

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

**APPLICATION NO. A/YL-TT/681**

- Applicant** : LEUNG Chiu Fan represented by LEUNG Ming Kin
- Site** : Lots 1185, 1186 (Part), 1187 S.M, 1187 S.L (Part), 1298 RP (Part) and 2146 in D.D. 117, Tai Tong Shan Road, Tai Tong, Yuen Long, New Territories
- Site Area** : About 1,450 m<sup>2</sup>
- Lease** : Lots 1158, 1156, 1187 S.M, 1187 S.L and 1298 RP (Part) in D.D. 117  
- held under Block Government Lease (demised for agricultural use)
- Lot 2146 in D.D. 117  
- held under New Grant No. 4405 for agricultural purpose and permit for the construction of a Small House with roof-over area not exceeding 65.03m<sup>2</sup> for non-industrial purpose
- Plan** : Approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/20
- Zoning** : “Village Type Development” (“V”)  
*[Restricted to a maximum building height of 3 storeys (8.23m) except for those development/uses specified in the notes]*
- Application** : Temporary Eating Place (Restaurant with Outside Seating Accommodation (OSA)) for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary eating place (restaurant with OSA) for a period of three years at the application site (the Site) zoned “V” on the OZP (**Plan A-1a**). According to the Notes of the OZP for the “V” zone, ‘Eating Place’ (other than those on the ground floor of a New Territories Exempted House (NTEH)) is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is partly occupied by a NTEH with an existing restaurant on the ground floor and is currently used for the applied use without valid planning permission (**Plans A-2, A-4a and A-4b**).
- 1.2 The Site is accessible from Tai Tong Shan Road via a local track with an ingress/egress point in the south. According to the applicant, the proposal mainly involves an existing NTEH (House No. 198) with a restaurant on the ground floor at Lot 2146 in D.D. 117, two single-storey structures (4m to 5m high) for restaurant

use, one single-storey shelter (4m high) for OSA, and seven single-storey structures/shelters (2m to 4m high) for ancillary storage, rain shelter, meter room and toilet uses (**Drawing A-1**). The layout plans with run-in/out, swept path analysis and fire service installations (FSIs) proposals submitted by the applicant are at **Drawings A-1 to A-5** respectively.

- 1.3 The Site was involved in eight previous applications for temporary eating place with/without OSA of a restaurant including five applications approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2010 and 2023 (**Plan A-1b**) (details at paragraph 5 below). Compared with the last approved application (No. A/YL-TT/596), the current application is submitted by the same applicant for the same use with similar layout and development parameters. The major development parameters of the application are summarised as follows:

Site Area	About 1,450 m <sup>2</sup>
Total Floor Area (non-domestic)	Not more than 508.66 m <sup>2</sup>
No. of Structures	10 - 3 for eating places and OSA - 4 for storage use - 3 for rain shelter, meter room and toilet respectively
Height of Structures	1 storey (2 m - 5 m)
No. of Parking Space	6 for private cars (5m x 2.5m each)
No. of Loading/Unloading Space	1 for light goods vehicle (7m x 3.5m)
Operation Hours	6:00 a.m. to 10:00 p.m. daily

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

- (a) Application Form with supplementary planning (**Appendices I and Ia**) statement received on 20.11.2024
- (b) Further Information (FI) received on 27.12.2024\* (**Appendix Ib**)
- (c) FI received on 10.3.2025\* (**Appendix Ic**)  
*\*accepted and exempted from publication and recounting requirements*

- 1.5 On 10.1.2025, the Committee agreed to defer making a decision on the application for two months as requested by the applicant.

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Application Form and FIs at **Appendices I to Ic**. They can be summarised as follows:

- (a) the applied use provides an additional choice of eatery for the local residents, nearby workers and visitors and support the socio-economic development of the surrounding villagers. It is in line with the planning intention of the “V” zone and it is compatible with the surrounding land uses;
- (b) the landowners of the subject lots support the application as they have no intention to construct Small Houses (SHs) in the coming few years;
- (c) the applied use is in line with Town Planning Board Guidelines No. 15A (TPB PG-No. 15A) mainly for reasons of its suitable location; no adverse impact on the land available for village type development; no adverse drainage, sewerage, fire safety, traffic and environmental impacts; and the Site is in the vicinity of recreation uses and tourist attractions; and
- (d) the Site is the subject of previous approvals for the same use and similar applications had been approved with conditions within the same “V” zone.

### **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 the notice to the Shap Pat Heung Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Town Planning Board Guidelines**

The Town Planning Board Guidelines for ‘Application for Eating Place within “Village Type Development” Zone in the Rural Areas under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 15A) is relevant to the application. The relevant planning criteria are summarised at **Appendix II**.

### **5. Background**

The Site is currently not subject to any planning enforcement action.

### **6. Previous Applications**

- 6.1 There are eight previous applications (No. A/YL-TT/272, 321, 366, 373, 379, 403, 502 and 596) covering different extents of the Site for same/similar eating place use. Details of these previous applications are summarised in **Appendix III** and their locations are shown on **Plan A-1b**.

#### **Rejected Applications**

- 6.2 Applications No. A/YL-TT/366, 373 and 379 for temporary eating place (the latter application with proposed OSA) for a period of one or three years were rejected by

the Committee between 2015 and 2016 mainly on the grounds that the applicant failed to demonstrate the development would not cause adverse traffic, drainage and fire safety impacts on the surroundings areas; and approval of the applications with repeated non-compliances with approval conditions would set an undesirable precedent.

### Approved Applications

- 6.3 Applications No. A/YL-TT/272 and 321 for temporary eating place each for a period of three years were approved with conditions by the Committee in 2010 and 2014 respectively, mainly on the 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 concerns of relevant government departments could be addressed by imposing appropriate approval conditions. However, the planning permissions for both planning applications were revoked in 2013 and 2015 respectively due to non-compliance with time-limited approval conditions.
- 6.4 Applications No. A/YL-TT/403, 502 and 596<sup>1</sup> for temporary eating place (all with OSA) were approved with conditions by the Committee for a period of three years between 2017 and 2023 mainly on similar considerations as mentioned in paragraph 6.3 and that sympathetic consideration was given to the former application as the applicant was different from the previous applications in paragraph 6.2 and 6.3. However, the planning permissions for applications No. A/YL-TT/502 and 596 were subsequently revoked on 2023 and 2024 respectively due to the non-compliance with time-limited approval condition regarding implementation of the run-in/out proposal for application No. A/YL-TT/502 and submission of existing drainage facilities record and FSIs proposal for application No. A/YL-TT/596.

## **7. Similar Applications**

There are three similar applications (No. A/YL-TT/497, 599 and 606) for renewal of planning approval for temporary canteen or temporary canteen/eating place (OSA) for a period of three years within the same “V” zone in the past five years. All of them were approved with conditions by the Committee between 2020 and 2023 mainly on considerations as those mentioned in paragraph 6.3 above. Details of these similar applications are summarised in **Appendix III** and their locations are shown on **Plan A-1a**.

## **8. Planning Intention**

The planning intention of the “V” zone is to designate both existing recognised villages and areas of land considered suitable for village expansion. Land within the zone is primarily intended for development of SHs by indigenous villagers. It is also intended to concentrate village type development within the zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected

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<sup>1</sup> Applications No. A/YL-TT/403, 502 and 596 were submitted by the same applicant as the current application.

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 NTEH. Other commercial, community and recreational uses may be permitted on application to the Board.

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

### **9.1 The Site is:**

- (a) partly occupied by an existing NTEH (i.e. House No. 198) at the Lot 2146 in D.D. 117 with an existing restaurant on the ground floor and is currently used for the applied use without valid planning permission; and
- (b) accessible from Tai Tong Shan Road via a local track.

### **9.2 The surrounding areas are rural residential in nature predominantly occupied by village houses, eating places (one was covered with a valid planning permission under application No. A/YL-TT/599) and parking of vehicles intermixed with showroom, workshops, warehouses and storage/open storage yards. Some of these uses are suspected unauthorized developments subject to planning enforcement action.**

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

### **10.1 Apart from the government department as set out in paragraph 10.2 below, other 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 IV and V** respectively.**

### **10.2 The following government department has adverse comments on the application:**

#### **Land Administration**

#### **10.2.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):**

- (a) his office has reservation on the planning application since there is/are unauthorized structure(s) and/or uses on lots 1186, 1187 S.M, 1187 S.L, 1298 RP and G/F and the garden of 2146 in D.D 117 which are already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/apply for regularization on the lease breaches as demanded by LandsD;
- (b) if the planning application is approved, the lot owner(s) shall apply to LandsD for a Short Term Waiver (STW) to permit the structure(s) erected within the private lots. The application(s) for STW will be considered by LandsD in its capacity as a landlord and there is no guarantee that they will be approved. The STW, if approved, will be subject to such terms and conditions including the payment of waiver

fee and administrative fee as considered appropriate to be imposed by LandsD. Besides, given the proposed use is temporary in nature, only erection of temporary structure(s) will be considered; and

- (c) his detailed advisory comments are at **Appendix V**.

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

- 11.1 On 29.11.2024, the application was published for public inspection. During the statutory public inspection period, 167 public comments were received. Of which, 166 support the application (**Appendix VI-a**) while one individual objects to the application (**Appendix VI-b**). A full set of public comments will be deposited at the meeting for Members' inspection.

### Supporting Comments (166 comments)

- 11.2 The supporting comments are in three groups, i.e. residents of Shap Pat Heung, Hong Kong residents and workers along Tai Tong Shan Road. They support the application mainly on the grounds that the applied use would provide a convenient and affordable dining option to meet the demands for the local residents, workers nearby and visitors as well as provide job opportunities and boost the local economy.

### Objection (1 comment)

- 11.3 The individual objects to the application as the Site involves previous planning applications that the applicant failed to comply with the approval conditions.

## **12. Planning Considerations and Assessments**

- 12.1 The application is for temporary eating place (restaurant with OSA) for a period of three years at the Site zoned "V" on the OZP. 'Eating Place' (other than those on the ground floor of a New Territories Exempted House (NTEH)) is a Column 2 use which requires planning permission from the Board. Although the applied use is not entirely in line with the planning intention of the "V" zone, it could serve the local community and meet any such demand for eating place in the area. According to the DLO/YL, LandsD, apart from the existing SH within the Site, there is no other SH application approved/under processing at the Site. Approval of the application on a temporary basis of three years would not jeopardise the long-term planning intention of the "V" zone.
- 12.2 The applied use is considered generally not incompatible with its surrounding areas which are rural residential in nature predominantly occupied by village houses, eating places and parking of vehicles intermixed with showroom, workshops, warehouses and storage/open storage yards (**Plan A-2**).
- 12.3 Concerned government departments consulted, including the Commissioner for Transport (C for T), Director of Environmental Protection, Director of Fire Services (D of FS), Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) and Director of Food and Environmental Hygiene have no objection to/no adverse comment on the application from traffic, environmental,

fire safety, drainage and food and environmental hygiene perspectives respectively. Relevant approval conditions are recommended in paragraph 13.2 below to address the technical requirements of the concerned government departments. Besides, should the application be approved by the Committee, the applicant will be advised to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department and relevant ordinances relating to the control of oily fume, cooking odour and waste water from eateries to minimise possible environmental nuisance on the surroundings. In view of the above, the applied use is generally in line with the TPB PG-No. 15A for eating place within the "V" zone. Regarding DLO/YL, LandsD's concern on the unauthorized structure(s) and/or uses at the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.

- 12.4 The Site is, partly or wholly, the subject of two previous applications (No. A/YL-TT/502 and 596) for the same/similar use which were submitted by the same applicant and approved by the Committee in 2020 and 2023 respectively. However, both planning permissions were subsequently revoked due to non-compliance with time-limited approval conditions on implementation of run-in/out (for application No. A/YL-TT/502) and submissions of the drainage record and FSIs proposal (for application No. A/YL-TT/596). The current application is submitted by the same applicant with similar layout and development parameters as compared with the last application. Regarding the non-compliance of the previous approval conditions, the applicant claimed that while he has continuously liaised with the relevant departments and made various submissions to meet the requirements, there was insufficient time for the applicant to comply with those time-limited conditions. In the support of current application, the applicant has submitted the existing drainage facilities record and run-in/out and FSIs proposals which were accepted and/or no in-principle objection by CE/MN, DSD, C for T and D of FS respectively. As such, sympathetic consideration may be given to the applicant. Should the application be approved, the applicant will be advised that failure to comply with any of the approval conditions will result in revocation of the planning permission and sympathetic consideration may not be given to any further applications.
- 12.5 Three similar applications were approved by the Committee between 2020 and 2023 and there has been no change to the planning circumstances of the Site since the approval of the previous application No. A/YL-TT/596. Approval of the current application is in line with Committee's previous decisions.
- 12.6 Regarding the opposing public comment as summarised in paragraph 11 above, the planning considerations and assessments in paragraphs 12.1 to 12.5 above are relevant.

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

- 13.1 Based on the assessments made in paragraph 12 above and having taking into account the public comments mentioned in paragraph 11, the Planning Department has no objection to the application.
- 13.2 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

2.5.2028. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (b) the submission of a revised 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 2.11.2025;
- (c) in relation to (b) above, the implementation of the revised 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 2.2.2026;
- (d) if the above planning condition (a) 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 (b) 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**.

- 13.3 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 intention of the "Village Type Development" zone which is primarily for development of Small Houses by indigenous villagers. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.

**14. Decision Sought**

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 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.
- 14.3 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.



**15. Attachments**

<b>Appendices I and Ia</b>	Application Form with Supplementary Planning Statement received on 20.11.2024
<b>Appendix Ib</b>	FI received on 27.12.2024
<b>Appendix Ic</b>	FI received on 10.3.2025
<b>Appendix II</b>	Relevant extracts of TPB PG-No. 15A
<b>Appendix III</b>	Previous and Similar Applications
<b>Appendix IV</b>	Government Departments' General Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Appendices VI-a and VI-b</b>	Public Comments
<b>Drawing A-1</b>	Layout Plan
<b>Drawings A-2 to A-4</b>	Run-in/Out Proposal with Swept Path Analysis
<b>Drawing A-5</b>	FSIs Proposal
<b>Plan A-1a</b>	Location Plan with Similar Applications
<b>Plan A-1b</b>	Previous Application Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to b</b>	Site Photos

**PLANNING DEPARTMENT  
MAY 2025**