

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TK/863

<u>Applicant</u>	:	Miss LEE Tung Yee
<u>Site</u>	:	Lots 210 (Part), 211 (Part) and 213 RP (Part) in D.D. 28, Lung Mei, Tai Po
<u>Site Area</u>	:	About 147.5m ²
<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>	:	“Village Type Development” (“V”)
<u>Application</u>	:	Temporary Eating Place (Extension of a Restaurant) for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary eating place (extension of a restaurant) for a period of three years at the application site (the Site) falling within an area zoned “V” on the OZP (**Plan A-1**). According to the Notes of the OZP for the “V” zone, ‘Eating Place’ other than on the ground floor of a New Territories Exempted House (NTEH) is a Column 2 use requiring planning permission from the Town Planning Board (the Board). The Site is currently occupied by the applied use without valid planning permission (**Plans A-4a** and **A-4b**).
- 1.2 The Site is accessible via Tai Po Lung Mei Road leading to Ting Kok Road (**Plan A-2**). According to the applicant, the applied use serves as an extension of a restaurant located on ground floor of House No. 60 at Lung Mei Village, which comprises a single-storey structure with a height of 5.3m and a total floor area of about 88.5m² for sun shading and rain shelter, and an uncovered area of about 59m² (**Drawings A-1** and **A-2**). A total of 24 seats are provided, and no cooking activities are carried out at the Site. The operating hours of the applied use are from 10:30 a.m. to 10:30 p.m. daily. The layout plans submitted by the applicant are shown in **Drawings A-1** and **A-2**.
- 1.3 The Site is part of the subject of three previous applications (No. A/NE-TK/107, 679 and 789) for restaurant (café), temporary shop and services (retail shop) and

temporary eating place (outdoor seating accommodation (OSA) of a restaurant) respectively submitted by different applicants, which were approved by the Board on review/the Rural and New Town Planning Committee (the Committee) of the Board between 1999 and 2024. The planning permission of the last previous application (No. A/NE-TK/789) was subsequently revoked in 2025 due to non-compliance with approval conditions. Details of the previous applications are set out in paragraph 6 below. Compared with the last previous application, the current application involves a smaller site area and other major development parameters remain unchanged.

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

- (a) Application Form with Attachments received on 11.6.2026 (**Appendix I**)
- (b) Supplementary Information (SI) received on 15.6.2026 (**Appendix Ia**)
- (c) Further Information (FI) received on 23.7.2026* (**Appendix Ib**)
- (d) FI received on 29.7.2026* (**Appendix Ic**)

** 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 FIs at **Appendices I to Ic**, as summarised below:

- (a) the applied use is in line with the planning intention of the “V” zone, and no filling and excavation of land is involved under the application. The applied structure is only made of canvas supported by stands;
- (b) the applied use does not induce adverse drainage, traffic, visual, landscape and environmental impacts on the surrounding areas. The Site is located in the vicinity of public vehicle parks (including the one at Tai Po Lung Mei Beach (**Plan A-1**)) and supported by transportation services. While the applied use has not caused any road obstruction problem in the past years, emergency vehicles can reach the Site directly;
- (c) the applied use operates during reasonable hours (i.e. 10:30 a.m. to 10:30 p.m. daily). No environmental complaint in relation to the Site has been received and no noise issue has been observed; and
- (d) should the application be approved, any existing non-conformities with the current scheme will be rectified, and any land administration restrictions will be complied with.

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

The applicant is one of the “current land owners”. In respect of the other “current land owners”, the applicant 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 obtaining consent of another “current land owner”. 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 "V" Zone in 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 subject to planning enforcement action against unauthorized development (UD) involving use for eating place (E/NE-TK/206) (**Plan A-2**). Enforcement Notice was issued on 11.7.2026 requiring discontinuation of the UD on or before 11.9.2026. If the notice is not complied with, prosecution action would be considered.

6. **Previous Applications**

- 6.1 The Site is part of the subject of three previous applications (No. A/NE-TK/107, 679 and 789) submitted by different applicants¹.
- 6.2 Application No. A/NE-TK/679 for shop and services (retail shop) was approved with conditions by the Committee on 6.3.2020. The planning considerations of this application are not applicable to the current application, which is for a different use.
- 6.3 Application No. A/NE-TK/107 for restaurant (café) was approved by the Board on review for a period of two years on 23.4.1999, mainly on the considerations that TPB-PG No. 15 which was in force at the time of consideration of the application was complied with; and significant environmental nuisance to residents nearby would not be created. Application No. A/NE-TK/789 for temporary eating place (OSA of a restaurant) was approved with conditions by the Committee on 26.1.2024, mainly on the considerations that the applied use would not jeopardise the long-term planning intention of the "V" zone; the application was in line with TPB-PG No. 15A; the applied use was not incompatible with the surrounding areas; and no significant adverse impact on the surrounding areas was anticipated. However, the planning permission of application No. A/NE-TK/789 was revoked on 26.7.2025 due to non-compliance with approval conditions relating to the submission and implementation of the drainage proposal and implementation of the proposal for fire service installations and water supplies for fire-fighting. Compared with the last previous application, the current application involves a smaller site area (from about 160.4m² to 147.5m²; -12.9m² or -8%) and other major development parameters remain unchanged.
- 6.4 Details of the previous applications are at **Appendix III** and their locations are shown on **Plans A-1** and **A-2**.

¹ Applications No. A/NE-TK/107 and 679 were submitted by the same applicant.

7. Similar Applications

- 7.1 There are six similar applications (No. A/NE-TK/746, 763, 784, 795, 829 and 833) for temporary eating place (OSA) use covering four sites within the same “V” zone in the vicinity of the Site in the past five years, which were approved with conditions by the Committee between 2022 and 2025, mainly on considerations similar to the approved previous application No. A/NE-TK/789 as stated in paragraph 6.3 above.
- 7.2 Details of the similar applications are at **Appendix IV** and their locations are shown on **Plan A-1**.

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

- 8.1 The Site is:
- (a) currently occupied by the applied use without valid planning permission;
 - (b) abutting House No. 60 at Lung Mei Village and situated at the southern fringe of Lung Mei Village; and
 - (c) accessible via Tai Po Lung Mei Road leading Ting Kok Road.
- 8.2 The surrounding areas are predominantly rural in character comprising village houses, some of which are occupied by restaurants on the ground floor with/without OSA. To the south and southeast are the Lung Mei Village Office and a sitting-out area respectively (**Plans A-2**). To the further south is a cycle track running along Ting Kok Road. To the further southwest on the opposite side of Ting Kok Road is Tai Po Lung Mei Beach (**Plan A-3**).

9. Planning Intention

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. 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.

10. Comments from Relevant Government Departments

- 10.1 Apart from the government department as set out in paragraph 10.2 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 V** and **VI** respectively.

10.2 The following government department object to the application.

Land Administration

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

- (a) he objects to the application;
- (b) the Site comprises three Old Schedule Agricultural Lots, i.e. Lots 210 (Part), 211 (Part) and 213 RP (Part) in D.D. 28 held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government (**Plan A-2**). Under the Building Licence No. 7/82 governing the use and the building on Lot 213 RP in D.D. 28 (**Plan A-2**), the portion of land adjoining the building on the lot shall not be built upon and shall be used for agricultural or garden purposes;
- (c) there is no Small House application within the Site;
- (d) the Site does not encroach on any existing or planned emergency vehicular access (EVA);
- (e) there are unauthorized structures on Lots 210, 211, 213 RP and its adjoining Government Land (GL) in D.D. 28. Warning letters in respect of the breaches of such lease restriction were issued to the owners of Lots 210 and 211 in D.D. 28 and were registered in the Land Registry. Besides, the portion of land adjoining the building on Lot 213 RP in D.D. 28 seems being used as “storage and back-of-house” for the restaurant within the Site which constitutes a breach of the conditions stipulated in Building Licence No. 7/82. 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;
- (f) the GL adjoining the Site has been illegally occupied with unauthorized structures without permission. Any occupation of GL without Government’s prior approval is an offence under the Land (Miscellaneous Provisions) Ordinance (Cap. 28). His office reserves the rights to take necessary land control action against the illegal occupation of GL without further notice. The applicant shall remove the unauthorized structures and cease illegal occupation of GL immediately. Regularization of illegal occupation of GL on or after 28.3.2017 by way of Short Term Tenancy will not be considered under LandsD’s prevailing policy;
- (g) there is no guarantee to the grant of a right of way to the Site or approval of the EVA thereto; and
- (h) his advisory comments are at **Appendix VI**.

11. Public Comments Received During Statutory Publication Period

On 2.7.2026, the application was published for public inspection. During the statutory public inspection period, seven public comments from individuals were received, objecting to the application mainly on the considerations that the increase in customers arising from the applied use will cause illegal parking and traffic congestion, there is no provision of car parking space, the circulation of customers in and out of the Site creates pedestrian-vehicular conflicts and poses pedestrian safety concerns; and the applied use will generate issues regarding emergency services, environmental nuisance and hygiene, fire risk, public security and potential occupation of GL (**Appendix VII**).

12. Planning Considerations and Assessments

- 12.1 The application is for temporary eating place (extension of a restaurant) for a period of three years at the Site falling within an area zoned “V” on the OZP (**Plan A-1**). While the applied use is not entirely in line with the planning intention of the “V” zone which is primarily intended for development of Small Houses by indigenous villagers, DLO/TP, LandsD advises that there is no Small House application within the Site. The applied use could also serve the local residents and visitors to Tai Po Lung Mei Beach and recreational facilities in the vicinity. Taking into account the above and planning assessments below, there is no objection to the applied use on a temporary basis of three years.
- 12.2 The Site is abutting House No. 60 at Lung Mei Village and situated at the southern fringe of Lung Mei Village, and currently occupied by the applied use without valid planning permission (**Plans A-2, A-4a and A-4b**). The Site is situated in an area which is predominantly rural in character comprising village houses, some of which are occupied by restaurants on the ground floor with/without OSA (**Plan A-2**). The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comments on the application from landscape planning perspective, and considers that the applied use is not incompatible with the landscape character of the area and significant adverse landscape impact arising from this application is not anticipated.
- 12.3 Other relevant government departments consulted, including the Commissioner for Transport (C for T), Director of Environmental Protection (DEP), Chief Engineer/Mainland North of Drainage Services Department, Director of Fire Services, Director of Food and Environmental Hygiene and Commissioner of Police have no objection to or no adverse comment on the application. DEP also advises that no substantiated environmental complaint in relation to the Site was received in the past three years. To address the technical requirements of concerned government departments, relevant approval conditions and advisory clauses are recommended in paragraph 13.2 below and **Appendix VI** respectively. Should the application be approved, the applicant will be advised to follow the relevant mitigation measures and requirements in ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ to minimise any potential environmental nuisance; to carry out pollution abatement measures in relevant guidelines, including ‘General Environmental Guidelines for OSA’ and ‘Control of Oily Fume and Cooking Odour from Restaurants and Food Business’; and to meet the statutory requirements under relevant pollution control ordinances. In view of the above, the applied use is generally in line with TPB

PG-No. 15A. Regarding DLO/TP, LandsD's concerns on the unauthorized structures erected within and outside the Site and the illegal occupation of GL, the applicant will be advised to liaise with LandsD on the land administration matters should the Committee approve the application.

- 12.4 The Site is part of the subject of two approved previous applications (No. A/NE-TK/107 and 789) for restaurant (café) and temporary eating place (OSA of a restaurant) respectively submitted by different applicants as detailed in paragraph 6.3 above (**Plans A-1 and A-2**). There are also six approved similar applications for temporary eating place use covering four sites within the same "V" zone in the vicinity of the Site in the past five years as detailed in paragraph 7.1 above (**Plan A-2**). The planning circumstances of the current application are similar to those of the approved similar applications. Approval of the current application is in line with the Committee's previous decisions.
- 12.5 Regarding the public comments as detailed in paragraph 11 above, the government departments' comments and planning assessments above are relevant. For the concerns on illegal parking and absence of car parking space provision, C for T advises that the scale of the applied use is not large and there are car parks nearby.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11 above, PlanD 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 14.8.2029. 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 14.2.2027;
- (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 14.5.2027;
- (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 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 14.2.2027;
- (e) in relation to (d) 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 14.5.2027;

- (f) 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
- (g) if any of the above planning condition (a), (b), (d) or (e) 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 VI**.

- 13.3 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 "V" zone which is primarily to provide land for development of Small Houses by indigenous villagers. There is no strong justification 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 Attachments received on 11.6.2026
Appendix Ia	SI received on 15.6.2026
Appendix Ib	FI received on 23.7.2026
Appendix Ic	FI received on 29.7.2026
Appendix II	Relevant Extracts of TPB PG-No. 15A
Appendix III	Previous Applications
Appendix IV	Similar Applications
Appendix V	Government Departments' General Comments
Appendix VI	Recommended Advisory Clauses
Appendix VII	Public Comments

Drawings A-1 and A-2	Layout Plans 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

**PLANNING DEPARTMENT
AUGUST 2026**