Previous Applications

Approved Applications

Application No.	Proposed Use(s) / Development(s)	Zoning(s)	Date of Consideration
A/NE-TK/228	Temporary Barbecue Site for a Period of Three Years	"AGR" and area shown as 'Road'	9.3.2007 (approved for two years) (revoked on 9.9.2007)
A/NE-TK/257[1]	Temporary Barbecue Site for a Period of Three Years	"AGR" and area shown as 'Road'	18.7.2008 (approved for two years)
A/NE-TK/316[1]	Proposed Temporary Barbecue Site for a Period of Three Years	"AGR" and area shown as 'Road'	27.8.2010 (approved for two years) (revoked on 27.5.2011)
A/NE-TK/427	Temporary Barbecue Site for a Period of Three Years	"AGR" and area shown as 'Road'	5.4.2013 (approved for two years)
A/NE-TK/624	Temporary Barbecue Site for a Period of Three Years	"AGR"	9.2.2018
A/NE-TK/697	Temporary Barbecue Site for a Period of Three Years	"AGR"	5.2.2021 (revoked on 5.7.2023)
A/NE-TK/782	Temporary Barbecue Site with Ancillary Car Park for a Period of Three Years	"AGR"	12.1.2024

Remarks:

[1] Applications No. A/NE-TK/257 and 316 covered the same site.

Rejected Application

Application No.	Proposed Use(s) / Development(s)	Zoning(s)	Date of Consideration	Rejection Reasons
A/NE-TK/207	Proposed Temporary Barbecue Site for a Period of Three Years	"AGR"	21.7.2006	R1 and R2

Rejection Reasons

R1. There was insufficient information in the submission to demonstrate that the development would not cause adverse impact on the mangrove habitat in the Ting Kok Site of Special Scientific Interest to the south of the application site.

R2. The approval of the application would set an undesirable precedent for other similar applications within the "Agriculture" zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

Similar Applications

Approved Applications

Application No.	Proposed Use(s) / Development(s)	Zoning(s)	Date of Consideration
A/NE-TK/796	Proposed Temporary Eating Place and Barbecue Site with Ancillary Facilities for a Period of Three Years	"AGR"	5.7.2024 (revoked on 5.1.2026)
A/NE-TK/859	Temporary Eating Place and Barbecue Site with Ancillary Facilities and Car Park for a Period of Three Years	"AGR"	24.7.2026

Government Departments' General Comments

1. Land Administration

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

- no objection to the application;
- the application site (the Site) comprises three Old Schedule Agricultural Lots, i.e. Lots 468 (Part), 477 and 478 all in D.D. 17, 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;
- there is no guarantee to the grant of a right of way to the Site or approval of the emergency vehicular access thereto; and
- his advisory comments are at **Appendix V**.

2. Traffic

Comments of the Commissioner for Transport (C for T):

- no in-principle objection to the application from traffic engineering point of view; and
- her advisory comments are at **Appendix V**.

3. Landscape

Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- no adverse comment on the application from landscape planning perspective;
- based on the aerial photo taken in 2025, the Site was situated in an area of rural coastal plain landscape character comprising village houses, temporary structures, farmlands and scattered tree clusters. The proposed use is considered not incompatible with the surrounding environment;
- with reference to the above aerial photos and the recent site photos, the Site was formed and occupied by some temporary structures. No tree was found on it. According to the applicant, no tree felling will be involved; and
- in view of the above, significant adverse landscape impact arising from this application is not anticipated.

4. Environment

Comments of the Director of Environmental Protection (DEP):

- no objection to the application from the environmental perspective;
- no environmental complaint in relation to the Site was received in the past three years; and
- his advisory comments are at **Appendix V**.

5. Drainage

Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- approval conditions on submission and implementation of drainage proposal for the Site are recommended to ensure that it will not cause adverse drainage impact to the adjacent areas; and
- her advisory comments are at **Appendix V**.

6. Fire Safety

Comments of the Director of Fire Services (D of FS):

- no in-principle objection to the application subject to fire service installations and water supplies for firefighting being provided to his satisfaction; and
- his advisory comments are at **Appendix V**.

7. Building Matters

Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- no objection to the application;
- as there is no record of approval granted by the Building Authority (BA) any existing structures at the Site;
- it is noted that one structure is proposed in the application, before any new building works (including containers/open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on private lots or on Government land which Short Term Tenancy is granted, prior approval and consent of the Building Authority should be obtained unless they are exempted building works or commenced under the simplified requirement under the Minor Works Control System. Otherwise, they are unauthorized building works under the Buildings Ordinance (BO). An Authorized Person should be appointed as the co-ordinator for the proposed building Works in accordance with the BO; and
- his advisory comments are at **Appendix V**.

8. Electricity Safety

Comments of the Director of Electrical and Mechanical Services (DEMS):

- no particular comment on the application from electricity supply safety perspective; and
- his advisory comments are at **Appendix V**.

9. Food and Environmental Hygiene

Comments of the Director of Food and Environmental Hygiene (DFEH):

- no adverse comment on the application;
- the Site is not covered by any food business/outside seating accommodation (OSA) licence(s) and Permission(s) for Presence of Dogs on Food Premises. Additionally, no application for food business/OSA licence has been received by his office for the Site so far; and
- his advisory comments are at **Appendix V**.

10. Other Departments

The following departments have no objection to or no comment on the application:

- Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD);
- Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- District Officer (Tai Po), Home Affairs Department (DO(TP), HAD);
- Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD); and
- Project Manager/North, Civil Engineering and Development Department (PM/N, CEDD).

Recommended Advisory Clauses

(a) to resolve any land issue relating to the proposed use with the concerned owner(s) of the application site (the Site);

(b) failure to reinstate the Site as required under the relevant approval condition upon expiry of the planning permission might constitute an unauthorized development under the Town Planning Ordinance and be subject to enforcement and prosecution actions;

(c) to note the comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) that:

  (i) if the lot owner wishes to permit structure to be erected on the Site, the lot owner is required to submit an application for Short Term Waiver (STW) to LandsD. LandsD will consider the STW application in accordance with the established procedures and guidelines and with reference to development parameters approved by the Town Planning Board. However, there is no guarantee at this stage that the STW application would be approved. If the STW application is approved by LandsD acting in the capacity as landlord at its sole discretion, such approval will be subject to such terms and conditions as may be imposed by LandsD including the payment of waiver fee and administrative fee as considered appropriate. Besides, given the proposed use is temporary in nature, only erection of temporary structure will be considered;

  (ii) the applicant will likely make use of the adjoining private lots and unleased/unallocated Government land (GL) as vehicular access to and from the Site. The maintenance and management responsibility of the said GL and any other GL leading to the Site should be sorted out with the relevant government departments. Moreover, access to the Site may also falls on adjoining private lots all in D.D. 17. The applicant should sort out the relevant issues with the lots owners concerned;

  (iii) it is the responsibility of the applicant to obtain prior approval from relevant government departments for operating an eating place (cafe); and

  (iv) there is no guarantee to the grant of a right of way to the Site or approval of the emergency vehicular access (EVA) thereto;

(d) to note the comments of the Commissioner for Transport (C for T) that:

  (i) the applicant is reminded to obtain consent from the private lot owners for access right on their land;

  (ii) the applicant shall implement the committed measures in the submission for the operation; and

  (iii) the village access road and village areas are not under the Transport Department (TD)'s management. It is suggested that the land status, management and maintenance responsibilities of the areas should be clarified with the relevant lands and maintenance authorities accordingly in order to avoid potential land disputes;

(e) to note the comments of the Director of Environmental Protection (DEP) that the applicant is reminded to:

(i) follow the relevant mitigation measures and requirements in the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' to minimise any potential environmental nuisance;

(ii) the design and construction of proposed septic tank and soakaway system shall follow the requirements of the Environmental Protection Department (EPD)'s Professional Persons Environmental Consultative Committee Practice Notes 1/23 'Drainage Plans subject to Comment by EPD' and located at least 30m from any nearby watercourse. Percolation test requirement should be certified by an Authorized Person;

(iii) carry out pollution abatement measures in relevant guidelines, including 'General Environmental Guidelines for Outside Seating Accommodation (OSA)' and 'Control of Oily Fume and Cooking Odour from Restaurants and Food Business'; and

(iv) meet the statutory requirements under relevant pollution control ordinances;

(f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:

(i) there is no existing DSD maintained public drain available for connection in the area. The applicant should demonstrate he/she already had/will provide stormwater collection and discharge system to nearby established drainage system or existing streamcourses having adequate flow capacity to cater for the runoff generated within the Site and overland flow from surrounding of the Site, e.g. surface channel of sufficient size along the perimeter of the Site; sufficient openings should be provided at the bottom of the boundary wall/fence to allow surface runoff to pass through the Site if any boundary wall/fence are to be erected. Any existing flow path affected should be re-provided. The applicant should neither obstruct overland flow nor adversely affect the existing natural streams, village drains, ditches and the adjacent areas. The applicant is required to maintain the drainage systems properly and modify the systems if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems;

(ii) public sewerage is not available near the Site. EPD should be consulted regarding the sewage treatment/disposal aspects of the proposed use; and

(iii) the applicant shall resolve any conflict/disagreement with relevant lot owner(s) and seek LandsD's permission for laying new drains/channels and/or modifying/upgrading existing ones in other private lots or on GL (where required) outside the Site;

(g) to note the comments of the Director of Fire Services (D of FS) that:

(i) the applicant should submit relevant layout plans incorporated with the proposed fire service installations (FSIs) for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of the proposed FSIs to be installed should be clearly marked. As there is no access for emergency vehicles being provided to reach 30m from the Site, additional fire safety measures shall be imposed. Licensing requirements, if any, would be formulated upon receipt of formal application via the Licensing Authority; and

(ii) the applicant is reminded that if the proposed structure is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

(h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:

(i) the Site shall be provided with means of obtaining access thereto from a street and EVA in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively;

(ii) the Site does not abut on a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at building plan submission stage;

(iii) if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the Building Authority (BA), they are unauthorized building works (UBW) under the BO and should not be designated for any proposed use under the application;

(iv) for UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with the prevailing enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO;

(v) the applicant's attention is also drawn to the provision under Regulations 40 and 41 and Part V of the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations in respect of disposal of foul water and surface water;

(vi) any temporary shelters or converted containers for office, storage, washroom or other uses are considered as temporary buildings subject to the control of Part VII of the B(P)R;

(vii) if the proposed use under application is subject to issue of a license, the applicant should be reminded that any existing structures on the Site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority; and

(viii) detailed comments under the BO will be provided at the building plan submission stage;

(i) to note the comments of the Director of Electrical and Mechanical Services (DEMS) that, in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organising and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the 'Code of Practice on Working near Electricity Supply Lines' established under the Regulation when carrying out works in the vicinity of the electricity supply lines; and

(j) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that:

(i) the applicant has sole responsibility to confirm that the premises permits the entry of dogs. The Food and Environmental Hygiene Department (FEHD) has clearly required in the

application forms that the applicant must confirm that the premises in which their food premises operates permits the entry of dogs and declare the information submitted is true. FEHD solemnly points out that if the applicant is found to have provided false information, they may bear legal liability;

(ii) FEHD reiterated that, as the rules governing the use of various premises (including permission for dogs entry) are subject to relevant provisions in tenancy agreement, property titles and deeds of mutual covenant, restaurant operators have responsibility to, and must clarify the fact with property stakeholders, and reach a consensus on whether to permit the entry of dogs before submitting applications to FEHD;

(iii) no FEHD's facilities should be affected;

(iv) proper licence/permit issued by FEHD is required if there is any food business/catering services/activities regulated by DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public. The operation of any eating place should be under a food licence issued by FEHD. If the operator intends to operate a restaurant business in the territory, a restaurant licence should be obtained from FEHD in accordance with Cap. 132. For the operation of other types of food business, relevant food licences should also be obtained from FEHD in accordance with Cap. 132. Under the Food Business Regulation (Cap. 132X), a Food Factory Licence should be obtained from FEHD for food business which involves the preparation of food for sale for human consumption off the premises before commencement of such business. The application for food business licences under Cap.132, if acceptable by FEHD, will be referred to relevant government departments for comment. If there is no objection from the departments concerned, a letter of requirements will be issued to the applicant for compliance and the licence will be issued upon compliance of all the requirements;

(v) when choosing a premises for food business licences, the applicant must ensure that the operation of food business at the subject premises is in compliance with the requirements imposed under the legislation administered by FEHD, other government departments and the relevant authorities. No part of a food premises shall be located in, under or over any structures built without the approval and consent of the BA. The applicant should satisfy FEHD that their premises applying for a food business licence be free of UBW; in compliance with Government lease conditions; and in compliance with statutory plan restriction, otherwise, FEHD will not process the application for a licence further;

(vi) whenever restaurant licensees wish to include an OSA into their licensed premises, they are required to submit application to FEHD by filling in the application form together with four copies of proposed layout cum OSA plan and two copies of 1:1000 location map and photo(s) showing the shop front/external wall facing the OSA for approval. In addition, if the proposed OSA is on the private land, the applicant should provide the documentary proof of the property ownership of the proposed OSA area and the property owner's written agreement on the proposed OSA. If the application of OSA is acceptable for further processing, FEHD will refer it to the relevant departments including such as BD, TD, Fire Services Department, Planning Department, Home Affairs Department and LandsD for clearance. A Letter of Requirements on the captioned would be issued if no objection was raised by the departments concerned and the OSA licence will be issued upon full compliance of all the requirements;

(vii) from the restaurant licensing point of view, no shelters other than movable sunshades and the like should be allowed in the OSA. Prior approval and consent must be obtained from

BA under the BO for the construction of awnings or other supporting structures. The main licensing criteria for OSA in respect of Hygiene Requirements are as following:

(1) an OSA should normally be annexed to restaurant premises, i.e. food and beverages need not be conveyed through an intervening public thoroughfare;

(2) additional food preparation space and scullery area equivalent to 1/10 of the OSA area should be provided inside the roofed-over restaurant premises (only applicable to OSA area exceeding 50% of existing area of seating accommodation inside the roofed-over premises). If OSA area does not exceed 50% of the existing area of roofed-over seating accommodation, the relaxation on this additional food room licensing requirement may be considered, but subject to FEHD's discretion;

(3) adequate sanitary and ablution facilities should be provided within the roofed-over area of the premises for use by the customers; and

(4) area in a backyard/open yard where there are no waste/soil pipes or manholes prejudicing the hygienic operation of the OSA will also be considered;

(viii) the operation of the eating place must not cause any environmental nuisance to the surrounding. The refuse generated by the proposed eating place are regarded as trade refuse. The management or owner of the Site is responsible for its removal and disposal at their expenses. The operation of any business should not cause any obstruction or environmental nuisance in the vicinity; and

(ix) proper licence issued by FEHD is required if related place of entertainment is involved. Any person who desires to keep or use any place of public entertainment for example a theatre and cinema or a place, building, erection or structure, whether temporary or permanent, on one occasion or more, capable of accommodating the public presenting or carrying on public entertainment within Places of Public Entertainment Ordinance (Cap. 172) and its subsidiary legislation, such as a concert, opera, ballet, stage performance or other musical, dramatic or theatrical entertainment, cinematograph or laser projection display or an amusement ride and mechanical device which is designed for amusement, a Place of Public Entertainment Licence (or Temporary Place of Public Entertainment Licence) should be obtained from FEHD whatever the general public is admitted with or without payment.

□Urgent □Return receipt □Expand Group □Restricted □Prevent Copy

tpbpd/PLAND

寄件者: [redacted]
寄件日期: 2026年08月17日星期一 0:10
收件者: tpbpd/PLAND
主旨: A/NE-TK/866 DD 17 Ting Kok

類別: Internet Email

A/NE-TK/866
Lots No .468(part), 477, 478 in D.D. 17, Ting Kok, Tai Po
Site area: About 669.2sq.m
Zoning: "Agriculture"
Applied use: Eating Place (Café) / ??? vehicle Parking???

Dear TPB Members,

The applicant claims to be part of the group that operates the large BBQ site approved under 782 despit a long history of failure to fulfil conditions.

782 has had a number of extensions and it is not clear if conditions have finally been fulfilled. If not, this has implications for this operation.

Parking is also an issue. The operation expects up to 50 customers, but has no parking facilities. Is the parking for the BBQ adequate to serve both operations.

Mry Mulvihill