

**Application for Permission under Section 16 of
the Town Planning Ordinance (Cap. 131)**

**Temporary Eating Place (Outside Seating
Accommodation of a Restaurant)
for a Period of Three Years in “Village Type
Development” (“V”) Zone at Government Land in DD99,
San Tin, Yuen Long, New Territories**

SUPPLEMENTARY PLANNING STATEMENT

Applicant:

Fortune Nine (HK) Company
Ltd.

May, 2026

Planning Consultant:



Top Bright Consultants Ltd.

Executive Summary

This application is prepared by Top Bright Consultants Ltd. on behalf of the Applicant in support of an application to the Town Planning Board (the “Board”) to seek **renewal of a planning permission** for temporary eating place (outside seating accommodation of a restaurant (“OSA”)) (the “Proposed Development”) for a period of three years at Government land in DD99, San Tin, Yuen Long, New Territories (the “Application Site”).

The Application Site was the subject of a previous planning application (Application No. A/YL-ST/651), which was approved by the Board on 28.7.2023 for a temporary eating place (outside seating accommodation of a restaurant) for a period of 3 years. The Applicant has complied with all the approval conditions of the previous approval. As the planning permission will expire on 28.7.2026, the Applicant is submitting this application to the Board to seek renewal of the planning permission for the continued use of the Application Site as a temporary eating place (OSA).

The Application Site covers an area of about 123 square metres and is currently used as an OSA of a ground floor restaurant of a Village House (“VH”) at 280 Wing Ping Tsuen. The Application Site is located about 300m to the west of the San Tin interchange and near the Lok Ma Chau/Huangguan Control Point in San Tin, and has good transport links. The Proposed Development is intended primarily for the local villagers and residents, as well as workers in the surrounding and visitors to San Tin/Lok Ma Chau.

The Application Site falls within the “Village Type Development” (“V”) zone on the Approved San Tin Technopole Outline Zoning Plan (“OZP”) No. S/STT/2. According to the Notes of the OZP, while ‘Eating Place’ use on the ground floor of a New Territories Exempted House (“NTEH”) within the “V” zone does not require planning permission, such use on open ground (i.e. OSA) as an extension to a ground floor eating place falls within the broad definition of ‘Eating Place’ which is a use listed under Column 2 of the OZP. In accordance with the OZP, uses under Column 2 may be permitted with or without conditions on application to the Board.

The Application Site is an existing open dining area located outside the VH. The ground floor of the VH, located immediately to the southwest of the Application Site, is used for the restaurant with a kitchen. The Application Site consists of 8 removable parasols (each about 2.5m high) to shield people from the sun and rain. A decorative fish pond with a total area of about 29 square metres is located to the northwest of the Application Site. Compared with the last application, the development parameters remain unchanged. The proposed opening hours at the Application Site are 7:00a.m. to 10:00p.m., Mondays to Sundays, including public holidays.

The justifications of this application are: provide catering facility for the local residents, visitors and workers; in line with the planning intention; compliance with TPB PG-No. 15A; compatible with surrounding land uses; approval of similar applications; more desirable and efficient use of land; and planning gains. The Applicant respectfully requests that the Board give favourable consideration and approve this application for a further period of 3 years.

行政摘要

這宗規劃續期申請乃代表申請人向城市規劃委員會(“城規會”)呈交，擬議在新界元朗新田丈量約份第 99 約的政府土地(“申請地點”)，用作臨時食肆(餐廳戶外座位區)為期三年(“擬議發展”)。

申請地點涉及一項規劃申請(申請編號：A/YL-ST/651)，該申請已於 2023 年 7 月 28 日獲城規會批准用作為期 3 年的臨時食肆(餐廳戶外座位區)。申請人已履行全部該申請的規劃許可附帶條件。鑑於該規劃許可將於 2026 年 7 月 28 日屆滿，申請人現向城規會提交此申請，以尋求續期規劃許可，使申請地點能繼續用作臨時食肆(餐廳戶外座位區)。

申請地點佔地約 123 平方米，目前用作永平村 280 號一幢村屋地下餐廳的戶外座位區。申請地點位於新田交匯處以西約 300 米，鄰近新田的落馬洲/皇崗口岸，交通便利。擬議發展項目主要供當地村民及居民、周邊地區的工人，以及前往新田/落馬洲的訪客使用。

申請地點位於新田科技城分區計劃大綱核准圖(編號 S/STT/2)的「鄉村式發展」地帶。根據大綱圖的註釋，雖然位於該地帶內的新界豁免屋宇地下層的「食肆」用途無需規劃許可，但若該用途設於空地作為地下層食肆的延伸部分，則屬於「食肆」的廣泛定義範圍，而該用途已列於大綱圖的第二欄內。根據大綱圖的規定，第二欄所列的用途，經向城規會提出申請。

申請地點為村屋外延伸的現有露天用餐區。申請地點西南面村屋的地下層，現用作餐廳及廚房。申請地點設有 8 個可拆卸式遮陽傘(每個高約 2.5 米)，用以遮擋日曬與雨淋。申請地點西北側設有一個總面積約 29 平方米的裝飾性魚池。與上次申請相比，發展參數維持不變。申請地點的擬議營運時間為上午 7 時至晚上 10 時，週一至週日(包括公眾假期)均開放。

本申請的理由如下：為當地居民、訪客及工人提供餐飲設施；符合規劃意圖；符合城規會規劃指引編號第 15A 號；與周邊土地用途相容；類似申請曾獲批准；能更妥善及有效率地利用土地；以及可帶來規劃效益。申請人謹此懇請城規會予以正面考慮，並批准本申請，將期限延長三年。

這宗規劃申請的理由為：為當地居民、工人和遊客提供餐飲設施；符合規劃意向；符合城規會規劃指引編號 15A；與附近土地用途協調；同樣用途之前已獲規劃許可；擬議用途更為合適及更有效利用土地；及達至規劃增益的成效。因此，申請人希望城規會批准三年的臨時用途。

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SUMMARY OF APPLICATION

Applicant:	Fortune Nine (HK) Company Ltd.
Applied Use:	Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of 3 Years
Existing Use:	Temporary Eating Place (Outside Seating Accommodation of a Restaurant) and Fishpond
Location	Government Land in DD99, San Tin, Yuen Long, New Territories
Site Area:	Government land: 123 square metres Total: 123 square metres
Lease	Block Government Lease demised as agricultural use
Statutory Plan:	Approved San Tin Technopole Outline Zoning Plan No. S/STT/2 gazetted on 20.9.2024
Zoning:	Village Type Development ("V")
TPB Guidelines:	Application for Eating Place within "Village Type Development" Zone in Rural Areas (TPB PG-No. 15A)
Previous Application:	A/YL-ST/651 (Approved on 28.7.2023 for Temporary Eating Place (Outside Seating Accommodation of a Restaurant for 3 Years)

1. INTRODUCTION

- 1.01 This application is prepared by Top Bright Consultants Ltd. on behalf of Fortune Nine (HK) Company Ltd. (the "Applicant") to the Town Planning Board (the "Board") to seek renewal of a planning permission for a temporary eating place (outside seating accommodation of a restaurant ("OSA")) (the "Proposed Development") for a period of three years at Government land in DD99, San Tin, Yuen Long, New Territories (the "Application Site").
- 1.02 The Application Site was the subject of a previous planning application (Application No. A/YL-ST/651), which was approved by the Board on 28.7.2023 for a temporary eating place (outside seating accommodation of a restaurant) for a period of 3 years. The Applicant has complied with all the approval conditions of the previous approval. As the planning permission will expire on 28.7.2026, the Applicant is submitting this application to the Board to seek renewal of the planning permission for the continued use of the Application Site as a temporary eating place (OSA).
- 1.03 The Application Site covers an area of about 123 square metres and is currently used as an OSA of a ground floor restaurant of a Village House ("VH") at 280 Wing Ping Tsuen. The Application Site is located about 300m to the west of the San Tin interchange and near the Lok Ma Chau/Huangguan Control Point in San Tin, and has good transport links. The Proposed Development is intended primarily for the local villagers and residents, as well as workers in the surrounding and visitors to San Tin/Lok Ma Chau.
- 1.04 The Application Site falls within the "Village Type Development" ("V") zone on the Approved San Tin Technopole Outline Zoning Plan ("OZP") No. S/STT/2. According to the Notes of the OZP, while 'Eating Place' use on the ground floor of a New Territories Exempted House ("NTEH") within the "V" zone does not require planning permission, such use on open ground (i.e. OSA) as an extension to a ground floor eating place falls within the broad definition of 'Eating Place' which is a use listed under Column 2 of the OZP. In accordance with the OZP, uses under Column 2 may be permitted with or without conditions on application to the Board.
- 1.05 The Town Planning Board Guidelines for Application for Eating Place within "Village Type Development" Zone in Rural Areas (TPB PG-No. 15A) is relevant to this application. The Proposed Development is considered to meet the planning criteria specified in TPB PG-No.15A. Most of the surrounding land is currently occupied by eating places, commercial facilities, private vehicle parks, VHs and tourist spots.
- 1.06 With the implementation of small house developments in the vicinity in recent years, there has been an increase in demand for supporting facilities such as eating places. In this regard, the Applicant wishes to seek the Board's renewal of planning permission for a further period of 3 years.

- 1.07 The following sections are intended to help facilitate the Board's decision, and will briefly describe the Application Site and its surroundings, give details of the Proposed Development and provide justifications in support of the application.

2. SITE CONTEXT

Location

- 2.01 The Application Site abuts Tung Wing On Road, San Tin, Yuen Long. It is about 300m to the west of the San Tin interchange and near the Lok Ma Chau/Huangguan Control Point and Lok Ma Chau Spur Line/Futian Control Point in San Tin, Yuen Long. **Figure 1** shows the Application Site in its regional context.

Existing Site Conditions

- 2.02 The Application Site covers an area of approximately 123 square metres and is entirely on government land. It is hard-paved and generally flat, with an irregular shape. It is located in front of the VH at 280 Wing Ping Tsuen. The ground floor of the VH has been converted into a restaurant with a kitchen. Eight removable parasols (each about 2.5m high) are provided on the Application Site. An existing fish pond in the northwest of the site enhances its aesthetic value and beautifies the surrounding environment. No excavation of land is required for the fish pond.

Surrounding Land Uses

- 2.03 The Application Site is located in an open ground in front of the cluster of VHs (restaurants on the ground floor). The Application Site is bounded by Tung Wing On Road to the north, an approved temporary eating place (outside seating accommodation of a restaurant) (Application No. A/STT/30) to the east, a number of VHs to the south, and an approved temporary public vehicle park (Application No. A/STT/29) to the west. To further north across Tung Wing On Road is Hong Kong Institute of Construction San Tin Training Ground (Application No. A/STT/14). To the further east is San Tin Interchange. To the further south and southwest are the approved temporary eating places (Application Nos. A/STT/17 and A/YL-ST/666) and recreational uses and tourist attraction spots, including Tai Fu Tei, Man Tin Cheung Park, Man Lun Fung Ancestral Hall, Tung Shan Temple. To west are the village settlements of Wing Ping Tsuen, Fan Tin Tsuen, Tung Chan Wai, Yan Shau Wai and On Lung Tsuen. A plan showing the Application Site in the context of its local surroundings is in **Figure 3**.

Access

- 2.04 The Application Site is accessed from Tung Wing On Road which provides direct access to Castle Peak Road – San Tin, San Tin Highway and boundary control points (via San Sham Road and San Tin Tsuen Road).

3. LAND STATUS

- 3.01 The Application Site comprises Government land in DD99, San Tin, Yuen Long, N.T. A plan showing the application area is in **Figure 2**.
- 3.02 The Application Site occupies about 123 square metres of Government land. Should this application be approved, the Applicant will apply for a Short Term Tenancy from the Lands Department.

4. PLANNING CONTEXT

Statutory Plan

- 4.01 The Application Site falls within an area zoned “Village Type Development” (“V”) on the Approved San Tin Technopole OZP No. S/STT/2 gazetted on 20.9.2024. According to the Explanatory Statement accompanying the OZP, the planning intention of this zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. An extract of the OZP is in **Figure 4**.
- 4.02 Under the provisions of the OZP, “Eating Place” is one of the uses listed under Column 2 of the “V” zone that may be permitted with or without conditions on application to the Board. A selected range of uses including commercial, community and recreational uses may be permitted within this zone on application to the Board on the basis that these uses would serve the needs of villagers and would not adversely affect the character of villages. In order not to jeopardize the planning intention of “V” zone, the Applicant intends to use the Application Site on a temporary basis.

Town Planning Board Guidelines for Application for Eating Place within “V” Zone in Rural Areas – TPB PG-No. 15A

- 4.03 The TPB PG-No. 15A is relevant to this Application. This Guideline stipulates that “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” and “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”.
- 4.04 According to the TPB PG-No. 15A, eating place use on the ground floor of an NTEH within the “V” zone does not require planning permission. However, such use on other floors of an NTEH, on open ground as an extension to a ground floor eating place in an NTEH, or as a free-standing development within the “V” zone requires planning permission from the Board. Adequate car parking spaces should also be provided to serve the eating place.

Previous Applications

- 4.05 The Application Site has previously been the subject of nine applications for the following uses: temporary container vehicle/trailer and lorry repair workshop; container vehicle park; weighbridge; tyre repair workshop; canteen; and car parking (Application Nos. A/YL-ST/16, 34, 41, 57, 104, 126, 153, 203 and 294). Three of these applications (Application Nos. A/YL-ST/57, 104 and 294) were approved by the Board.
- 4.06 The Board approved Application No. A/YL-ST/651 for a temporary eating place (outside seating accommodation of a restaurant) on 28.7.2023 for a period of 3 years. The Applicant has complied with all the conditions of the previous approval.

Similar Applications Approved within the Same “V” Zone

- 4.07 Over the past 5 years, six similar applications (Application Nos. A/YL-ST/565, 622, 638, 651, 666, A/STT/7 and 30) for temporary eating place/OSA within the same “V” zone on the OZP were approved by the Board. This was mainly because the developments were deemed not incompatible with the surrounding land uses, the eating place could meet some demand for eating place in the area, and the applied use was generally in line with the TPB PG-No. 15A.

Application No.	Applied Use	Date of Approval
A/STT/30	Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of 3 Years	9.1.2026
A/STT/7	Temporary Eating Place with Ancillary Facilities for a Period of 3 Years	16.8.2024
A/YL-ST/666	Proposed Temporary Eating Place for a Period of 3 Years	1.3.2024
A/YL-ST/638	Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of 3 Years	13.1.2023
A/YL-ST/622	Proposed Temporary Eating Place for a Period of 3 Years	29.7.2022
A/YL-ST/565	Renewal of Planning Approval for Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of 3 Years	17.1.2020

5. DEVELOPMENT PROPOSAL

Renewal of Planning Permission

- 5.01 The Applicant seeks the Board's permission to continue using the Application Site for the temporary eating place (outside seating accommodation of a restaurant) for a period of 3 years. The Proposed Development aims to provide a catering facility to serve the nearby villagers, workers and visitors to San Tin/Lok Ma Chau.

Site Layout and Design

- 5.02 The Application Site is an existing open dining area located outside the VH (see Layout Plan in **Figure 5**). The ground floor of the VH, located immediately to the southwest of the Application Site, is used for the restaurant with a kitchen. The Application Site consists of 8 removable parasols (each about 2.5m high) to shield people from the sun and rain. A decorative fish pond with a total area of about 29 square metres is located to the northwest of the Application Site. Compared with the last application, the development parameters remain unchanged.

Parking and Traffic Arrangement

- 5.03 The Application Site is located within walking distance of the nearby villages. People from outside the neighbourhood can use the public transport network, including minibus, buses, taxis, to reach the Application Site. No parking spaces will be provided at the Application Site, as the Applicant has made free parking arrangements for customers at a public vehicle park (Application No: A/STT/29), located immediately to the west of the Application Site.
- 5.04 Most of the restaurant's supplies will be delivered by private vehicles or vans, which will use the public car park (Application No: A/STT/29) to the east of the Application Site for loading and unloading purposes. This car park is also operated by the Applicant. According to the Applicant, only one delivery trip per day will be required to supply the restaurant.

Site Operations

- 5.05 The Proposed Development is intended to serve walk-in customers from nearby local villages, as well as workers and visitors to San Tin/Lok Ma Chau. The Proposed Development could accommodate around 40 people at any one time. The proposed opening hours at the Application Site are 7:00a.m. to 10:00p.m., Mondays to Sundays, including public holidays. Peak hours are expected to be between 11:30a.m. to 2:30p.m. during weekdays.

Drainage and Sewage Facilities

- 5.06 The Application Site is currently served by the drainage facilities which are implemented under the previous approval (No. A/YL-ST/651) and approved by the Drainage Services Department (DSD). The Applicant will maintain the existing drainage facilities for the current application. A septic tank and soakaway system have already been installed in accordance with the Professional Persons Environmental Consultative Committee Practice Notes ("ProPECC PN") No. 1/23 for sewage treatment and disposal.

Fire Services Installations (FSIs)

- 5.07 The Fire Services Department (FSD) approved the FSIs proposal and implementation for the last application (No. A/YL-ST/651). Should this application be approved, the Applicant is committed to maintaining the FSIs to the satisfaction of the FSD, ensuring that the proposed eating place (OSA) is operated safely.

6. JUSTIFICATIONS

Provide Catering Facility for the Local Residents, Visitors and Workers

- 6.01 The Application Site is situated at the fringe of the "V" zone where many of the commercial activities of the surrounding villages, such as Wing Ping Tsuen, Fan Tin Tsuen, Tung Chan Wai, Yan Shau Wai and On Lung Tsuen, are situated. There are very few licensed eating places in San Tin, so nearby residents have limited options. Local villagers and residents would need to travel to Yuen Long Town Centre or Sheung Shui to eat out. With small house developments implemented in the area in recent years, demand for dining in San Tin has increased among local residents. The Proposed Development offers local residents, workers and visitors a larger area in which to dine out within walking distance.
- 6.02 The Application Site is located approximately 300 metres west of the San Tin interchange, near the Lok Ma Chau/Huangguan control point and the Lok Ma Chau spur line/Futian control point. A large number of visitors come to San Tin at weekends and on public holidays. With large-scale infrastructure development planned for the San Tin Technopole, a significant number of job opportunities are set to arise, attracting a large workforce. The Proposed Development will serve residents, visitors and workers, providing a win-win situation for the applicant and the local community.

In Line with the Planning Intention

- 6.03 The Proposed Development falls within the broad definition of 'Eating Place', which is a use listed under Column 2 of the "V" zone of the San Tin Technopole OZP. The Proposed Development aims to serve the needs of villagers and support the social and economic development of the surrounding area. As 'Eating Place' use on the

ground floor of a New Territories Exempted House is always permitted and other commercial uses may be permitted upon application to the Board, the Proposed Development is closely related to the 'V' zone and is therefore in line with its planning intention.

Compliance with TPB PG-No. 15A

- 6.04 The Proposed Development is considered to meet the planning criteria as specified under the TPB PG-No.15A for assessing planning applications, the reasons are:

Suitable Location

- 6.05 The Application Site is located at the fringe of the "V" zone and has direct access to Tung Wing On Road, which provides access to Castle Peak Road – San Tin, where most of the commercial facilities are located. This makes it a suitable location for the Proposed Development.

No Adverse Drainage, Sewage or Fire Safety Impacts

- 6.06 As mentioned in Paragraph 5.06 above, the Applicant has provided appropriate drainage facilities to the satisfaction of DSD under previous planning application. Septic tank and soakaway system have already been installed to deal with the sewage discharge. In this regard, no adverse drainage and sewage impacts are anticipated.
- 6.07 As stated in Paragraph 5.07 of this statement, the Applicant has provided appropriate FSIs to the satisfaction of FSD. In this connection, no adverse fire safety impacts are anticipated. The Applicant will maintain the FSIs to ensure that the proposed eating place (OSA) will be operated in a safe manner.

In the Vicinity of Recreation Uses and Tourist Attractions

- 6.08 According to TPB PG-No. 15A, for sites located adjacent to recreational uses or tourist attraction spots, favourable consideration may be given to the application. The Application Site is located to the northeast of the recreational uses and tourist attraction spots, including Tai Fu Tei, Man Tin Cheung Park, Man Lun Fung Ancestral Hall, Tung Shan Temple and fishponds and serves as a catering facility for the visitors and tourists. The eating place would also complement the recreational facilities and in turn assist promoting tourism in this part of Yuen Long.

No Adverse Traffic Impact

- 6.09 Apart from local residents, other visitors can use the public transport network serving the area and walk to the Application Site. The Application Site is well served by public transport, with buses, minibuses and taxis running along Castle Peak Road – San Tin. As the Application Site is surrounded by public car parks, visitors can park their

vehicles there and walk to the site. This is unlikely to cause circulation problems for pedestrians or vehicles at the Application Site

Insignificant Environmental Impact

- 6.10 The Proposed Development is an OSA of an existing restaurant on the ground floor of the VH. The restaurant is well-supported by nearby villagers. The operation hours of the Proposed Development are restricted from 7:00 am to 10:00 pm daily, including public holidays and it is mainly used during lunchtime. According to the Hong Kong Planning Standards and Guidelines, the permitted noise level for residential buildings is 70 decibels. The Proposed Development's noise source is mainly human chatting, which is far lower than 70 decibels. As there is no kitchen or cooking area at the Application Site, no oil fumes or cooking odours will be emitted into the outdoor environment. Given that the Application Site is already hard-paved and relatively small, it is anticipated that it would not generate adverse noise or air pollution.

Compatible with Surrounding Land Uses

- 6.11 The Application Site is located at the fringe of the "V" zone where most commercial activities are concentrated. The Proposed Development is complemented by the surrounding residential area. Nevertheless, 'eating place' is always permitted on the ground floor of an NTEH. The surrounding area consists mainly of villages, restaurants, village stores, low-rise temporary structures and public car parks. The Proposed Development, comprising 8 removable parasols (each about 2.5m high) and a decorative fish pond, is considered compatible with the surrounding land uses and the village settings in terms of its geographical location and land use.

Approval of Similar Applications

- 6.12 As mentioned in Paragraph 4.07 above, the Board has granted a number of planning approvals in the past for similar eating places and OSAs located to the east and south of the Application Site. This suggests that the subject area is suitable for temporary use as an eating place.

More Desirable and Efficient Use of Land

- 6.13 The Proposed Development could result in the land being used more efficiently. The Application Site used to be a passageway. The Proposed Development is more desirable as it allows for better utilisation of scarce land resources and provides supporting facilities for the surrounding areas. The Proposed Development is expected to have a positive impact on the area and, with monitoring, would not make the surrounding areas susceptible to an untidy environment.

Planning Gains

- 6.14 The Proposed Development would meet the needs of the local villagers, residents and workers in the San Tin area. It would also bring in economic activities and hence employment opportunities in the area. Since the scale of development is small and the Proposed Development abuts a major road, the Proposed Development would provide convenient access for people in San Tin, and social and economic benefits to the community at large. In this regard, the Proposed Development is considered a planning gain for the general public and the local community.

7. CONCLUSION

- 7.01 The Application Site falls within the “V” zone and, as evidenced by the existing surrounding land uses, has been a popular location for supporting commercial activities. The Proposed Development would not contravene the planning intention of the “V” zone as the Proposed Development is for a temporary use of 3 years, and instead, efficiently utilize scarce land resources and serve the needs of the nearby villagers and people working in and visiting the area.
- 7.02 It is considered that the Proposed Development is compatible with land use terms and that there will not be any interface problems as a result. The application also complied with TPB PG-No. 15A. It is anticipated that the proposed use will not generate any adverse traffic, drainage, sewage or environmental impacts on the surrounding areas.
- 7.03 For the reason stated above, the Proposed Development is considered a suitable temporary use in this location and the Applicant respectfully requests that the Board give favourable consideration and approve this application for a further period of 3 years.

Top Bright Consultants Ltd.
May 2026