

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

**APPLICATION NO. A/YL-TYST/1110**

- Applicant** : Blessline Company Limited represented by PlanArch Consultants Limited
- Site** : Lots 2519 RP (Part), 2520 RP (Part), 2521 (Part) and 2522 (Part) in D.D. 124, Hung Shun Road, Hung Shui Kiu, Yuen Long
- Site Area** : 524 m<sup>2</sup> (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tong Yan San Tsuen (TYST) Outline Zoning Plan (OZP) No. S/YL-TYST/14 currently in force  
  
Draft TYST OZP No. S/YL-TYST/13 at the time of submission
- Zonings** : “Government, Institution or Community” (“G/IC”) (about 77.5%); and  
  
“Residential (Group B)1” (“R(B)1”) (about 22.5%)  
*[restricted to a maximum plot ratio of 1, maximum site coverage of 40% and maximum building height of 4 storeys over single-storey car park (15m)]*  
  
*[No change to the “G/IC” and “R(B)1” zones]*
- Application** : 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 temporary eating place for a period of 3 years (**Plan A-1a**). According to the Notes of the OZP for the “G/IC” and “R(B)” zones, ‘Eating Place (not elsewhere specified)’ and ‘Eating Place’ are Column 2 uses respectively which require planning permission from the Town Planning Board (the Board). The Site is currently occupied by the applied use without valid planning permission (**Plans A-2, A-4a and A-4b**).
- 1.2 The Site partly involves four previous applications for various temporary uses. The last application (No. A/YL-TYST/413) for temporary staff canteen and ancillary storage was approved with conditions for a period of 3 years by the Rural and New Town Planning Committee (the Committee) of the Board on 23.1.2009. All the time-limited approval conditions under the last application had been

complied with and the permission lapsed on 24.1.2012. Compared with the last application, the current application is submitted by the same applicant for a similar use at a larger site with different site layout and development parameters.

1.3 According to the applicant, the applied use is intended for a restaurant to serve the general public. There will be no vehicular access within the Site and loading/unloading (L/UL) activities will take place at the adjoining vehicle park. A plan showing the site layout and landscape proposal submitted by the applicant is at **Drawing A-1**.

1.4 The major development parameters of the application are summarised as follows:

<b>Major Development Parameters</b>	<b>Previously Approved Application No. A/YL-TYST/413 (a)</b>	<b>Current Application No. A/YL-TYST/1110 (b)</b>	<b>Difference (b)-(a)</b>
Applied Use	Temporary Staff Canteen and Ancillary Storage of Dry Food and Drinks for a Period of 3 Years	Temporary Eating Place for a Period of 3 Years	Change in nature of eating place and excluding ancillary storage use
Site Area	About 242 m <sup>2</sup>	About 524 m <sup>2</sup>	+282 m <sup>2</sup> (+116.5%)
Total Floor Area (non-domestic)	About 242 m <sup>2</sup>	About 524 m <sup>2</sup>	+282 m <sup>2</sup> (+116.5%)
No. and Height of Structures	1 • for staff canteen and ancillary storage (4m, 1 storey)	2 • for eating place and ancillary electricity meter rooms and water tank (6m, 1 storey)	+1 (+100%)
No. of Parking / L/UL Spaces	Nil		---
Operation Hours	7:00 a.m. to 10:00 p.m., with no operation on Sundays and public holidays	7:00 a.m. to 10:00 p.m. daily	Longer operation hours

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

- (a) Application Form received on 5.8.2021 **(Appendix I)**
- (b) Supplementary Planning Statement **(Appendix Ia)**
- (c) Further Information (FI) received on 10.9.2021 **(Appendix Ib)**
- (d) FI received on 16.9.2021 **(Appendix Ic)**  
*[(c) and (d) 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 Supplementary Planning Statement (**Appendix Ia**) and FI (**Appendix Ic**). They can be summarised as follows:

- (a) The applied use can meet the growing demand for eating place arising from the nearby residential developments. Similar eating places have been approved in Yuen Long district and the circumstances of the current application are similar to those approved applications.
- (b) The proposal is small in scale and not incompatible with the surrounding environment. There is no known development programme at the Site and the temporary proposal would not jeopardise the long-term planning intention.
- (c) The Site is highly accessible for the visitors and there is an existing public car park adjacent to the Site for use by visitors. There will be insignificant environmental, drainage, landscape, visual, sewerage and traffic impacts on the surrounding area.
- (d) The Site was the subject of four previous planning permissions submitted by the same applicant for similar uses. The applicant had demonstrated great effort to comply with most of the approval conditions of the previous applications.
- (e) In response to the public concerns, new kitchen exhaust filter will be installed and the operation hour will be shortened to minimise the potential nuisance 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 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 publishing notices in local newspapers. Detailed information would be deposited at the meeting for Members’ inspection.

## **4. Background**

The Site is currently not subject to planning enforcement action.

## **5. Previous Applications**

- 5.1 The Site partly involves four previous applications for various temporary uses (No. A/YL-TYST/120, 191, 305 and 413). The first application was for temporary refreshment kiosk and the latter three applications were for temporary staff canteen and ancillary storage uses. Details of the applications are summarised in **Appendix II** and the boundaries of the sites are shown on **Plan A-1b**.
- 5.2 Application No. A/YL-TYST/120 was approved with conditions for a period of 2 years by the Committee in 2000, mainly on the considerations that the “G/IC” zone

would not jeopardise the planned uses at the Site; and there were no adverse comments/objection from relevant departments.

- 5.3 Applications No. A/YL-TYST/191, 305 and 413 were approved with conditions each for a period of 3 years by the Board on review or by the Committee between 2003 and 2009, mainly on the considerations that the proposals were not incompatible with the surrounding uses; the development programme on the “G/IC” zone had not been confirmed and no residential development proposal had been received in the “R(B)1” portion of the Site; there were no adverse comments/objection from relevant departments; and the concerns of relevant government departments could be addressed by imposing approval conditions. All the time-limited approval conditions under the last application had been complied with and the permission lapsed on 24.1.2012.
- 5.4 Compared with the last application (No. A/YL-TYST/413), the current application is submitted by the same applicant for a similar use at a larger site with different site layout and development parameters.

## **6. Similar Applications**

- 6.1 There is no similar planning application within the subject “G/IC” zone. There are three similar applications for temporary eating place concerning one site within the subject “R(B)1” zone. Details of the applications are summarised at **Appendix III** and their locations are shown on **Plan A-1a**.
- 6.2 All three applications (No. A/YL-TYST/569, 755 and 824) were approved between 2012 and 2017 mainly on similar considerations that the proposals would not frustrate the long-term development of the area; the developments were not incompatible with the surrounding uses; there were no adverse comments/objection from relevant departments; and the concerns of relevant departments could be addressed by imposing approval conditions. However, all the planning permissions were subsequently revoked due to non-compliance with time-limited approval conditions.

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

- 7.1 The Site is:
- (a) abutting Hung Shun Road to its northwest; and
  - (b) currently occupied by a single-storey restaurant named 金龍雅苑海鮮小菜館 operating without valid planning permission (**Plans A-2, A-4a and A-4b**).
- 7.2 The surrounding areas have the following characteristics (**Plans A-2 and A-3**):
- (a) comprise predominantly residential developments and structures, two schools and sitting-out areas, with isolated warehouses and open storage/storage yards, car parks and L/UL area, a workshop and vacant land/structures;

- (b) there are residential development (namely Symphony Garden, The Woodville and Ming Wai Court) in the vicinity of the Site with the nearest one located about 20m to its northwest;
- (c) to the southwest, west and north of the Site are areas zoned “R(B)1”, “Residential (Group A)” and “G/IC” on the OZP respectively; and
- (d) except for the car parks within the “G/IC” zone, the warehouses, open storage/storage yards and workshop in the vicinity are suspected unauthorised developments (UD) subject to enforcement action taken by the Planning Authority.

## **8. Planning Intentions**

- 8.1 The planning intention of the “G/IC” zone is primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organisations providing social services to meet community needs, and other institutional establishments.
- 8.2 The planning intention of the “R(B)” zone is for sub-urban medium-density residential developments in rural areas where commercial uses serving the residential neighbourhood may be permitted on application to the Board.

## **9. Comments from Relevant Government Departments**

- 9.1 The following government departments have been consulted and their views on the application and public comments, where relevant, are summarised as follows:

### **Land Administration**

- 9.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):
  - (a) The Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
  - (b) Within the Site, Lots No. 2520 RP and 2521 in D.D. 124 are covered by Short Term Waivers (STWs) No. 3177 and 3178 respectively to permit structures erected thereon for the purpose of “Staff Canteen and Ancillary Storage”.
  - (c) Should planning approval be given to the subject planning application, the STW holder(s) will need to apply to her office for modification of the STW conditions where appropriate. The lot owner(s) of the lot(s) without STW will need to apply to her office

for permitting the structures to be erected or to regularise any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. Applications for any of the above will be considered by her department acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by her department.

### **Traffic**

#### 9.1.2 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) Adequate drainage measures should be provided to prevent surface water running from the Site to nearby public roads and drains.
- (b) His department shall not be responsible for the maintenance of the access road connecting the Site with Hung Shun Road.

### **Environment**

#### 9.1.3 Comments of the Director of Environmental Protection (DEP):

- (a) She has no objection to the application.
- (b) There are no substantiated environmental complaints concerning the Site received in the past three years.
- (c) Should the planning application be approved, the applicant should be advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspect of Temporary Uses and Open Storage Use” (Code of Practice) to minimise any potential environmental nuisances on the surrounding area and should be reminded of the detailed comments at **Appendix V**.

### **Drainage**

#### 9.1.4 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) He has no objection in principle to the proposed development.
- (b) There are existing public stormwater drain and sewer at Hung Shun Road for drainage and sewage connection of the subject development.

- (c) Should the Board consider that the application is acceptable from the planning point of view, approval conditions requiring the submission, implementation and maintenance of a drainage proposal for the development to the satisfaction of the Director of Drainage Services or of the Board should be stipulated.

### **Fire Safety**

#### 9.1.5 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the proposal subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In addition, the applicant should be advised of the detailed comments at **Appendix V**.

### **Building Matters**

#### 9.1.6 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) As there is no record of approval granted by the Building Authority for the existing structures at the Site, he is not in a position to offer comments on their suitability for the use proposed in the application.
- (b) The applicant should be reminded of the detailed comments at **Appendix V**.

### **Food and Environmental Hygiene**

#### 9.1.7 Comments of the Director of Food and Environmental Hygiene (DFEH):

- (a) She has no adverse comments on the application and no further comment on the public comments.
- (b) The applicant should be reminded of the detailed comments at **Appendix V**.

### **District Officer's Comments**

#### 9.1.8 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

Her office has not received any comment from the locals.

#### 9.2 The following government departments have no comment on the application:

- (a) Commissioner for Transport (C for T);

- (b) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD);
- (c) Director of Agriculture, Fisheries and Conservation (DAFC);
- (d) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD); and
- (e) Commissioner of Police (C of P).

## **10. Public Comments Received During the Statutory Publication Period**

- 10.1 On 13.8.2021, the application was published for public inspection. During the first three weeks of the statutory public inspection period, a total of 12 public comments were received. Of which, one expressed support / positive views, nine raised objection / expressed adverse views and the remaining two comments raised queries on the application / did not express any particular views or stance. A full set of public comments will be deposited at the meeting for Members' inspection.

### ***Supporting Comment / Positive View (1 comment)***

- 10.2 One supporting comment, in the form of petition letters with 59 signatures, was received from various local residents (**Appendix IV-1**), supporting the application on the grounds that the proposal could provide a convenient, affordable and hygienic dining option to nearby residents; the proposed operation hour would not generate adverse impacts to the surrounding area; and the public carpark in the vicinity can provide sufficient carparking spaces to the operation of the eating place.

### ***Objections / Adverse Comments (9 comments)***

- 10.3 Nine objections/adverse comments were received from The Owners' Corporation of Symphony Garden (**Appendix IV-2**) and various residents and individuals (extract examples at **Appendices IV-3 and IV-6**). The salient issues of the objections and adverse comments are summarised as follows:
- (a) The long operation hours (including preparation in the early morning) and traffic generated by the development would create nuisance and inconvenience to the residents in the vicinity.
  - (b) The applied use will continue to generate adverse environmental pollution, environmental hygiene, sewerage impacts and fire safety risk on the surrounding area.

### ***Other Comments (2 Comments)***

- 10.4 One comment was received raising queries on the existing operation and the planning intention of the Site (**Appendix IV-7**). Another comment was received stating no particular stance or view (**Appendix IV-8**).



## **11. Planning Considerations and Assessments**

- 11.1 The application is for temporary eating place for a period of 3 years at the Site mainly zoned “G/IC” (about 77.5%) and partly zoned “R(B)1” (about 22.5%) on the OZP. The planning intentions of the “G/IC” and “R(B)” zones are primarily for the provision of Government, institution or community facilities and sub-urban medium-density residential developments in rural areas respectively. Although the applied use is not entirely in line with the planning intentions of the “G/IC” and “R(B)” zones, it could serve the demand for eating place in the area. There is currently no known development programme concerning the Site. As such, approval of the application on a temporary basis of 3 years would not jeopardise the long-term development of the area.
- 11.2 The proposal is generally not incompatible with the surrounding area, which comprises predominantly residential developments and other rural uses (**Plan A-2**).
- 11.3 There is no adverse comment from concerned government departments, including C for T, DEP, CE/MN of DSD, D of FS and DFEH. Significant impacts on traffic, environmental, sewerage, drainage, fire safety and environmental hygiene aspects are not envisaged. There has been no substantiated environmental complaint concerning the Site received in the past three years. Furthermore, relevant approval conditions are recommended in paragraph 12.2 below to address the technical requirements of concerned government departments. Any non-compliance with the approval conditions will result in revocation of the planning permission and UD on the Site will be subject to enforcement action by the Planning Authority. Should the planning application be approved, the applicant will also be advised to follow the latest Code of Practice and relevant pollution control ordinances to minimise any potential environmental impact on the surrounding areas.
- 11.4 Given that four previous approvals for similar uses have been granted to part of the Site and three similar applications within the subject “R(B)1” zone have been approved by the Board or the Committee, approval of the current application is generally in line with the Committee’s previous decisions.
- 11.5 There were 12 public comments received supporting, objecting and providing views to the application during the statutory publication period as summarised in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.4 above are relevant.

## **12. Planning Department’s Views**

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments summarised in paragraph 10 above, the Planning Department has no objection to the application.
- 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 3 years until 24.9.2024. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no operation between 10:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) 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 24.3.2022;
- (c) in relation to (b) 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 24.6.2022;
- (d) in relation to (c) above, the implemented drainage facilities shall be maintained at all time during the planning approval period
- (e) 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 24.3.2022;
- (f) in relation to (e) 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 24.6.2022;
- (g) if any of the above planning conditions (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; and
- (h) if any of the above planning conditions (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 at **Appendix V**.

- 12.3 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 intentions of the "G/IC" and "R(B)" zones which are primarily for the provision of Government, institution or community facilities and sub-urban medium-density residential developments in rural areas respectively. No strong planning justification has been given in the submission to justify a departure from the planning intentions, even on a temporary basis.

### **13. Decision Sought**

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant 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 the 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**

<b>Appendix I</b>	Application Form received on 5.8.2021
<b>Appendix Ia</b>	Supplementary Planning Statement
<b>Appendix Ib</b>	FI received on 10.9.2021
<b>Appendix Ic</b>	FI received on 16.9.2021
<b>Appendix II</b>	Previous Applications covering the Site
<b>Appendix III</b>	Similar Applications within the subject “R(B)1” Zone on the OZP
<b>Appendices IV-1 and IV-8</b>	Public Comments received during the Statutory Publication Period (extracted)
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Site Layout and Landscape Plan
<b>Plan A-1a</b>	Location Plan with Similar Applications
<b>Plan A-1b</b>	Previous Applications Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
SEPTEMBER 2021**