

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATIONS NO. A/STT/39 and 40

- Applicant** : Ms. SIU Yuk Chun represented by Top Bright Consultants Ltd.
- Sites** : Lot 215 (Part) in D.D. 102, San Tin, (Application No. A/STT/39)
Yuen Long
- Lot 215 (Part) in D.D. 102 and Adjoining (Application No. A/STT/40)
Government Land (GL), San Tin,
Yuen Long
- Site Areas** : About 44m² (Application No. A/STT/39)
- About 64m² (Application No. A/STT/40)
(including GL of about 18m² or about
28.1%)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved San Tin Technopole Outline Zoning Plan (OZP) No. S/STT/2
- Zoning** : “Village Type Development” (“V”)
[restricted to a maximum building height of 3 storeys (8.23m)]
- Applications** : Temporary Eating Place (Outside Seating Accommodation of a Restaurant)
for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary eating place (outside seating accommodation (OSA) of a restaurant) for a period of three years at each of the application sites (the Sites), which fall within areas zoned “V” on the OZP (**Plan A-1**). According to the Notes of the OZP for “V” zone, ‘Eating Place’ (being not on the ground floor of a New Territories Exempted House (NTEH)) is a Column 2 use and requires planning permission from the Town Planning Board (the Board). The Sites are currently hard-paved and occupied by the applied uses without valid planning permission (**Plans A-2 to A-4c**).
- 1.2 The Sites are accessible from Castle Peak Road – San Tin (**Plan A-2**). According to the applicant, the applied uses serve as extensions of the existing licensed restaurants on the ground floors of village houses No. 1 to 4 within Lot 215 in D.D. 102. The OSA under application No. A/STT/39 with a total floor area of about 44m² involves a canvas

awning (not more than 3.4m in height) and three tables which can accommodate about 12 people; while the OSA under application No. A/STT/40 with a total floor area of about 64m² involves two canvas awnings (not more than 3.4m in height) and six tables which can accommodate about 24 people. The operation hours of both OSAs are from 6:00 a.m. to 10:30 p.m. daily, including public holidays. No parking or loading/unloading space is provided within the Sites. The layout plans of the respective OSAs submitted by the applicant are at **Drawings A-1** and **A-2**.

1.3 In support of the applications, the applicant has submitted the following documents:

- (a) Application Form and Supplementary Planning Statement (SPS) for Application No. A/STT/39 received on 28.7.2026 (**Appendix Ia**)
 - (b) Application Form and SPS for Application No. A/STT/40 received on 28.7.2026 (**Appendix Ib**)
 - (c) Further Information (FI) received on 1.9.2026* for Application No. A/STT/40 (**Appendix Ic**)
- * accepted and exempted from publication and recounting requirements*

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the applications are detailed in the Application Forms, SPSs and FI at **Appendices Ia to Ic**, and can be summarised as follows:

- (a) The OSAs at the Sites are extensions to existing licensed restaurants on the ground floors of village houses. They can provide catering facilities to serve local residents of the surrounding villages, workers and visitors.
- (b) The applied uses are located within “V” zone with direct access to Castle Peak Road – San Tin, where most of the commercial facilities are located on the ground floors of village houses. The Sites are also located adjacent to recreational areas and tourist attractions, allowing the applied uses to provide catering services to visitors and tourists. The applied uses are considered in line with the planning intention of “V” zone.
- (c) The Sites are within walking distance of the nearby village settlements and are well served by public transportation such as minibuses and buses. While no parking spaces will be provided at the Sites, there is sufficient supply of parking spaces in the vicinity, which can also be used for the delivery of restaurant supplies. Adverse traffic impact is not anticipated.
- (d) The applicant commits that no oil fumes or cooking odours will be emitted into the outdoor environment. Upon the approval of the applications, the applicant will submit drainage and fire service installations proposals. Significant adverse impacts on drainage, sewerage, fire safety and environmental aspects are not anticipated.

3. **Compliance with the “Owner’s Consent/Notification” Requirements**

The applicant is not a “current land owner” of the Sites but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by posting site notices and sending notices to the San Tin Rural

Committee. Detailed information would be deposited at the meeting for Members' inspection. For the GL portion of the Site under application No. A/STT/40, the requirements as set out in TPB PG-No. 31B are not applicable.

4. **Town Planning Board Guidelines**

The Sites are located within the Wetland Buffer Area (WBA) in Deep Bay Area (**Plan A-1**). 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) and 'Application for Eating Place within "Village Type Development" zone in Rural Areas under section 16 of the Town Planning Ordinance' (TPB PG-No. 15A) are relevant to the applications. Relevant extracts of the Guidelines are at **Appendix II**.

5. **Background**

The Sites are currently not subject to any active planning enforcement action.

6. **Previous Application**

There is no previous application covering the Sites.

7. **Similar Applications**

During the past five years, there were ten similar applications (No. A/YL-ST/604, 621, 622, 637, 638, 651, 666, A/STT/7, 30 and 35) involving temporary eating place at six sites within the same "V" zone in the vicinity of the Sites. All applications were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board between 2022 and 2026 mainly on the considerations that the proposed use would not jeopardise the long-term planning intention of the "V" zone; the proposed use was not incompatible with the surrounding areas; the proposed use was in line with TPB PG-No. 15A; and the relevant government departments consulted had no objection to or no adverse comment on the application or their concerns could be addressed by relevant approval conditions. Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

8. **The Sites and Their Surrounding Areas (Plans A-1 to A-4c)**

8.1 The Sites are:

- (a) currently hard-paved and occupied by the applied uses without valid planning permission;
- (b) accessible from Castle Peak Road – San Tin;
- (c) located at the fringe of the seven recognised villages¹ in San Tin (San Tin 'Seven

¹ These seven recognised villages include Tung Chun Wai, Yan Sau Wai, On Loong Tsuen, Wing Ping Tsuen, Fan Tin, San Loong Tsuen and Ching Loong Tsuen.

Villages’); and

(d) located within WBA of Deep Bay Area.

- 8.2 The surrounding areas are rural in character and predominated by village settlements (some with restaurants/retail shops on ground floors), car parks, post office, residential care home for the elderly, temple, Tun Yu School, vacant land and grassland.

9. Planning Intention

The planning intention of the “V” zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small House (SH) by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a NTEH. Other commercial, community and recreational uses may be permitted on application to the Board.

10. Comments from Relevant Government Departments

- 10.1 Apart from the government department as set out in paragraph 10.2 below, other departments consulted have no objection to or no adverse comment on the applications. Their general comments on the applications and advisory comments in the Recommended Advisory Clauses, if any, are provided in **Appendices IV and V** respectively.
- 10.2 The following government department has adverse comment on application No. A/STT/40:

Land Administration

- 10.2.1 Comments of the District Lands Officer/Yuen Long, LandsD (DLO/YL of LandsD):

- (a) has adverse comment on the application;
- (b) the Site of application No. A/STT/40 comprises GL and 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;
- (c) the private land of Lot 215 in D.D. 102 is covered by Short Term Waiver (STW) No. 443 to permit structures for the purpose of “Shop”;
- (d) the GL within the Site of application No. A/STT/40 (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;

- (e) there is no Small House application under processing nor approved at the Site of application No. A/STT/40; and
- (f) advisory comments are detailed in **Appendix V**.

11. Public Comment Received During Statutory Publication Period

On 4.8.2026, the applications were published for public inspection. During the statutory public inspection period, no public comment was received.

12. Planning Considerations and Assessments

- 12.1 The applications are for temporary eating place (OSA of a restaurant) for a period of three years at each of the Sites zoned “V” (**Plan A-1**). Whilst the applied uses are not entirely in line with the planning intention of “V” zone, according to the applicant, the applied uses are intended to serve the local residents, workers and visitors nearby. Besides, DLO/YL of LandsD advises that there is no SH application approved or under processing at each of the Sites. The applied uses of temporary nature would not adversely affect the land availability for NTEH/SH development within the “V” zone in the long term. In view of the above and taking into account the planning assessments below, there is no objection to the applied uses on a temporary basis for a period of three years.
- 12.2 The applied uses are considered not incompatible with the surrounding areas which are rural in character and predominated by village settlements (some with restaurants/retail shops on ground floors), car parks, post office, residential care home for the elderly, temple, Tun Yu School, vacant land and grass land (**Plan A-2**). The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the applications from landscape planning perspective and considers that the applied uses are not incompatible with the landscape setting in the proximity and significant adverse landscape impact arising from the applied uses is not anticipated.
- 12.3 The Sites fall within the WBA 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 applications from nature conservation point of view.
- 12.4 The applications are generally in line with TPB PG-No. 15A in that the applied OSAs are located at the fringe of the San Tin ‘Seven Villages’ and are accessible from Castle Peak Road – San Tin. Other relevant government departments consulted, including the Commissioner for Transport, Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department, Director of Fire Services and Director of Food and Environmental Hygiene have no objection to or no adverse comment on the applications. To address the technical requirements of the concerned departments, relevant approval conditions are recommended in paragraph 13.2 below. It is also recommended to advise the applicant to follow the latest ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ to

minimise any potential environmental nuisances on the surrounding areas. Regarding DLO/YL of LandsD's concern on the unlawful occupation of GL under application No. A/STT/40, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.

- 12.5 There are ten approved similar applications within the same "V" zone in the vicinity of the Site in the past five years as detailed in paragraph 7 above. Approving the current applications is in line with the Committee's previous decisions.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12, PlanD has no objection to the applications.
- 13.2 Should the Committee decide to approve the applications, it is suggested that the permissions shall be valid on a temporary basis for a period of three years until 25.9.2029. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission of a drainage proposal within **6** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 25.3.2027;
- (b) in relation to (a) above, the implementation of the drainage proposal within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 25.6.2027;
- (c) in relation to (b) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (d) the submission of a fire service installations proposal within **6** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 25.3.2027;
- (e) in relation to (d) above, the implementation of the fire service installations proposal within **9** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 25.6.2027;
- (f) if the above planning condition (c) 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; and
- (g) if any of the above planning condition (a), (b), (d) or (e) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

Advisory clauses

The recommended advisory clauses are attached at **Appendix V**.

- 13.3 Alternatively, should the Committee decide to reject the applications, the following reason for rejection is suggested for Members' reference:

the applied uses are not in line with the planning intention of the "Village Type Development" zone, which is to provide land primarily for development of Small Houses by indigenous villagers. There is no strong planning justification in the submissions for a departure from the planning intention, even on a temporary basis.

14. Decision Sought

- 14.1 The Committee is invited to consider the applications and decide whether to grant or refuse to grant permissions.
- 14.2 Should the Committee decide to approve the applications, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permissions, and the period of which the permissions should be valid on a temporary basis.
- 14.3 Alternatively, should the Committee decide to reject the applications, Members are invited to advise what reason(s) for rejection should be given to the applicant.

15. Attachments

Appendix Ia	Application Form and SPS for Application No. A/STT/39 received on 28.7.2026
Appendix Ib	Application Form and SPS for Application No. A/STT/40 received on 28.7.2026
Appendix Ic	FI received on 1.9.2026 for Application No. A/STT/40
Appendix II	Relevant Extracts of TPB PG-No. 12C and 15A
Appendix III	Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Drawing A-1	Layout Plan of Application No. A/STT/39
Drawing A-2	Layout Plan of Application No. A/STT/40
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4c	Site Photos