

**Relevant Extract of Town Planning Board Guidelines No. 15A on  
Application for Eating Place within “Village Type Development” zone  
in Rural Areas under section 16 of the Town Planning Ordinance**

The planning criteria are summarised as follows:

- (a) the eating place use should not create environmental nuisance or cause inconvenience to the residents nearby. Such use should preferably be located at the fringe of a village area, e.g. area abutting the main road. For any eating place use that is situated amidst the existing village houses, sympathetic consideration may only be given if there are no objections from local residents;
- (b) the eating place use should not have any adverse traffic impact on its surrounding areas nor should it affect any pedestrian circulation in the area;
- (c) sympathetic consideration may be given if the eating place use would not have adverse impacts on drainage, sewage disposal facilities or fire safety aspects;
- (d) for any application on open ground as an extension to ground floor eating place in a NTEH or as a free-standing development, the eating place use should not adversely affect the land availability for village type development. Application sites with configurations/dimensions which are not suitable to be delineated separately for village type development or which are considered not suitable for village type development (e.g. within 20m of public roads constructed/maintained by the Highways Department or 15m of other local public roads), sympathetic consideration may be given by the Board on individual merits.
- (e) for a village located adjacent to recreational uses or tourist attraction spots, favourable consideration may be given to eating place use which will provide catering facilities to serve the visitors and tourists. In such circumstances, adequate car-parking spaces should be provided to serve the eating place use as required by the Transport Department. If it is impossible to provide car-parking spaces at the application site, the applicants should demonstrate that there are adequate car-parking facilities conveniently located in the vicinity to serve the eating place use; and
- (f) all other statutory or non-statutory requirements of relevant Government departments should be met.



**Relevant Extract of Town Planning Board Guidelines No. 34B on  
Renewal of Planning Approval and Extension of Time for Compliance  
with Planning Conditions For Temporary Use or Development**

1. The criteria for assessing applications for renewal of planning approval include:
  - (a) whether there has been any material change in planning circumstances since the previous temporary approval was granted (such as a change in the planning policy/land-use zoning for the area) or a change in the land uses of the surrounding areas;
  - (b) whether there are any adverse planning implications arising from the renewal of the planning approval (such as pre-emption of planned permanent development);
  - (c) whether the planning conditions under previous approval have been complied with to the satisfaction of relevant Government departments within the specified time limits;
  - (d) whether the approval period sought is reasonable; and
  - (e) any other relevant considerations.
2. Under normal circumstances, the approval period for renewal should not be longer than the original validity period of the temporary approval. In general, the Board is unlikely to grant an approval period exceeding three years unless there are strong justifications and the period is allowed for under the relevant statutory plans. Depending on the circumstances of each case, the Board could determine the appropriate approval period, which may be shorter than the time under request.



**Appendix III of RNTPC  
Paper No. A/NE-TK/630**

**Previous s.16 Application for Temporary Eating Place  
(Outside Seating Accommodation of a Restaurant) for  
a Period of 3 Years Within the “V” Zone on the  
Approved Ting Kok Outline Zoning Plan No. S/NE-TK/19**

**Approved Application**

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Approval Conditions</b>
A/NE-TK/534	Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of 3 Years	27/2/2015	A1 - A4

**Approval Conditions**

- A1. no operation between 10:30 pm and 10.30 am, as proposed by the applicant, is allowed on the site during the planning approval period
- A2. submission and implementation of fire service installations (FSI) proposal within 6 and 9 months respectively
- A3. submission and implementation of drainage proposal within 6 and 9 months respectively
- A4. upon expiry of the planning permission, reinstatement of the site to an amenity area



**Similar Applications for Temporary Eating Place  
(Outside Seating Accommodation of a Restaurant) for  
a Period of 3 Years Within the “V” Zone on the  
Approved Ting Kok Outline Zoning Plan No. S/NE-TK/19**

**Approved Applications**

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Approval Conditions</b>
A/NE-TK/103	Restaurant (Cafe)	11/12/1998	A1
A/NE-TK/118	Restaurant (Cafe)	28/01/2000	A1, A2
A/NE-TK/157	Restaurant (Cafe)	25/04/2003	A1, A3, A4
A/NE-TK/158	Restaurant (Cafe)	25/04/2003	A1, A3, A5
A/NE-TK/159	Restaurant (Cafe)	25/04/2003	A1, A3
A/NE-TK/170	Restaurant (Cafe)	19/09/2003	A1, A3
A/NE-TK/218	Eating Place (Outside Seating Accommodation of a Restaurant)	20/10/2006 (Revoked on 20/01/2007)	A1, A3, A6, A7
A/NE-TK/236	Temporary Eating Place (Outside Seating Accommodation of a Restaurant)	24/8/2007	A1, A3, A6, A7, A11
A/NE-TK/237	Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of 3 Years	14/09/2007 (Revoked on 14/03/2008)	A1, A6, A7, A8, A9
A/NE-TK/315	Renewal of Planning Approval for Temporary “Eating Place (Outside Seating Accommodation of a Restaurant )” for a Period of 3 Years	13/08/2010	A1, A3, A6, A7
A/NE-TK/412	Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of 3 Years	09/11/2012	A7, A8
A/NE-TK/413	Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of 3 Years	09/11/2012	A7, A8

A/NE-TK/437	Proposed Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of 3 Years	03/05/2013	A7, A10
A/NE-TK/438	Proposed Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of 3 Years	03/05/2013	A7, A10
A/NE-TK/447	Renewal of Planning Approval for Temporary “ Eating Place (Outside Seating Accommodation of a Restaurant ) ” for a Period of 3 Years	21/06/2013	A1, A6, A7, A12
A/NE-TK/505	Proposed Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of 3 Years	25/04/2014	A1, A7, A10, A12, A13
A/NE-TK/532	Proposed Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of 3 Years	16/01/2015 (Revoked on 16/07/2015)	A7, A10, A12 to A14
A/NE-TK/566	Proposed Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of 3 Years	4/12/2015 (Revoked on 4/03/2016)	A10, A12 to A14, A15
A/NE-TK/568	Proposed Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of 3 Years	18/12/2015	A7, A10, A14 to A16
A/NE-TK/569	Proposed Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of 3 Years	18/12/2015 (Revoked on 18/12/2016)	A7, A10, A14, A16
A/NE-TK/574	Proposed Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of 3 Years	22/04/2016	A7, A10
A/NE-TK/575	Proposed Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of 3 Years	22/04/2016	A7, A10
A/NE-TK/584	Proposed Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of 3 Years	29/07/2016	A1, A7, 14, A17

#### Approval Conditions

A1. setback of the development

A2. protection of the existing mature tree at the south-western part of the application site



- A3. provision of drainage facilities
- A4. submission and implementation of landscaping and tree preservation proposals within the specified periods from the date of the planning approval
- A5. no materials should be stored/stacked on the footpath and carriageway adjoining the application site
- A6. provision of fire services installations
- A7. upon expiry of the planning permission, reinstatement of the application site to an amenity area
- A8. submission and provision of drainage proposal
- A9. diversion of the 3" water main affected by the development
- A10. no operation between the specified time, as proposed by the applicant, is allowed on the site during the planning approval period
- A11. submission and provision of sewerage proposal
- A12. provision of a clearance of 1.5m from the edge of the drainage channel at all times during the planning approval period
- A13. no structure or support for any structure shall be erected within the area of drainage reserve at any time during the planning approval period
- A14. submission and implementation of FSI proposal within the specified periods from the date of the planning approval
- A15. submission and implementation of drainage proposal within the specified periods from the date of the planning approval
- A16. maintenance of the drainage facilities at all times during the planning approval period
- A17. the drainage connection works completed on site shall be maintained at all times during the planning approval period

### **Rejected Application**

<b>Application No.</b>	<b>Proposed Development</b>	<b>Date of Consideration</b>	<b>Rejection Reasons</b>
A/NE-TK/96	Restaurant	14/08/1998	R1-R3

### **Rejection Reasons**

- R1. The development is not in line with the planning intention of the "V" zone

- R2. No information in the submission to demonstrate that the proposed development would not adversely affect the pedestrian circulation in the area and that there would be adequate car-parking spaces
- R3. The approval of the application would set an undesirable precedent

**Recommended Advisory Clauses**

- (a) to note the comments of Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:
  - (i) all storm or rain water from the lot shall be conveyed into the nearest storm-water drain;
  - (ii) it is noted that the existing drainage system is to discharge all the runoff from the Site. The applicants should make sure that the runoff shall be intercepted and conveyed to the discharging point properly by this existing drainage system and also the existing downstream drainage system has adequate capacity for conveying the additional runoff from the Site;
  - (iii) the applicants/lot owner are required to rectify/modify the drainage system if it is found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify Government against claims and demands arising out of damage or nuisance caused by failure of the system;
  - (iv) the applicants are reminded that the existing drainage system proposed for discharge of the runoff from the Site is not maintained by DSD. Consent from its owner/maintenance party (including possibly DO/TP) should be sought for the proposed drainage connection works if any; and
  - (v) the applicants/lot owner should take all precautionary measures to prevent any disturbance, damage and pollution from the development to any parts of the existing drainage facilities in the vicinity of the Site. In the event of any damage to the existing drainage facilities, the applicant would be held responsible for the cost of all necessary repair works, compensation and any other consequences arising therefrom;
- (b) to note the comments of the Director of Fire Services (D of FS) that detailed fire safety requirements will be formulated upon receipt of formal submission from Licensing Authority;
- (c) to note the comments of the Director of Environmental Protection (DEP) that the applicant is advised to follow the relevant mitigation measures and requirements in the latest "Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses";
- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
  - (i) if any existing structures are erected on leased land without approval of BD (not being a New Territories Exempted House), they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the subject application;

- (ii) before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the application site, the prior approval and consent of the BD should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
  - (iii) for UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's 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;
  - (iv) if the proposed use under application is subject to the issue of a licence, please be reminded that any existing structures on the application 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;
  - (v) the Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations respectively; and
  - (vi) if the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the Building (Planning) Regulations at the building plan submission stage.
- (d) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that:
- (i) existing water mains are inside the proposed lot and will be affected. The applicants are required to either divert or protect the water mains found on site;
  - (ii) if diversion is required, existing water mains inside the Site are needed to be diverted outside the site boundary of the development to lie in Government land. A strip of land of minimum 1.5m in width should be provided for the diversion of the existing water main(s). The cost of diversion of existing water main(s) upon request will have to be borne by the applicant; and the applicant shall submit all the relevant proposal to WSD for consideration and agreement before the works commence;
  - (iii) if diversion is not required, the following conditions shall apply:
    - (1) existing water main(s) are affected and no development which requires resiting of water main(s) will be allowed;
    - (2) details of site formation works shall be submitted to the Director of Water Supplies (DWS) for approval prior to commencement of works;
    - (3) no structures shall be built or materials stored within 1.5m from the centre line(s) of water main(s). Free access shall be made available at all times for staff of WSD or their contractor to carry out construction, inspection, operation, maintenance and repair works;

- (4) no trees or shrubs with penetrating roots may be planted in the vicinity of the water main(s). No change of existing site condition may be undertaken within the aforesaid area without the prior agreement of the DWS. Rigid root barriers may be required if the clear distance between the proposed tree and the pipe is 2.5m or less, and the barrier must extend below the invert level of the pipe;
- (5) no planting or obstruction of any kind except turfing shall be permitted within the space of 1.5m around the cover of any valve or within a distance of 1m from any hydrant outlet; and
- (6) tree planting may be prohibited in the event that DWS considers that there is any likelihood of damage being caused to water main(s).