

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/STT/7**

**Applicant** : Asia Tender Limited represented by R-riches Property Consultants Limited

**Site** : Lots 196 (Part), 197 and 199 RP in D.D. 102 and Adjoining Government Land (GL), San Tin, Yuen Long

**Site Area** : About 999m<sup>2</sup> (including GL of about 66m<sup>2</sup> (about 6.6%))

**Lease** : Block Government Lease (demised for agricultural use)

**Plan** : Draft San Tin Technopole Outline Zoning Plan (OZP) No. S/STT/1

**Zoning** : “Village Type Development” (“V”)

**Application** : Temporary Eating Place with Ancillary Facilities for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary eating place with ancillary facilities for a period of three years at the application site (the Site) which falls within an area zoned “V” on the draft San Tin Technopole OZP No. S/STT/1 (**Plan A-1a**). According to the Notes of the OZP for “V” zone, ‘Eating Place’, other than on the ground floor of a New Territories Exempted House (NTEH), is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently occupied by the applied use without valid planning permission (**Plans A-2 and A-4**).
- 1.2 The applied use comprises five single-storey structures (about 2.5m to 4m in height) for restaurant, washroom, kitchen, storage, covered walkway and meter room with a total gross floor area (GFA) of about 522m<sup>2</sup> (**Drawing A-1**). The Site is accessible at its northeast from Castle Peak Road – San Tin via a local access (**Plan A-2**). The operation hours of the applied use are from 9:00 a.m. to 10:00 p.m. daily, including public holidays. The estimated number of staff working at the Site is eight. The estimated number of visitors per day is about 50. According to the applicant, the applied eating place use is to serve nearby residents and workers.
- 1.3 The Site, in whole or in part, is the subject of eight previous applications. The last application (No. A/YL-ST/621), involving a smaller GFA (reduced by 46m<sup>2</sup> as compared to the current application) for the same applied use with similar layout and same site area submitted by the same applicant of the current application, was approved by the Rural

and New Town Planning Committee (the Committee) of the Board in 2022. The planning permission was subsequently revoked on 15.4.2024 due to non-compliance with the time-limited approval condition on the implementation of fire service installations (FSIs) proposal (detailed under paragraph 6 below).

1.4 In support of the application, the applicant has submitted the following documents:

- |     |  |               |
|-----|--|---------------|
| (a) | Application Form received on 21.6.2024                     | (Appendix I)  |
| (b) | Supplementary Planning Statement                           | (Appendix Ia) |
| (c) | Further Information (FI) received on 1.8.2024 <sup>#</sup> | (Appendix Ib) |
- <sup>#</sup>*accepted and exempted from the publication and recounting requirements*

## 2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Application Form, Supplementary Planning Statement and FI at **Appendices I to Ib**. They can be summarised as follows:

- (a) The applicant has complied with the approval conditions of the previous application (No. A/YL-ST/621) related to the submission and implementation of drainage proposal and submission of FSIs proposal. Due to the changes in internal layout, the applicant did not have sufficient time to revise and implement the FSIs proposal for the previous application. In the current application, the applicant submitted a revised FSIs proposal with Certificates of FSIs and Equipment. The applicant also undertakes to maintain the implemented drainage facilities and FSIs in good condition at all time during the approval period of the application. Without major change in planning circumstances, the Site should be allowed for the applied use.
- (b) The applied use is on a temporary basis and will not jeopardise the long-term planning intention of the “V” zone. The development could alleviate the pressing demand for eating place in the vicinity. There are also approved planning applications for similar uses nearby.
- (c) Visitors and staff are expected to access the Site by public transport services, which are available in the vicinity. One light goods vehicle will be deployed for delivering of goods to the Site once a day between 10 a.m. to 11 a.m. for approximately 10 minutes at the lay-by near the Site (**Drawing A-2**). Goods will then be transported by trolleys or hand-carried by staff (i.e. the loading/unloading (L/UL) point) to the Site. Adverse traffic impact to the pedestrian and surrounding road network is not envisaged.
- (d) The applicant will follow ‘Control of Oil Fume and Cooking Odour from Restaurant and Food Business’ issued by the Environmental Protection Department (EPD) to control oily fume and cooking odour emissions generated from the eating place during its operation. Adequate air pollution control equipment will be provided at the kitchen ventilation system for treating cooking fume emissions before discharge to the outdoor environment, in order to fulfil the requirements of the Air Pollution Control Ordinance.
- (e) The applicant will strictly implement good practices under Professional Persons Environmental Consultative Committee Practice Notes (ProPECC PN 1/23) for sewage treatment at the Site. Licensed collectors will be employed by the applicant to collect and

dispose of sewage regularly to minimise adverse environmental impact to the surrounding areas.

- (f) The applicant will strictly follow the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (COP) issued by EPD and statutory requirements under relevant pollution control ordinances to minimise adverse environmental impacts and nuisance to the surrounding areas.
- (g) The applicant will carry out modification works on the existing structures at the Site to rectify the differences upon obtaining planning approval from the Board. The applicant will strictly follow the approved scheme during the approval period of the current application.

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

The applicant is not a “current land owner” of the private land within the Site 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 notice and sending notice to the San Tin Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the requirements as set out in the TPB PG-No. 31B are not applicable.

### **4. Town Planning Board Guidelines**

The Site is located in the Wetland Buffer Area (WBA) (**Plan A-1a**) in Deep Bay Area. 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 application. Relevant extracts of the Guidelines are at **Appendix II**.

### **5. Background**

The Site is not subject to any active planning enforcement action.

### **6. Previous Applications**

- 6.1 The Site (in whole or in part) is the subject of eight previous applications (No. A/YL-ST/125, 135, 245, 315, 383, 481, 540 and 621) of which the first one was rejected by the Committee and the remaining seven were approved with conditions by the Committee.
- 6.2 The last application (No. A/YL-ST/621) submitted by the same applicant for the same applied use with a similar layout was approved by the Committee on 15.7.2022 for a period of three years mainly on the considerations that the temporary approval would not jeopardise the long-term planning intention of the “V” zone; the proposed use was not incompatible with the surrounding land uses; there was no objection to or no adverse comment from concerned government departments; the proposed use was generally in line with TPB PG-No. 12C and 15A; and approval of the application was in line with the previous decisions of the Committee. However, the planning permission was subsequently revoked on 15.4.2024 due to non-compliance with the approval condition

on the implementation of FSIs proposal.

- 6.3 The remaining seven applications (No. A/YL-ST/125, 135, 245, 315, 383, 481 and 540) were for public car/lorry park which are not relevant to the current application.
- 6.4 Details of these previous applications are summarised at **Appendix III** and their locations are shown on **Plan A-1b**.

## **7. Similar Applications**

- 7.1 During the past five years, there are seven similar applications (No. A/YL-ST/565, 604, 622, 637, 638, 651 and 666) for temporary eating place within the subject “V” zone<sup>1</sup> on the draft San Tin Technopole OZP. All applications were approved with conditions by the Committee between 2020 and 2024 mainly on the similar considerations as stated in paragraph 6.2 above.
- 7.2 Details of the similar application are summarised at **Appendix III**. Their locations are shown on **Plan A-1a**.

## **8. The Site and Its Surrounding Areas (Plans A-1a to A-4)**

- 8.1 The Site is:
  - (a) accessible at the northeast via a local access from Castle Peak Road – San Tin;
  - (b) currently occupied by the applied temporary eating place use without valid planning permission; and
  - (c) located within the WBA in Deep Bay Area.
- 8.2 The surrounding areas are predominantly village houses/residential dwellings, restaurants (with valid planning permission under application No. A/YL-ST/666), car parks, post office, temporary structures for storage use, retail shops and vacant land.

## **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 Houses 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.

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<sup>1</sup> These similar applications fell within the same “V” zone on the then approved San Tin OZP No. S/YL-ST/8 at the time of consideration by the Committee.

## **10. Comments from Relevant Government Departments**

All government departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided in **Appendices IV and V** respectively.

## **11. Public Comment Received During Statutory Publication Period**

On 28.6.2024, the application was published for public comment. During the statutory publication period, one public comment was received from an individual raising concerns that the approval condition of previous approval had not been complied with, which could lead to safety and hygienic problems (**Appendix VI**).

## **12. Planning Considerations and Assessments**

- 12.1 The application is for temporary eating place with ancillary facilities for a period of three years at the Site which falls within an area zoned “V” on the OZP. Although the applied use is not entirely in line with the planning intention of the “V” zone, it could serve the adjacent villages and meet the local demand for eating place in the vicinity. The District Lands Officer/Yuen Long, Lands Department has no adverse comment on the application and advises that there is no Small House application being processed/approved at the Site. The applied use is temporary in nature which would not adversely affect the land availability for NTEH within the “V” zone in the long term. Approval of the application on a temporary basis for a period of three years would not jeopardise the long term planning intention of the “V” zone.
- 12.2 Given the small scale and nature of the applied eating place use to serve the local community, it is considered not incompatible with the surrounding land uses which are predominantly village houses/residential dwellings intermixed with restaurants, car parks, shops, storage use and vacant land. The Chief Town Planner/Urban Design and Landscape, Planning Department has no adverse comment on the application as significant landscape impact arising from the applied use at the Site is not anticipated.
- 12.3 The Site falls within the WBA of the TPB PG-No. 12C and the guidelines specify 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.
- 12.4 The application is generally in line with TPB PG-No. 15A in that the applied use is located at the fringe of Wing Ping Tsuen and is accessible from Castle Peak Road – San Tin. Whilst there was one substantiated environmental complaint related to water pollution caused by the nearby restaurants, the applicant endeavours to follow the COP and guidelines issued by the EPD to minimise the air, water and noise pollution to the surrounding environment. Concerned government departments including the Director of Food and Environmental Hygiene, Director of Environmental Protection, Commissioner for Transport, Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) and Director of Fire Services (D of FS) have no objection to or no adverse comments on food and environmental hygiene, environmental, traffic, drainage and fire safety aspects respectively. Should the application be approved, technical requirements of the concerned government departments can be addressed through relevant approval

conditions as recommended in paragraph 13.2 below. Besides, the applicant will be advised to follow the latest COP issued by EPD to minimise any potential environmental impacts on the surrounding areas

- 12.5 As detailed in paragraphs 6 and 7 above, the Site is the subject of a previous approval for the same applied use and seven approved similar applications within the same “V” zone in the past five years. The planning permission of the previous application (No. A/YL-ST/621) was subsequently revoked on 15.4.2024 due to non-compliance with time-limited approval condition related to the implementation of FSIs proposal, while all other time-limited approval conditions had been complied with. To support the current application, the applicant has submitted the accepted drainage proposal and a revised FSIs proposal, and CE/MN, DSD and D of FS have no in-principle objection to the application. Besides, the applicant also undertakes to maintain the implemented drainage facilities and FSIs at the Site. Approval of the current application is in line with the previous decisions of the Committee. Should the Committee decide to approve the application, the applicant will be advised that should he fail to comply with any of the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration may not be given to any further application.
- 12.6 Regarding the public comment as stated in paragraph 11 above, the planning considerations and departmental comments above are relevant.

### **13. Planning Department's Views**

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comment mentioned in paragraph 11 above, the Planning Department has no objection to the application.
- 13.2 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 until 16.8.2027. The following conditions of approval and advisory clauses are also suggested for Members' reference:

#### **Approval conditions**

- (a) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (b) the submission of records of the existing drainage facilities on the site within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 16.11.2024;
- (c) the submission of a revised 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 16.2.2025;
- (d) in relation to (c) above, the implementation of the revised 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 16.5.2025;

- (e) 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; and
- (f) if any of the above planning condition (b), (c) or (d) 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 application, the following reason for rejection is suggested for Members' reference:

the applied use is not in line with the planning intention of the "Village Type Development" zone, which 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 Houses by indigenous villagers. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.

### **14. Decision Sought**

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

### **15. Attachments**

<b>Appendix I</b>	Application Form received on 21.6.2024
<b>Appendix Ia</b>	Supplementary Planning Statement
<b>Appendix Ib</b>	FI received on 1.8.2024
<b>Appendix II</b>	Relevant Extracts of TPB PG-No. 12C and 15A
<b>Appendix III</b>	Previous and Similar Applications
<b>Appendix IV</b>	Government Departments' General Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Appendix VI</b>	Public Comment
<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	Proposed L/UL Point and Delivery Route
<b>Plan A-1a</b>	Location Plan with Similar Applications
<b>Plan A-1b</b>	Previous Application Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo

**Plan A-4**

Site Photos

**PLANNING DEPARTMENT  
AUGUST 2024**