

**Relevant Extract of the Town Planning Board Guidelines for
Application for Developments within Deep Bay Area
under Section 16 of the Town Planning Ordinance
(TPB PG-No. 12C)**

According to TPB PG-No. 12C, the Sites fall within the Wetland Buffer Area (WBA). Extracts of land use concept and development guidelines are summarised as follows:

Wetland Buffer Area

- (a) The intention of the WBA is to protect the ecological integrity of the fish ponds and wetland within the Wetland Conservation Area (WCA) and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds.
- (b) Within the WBA, for development or redevelopment which requires planning permission, an ecological impact assessment (EcoIA) would need to be submitted. Some local and minor uses (including temporary uses) are exempted from the requirement of EcoIA.

Appendix A

List of Uses Exempted from Ecological Impact Assessment within the Wetland Buffer Area

For planning applications involving uses/development within the Wetland Buffer Area, the following uses/development are exempted from the requirement of ecological impact assessment as part of the submission to the Board :

- Temporary Uses
- Agricultural Use (except in SSSI Zone)
- Ancestral Hall
- Bank#
- Barbecue Spot
- Barber Shop#
- Beauty Parlour#
- Burial Ground
- Clinic/Polyclinic*
- Electricity Substation of single storey
- Government Refuse Collection Point^
- House (Alteration, modification and/or redevelopment to the existing building bulk only)
- New Territories Exempted Houses
- Off-Course Betting centre#
- On-farm Domestic Structure
- Photographic Studio#
- Playground/Playing Field in “V” and “R(D)” zones
- Police Post/Police Reporting Centre
- Post Office*
- Private Club#
- Public Convenience
- Public Library*
- Public Utility Installation (electricity mast, lamp pole, pipeline and telephone booth only)^
- Pumping Station of single storey
- Refreshment Kiosk
- Retail Shop#
- School*
- Showroom excluding Motor-vehicle Showroom#
- Shrine
- Social Welfare Facility*
- Tent Camping Site

Note:

other than free-standing building

* other than free-standing building exceeding 3 storeys

^ not applicable to the “Other Specified Uses” annotated “Eco-lodge” zone on the Ma Tso Lung and Hoo Hok Wai Outline Zoning Plan

**Relevant Extracts of Town Planning Board 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)**

1. In June 2003, the Town Planning Board 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) were promulgated. Extracts of the scope and application of the guidelines are set out as follows:
 - (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; and
 - (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.
2. In assessing the applications, the main planning criteria are also summarised as follows:
 - (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 New Territories Exempted House 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; and
- (f) all other statutory or non-statutory requirements of relevant Government departments should be met.

**Similar s.16 Applications within the same “Village Type Development” zone
on the San Tin Technopole Outline Zoning Plan in the Past Five Years**

Approved Applications

No.	Application No.	Use(s)/Development(s)	Date of Consideration (RNTPC)
1.	A/YL-ST/604*	Proposed Temporary Eating Place for a Period of 5 Years	18.2.2022 (approved with conditions for a period of 3 years) (Revoked on 18.11.2023)
2.	A/YL-ST/621*	Proposed Temporary Eating Place for a Period of 3 Years	15.7.2022 (Revoked on 15.4.2024)
3.	A/YL-ST/622*	Proposed Temporary Eating Place for a Period of 3 Years	29.7.2022 (Revoked on 29.1.2024)
4.	A/YL-ST/637	Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of 3 Years	13.1.2023
5.	A/YL-ST/638	Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of 3 Years	13.1.2023
6.	A/YL-ST/651	Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of 3 Years	28.7.2023
7.	A/YL-ST/666	Proposed Temporary Eating Place for a Period of 3 Years	1.3.2024
8.	A/STT/7	Temporary Eating Place with Ancillary Facilities for a Period of 3 Years	16.8.2024
9.	A/STT/30	Renewal of Planning Approval for Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of 3 Years	9.1.2026
10.	A/STT/35	Renewal of Planning Approval for Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of 3 Years	24.7.2026

* denotes permission revoked

Government Departments' General Comments

1. Land Administration

Comments of the District Lands Officer/Yuen Long, LandsD (DLO/YL of LandsD) on application No. A/STT/39:

- no adverse comment on application No. A/STT/39;
- the application site (the Site) of application No. A/STT/39 comprises Old Schedule Agricultural Lot 215 in D.D. 102 held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government;
- the private land of Lot 215 in D.D. 102 is covered by Short Term Waiver No. 443 to permit structures for the purpose of “Shop”;
- there is no Small House application under processing nor approved at the Site of A/STT/39; and
- advisory comments are detailed in **Appendix V**.

2. Traffic

Comments of the Commissioner for Transport:

- no comment on the applications from traffic engineering perspective.

Comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD):

- no in-principle objection to the applications from highways maintenance point of view; and
- advisory comments are detailed in **Appendix V**.

3. Environment

Comments of the Director of Environmental Protection:

- considering the revised ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’, it is noted that the applied uses would not involve traffic of heavy vehicle and not involve dusty operations. There are residential premises within 100m from the boundary of each of the application sites (the Sites). Based on the above, he has no adverse comment on the applications from environmental planning perspective;
- no environmental complaints relating to the Sites were recorded in the past three years; and
- advisory comments are detailed in **Appendix V**.

4. **Drainage**

Comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD):

- no in-principle objection to the applications from drainage operation and maintenance point of view;
- the applicant shall submit a drainage submission to demonstrate how the rain water falling onto or flowing to the Sites will be collected, conveyed and discharged;
- after completion of the required drainage works, a set of record photographs showing the completed drainage works with corresponding photograph locations marked clearly on the approved drainage plan shall be provided to DSD for reference;
- all the proposed drainage facilities should be constructed and maintained by the applicant at his own cost. The applicant should ensure and keep all drainage works on the Sites under proper maintenance at all times; and
- advisory comments are detailed in **Appendix V**.

5. **Fire Safety**

Comments of the Director of Fire Services:

- no in-principle objection to the applications subject to fire service installations and water supplies for firefighting being provided to the satisfaction of the Director of Fire Services; and
- advisory comments are detailed in **Appendix V**.

6. **Landscape**

Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department:

- no adverse comment on the applications from landscape planning perspective;
- based on the aerial photo taken in February 2024, the Sites were situated in an area of rural inland plain landscape character comprising village houses, temporary structures, restaurants and scattered tree groups. The applied uses are considered not incompatible with the landscape setting in the proximity;
- with reference to the above aerial photo and site photos taken in August 2026, the Sites were largely formed. No trees were observed on them. According to the application forms, no tree felling will be involved; and
- in view of the above, significant adverse landscape impact arising from the applied uses is not anticipated.

7. **Building Matters**

Comments of the Chief Building Surveyor/New Territories West, Buildings Department:

- no objection to the applications; and
- advisory comments are detailed in **Appendix V**.

8. **Food and Environmental Hygiene**

Comments of the Director of Food and Environmental Hygiene:

- no adverse comment on the applications;
- according to Food and Environmental Hygiene Department's records, Shop 1 & 2, and Block C & D, ground floor of Lot 215 in D.D. 102 (i.e. the ground floors of the village houses No. 1 to 4 relevant to the Sites) are covered by valid General Restaurant Licences, while no Outside Seating Accommodation application was received for the Sites; and
- advisory comments are detailed in **Appendix V**.

9. **Project Interface**

Comments of the Project Manager (North), Civil Engineering and Development Department (CEDD):

- the Sites are in close proximity to Phase 1 development of San Tin Technopole. The applicant should facilitate the coordination with the responsible project officers regarding the interfacing matters, if any; and
- advisory comments are detailed in **Appendix V**.

10. **Other Departments**

The following government departments have no objection to/no adverse comment/no comment on the applications and their advisory comments, if any, are in **Appendix V**:

- Chief Engineer/Railway Development 1-1, Railway Development Office, HyD;
- Chief Engineer/Construction, Water Supplies Department;
- Director of Agriculture, Fisheries and Conservation;
- Project Manager (West), CEDD;
- Head of Geotechnical Engineering Office, CEDD;
- Commissioner of Police; and
- District Officer (Yuen Long), Home Affairs Department.

Recommended Advisory Clauses

- (a) Prior planning permissions should have been obtained before commencing the applied uses at each of the application sites (the Sites);
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that:
 - (i) for application No. A/STT/39, the lot owner(s) shall apply to his office for modification of the Short Term Waiver (STW) conditions where appropriate. The application(s) for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The STW, if approved, will be subject to such terms and conditions including the payment of waiver fee and administrative fee as considered appropriate by LandsD. Besides, given the applied use is temporary in nature, only erection of temporary structure(s) will be considered;
 - (ii) for application No. A/STT/40, the Government Land (GL) within the Site (about 18m² as mentioned in the Application Form) has been unlawfully occupied without any permission. Any occupation of GL without Government's prior approval is an offence under Cap. 28. His office reserves the rights to take necessary land control action against the unlawful occupation of GL without further notice; and
 - (iii) for application No. A/STT/40, the lot owner(s) shall apply to his office for modification of the STW conditions where appropriate and the lot owner(s) shall apply to his office for Short Term Tenancy (STT) to permit the occupation of GL. The application(s) for STW/STT will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The STW/STT, if approved, will be subject to such terms and conditions including the payment of waiver fee and administrative fee as considered appropriate by LandsD. Besides, given the applied use is temporary in nature, only erection of temporary structure(s) will be considered;
- (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that adequate drainage measures shall be provided to prevent surface water running from the Sites to nearby public roads and drains;
- (d) to note the comments of the Director of Environmental Protection (DEP) that:
 - (i) the revised 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' shall be followed;
 - (ii) sewage discharge from the Sites should be directed to nearby public sewer. According to the applicant, a septic tank and soakaway system have already been installed. The applicant is reminded that the septic tank and soakaway system should be provided and properly maintained in accordance with the requirements in Professional Persons Environmental Consultative Committee Practice Note 1/23; and
 - (iii) the guideline on 'Control of Oily Fume and Cooking Odour from Restaurants and Food Business' shall be followed for the operation of the eating place;

- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that:
- (i) drainage submission(s) shall be submitted to demonstrate how the applicant will collect, convey and discharge rain water falling onto or flowing to the Sites. Clear drainage plan(s) showing full details of the existing drains and the proposed drains (e.g. cover and invert levels of pipes/catchpits/outfalls and ground levels justifying waterflow etc.) with supporting design calculations and charts should be included. For preparation of the drainage proposal(s), the Guideline on preparation of the drainage proposal is available in DSD homepage at https://www.dsd.gov.hk/EN/Files/Technical_Manual/dsd_guideline/Drainage_Submission.pdf for reference. Approval of the drainage proposal(s) must be sought prior to the implementation of drainage works at the Sites;
 - (ii) after completion of the required drainage works, set(s) of record photographs showing the completed drainage works with corresponding photograph locations marked clearly on the approved drainage plan(s) shall be provided to DSD for reference. DSD will inspect the completed drainage works jointly with the applicant with reference to the set of photographs;
 - (iii) all existing flow paths would be properly intercepted and maintained without increasing the flood risk of the adjacent areas;
 - (iv) the proposed drainage proposal/works as well as the Sites boundaries should not cause encroachment upon areas outside DSD's jurisdiction;
 - (v) no public sewerage maintained by DSD is currently available for connection. For sewage disposal and treatment, agreement from DEP shall be obtained;
 - (vi) DLO/YL, LandsD should be consulted regarding all the proposed drainage works outside the lot boundary to ensure the unobstructed discharge from the Sites in future; and
 - (vii) all the proposed drainage facilities should be constructed and maintained by the applicant at his own cost. The applicant should ensure and keep all drainage works on sites under proper maintenance at all times;
- (f) to note the comments of the Director of Fire Services (D of FS) that:
- (i) relevant layout plan(s) incorporated with the proposed fire service installations (FSIs) shall be submitted to his department for approval. The layout plan(s) 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 plan(s). Licensing requirements, if any would be formulated upon receipt of the referral from the relevant licensing authority; and
 - (ii) if the proposed structures are required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire safety 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 (BD) that:
- (i) it is noted that one structure is proposed in application No. A/STT/39 and two structures are proposed in application No. A/STT/40. Before any new building works (including containers/open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on site, prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are unauthorized building works (UBW) under the BO. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
 - (ii) the Sites abut on a specified street (Castle Peak Road – San Tin) of not less than 4.5m wide. Its permitted development intensity shall be determined under the First Schedule of the Building (Planning) Regulations (B(P)R), where no plot ratio/gross floor area restriction has been stipulated in statutory plans/approved planning applications;
 - (iii) if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BA, they are UBW under the BO and should not be designated for any proposed/applied uses under the captioned applications;
 - (iv) for UBW erected on leased land, enforcement action may be taken by the Buildings Department 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 Sites under the BO;
 - (v) any temporary shelters or converted containers for office, storage, washroom or other uses are considered as temporary buildings are subject to the control of Part VII of the B(P)R;
 - (vi) if the applied uses under applications are subject to issue of a license, the applicant should be reminded that any existing structures on the Sites 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; and
 - (vii) detailed checking under the BO will be carried out at building plan submission stage;
- (h) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that:
- (i) no Food and Environmental Hygiene Department's (FEHD) facilities should be affected;
 - (ii) proper licence/permit issued by FEHD is required if there is/are any food business/catering service/activities regulated by DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public. The operation of any eating place should be under a food licence issued by FEHD. If the operator intends to operate a restaurant business in the territory, a restaurant licence should be obtained from FEHD in accordance with the Public Health and Municipal Services Ordinance (Cap. 132). For the operation of other types of food business, relevant food licences should also be obtained from FEHD in accordance with Cap. 132. Under the Food Business Regulation (Cap. 132X),

a Food Factory Licence should be obtained from FEHD for food business which involves the preparation of food for sale for human consumption off the premises before commencement of such business. The application for food business licences under Cap.132, if acceptable by FEHD, will be referred to relevant government departments for comment. If there is no objection from the departments concerned, a letter of requirements will be issued to the applicant for compliance and the licence will be issued upon compliance of all the requirements;

- (iii) when choosing a premises for food business licences, the applicant must ensure that the operation of food business at the subject premises is in compliance with the requirements imposed under the legislation administered by FEHD, other government departments and the relevant authorities. No part of a food premises shall be located in, under or over any structures built without the approval and consent of the BA. Applicant should satisfy FEHD that his premises applying for a food business licence be (1) free of unauthorised building works; (2) in compliance with Government lease conditions; and (3) in compliance with statutory plan restrictions, otherwise FEHD will not process the application for a licence further;
- (iv) whenever restaurant licensees wish to include an Outside Seating Accommodation (OSA) into their licensed premises, they are required to submit application to FEHD by filling in the application form together with four copies of proposed layout cum OSA plan and two copies of 1:1000 location map and photo(s) showing the shop front/external wall facing the OSA for approval. In addition, if the proposed OSA is on the private land, the applicant should provide the documentary proof of the property ownership of the proposed OSA area and the property owner's written agreement on the proposed OSA. If the application of OSA is acceptable for further processing, FEHD will refer it to the relevant departments including such as Buildings Department, Transport Department, Fire Services Department, Planning Department, Home Affairs Department, Lands Department for clearance. A Letter of Requirements would be issued if no objection was raised by the departments concerned and the OSA licence will be issued upon full compliance of all the requirements;
- (v) From the restaurant licensing point of view, no shelters other than movable sunshades and the like should be allowed in the OSA. Prior approval and consent must be obtained from the BA under the Buildings Ordinance (Cap. 123) for the construction of awnings or other supporting structures. The main licensing criteria for OSA in respect of Hygiene Requirements are as follows:
 - (1) an OSA should normally be annexed to restaurant premises, i.e. food and beverages need not be conveyed through an intervening public thoroughfare;
 - (2) additional food preparation space and scullery area equivalent to 1/10 of the OSA area should be provided inside the roofed-over restaurant premises;
 - (3) adequate sanitary and ablution facilities should be provided within the roofed-over area of the premises for use by the customers; and
 - (4) area in a backyard/open yard where there are no waste/soil pipes or manholes prejudicing the hygienic operation of the OSA will also be considered;

- (vi) the operation of the eating place must not cause any environmental nuisance to the surrounding. The refuse generated by the eating place are regarded as trade refuse. The management or owner of the Sites is responsible for its removal and disposal at their expenses. The operation of any business should not cause any obstruction or environmental nuisance in the vicinity; and
- (vii) proper licence issued by FEHD is required if related place of entertainment is involved. Any person who desires to keep or use any place of public entertainment for example a theatre and cinema or a place, building, erection or structure, whether temporary or permanent, on one occasion or more, capable of accommodating the public presenting or carrying on public entertainment within Places of Public Entertainment Ordinance (Cap. 172) and its subsidiary legislation, such as a concert, opera, ballet, stage performance or other musical, dramatic or theatrical entertainment, cinematograph or laser projection display or an amusement ride and mechanical device which is designed for amusement, a Place of Public Entertainment Licence (or Temporary Place of Public Entertainment Licence) should be obtained from FEHD whatever the general public is admitted with or without payment; and
- (i) to note the comments of the Project Manager (North), Civil Engineering and Development Department that the Sites are in close proximity to the Phase 1 development of San Tin Technopole. The applicant should facilitate the coordination with the responsible project officers regarding the interfacing matters, if any.