

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-MP/421

- Applicant** : Mr MAN Chau Fu represented by Mr WONG Sun Wo William
- Site** : Government Land (GL) in D.D. 105, Mai Po Tsuen, Mai Po, Yuen Long
- Site Area** : About 59m²
- Land Status** : GL
- Plan** : Approved Mai Po and Fairview Park Outline Zoning Plan (OZP) No. S/YL-MP/10
(currently in force)
- Draft Mai Po and Fairview Park OZP No. S/YL-MP/9
(at the time of submission)
- [no change to the zoning and development restrictions of the application site (the Site)]*
- Zoning** : “Village Type Development” (“V”)
[restricted to a maximum building height of 3 storeys (8.23m)]
- Application** : Temporary Eating Place (Outside Seating Accommodation of a Restaurant) with Ancillary Storage Use for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary eating place (outside seating accommodation (OSA) of a restaurant) with ancillary storage use for a period of three years at the Site, which falls within an area zoned “V” on the OZP (**Plan A-1a**). According to the Notes of the OZP for “V” zone, ‘Eating Place’ (being not on the ground floor of a New Territories Exempted House (NTEH)) is a Column 2 use and requires planning permission from the Town Planning Board (the Board). The Site is currently hard-paved and occupied by the applied use without valid planning permission (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from Castle Peak Road – Mai Po and Tam Kon Chau Road (**Plan A-2**). According to the applicant, the applied use serves as an extension of an existing licensed restaurant on the ground floor of village house No. 1C within Lot 2075 in D.D. 105. The applied use, with a total floor area of about 59m², involves a canopy of about 38m² (not more than 3m in height) for a seating area with six tables accommodating 24

people, as well as a canopy of 21m² (not more than 3m in height) with a converted container of 20m² for the storage of utensils supporting the restaurant, and a meter box underneath. The applied use operates from 7:00 a.m. to 7:00 p.m from Mondays to Saturdays, with no operation on Sundays and public holidays. No parking or loading/unloading space is provided within the Site. The layout plan submitted by the applicant is at **Drawing A-1**.

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

- (a) Application Form with attachments and Supplementary **(Appendix I)** Information (SI) received on 26.8.2026 and 2.9.2026 respectively
- (b) Further Information (FI) received on 20.10.2026* **(Appendix Ia)**
**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 FI at **Appendices I to Ia**, and can be summarised as follows:

- (a) The OSA at the Site is an extension to an existing licensed restaurant on the ground floor of a village house adjoining the Site, which could provide catering services to serve local residents and villagers in the vicinity.
- (b) The applied use is in line with the Town Planning Board Guidelines for ‘Application for Eating Place within “Village Type Development” zone in Rural Areas under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 15A).
- (c) No adverse traffic, environmental, drainage and fire safety impacts, as well as nuisances arising from the OSA are anticipated. The applicant commits that no oil fumes or cooking odours will be emitted into the outdoor environment. The applicant will also follow relevant requirements in the latest ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (‘CoP’) issued by the Environmental Protection Department to minimise any potential environmental impacts.
- (d) The applicant has committed to applying for Short Term Tenancy to Lands Department (LandsD) for the use of GL should the current application be approved by the Board.

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

As the Site involves GL only, the ‘Owner’s Consent/Notification’ 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. **Town Planning Board Guidelines**

4.1 The Site is located within the Wetland Buffer Area (WBA) of the Deep Bay Area (**Plan**

A-1a). The Town Planning Board Guidelines for ‘Application for Developments with Deep Bay Area under Section 16 of the Town Planning Ordinance’ (TPB PG-No.12C) are relevant to the application.

4.2 TPB PG-No. 15A are also relevant to the application. Relevant extracts of the above Guidelines are at **Appendix II**.

5. **Background**

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

6. **Previous Application**

A minor portion of the Site is the subject of a previous application (No. A/YL-MP/326) for proposed public utility installation and associated filling and excavation of land approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2022, and the considerations of which are not relevant to the current application due to different use involved. Details of the previous application are summarised at **Appendix III** and its location is shown on **Plan A-1b**.

7. **Similar Application**

During the past five years, there was one similar application (No. A/YL-MP/343) involving temporary eating place within the same “V” zone on the OZP. The application was approved by the Committee in 2023 for a period of three years mainly on the considerations that the applied use was not incompatible with the surrounding areas; the applied use was in line with the TPB PG-No. 15A; and relevant government departments consulted had no objection to or no adverse comment on the application or their concerns could be addressed by relevant approval conditions. The planning permission was subsequently revoked in 2024 due to non-compliance with time-limited approval conditions. Details of the similar application are summarised at **Appendix III** and its location is shown on **Plan A-1a**.

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

8.1 The Site is:

- (a) currently hard-paved and occupied by the applied use without valid planning permission;
- (b) accessible from Castle Peak Road – Mai Po and Tam Kon Chau Road; and
- (c) within the WBA of the Deep Bay Area.

8.2 The surrounding areas are sub-urban in character comprising mainly the low-rise village settlements of Mai Po Tsuen (Lo Wai) (Mai Po Lo Wai), woodland, storage, parking of vehicles, a dried pond and a site under construction works for proposed social welfare facility (residential care home for the elderly), shop and services (medical consulting room including clinic) and public vehicle park (private cars only) (with valid planning permission).

9. **Planning Intention**

The planning intention of the “V” zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses (SHs) 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 an NTEH. Other commercial, community and recreational uses may be permitted on application to the Board.

10. **Comments from Relevant Government Departments**

10.1 Relevant 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, if any, are provided in **Appendices IV and V** respectively.

10.2 The following government department has provided views on the application:

Land Administration

10.2.1 Comments of the District Lands Officer/Yuen Long, LandsD (DLO/YL of LandsD):

- (a) has no objection to the application;
- (b) the Site involves GL of about 59m², which has been unlawfully occupied without any permission. Any occupation of GL without Government’s prior approval is an offence under Cap. 28. His office reserves the rights to take necessary land control action against the unlawful occupation of GL without further notice;
- (c) there is no SH application under processing nor approved at the Site; and
- (d) advisory comments are detailed in **Appendix V**.

11. **Public Comments Received During Statutory Publication Period**

On 4.9.2026, the application was published for public inspection. During the statutory public inspection period, five public comments were received from individuals including representatives of Mai Po Tsuen supporting the application mainly on the grounds that the applied use could serve local villagers (**Appendix VI**).

12. **Planning Considerations and Assessments**

12.1 The application is for temporary eating place (OSA of a restaurant) and ancillary storage use for a period of three years at the Site zoned “V” (**Plan A-1a**). Whilst the applied use is not entirely in line with the planning intention of the “V” zone, according to the

applicant, the applied use serves as the extension of an existing restaurant on the ground floor of a village house adjoining the Site and is intended to serve the nearby residents. Besides, DLO/YL, LandsD advises that there is no SH application approved or under processing at the Site. The applied use of temporary nature would not adversely affect the land availability for NTEH/SH development within the “V” zone in the long term. Taking into account the above and the planning assessments below, there is no objection to the applied use on a temporary basis for a period of three years.

- 12.2 The applied use is considered not incompatible with the surrounding areas which are sub-urban in character comprising mainly the low-rise village settlements of Mai Po Lo Wai, woodland, storage, parking of vehicles, a dried pond and a proposed social welfare facility being under construction. 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 use is not incompatible with the surrounding environment and significant adverse landscape impact arising from the applied use is not anticipated.
- 12.3 The Site falls within the WBA in Deep Bay Area under the TPB PG-No. 12C, which specifies that planning applications for temporary uses are exempted from the requirement of ecological impact assessment. The Director of Agriculture, Fisheries and Conservation has no comment on the application from nature conservation point of view.
- 12.4 The application is generally in line with TPB PG-No. 15A in that the applied OSA is located at the fringe of Mai Po Lo Wai which is accessible from Castle Peak Road – Mai Po and Tam Kon Chau Road. Other relevant government departments consulted, including the Director of Environmental Protection, Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department, Director of Fire Services and Director of Food and Environmental Hygiene, have no objection to or no adverse comment on the application. To address the technical requirements of the concerned departments, relevant approval conditions are recommended in paragraph 13.2 below. It is also recommended to advise the applicant to follow the latest ‘CoP’ issued by the DEP to minimise any potential environmental nuisances on the surrounding areas caused by the applied use. Regarding DLO/YL of LandsD’s concern on the unlawful occupation of GL, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 12.5 There is one similar application involving temporary eating place within the same “V” zone in the vicinity of the Site in the past five years as detailed in paragraph 7 above. Approving the current application is in line with the Committee’s previous decision.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments as mentioned in paragraph 11, 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 23.10.2029. The following conditions of approval 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 23.4.2027;
- (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 23.7.2027;
- (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) 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 23.4.2027;
- (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 23.7.2027;
- (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 attached at **Appendix V**.

- 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 the "Village Type Development" zone which is to provide land primarily for development of Small Houses by indigenous villagers. There is no strong planning 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 and SI received on 26.8.2026 and 2.9.2026 respectively
Appendix Ia	FI received on 20.10.2026
Appendix II	Relevant Extracts of TPB PG-No. 12C and 15A
Appendix III	Previous and Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comments
Drawing A-1	Layout Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Application
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2026**