

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1358

<u>Applicant</u>	:	Ms. YIP Hiu Ting represented by Senior Consultant Limited
<u>Site</u>	:	Government Land (GL) in front of Shop No. 9, G/F, Lai Hung Garden, 1 Tan Kwai Tsuen Road, Hung Shui Kiu, Yuen Long
<u>Site Area</u>	:	8.78 m ² (about)
<u>Land Status</u>	:	GL
<u>Plan</u>	:	Approved Tong Yan San Tsuen (TYST) Outline Zoning Plan (OZP) No. S/YL-TYST/14
<u>Zoning</u>	:	“Residential (Group A)” (“R(A)”) <i>[Restricted to a maximum plot ratio of 5, a maximum site coverage of 42% and a maximum building height of 12 storeys (36m)]</i>
<u>Application</u>	:	Temporary Eating Place (Outside Seating Accommodation (OSA) of a Licensed Restaurant) for a Period of 5 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary eating place (OSA of a licensed restaurant) for a period of five years at the application site (the Site) falling within an area zoned “R(A)” on the OZP (**Plan A-1**). According to the Notes of the OZP for the “R(A)” zone, ‘Eating Place’ use, unless on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building, requires planning permission from the Town Planning Board (the Board). The Site forms part of the pavement immediately outside a licensed restaurant (i.e. 鼎陶聚 Ding Tao Hub) and is currently vacant (**Plans A-2 to A-4**).
- 1.2 The Site, which is dissected by the entrance/exit route of the licensed restaurant and fronting Castle Peak Road – Hung Shiu Kiu Section, is located on a pedestrian pavement with a width of about 5m (**Plans A-2 and A-3**). According to the applicant, the proposed OSA is an extension of the existing licensed restaurant located on the ground floor of a residential development (i.e. Lai Hung Garden) (**Drawing A-1 and Plan A-2**). The OSA, with a total area of about 8.78m², will provide not more than 4 movable tables and accommodate not more than 10 patrons at one time. The operation hours are from 11 a.m to 11 p.m. daily including public

holiday. Plans showing the location and site layout submitted by the applicant are at **Drawings A-1 and A-2** respectively.

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

- (a) Application Form with attachments received on 29.5.2026 (**Appendix I**)
- (b) Further Information (FI) received on 29.6.2026* (**Appendix Ia**)
- (c) FI received on 13.7.2026* (**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 and FIs (**Appendices I to Ib**). They can be summarised as follows:

- (a) fire safety measures, including the provision of Means of Escape and fire extinguishers, are provided to ensure fire safety at the Site;
- (b) there are a number of similar applications for OSA approved by the Board in the vicinity of the Site; and
- (c) there will be minimal adverse environmental impact arising from the proposed use.

3. **Compliance with the “Owner’s Consent/Notification” Requirements**

As the Site involves GL only, 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) are not applicable.

4. **Background**

The Site is currently not subject to planning enforcement action.

5. **Previous Application**

There is no previous planning application concerning the Site.

6. **Similar Application**

- 6.1 There is a similar planning application (No. A/YL-TYST/1215) for temporary eating place (OSA of a licensed restaurant) in the same “R(A)” zone in the past five years, which was approved by the Rural and New Town Planning Committee (the Committee) of the Board in 2023 mainly on the considerations that the proposal was not in conflict with the planning intention of the “R(A)” zone; the proposal was

generally not incompatible with the surrounding areas; the proposal was in line with the Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34D); and there was no adverse departmental comments. Details of the similar application are summarised in **Appendix II** and the location of the site is shown on **Plan A-1**.

- 6.2 For Members' information, application No. A/YL-TYST/1359 for proposed temporary eating place (OSA of a licensed restaurant) for a period of five years at the same "R(A)" zone will be considered at the same meeting (**Plan A-1**).

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

7.1 The Site:

- (a) comprises two portions which form part of the 5m-wide pavement to the immediate northwest of a licensed restaurant (i.e. Ding Tao Hub) on the G/F of Lai Lung Garden (**Plans A-2 and A-3**); and
- (b) is currently vacant (**Plans A-2 to A-4**).

- 7.2 The surrounding areas comprise predominantly residential developments/structures with shops and services and eating places on the ground floor. Other uses including storage yards, workshops, a park, sitting-out areas, car parks and refuse collection point are found in the vicinity (**Plans A-2 and A-3**).

8. Planning Intention

The planning intention of the "R(A)" zone is primarily for high-density residential developments. Commercial uses are always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building.

9. Comments from Relevant Government Departments

All government departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments are provided in **Appendices III and IV** respectively.

10. Public Comment Received During the Statutory Publication Period

On 5.6.2026, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary eating place (OSA of a licensed restaurant) for a period of five years at the Site which is zoned "R(A)" on the OZP. The planning

intention of the “R(A)” zone is for high-density residential developments, and commercial uses are always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building. The proposed OSA, which is ancillary to a permitted licensed restaurant at G/F of a residential development, is considered not in conflict with the planning intention of the “R(A)” zone.

- 11.2 The surrounding areas comprise predominantly residential developments/structures with shops and services and eating places on the ground floor. Other uses including storage yards, workshops, a park, sitting-out areas, car parks and refuse collection point are found in the vicinity (**Plans A-2 and A-3**). The proposed use is considered not incompatible with the surrounding land uses.
- 11.3 After occupation of the Site by the OSA, the concerned pavement will still maintain a width of 3m (**Plan A-4**). Relevant government departments consulted including the Commissioner for Transport, Chief Highway Engineer/New Territories West, Highways Department, Director of Environmental Protection (DEP), Chief Engineer/Mainland North of Drainage Services Department, Director of Food and Environmental Hygiene and Director of Fire Services have no objection to or no adverse comment on the application from traffic, street management, environment, drainage, environmental hygiene and fire safety perspectives respectively. DEP also advises that there has been no environmental complaint concerning the Site received in the past three years. Relevant approval conditions are recommended in paragraph 12.2 below to address the technical requirements of concerned government department. Should the planning application be approved, the applicant will also be advised to follow the latest ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ to minimise possible environmental nuisance on the surrounding areas.
- 11.4 A similar application for temporary eating place (OSA of a licensed restaurant) within the subject “R(A)” zone was approved by the Committee in 2023 as mentioned in paragraph 6 above. Approval of the current application is in line with the previous decision of the Committee.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11, the Planning Department 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 five years until 24.7.2031. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) 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 24.1.2027;

- (b) in relation to (a) 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 24.4.2027; and
- (c) 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.

Advisory clauses

The recommended advisory clauses are at **Appendix IV**.

12.3 There is no strong reason to recommend rejection of the application.

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 29.5.2026
Appendix Ia	FI received on 29.6.2026
Appendix Ib	FI received on 13.7.2026
Appendix II	Similar Application
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Location Plan
Drawing A-2	Site Layout Plan
Plan A-1	Location Plan with Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JULY 2026**