

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TK/833

<u>Applicant</u>	: Mr. CHEUNG Kai Hong represented by Miss WONG Ching Yi
<u>Site</u>	: Lots 715 S.B RP (Part) and 715 RP (Part) in D.D. 28, Tai Mei Tuk, Tai Po, New Territories
<u>Site Area</u>	: About 43.8m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural purpose)
<u>Plan</u>	: Approved Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/19
<u>Zoning</u>	: “Village Type Development” (“V”)
<u>Application</u>	: Proposed Temporary Eating Place for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary eating place for a period of three years at the application site (the Site) falling within an area zoned “V” on the OZP (**Plan A-1**). According to the Notes of the OZP, while ‘Eating Place’ on the ground floor of a New Territories Exempted House (NTEH) within the “V” zone is always permitted, such use elsewhere within the “V” zone requires planning permission from the Town Planning Board (the Board). The Site is currently hard-paved and largely vacant (**Plan A-4**).
- 1.2 The Site is directly accessible from Ting Kok Road (**Plans A-2 and A-4**). According to the applicant, temporary eating place with outdoor seating accommodation (OSA) will be provided at the Site, serving as an extension of the existing restaurant on the ground floor of the adjoining village house at 47F Tai Mei Tuk Village (**Drawing A-1**), which is similar to the temporary OSA to the immediate east of the Site covered by a valid planning permission under application No. A/NE-TK/829 (submitted by the same applicant as the current application) until 10.1.2028 (**Plans A-1 and A-2**). A total of 24 outdoor seats covered by retractable/movable shelters will be provided on site, while a passageway will be reserved at the eastern portion of the Site (**Drawing A-1**). The operating hours of the proposed temporary eating place will be from 12:00 noon to 10:00 p.m. daily. No parking space will be provided on site. The layout plan submitted by the applicant is shown in **Drawing A-1**.

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

- (a) Application Form with attachments received on (Appendix I)
26.2.2025
- (b) Further Information (FI) received on 25.3.2025* (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** and **Ia**, as summarised below:

- (a) the applicant intends to make better use of the Site located in Tai Mei Tuk, which is one of the popular places for outings in Hong Kong, to serve the tourists;
- (b) the provision of retractable/movable shelters will allow a more comfortable environment for customers under hot weather and wet season;
- (c) the proposed use will not affect the surrounding environment. Lavatories are available at the existing restaurant on the ground floor of the adjoining village house at 47F Tai Mei Tuk Village (**Drawing A-1**). Besides, fire extinguishers will be provided as appropriate; and
- (d) the applicant has submitted a drainage plan suggesting that the proposed drainage facilities at the Site will be connected to those within the site of application No. A/NE-TK/829 for further connection to a public manhole.

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

The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Town Planning Board Guidelines**

The Town Planning Board Guidelines for ‘Application for Eating Place within “V” Zone in Rural Areas under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 15A) is relevant to the application. The relevant planning criteria are at **Appendix II**.

5. **Background**

The Site is subject to a planning enforcement action (No. E/NE-TK/190) against unauthorized development (UD) involving use for eating place (**Plan A-2**). An Enforcement Notice (EN) was issued on 15.11.2024 requiring discontinuation of the UD by 15.2.2025. As site inspection after the EN expiry revealed that the Site had the setting of use for eating place, with tables and chairs with menus found on-site, prosecution action is being considered.

6. Previous Application

The Site is not the subject of any previous application.

7. Similar Applications

7.1 There are seven similar applications (No. A/NE-TK/695, 746, 763, 784, 789, 795 and 829) for temporary eating place use (OSA of restaurants) covering four sites within the same “V” zone in the vicinity of the Site in the past five years (**Plan A-1**). All of the applications were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board between 2021 and 2025, mainly on considerations of not frustrating the long-term planning intention of the “V” zone; not adversely affecting the land availability for village type development; complying with TPB PG-No. 15A; being small in scale; and not causing significant adverse impacts on the surrounding areas.

7.2 Details of the similar applications are at **Appendix III** and their locations are shown on **Plan A-1**.

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

8.1 The Site is:

- (a) hard-paved, largely vacant and abutting the village house at 47F Tai Mei Tuk Village (**Plans A-2 and A-4**);
- (b) situated at the southern fringe of Tai Mei Tuk Village (**Plans A-1 and A-3**); and
- (c) directly accessible from Ting Kok Road (**Plans A-2 and A-4**).

8.2 The surrounding areas are predominantly rural in character mainly comprising village houses, some of which are occupied by restaurants on the ground floor with/without OSA. To the southwest across Ting Kok Road are Tai Mei Tuk bus terminus and public car park, as well as various recreational facilities including barbecue areas, water sports centre and nature trails (**Plan A-3**).

9. Planning Intention

The planning intention of the “V” zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses 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 a

NTEH. Other commercial, community and recreational uses may be permitted on application to the Board.

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 the Recommended Advisory Clauses are provided at **Appendices IV** and **V** respectively.

11. Public Comment Received During Statutory Publication Period

On 7.3.2025, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

12. Planning Considerations and Assessments

12.1 The application is for proposed temporary eating place for a period of three years at the Site zoned “V” on the OZP (**Plan A-1**). The proposed use is not entirely in line with the planning intention of the “V” zone, which is primarily for development of Small Houses by indigenous villagers and to provide land considered suitable for village expansion. The District Lands Officer/Tai Po of Lands Department has no objection to the application and advises that there is no Small House application received for the Site. Nevertheless, the proposed use could serve the local residents and visitors to recreational facilities to the further southwest. As the proposed use is on a temporary basis for three years, approval of the application on a temporary basis would not jeopardise the long-term planning intention of the “V” zone.

12.2 The Site is located at the southern fringe of Tai Mei Tuk Village and abutting Ting Kok Road (**Plan A-1**). The proposed use is considered not incompatible with its surrounding areas predominated by village houses, some of which are occupied by restaurants on the ground floor with/without OSA. With the site area of about 43.8m² and 24 outdoor seats covered by retractable/movable shelters, the proposed use is small in scale and is not anticipated to cause significant adverse environmental, traffic and drainage impacts on the surrounding areas. The Director of Environmental Protection has no objection to the application from the environmental planning perspective and advises that there has been no environmental complaint related to the Site in the past three years. Other 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. To address the technical requirements of concerned departments, appropriate approval conditions are recommended in paragraph 13.2 below. In view of the above, the proposed temporary eating place under application is generally in line with TPB PG-No. 15A. Sympathetic consideration could be given to the current application.

- 12.3 There are also seven similar applications for temporary eating place uses (OSA of the restaurants) covering four sites within the same “V” zone in the past five years (**Plan A-1**). All of the applications were approved by the Committee between 2021 and 2025 mainly on the considerations as mentioned in paragraph 7.1 above. The planning circumstances of the current application are similar to those of the approved similar applications. Approval of the current application is in line with the Committee’s previous decisions.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 above, the Planning Department 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 **11.4.2028**. The following approval conditions 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 11.10.2025;
- (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 11.1.2026;
- (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 11.10.2025;
- (e) in relation to (d) above, the implementation of the fire service installations 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 11.1.2026;
- (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 at **Appendix V**.

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

Appendix I	Application Form with attachments received on 26.2.2025
Appendix Ia	FI received on 25.3.2025
Appendix II	Relevant Extracts of TPB PG-No. 15A
Appendix III	Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Drawing A-1	Layout Plan submitted by the Applicant
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
APRIL 2025**