

TPB PG-NO. 15A (*applicable to OZPs which have been amended/updated to incorporate the revised MSN*)

**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**

(Important Note :-

The Guidelines are intended for general reference only.

Any enquiry on this pamphlet should be directed to the Planning Information and Technical Administration Unit of the Planning Department, 17/F, North Point Government Offices, 333 Java Road, Hong Kong - Tel. No. 2231 5000.

The Guidelines are subject to revision without prior notice.)

1. Scope

- 1.1 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.
- 1.2 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.
- 1.3 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.
- 1.4 These Guidelines set out the planning criteria for assessing planning applications for eating place use in the "V" zone in the rural areas.

2. Definition of New Territories Exempted House (NTEH)

“NTEH” is defined in the Covering Notes in rural outline zoning plans.

3. Requirement for Planning Permission

Eating place use on the ground floor of a NTEH within the “V” zone does not require planning permission. However, such use on other floors of a NTEH, on open ground as an extension to a ground floor eating place in a NTEH, or as a free-standing development within the "V" zone requires planning permission from the Board.

4. Main Planning Criteria

- 4.1 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.
- 4.2 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.
- 4.3 Sympathetic consideration may also be given to any application which would not have adverse impacts on drainage, sewage disposal facilities or fire safety aspects.
- 4.4 For any application on open ground as an extension to ground floor eating place in a NTEH 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.
- 4.5 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.

- 4.6 All other statutory or non-statutory requirements of relevant Government departments should be met.

**TOWN PLANNING BOARD
JUNE 2003**

**Similar s.16 Applications within “Village Type Development” Zone on
Cheung Chau Outline Zoning Plan**

1. Approved Similar Applications

<u>Application No.</u>	<u>Location</u>	<u>Development</u>	<u>Date of Consideration and Decision</u>	<u>Decision</u>
A/I-CC/4	Lot 749 in D.D. Cheung Chau, Cheung Chau	Proposed Eating Place (Restaurant) (2 storeys)	28.3.2008 (RNTPC)	Approved with condition*
A/I-CC/5	Lot 749 in D.D. Cheung Chau, Cheung Chau	Proposed Eating Place (Restaurant) (2 storeys)	20.6.2008 (RNTPC)	Approved with condition*
A/I-CC/7	Lot 749 in D.D. Cheung Chau, Cheung Chau	Proposed Eating Place (Restaurant) (3 storeys)	5.12.2008 (RNTPC)	Approved with condition*
A/I-CC/19	G/F., 83 San Hing Street, Cheung Chau	Proposed Eating Place	4.9.2015 (RNTPC)	Approved with condition*
A/I-CC/20	G/F, Lot No. 817 in D.D. Cheung Chau, 3 Tung Wan Road, Cheung Chau	Proposed Eating Place	18.12.2015 (RNTPC)	Approved with condition*
A/I-CC/23	83 San Hing Street and Adjoining Government Land, Cheung Chau	Proposed Redevelopment of a 3-storey Building for Eating Place, Shop and Services	1.6.2018 (RNTPC)	Approved with condition*

* The provision/submission of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the Town Planning Board.

2. Rejected Similar Application

<u>Application No.</u>	<u>Location</u>	<u>Development</u>	<u>Date of Consideration</u>	<u>Decision/ Main Reasons for Rejection</u>
A/I-CC/6	Lot 749 in D.D. Cheung Chau, Cheung Chau	Proposed Eating Place (Restaurant) (4 storeys) with Minor Relaxation of Building Height to 14m	19.9.2008 (RNTPC)	Rejected/ R1 and R2

R1: There was insufficient information or merits given in the application to justify a relaxation of the building height restriction.

R2: The approval of the application would set an undesirable precedent for future development with alternative building height which might affect the 3-storey village housing character of Cheung Chau.

Advisory Clauses

- (a) to note the comments of the Chief Building Surveyor/New Territories East 1 & Licensing, Buildings Department (BD), including the followings:
 - i. before any new building works are to be carried out on the application site, the prior approval and consent from the Building Authority should be obtained, otherwise they are unauthorized building works;
 - ii. if there are existing structures which had been erected on leased land without approval of the BD (not being a NTEH), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the captioned application;
 - iii. for authorized building works (UBW) erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's 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 application site under the BO; and
 - iv. if the proposed use under application is subject to the issue of a licence, please be reminded that the building safety and other relevant requirements as may be imposed by the licensing authority would need to be complied with;
- (b) to note the comment of the Director of Food and Environmental Hygiene that anyone who would conduct any food handling or any class of food business at the application premises shall obtain a proper food licence issued by Food and Environmental Hygiene Department and a pre-requisite in complying with statutory plan restrictions is necessary. Moreover, no environmental nuisance shall be generated during the operation of the food business at the application premises; and
- (c) to note the comment of the Director of Fire Services that relevant fire service requirements will be formulated upon receipt of formal application from licensing authority.