

**Section 16 Planning Application for Proposed Temporary Eating Place  
(Extension of a Restaurant) for a Period of 3 Years,  
Government Land adjoining Lot 2060 in D.D. 6,  
No. 105 Kam Shek New Village, Tai Po**

**PLANNING STATEMENT**



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## **Executive Summary**

This section 16 (s.16) planning application is submitted by Toco Planning Consultants Ltd. on behalf of Mr. Timothy Wong Yik (the Applicant), the operator of 105 Diner (the subject restaurant) located on ground floor of a village house at No. 105 Kam Shek New Village, Tai Po. The Applicant seeks planning permission from the Town Planning Board (TPB) for proposed temporary eating place (extension of the subject restaurant) for a period of 3 years covering a piece of Government land adjoining Lot 2060 in D.D. 6 (the application site). The application site is about 38.5m<sup>2</sup> in area and falls within “Village Type Development” (“V”) zone on the Approved Tai Po Outline Zoning Plan No. S/TP/30. It is currently occupied by the applied use covering a single-storey structure (the existing structure) with temporary planning permission.

The application site is the subject of two previously approved s.16 planning applications (Nos. A/TP/619 and A/TP/649) for a temporary outside seating accommodation covered by canopy for the subject restaurant, and also the subject of a previously approved s.16 planning application (No. A/TP/679) for the temporary extension of the subject restaurant within the existing structure. As the latest temporary planning permission will be expired on 24.12.2024, the Applicant intends to renew the planning approval in order to allow the continual operation within the existing structure. However, the Applicant has been recently informed by Lands Department that, after detailed checking, the building height and building-over area of the existing structure should be 2.9m and about 38.5m<sup>2</sup> respectively, which slightly exceeds the development parameters proposed under the latest previous planning application. Thus, this s.16 planning application is submitted in order to reflect the more accurate development parameters of the existing structure at the site. It is also intended to rectify the gutter erected around the top edge of the existing structure.

Planning assessment has indicated that the present application is well justified because it has complied with the assessment criteria for s.16 planning application for eating place within “V” zone in rural areas as stated in the TPB Guidelines No. 15A. The application site located at the northern fringe of Kam Shek New Village, and the restaurant extension mainly serves for convenient sitting area for the local residents without affecting the pedestrian circulation of the area. Compared with the latest previously approved scheme, the present scheme has no change in the nature of use, “actual scale” of the existing structure and operation of the restaurant extension area. The operating hours of the restaurant will be the same from 7:00 a.m. and 9:30 p.m. There is no significant change in planning circumstances such as planning policy and land use zoning in the area. The subject development is small scale in nature and will not result in any significant adverse impact on the traffic, environmental, drainage, sewerage, visual and fire safety aspects. Being temporary in nature, the approval of the present application will not set an undesirable precedent for other similar applications and jeopardize land use in the village.

## 行政摘要

(內容如有差異，應以英文版本為準)

黃翊先生 (申請人) 是 105 冰室 (冰室) 之經營者，該冰室位於大埔錦石新村第 105 號屋的地下。申請人現透過達材都市規劃顧問有限公司，根據城市規劃 (城規) 條例第 16 條向城市規劃委員會遞交規劃許可申請，以准許在毗連於丈量約份第 6 約地段第 2060 號的政府土地上 (申請地點) 提供臨時食肆 (冰室之擴建)，為期三年。申請地點面積約有 38.5 平方米，現時在大埔分區計劃大綱核准圖編號 S/TP/30 上被訂為「鄉村式發展」用途區，而申請地點現時是一座單層構築物 (現有建築物) 並根據臨時規劃許可用作申請用途。

申請地點過去曾涉及兩宗有關擁有上蓋的冰室臨時戶外座位區之已獲批規劃申請 (編號 A/TP/619 及 A/TP/649)，以及一宗有關被現有建築物覆蓋的冰室之擴建的已獲批規劃申請 (編號 A/TP/679)。鑒於最新的規劃許可將於 2024 年 12 月 24 日屆滿，申請人希望透過申請續期令現有建築物的運動能夠繼續，但申請人最近獲地政處通知有關現有建築物在詳細測量後的高度及上蓋面積應分別為 2.9 米及 38.5 平方米，因此發展參數是略高於最新規劃申請時的情況。有見及此，提交是次規劃申請是為反映申請地點內現有建築物的發展參數能夠更加精確，同時修正現有建築物頂部外側邊沿處的排水溝。

規劃評估指出是次申請理據充分，因為符合了規劃指引編號 15A 有關擬在鄉郊地區的「鄉村式發展」地帶內開設食肆臨而按照城規條例第 16 條提出的規劃申請之準則。申請地點位於錦石新村以北的邊陲，而冰室之擴建主要是提供戶外座位區為附近居民提供一個方便的地方作聚會點，但同時不會影響附近的行人流通。是次申請與上次最新已獲批的計劃比較，本申請在用途、現有建築物的 "真正" 規模和冰室之擴建的運作上不變，運作時間亦將會一樣為上午 7 時至晚上 9 時半，而該區的規劃情況 (例如規劃政策和土地利用方面) 亦沒有重大改變。是次發展規模細小，故不會在交通、環境、排水、排污、視覺景觀及防火安全上造成任何嚴重的不良影響。由於擬議用途屬臨時性，因此不會窒礙村內的土地利用，從而立下不良先例。

## 1. INTRODUCTION

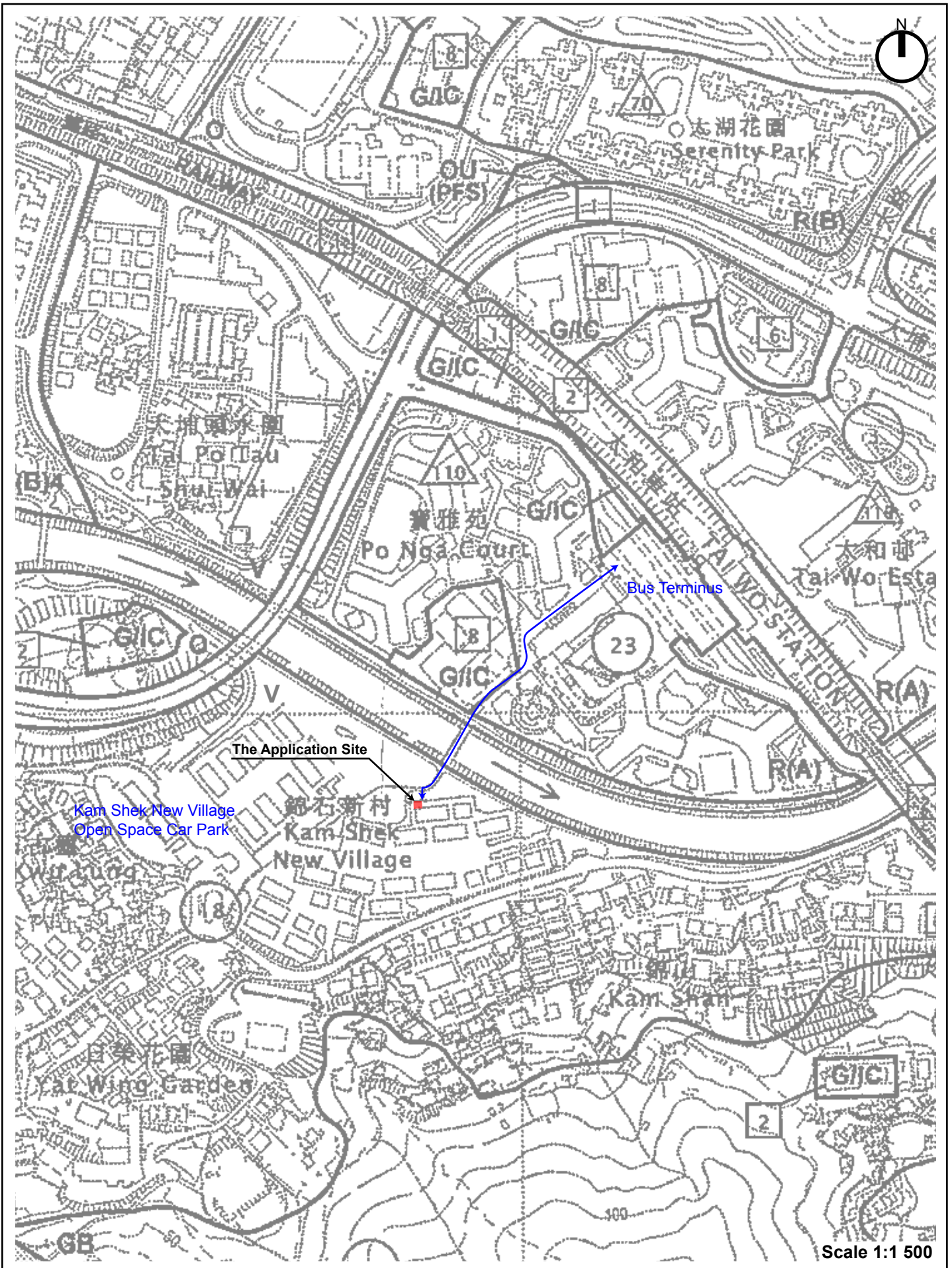
This section 16 (s.16) planning application is submitted by Toco Planning Consultants Ltd. on behalf of Mr. Timothy Wong Yik (the Applicant), the operator of 105 Diner (the subject restaurant) located on ground floor (G/F) of a village house at No. 105 Kam Shek New Village, Tai Po. The Applicant seeks planning permission from the Town Planning Board (the Board / TPB) for proposed temporary eating place (extension of the subject restaurant) for a period of 3 years covering a piece of Government land adjoining Lot 2060 in D.D. 6 (the application site). The application site is about 38.5m<sup>2</sup> in area and falls within “Village Type Development” (“V”) zone on the Approved Tai Po Outline Zoning Plan (OZP) No. S/TP/30 (see **Plan A**). It is currently occupied by the applied use covering a single-storey structure (the existing structure) with temporary planning permission until 24.12.2024.

The application site is the subject of two previously approved s.16 planning applications (Nos. A/TP/619 and A/TP/649) for a temporary outside seating accommodation (OSA) covered by canopy for the subject restaurant, and also the subject of a previously approved s.16 planning application (No. A/TP/679) for temporary extension of the subject restaurant within the existing structure (see **Appendix I**). As the latest temporary planning permission will be expired on 24.12.2024, the Applicant intends to renew the planning approval in order to allow the continual operation within the existing structure. However, the Applicant has been recently informed by Lands Department (LandsD) that, after detailed checking, the building height (BH) and building-over area (BOA) of the existing structure should be 2.9m and about 38.5m<sup>2</sup> respectively, which slightly exceeds the development parameters proposed under the latest previous planning application. Thus, this s.16 planning application is submitted in order to reflect the more accurate development parameters of the existing structure at the site. It is also intended to rectify the gutter erected around the top edge of the existing structure.

Compared with the latest previously approved scheme, the present scheme has no change in the nature of use, “actual scale” of the existing structure and operation of the restaurant extension area. There is no significant change in planning circumstances such as planning policy and land use zoning in the area. Planning assessment has indicated that the present application is well justified for the following reasons:

- (a) it can facilitate continuity of the restaurant extension area to support the adjoining permitted eating place, which is a popular diner and gathering place in Kam Shek New Village to serve the local residents;
- (b) it is in line with the relevant TPB Guidelines for eating place within “V” zone;
- (c) it will not adversely affect the land availability for village type development and any pedestrian circulation in the area;
- (d) the small scale development will not result in any significant traffic, environmental, drainage, sewerage, visual and fire safety impacts on the locality; and
- (e) it will not set a bad precedent for similar applications.

The above planning justifications will be explained in detail in the following sections.



# Plan A: Zoning and Location Plan

Approved Tai Po Outline Zoning Plan S/TP/30

## **2. PLANNING BACKGROUND**

### **2.1 Site Location and Accessibility (Plan A)**

The application site is located at the northern fringe of Kam Shek New Village, Tai Po (**Photo 1**). It is bounded by a footpath to the north; internal circulation area of Kam Shek New Village to the east; the subject restaurant on G/F of village house at No. 105 Kam Shek New Village to the south; and planter to the west. The site is accessible via internal circulation area of Kam Shek New Village and a footpath leading from Wilson Trail. Major public transport and vehicular facilities such as Tai Wo MTR Station, bus terminus and car parks are located within about 6 minutes walking distance from the site.

### **2.2 Site and Adjacent Land Uses (Plan B)**

The application site has a total area of about 38.5m<sup>2</sup>. It is covered by a single-storey rectangular structure with a height of about 2.8m serving as an extension area of the subject restaurant (**Photos 3 - 5**). The subject restaurant is a typical “cha chaan teng” (茶餐廳) with several tables and seats that flexibly placed (**Photo 5**). The restaurant extension area has an operating area of about 32.3m<sup>2</sup> and it mainly serves as seating accommodation of the restaurant with no cooking facilities. Fire Service Installation (FSI) facilities are already provided within the existing structure (**Photo 6**).

The surrounding area has a suburban character which is mainly comprised of village houses and landscape areas. A playground is located to the immediate west of the site whilst Lam Tsuen River to the north.

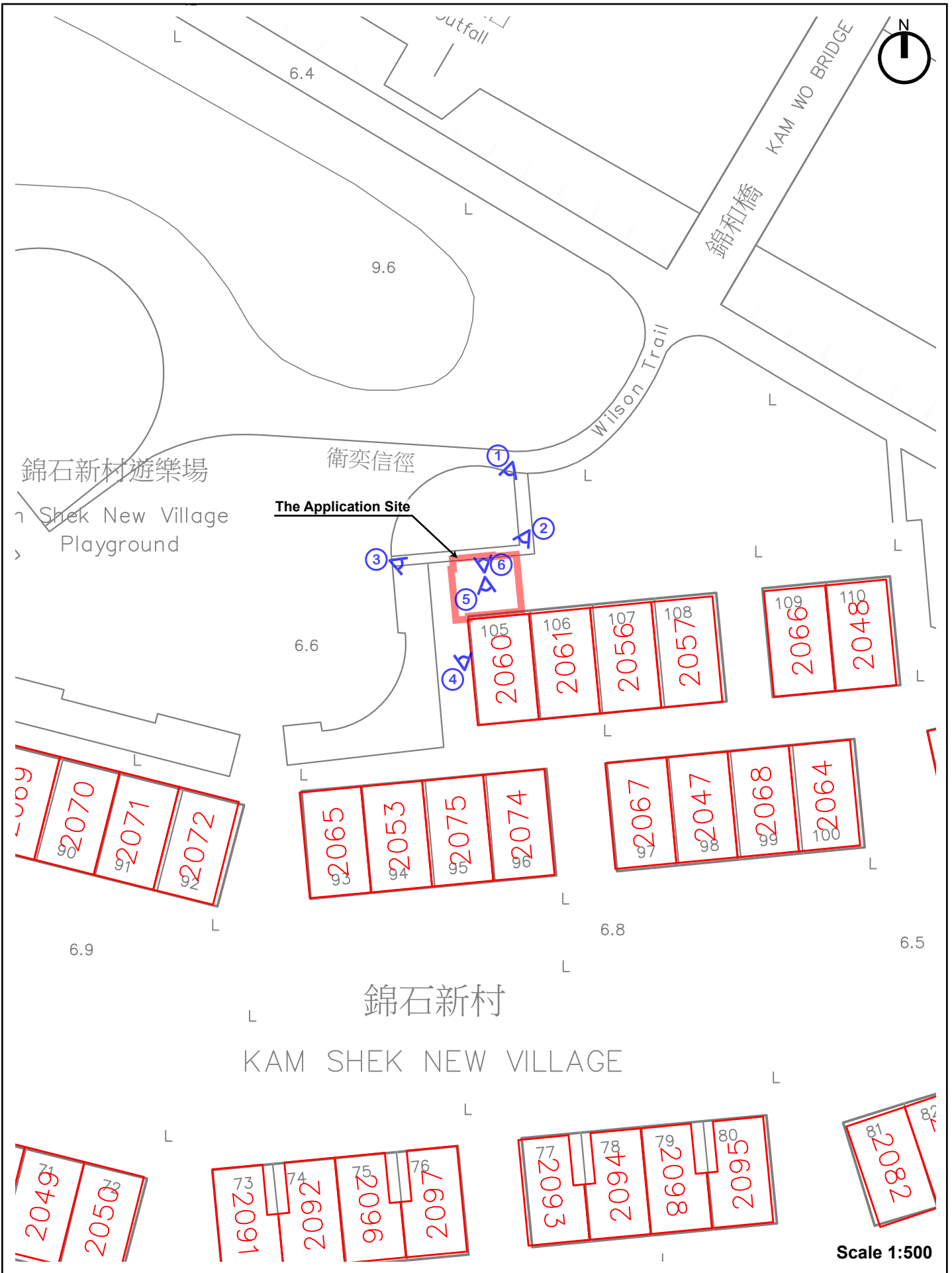
### **2.3 Planning Context**

The application site falls within “V” zone on the Approved Tai Po OZP No. S/TP/30. According to the Notes of the OZP, the planning intention of this zone is to reflect existing recognised and other villages, and to provide land considered suitable for village expansion. Other commercial, community and recreational uses may be permitted on application to the Board.

The application site is the subject of three previous s.16 planning applications. The first two planning applications (Nos. A/TP/619 and A/TP/649) for temporary OSA with canopy were approved by the Board on 17.2.2017 and 16.11.2018 respectively. The last planning application (No. A/TP/679) for temporary extension of the subject restaurant within the existing structure was approved by the Board on 24.12.2021, and all approval conditions have been complied. The last temporary planning permission will be expired on 24.12.2024.

### **2.4 Land Status**

The application site is a piece of Government land adjoining Lot 2060 in D.D. 6. An application for a short term tenancy (STT) covering the subject Government land is under processing by LandsD.



# Plan B: Site and Land Status Plan





Photo 1: 105 Diner.



Photo 2: The entrances of 105 Diner.



Photo 3: Sufficient space in front of 105 Diner.



Photo 4: Rear side of 105 Diner.



Photo 5: The restaurant extension area.



Photo 6: FSI facilities.



## Site Photos

(See Plan B for Visual Points)

### 3. DEVELOPMENT PROPOSAL

#### 3.1 Floor Plan, Development Schedule and Operation of the Restaurant

A Layout Plan indicating the details of the restaurant extension area with dimensions based on LandsD's detailed measurement is attached in **Plan C**. This s.16 planning application is intended to reflect more accurate development parameters of the existing structure, as well as to rectify the gutter erected around the top edge of the existing structure at the application site. As compared with the latest previously approved scheme, the present scheme has no change in the nature of use, "actual scale" of the existing structure and operation of the restaurant extension area, i.e.:

- the restaurant mainly provides typical "cha chaan teng" style of foods and drinks;
- the operating hours will be from 7:00 a.m. and 9:30 p.m. daily;
- the number of permanent staff will be about 5 ;
- the restaurant extension area will accommodate a maximum of 20 persons; and
- no cooking facility will be provided within this area.

The indicative planning parameters of the proposal scheme are shown in **Table 3.1**.

**Table 3.1: Planning Parameters of the Development Proposal**

	Application Site
Site Area (m <sup>2</sup> )	About 38.5m <sup>2</sup>
Non-domestic GFA (m <sup>2</sup> )	Not exceeding 38.5m <sup>2</sup>
Operation Area (m <sup>2</sup> )	About 32.3m <sup>2</sup>
Maximum Building Height	About 2.9m

#### 3.2 Access, Drainage, Sewerage and Fire Safety Arrangements

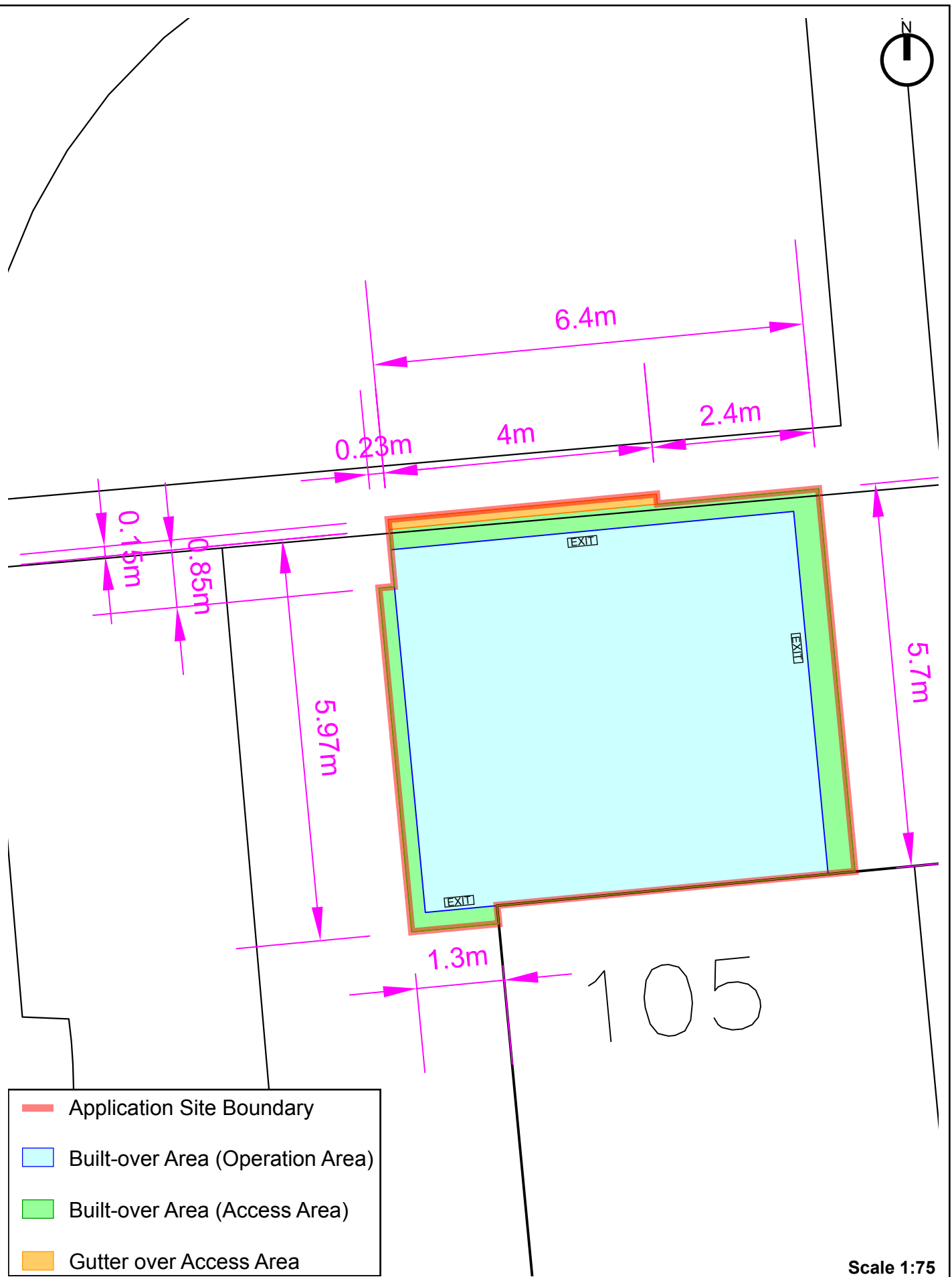
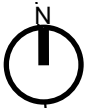
The application site is accessible via internal circulation area of Kam Shek New Village and a footpath leading from Wilson Trail. It is conveniently served by various modes of public transport including railway, buses, public light buses and taxis. The site is approximately 160m east of Kam Shek New Village Open Space Car Park and about 200m southwest of Tai Wo Plaza Car Park.

A storm water drain exists along the front part of the site. Sewage from the restaurant will be discharged to the existing public sewers.

FSI facilities such as fire extinguisher and directional signs have already been provided at the site. Furthermore, the restaurant extension connects to pedestrian footpath directly.

#### 3.3 Implementation

Subsequent to the approval of this application, the Applicant will notify the relevant Government departments to continuously process the STT application and the application for General Restaurant Licence.



- Application Site Boundary
- Built-over Area (Operation Area)
- Built-over Area (Access Area)
- Gutter over Access Area

Scale 1:75



# Plan C: Layout Plan

## 4. PLANNING JUSTIFICATION

### 4.1 Genuine Intention to Facilitate Continuity of the Restaurant Extension Area

The application site has long been covered by a canopy / single-storey structure serving as seating accommodation of a restaurant named 105 Diner (previously called Memorable Dream Restaurant & Café) on G/F of No. 105 Kam Shek New Village. In view of its convenient location and close proximity to residential and communal developments, the subject restaurant has been a popular eating place in Kam Shek New Village area to serve the local residents.

Over the past few years, both operators of 105 Diner and Memorable Dream Restaurant & Café have spent genuine effort to comply with the relevant Government requirements for the subject restaurant. A s.16 planning application (No. A/TP/619) for the temporary OSA was submitted by the previous operator, and it was approved by the Board on 17.2.2017. However, the planning permission of No. A/TP/619 was revoked on 17.2.2018 due to non-compliance with approval condition regarding the provision of FSI facilities. The second planning application (No. A/TP/649) for the same temporary use was approved by the Board on 16.11.2018 and all the approval conditions have been complied with. Subsequently, the previous operator has been replaced by the current operator – the Applicant to run the subject restaurant.

The Applicant had submitted both the STT application to LandsD and the OSA License application to Food and Environmental Hygiene Department (FEHD) for the restaurant extension area. As the temporary planning approval of No. A/TP/649 was due to expire on 16.11.2021, the Applicant intended to renew the planning approval for three more years. However, on the other hand, FEHD informed the Applicant that they could not approve the OSA License application because the OSA at the application site is occupied by an enclosed structure. In this regard, the Applicant had submitted an application for General Restaurant Licence, which covers both the main restaurant area within G/F of No. 105 Kam Shek New Village and the restaurant extension area, to FEHD. A s.16 planning application for proposed temporary eating place (extension of the subject restaurant) was submitted partly to comply with the licensing requirements and partly to satisfy the town planning requirements. It was approved by the Board on 24.12.2021 (see **Appendix I**), and all approval conditions have been satisfactorily fulfilled.

As the latest temporary planning permission will be expired on 24.12.2024, the Applicant intends to renew the planning approval in order to allow the continual operation within the existing structure. However, the Applicant has been recently informed by LandsD that the BH and BOA of the existing structure at the application site exceeds the development parameters proposed under the previous application. After detailed checking, LandsD has confirmed that the BH and BOA of the existing structure should be 2.9m and 38.5m<sup>2</sup> respectively. Thus, this s.16 planning application is submitted in order to rectify the development parameters of the existing structure at the site. It is also intended to rectify the gutter erected around the top edge of the existing structure.



Photo 7: Design of the built-over structure previously that was under refurbishment



Photo 8: Current design of the built-over structure



## Plan D: Design of the Built-over Structure

## 4.2 Supporting the Restaurant as a Popular Eating Place in Tai Po Area

Subsequent to the replacement of the previous operator in 2018, the Applicant had built an enclosed structure (formed by glass panels and sliding doors) on top of the restaurant extension area in order to comply with the following operational and consumer needs of the subject restaurant:

- the customers reflected there is mosquito problem and faecal droppings of birds in the area;
- there is a keen competition for eating place in the area but the OSA covered by canopy cannot properly serve the restaurant during bad weather;
- the enclosed structure could minimise the noise impact generated from the restaurant;
- the provision of a small covered waiting area outside the operation area but within the BOA will facilitate better management of the restaurant (i.e. queuing without affecting pedestrian circulation near the site);
- the customers and local residents are more aware of the hygiene issue after the outbreak of COVID-19, this OSA with enclosed structure have met the current trend.

Compared with the first and second previous s.16 planning applications (Nos. A/TP/619 and A/TP/649), this s.16 planning application is for extension of the subject restaurant within a single storey structure instead of an OSA covered by canopy (see **Photo 7** and **Photo 8** in **Plan D**). The existing structure at the application site will support the restaurant as a popular local eating place in the area, in particular to serve the local people in Kam Shek New Village. It will function as a shelter to protect the restaurant and its customers when eating or waiting for tables from bad weather. The customers have reflected that the provision of the existing structure has improved the environmental and hygiene aspect of the restaurant. Village representatives in the area have expressed their support to the subject restaurant have also supported the improvement (**Appendix II**).

Besides, the provision of gutter around the top edge of the existing structure will protect the roof of the existing structure from water damage.

## 4.3 Temporary Application Without Affecting the “V” Zone

Although the application site falls within “V” zone on the Approved Tai Po OZP, it is located at the northern fringe of Kam Shek New Village rather than in the midst of the village. According to the Notes of the OZP, the general planning intention of this zone is to demarcate both existing recognised villages and areas of land considered suitable for village expansion. Other commercial, community and recreational uses may be permitted on application to the TPB. The subject restaurant extension area for seating accommodation ancillary to the permitted eating place is generally in line with the planning intention of “V” zone to serve the needs of villagers (dining and gathering facility) and to help bring vitality to the Kam Shek New Village without adversely affecting the character of the village. Besides, there is at present no Small House application received by LandsD for the site.

The current temporary use for a period of 3 years is considered a short period in land development. Its temporary nature will not jeopardise nor pre-empt the planning intention of “V” zone. Furthermore, the current use would not adversely affect the land availability for village type development since the size of the site (about 38.5m<sup>2</sup>) is too small to build a standard village house (65.03m<sup>2</sup>). The size of the site cannot be further increased due to the constraint of the adjacent land uses such as footpath, planters, lamp post and circulation space of the adjoining village houses. The façade of the enclosed structure are formed by glass panels and sliding doors which could be removed easily.

#### 4.4 In Line with the Relevant TPB Guidelines

This s.16 planning application for proposed temporary eating place (extension of the subject restaurant) is in line with the TPB Guideline No. 15A for application for eating place within “V” zone in rural areas under s.16 of the Town Planning Ordinance for the following reasons:

- The subject restaurant extension will not create any environmental nuisance to the residents nearby because it is occupied by an enclosed structure and no catering facility will be provided. The site is located at the fringe of Kam Shek New Village abutting a footpath. No major complaints were received from local residents during its operation. (Para. 4.1 of TPB PG-No. 15A refers)
- The small scale development will not have any adverse traffic impact on its surrounding area because it is well served by footpath and is located in close proximity to a number of public transport facilities. Besides, it would not affect the pedestrian circulation in the area since the seating area does not encroach on the existing footpath. (Para. 4.2 of TPB PG-No. 15A refers)
- Stormwater will be diverted to the local drain in front of the site. Sewage from the subject restaurant will be discharged to the existing public sewers. FSI facilities such as fire extinguisher and directional signs have been provided at the restaurant. Thus, adverse impacts on drainage, sewage disposal facilities or fire safety aspects are not anticipated. (Para. 4.3 of TPB PG-No. 15A refers)
- As detailed in **Section 4.3**, the site is not suitable for village type development because of its small size and the presence of footpath, planters, lamp post and circulation space adjoining the site. (Para. 4.4 of TPB PG-No. 15A refers)
- The application site is located adjacent to recreational use (i.e. Kam Shek Playground) and the eating place will provide catering facilities to serve the visitors. There are adequate car parking facilities conveniently located in the vicinity of the site. (Para. 4.5 of TPB PG-No. 15A refers)
- The Applicant has strong intention to rectify the land status of the site by fulfilling all the statutory or non-statutory requirements of relevant Government departments. (Para. 4.6 of TPB PG-No. 15A refers)

#### 4.5 No Impact on the Pedestrian Circulation of the Area

A study on the pedestrian circulation near the application site has been carried out and concluded that the restaurant extension area will not affect the pedestrian circulation of the area based on the following reasons:-

- The existing structure at the site does not encroach on the existing footpath. A pedestrian circulation space of about 1.5m – 2m (**Photo 1** and **Photo 3**) has been reserved between the frontage of restaurant extension area and the planter.
- A recent site inspection has been conducted and noticed that the footpath in front of the site is mainly used by the visitors to the adjoining playground or the customers of the subject restaurant.
- In view of the site is situated in close proximity to Tai Wo Centre where Tai Wo MTR Station, bus terminus and public car parks are found, it is expected that the pedestrian traffic pattern of the area is mainly from Kam Shek New Village to Tai Wo Centre when villagers go to work or school. The Pedestrian Circulation Plan in **Plan E** shows that majority of the villagers in Kam Shek New Village do not need to pass through the site or footpath north of the site because there are other footpaths in closer distance to their houses (**Photo 9** and **Photo 10**). Therefore, the restaurant extension area would not affect the pedestrian circulation of the area.
- The subject restaurant has been operating at the site for a long time. No major complaints have been received from local residents during its operation, in particular after the provision of the existing structure in mid-2020.

#### 4.6 No Adverse Impacts

The development scheme in the current application for restaurant extension has no change as compared with the latest previous permission approved for OSA. The current small scale temporary use will not induce any significant visual, traffic, environmental, drainage and sewerage impacts based on the following assessments:-

**(a) Minimum Traffic Impact**

The temporary use is small scale in nature will not result in significant traffic impact because the customers normally visit the restaurant on foot. It is located in close proximity to public transport facilities and car parks.

**(b) Minimum Environmental, Drainage and Sewerage Impacts**

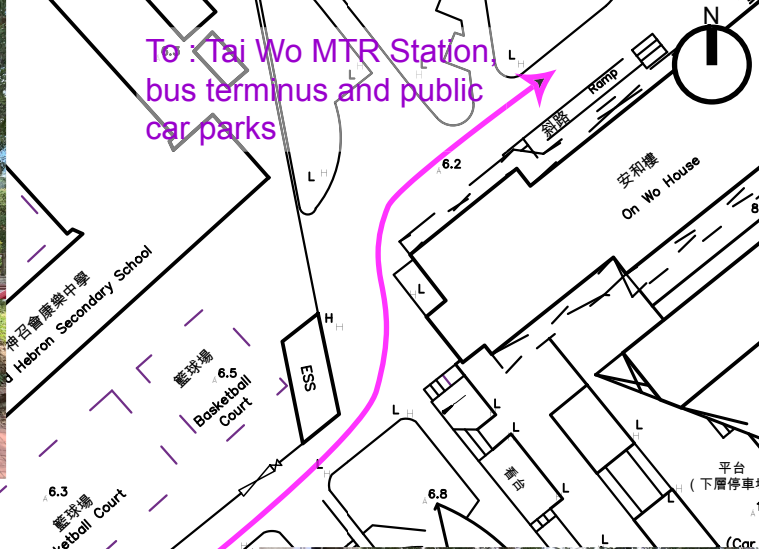
The operation of the small scale eating place will not result in significant noise impact as the site is located at the fringe of the village and the business hours will be restricted from 7:00 a.m. and 9:30 p.m..

In view of the concerns received by the previous operator (i.e. Memorable Dream Restaurant & Café) on environmental and hygiene aspects such as; the lack of air conditioning during the summer heat and no proper shelter to protect them during





Photo 9



To: Tai Wo MTR Station  
bus terminus and public  
car parks



Photo 10



Main Pedestrian Flow

Scale 1:1 000



# Plan E: Pedestrian Circulation Plan

bad weather, the current operator had built an enclosed structure to meet the customers' needs. The restaurant extension area covered by the existing structure will help reduce any potential environmental impact generated from the restaurant.

The temporary use will not result in significant impact on the local drainage and sewerage networks because a storm water drain exists along the front part of the site. Sewage from the restaurant will be discharged to the existing public sewers.

**(c) Minimum Visual Impact**

The current seating area within the restaurant extension area is small in size (about 38.5m<sup>2</sup>). It only involves a single-storey structure with a maximum building height of only 2.9m. The current use reflects a low-rise and low-density scheme which is compatible with the surrounding environment.

#### **4.7 Unlikely to Set an Undesirable Precedent**

It is noticed that, even though there are not many temporary planning applications for restaurant extension in Tai Po area, the nature of restaurant extension in fact is relatively similar to an OSA. The only difference is that the restaurant extension is covered by a permanent cover, and the operation of it is basically the same as an OSA (i.e. provide seating area for the restaurant and no cooking facilities will be provided).

In fact, OSA use is not uncommon to be founded in the villages in New Territories. Regarding the similar cases of the proposed uses within "V" zone, there are a number of approved s.16 applications in the vicinity of the site over the past 10 years, i.e. Applications No. A/NE-TK/412, A/NE-TK/413, A/NE-TK/437, A/NE-TK/438, A/NE-TK/447, A/NE-TK/532, A/NE-TK/534, A/NE-TK/566, A/NE-TK/568, A/NE-TK/569, A/NE-TK/574, A/NE-TK/575, A/NE-TK/584, A/NE-TK/630, A/NE-TK/656, A/NE-TK/672, A/NE-TK/695 and A/NE-TK/746.

The application site has been operating like an OSA ancillary to a restaurant for some period of time. It is the subject of two previously approved s.16 planning applications (Nos. A/TP/619 and A/TP/649) for a temporary OSA covered by canopy for the subject restaurant, and also the subject of a previously approved s.16 planning application (No. A/TP/679) for temporary extension of the subject restaurant within the existing structure. These applications were approved mainly on the considerations that it would not frustrate the long-term planning intention of "V" zone; not affect the land availability for village type development; and not result in adverse traffic, drainage, sewerage and fire safety impacts on the surrounding areas. For the last planning application (No. A/TP/679), planning considerations and assessments in the RNTPC Paper states that the planning circumstances of the last planning application are similar to the first two previously approved s.16 planning applications.

Being temporary in nature, the subject restaurant extension would not jeopardise the future use of the site in the long term. Therefore, it would not set as an undesirable precedent case for other similar applications.

## 5. CONCLUSION

The Applicant seeks planning permission from the Board for proposed temporary eating place (extension of the subject restaurant) for a period of 3 years covering a piece of Government land adjoining Lot 2060 in D.D. 6. The application site is the subject of two previous planning applications for a temporary OSA covered by canopy for the subject restaurant and also the subject of a previous planning application for the temporary extension of the subject restaurant within a single-storey structure.

As the latest temporary planning permission will be expired on 24.12.2024, the Applicant intends to renew the planning approval in order to allow the continual operation of the subject restaurant. However, the Applicant has been recently informed by LandsD that the BH and BOA of the existing structure slightly exceeds the development parameters proposed under the previous planning application. Thus, this s.16 planning application is submitted in order to reflect the more accurate development parameters of the existing structure at the site. It is also intended to rectify the gutter erected around the top edge of the existing structure.

As compared with the previous application, the present scheme has no change in the nature of use, “actual size” and operation of the restaurant extension area. There is no significant change in planning circumstances such as planning policy and land use zoning in the area. Planning and technical assessments have indicated that the present application is well justified for the following reasons:

- (a) it can facilitate continuity of the restaurant extension area to support the adjoining permitted eating place, which is a popular diner and gathering place in Kam Shek New Village to serve the local residents;
- (b) it is in line with the relevant TPB Guidelines for eating place within “V” zone;
- (c) it will not adversely affect the land availability for village type development and any pedestrian circulation in the area;
- (d) the small scale development will not result in any significant traffic, environmental, drainage, sewerage, visual and fire safety impacts on the locality; and
- (e) it will not set a bad precedent for similar applications.

In view of the small scale nature of the temporary use and planning justifications presented in this Planning Statement, honourable members of the TPB are requested to approve this planning application.

Approval Letter from the Town Planning Board  
TOWN PLANNING BOARD

城市規劃委員會

香港北角渣華道三百三十三號  
北角政府合署十五樓15/F., North Point Government Offices  
333 Java Road, North Point,  
Hong Kong.

傳真 Fax: 2877 0245 / 2522 8426

By Post & Fax (2577 2862)

電話 Tel: 2231 4810

來函檔號 Your Reference:

覆函請註明本會檔號  
In reply please quote this ref.: TPB/A/TP/679

14 January 2022

Toco Planning Consultants Ltd.  
Unit 5, 13/F, Technology Plaza  
651 King's Road  
North Point, Hong Kong  
(Attn.: Ted Chan)

Dear Sir/Madam,

**Temporary Eating Place (Extension of a Restaurant) for a Period of 3 Years  
in "Village Type Development" Zone, Government Land adjoining  
Lot 2060 in D.D. 6, No. 105 Kam Shek New Village, Tai Po**

I refer to my letter to you dated 15.12.2021.

After giving consideration to the application, the Town Planning Board (TPB) approved the application for permission under section 16 of the Town Planning Ordinance on the terms of the application as submitted to the TPB. The permission shall be valid on a temporary basis for a period of 3 years until 24.12.2024 and is subject to the following conditions :

- (a) 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 TPB by 24.6.2022;
- (b) in relation to (a) above, the implementation of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.9.2022; and
- (c) if any of the above planning condition (a) or (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.

The TPB also agreed to advise you to note the advisory clauses as set out at Appendix IV of the TPB Paper.

This temporary permission will lapse on 25.12.2024. You may submit an application to the TPB for renewal of the temporary permission no less than two months and normally no more than four months before its expiry by completing an application form (Form No. S16-I). Application submitted more than four months before expiry of the temporary approval may only be considered based on the individual merits and exceptional circumstances of each case. For details, please refer to TPB Guidelines No. 34D. However, the TPB is under no obligation to renew the temporary permission.

For amendments to the approved development that may be permitted with or without application under section 16A, please refer to TPB Guidelines No. 36B for details.

A copy of the TPB Paper in respect of the application (except the supplementary planning statement/technical report(s), if any) and the relevant extract of minutes of the TPB meeting held on 24.12.2021 are enclosed herewith for your reference.

Under section 17(1) of the Town Planning Ordinance, an applicant aggrieved by a decision of the TPB may apply to the TPB for a review of the decision. If you wish to seek a review, you should inform me within 21 days from the date of this letter (on or before 4.2.2022). I will then contact you to arrange a hearing before the TPB which you and/or your authorized representative will be invited to attend. The TPB is required to consider a review application within three months of receipt of the application for review. Please note that any review application will be published for three weeks for public comments.

This permission by the TPB under section 16 of the Town Planning Ordinance should not be taken to indicate that any other government approval which may be needed in connection with the development, will be given. You should approach the appropriate government departments on any such matter.

If you have any queries regarding this planning permission, please contact Ms. Kathy Chan of Sha Tin, Tai Po & North District Planning Office at 2158 6242. In case you wish to consult the relevant Government departments on matters relating to the above approval conditions, a list of the concerned Government officer is attached herewith for your reference.

Yours faithfully,

( Raymond KAN )  
for Secretary, Town Planning Board

致規劃署署長：

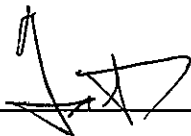
**支持錦石新村 105 冰室向城規會提交規劃申請**

署長先生，本人為大埔錦山村村代表 鄭容發，知悉鄰近本村的 105 冰室正向貴署申請規劃許可，為符合相關部門要求，故上函表達支持。

冰室多年來廣受村民歡迎，與附近街坊建立良好關係；再者，冰室鄰近地鐵站，位置方便，不少村民都會在上班前後光顧。由於食客眾多，實有延伸餐室的需要。

冰室是少數位於本村附近的餐廳，不但提供相宜的膳食選擇，更成為村民交流聯繫的聚腳點，其延伸餐室不但可容納更多客人，應付實際需要，更配合半開合式結構設計，帶有美觀效果之餘，同時避免影響附近居民。

敬希貴署，署長准予 105 冰室通過規劃是荷。

  
大埔錦山村村代表 鄭容發 (姓名)

致規劃署署長：

署長先生，本人為大埔錦山村村代表丘錦全，知悉鄰近本村的105 冰室正向 貴署申請規劃許可，故上函表達支持。冰室是少數位於本村附近的餐廳，不但提供相宜的餐飲服務，更成為村民交流聯繫的聚腳點，其延伸座位區不但可容納更多客人，應付實際需要，更配合半開合式結構設計，帶有美觀效果之餘，同時避免影響附近居民。敬希貴署，署長准予 105 冰室通過規劃是荷。

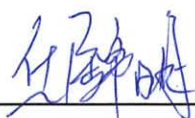


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大埔錦山村村代表 丘錦全

規劃署長台鑒：

本人乃大埔錦山村村代表丘錦明，近日聽聞 105 冰室向城規會申請規劃許可一事，故特上函，以表支持。冰室多年來廣受村民歡迎，與附近街坊建立良好關係；再者，冰室鄰近地鐵站，位置方便，為村民提供相宜的膳食選擇。由於食客眾多，實有延伸座位區的需要。故此，本人同意此規劃申請，並望署長通過有關申請。



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大埔錦山村村代表

丘錦明



規劃署長台鑒：

本人為大埔錦山村村委會主席，得悉錦石新村 105 冰室正向 貴署提交規劃申請，本會現對此表示支持。本會認為冰室地理位置方便，延伸座位區環境舒適，並沒有對周邊行人路構成負面影響。而且冰室為村民服務多年，不但為村民提供餐廳選擇，更是休閒和茶敘的地方，有利於促進村民之間的聯繫。因此，本會對此申請十分支持，並希望 貴署批准此項規劃申請。



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錦山村村委會主席

丘觀有