

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

**APPLICATION NO. A/NE-TK/849**

- Applicants** : Mr. CHAN Keung and Miss LAM Yuk Fong, Rita
- Site** : Lots 1738 S.B ss.3 (Part) and 1830 (Part) in D.D. 17 and Adjoining Government Land (GL), Lung Mei, Tai Po
- Site Area** : About 98m<sup>2</sup> (including GL of about 23.1m<sup>2</sup> or about 23.6% of the Site)
- Lease** : (i) New Grant Lot (demised for non-industrial purpose); and  
(ii) Block Government Lease (demised for agricultural purpose)
- Plan** : Approved Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/19
- Zonings** : (i) “Village Type Development” (“V”) (about 71.5m<sup>2</sup> or 73% of the Site)  
(ii) “Agriculture” (“AGR”) (about 26.5m<sup>2</sup> or 27% of the Site)
- Application** : Temporary Private Garden for a Period of Three Years

**1. The Proposal**

- 1.1 The applicants seek planning permission for temporary private garden for a period of three years at the application site (the Site) falling within areas zoned “V” and “AGR” on the OZP (**Plan A-1**). The temporary private garden is within the curtilage of an existing house (New Territories Exempted House (NTEH)) which is always permitted within the “V” zone. However, according to the Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years within the “V” and “AGR” zones requires planning permission from the Town Planning Board (the Board). The Site is currently occupied by the applied use without valid planning permission.
- 1.2 The Site is accessible via a local track leading to Ting Kok Road (**Plan A-1**). According to the applicants, the applied use comprises three structures with heights ranging from about 2.44m to 2.6m, providing a total floor area of about 16.54m<sup>2</sup> for existing canopies protruding from House No. 255 in Ng Uk Tsuen adjoining the Site (**Drawing A-1** and **Plan A-2b**). Planters and a movable grape trellis for landscaping purpose are provided at the western and southern portions of the Site respectively (**Drawing A-1** and **Plans A-4a** and **A-4b**). The uncovered area is for circulation purpose. The layout plan submitted by the applicants is shown in **Drawing A-1**.

- 1.3 The Site is the subject of five previous applications (No. A/NE-TK/335, 480, 596, 676 and 765) for the same use submitted by the same applicants as the current application, which were all approved with condition(s) by the Rural and New Town Planning Committee (the Committee) of the Board between 2010 and 2022 (**Plans A-1 and A-2a**). The planning permission of the last previous application (No. A/NE-TK/765) lapsed on 24.12.2025. Details of the previous applications are set out in paragraph 5 below. Compared with the last previous application, the current application involves a slightly smaller site area and an addition of total floor area to reflect the actual boundary of the Site and the existing canopy structures respectively.
- 1.4 In support of the application, the applicants have submitted the following documents:
- (a) Application Form with attachments received on 31.12.2025 (**Appendix I**)
  - (b) Supplementary Information (SI) received on 5.1.2026 (**Appendix Ia**)
  - (c) Further Information (FI) received on 27.1.2026\* (**Appendix Ib**)
  - (d) FI received on 30.1.2026\* (**Appendix Ic**)

*\*accepted and exempted from publication and recounting requirements*

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

The justifications put forth by the applicants in support of the application are detailed in the Application Form, SI and FIs at **Appendices I to Ic**, as summarised below:

- (a) the applied use at the Site was first approved by the Board in 2010, which has been renewed every three years since then. A fresh application is currently made to provide clarifications on the total floor area of the existing canopy structures within the Site, which were declared under Buildings Department's Reporting Scheme for Unauthorised Building Works in NTEH;
- (b) the site condition has remained unchanged for many years. While the trees and landscape plantings have been maintained at the Site as required under approval conditions of the previous applications, regular tree pruning has been carried out; and
- (c) the applied use allows better land utilisation and protection of rural environment with provision of greenery, which is neither in conflict with any future development nor encroaching onto any vehicular/pedestrian access.

## **3. Compliance with the "Owner's Consent/Notification" Requirements**

The applicants are the sole "current land owners" of the private lots within the Site. Detailed information would be deposited at the meeting for Members' inspection. For the GL portions, the "Owner's Consent/Notification" Requirements are not applicable.

#### 4. **Background**

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

#### 5. **Previous Applications**

5.1 The Site is the subject of five previous applications (No. A/NE-TK/335, 480, 596, 676 and 765) for the same use submitted by the same applicants as the current application (**Plans A-1 and A-2a**), which were all approved with conditions by the Committee between 2010 and 2022, mainly on the considerations of not jeopardising the long-term planning intention of the “AGR” zone; and not being incompatible with the surrounding areas. The planning permission of the last previous application (No. A/NE-TK/765) lapsed on 24.12.2025. As compared with the last previous application, the current application involves a slightly smaller site area (i.e. from about 104m<sup>2</sup> to 98m<sup>2</sup>, about -5.8%) and an addition of total floor area of about 16.54m<sup>2</sup> to reflect the actual boundary of the Site and the existing canopy structures respectively.

5.2 Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plans A-1 and A-2a**.

#### 6. **Similar Application**

There is no similar application for the same use within the same “V” and “AGR” zones in the vicinity of the Site in the past five years.

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

7.1 The Site is:

- (a) currently occupied by the applied use without valid planning permission;
- (b) partly within the village ‘environs’ of Lung Mei and Tai Mei Tuk (**Plans A-2a and A-2b**);
- (c) situated at the western fringe of Ng Uk Tsuen; and
- (d) accessible via a local track leading to Ting Kok Road.

7.2 The surrounding areas are predominantly rural in character comprising village houses, vegetated areas, vacant/unused land and active agricultural land. Dragon View Villa and the village proper of Ng Uk Tsuen are located to the immediate northeast and east of the Site respectively. To its further northeast and west are dense woodland within the “Green Belt” zone.

## **8. Planning Intentions**

- 8.1 The planning intention of the “V” zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. 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.
- 8.2 The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

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

- 9.1 Apart from the government department as set out in paragraph 9.2 below, other 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 at **Appendices III** and **IV** respectively.
- 9.2 The following government department does not support the application:

### **Agriculture**

Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- the Site falls within the “V” and “AGR” zones and is occupied by the applied use. The agricultural activities are active in the vicinity, and agricultural infrastructures such as road access and water source are also available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc. As the Site possesses potential for agricultural rehabilitation, the application is not supported from agricultural perspective.

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

On 9.1.2026, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual (**Appendix V**), questioning how much administrative time and resources have been consumed due to withdrawal of the previous application No. A/NE-TK/842 and re-submission of the current application for clarifying the total floor area of structures within the Site as per the Lands Department (LandsD)’s comments.

## 11. Planning Considerations and Assessments

- 11.1 The application is for temporary private garden for a period of three years at the Site falling within areas zoned “V” and “AGR” on the OZP (**Plan A-1**). The applied use is not in line with the planning intention of the “AGR” zone and DAFC does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation. While the temporary private garden within the curtilage of an existing NTEH is not in conflict with the planning intention of “V” zone, the District Lands Officer/Tai Po of LandsD advises that no Small House application at the Site has been received. Taking into account the above and the planning assessments below, there is no objection to the applied use on temporary basis of three years.
- 11.2 The Site adjoins House No. 255 in Ng Uk Tsuen and situated at the western fringe of the village proper (**Plans A-2a** and **A-2b**). It is currently occupied by the applied use without valid planning permission (**Plans A-4a** and **A-4b**). The applied use, involving three existing canopies of about 2.44m to 2.6m in height with a total floor area of about 16.54m<sup>2</sup>, is small in size and scale and not incompatible with the surrounding areas which are predominantly rural in character (**Plans A-2a** and **A-3**). The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective.
- 11.3 Other concerned government departments consulted, including the Commissioner for Transport, Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department, Chief Engineer/Construction of Water Supplies Department and Director of Fire Services have no objection to or no adverse comment on the application. To address the technical requirements of the concerned government departments, relevant approval conditions and advisory clauses are recommended in paragraph 12.2 below and **Appendix IV** respectively. Should the application be approved, the applicants will be advised to follow the environmental mitigation measures as set out in the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Site’ to minimise any potential nuisance on the surroundings. As part of the Site is zoned “AGR”, an approval condition requiring the reinstatement of the “AGR” portion of the Site upon expiry of the planning permission so as to uphold the planning intention of the “AGR” zone and restore the greenery of the area is recommended should the Committee decide to approve the application.
- 11.4 The Site is the subject of five previous applications for the same use submitted by the same applicants as the current application (**Plans A-1** and **A-2a**), which were all approved by the Committee between 2010 and 2022 as detailed in paragraph 5.1 above. As compared with the last previous application, the current application involves a slightly smaller site area and an addition of total floor area. The planning circumstances of the previous applications are similar to those of the current application. Approving the current application is in line with the Committee’s previous decisions.
- 11.5 Regarding the public comment as detailed in paragraph 10 above, the applicants are obligated to provide details of the proposal in the application including the total floor area of any structures within the Site for consideration of the Committee.

## 12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comment in paragraph 10 above, PlanD has no objection to the application.
- 12.2 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 27.2.2029. The following approval conditions and advisory clauses are also suggested for Members' reference:

### Approval Conditions

- (a) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 27.8.2026;
- (b) in relation to (a) above, the implementation of the 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 27.11.2026;
- (c) in relation to (b) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (d) if any of the above planning condition (a) or (b) 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;
- (e) if the above planning condition (c) 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) upon the expiry of the planning permission, the reinstatement of the "AGR" portion of the Site, including the removal of hard paving, and grassing of the "AGR" portion of the Site to the satisfaction of the Director of Planning or of the Town Planning Board.

### Advisory Clauses

The Recommended Advisory Clauses are at **Appendix IV**.

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

the applied use is not in line with the planning intention of the "AGR" zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.

**13. Decision Sought**

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 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.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicants.

**14. Attachments**

<b>Appendix I</b>	Application Form received on 31.12.2025
<b>Appendix Ia</b>	SI received on 5.1.2026
<b>Appendix Ib</b>	FI received on 27.1.2026
<b>Appendix Ic</b>	FI received on 30.1.2026
<b>Appendix II</b>	Previous Applications
<b>Appendix III</b>	Government Departments' General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Appendix V</b>	Public Comment
<b>Drawing A-1</b>	Layout Plan submitted by the Applicants
<b>Plan A-1</b>	Location Plan
<b>Plans A-2a and A-2b</b>	Site Plans
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
FEBRUARY 2026**