

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/NE-TK/772**

<b><u>Applicant</u></b>	: Sun Richway Limited represented by R-riches Property Consultants Limited
<b><u>Site</u></b>	: Lots 1343 S.B ss.1 (Part), 1343 S.B RP, 1346 S.B ss.1 (Part), 1346 S.B RP, 1347 S.A (Part), 1347 RP, 1349, 1350, 1351 RP, 1352 S.A, 1355 RP, 1356 RP and 1361 RP (Part) in D.D. 17 and adjoining Government Land (GL), Ting Kok, Tai Po, New Territories
<b><u>Site Area</u></b>	: About 1,607m <sup>2</sup> (including about 81m <sup>2</sup> or 5% of GL)
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural purpose)
<b><u>Plan</u></b>	: Approved Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/19
<b><u>Zoning</u></b>	: “Open Space” (“O”)
<b><u>Application</u></b>	: Proposed Temporary Eating Place with Ancillary Facilities for a Period of Five Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for a proposed temporary eating place with ancillary facilities for a period of five years at the application site (the Site) which falls within an area zoned “O” on the OZP (**Plan A-1**). According to the Notes of the OZP, ‘Eating Place’ use is a Column 2 use within the “O” zone requiring planning permission from the Town Planning Board (the Board). The Site is largely covered with vegetation and trees.
- 1.2 According to the applicant, the proposed development comprises four structures with heights ranging from 3.5m to 8m (one to two storeys), providing a total floor area of about 367m<sup>2</sup> for restaurants, kitchens, washrooms, guard room and meter room uses (**Drawing A-1**). There are also an outdoor dining area and a few landscaped areas in the open-air area. Seven parking spaces for private cars (2.5m (W) x 5m (L)) and a loading/unloading (L/UL) space for light goods vehicle (LGV) (3.5m (W) x 7m (L)) (**Drawing A-1**) will be provided on site. The operation hours are from 9:00 a.m. to 9:00 p.m. daily (including public holidays). While the estimated number of staff working at the Site is 10, there will be not more than 60 visitors<sup>1</sup> to be accommodated on site per day. The Site

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<sup>1</sup> According to the applicant, 50 indoor seats and 10 outdoor seats will be provided on site.

is accessible from Ting Kok Road via vacant land at roadside<sup>2</sup> (**Drawing A-1**). The site layout of the proposed development submitted by the applicant is at **Drawing A-1**.

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

- (a) Application Form with attachments and supplementary (Appendix I) information (SI) received on 23.3.2023 and 28.3.2023
- (b) Further Information (FI) received on 19.7.2023 (Appendix Ia)
- (c) FI received on 21.8.2023\* (Appendix Ib)
- (d) FI received on 20.9.2023\* (Appendix Ic)
- (e) FI received on 11.10.2023\* (Appendix Id)

*\*accepted and exempted from publication and recounting requirements*

1.4 On 19.5.2023 and 11.9.2023, the Committee agreed to the applicant's requests to defer making a decision on the application for a period of two months each to allow more time for the applicant to address departmental comments.

## 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 FI at **Appendices I to Id**, as summarized below:

- (a) the Site is located in an area predominated by recreational facilities, with Tai Po Lung Mei Beach and Tai Mei Tuk Water Sports Centre located within walking distance, and cycling track along Ting Kok Road connecting Tai Po and Tai Mei Tuk. The proposed development could serve visitors to the nearby recreational facilities and meet the pressing demand for eating place in the area;
- (b) the proposed development of temporary nature will not jeopardize the long-term planning intention of the "O" zone. Besides, the building height of the proposed development (i.e. 3.5m to 8m) is similar to that of the existing village houses across Ting Kok Road. The proposed development is not incompatible with the surrounding areas;
- (c) sufficient vehicle manoeuvring space and traffic signs will be provided to avoid queuing of vehicles on public road (**Drawing A-2**). It is anticipated that there will be one to two trips by goods vehicles daily for goods delivery/waste collection. As the number of traffic trips generated and attracted by the proposed development is minimal, adverse traffic impact on the surrounding road network is not anticipated;
- (d) according to the applicant's survey (**Appendix Ic**), majority of the visitors would travel to the nearby eating places by public transport services (including

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<sup>2</sup> According to the applicant, as there is no existing run-in/out connecting the Site to Ting Kok Road, a 7.3m-wide vehicular access and a 2m-wide pedestrian access (**Drawings A-1** and **A-2**) are proposed respectively.

franchised bus, green minibus (GMB) etc.) (**Drawing A-3**). To minimize traffic impact on the surrounding areas, visitors will be required to make appointment for parking on site. In addition, in order to prevent potential jaywalking from/to the existing bus stop at Ting Kok Road eastbound, the applicant proposes to provide traffic signs and railings (**Drawing A-4**) along the proposed footpath fronting Ting Kok Road. Bollards are also proposed near the existing bus stop on Ting Kok Road westbound to guide pedestrians and discourage jaywalking (**Drawing A-4**);

- (e) according to the tree survey submitted by the applicant (**Appendix I**), a total of 61 trees of common species<sup>3</sup> on site will unavoidably be affected by the proposed development. Of them, 59 trees are proposed to be felled and two are proposed to be retained. To compensate for the loss of existing trees, 22 new trees (i.e. *Bauhinia Blakeana*) and groundcovers will be provided within the designated landscaped area of the Site (**Drawing A-5**); and
- (f) to minimize possible environmental impacts and nuisance on the surrounding areas, the applicant will follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” and the “Control of Oil Fume and Cooking Odour from Restaurant and Food Business” issued by the Environmental Protection Department as well as statutory requirements under relevant pollution control ordinances. Good practices stated in the Practice Note for Professional Person (ProPECC) PN 5/93 “Drainage Plans subject to Comment by the Environmental Protection Department” will be implemented when designing the on-site drainage system, and the proposed development will be connected to foul sewer for sewage disposal. Should the Board approve the application, adequate mitigation measures (i.e. submission of drainage and fire services installations proposals) will be provided.

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

The applicant is not a “current land owner” but 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. 31A) by posting notice on the Site and sending notice to Tai Po Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection. As for the GL, the “owner’s consent/notification” requirements are not applicable to the application.

### 4. **Background**

The Site is currently not subject to active enforcement action.

### 5. **Previous Application**

There is no previous application at the Site.

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<sup>3</sup> No Old and Valuable Trees or protected species have been identified on site.

## 6. **Similar Applications**

There is no similar application within the same “O” zone in the vicinity of the Site.

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

7.1 The Site is :

- (a) largely covered with vegetation and trees; and
- (b) accessible from Ting Kok Road via vacant land at roadside.

7.2 The surrounding areas are predominantly rural in character with village houses, vehicle parks, scattered tree groups, temporary structures and vacant land. To the immediate west is a site with a temporary hobby farm and eating place under a valid planning approval (Application No. A/NE-TK/678) (**Plans A-1 and A-2**). About 15m to the north across Ting Kok Road is the cycling track connecting Tai Po and Tai Mei Tuk and about 35m to the east is Tai Po Lung Mei Beach and its ancillary public car park (**Plan A-2**). To its further northeast across Ting Kok Road is the subject site of a temporary eating place covered by a valid planning approval (Application No. A/NE-TK/705) and the village proper of Lo Tsz Tin (**Plans A-1 and A-2**).

## 8. **Planning Intention**

The planning intention of the “O” zone is primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public.

## 9. **Comments from Relevant Government Departments**

9.1 Apart from the government departments as set out in paragraph 9.2 below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and recommended advisory clauses are provided at **Appendices II and III** respectively.

9.2 The following government departments have comments on the application:

### **Open Space Development**

9.2.1 Comments of the Director of Leisure and Cultural Services (DLCS):

- (a) there is no plan to develop the Site into public open space at present; and
- (b) no in-principle objection to the proposed run-in/out subject to no encroachment on the tree protection zone of the adjacent roadside trees.

## **Traffic**

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

- (a) there are vehicular access and pedestrian access proposed for the development right opposite to the existing bus stop at Ting Kok Road eastbound (**Drawings A-1** and **A-2**). The surveyed modal split (**Appendix Ic**) reveals that there would be a large portion of visitors visiting the development by means of franchised bus/GMB/bicycle/others. These visitors will cross Ting Kok Road and arrive at the Site on the opposite side. It is foreseeable that the localized provision of railings and bollards (**Drawing A-4**) cannot effectively prevent jaywalking from the bus stop to the Site. The applicant should consider to provide a proper pedestrian crossing near the bus stop in order to prevent future jaywalking problem. Subject to satisfactory design and implementation of pedestrian crossing proposal and associated modification works by the applicant, she has no adverse comment on the application; and
- (b) should the application be approved, an approval condition on submission and implementation of pedestrian crossing proposal for the proposed development should be imposed.

## **10. Public Comments Received During Statutory Publication Periods (Appendix IV)**

On 31.3.2023 and 1.8.2023, the application was published for public inspection. During the statutory public inspection periods, a total of 68 public comments were received from the Chairman of Tai Po District Council and individuals raising objection to the application mainly for reasons of adverse traffic, environmental, sewage and ecological impacts; security and hygiene concerns; loss of natural vegetation cover and trees; no strong justification for the proposed development as plentiful eating places and commercial facilities are found nearby; insufficient ancillary facilities and services (e.g. parking spaces and public transport services) to support the proposed development; and being a “destroy first, build later” case.

## **11. Planning Considerations and Assessment**

- 11.1 The application is for proposed temporary eating place with ancillary facilities for a period of five years at the Site zoned “O” on the OZP. The proposed use is not entirely in line with the planning intention of the “O” zone which is primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public. Nevertheless, the proposed development could provide catering services to local residents and visitors to the nearby recreational facilities such as Tai Po Lung Mei Beach. The DLCS advises that there is no plan to develop the Site into public open space at present. As the proposed use is on a temporary basis for five years, approval of the application would not jeopardize the long-term planning intention of the “O” zone.

- 11.2 The proposed development with four one-to-two-storey structures (not more than 8m in height) is considered not incompatible with the surrounding rural setting which mainly comprises village houses, vehicle parks, scattered tree groups, temporary structures and vacant land. Having considered the proposed landscape mitigation measures as detailed in paragraph 2(e) above, the Chief Town Planner/Urban Design and Landscape, Planning Department has no adverse comment on the application from landscape planning perspective.
- 11.3 According to the applicant, visitors will be required to make appointment in advance for parking within the Site, and sufficient vehicle manoeuvring space and traffic signs will be provided to avoid queuing of vehicles on public road. C for T has no adverse comment on the application subject to satisfactory design and implementation of pedestrian crossing proposal by the applicant. Considering that the proposed development will be connected to foul sewer for sewage disposal, and the applicant will follow the relevant guidelines to minimize possible environmental impacts and nuisance on the surrounding areas, the Director of Environmental Protection has no objection to the application. Other relevant government departments consulted including Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services have no objection to/no adverse comment on the application.
- 11.4 Regarding the public comments on the application as detailed in paragraph 10, government departments' comments and the planning assessments above are relevant.

## **12. Planning Department's Views**

- 12.1 Based on the assessment made in paragraph 11, and having taken into account the public comments in paragraph 10 above, 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 5 years until 10.11.2028. The following approval conditions and advisory clauses are also suggested for Members' reference:

### **Approval Conditions**

- (a) the submission of a pedestrian crossing proposal within **6** months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 10.5.2024;
- (b) in relation to (a) above, the implementation of the pedestrian crossing proposal within **9** months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 10.8.2024;
- (c) 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 10.5.2024;

- (d) in relation to (c) above, the implementation of drainage facilities 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 10.8.2024;
- (e) in relation to (d) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (f) the submission of a proposal for fire service installations (FSIs) and water supplies for fire-fighting 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 10.5.2024;
- (g) in relation to (f) above, the implementation of FSIs and water supplies for fire-fighting 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 10.8.2024;
- (h) if any of the above planning condition (a), (b), (c), (d), (f) or (g) 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; and
- (i) if the above planning condition (e) 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 attached at **Appendix III**.

12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

- the "O" zone is intended primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public. There is no strong planning justification in the current submission for a departure from the planning intention, even on a temporary basis.

### **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**

<b>Appendix I</b>	Application Form and SI received on 23.3.2023 and 28.3.2023
<b>Appendix Ia</b>	FI received on 19.7.2023
<b>Appendix Ib</b>	FI received on 21.8.2023
<b>Appendix Ic</b>	FI received on 20.9.2023
<b>Appendix Id</b>	FI received on 11.10.2023
<b>Appendix II</b>	Government departments' general comments
<b>Appendix III</b>	Recommended advisory clauses
<b>Appendix IV</b>	Public comments
<b>Drawing A-1</b>	Layout plan
<b>Drawing A-2</b>	Detailed access design plan
<b>Drawing A-3</b>	Pedestrian access plan
<b>Drawing A-4</b>	Proposed pedestrian safety measures
<b>Drawing A-5</b>	Tree preservation and landscape proposal
<b>Plan A-1</b>	Location plan
<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial photo
<b>Plan A-4</b>	Site photos

**PLANNING DEPARTMENT  
NOVEMBER 2023**