

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

**APPLICATION NO. A/YL/310**

|                           |   |  |
|---------------------------|---|--|
| <b><u>Applicants</u></b>  | : | Mr. LAM Siu Wah and Mr. LAM Ting Him represented by Metro Planning and Development Company Limited |
| <b><u>Site</u></b>        | : | Lots 881 S.B RP (Part) and 904 S.A (Part) in D.D. 116, Yuen Long, New Territories                  |
| <b><u>Site Area</u></b>   | : | About 550 m <sup>2</sup>   |
| <b><u>Lease</u></b>       | : | Block Government Lease (demised for agricultural use)  |
| <b><u>Plan</u></b>        | : | Draft Yuen Long Outline Zoning Plan (OZP) No. S/YL/26  |
| <b><u>Zoning</u></b>      | : | “Open Space” (“O”)   |
| <b><u>Application</u></b> | : | Proposed Temporary Eating Place for a Period of 6 Years  |

**1. The Proposal**

- 1.1 The applicants seek planning permission to use the application site (the Site) for proposed temporary eating place for a period of six years. According to the Notes of the OZP for “O” zone, ‘Eating Place’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently hard-paved and used for parking of vehicles (**Plans A-1 to A-4**).
- 1.2 The Site is accessible via a local road leading from Fung Cheung Road to its northwest (**Plan A-2**). According to the applicants, the proposed development comprises a single-storey (not more than 4m high) structure with a total floor area of not more than 400m<sup>2</sup> for eating place, kitchen and toilet. The proposed operation hours are between 7:00 a.m and 11:00 p.m. daily, including public holidays. One loading/unloading space for light goods vehicle would be provided within the Site. The proposed layout plan, vehicular access plan and drainage plan submitted by the applicant are shown on **Drawings A-1 to A-3**.

1.3 In support of the application, the applicants have submitted the following documents:

- (a) Application Form with attachments received on 30.8.2023 **(Appendix I)**
- (b) Further Information (FI) received on 17.10.2023 **(Appendix Ia)**  
*[accepted and exempted from publication requirements]*

## **2. Justifications from the Applicants**

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

- (a) the proposed development is temporary in nature, which will not jeopardise the long-term planning intention of the “O” zone;
- (b) the nature and form of the proposed development are considered not incompatible with the surroundings;
- (c) the proposed development would not generate significant adverse traffic, drainage and environmental impacts to the surrounding area; and
- (d) similar applications within “O” zones on the same OZP have been approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board.

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

The applicants are the sole “current land owners”. Detailed information would be deposited at the meeting for Members’ inspection.

## **4. Previous Application**

There is no previous application covering the Site.

## **5. Similar Application**

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

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

6.1 The Site is:

- (a) accessible via a local road leading from Fung Cheung Road; and
- (b) currently hard-paved and used for parking of vehicles **(Plans A-2 and A-3)**.

6.2 The surrounding areas have the following characteristics:

- (a) to its north and northeast are some open-air car parks and some residential structures/dwellings;
- (b) to its east are some residential structures/dwellings intermixed with open storage yard for construction materials, site office and some unused lands;
- (c) to its south and southwest is a slope covered with vegetation, and to its further south and southeast across the slope are the Shap Pat Heung Interchange and Shap Pat Heung Road respectively; and
- (d) to its northwest are carparks, residential dwellings and some unused lands.

## **7. Planning Intention**

The planning intention of the “O” zone is primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public.

## **8. 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 II and III** respectively.

## **9. Public Comment Received During Statutory Publication Period**

On 8.9.2023, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual (**Appendix IV**) who objects to the application mainly on the grounds that the adjacent area of the Site is heavily vegetated, and there is no justification for developing this Site to an eating place as there are many developed sites nearby that could be used.

## **10. Planning Considerations and Assessments**

- 10.1 The application is for proposed temporary eating place for a period of six years at the Site zoned “O” on the OZP. Although the proposed use is not in line with the planning intention of the “O” zone, the proposed development could provide dining services to meet any such demand in the area. DLCS also advises that there is no plan to develop the Site into public open space at present. As such, approval of the application on a temporary basis would not jeopardise the long-term planning intention of the “O” zone.
- 10.2 The proposed development comprises a single-storey temporary structure (not more than 4m high) with a total floor area of not more than 400m<sup>2</sup>. The proposed scale and use are considered not incompatible with the surrounding uses, which comprise mainly residential uses, open-air car parks, open storage yard, site office and unused lands (**Plan A-2**).

- 10.3 There is no adverse comment from concerned government departments, including the Commissioner for Transport, Director of Environmental Protection, Director of Fire Services, Chief Engineer/Mainland North, Drainage Services Department and Chief Town Planner/Urban Design and Landscape, Planning Department. Adverse traffic, environmental, fire safety, drainage, urban design and landscape impacts on the surrounding areas are not envisaged. Relevant approval conditions are recommended in paragraph 11.2 below to address the technical requirements of concerned government departments. Should the planning application be approved, the applicants will be reminded to follow the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' and that the proposed temporary eating place will also need to comply with all the relevant requirements for application of a food licence as required by the licensing authority and relevant pollution control ordinance so as to minimise any potential environmental nuisance to the surroundings.
- 10.4 Regarding the public comment received objecting to the application as summarised in paragraph 9 above, the planning considerations and assessments in paragraphs 10.1 to 10.3 above are relevant.

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

- 11.1 Based on the assessments made in paragraph 10 and having taken into account the public comment as mentioned in paragraph 9 above, the Planning Department has no objection to the application.
- 11.2 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 six years until 27.10.2029. 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 27.7.2024;
- (b) in related to (a) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (c) the submission of 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 27.4.2024;
- (d) in relation to (c) above, the implementation of 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 27.7.2024;
- (e) if the above planning condition (b) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and

- (f) if any of the above planning condition (a), (c) or (d) is not complied with by the above 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 III**.

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

the proposed development is not in line with the planning intention of the "O" zone which is primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public. No strong planning justification has been given in the submission to justify a departure from the planning intention, even on a temporary basis.

**12. Decision Sought**

- 12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 12.2 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.
- 12.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reasons for rejection should be given to the applicants.

**13. Attachments**

|                     |   |
|---------------------|---|
| <b>Appendix I</b>   | Application Form with attachments received on 30.8.2023 |
| <b>Appendix Ia</b>  | FI received on 17.10.2023                               |
| <b>Appendix II</b>  | Government Departments' General Comments                |
| <b>Appendix III</b> | Recommended Advisory Clauses                            |
| <b>Appendix IV</b>  | Public Comment  |
| <b>Drawing A-1</b>  | Layout Plan   |
| <b>Drawing A-2</b>  | Vehicular Access Plan                                   |
| <b>Drawing A-3</b>  | Drainage Plan   |
| <b>Plan A-1</b>     | Location Plan   |
| <b>Plan A-2</b>     | Site Plan   |
| <b>Plan A-3</b>     | Aerial Photo  |
| <b>Plan A-4</b>     | Site Photos   |

**PLANNING DEPARTMENT  
OCTOBER 2023**