

**Application for Renewal of Planning Approval
for Temporary Use
Under Section 16 of the Town Planning Ordinance**

Application No. A/NE-TK/871

1. <u>Proposal</u>	
Applicant	Mr. WONG Chi Wah represented by Leadtops Raymond Ltd.
Site (Plan A-1a)	Government Land (GL) adjoining Lot 882 in D.D. 28, Tai Mei Tuk, Tai Po
Site Area	49.91m ²
Zoning and Outline Zoning Plan (OZP) No.	“Village Type Development” (“V”) zone on the approved Ting Kok OZP No. S/NE-TK/19
Application	Renewal of Planning Approval for Temporary Eating Place (Outside Seating Accommodation (OSA) of a Restaurant) for a Period of Three Years
Site Context and the Current Proposal	The application site (the Site) is accessible via Sam Wo Road leading to Ting Kok Road (Plan A-2). According to the applicant, the applied use serves as the extension of a restaurant located on the ground floor of the adjoining House No. 69B at Tai Mei Tuk, which comprises a canopy-covered area with a total floor area of about 36.68m ² and a height of 4.71m (one storey). About 30 seats can be accommodated, and no cooking activities are carried out at the Site. The operation hours of the applied use are from 11:00 a.m. to 11:00 p.m. daily. The layout plan and section plan submitted by the applicant are shown in Drawings A-1 and A-2 respectively.
Last Previous Relevant Application ¹	Application No. A/NE-TK/784 approved with conditions on 13.10.2023 for a period of three years until 13.10.2026, which was submitted by the same applicant for the same use at the same site. (Please refer to https://www.tpb.gov.hk/uploads/page/meetings/RNTPC/A_NE-TK_784/A_NE-TK_784_MainPaper.pdf for details of the last previous relevant application)
Justifications from the Applicant (Appendices I to Ib)	(a) The Site is located in Tai Mei Tuk, which is a popular recreation and tourist hotspot in the New Territories. The applied use can cater for the demand of local residents and visitors, and support small-scale and village-based catering business. It is an integral supporting facility to the adjoining restaurant, which has continuously been operated at the Site.

¹ There are eight previous relevant applications No. A/NE-TK/218, 236, 315, 447, 584, 672, 763 and 784 submitted by the same applicant for the same use at the same site.

	(b) All approval conditions of the last previous application No. A/NE-TK/784 have been complied with. The implemented drainage facilities and fire service installations previously approved by the relevant departments remain unchanged. No adverse complaints related to land use compatibility, environment or safety have been received during the planning approval period. (c) The application is on a temporary basis, in which no permanent structures will be erected at the Site, and all facilities are relocatable and removable. Upon the expiry of planning approval, all temporary fixtures will be removed and the GL will be reinstated to its original condition.
Compliance with the “Owner’s Consent/ Notification” requirements ²	The requirements are not applicable as the Site involves GL only.

2. Planning Considerations and Assessments

	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
(a)	In line with TPB PG No. 34D³, including: i. no material change in planning circumstances since the previous approval was granted (e.g. a change in planning policy/zoning for the area or land uses of surrounding areas); ii. no adverse planning implications arising from the renewal of the planning approval (e.g. pre-emption of planned permanent development); iii. all the time-limited approval conditions under the previous approval have been complied with; and iv. the three-year approval period sought does not exceed the duration of the last approval.	✓		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, the District Lands Officer/Tai Po of Lands Department (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 in Tai Mei Tuk. Taking into account the above and planning assessments below, there is no objection to the applied use on temporary basis for a further period of three years.

² As set out in TPB Guidelines on Satisfying the ‘Owner’s Consent/Notification’ Requirements under Sections 12A and 16 of the Town Planning Ordinance ([TPB PG-No. 31B](#)).

³ TPB Guidelines No. 34D on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development.

(b)	In line with TPB PG No. 15A ⁴	✓		The Site is located at the southern fringe of Wong Chuk Tsuen and is accessible via Sam Wo Road leading to Ting Kok Road. The applied use is considered not incompatible with its surrounding areas predominated by village houses, some of which are occupied by restaurant on the ground floor with/without OSA (Plan A-2). In view of the small scale of the applied use, it would unlikely generate significant adverse traffic, environmental, drainage, sewerage and fire safety impacts on the surrounding areas.
(c)	Any other relevant considerations (e.g. minor change in layout/development parameters)?		✓	
(d)	Any adverse departmental comments?	✓		Relevant government departments consulted, except DLO/TP, LandsD, have no objection to or no adverse comment on the application (Appendix II). <u>Adverse Departmental Comments</u> DLO/TP, LandsD objects to the application as the GL adjoining the site of Short Term Tenancy (STT) No. 1032⁵, which is not included in the current application, has been illegally occupied with unauthorized structure(s) without permission (Plan A-2). The tenant of STT No. 1032 should immediately rectify the breach of the tenancy conditions. As 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

⁴ TPB Guidelines No. 15A for Application for Eating Place within "V" zone in Rural Areas under Section 16 of the Town Planning Ordinance.

⁵ The Site is covered by STT No. 1032 for the purpose of a sitting-out area for restaurant use associated with the existing restaurant on the adjoining Lot 882 in D.D.28 (**Plan A-2**).

				occupation of GL without further notice. <u>PlanD's Assessments</u> • To address the technical requirements of concerned government departments, relevant approval conditions are recommended in paragraph 4 below, and the applicant will also 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 Sites' 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 illegal occupation of GL with unauthorized structure(s) adjoining the Site, the applicant will be advised to liaise with LandsD on the land administration matters should the Committee approve the renewal application.
(e)	Public comments received during statutory publication period		✓	No public comment was received.

3. Planning Department's View

- No objection to the application.

4. Decision Sought

- 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, and be renewed from 14.10.2026 to 13.10.2029. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) the setback of the development by 1.6m from the existing village road to its south shall be maintained at all times during the planning approval period;
- (b) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (c) the existing fire service installations implemented on the Site shall be maintained in efficient working order at all times during the planning approval period; and
- (d) if any of the above planning condition (a), (b) or (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.

Advisory clauses

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

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

Attachments

Appendix I	Application Form with attachments received on 20.8.2026
Appendix Ia	Supplementary Information received on 25.8.2026
Appendix Ib	Further Information received on 29.9.2026 (accepted and exempted from publication and recounting requirements)
Appendix II	Government Departments with No Objection/No Adverse Comment
Appendix III	Recommended Advisory Clauses
Drawing A-1	Layout Plan
Drawing A-2	Section Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan

**PLANNING DEPARTMENT
OCTOBER 2026**