

**PLANNING APPLICATION UNDER SECTION 16
OF THE TOWN PLANNING ORDINANCE (CAP. 131)**

**TEMPORARY EATING PLACE (OUTSIDE SEATING
ACCOMMODATION OF A LICENSED RESTAURANT)
FOR A PERIOD OF 5 YEARS AT :
THE GOVERNMENT LAND IN FRONT OF G/F., LOT 2754,
DD 130, OFF CASTLE PEAK ROAD, LAM TEI, TUEN MUN,
NEW TERRITORIES**

SUPPLEMENTARY PLANNING STATEMENT

21 September, 2026

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

Temporary Eating Place (Outside Seating Accommodation (O.S.A.) of a Licensed Restaurant) for a Period of 5 Years at The Government Land in front of G/F., Lot 2754, and The Outside Seating Accommodation, DD 130, Off Castle Peak Road, Lam Tei, Tuen Mun, New Territories
(The application premise)

Executive Summary

This Planning Statement is submitted by Mr. Lai Zhitao ("the Applicant"), existing tenant, and is prepared in support of a planning application for temporary eating place (Outside Seating Accommodation of 14.24m² Only) use at The Government Land in front of G/F., Lot 2754, and The Outside Seating Accommodation, DD 130, Off Castle Peak Road, Lam Tei, Tuen Mun, New Territories ("the Application Premise"), to obtain planning approval from the Town Planning Board (the "TPB") for the prepared outside seating accommodation of existing General Restaurant, temporary Eating Place Use ("the Proposed Use") under Section 16 of the Town Planning Ordinance.

The application premise is currently zoned "Village Type Development" on the Approved Lam Tei and Yick Yuen Outline Zoning Plan No. S/TM-LTYT/14. Gazetted on March 2026 (the "OZP"). The Application Premise situates at the Tuen Mun village type area, with a frontage abuts Off Castle Peak Road, Lam Tei. It has a total floor area of about 14.24m² on government land.

Under the proposal, the Government land's (with area of 14.24m²) will be converted from village type to "Eating Place" use. And it is not required to have fire resistance separation between the Government land and the eating place as it is open space in front of G/F., the existing General Restaurant. Besides, the means of escape (MOE) of the proposed eating place of 14.24m² is adequate because it is located on open space of government land. On the other hand, there will be a 5kg Dry Powder type fire extinguisher inside a cabinet (Fire Services Department's requirement) to be provided at the new proposed eating place.

Statements are demonstrated in support of the proposed use:

- (i) The proposed uses conform to the planning intention of "Village Type Development" zone.
- (ii) The proposed use is compatible to the adjoining uses.
- (iii) The proposed uses could fulfill the demand of eating place.
- (iv) The proposed use comply with Town Planning Board Guidelines No. 15A) regarding development within residential building Residential (Group A) zone.
- (v) There would be no traffic and environmental impact generated from the proposed use.
- (vi) "Eating Place" is non polluting general business which is in line with the planning intention of the "Village Type Development" zone.

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The Proposed Use is worth to be considered by the TPB, not only because of its non-polluting general business uses, which is in line with the planning intention of the Village Type but also satisfies the non-statutory planning requirements lay down on the Town Planning Board Guidelines for within Village Type Development.

Further favorable consideration should be given to the Proposed Use, as it supports the commercial activities and to provide employment opportunities of the eating industry. Moreover, no adverse environmental, traffic and infrastructure impacts will be generated by the Proposed Use.

In view of the justifications throughout this planning statement report, it is very much appreciated that the members of the Board will give favorable consideration and to approve this application in order to revitalize the Lam Tei area for the benefit of our community.

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(The application premise)

Proposed "Eating Place" is locating at The Government Land (Outside Seating Accommodation of 14.24m²) in front of G/F., Lot 2754, and The Outside Seating Accommodation, DD 130, Off Castle Peak Road, Lam Tei, Tuen Mun, New Territories, In respect of "Village Type Development" Zone under the approved Lam Tei and Yick Yuen Outline Zoning Plan No. S/TM-LTY/14.

1. INTRODUCTION

1.1 Site Location

3 storeys-village type building is surrounded by Lam Tei.

The size of the application area is 14.24m² in total area and it is located on government land in front of G/F., Lot 2754, and The Outside Seating Accommodation, DD 130, Off Castle Peak Road, Lam Tei, Tuen Mun, New Territories



OSA

APPLICATION AREA OF 14.24m² (On government land)

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(The application premise)

Proposed "Eating Place" (Outside Seating Accommodation of 14.24m² Only) now is locating at The Government Land in front of G/F., Lot 2754, and The Outside Seating Accommodation, DD 130, Off Castle Peak Road, Lam Tei, Tuen Mun, New Territories.

In respect of "Village Type Development" Zone under the approved Lam Tei and Yick Yuen Outline Zoning Plan No. S/TM-LTTY/14.

2 . SITE CONTEXT-DEVELOPMENT AND NEIGHBOURHOOD CHARACTERISTICS

- 2.1 The application area is a 3-storey residential building on government land of Lot No. 2754 in D.D. 130.

The application premise attached to the government land is an existing general restaurant of 54.26m² with valid licence issued by Food and Environmental Hygiene Department until 8 Oct. 2026.

According to the approved lands plan of Lands Department, the use of purpose of ground floor is not specified, i.e. multi uses.

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3 . Planning Justification

3.1 Provision of Means of Escape (MOE)

Application area of 14.24² located on open space of government land and MOE is no doubt to the full satisfaction of Directors of Government Departments to ensure the business operation would not cause fire and escape hazard, so as to ensure the safety of the public and the staff.

3.2 Provision of Fire Safety Measures

The applicant would provide a 5kg dry type powder fire extinguisher inside a cabinet not only to the satisfaction of Director of Fire Services Department, but also to ensure business operation at the premises would not arouse fire hazard and safeguarding public safety.

3.3 Compliance to Town Planning Board Guideliane No. 15A

With reference to the Town Planning Board Guideline No. 15A, the application area of 14.24m² complied the definition of subsidiary outside seating accommodation to a restaurant as defined in the Food Business Regulation (Chapter 132X).

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3 . Planning Justification

3.4 No adverse impact on Environment

- The application area of 14.24m² will not cause any adverse environmental impact on locality, since the outside seating accommodation operation will not generate and cause sewerage, vibration, odour smell or dust and will not operate after 23:00 pm to avoid late-night and early-morning periods, ensuring the residential tranquility of the illage is fully respected.
(Outside Seating Accommodation business hours : 11:00 - 23:00)
- The proposed use will NOT involve any public announcement system, portable loudspeaker, or any form of audio amplification system, NOR will it involve whistle blowing.
- The solid waste generated by the licensed restaurant, including the proposed outside seating accommodation, will be temporarily stored in a designated storage area and collected regularly for proper disposal by the relevant licensed collector. Wastewater generated by the restaurant will first pass through a grease trap for treatment before being discharged into the public foulsewer.

3.5 Compatibility

- The proposed use, eating place, is compatible to the adjoining uses.
- The alfresco Outside Seating Accommodation dining area will serve as a much-needed ancillary facility for local villagers and weekend visitors (e.g., tourists visiting Lam Tei Main Street or Miu Fat Buddhist Monastery), thereby boosting the local village economy. No Infringement on Indigenous villagers' rights.

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4 . Government Departments' Comments

1 . Buildings Department

- No objection on the application.

2 . Fire Services Department

- No objection on the application.

3 . Lands Department

- No objection on the application.

4 . Transport Department

- No objection on the application.

5 . Home Affairs Department

- No objection on the application.

6 . Food and Environmental Hygiene Department

- No objection on the application.

7 . Planning Department

- This is the only one department remain unresolved and believed section 16 is to be approved by the Town Planning Board.

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5 . Conclusion

- 5.1 This planning application is to seek planning permission for proposed Outside Seating Accommodation (O.S.A.) use at The Government Land in front of G/F., Lot 2754, and The Outside Seating 'Accommodation, DD 130, Off Castle Peak Road, Lam Tei, Tuen Mun, New Territories
- 5.2 Justifications are demonstrated in support of the proposed use:
- (i) The proposed use conforms to the planning intention.
 - (ii) The proposed use is compatible to the adjoining uses.
 - (iii) The proposed use could fulfill the demand of Outside Seating Accommodation within the Lam Tei area.
 - (iv) The proposed use complies with Town Planning Board Guidelines No. 15A.
 - (v) There would be no traffic and environmental impact generated from the proposed use.
- 5.3 In veiw of the above, the application would not contravene with the policy and statutory planning requirements and the fact that there have been many similar approved applications in the district, we sincerely hope that the Board will approve this application, thank you.

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APPENDIX 1

EXTRACT OF THE APPROVED
LAM TEI AND YICK YUEN OUTLINE ZONING PLAN NO.
S/TM-LTYYY/14

APPROVED LAM TEI AND YICK YUEN
OUTLINE ZONING PLAN NO. S/TM-LTTY/14

Notes

Schedule of Uses

Explanatory Statement

VILLAGE TYPE DEVELOPMENT

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Agricultural Use	Burial Ground
Government Refuse Collection Point	Eating Place
Government Use (Police Reporting Centre, Post Office only)	Field Study/Education/Visitor Centre
House (New Territories Exempted House only)	Flat
On-Farm Domestic Structure	Government Use (not elsewhere specified) #
Public Convenience	House (not elsewhere specified)
Religious Institution	Institutional Use (not elsewhere specified) #
(Ancestral Hall only)	Petrol Filling Station
Rural Committee/Village Office	Place of Recreation, Sports or Culture
	Private Club
	Public Clinic
	Public Transport Terminus or Station
	Public Utility Installation #
	Public Vehicle Park (excluding container vehicle)
	Religious Institution (not elsewhere specified) #
	Residential Institution #
	School #
	Shop and Services
	Social Welfare Facility #
	Utility Installation for Private Project

In addition, the following uses are always
permitted on the ground floor of a New
Territories Exempted House:

Eating Place
Library
School
Shop and Services

(Please see next page)

VILLAGE TYPE DEVELOPMENT (Cont'd)

Planning Intention

The planning intention of this zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this 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 Town Planning Board.

Remarks

- (a) No new development, or addition, alteration and/or modification to or redevelopment of an existing building (except development or redevelopment to those annotated with #) shall result in a total development and/or redevelopment in excess of a maximum building height of 3 storeys (8.23m) or the height of the building which was in existence on the date of the first publication in the Gazette of the notice of the draft development permission area plan, whichever is the greater.
- (b) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the building height restriction stated in paragraph (a) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.

藍地及亦園分區計劃大綱核准圖編號 S/TM-LTYY/14

註釋
土地用途表
說明書

鄉村式發展

第一欄	第二欄
經常准許的用途	須先向城市規劃委員會申請，可能在有附帶條件或無附帶條件下獲准的用途
農業用途 政府垃圾收集站 政府用途(只限報案中心、郵政局) 屋宇(只限新界豁免管制屋宇) 農地住用構築物 公廁設施 宗教機構(只限宗祠) 鄉事委員會會所／鄉公所	墓地 食肆 郊野學習／教育／遊客中心 分層住宅 政府用途(未另有列明者)# 屋宇(未另有列明者) 機構用途(未另有列明者)# 加油站 康體文娛場所 私人會所 政府診所 公共車輛總站或車站 公用事業設施裝置# 公眾停車場(貨櫃車除外) 宗教機構(未另有列明者)# 住宿機構# 學校# 商店及服務行業 社會福利設施# 私人發展計劃的公用設施裝置

除以上所列，在新界豁免管制屋宇的地面一層，經常准許的用途亦包括：

食肆
圖書館
學校
商店及服務行業

(請看下頁)

鄉村式發展(續)

規劃意向

此地帶的規劃意向，是反映現有的認可鄉村和其他鄉村的範圍，以及提供合適土地以作鄉村擴展和重置受政府計劃影響的村屋。地帶內的土地，主要預算供原居村民興建小型屋宇之用。設立此地帶的目的，亦是要把鄉村式發展集中在地帶內，使發展模式較具條理，而在土地運用及基礎設施和服務的提供方面，較具經濟效益。在新界豁免管制屋宇的地面一層，有多項配合村民需要和鄉村發展的商業和社區用途列為經常准許的用途。其他商業、社區和康樂用途，如向城市規劃委員會申請許可，或會獲得批准。

備註

- (a) 任何新發展，或任何現有建築物的加建、改動及／或修改，或現有建築物的重建(發展或重建作註有#的用途除外)，不得引致整個發展及／或重建計劃的最高建築物高度超過三層(8.23 米)，或超過在有關發展審批地區草圖的公告在憲報首次刊登該日已經存在的建築物的高度，兩者中以數目較大者為準。
- (b) 城市規劃委員會如接獲根據《城市規劃條例》第 16 條提出的申請，可按個別發展或重建計劃的情況，考慮略為放寬上文(a)段所述的建築物高度限制。

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APPENDIX 2

**TOWN PLANNING BOARD GUIDELINES FOR
APPLICATION FOR EATING PLACE WITHIN
"VILLAGE TYPE DEVELOPMENT" ZONE IN RURAL AREAS
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE
(TPB PG-NO. 15A)**

**TOWN PLANNING BOARD GUIDELINES FOR
APPLICATION FOR EATING PLACE WITHIN
"VILLAGE TYPE DEVELOPMENT" ZONE IN RURAL AREAS
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

(Important Note :-

The Guidelines are intended for general reference only.

Any enquiry on this pamphlet should be directed to the Planning Information and Technical Administration Unit of the Planning Department, 17/F, North Point Government Offices, 333 Java Road, Hong Kong - Tel. No. 2231 5000.

The Guidelines are subject to revision without prior notice.)

1. Scope and Application of the Guidelines

- 1.1 The general planning intention of the "Village Type Development" ("V") zone in the rural New Territories is to demarcate both existing recognised villages and areas of land considered suitable for village expansion. It is the planning intention to concentrate village and related development within the "V" zone for a more orderly development pattern, economic and efficient use of land and provision of infrastructure and services. A selective range of uses including commercial, community and recreational uses may be permitted within this zone on application to the Town Planning Board (the Board) on the basis that these uses would serve the needs of villagers and would not adversely affect the character of villages.
- 1.2 In view of the above planning intention, eating place use (such as restaurant and alfresco dining facility) in the "V" zone should be compatible with the surrounding land-uses and would not create any nuisance or cause inconvenience to the local residents. The development should not have adverse impacts on traffic, drainage, sewage disposal and fire safety aspects. In addition, it should not reduce the land area available for village type development. For sites located adjacent to recreational uses or tourist attraction spots, favourable consideration may be given if the above considerations are not compromised.
- 1.3 Even if a proposal is considered acceptable in land-use planning terms and other planning criteria are met, under normal circumstances only a temporary approval for a maximum of three years should be considered so as to retain planning control on the development at the site and to cater for changing circumstances in future.
- 1.4 These Guidelines set out the planning criteria for assessing planning applications for eating place use in the "V" zone in the rural areas.

2. Definition of New Territories Exempted House (NTEH)

"NTEH" is defined in the Covering Notes in rural outline zoning plans.

3. Requirement for Planning Permission

Eating place use on the ground floor of a NTEH within the "V" zone does not require planning permission. However, such use on other floors of a NTEH, on open ground as an extension to a ground floor eating place in a NTEH, or as a free-standing development within the "V" zone requires planning permission from the Board.

4. Main Planning Criteria

- 4.1 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. For any eating place use that is situated amidst the existing village houses, sympathetic consideration may only be given if there are no objections from local residents.
- 4.2 The eating place use should not have any adverse traffic impact on its surrounding areas nor should it affect any pedestrian circulation in the area.
- 4.3 Sympathetic consideration may also be given to any application which would not have adverse impacts on drainage, sewage disposal facilities or fire safety aspects.
- 4.4 For any application on open ground as an extension to ground floor eating place in a NTEH or as a free-standing development, the eating place use should not adversely affect the land availability for village type development. Application sites with configurations/dimensions which are not suitable to be delineated separately for village type development or which are considered not suitable for village type development (e.g. within 20m of public roads constructed/maintained by the Highways Department or 15m of other local public roads), sympathetic consideration may be given by the Board on individual merits.
- 4.5 For a village located adjacent to recreational uses or tourist attraction spots, favourable consideration may be given to eating place use which will provide catering facilities to serve the visitors and tourists. In such circumstances, adequate car-parking spaces should be provided to serve the eating place use as required by the Transport Department. If it is impossible to provide car-parking spaces at the application site, the applicant should demonstrate that there are adequate car-parking facilities conveniently located in the vicinity to serve the eating place use.
- 4.6 All other statutory or non-statutory requirements of relevant Government departments should be met.

TOWN PLANNING BOARD
JUNE 2003

規劃指引編號15A(適用於已按法定圖則註釋總表修訂本修訂/更新的分區計劃大綱圖)

城市規劃委員會規劃指引
擬在鄉郊地區的「鄉村式發展」地帶內開設食肆
而按照城市規劃條例第16條提出的規劃申請

(重要提示：

這份指引只供一般參考用。

任何人如對這份指引有疑問，應向香港北角渣華道333號北角政府合署17樓規劃署規劃資訊及專業行政小組查詢(電話號碼：2231 5000)。

城市規劃委員會有權修訂這份指引，無須預先通知。)

1. 考慮範圍及指引的應用

- 1.1 在新界鄉郊設立「鄉村式發展」地帶的一般規劃意向，是為現有認可鄉村及適合作鄉村擴展的土地訂定界線，從而把鄉村及有關發展集中在此用途地帶內，使發展模式較具條理，同時在土地運用和基礎設施及服務的提供方面，較具經濟效益。在此用途地帶內進行一些選擇性類別用途包括商業、社區及康樂用途，必須向城市規劃委員會提出申請，若這些用途能配合村民的需要及不會對鄉村特色造成不良影響，或會獲得城市規劃委員會批准。
- 1.2 基於上述規劃意向，在「鄉村式發展」地帶內作食肆用途(例如酒樓餐廳和露天飲食設施)，必須與周圍的土地用途互為協調，並且不會對當地居民造成任何滋擾或不便。有關發展不得對交通、渠務、污水排放設施及消防安全構成不良影響。此外，擬議發展不得令用作鄉村式發展的土地有所減少。倘申請地點位於康樂用途或旅遊點毗鄰，而有關申請又符合上述考慮條件，則或會獲城市規劃委員會從優考慮。
- 1.3 即使有關發展計劃在土地用途規劃及其他規劃準則方面皆符合要求，城市規劃委員會在正常情況下只會考慮批給有效期不超過3年的臨時許可，以保留對申請地

點的發展計劃的規劃管制，從而應付日後不斷轉變的社會情況。

- 1.4 這份指引載列在評審有關在鄉郊地區的「鄉村式發展」地帶內作食肆用途的規劃申請時所依據的規劃準則。

2. 新界豁免管制屋宇的定義

新界豁免管制屋宇的定義載於為鄉郊地區擬備的分區計劃大綱圖的《註釋》說明頁內。

3. 取得規劃許可的規定

在「鄉村式發展」地帶內，倘食肆設於新界豁免管制屋宇的地面一層，是無須取得規劃許可的，但如設於新界豁免管制屋宇的其他各層，或其內食肆地面一層位於空地上的擴展部分，或作為一項獨立式發展，則必須向城市規劃委員會取得規劃許可。

4. 主要規劃準則

- 4.1 食肆用途不得對附近居民造成任何環境滋擾或不便。申請地點最好位於鄉村地區的邊緣，例如毗鄰主要道路的地方。倘擬設的食肆位於周圍建有村屋的地方，則要當地居民不提出反對，城市規劃委員會始會對有關申請從寬考慮。
- 4.2 食肆用途不得對周圍地區的交通及區內的行人流通情況造成不良影響。
- 4.3 倘有關申請不會對渠務、污水排放設施及消防安全構成不良影響，則城市規劃委員會亦會從寬考慮。
- 4.4 倘擬議發展位於空地上作為新界豁免管制屋宇地面一層的食肆的擴展部分，或作為一項獨立式發展，則擬設的食肆用途不得對鄉村式發展用地的供應量造成不利影響。倘申請地點的地形／尺寸並不適合個別劃分

作鄉村式發展或不適合供鄉村式發展(例如距離路政署所興建／保養的公用道路不足20米或距離其他鄉村公用道路不足15米)，則城市規劃委員會會按每宗申請的個別情況從寬考慮。

- 4.5 倘申請地點所處的鄉村位於康樂用途或旅遊點毗鄰，而擬設的食肆可為遊人和遊客提供飲食設施，則或會獲城市規劃委員會從優考慮。在此情況下，申請人應按照運輸署的要求提供足夠的泊車位，以應付食肆的需要。倘無法在申請地點設置泊車位，申請人必須證明在申請地點附近交通便利的地方備有泊車設施，足以應付食肆的需要。

- 4.6 擬議用途必須符合有關政府部門的其他法定或非法定規定。

城市規劃委員會
二零零三年六月