

**Extracts of Town Planning Board Guidelines  
No. 15A for Application for Eating Place within  
“Village Type Development” Zone in Rural Areas under  
Section 16 of the Town Planning Ordinance  
(TPB PG-No. 15A)**

1. Scope and Application of the Guidelines

- (a) The general planning intention of the “Village Type Development” (“V”) zone in the rural New Territories is to demarcate both existing recognised villages and areas of land considered suitable for village expansion. It is the planning intention to concentrate village and related development within the “V” zone for a more orderly development pattern, economic and efficient use of land and provision of infrastructure and services. A selective range of uses including commercial, community and recreational uses may be permitted within this zone on application to the Town Planning Board (the Board) on the basis that these uses would serve the needs of villagers and would not adversely affect the character of villages.
- (b) In view of the above planning intention, eating place use (such as restaurant and alfresco dining facility) in the “V” zone should be compatible with the surrounding land-uses and would not create any nuisance or cause inconvenience to the local residents. The development should not have adverse impacts on traffic, drainage, sewage disposal and fire safety aspects. In addition, it should not reduce the land area available for village type development. For sites located adjacent to recreational uses or tourist attraction spots, favourable consideration may be given if the above considerations are not compromised.
- (c) Even if a proposal is considered acceptable in land-use planning terms and other planning criteria are met, under normal circumstances only a temporary approval for a maximum of three years should be considered so as to retain planning control on the development at the site and to cater for changing circumstances in future.
- (d) These Guidelines set out the planning criteria for assessing planning applications for eating place use in the “V” zone in the rural areas.

2. Definition of New Territories Exempted House (NTEH)

“NTEH” is defined in the Covering Notes in rural outline zoning plans.

3. Requirement for Planning Permission

Eating place use on the ground floor of a NTEH within the “V” zone does not require planning permission. However, such use on other floors of a NTEH, on open ground as an extension to a ground floor eating place in a NTEH, or as a free-standing development within the “V” zone requires planning permission from the Board.

#### 4. Main Planning Criteria

- (a) The eating place use should not create any 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 also be given to any application which 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 applicant should demonstrate that there are adequate car-parking facilities conveniently located in the vicinity to serve the eating place use.
- (f) All other statutory or non-statutory requirements of relevant Government departments should be met.

**Previous Applications Covering the Application Site**

<b><u>Application No.</u></b>	<b><u>Proposed Use</u></b>	<b><u>Date of Consideration</u></b>	<b><u>Approval Conditions</u></b>
A/YL-PS/561	Temporary Public Vehicle Park for Private Cars for a Period of 3 Years	6.7.2018 [revoked on 6.4.2020]	(1) to (12)
A/YL-PS/576	Temporary Eating Place (Light Refreshment Restaurant) for a Period of 3 Years	21.12.2018	(1), (9) and (11)

**Approval Conditions:**

- (1) Restriction on operation hours.
- (2) Only private cars (and light goods vehicles) are allowed to enter/be parked.
- (3) Posting notice at a prominent location to indicate the types of vehicle allowed to enter/be parked.
- (4) No parking/storage of vehicles without valid licences issued under the Road Traffic Ordinance.
- (5) No vehicle washing/repairing/dismantling/paint spraying and other workshop activities.
- (6) No vehicle is allowed to queue back to or reverse onto/from public road.
- (7) Submission and implementation of drainage proposal.
- (8) Maintenance of implemented drainage facilities.
- (9) Submission and implementation of fire services installations.
- (10) Provision of boundary fencing.
- (11) Revocation Clauses.
- (12) Reinstatement Clause.

**Similar Applications in the same “V” Zone on Ping Shan OZP**

<b><u>Application No.</u></b>	<b><u>Proposed Use</u></b>	<b><u>Date of Consideration</u></b>	<b><u>Approval Conditions</u></b>
A/YL-PS/588	Temporary Animal Boarding Establishment, Dog Recreation Centre, Shop and Services (Pet Supplies Retail Shop) for a Period of 3 Years	31.5.2019 [revoked on 31.5.2020]	(1) to (8)
A/YL-PS/600	Temporary Shop and Services for a Period of 3 Years	26.6.2020	(1), (7) and (8)

**Approval Conditions**

- (1) Restriction on operation hours.
- (2) All animal shall be kept inside the enclosed animal boarding establishment at night time.
- (3) No public announcement system and whistle blowing is allowed.
- (4) Maintenance of existing fencing.
- (5) Submission and implementation of drainage proposal.
- (6) Maintenance of implemented drainage facilities.
- (7) Submission and implementation of fire service installations proposal.
- (8) Revocation clauses.

**Advisory Clauses**

- (a) prior planning permission should have been obtained before commencing the development on the Site;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the Site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site comprises an Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government. Lot 357 in D.D. 122 is covered by Short Term Waiver (STW) No. 5173 to permit structures erected thereon for the purpose of “Temporary Eating Place (Light Refreshment Restaurant)”. The STW holder(s) will need to apply to his office for modification of the STW conditions where appropriate. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. Applications for any of the above will be considered by LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by LandsD;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that a section of Tsui Sing Road of about 120m abutting Ping Ha Road is maintained by HyD. HyD shall not be responsible for the maintenance of any access connecting the Site and Tsui Sing Road. Adequate drainage measures should be provided for the Site to prevent water flowing from the Site to nearby public roads/drains;
- (e) to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites (“COP”) issued by the Environmental Protection Department;
- (f) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
  - (i) if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BA, they are unauthorised

building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application.

- (ii) For UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with the prevailing 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 BO.
  - (iii) Before any new building works (including containers/open sheds as temporary buildings, demolition and land filling) are to be carried out on the Site, prior approval and consent of the BA should be obtained, otherwise they are UBW. An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
  - (iv) 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 (B(P)R) respectively.
  - (v) The Site does not abut on a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.
  - (vi) If the proposed use under application is subject to issue of a license, the applicant should be reminded that any existing structures on the application site intended to be used for such purpose are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority;
- (h) to note the comments of the Executive Secretary (Antiquities and Monuments), Antiquities and Monuments Office (ES(A&M), AMO) that the Site is in the proximity to GLA-TYL 1634 which is temporarily allocated to AMO for the restoration of Tat Tak Communal Hall, a declared monument therein protected under the Antiquities and Monuments Ordinance (Cap. 53). The applicant should ensure that any proposed works should not encroach into GLA-TYL 1634 and should not cause any adverse impacts to the structures, flow of surface runoff and wastewater drainage therein; and
- (i) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that no Food and Environmental Hygiene Department's (FEHD) facilities will be affected and such work and operation shall not cause any environmental nuisance, pest infestation and obstruction to the surrounding. Proper licence/permit issued by his Department is required if there is any food business/catering service/activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public. For any waste generated from the activity/operation, the applicant should arrange disposal properly at her own expenses.