

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

APPLICATION NO. A/YL-TT/599

<u>Applicant</u>	:	Wai Kee Canteen represented by Goldrich Planners & Surveyors Limited
<u>Site</u>	:	Lots 1187 S.O (Part), 1187 S.Q (Part) and 1187 S.R (Part) in D.D. 117 and Adjoining Government Land (GL), Shap Pat Heung, Yuen Long, New Territories
<u>Site Area</u>	:	642 m ² (about) (including about 70.9 m ² of GL)
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plans</u>	:	Draft Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/19
<u>Zoning</u>	:	“Village Type Development” (“V”) <i>[Restricted to a maximum building height of 3 storeys (8.23m)]</i>
<u>Application</u>	:	Renewal of Planning Approval for Temporary Canteen for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval for temporary canteen at the application site (the Site) for a period of three years (**Plan A-1**). According to the Notes of the OZP, ‘Eating Place’ (to which canteen is subsumed under), other than on the ground floor of a New Territories Exempted House (NTEH), is a Column 2 use within the “V” zone which requires planning permission from the Town Planning Board (the Board). The Site is currently occupied by the applied use with valid planning permission under application No. A/YL-TT/497 until 1.9.2023 (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from Tai Tong Shan Road via an ingress/egress point at the southern boundary (**Plan A-2**). According to the applicant, the canteen provides catering service to workers in the nearby areas. No medium or heavy goods vehicles will be allowed to park, stall, enter or exit the Site. Plans showing the access plan, site layout, parking arrangement, tree preservation and landscape proposal, as-built drainage and fire service installations (FSI) proposals as submitted by the applicant are at **Drawings A-1 to A-6** respectively.

- 1.3 The Site is the subject of four previous applications approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2011 and 2020 (details at paragraph 6 below). Compared with the last application (No. A/YL-TT/497), the current application is submitted by the same applicant for the same use at the same site with the same development parameters and layout. The major development parameters are summarised as follows:

Site Area	642 m ² (about) (including GL of about 70.9m ²)
Total Floor Area (Non-domestic)	About 249 m ²
No. and Height of Structures	10 structures <ul style="list-style-type: none"> • one for eating area (2.5m, 1 storey) • two for kitchen (2.5m, 1 storey) • four for open shed (2.5m, 1 storey) • two for storeroom (2.5m, 1 storey) • one for toilet (2.5m, 1 storey)
No. of Parking Space	3 (for private car) (5m x 2.5 m)
Loading/Unloading (L/UL) Spaces	2 (for light goods vehicle) (3.5m x 7m)
Operation Hours	7:00 a.m. to 7:00 p.m. daily

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

- (a) Application Form with attachments received on 26.6.2023 **(Appendix I)**
- (b) Further Information (FI) received on 1.8.2023* **(Appendix Ia)**
- (c) FI received on 3.8.2023* **(Appendix Ib)**

*[*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 FIs at **Appendices I to Ib**. They can be summarised as follows:

- (a) The Site is the subject of four previous planning approvals for the same use as the current application. Several similar applications for eating place uses have also been approved by the Board in the vicinity of the Site. There is no change in the planning circumstances since the approval of the previous application (No. A/YL-TT/497). All the time-limited approval conditions have been complied with.
- (b) No adverse visual, landscape, drainage and traffic impacts arising from the proposal are anticipated. Sufficient space is provided within the Site for manoeuvring of vehicles.

- (c) The applied use provides convenient catering services to local workers.

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 posting site notice and sending the notice to the Shap Pat Heung Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection. For GL, the requirements as set out in TPB PG-No. 31A are not applicable.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines for ‘Application for Eating Place within “V” Zone in Rural Areas under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 15A) and ‘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 the application. Relevant extracts of the Guidelines are at **Appendix II**.

5. Background

The Site is currently not subject to planning enforcement action.

6. Previous Applications

- 6.1 The Site is the subject of four previous applications (No. A/YL-TT/282, 335, 407 and 497) submitted by the same applicant for the same applied use as the current application. Details of the previous applications are summarised at **Appendix III** and shown on **Plan A-1**.
- 6.2 All previous applications were approved by the Committee between 2011 and 2020 each for a period of three years mainly on the considerations that the applied use was not incompatible with the surrounding land uses; the proposals would provide catering services to serve the locals; the proposals would not adversely affect the character of the surrounding villages; the proposals generally complied with TPB PG-No. 15A; and the technical concerns of relevant government departments and local concerns could be addressed by imposing approval conditions. All the time-limited approval conditions under the last application (No. A/YL-TT/497) have been complied with and the planning permission is valid until 1.9.2023.

7. Similar Applications

There are two similar applications (No. A/YL-TT/502 and 596) for temporary eating place (outside seating accommodation of a restaurant) within the subject “V” zone in the past five years which were approved with conditions by the Committee for a period of three years in 2020 and 2023 respectively mainly on similar considerations as those mentioned

in paragraph 6.2 above. Details of the applications are summarised in **Appendix III** and the locations of the sites 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) abutting Tai Tong Shan Road to its south (**Plan A-2**);
- (b) paved and partly fenced off; and
- (c) currently occupied by the applied use with valid planning permission (**Plans A-2 and A-4**).

8.2 The surrounding areas have the following characteristics (**Plan A-2**):

- (a) predominantly rural residential in character with scattered parking of vehicles, eating places, open storage/storage yards, real estate agency, warehouse, office and vacant land;
- (b) there are residential structures in the vicinity of the Site with the nearest ones located to its immediate north; and
- (c) except for a real estate agency, two shop and services and an eating place (outside seating accommodation of a restaurant) which are operated with planning permissions under applications No. A/YL-TT/558, 539, 565 and 596 respectively, the other warehouse, parking of vehicles and open storages/storage yards in its vicinity within the “V” zone are mostly suspected unauthorized development subject to planning enforcement action.

9. Planning Intention

The planning intention of the “V” zone is to designate both existing recognised villages and areas of land considered suitable for village expansion. Land within the zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within the 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 the Statutory Publication Period

The application was published for public inspection on 4.7.2023. 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 canteen for a period of three year at the Site zoned “V” on the OZP. While the applied use is not entirely in line with the planning intention of the “V” zone, it could meet any such demand for eating place in the area. According to the District Lands Officer/Yuen Long, Lands Department, there is currently no Small House application approved/ under processing at the Site. Approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the “V” zone.
- 12.2 The applied use is generally not incompatible with the surrounding land uses, which are predominantly rural residential with scattered parking of vehicles, eating places, open storage/storage yards and warehouse (**Plan A-2**).
- 12.3 The application complies with TPB PG-No. 34D in that there is no material change in planning circumstances; adverse implications arising from the renewal of the planning approval are not envisaged; all the time-limited approval conditions under previous application have been complied with; concerned government departments have no objection to or no adverse comments on the applications; and the three-year approval period sought is the same time-frame as the previous approval and is considered reasonable.
- 12.4 The application is also generally in line with TPB PG-No. 15A in that the eating place is located at the fringe of Tai Tong Tsuen and abuts Tai Tong Shan Road. Concerned government departments consulted, including Director of Food and Environmental Hygiene Department, Commissioner for Transport, Chief Highway Engineer/New Territories West of Highways Department, Chief Engineer/Mainland North of Drainage Services Department, Director of Fire Services and Director of Environmental Protection, have no objection to or no adverse comment on the application. Adverse environmental hygiene, traffic, drainage, sewerage, fire safety and environmental impacts on the surrounding areas are not envisaged. To address the technical requirements of concerned government departments, relevant approval conditions have been recommended in paragraph 13.2 below. Should the applicant be approved, the applicant will also be advised to follow the latest ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ to minimise possible environmental nuisance.
- 12.5 Given that four previous approvals for the same temporary canteen use at the Site have been granted by the Committee from 2011 to 2020 and two similar applications were approved by the Committee within the same “V” zone in 2020 and 2023, approval of the current application is in line with the Committee’s previous decisions.

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 renewal shall be valid on a temporary basis for a period of three years, and be renewed from 2.9.2023 until 1.9.2026. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the existing drainage facilities on the Site should be maintained at all times during the planning approval period;
- (b) the existing fire service installations implemented on the Site shall be maintained in an efficient working order at all times during the planning approval period; and
- (c) if any of the above planning condition (a) or (b) 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.

[Approval conditions (a) and (b) are same as those under the permission for application No. A/YL-TT/497, other conditions have been removed as per latest departmental comments and Planning Department's latest requirement.]

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 planning intention of the "V" zone is primarily to designate both existing recognised villages and areas of land considered suitable for village expansion and 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

Appendix I	Application Form with attachments received on 26.6.2023
Appendix Ia	FI received on 1.8.2023
Appendix Ib	FI received on 3.8.2023
Appendix II	Relevant Extracts of TPB PG-No. 15A and 34D
Appendix III	Previous and Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Drawing A-1	Access Plan
Drawing A-2	Layout Plan
Drawing A-3	Parking Arrangement Plan
Drawing A-4	Tree Preservation and Landscape Proposal
Drawing A-5	As-built Drainage Facilities
Drawing A-6	FSI Proposal
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photo

**PLANNING DEPARTMENT
AUGUST 2023**