

**APPLICATION FOR RENEWAL OF PLANNING APPROVAL  
FOR TEMPORARY USE  
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/NE-TK/823**

- Applicant** : Mr. CHI Yiu Wang
- Site** : Lots 396 RP (Part) and 398 (Part) in D.D. 17, Lots 323 S.C (Part), 1015 RP, 1016 RP, 1030 S.A, 1031, 1032, 1034, 1035, 1037 S.A, 1037 S.B, 1038, 1039 (Part), 1040 (Part), 1045 (Part), 1046, 1047, 1048 S.B (Part), 1049 (Part), 1050 (Part) and 1056 in D.D. 29, Ting Kok Road, Tai Po, New Territories
- Site Area** : About 4,015m<sup>2</sup>
- Lease** : Block Government Lease (demised for agricultural purpose)
- Plan** : Approved Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/19
- Zonings** : “Agriculture” (“AGR”) (about 92% or 3,694m<sup>2</sup>); and  
Area shown as ‘Road’ (about 8% or 321m<sup>2</sup>)
- Application** : Renewal of Planning Approval for Temporary Barbecue Site and Car Park for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks renewal of planning permission to continue using the application site (the Site) for temporary barbecue site and car park for a further period of three years until 24.12.2027. The Site falls within an area largely zoned “AGR” and partly shown as ‘Road’ on the OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years and all uses or developments within an area shown as ‘Road’ require planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use for barbecue site and car park with a valid planning permission until 24.12.2024.
- 1.2 The Site is accessible via Ting Kok Road (**Plan A-2a**). According to the applicant, the Site comprises two portions. The southern portion consists of eight single-storey structures with a total gross floor area (GFA) of about 1,762m<sup>2</sup> and a height of 4.8m for barbecue, rest and play areas, reception/kiosk, storage and toilet uses. The northern portion is an open area for car park use with six private car parking spaces (5m (L) x 2.5m (W) each) and one loading/unloading space (7m (L) x 3.5m (W)). The operation hours are from

11:00 a.m. to 10:00 p.m. daily. The layout plan submitted by the applicant is shown in **Drawing A-1**.

- 1.3 The Site or part of the Site is the subject of nine previous applications (No. A/NE-TK/208, 235, 281, 285, 321, 360, 456, 661 and 712). The last previous application No. A/NE-TK/712 was submitted by the same applicant for the same uses for a period of three years (**Plans A-1** and **A-2a**), which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 24.12.2021. Details of the previous applications are set out in paragraph 6 below. Compared with the last previous application, the current application involves a minor reduction in site area (from about 4,042m<sup>2</sup> to 4,015m<sup>2</sup>; about 0.67%) to align the latest boundary of Lot 1030 S.A in D.D. 29. Other major development parameters under the current application remain unchanged. All approval conditions under the last previous application No. A/NE-TK/712 have been complied with.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachment received on (Appendix I)  
30.9.2024
  - (b) Supplementary Information (SI) received on 8.10.2024 (Appendix Ia)
  - (c) Further Information (FI) received on 22.10.2024\* (Appendix Ib)
  - (d) FI received on 29.10.2024\* (Appendix Ic)
  - (e) FI received on 6.11.2024\* (Appendix Id)

*(\*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 Id**, as summarized below:

- (a) the barbecue site and car park uses have long been in operation, with the planning permission under application No. A/NE-TK/712 granted in 2021;
- (b) the development is intended to serve the outdoor recreational needs of local residents and overseas tourists, and create employment opportunities in rural areas;
- (c) to mitigate potential queuing of vehicles onto Ting Kok Road, prior booking system for the car park will be adopted. Also, traffic wardens will be deployed for traffic control within the Site; and
- (d) there is no change to the fire service installations (FSIs) on the Site as provided for the last previous application No. A/NE-TK/712.

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. 31B) by posting site notice and sending notice to Tai Po Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Town Planning Board Guidelines**

The Town Planning Board Guidelines on ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development’ (TPB PG-No. 34D) is relevant to the application. The relevant assessment criteria are attached at **Appendix II**.

5. **Background**

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

6. **Previous Applications**

- 6.1 The Site or part of the Site is the subject of nine previous applications. Seven applications (No. A/NE-TK/208, 235, 281, 360, 456, 661 and 712) for temporary barbecue site and car park were approved with conditions by the Committee between 2006 and 2021, mainly on considerations of not frustrating the long-term planning intention of the “AGR” zone; not incompatible with the surrounding environment; and not causing adverse environmental, traffic, landscape, drainage and sewerage impacts on the surrounding area.
- 6.2 The last previous application (No. A/NE-TK/712) was approved by the Committee on 24.12.2021 submitted by the same applicant for the same uses for a period of three years with valid planning permission until 24.12.2024, and all approval conditions in relation to submission and implementation of drainage proposal and FSIs proposal have been complied with.
- 6.3 For the remaining two applications, one was for temporary shop and services (fresh provision shop and food factory) under application No. A/NE-TK/285, which was rejected by the Board on review in 2009. The other one was for temporary organic farm and fresh provision shop under application No. A/NE-TK/321, which was approved by the Committee in 2010. The considerations of these two applications are not relevant to the current application.
- 6.4 Details of the previous applications are at **Appendix III** and their locations are shown on **Plan A-2a**.

7. **Similar Applications**

- 7.1 There are seven similar applications (No. A/NE-TK/697, 698, 704, 752, 782,

783 and 796) for temporary barbecue site within the same “AGR” zone in the vicinity of the Site (**Plan A-2b**) in the past five years. All application were approved with conditions by the Committee between 2021 and 2024 mainly on similar considerations as stated in paragraph 6.1 above.

- 7.2 Details of the similar applications are at **Appendix IV** and their locations are shown on **Plan A-2b**.

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

- 8.1 The Site is :

- (a) occupied by the applied barbecue site and car park with valid planning permission (**Plans A-4a to A-4b**); and
- (b) accessible from Ting Kok Road via a local track on private lots (**Plans A-2a and A-3**).

- 8.2 The surrounding areas are predominantly rural in character with barbecue sites, active/fallow farmland, plant nurseries, domestic structures and vacant land (**Plans A-2a and A-3**). To its east and west are three temporary barbecue sites covered by valid planning permissions under applications (No. A/NE-TK/782, 783 and 796) (**Plans A-2a and A-2b**). To the further south are areas zoned “Coastal Protection Area” (“CPA”) and “Site of Special Scientific Interest” (“SSSI”) respectively. To its further north across Ting Kok Road is the village proper of Ting Kok.

## **9. Planning Intention**

- 9.1 The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.
- 9.2 Part of the Site falls within an area shown as ‘Road’ on the OZP and forms part of the area reserved for future road use.

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

All government departments consulted have no objection to or no comment on the application. Their general comments on the application and advisory comments in Recommended Advisory Clauses are provided at **Appendices V** and **VI** respectively.

## **11. Public Comment Received During Statutory Publication Period**

On 15.10.2024, the application was published for public inspection. During the statutory public inspection period, a public comment was received from an individual (**Appendix VII**) providing views that the Committee should reject the application if the approval conditions imposed on the planning permission under the previous application

No. A/NE-TK/712 were not fully complied with.

## **12. Planning Considerations and Assessment**

- 12.1 The application is for renewal of planning permission for a temporary barbecue site and car park for a period of three years at the Site largely zoned “AGR” (92%) with a minor portion within an area shown as ‘Road’ on the OZP (**Plan A-1**). Although the applied uses are not in line with the planning intention of the “AGR” zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes, it is considered that the approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intentions of the “AGR” zone and area shown as ‘Road’. The Director of Agriculture, Fisheries and Conservation has no strong view against the application from agricultural perspective, considering that the previous application for the same uses on the Site was approved. The Commissioner for Transport and Chief Highway Engineer/New Territories East of Highways Department have no objection to or no comment on the application.
- 12.2 The Site is currently occupied by the barbecue site and car park (**Plans A-4a to A-4b**). The applied use is considered not incompatible with the surrounding land uses which are predominantly rural in character with barbecue sites, active/fallow farmland, plant nurseries, domestic structures and vacant land (**Plans A-2a and A-3**). The Chief Town Planner/Urban Design and Landscape of Planning Department has no objection to the application from landscape planning perspective. The Director of Environmental Protection has no adverse comment on the application and advises that no environmental complaint related to the Site was received in the past three years. Other relevant Government departments consulted including the Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services have no objection to or no adverse comment on the application.
- 12.3 The Site or part of the Site is the subject of nine previous applications. Seven applications (No. A/NE-TK/208, 235, 281, 360, 456, 661 and 712) for temporary barbecue site and car park were approved by the Committee between 2006 and 2021 as mentioned in paragraph 6.1 above. Compared with the last previous application No. A/NE-TK/712, the current one involves a minor reduction in site area to align the latest boundary of Lot 1030 S.A in D.D. 29, and other major development parameters under the current application remain unchanged. All the approval conditions under the last previous application has been complied with. There is no major change in planning circumstances since the approval of the last previous application.
- 12.4 There are seven similar applications (No. A/NE-TK/697, 698, 704, 752, 782, 783 and 796) for temporary barbecue site within the same “AGR” zone in the past five years. All of them were approved by the Committee between 2021 and 2024 mainly on similar considerations as stated in paragraph 6.1 above. The planning circumstances of these applications are similar to the current applications. Approving the current application is in line with the previous decisions of the Committee.

- 12.5 The application generally complies with TPB PG-No. 34D in that there has been no material change in planning circumstances since the previous approval granted under application No. A/NE-TK/712; no major adverse departmental comments on the renewal application; all approval conditions under the previous approval had been complied with; and the three- year approval period sought is the same as the previous approval and is considered reasonable.
- 12.6 Regarding the public comment providing views on the application as detailed in paragraph 10 above, government departments' comments and the planning assessments above are relevant. It should be noted that all approval conditions under the last previous planning application No. A/NE-TK/712 have been complied with.

### 13. Planning Department's Views

- 13.1 Based on the assessment made in paragraph 11, and having taken into account the public comment mentioned in paragraph 10 above, the Planning Department considers that the applied use could be tolerated for a further period of three years.
- 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, and be renewed from 25.12.2024 until 24.12.2027. The following approval conditions and advisory clauses are also suggested for Members' reference:

#### Approval Conditions

- (a) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (b) the submission of a records of existing drainage facilities on the site within **3** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 25.3.2025;
- (c) if the above planning condition (a) 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;
- (d) if the above planning condition (b) 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
- (e) upon expiry of the planning permission, the reinstatement of *the "Agriculture" portion of* the Site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

#### Advisory Clauses

The recommended advisory clauses are attached at **Appendix VI**.

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

**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) 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**

<b>Appendix I</b>	Application Form with attachment received on 30.9.2024
<b>Appendix Ia</b>	SI received on 8.10.2024
<b>Appendix Ib</b>	FI received on 22.10.2024
<b>Appendix Ic</b>	FI received on 29.10.2024
<b>Appendix Id</b>	FI received on 6.11.2024
<b>Appendix II</b>	Relevant extracts of TPB PG-No. 34D
<b>Appendix III</b>	Previous Applications
<b>Appendix IV</b>	Similar Applications
<b>Appendix V</b>	Government Departments' General Comments
<b>Appendix VI</b>	Recommended Advisory Clauses
<b>Appendix VII</b>	Public Comment
<b>Drawing A-1</b>	Layout Plan submitted by the Applicant
<b>Plan A-1</b>	Location Plan
<b>Plans A-2a and A-2b</b>	Site Plans
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
NOVEMBER 2024**