

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TK/859

<u>Applicant</u>	: Mr. WU Wai Ho represented by Allgain Land Planning Limited
<u>Site</u>	: Various Lots in D.D. 17 and Adjoining Government Land (GL), Ting Kok Road, Tai Po
<u>Site Area</u>	: About 9,600m ² (including GL of about 134m ² or 1.4% of the Site)
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/19
<u>Zoning</u>	: “Agriculture” (“AGR”)
<u>Application</u>	: Temporary Eating Place and Barbecue Site with Ancillary Facilities and Car Park for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary eating place and barbecue site with ancillary facilities and car park for a period of three years at the application site (the Site) falling within an area zoned “AGR” on the OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is currently largely paved and covered by artificial grass mat, and occupied by the applied uses without valid planning permission and inflatable recreational equipment (**Plans A-4a** and **A-4b**).
- 1.2 The Site is accessible via a local track leading to Ting Kok Road (**Plan A-2**). According to the applicant, the applied uses comprise 11 single-storey structures with a total floor area of about 854m² and building heights ranging from 3m to 5m for eating place, receptions, kitchens, security/CCTV rooms, toilet, storage rooms and rain shelter (**Drawing A-1**). The remaining uncovered areas are used as barbecue area (i.e. about 2,800m² or 29.2% of the Site with maximum of 20 barbecue pits), ancillary car park and circulation area. The estimated number of staff working at the Site is about four to five, and maximum 80 of visitors can be accommodated at the Site. Any existing trees within the Site will be retained under proper maintenance. The operation hours are from 9:00 a.m. to 9:00 p.m. daily. Ad-hoc activities (e.g. markets, game booths and carnival) may be occasionally held at the Site. While it is observed that the Site has been largely paved (**Plan A-3**), the applicant claims that the Site has been paved well before

by the others, and no regularisation of land filling is applied for under the current application¹. The layout plan submitted by the applicant is shown in **Drawing A-1**.

- 1.3 A total of 35 private car parking spaces (2.5m (W) X 5m (L) each) requiring prior reservation and two loading/unloading (L/UL) bays for light good vehicles (LGVs) (3.5m (W) X 7m (L) each) are provided at the Site (**Drawing A-1**). Signage will be installed and staff will be deployed at Ting Kok Road to instruct vehicles to enter the Site from Ting Kok Road westbound instead of directly right-turning from Ting Kok Road eastbound. Vehicles will be restricted from entering the Site upon full occupancy of the ancillary car park. As advised by the applicant, visitors to/from the nearby bus stations at Ting Kok Road will be guided to take a safe pedestrian route by passing through other barbecue sites under valid planning permissions (No. A/NE-TK/782 and 783) at the immediate west of the Site (**Plan A-2**), with installation of signage and crash barriers along the route, in which consents for such right of way have been obtained from the relevant operators. In addition, staff will be deployed at Ting Kok Road for easing pedestrian flow during peak hours. No public announcement system, whistle blowing, portable loudspeaker or any form of audio amplification system will be allowed at the Site. The existing septic tank and soakaway system will be upgraded and proposed grease trap will be provided to collect waste from toilet and kitchens. Peripheral drainage facilities will be installed to collect surface runoff.
- 1.4 The Site is partly the subject of nine previous applications covering eight sites² (**Plan A-2**), including seven applications (No. A/NE-TK/228, 257, 316, 427, 628, 704 and 796) for the temporary barbecue sites with/without eating place, which were approved with conditions by the Committee between 2002 and 2024. The planning permission of the last previous application (No. A/NE-TK/796) submitted by the same applicant as the current application was subsequently revoked in 2026 due to non-compliance with approval conditions. Details of the previous applications are set out in paragraph 5 below. A comparison of the major development parameters of the current application and the last previous application (No. A/NE-TK/796) is summarised as follows:

	Approved Scheme under Application No. A/NE-TK/796 (a)	Proposed Scheme under Application No. A/NE-TK/859 (b)	Difference (b) - (a)
Site Area ³	About 6,600m ²	About 9,600m ²	+3,000m ² / +45.5%
Total Floor Area	About 620m ²	About 854m ²	+234m ² / +37.7%
No. of Structures	11	11	No change
No. of Storey	1	1	No change

¹ According to the Notes of the OZP for the “AGR” zone, filling of land requires planning permission from the Board.

² Previous applications (No. A/NE-TK/147, 207, 624, 697 and 782) overlapping less than 5% of the site area under the current application are not included.

³ Application No. A/NE-TK/796 mainly covers the southern portion of the Site under the current application. The overlapping area of the current application and application No. A/NE-TK/796 is about 5,270m² (i.e. about 54.9% of the Site under the current application).

	Approved Scheme under Application No. A/NE-TK/796 (a)	Proposed Scheme under Application No. A/NE-TK/859 (b)	Difference (b) - (a)
Max. Height of Structures	5m	5m	No change
No. of Parking Spaces for Private Cars	20	35	+15 / +75%
No. of L/UL Bays for LGVs	1	2	+1 / +100%

1.5 In support of the application, the applicant submitted the following documents:

- (a) Application Form with attachments received on 21.4.2026 (**Appendix I**)
- (b) Supplementary Information (SI) received on 24.4.2026 (**Appendix Ia**)
- (c) Further Information (FI) received on 8.6.2026* (**Appendix Ib**)
- (d) FI received on 10.6.2026, 11.6.2026 and 12.6.2026# (**Appendix Ic**)
- (e) FI received on 1.7.2026* (**Appendix Id**)
- (f) FI received on 8.7.2026* (**Appendix Ie**)
- (g) FI received on 16.7.2026* (**Appendix If**)

**accepted and exempted from publication and recounting requirements*

accepted but not exempted from publication and recounting requirements

1.6 On 5.6.2026, 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 Application Form, SI and FIs at **Appendices I to If**, as summarised below:

- (a) the applied uses are small in scale and temporary in nature without involving any storage use, which are not in conflict with the planning intention of the “AGR” zone and compatible with the surrounding environment. The Site is currently covered by artificial grass, and locations of structures do not affect existing trees. While the Site was previously destroyed and does not have potential of agricultural rehabilitation, the applicant advises that no additional land filling works will be carried out and is committed to reinstate the Site after expiry of the planning permission;
- (b) consent has been obtained for usage of the overlapping area with another barbecue site covered by valid planning permission (No. A/NE-TK/782)⁴ at the immediate west, and the current application is not in conflict with the operation under the said planning permission;
- (c) should the application be approved, the applicant will rectify the non-conformity of the currently fenced-off area with the site boundary under the current

⁴ The overlapping area of the current application and application No. A/NE-TK/782 is about 57m² (i.e. about 0.6% of the Site under the current application).

application. Any structures found at the Site but not under the current scheme will be removed. For structures under the current scheme, applications for Short Term Tenancy and Short Term Waiver will be made to the Lands Department (LandsD);

- (d) no neon light installation, commercial promotion, playing of loudspeaker and noises during night time will be allowed at the Site, to avoid affecting the nearby environment and local residents. The applicant is committed to follow environmental mitigation measures stated in the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' ('COP'), and relevant guidance/ordinances to minimise environmental impacts; and
- (e) no adverse traffic, landscape, visual, sewerage, drainage, noise impacts arising from the applied uses are anticipated. The applicant has submitted the drainage and fire service installations (FSIs) proposals and sewerage impact assessment (SIA) to support the application. FSIs will be provided in accordance with the requirements of the Fire Services Department.

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 notice to Tai Po District Rural Committee. Detailed information would be deposited at the meeting for Members' inspection. For the GL portion, "Owner's Consent/Notification" Requirements under TPB PG-No. 31B are not applicable.

4. Background

- 4.1 The Site is currently not subject to any active enforcement action.
- 4.2 Recent site inspection revealed that the Site is used for barbecue site. Warning poster was posted on-site and warning letters were issued to the landowners to remind relevant parties the provisions of the Town Planning Ordinance (the Ordinance) and not undertaking unauthorized development under the Ordinance.

5. Previous Applications

- 5.1 The Site is partly the subject of nine previous applications (No. A/NE-TK/181, 228, 257, 316, 427, 628, 682, 704 and 796) covering eight sites. These sites overlap with the Site by different extents.
- 5.2 Application No. A/NE-TK/181 for proposed temporary horse riding school submitted by a different applicant was rejected by the Board on review on 17.6.2005, and application No. A/NE-TK/682 for temporary open storage of building materials was rejected by the Committee on 12.6.2020. The planning considerations of these applications are not applicable to the current application, which are for different uses.

- 5.3 Seven applications (No. A/NE-TK/228, 257, 316, 427, 628, 704 and 796) were for temporary barbecue sites with/without eating place⁵, which were approved with conditions by the Committee between 2007 and 2024 mainly for the considerations that the applied/proposed use on a temporary basis could be tolerated/would not frustrate the planning intention of the “AGR” zone in the long run; the applied/proposed use was not incompatible with the surrounding areas; and significant adverse impact on the surrounding areas was not anticipated. The planning permission of the last previous application (No. A/NE-TK/796) was subsequently revoked on 5.1.2026 due to non-compliance with approval conditions relating to the submission and/or implementation of precautionary measures⁶, drainage and FSIs proposals and SIA. Compared with the last previous application, the current application involves a different proposed layout with larger site area, total floor area, number of private car parking spaces and number of L/UL bays for LGVs.
- 5.4 Details of the previous applications are at **Appendix II** and their locations are shown on **Plan A-2**.

6. **Similar Applications**

- 6.1 There are five similar applications (No. A/NE-TK/712, 752, 782, 783 and 823⁷) for temporary barbecue sites with/without caravan holiday camp covering three sites within the same “AGR” zone or straddling the same “AGR” zone and area shown as ‘Road’ in the vicinity of the Site in the past five years, which were approved with conditions by the Committee between 2021 and 2024 mainly on the considerations similar to approved previous applications as stated in paragraph 5.3 above.
- 6.2 There is no similar application for the temporary eating place within the same “AGR” zone in the vicinity of the Site.
- 6.3 Details of the similar applications are at **Appendix III** and their locations are shown on **Plan A-1**.

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

- 7.1 The Site is:
- (a) currently largely paved and covered by artificial grass mat, and occupied by the applied uses without valid planning permission and inflatable recreational equipment; and
 - (b) accessible via a local track leading to Ting Kok Road.

⁵ Application No. A/NE-TK/796 was submitted by the same applicant as the current application, whereas the six remaining applications were submitted by another applicant.

⁶ Installations of chain-link fences and signs to prevent the visitors and staff from entering the Ting Kok Special Scientific Interest (SSSI) were required by the Agriculture, Fisheries and Conservation Department.

⁷ Application No. A/NE-TK/823 is for the renewal of planning permission under application No. A/NE-TK/712.

- 7.2 The surrounding areas are predominantly rural in character comprising active agricultural land, vacant/unused land, village houses, domestic structures, vegetated areas, tree clusters and temporary barbecue sites (**Plans A-2 and A-3**). To the east are a temporary barbecue site without valid planning permission, active agricultural land, vegetated areas and a stream course running north to south towards Plover Cove (**Plans A-2 and A-3**). To the immediate west are three temporary barbecue sites covered by valid planning permissions (No. A/NE-TK/782, 783 and 823) (**Plans A-2**). To the further west are vacant land and active agricultural land (**Plan A-2**). To the immediate south are an area zoned “Coastal Protection Area” (“CPA”) and the Ting Kok SSSI respectively (**Plans A-1 to A-3**). To the further northwest across Ting Kok Road is the village proper of Ting Kok (**Plans A-1 and A-2**).

8. Planning Intention

- 8.1 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.
- 8.2 According to the Explanatory Statement of the OZP, as filling of land within the “AGR” zone may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities.

9. Comments from Relevant Government Departments

- 9.1 Apart from the government departments as set out in paragraphs 9.2 and 9.3 below, other government departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and the recommended advisory clauses are provided at **Appendices IV and V** respectively.
- 9.2 The following government departments object to or do not support the application.

Land Administration

- 9.2.1 Comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD):

- (a) he objects to the application;
- (b) the Site comprises of (i) 66 Old Schedule Agricultural Lots all in D.D. 17 which are held under the Block Government Lease and (ii) adjoining GL. The Block Government Lease contains the restriction that no structures are allowed to be erected without the prior approval of the Government. As regards the GL, neither occupation nor works of any kind thereon is allowed without the prior approval from LandsD;

- (c) there are unauthorized structures on the private land. Warning letters were registered against Lots 362, 406, 407, 495, 497, 506 and 507 all in D.D. 17 in the Land Registry (**Plan A-2**). The lot owners should immediately rectify/regularize the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice;
- (d) there is no guarantee to the grant of a right of way to the Site or approval of the emergency vehicular access thereto; and
- (e) his advisory comments are at **Appendix V**.

Agriculture and Nature Conservation

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

Agriculture

- (a) the Site falls within the “AGR” zone, and is occupied by the applied uses. 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 applied uses are not supported from agricultural perspective; and

Nature Conservation

- (b) the close proximity to “CPA” zone and the Ting Kok SSSI is noted. However, in view that the Site is developed, he has no comment on the application from nature conservation perspective.

9.3 The following government department provides views on the application:

Environment

9.3.1 Comments of the Director of Environmental Protection (DEP):

- (a) he has no objection to the application from the environmental perspective;
- (b) no environmental complaint in relation to the Site was received in the past three years;
- (c) in view of the close vicinity to the sensitive areas (i.e. the “CPA” zone and Ting Kok SSSI) and the provision of septic tank, it is suggested the imposition of approval conditions in relation to the submission of SIA and the implementation of sewerage facilities as identified in the SIA; and

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

10. Public Comment Received During Statutory Publication Periods

On 28.4.2026 and 23.6.2026, the application and FI submitted by the applicant were published for public inspection. During the statutory public inspection periods, one public comment from an individual was received, objecting to the application mainly on the considerations that approval conditions of the previous application were not complied with; efficient FSIs are needed for barbecue site with people gathering together; adequate drainage facilities are required for maintaining hygiene; and effluent from the could flow into the “CPA” zone and Plover Cove, causing impacts on marine life (**Appendix VI**).

11. Planning Considerations and Assessments

- 11.1 The application is for temporary eating place and barbecue site with ancillary facilities and car park for a period of three years at the Site falling within an area zoned “AGR” on the OZP (**Plan A-1**). The applied uses are 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. Nevertheless, taking into account the planning assessments below, there is no objection to the applied uses on a temporary basis of three years.
- 11.2 Filling of land within the “AGR” zone requires planning permission as it may cause adverse drainage and environmental impacts on the adjacent areas. While it is observed that the Site has been largely paved (**Plan A-3**), the applicant claims that the Site has been paved well before by the others, and no regularisation of land filling is applied for under the current application. In this regard, the Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) and DEP have no objection to or no adverse comment on the application from public drainage and environmental perspectives respectively. As the Site is zoned “AGR”, an approval condition requiring the reinstatement 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.
- 11.3 The Site is currently occupied by the applied uses without valid planning permission and inflatable recreational equipment (**Plans A-4a** and **A-4b**), with three temporary barbecue sites covered by valid planning permissions (No. A/NE-TK/782, 783 and 823) to the immediate west (**Plan A-2**). The Site is situated in an area which is predominantly rural in character comprising active agricultural land, vacant/unused land, village houses, domestic structures, vegetated areas, tree clusters and temporary barbecue sites (**Plans A-2** 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, and considers that the applied uses are not entirely incompatible with the surrounding environment and significant adverse landscape impact arising from this application is not anticipated.

- 11.4 Though DAFC and DEP have no comment on or no objection to the application from nature conservation and environmental perspectives respectively, noting that the Site is located in the close proximity to the “CPA” zone and Ting Kok SSSI, DEP suggests the imposition of approval conditions on the submission of SIA and the implementation of sewerage facilities as identified in the SIA should the application be approved. Other relevant government departments consulted, including the Commissioner for Transport and Director of Fire Services (D of FS) have no objection to or no adverse comment on the application. To address the technical requirements of concerned government departments, relevant approval conditions and advisory clauses are recommended in paragraph 12.2 below and **Appendix V** respectively. Should the application be approved, the applicant will be advised to follow the environmental mitigation measures as set out in the ‘COP’ and to meet the statutory requirements under relevant pollution control ordinances to minimise any possible environmental nuisance. Regarding DLO/TP, LandsD’s concern on the unauthorized structures erected within the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 11.5 The Site is partly the subject of seven approved previous applications (No. A/NE-TK/228, 257, 316, 427, 628, 704 and 796) for temporary barbecue sites with/without eating place (**Plan A-2**), as detailed in paragraph 5.3 above. The planning permission of the last previous application (No. A/NE-TK/796) submitted by the same applicant as the current application was subsequently revoked in 2026 due to non-compliance with approval conditions. The applicant has already submitted drainage and FSIs proposals and SIA in support of the current application, and CE/MN, DSD, D of FS and DEP have no objection to or no adverse comment on the application. In view of the above, sympathetic consideration may be given to the application. Should the Committee decide to approve the application, the applicant will be advised that should there be failure to comply with any of the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration will not be given to any further applications.
- 11.6 There are five approved similar applications for temporary barbecue sites within or straddling the same “AGR” zone in the vicinity of the Site in the past five years (**Plan A-1**), as detailed in paragraph 6.1 above. The planning circumstances of the current application are similar to those of the approved applications. Approval of the current application is in line with the Committee’s previous decisions.
- 11.7 Regarding the public comment objecting to the application as detailed in paragraph 10 above, the government departments’ comments and the planning assessments above are relevant.

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 24.7.2029. The following approval conditions and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the submission of a revised 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 24.1.2027;
- (b) in relation to (a) above, the implementation of the revised 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 24.4.2027;
- (c) in relation to (b) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (d) 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 24.1.2027;
- (e) in relation to (d) 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 24.4.2027;
- (f) the submission of a revised sewerage impact assessment within 6 months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the Town Planning Board by 24.1.2027;
- (g) in relation to (f) above, the implementation of sewerage facilities identified therein within 9 months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the Town Planning Board by 24.4.2027;
- (h) 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;
- (i) if any of the above planning condition (a), (b), (d), (e), (f) or (g) 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; and
- (j) upon the expiry of the planning permission, the reinstatement of the Site, including the removal of fill materials and hard paving, and grassing the Site to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory Clauses

The recommended advisory clauses are attached at **Appendix V**.

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

the applied uses are 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 applicant.

14. Attachments

Appendix I	Application Form with attachments received on 21.4.2026
Appendix Ia	SI received on 24.4.2026
Appendix Ib	FI received on 8.6.2026
Appendix Ic	FI received on 10.6.2026, 11.6.2026 and 12.6.2026
Appendix Id	FI received on 1.7.2026
Appendix Ie	FI received on 8.7.2026
Appendix If	FI received on 16.7.2026
Appendix II	Previous Applications
Appendix III	Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comment
Drawing A-1	Layout Plan Submitted by the Applicant
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos