Application for Permission under Section 16 of the Town Planning Ordinance (Cap. 131)

Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of Three Years in "Village Type Development" Zone at Lots 1185, 1186(Part), 1187 S.M, 1187 S.L(Part), 1298RP(Part) and 2146 in DD117, Tai Tong Shan Road, Tai Tong, Yuen Long, New Territories

SUPPLEMENTARY PLANNING STATEMENT

Applicant: Leung Chiu Fan

Nov

2024

Executive Summary

This application is to seek a planning permission for temporary eating place (outside seating accommodation of a restaurant ("OSA")) (the "Proposed Development") for a period of three years at Lots 1185, 1186(Part), 1187 S.M, 1187 S.L(Part), 1298RP(Part) and 2146 in DD117, Tai Tong Shan Road, Tai Tong, Yuen Long, New Territories (the "Application Site").

The Application Site, covering an area of 1,450 square metres, has been used for a roadside restaurant with OSAs directly annexed to the ground floor restaurant of an existing New Territories Exempted House ("NTEH") (House No. 198) at Lot 2146 in D.D.117 or connected via open-air service corridors since 2010.

The Proposed Development located in Tai Tong, Yuen Long with good transportation networks. It is mainly catered for the local villagers in Tai Tong Tsuen, Wong Nai Tun Tsuen and Pak Sha Tsuen, the workers at surrounding open storage sites as well as visitors/tourists in the nearby tourist spots such as Tai Lam Country Park, Po Leung Kuk Jockey Club Tai Tong Holiday Camp and Tai Tong Organic Ecopark. It also serves as a gathering ground and for launching social activities and functions for the local villagers.

The Application Site falls within the "Village Type Development" ("V") zone on the Tai Tong Outline Zoning Plan No. S/YL-TT/20. The Proposed Development falls within the broad definitions of 'Eating Place' which is a use listed under Column 2 of the OZP. In accordance to the OZP, uses under Column 2 may be permitted with or without conditions on application to the Town Planning Board (the "Board").

The Proposed Development is considered to meet the planning criteria as specified under the Town Planning Board Guidelines for Application for Eating Place within "Village Type Development" Zone in Rural Areas (TPB PG-No. 15A). When looking at the surrounding land uses, most of the sites are currently occupied by commercial facilities, VHs and tourist spots.

The Application Site is the subject of eight previous applications for similar/same uses since 2010, of which four out of the applications were approved. The last application (Application No. A/YL-TT/596) was approved for the same use by the Board on 23.6.2023 for a period of 3 years until 23.6.2026.

The justifications of this application are: provide an additional choice for dining for the local residents and visitors; in line with the planning intention of "V" zone; compliance with TPB PG-No.15A; insignificant environmental impact; compatible with surrounding land uses; site with previous planning approvals; approval of similar applications and planning gains. The Applicant therefore respectfully requests the Board to approve this application for a period of 3 years.

行政摘要

這宗規劃申請乃代表申請人向城市規劃委員會("城規會")呈交,擬議在新界元朗大棠大棠山道丈量約份第 117 約地段第 1185 號、1186 號(部份)、1187號 M 分段、1187 號 L 分段(部份)、1298 號餘段(部份)及 2146 號("申請地點"),用作臨時食肆(餐廳戶外座位區)("擬議發展"),為期三年。

申請地點的面積約為 1,450 平方米,自 2010 年起,用作路邊食肆及餐廳戶外座位區。擬建發展位於元朗大棠,具有良好的交通網絡。擬議發展主要為大棠村、黃泥墩村、白沙村村民;鄰近露天存放地盤工人以及到訪鄰近旅遊點如大欖郊野公園、保良局賽馬會大棠渡假村及大棠有機生態園的遊客提供一個食肆,同時亦為本地村民提供聚會及舉辦社區活動的地點。

申請地點座落於大棠分區計劃大綱編號S/YL-TT/20中的"鄉村式發展"地帶。 根據大綱圖的規定,申請用途於"鄉村式發展"地帶屬第二欄的用途,須向城規 會提出申請。

擬議發展符合城市規劃委員會規劃指引編號 15A《擬在「鄉村式發展」 地帶內開設食肆的規劃申請》(城規會規劃指引編號 15A)。周邊大部分土地 用作商業設施、村屋及旅遊景點,擬議發展與附近土地用途協調。

申請地點涉及八宗臨時食肆用途的規劃申請,其中四宗申請獲得批准。最近一次申請(編號A/YL-TT/596)於2023年6月23日獲城規會批准用作相同用途,為期3年至2026年6月23日。

這宗規劃申請的理由為:為本地居民及遊客提供多一個用餐選擇;符合"鄉村式發展"地帶的規劃意向;符合城規會規劃指引編號第 15A;不會對附近的環境構成不良影響;與附近土地用途協調;申請地點之前已獲規劃許可;鄰近同類用途已獲規劃許可;及達至規劃增益的成效。因此,申請人希望城規會批准三年的臨時用途。

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SUMMARY OF APPLICATION

Applicant: Mr. Leung Chiu Fan

Applied Use: Temporary Eating Place (Outside Seating Accommodation of a

Restaurant) for a Period of 3 Years

Existing Use: Temporary Eating Place (Outside Seating Accommodation of a

Restaurant)

Location Lots 1185, 1186(Part), 1187 S.M, 1187 S.L(Part), 1298RP(Part)

and 2146 in DD117, Tai Tong Shan Road, Tai Tong, Yuen Long,

New Territories

Site Area: Private Land: 1,450 sq. m.

Total: About 1,450 sq. m.

Lease Block Government Lease demised as agricultural use

Statutory Plan: Tai Tong Outline Zoning Plan No. S/YL-TT/20

Zoning: Village Type Development ("V")

TPB Guidelines: Application for Eating Place within "Village Type Development"

Zone in Rural Areas (TPB PG-No. 15A)

Previous A/YL-TT/596 approved on23.6.2023

Applications:

A/YL-TT/502 approved on 5.9.2020 /YL-TT/403 approved on 11.8.2017 A/YL-TT/379 rejected on 10.6.2016 A/YL-TT/373 rejected on 4.3.2016 A/YL-TT/366 rejected on 4.12.2015

A/YL-TT/272 approved on 10.12.2010

A/YL-TT/321 approved on 3.5.2014

1. INTRODUCTION

- 1.01 This application is prepared by Mr. Leung Ming Kin on behalf of Mr. Leung Chiu Fan (the "Applicant") to the Town Planning Board (the "Board") to seek a planning permission for temporary eating place (outside seating accommodation of a restaurant ("OSA")) (the "Proposed Development") for a period of three years at Lots 1185, 1186(Part), 1187 S.M, 1187 S.L(Part), 1298RP(Part) and 2146 in DD117, Tai Tong Shan Road, Tai Tong, Yuen Long, New Territories (the "Application Site").
- 1.02 The Application Site, covering an area of 1,450 square metres, has been used for a roadside restaurant with OSAs directly annexed to the ground floor restaurant of an existing New Territories Exempted House ("NTEH") (House No. 198) at Lot 2146 in D.D.117 or connected via open-air service corridors since 2010.
- 1.03 The Proposed Development located in Tai Tong, Yuen Long with good transportation networks. It is mainly catered for the local villagers in Tai Tong Tsuen, Wong Nai Tun Tsuen and Pak Sha Tsuen, the workers at surrounding open storage sites as well as visitors/tourists in the nearby tourist spots such as Tai Lam Country Park, Po Leung Kuk Jockey Club Tai Tong Holiday Camp and Tai Tong Organic Ecopark. It also serves as a gathering ground and for launching social activities and functions for the local villagers.
- 1.04 The Application Site is the subject of seven previous applications for similar/same uses since 2010, of which four out of the applications were approved. The last application (Application No. A/YL-TT/596) was approved for the same use by the Board on 23.6.2023 for a period of 3 years until 23.6.2026. The approval conditionshave not been complied with. The reasons for the delay of the record the existing drainage facilities is mainly due to some section of the proposed u-channel was totally covered and cannot intercepted surface run/off and on overland flow and some u-channel was blocked. The applicant should note that some foul water was discharged from the kitchen of the application site to the proposed drainage system. We have already rectified all defects to the further checking of CE/MN of DSD on 30/10/2024.
- 1.05 The proposed site layout for the current application is redesigned to place all the ancillary facilities to the south of Tai Tong Shan Road for better management.
- 1.06 The Application Site falls within the "Village Type Development" ("V") zone on the Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/120. The Proposed Development falls within the broad definitions of 'Eating Place' which is a use listed under Column 2 of the OZP. In accordance to the OZP, uses under Column 2 may be permitted with or without conditions on application to the Board.

- 1.07 The Town Planning Board Guidelines for Application for Eating Place within "Village Type Development" Zone in Rural Areas (TPB PG-No. 15A) is relevant to this application. The Proposed Development is considered to meet the planning criteria as specified under the TPB PG-No.15A. When looking at the surrounding land uses, most of the sites are currently occupied by commercial facilities, private vehicle parks, VHs and tourist spots.
- 1.08 The following sections are intended to help facilitate the Board's decision, and will briefly describe the Application Site and its surroundings, give details of the Proposed Development and provide justifications in support of the application.

2. SITE CONTEXT

Location

2.01 The Application Site abuts Tai Tong Shan Road, Tai Tong, Yuen Long. It is located approximately 5 km south of Yuen Long New Town. It lies approximately 180 meters to the south of Tai Tong Tsuen and to the immediate east of the junction of Kiu Hing Road and Tai Tong Shan Road. Figure 1 shows the Application Site in its regional context.

Existing Site Conditions

2.02 The Application Site covers an area of approximately 1,450 square metres. It is hard paved, generally flat and irregular in shape. It is currently being used as an eating place with OSAs. An NTEH (House No. 198) is located at the western boundary of the Application Site. The ground floor of the NTEH is currently being used as a kitchen and washrooms. Shelters and structures for OSAs/storage are directly annexed to the G/F restaurant or located at the northern and eastern boundaries. Six parking spaces for private vehicles and a loading/unloading bay for light goods vehicle are provided at the south of the Application Site.

Surrounding Land Uses

2.03 The Application Site is located in Tai Tong Tsuen Village Environ. It is about 180 meters to the south of Tai Tong Tsuen village cluster. The surrounding area ispredominantly rural residential in character with a mixture of residential dwellings, car park, restaurants, village stores, village café, open storage yards and some abandoned structures. To the southeast is an area zoned "Open Storage" ("OS") on the OZP. To the further southeast are Tai Lam Country Park, Po Leung Kuk Jockey Club Tai Tong Holiday Camp and Tai Tong Organic Ecopark. The proximity to the junction of Kiu Hing Road and the presence of several village stores and eating place (Application Nos. A/YL-TT/497, 539, 565 and 566) provides an excellent locale for the Application Site to become a focal point for both the villagers and visitors in the vicinity. A plan showing the Application Site in the context of its local surrounds is in **Figure 3**.

Access

2.04 Pedestrian can access to the Application Site from Tai Tong Shan Road which is one of the major roads to the nearby tourist spots. For vehicular access, the Application Site is accessible via a track branching off from Tai Tong Shan Road that is the same vehicular access used for loading/unloading for light goods vehicle in the last planning application (Application No. A/YL-TT/596).

3. LAND STATUS

- 3.01 According to the Land Registry, the Application Site comprises of Lots 1185, 1186(Part), 1187 S.M, 1187 S.L(Part), 1298RP(Part) and 2146 in DD117, Tai Tong Shan Road, Tai Tong, Yuen Long, New Territories which demised as agricultural land. A plan showing the configuration of these lots is in **Figure 2**.
- 3.02 The subject lots are all held under Block Government Lease and demised as agricultural land with a lease term expiring on 30.6.2047. There are no user restrictions in the leases apart from the standard non-offensive trade clause.

4. PLANNING CONTEXT

Statutory Plan

- 4.01 The Application Site falls within an area zoned "Village Type Development" ("V") on the Tai Tong OZP No. S/YL-TT/20. According to the Explanatory Statement accompanying the OZP, the planning intention of this zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. An extract of the OZP is in **Figure 4**.
- 4.02 According to the Notes of the OZP, 'Eating Place', unless on the ground floor (G/F) of a New Territories Exempted House (NTEH), is a Column 2 use within the "V" zone, which requires planning permission from the Board. However, a selected range of uses including commercial, community and recreational uses may be permitted withinthis zone on application to the Board on the basis that these uses would serve the needs of villagers and would not adversely affect the character of villages. In order not to jeopardize the planning intention of "V" zone, the Applicant intends to use the Application Site on a temporary basis.

Town Planning Board Guidelines for Application for Eating Place within "V" Zone in Rural Areas – TPB PG-No. 15A

4.03 The TPB PG-No. 15A is relevant to this Application. This Guideline stipulates that "the eating place use should not create any environmental nuisance or cause inconvenience to the residents nearby. Such use should preferably be located at the fringe of a village area, e.g. "area abutting the main road" and "for a village located adjacent to recreational uses or tourist attraction sports, favourable consideration may

be given to eating place use which will provide catering facilities to serve the visitors and tourists".

4.04 According to the TPB PG-No. 15A, eating place use on the ground floor of an NTEH within the "V" zone does not require planning permission. However, such use on other floors of an NTEH, on open ground as an extension to a ground floor eating place in an NTEH, or as a free-standing development within the "V" zone requires planning permission from the Board. Adequate car parking spaces should also be provided to serve the eating place.

Previous Applications

- 4.05 The Application Site is the subject of seven previous applications (No. A/YL-TT/272, 321, 366, 373, 379, 403 and 502) for similar eating place use. Four applications (Application Nos. A/YL-TT/272, 321, 403, 502 and 596) were approved by the Board on 10.12.2010, 23.5.2014, 11.8.2017, 15.9.2020 and 23/6/2023, respectively.
- 4.06 The Applicant has not been complied with all the approval conditions of the last application (No.A/YL-TT/596). The reasons for the delay of the record the existing drainage facilities is mainly due to some section of the proposed u-channel was totally covered and cannot intercepted surface run/off and on overland flow and some u-channel was blocked. The applicant should note that some foul water was discharged from the kitchen of the application site to the proposed drainage system. We have already rectified all defects to the further checking of CE/MN of DSD on 30/10/2024.

Similar Applications approved within the Same "V" Zone

4.07 There are 10 similar applications (No. A/YL-TT/114, 149, 192, 249, 280, 282, 324, 335, 407 and 497) for temporary eating place/canteen/restaurant uses covering 3 sites within or straddling the subject "V" zone on the OZP. All the applications, except application No. A/YL-TT/280, were approved with conditions each for a period ranging from 2 to 3 years by the Committee between 2001 and 2017 mainly on considerations that the applications would not jeopardise the long-term planning intention of the subject "V" zone; the proposals were not incompatible with the surrounding land uses; the proposals generally complied with TPB PG-No. 15A; and the technical concernsof relevant government departments could be addressed by imposing appropriate approval conditions.

5. DEVELOPMENT PROPOSAL

Proposed Use

5.01 The Applicant seeks the Board's permission to using the Application Site for a temporary eating place (Outside Seating Accommodation of a Restaurant) for aperiod of 3 years. The Proposed Development aims to provide an additional choicefor dining for the nearby villagers and visitors/tourists as well as a gathering ground for launching social activities and functions for the local villagers.

Site Layout and Design

- 5.02 The Application Site is an existing eating place comprises of an NTEH and OSAs for dining purposes (see Layout Plan in **Figure 5**). The ground floor of the NTEH, located at the western portion of the Application Site is converted into a kitchen and washrooms. The Application Site consists of three 1-storey (4-5m high) shelters/structures with a total floor area of about 354m² for the OSAs of the restaurant at the western, northern and eastern boundaries. A shelter for storage, a container, and a rain shelter (2.5 2.7m high) are directly annexed to the G/F restaurant. Another 1-storey (4m high) shelter for storage is placed at the centre of the Application Site. A meter room (2m high) is placed at the northeast corner of the Application Site. There are a total of 6 parking spaces for private vehicles and a loading/unloading bay for light goods vehicle (not exceeding 5.5 tonnes as defined in the Road Traffic Ordinance) located at the southern portion of the Application Site.
- 5.03 There are a total of 10 structures in the Application Site. The vehicular ingress/egress point, located to the south of the Application Site, is approximately 5-metre wide. Adequate spaces are provided within the Application Site for manoeuvring of vehicles. Pedestrian entrance is provided at the northwest of the Application Site accessible from Tai Tong Shan Road.
- 5.04 There is an abandoned structure enclosed by the Application Site. The Proposed Development will not be fenced off and open-air service corridors will be provided within the Application Site. It will not obstruct anyone to access the abandoned structure. The right of way to the abandoned structure will be preserved.

Site Operations

5.05 The proposed hours of operation at the Application Site are restricted between 6:00a.m. to 10:00 p.m. from Mondays to Sundays, including public holidays. Most of the customers are local villagers and visitors to the nearby Tai Lam Country Park so parking spaces for private vehicles is not in great demand. Peak hours will fall between 11:30a.m. to 2:30p.m. during weekdays. The proposed use will generate approximately 6-10 cars trips to the Application Site during peak hours. The frequencyof delivery trips of goods/cooking materials to and from the Application Site will be low (estimated to be around 1 to 2 trips per day).

Drainage Proposal

5.06 The Applicant has implemented the drainage facilities at Application Site under previous planning approval No. A/YL-TT/403 and it was considered satisfactory by the Drainage Services Department. Should this application be approved, the Applicant is committed to maintain the drainage facilities to the satisfaction of the Director of Drainage Services.

Fire Services Installations

5.07 The Applicant has implemented the fire services installations (FSIs) at Application Site under the planning approval No. A/YL-TT/502 and it was considered satisfactory by the Fire Services Department. Should this application be approved, the Applicant is committed to maintain the FSIs to the satisfaction of the Director of Fire Services to ensure that the eating place will be operated in a safe manner.

6. JUSTIFICATIONS

Provide an Additional Choice for Dining for the Local Residents and Visitors

- 6.01 The Application Site is situated in the eastern boundary of the "V" zone where most commercial activities of several villages such as Tai Tong Tsuen is located. According to the Applicant, the eating places found along Tai Tong Shan Road are mainly served as a canteen for the visitors of several tourist places such as Tai Tong Organic Ecopark and workers from the nearby open storage facilities including Tai Tong Shan Road and Kung Um Road. The choices for licensed eating places for the nearby residents are very limited. The Proposed Development offers an additional choice for lunch and to dine-out within walking/short distance for the local residents in southern Shap Pat Heung, especially those from Tai Tong Tsuen, Wong Nai Tun Tsuen and Pak Sha Tsuen.
- 6.02 The Tai Tong area, famous by the Tai Tong Organic EcoPark (formally Tai Tong Lychee Valley) and other tourist spots such as Tai Lam Country Park including the sweat gum forest, the thousands island, Po Leung Kuk Jockey Club Tai Tong HolidayCamp, has attracted a great number of visitors during weekends/public holidays. The Proposed Development also serves those visitors/tourists, which provides a win-win situation to the Applicant on one hand and benefits the local community on the other. In addition, the eating place can also provide employment opportunities to the local villagers.

In Line with the Planning Intention

6.03 The Application Site is zoned "V" on the OZP, and the applied use is under Column 2 of the Notes for which the Board's permission must be sought. It is a commercial and community use which serves the needs of villagers as well as supports the social and economic development of the surrounding villages. In this regard, the Proposed

Development is in line with the planning intention of the "V" zone.

6.04 The landowners of the subject lots under this application support this application as they have no intention to construct the Small Houses in the coming few years. Moreover, if the Application Site conflicts with the Small House Development in any way, the Applicant undertakes to reinstate the Application Site for the development of Small Houses upon the expiry of the planning permission

Compliance with TPB PG-No. 15A

The Proposed Development is considered to meet the planning criteria as specified under the TPB PG-No.15A for assessing planning applications, the reasons are:

Suitable Location

6.06 The Application Site is located at the fringe of several villages like Tai Tong Tsuen and enjoys direct access from the main road i.e. Tai Tong Shan Road where most of the commercial facilities are located. It is considered as a suitable location for the Proposed Development.

No Adverse Drainage, Sewage or Fire Safety Impacts

- 6.07 As mentioned in Paragraph 5.08 above, the Applicant has provided appropriate drainage facilities at the Application Site. A number of septic tanks and soakaway system have already been installed to deal with the sewage discharge. In this regard, no adverse drainage and sewage impacts are anticipated.
- 6.08 As stated in Paragraph 5.09 of this statement, the Applicant has provided all the required FSIs within the Application Site. In this connection, no adverse fire safety impacts are anticipated.

In the Vicinity of Recreation Uses and Tourist Attractions

6.09 According to TPB PG-No. 15A, for sites located adjacent to recreational uses or tourist attraction spots, favourable consideration may be given to the application. The existing eating place is located to the west of the recreational uses and tourist attraction spots, including Tai Lam Country Park including the sweat gum forest, the thousands island, Po Leung Kuk Jockey Club Tai Tong Holiday Camp and Tai Tong Organic EcoPark and serves as a catering facility for the visitors and tourists. The existing eating place would also compliment with the recreational facilities and in turn assist promoting tourism in this part of Yuen Long.

No Adverse Traffic Impact

6.10 Apart from local villagers/residents, other visitors can make use of the public transportation network serving the area, walk or drive to the Application Site. The Application Site is well served by public transportation with bus, mini-bus, taxi running along Tai Tong Shan Road and Kiu Hing Road. The Application Site consists of a

parking facility at the south of the Application Site which provides 6 parking spaces for private vehicles that is unlikely to create any circulation problem for both pedestrians and vehicles. The traffic generation brought by the Proposed Development would be minimal and no adverse traffic impact to the local road network is anticipated.

Insignificant Environmental Impact

6.11 The Application Site is located in the rural area of Yuen Long and is away from the established residential developments. The canteen to the north of the Application Site along Tai Tong Shan Road has already been used for an eating place for many years and are well supported by nearby villagers. The operation hours of the Proposed Development are restricted from 6:00 am to 10:00 pm daily, including public holidays and it is mainly used during lunchtime. According to the Hong Kong Planning Standards and Guidelines, the standard noise level of residential buildings is 70 decibels. The noise source of the Proposed Development is mainly generated from human chatting, which is far lower than 70 decibels. With the Application Site already being hard paved and of a relatively small scale, it is anticipated that the Application Site would not generate adverse noise and air pollution.

Compatible with Surrounding Land Uses

6.12 The Application Site is situated in the fringe of the "V" zone where most commercial activities of Tai Tong Tsuen are located. Land uses to the north of the Application Site across Tai Tong Shan Road include canteen, village stores and Shap Pat Heung District Resident Association Office. It is well served by public transportation. The structures of the Proposed Development are 1-storey a total floor area of about 506m², is considered compatible with the surrounding land uses and the village settings in terms of its geographical location and land use.

Site with Previous Planning Approvals

6.13 The Board previously approved four similar eating place/OSA uses on the Application Site since 2010. Alike the last approved application (No. A/YL-TT/596), the applied use and nature of operation of the current application is generally the same as the last application. As such, favorable consideration may be given by the Board to approve this application.

Approval of Similar Applications

6.14 As mentioned in Paragraph 4.07 above, a number of planning approvals have also been granted by the Board for the similar eating place/canteen/restaurant uses within or straddling the subject "V" zone on the OZP in the past. This indicates that the Application Site is suitable for eating place (OSA) use on a temporary basis.

Planning Gains

The Proposed Development would meet the needs of the local villagers/residents in the Tai Tong area. It would also bring in economic activities and hence employment opportunities in the area. Since the Proposed Development abuts a major road, the Proposed Development would provide convenient access for people in Tai Tong and Yuen Long, and social and economic benefits to the community at large. In this regard, the Proposed Development is considered a planning gain for the general public and the local community.

7. CONCLUSION

- 7.01 The Proposed Development is a catering facility, which intends to provide an additional choice for dining for the nearby villagers and people working in and visiting the area. Apart from providing food services, the Proposed Development also provides a venue for various village/religious functions, which is mostly needed for thearea, especially for Shap Pat Heung of Yuen Long.
- 7.02 The Application Site falls within the "V" zone and, as evidenced by the existing surrounding land uses, has been a popular location for supporting commercial activities. It is considered that the Proposed Development is compatible in land use terms and that there will not be any interface problems as a result. The Applicant commits to comply with all the approval conditions should this application be approved. The application is also complied with TPB PG-No. 15A. It is anticipated thatthe proposed use will not generate any adverse traffic, drainage, sewage or environmental impacts on the surrounding areas.
- 7.03 For the reason stated above, the Proposed Development is considered a suitable temporary use in this location and the Board is therefore invited to consider it favourably.

Sep 2024