

**Application for Renewal of Planning Approval
for Temporary Use
Under Section 16 of the Town Planning Ordinance**

Application No. A/STT/35

1. <u>Proposal</u>	
Applicant	Fortune Nine (HK) Company Limited represented by Top Bright Consultants Ltd.
Site (Plan A-1)	Government Land (GL) in D.D. 99, San Tin, Yuen Long
Site Area	About 123m ²
Zoning and Outline Zoning Plan (OZP) No.	“Village Type Development” (“V”) zone on the approved San Tin Technopole OZP No. S/STT/2 <i>[restricted to maximum building height of 3 storeys (8.23m)]</i>
Application	Renewal of Planning Approval for Temporary Eating Place (Outside Seating Accommodation (OSA) of a Restaurant) for a Period of Three Years
Site Context and the Current Proposal	The application site (the Site) is accessible from Tung Wing On Road connecting to Castle Peak Road – San Tin via the open area fronting the Site to its north (Plan A-2). According to the applicant, the applied use serves as the extension of an existing permitted restaurant on the ground floor of the adjoining New Territories Exempted House (NTEH) at No. 280 Wing Ping Tsuen (Plan A-2). The applied use with a total floor area of about 123m ² involves 8 removable parasols (2.5m in height) and an existing ornamental fishpond (about 29m ²). The applied use serves a maximum of 40 people with operation hours from 7:00 a.m. to 10:00 p.m. daily, including public holidays. No parking or loading/unloading space is provided within the Site. The layout plan submitted by the applicant is at Drawing A-1 .
Last Previous Relevant Application	Application No. A/YL-ST/651 ¹ approved on 28.7.2023 for a period of three years until 28.7.2026, which was submitted by the same applicant for the same use at the same Site. (Please refer to https://www.tpb.gov.hk/uploads/page/meetings/RNTPC/A_Y

¹ The Site fell within the same “V” zone on the then approved San Tin OZP No. S/YL-ST/8 at the time when the last previous relevant application was considered by the Rural and New Town Planning Committee (the Committee).

	<u>L-ST 651/A YL-ST 651 MainPaper.pdf</u> for details of the last previous relevant application)
Justifications from the Applicant (Appendices I and Ia)	(a) The applied use provides catering services for the residents, workers and visitors in San Tin area, and is in line with the planning intention of the “V” zone. (b) The applied use is in line with the Town Planning Board (TPB) Guidelines 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) in that the Site is located at the fringe of the “V” zone and is compatible with the surrounding environment; no adverse traffic, drainage, sewerage and environmental impacts are anticipated; and the applied use can serve as a catering facility for visitors in the vicinity of the Site. (c) All the approval conditions of the last previous application No. A/YL-ST/651 have been complied with. Similar applications for eating place use (including some for OSA) have been approved within the same “V” zone. (d) In support of the current application, the applicant has submitted an as-built drainage plan and photographic records of the existing drainage facilities, as well as a fire service installations (FSIs) plan accepted under the last application and the corresponding FS 251 certificates. The applicant will continue to maintain the existing FSIs and drainage facilities on the Site. (e) Upon approval of the application, the applicant will liaise with the Lands Department (LandsD) to resolve any outstanding land administration matters.
Compliance with the “Owner’s Consent/Notification” requirements ²	The requirements are not applicable as the Site involves GL only.

2. <u>Planning Considerations and Assessments</u>				
	<u>Criteria</u>	<u>Yes</u>	<u>No</u>	<u>Remarks</u>
(a)	In line with <u>TPB PG No. 34D</u> ³ , including: i. no material change in	✓		Whilst the applied use is not entirely in line with the planning intention of the “V” zone, it is an extension of a permitted eating place on the ground floor of the adjoining NTEH

² As set out in TPB Guidelines on Satisfying the ‘Owner’s Consent/Notification’ Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) and detailed information would be deposited at the meeting for Members’ inspection.

³ TPB Guidelines No. 34D on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development

	planning circumstances since the previous approval was granted (e.g. a change in planning policy/zoning for the area) or land uses of surrounding areas); ii. no adverse planning implications arising from the renewal of the planning approval (e.g. pre-emption of planned permanent development); iii. all the time-limited approval conditions under the previous approval have been complied with; and iv. the 3-year approval period sought does not exceed the duration of the last approval.			and the applicant states that the applied use can serve the nearby residents, workers and visitors. Besides, the District Lands Officer/Yuen Long, LandsD advises that there is no Small House (SH) application approved or under processing at the Site. The applied use of temporary nature would not adversely affect the land availability for NTEH/SH development within the “V” zone in the long term. Approval of the application on a temporary basis of three years would not jeopardise the long-term planning intention of the “V” zone.
(b)	In line with <u>TPB PG-No.12C</u> ⁴	✓		The Site falls within the Wetland Buffer Area in Deep Bay Area under the TPB PG-No. 12C, which specifies that planning applications for temporary uses are exempted from the requirement of ecological impact assessment. The Director of Agriculture, Fisheries and Conservation has no comment on the application from nature conservation point of view.
(c)	In line with <u>TPB PG-No.15A</u> ⁵	✓		The applied use is located at the fringe of Wing Ping Tsuen and is accessible from Tung Wing On Road connecting to Castle Peak Road – San Tin. The applied use is considered not incompatible with the surrounding land uses predominated by village houses, some of which are occupied by restaurants on the ground floor (Plan A-2). In view of the small scale of the applied use, it would unlikely generate significant adverse traffic, environmental, drainage, sewerage and fire safety impacts on the

⁴ TPB Guidelines No. 12C for Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance

⁵ TPB Guidelines No. 15A for Application for Eating Place within “Village Type Development” zone in Rural Areas under Section 16 of the Town Planning Ordinance

				surrounding areas.
(d)	Any other relevant considerations (e.g. minor change in layout/development parameters)?		✓	
(e)	Any adverse departmental comments?	✓		Relevant government departments consulted, except for DLO/YL, LandsD, have no objection to or no adverse comments on the application (Appendix II). Relevant approval conditions and advisory clauses are recommended at paragraph 4 below. <u>Adverse Departmental Comment</u> - DLO/YL, LandsD objects to the application as the GL within the Site (about 29m², delineated as 'Existing Fishpond' on the Drawing A-1) has been illegally occupied with unauthorised structure(s) without any permission. Any occupation of GL without Government's prior approval is an offence under Cap. 28. LandsD objects to the application since there is illegal occupation of GL which regularisation would not be considered according to the prevailing land policy. The applicant should immediately cease the illegal occupation of GL and remove the unauthorised structure(s) as demanded by LandsD. His office reserves the rights to take necessary land control action against the illegal occupation of GL without further notice. <u>PlanD's Assessments</u> - To address the technical requirements of concerned departments, relevant approval conditions are recommended in paragraph 4 below, and the applicant will also be advised to follow the revised 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' to minimise any potential environmental nuisance caused by the applied use. - Regarding DLO/YL, LandsD's concerns

				on the unauthorized structure(s) within the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the renewal application.
(f)	Public comments received during statutory publication period	✓		Total : 1 - Supporting comment: 1 (Appendix III) <u>Supporting comment</u> (from a Yuen Long District Councilor) - The applied use, which provides catering services to local residents and visitors, is compatible with the surrounding areas; and has not caused adverse traffic, drainage and noise impacts since its operation.

3. Planning Department's View

- No objection to the application.

4. Decision Sought

- Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of three years, and be renewed from 29.7.2026 to 28.7.2029. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- the existing drainage facilities on the site shall be maintained at all times during the planning approval period; and
- if the above planning condition (a) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.

Advisory clauses

The recommended advisory clauses are at **Appendix IV**.

- There is no strong reason to recommend rejection of the renewal application.

Attachments

Appendix I	Application Form received on 27.5.2026 and Supplementary Information received on 1.6.2026 and 2.6.2026
Appendix Ia	Further Information received on 15.7.2026 (accepted and exempted

Appendix II	from publication and recounting requirements)
Appendix III	Government Departments with No Objection / No Adverse Comment
Appendix IV	Public Comment Received During Statutory Publication Period
Drawing A-1	Recommended Advisory Clauses
Plan A-1a	Layout Plan
Plan A-1b	Location Plan with Similar Applications
Plan A-2	Previous Applications Plan
	Site Plan

PLANNING DEPARTMENT
JULY 2026