6 One public comment was received during the statutory application period raising concern to the application as stated in paragraph 11 above. In this regard, relevant departments’ comments as well as the planning assessments and considerations stated above are relevant.

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

- 13.1 Based on the assessments made in paragraph 12, the Planning Department 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 3 years until 29.7.2025. The following conditions of approval and advisory clauses are also suggested for Members' reference:

#### Approval Conditions

- (a) no operation between 9:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) the submission of 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 29.1.2023;
- (c) in relation to (b) above, the implementation of drainage proposal within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Service or of the Town Planning Board by 29.4.2023;
- (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 fire service installations proposal within **6** months from the date of planning approval to the satisfaction of Director of Fire Services or of the Town Planning Board by 29.1.2023;
- (f) in relation to (e) above, the implementation of fire service installations proposal within **9** months from the date of planning approval to the satisfaction of Director of Fire Services or of the Town Planning Board by 29.4.2023;
- (g) if any of the above planning condition (a) or (d) 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;
- (h) if any of the above planning condition (b), (c), (e) or (f) 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 V**.

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

the temporary development is not in line with the planning intention of the "V" zone which is primarily intended for development of NTEHs/Small Houses by indigenous villagers. There is no strong planning justification 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 applicants.

#### **15. Attachments**

<b>Appendix I</b>	Application form received on 7.6.2022
<b>Appendix Ia</b>	FI received on 20.7.2022
<b>Appendix II</b>	Relevant Extracts of TPB PG-No. 12C and 15A
<b>Appendix III</b>	Previous and 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 with similar applications
<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial photo
<b>Plan A-4</b>	Site photos

**PLANNING DEPARTMENT  
JULY 2022**