

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1283

- Applicant** : Ming Wai Management Limited represented by Metro Planning and Development Company Limited
- Site** : Lots 2519 RP (Part), 2520 RP and 2521 (Part) in D.D. 124, Hung Shui Kiu, Yuen Long
- Site Area** : 750 m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/14
- Zonings** : “Government, Institution or Community” (“G/IC”) (about 51.6%); and
“Residential (Group B)1” (“R(B)1”) (about 48.4%)
[Restricted to a maximum plot ratio of 1, a maximum site coverage of 40% and a maximum building height of 4 storeys over single-storey car park (15m)]
- Application** : 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) zoned “G/IC” and “R(B)1” on the OZP (**Plan A-1a**). According to the Notes of the OZP, ‘Eating Place (not elsewhere specified)’ and ‘Eating Place’ are Column 2 uses within the “G/IC” and “R(B)” zones 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 to A-4**).
- 1.2 The Site is accessible from Hung Shun Road (**Drawing A-1, Plans A-2 and A-3**). According to the applicant, two single-storey structures (with height of not exceeding 3.6 and 5.8m respectively) with a total floor area of 495m² will be used for eating place and fire service pump room. With no direct vehicular access to the Site along Hung Shun Road, car parking and loading/unloading (L/UL) activities will take place at the adjoining vehicle park to its immediate south (**Plans A-2 and A-3**). Plans showing the vehicular access, proposed site layout, fire service

installations (FSIs) and drainage proposals submitted by the applicant are at **Drawings A-1 to A-4** respectively.

- 1.3 The Site was involved in six previous applications for various temporary catering uses including eating place, staff canteen and refreshment kiosk which were all approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2000 and 2022 (details at paragraph 5 below). Compared with the last application (No. A/YL-TYST/1189), the current application is submitted by the same applicant for the same use at the same site with the same layout and development parameters. The major development parameters of the current application are summarised as follows:

Site Area	About 750 m ²
Total Floor Area (Non-domestic)	Not more than 495 m ²
No. and Height of Structures	2 • for eating place and pump room (3.6 – 5.8m, 1 storey)
No. of Parking Space	Nil
No. of L/UL Space	Nil
Operation Hours	7:00 a.m. to 10:00 p.m. daily

- 1.4 In support of the application, the applicant has submitted an Application Form with attachments received on 14.8.2024 (**Appendix I**).

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form (**Appendix I**). They can be summarised as follows:

- (a) the Site is the subject of two previous planning permissions for temporary eating place use. A fresh application is submitted as more time is required for the applicant to implement the accepted FSIs and drainage proposals;
- (b) the development is temporary in nature and would not jeopardise the long term planning intention of the current zonings;
- (c) the proposal would benefit the nearby residents by catering their demand for eating place;
- (d) the applied use is not incompatible with the surrounding environment; and
- (e) there will be minimal traffic, environmental, noise and drainage impacts arising from the development. The applied use is housed within an enclosed structure and no operation will be held during sensitive hours.

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. 31B) by posting site notice and sending notice to the Ping Shan Rural Committee by registered post. 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 was involved in six previous applications (No. A/YL-TYST/120, 191, 305, 413, 1110 and 1189) for various temporary catering uses including eating place, staff canteen and refreshment kiosk with/without other uses covering different extents of the Site. Details of the applications are summarised in **Appendix II** and the locations of the sites are shown on **Plan A-1b**.
- 5.2 All six applications were approved with conditions for a period of two or three years by the Committee between 2000 and 2022 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 from relevant departments; and the concerns of relevant government departments could be addressed by imposing approval conditions. However, the planning permissions for applications No. A/YL-TYST/1110¹ and 1189 were revoked in 2023 and 2024 respectively due to non-compliance with time-limited approval conditions regarding the submission and/or implementation of drainage and FSIs proposals.

6. **Similar Application**

There is no similar application within/straddling the subject “G/IC” and “R(B)1” zones in the past five years.

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

7.1 The Site is:

- (a) accessible from Hung Shun Road (**Plans A-2 and A-3**); and
- (b) currently occupied by the applied use without valid planning permission (**Plans A-2 to A-4**).

7.2 The surrounding areas have the following characteristics (**Plans A-2 and A-3**):

¹ Application No. A/YL-TYST/1110 was submitted by a different applicant for the same use with different layout and development parameters as the current application.

- (a) comprise predominantly residential developments (including Symphony Garden, Ming Wai Court and The Woodsville), schools (i.e. Shung Tak Catholic English College and Ho Dao College), sitting-out area, warehouses, storage yards, parking of vehicles, unused land and vacant land/structures; and
- (b) the warehouses and storage yards in the vicinity are suspected unauthorized developments subject to planning enforcement action.

8. Planning Intentions

- 8.1 The planning intention of the “G/IC” zone is primarily for the provision of Government, institution or community (GIC) 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

All government departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments are provided in **Appendices III** and **IV** respectively.

10. Public Comments Received During the Statutory Publication Period

On 27.8.2024, the application was published for public inspection. During the statutory public inspection period, two public comments were received including one from an individual objecting to the application on the grounds that the approval conditions of the previous planning application have not been complied with and such consideration should be taken into account by the Board (**Appendix V-1**). The remaining public comment from the Chairman of the Yuen Long Town Centre & Rural East Area Committee does not express any comment on the application (**Appendix V-2**).

11. Planning Considerations and Assessments

- 11.1 The application is for temporary eating place for a period of three years at the Site partly zoned “G/IC” (about 51.6%) and partly zoned “R(B)1” (about 48.4%) on the OZP. Although the applied use is not entirely in line with the planning intentions of the “G/IC” and “R(B)1” zones, it could serve any such demand for eating place in the area. There are also no known development programme or proposals for GIC use or residential development at the Site. Approval of the application on a temporary basis for a period of three years would not jeopardise the long-term planning intentions of the “G/IC” and “R(B)1” zones.

- 11.2 The surrounding areas comprise predominantly residential developments, schools, sitting-out area, warehouses, storage yards, parking of vehicles, unused land and vacant land/structures (**Plans A-2 and A-3**). The applied use is generally not incompatible with the surrounding land uses (**Plan A-2**).
- 11.3 Concerned government departments consulted, including the Commissioner for Transport, Director of Environmental Protection, Director of Food and Environmental Hygiene, Director of Fire Services (D of FS) and Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) have no objection to/no adverse comment on the application from traffic, environmental, hygiene, fire safety and drainage aspects respectively. Furthermore, relevant approval conditions are recommended in paragraph 12.2 below to address the technical requirements of concerned government departments. Should the planning application be approved, the applicant will also be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise possible environmental nuisance on the surrounding areas.
- 11.4 The Site was involved in six previous applications for various temporary catering uses including eating place, staff canteen and refreshment kiosk with/without other uses, which were all approved with conditions for a period of two or three years by the Committee between 2000 and 2022. However, two of them (No. A/YL-TYST/1110 and 1189) were subsequently revoked in 2023 and 2024 respectively due to non-compliance with time-limited approval conditions on submission and/or implementation of drainage and FSIs proposals. The current application is submitted by the same applicant with the same layout and development parameters as the last application (No. A/YL-TYST/1189). The applicant has submitted FSIs and drainage proposals for the current application (**Drawings A-3 and A-4**), which are considered acceptable by D of FS and CE/MN, DSD respectively. As such, sympathetic consideration may be given to the current application. The applicant will be advised that should it fail to comply with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given to any further applications.
- 11.5 Given that six previous approvals for similar temporary catering uses have been granted in relation to the Site, approval of the current application is in line with the Committee’s previous decisions.
- 11.6 There are two public comments received during the statutory publication period including one objecting to the application as summarised in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.5 above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comments mentioned 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 three years until

4.10.2027. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the implementation of the accepted 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 4.7.2025;
- (b) in relation to (a) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (c) the implementation of the accepted 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 4.7.2025;
- (d) if the above planning condition (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; and
- (e) if any of the above planning condition (a) or (c) 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**.

- 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 for sub-urban medium-density residential developments in rural areas respectively. No strong planning justification has been given in the submission for 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

Appendix I	Application Form with attachments received on 14.8.2024
Appendix II	Previous Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendices V-1 and V-2	Public Comments
Drawing A-1	Vehicular Access Plan
Drawing A-2	Proposed Layout Plan
Drawing A-3	FSIs Proposal
Drawing A-4	Drainage Proposal
Plan A-1a	Location Plan
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2024**