

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/747

- Applicant** : Ms. LEUNG Sin Man represented by Mr. LEUNG Ming Kin
- Site** : Lots 1187 S.N (Part) and 1187 RP (Part) in D.D. 117, Tai Tong Shan Road, Tai Tong, Yuen Long, New Territories
- Site Area** : About 181 m²
- Lease** : Block Government Lease (demised for agricultural use)
- 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 (Outside Seating Accommodation (OSA) of a Restaurant) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary eating place (OSA of a restaurant) 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 currently used for the applied use without valid planning permission (**Plan A-4**).
- 1.2 The Site is abutting Tai Tong Shan Road with a pedestrian access in the north. According to the applicant, the applied use consists of eight single-storey shelters (4m in height) with a total floor area of not more than 104 m² for OSA of an existing restaurant on the ground floor of two NTEHs at Lots 1187 S.N and 1187 S.L in D.D. 117. No parking space will be provided within the Site. The operation hours are from 6:00 a.m. to 10:00 p.m daily. The layout plan and drainage proposal submitted by the applicant are at **Drawings A-1** and **A-2** respectively.
- 1.3 The Site is involved in five previous applications for temporary eating place with/without OSA of a restaurant including three 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 6 below). Compared with the last approved application (No. A/YL-TT/606), the current application is submitted by a different applicant for the same use with same layout and development parameters.

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

- (a) Application Form with supplementary planning statement (**Appendix I**) received on 11.11.2025
- (b) Supplementary Information (SI) received on 18.11.2025 (**Appendix Ia**)
- (c) Further Information (FI) received on 18.12.2025 (**Appendix Ib**)
[accepted and exempted from publication and recounting requirements]

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form, SI and FI at **Appendices I to Ib**. 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 supports the socio-economic development of the surrounding villagers. It is in line with the planning intention of the “V” zone and compatible with the surrounding land uses;
- (b) the applied use is in line with Town Planning Board Guidelines 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
- (c) the Site is the subject of previous approval 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. 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 five previous applications (No. A/YL-TT/272, 321, 366, 373 and 606) covering different extents of the Site for 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 and 373 covering larger site area for temporary eating place for a period of one or three years were rejected by the Committee in 2015 and 2016 respectively 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 would set an undesirable precedent.

Approved Applications

- 6.3 Applications No. A/YL-TT/272 and 321 covering larger site area and application No. A/YL-TT/606 covering the same site of the current application for temporary eating place with/without OSA of a restaurant each for a period of three years were approved with conditions by the Committee between 2010 and 2023 respectively mainly on the considerations that the application would not jeopardise the long-term planning intention of the subject "V" zone; the proposal was not incompatible with the surrounding land uses; the proposal generally complied with TPB PG-No. 15A; and the technical concerns of relevant government departments could be addressed by implementation of approval conditions. However, the planning permissions for these applications were subsequently revoked in 2013, 2015 and 2025 respectively due to non-compliance with time-limited approval conditions on submission and/or implementation of the drainage and fire service installations proposals for applications No. A/YL-TT/272 and 321 and implementation of the drainage proposal for application No. A/YL-TT/606.

7. Similar Applications

There are three similar applications (No. A/YL-TT/596, 599 and 681) involving two sites for temporary eating place (OSA) or renewal of planning approval for temporary canteen 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 2023 and 2025 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 Small Houses 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 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-4)

9.1 The Site is:

- (a) currently used for the applied use without valid planning permission; and
- (b) abutting Tai Tong Shan Road.

9.2 The surrounding areas are rural residential in nature predominantly occupied by village houses, eating places (covered with valid planning permissions under applications No. A/YL-TT/599 and 681) and parking of vehicles intermixed with showroom, office and storage/open storage yards.

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 reservation on the application:

Land Administration

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

- (a) Building Licence No. 13660 was issued to permit erection of one three-storey building with roof-over area of 65.03m² for non-industrial purposes to Lot No. 1187 S.N. in D.D. 117 and it is the NTEH governed by Cap. 121. As stipulated in the Building Licence, except for the building site, the remainder of the lot shall not be built upon and shall continue to be used for agricultural or garden purposes;
- (b) the applied use and structures to be erected on the remainder of the lot

are in breach of conditions of the Building Licence;

- (c) his office has reservation on the planning application since there are unauthorized structure(s) and/or uses on lot 1187 RP in D.D. 117 which is/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;
- (d) if the planning application is approved, the lot owner(s) will need to apply to LandsD for a Short Term Waiver (STW) to (i) waive the user restriction as stipulated in the Building Licence, (ii) permit the structures to be erected, and/or (iii) regularize any irregularities on site, if any. The application for STW will be considered by LandsD in its capacity as a landlord and there is no guarantee that it 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 by LandsD. Besides, given the applied use is temporary in nature, only erection of temporary structure(s) will be considered;
- (e) apart from the existing Small House within the Site, there is no other Small House application approved/under processing at the Site; and
- (f) his detailed advisory comments are at **Appendix V**.

11. Public Comments Received During the Statutory Publication Period

On 21.11.2025, the application was published for public inspection. During the statutory public inspection period, 105 public comments were received. One of the comments is co-signed by the vice-chairman of the Shap Pat Heung Rural Committee and Tai Tong Tsuen village representatives, and the remaining 104 comments are standardized letters submitted by four distinct groups, i.e. residents of Shap Pat Heung, Hong Kong residents, workers along Tai Tong Shan Road and pet owners (**Appendix VI**). All of them support the application mainly on the grounds that the applied use would provide a convenient and affordable dining option to meet the demand for the local residents, workers nearby, pet owners and visitors as well as to provide job opportunities and boost the local economy.

12. Planning Considerations and Assessments

- 12.1 The application is for temporary eating place (OSA of a restaurant) for a period of three years at the Site zoned “V” on the OZP. 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 Small House within the same lot of the Site, there is no other Small House 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 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, office and storage/open storage yards (**Plan A-2**).

- 12.3 Concerned government departments consulted including the Commissioner for Transport, Director of Environmental Protection, Director of Fire Services, 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.
- 12.4 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.
- 12.5 The Site is, partly or wholly, the subject of five previous applications (No. A/YL-TT/272, 321, 366, 373, and 606) for temporary eating place with/without OSA as detailed in paragraph 6 above. The last planning permission (No. A/YL-TT/606) covering the same site was subsequently revoked due to non-compliance with time-limited approval condition related to implementation of drainage proposal. According to the applicant, there was insufficient time to implement the accepted drainage proposal. In the support of current application, the applicant has submitted a drainage proposal (**Drawing A-2**) which is accepted by CE/MN, DSD. In view of the above, sympathetic consideration may be given to the application. 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.
- 12.6 Three similar applications were approved by the Committee in the past five years and there has been no change to the planning circumstances of the Site since the approval of the last previous application No. A/YL-TT/606. Approval of the current application is in line with Committee's previous decisions.

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

9.1.2029. 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 9.10.2026;
- (b) in relation 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 a 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 9.7.2026;
- (d) in relation to (c) above, the implementation of the 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 9.10.2026;
- (e) 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
- (f) if any of the above planning condition (a), (c) or (d) 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 V**.

- 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

Appendix I	Application Form with Supplementary Planning Statement received on 11.11.2025
Appendix Ia	SI received on 18.11.2025
Appendix Ib	FI received on 18.12.2025
Appendix II	Relevant extracts of TPB PG-No. 15A
Appendix III	Previous and Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	Drainage Proposal
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Application Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JANUARY 2026**