

RNTPC Paper No. A/YL-TT/638
For Consideration by
the Rural and New Town
Planning Committee
on 19.4.2024

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/638

- Applicant** : HO Sai Kwong, Alan represented by PSA (HK) Surveyors Limited
- Site** : Lot 653 S.H in D.D. 117, Wong Nai Tun Tsuen, Tai Tong, Yuen Long, New Territories
- Site Area** : About 102.5 m² (includes Government Land (GL) of about 98.2m²)
- Lease** : Block Government Lease (demised for agricultural use) (with portion of House Lot)
- Plan** : Approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/20
- Zoning** : “Village Type Development” (“V”)
[restricted to a maximum building height of 3 storeys (8.23m)]
- Application** : Proposed 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**). According to the Notes of the OZP for the “V” zone, ‘Eating Place’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently occupied by the applied use without valid planning permission (**Plans A-4a and A-4b**).
- 1.2 The Site is accessible from a local footpath connecting to Wong Nai Tun Tsuen Road to its east. According to the applicant, the applied use comprises a kitchen, a toilet, a storeroom in an 1-storey building with a floor area of 45.2m² as well as a covered seating area with a floor area of 52.8m² to accommodate a maximum of 44 persons (total floor area of 102.5m²). The operation hours are from 10:30 a.m. to 10:00 p.m. daily (close on Mondays). Plans showing the layout and coverage of building structures submitted by the applicant are at **Drawings A-1 to A-2** respectively.
- 1.3 In support of the application, the applicant has submitted the following documents:

- (a) Application Form with supplementary planning (**Appendices I to Ia**) statement received on 21.2.2024
- (b) Further Information (FI) received on 26.3.2024* (**Appendix Ib**)
**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 planning statement and FI at **Appendices I and Ib**. They can be summarised as follows:

- (a) The applied use aims to provide a convenient dining option for local community.
- (b) The applied use would not cause any adverse environmental, traffic, waste disposal and visual impacts on the area.

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. For the GL portion, the requirements as set out in TPB PG-No. 31B are not applicable.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines for ‘Application for Eating Place within “Village Type Development” Zone in the Rural Areas under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 15A) is relevant to the application. The relevant planning criteria are summarised at **Appendix II**.

5. Background

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

6. Previous Application

The Site does not involve any previous application.

7. Similar Application

There is no similar application within the same “V” zone.

8. 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 New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.

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

9.1 The Site is:

- (a) largely covered by temporary structure and occupied by the applied use without valid planning permission (**Plan A-4**); and
- (b) located at the fringe of Wong Nai Tun Tsuen and accessible from a footpath connecting to Wong Nai Tun Tsuen Road to its east (**Plan A-2**).

9.2 The surrounding areas are within the village cluster of Wong Nai Tun Tsuen which is rural residential in nature predominantly occupied with village houses (**Plans A-2 and A-3**).

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 III and IV** respectively.

11. Public Comment Received During the Statutory Publication Period

On 1.3.2024, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

12. Planning Considerations and Assessments

12.1 The application is for temporary eating place for a period of three years at the Site zoned “V” on the OZP. Although the applied use is not entirely in line with the planning intention of the “V” zone, it could serve the local community and meet any such demand for eating place in the area. According to the District Lands Officer/Yuen Long of Lands Department, there is no Small House application approved/under processing for the Site. As such, 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 considered generally not incompatible with its surrounding areas which are rural residential in nature predominantly occupied with village houses (**Plan A-2**).
- 12.3 The application is generally in line with TPB PG-No. 15A in that the Site is located at the fringe of Wong Nai Tun Tsuen and accessible from a footpath connecting to Wong Nai Tun Tsuen Road to its east. In view of the small scale of the applied use, it would unlikely generate significant adverse traffic, environmental and sewerage impacts on the surrounding areas. Concerned government departments, including the Commissioner for Transport, Director of Environmental Protection, Director of Fire Services, Chief Engineer/Mainland North of Drainage Services Department and Director of Food and Environmental Hygiene have no objection to/no adverse comment on the application from traffic, environmental, fire safety, drainage and food and environmental hygiene perspectives respectively. Relevant approval conditions are recommended in paragraph 13.2 below to address the technical requirements of the concerned government departments. Besides, should the application be approved by the Committee, the applicant will be advised to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department and relevant ordinances relating to the control of oily fume, cooking odour and waste water from eateries to minimise possible environmental nuisance on the surroundings.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 above, 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 three years until 19.4.2027. 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 19.10.2024;
- (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 19.1.2025;
- (c) in relation to (b) above, the implemented drainage facilities on the Site 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 19.10.2024;

- (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 19.1.2025;
- (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 at **Appendix IV**.

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

the applied use is not in line with the planning intention of the "Village Type Development" zone which is primarily 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

Appendices I and Ia	Application Form with Planning Statement Report received on 21.2.2024
Appendix Ib	FI received on 26.3.2024
Appendix II	Relevant extracts of TPB PG-No. 15A for 'Application for Eating Place within "Village Type Development" Zone in the Rural Areas under Section 16 of the Town Planning Ordinance'
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Layout Plan

Drawing A-2	Building Coverage Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to b	Site Photos

PLANNING DEPARTMENT
APRIL 2024