

**Relevant Extract 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)**

The main planning criteria for assessing the application include:

- (a) the eating place use should not create 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 Town Planning 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 Applications
within the same “Village Type Development” zone on the
approved Lam Tsuen Outline Zoning Plan No. S/NE-LT/11**

Approved Applications

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-LT/332	Outdoor Seating Area (Eating Place)	14.1.2005	A1.1, A2.1, A3-A7
A/NE-LT/581	Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of Three Years	14.9.2016 (revoked on 14.3.2017)	A1.1, A2.1, A7–A9, A10.1 A11.1, A12.1, A13.1, A14
A/NE-LT/608	Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of Three Years	26.5.2017 (revoked on 26.8.2019)	A1.2, A2.2, A7–A9, A10.2 A11.2, A12.2, A13.2, A14

Approval Conditions

- A1.1 The submission of drainage proposal within 6 months from the date of planning approval.
- A1.2 The submission of drainage proposal within 3 months from the date of planning approval.
- A2.1 The implementation of drainage proposal within 9 months from the date of planning approval.
- A2.2 The implementation of drainage proposals within 6 months from the date of planning approval.
- A3 Any waste matter, sewage, wastewater, sludge or effluent should be deposited/ discharged in a proper manner and should not be discharged directly or indirectly into stormwater drain, channel, stream course at any time without prior written consent of Water Supplies Department (WSD).
- A4 No chemicals including fertilizers should be used without prior approval from WSD at any time nor should be used within the 30m buffer zones for the stream courses at any time.
- A5 No storage nor discharge of pesticide or toxicant, flammable or toxic solvents, petroleum oil or tar and other toxic substances was allowed within the water gathering grounds at any time.

- A6 The two large trees within and in close proximity to the application site should be protected at all times.
- A7 Revocation clause
- A8 No operation between 11:00 pm and 11:00 a.m. from Mondays to Sundays, as proposed by the applicant, is allowed on the site during the planning approval period.
- A9 No permanent structure or support for any structure shall be erected within the site during the planning approval period.
- A10.1 The submission of sewerage connection proposal within 6 months from the date of planning approval.
- A10.2 The submission of sewerage connection proposal within 3 months from the date of planning approval.
- A11.1 The implementation of sewerage connection proposal within 9 months from the date of planning approval.
- A11.2 The implementation of sewerage connection proposal within 6 months from the date of planning approval.
- A12.1 The submission of proposal of water supplies for fire fighting and fire service installations within 6 months from the date of planning approval.
- A12.2 The submission of proposal of water supplies for fire fighting and fire service installations within 3 months from the date of planning approval.
- A13.1 The implementation of water supplies for fire fighting and fire service installations proposal within 9 months from the date of planning approval.
- A13.2 The implementation of water supplies for fire fighting and fire service installations proposal within 6 months from the date of planning approval.
- A14 Reinstatement clause

Recommended Advisory Clauses

- (a) to note the comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) that the applicant should obtain relevant approval from the Food and Environmental Hygiene Department (FEHD) for an outside seating accommodation (OSA). LandsD would exercise its discretion acting in the landlord's capacity in dealing with the OSA Land Licence (OSALL) concerned. If OSALL approval is given, it will be subject to such terms and conditions as imposed by LandsD and the applicant will have to pay the necessary fee(s) as required;
- (b) to note the comments of the Commissioner of Police (C of P) that the applicant should avoid obstruction to the area concerned caused by visitors' vehicles;
- (c) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that the applicant should submit an application to the Food and Environmental Hygiene Department (FEHD) to include an OSA into the licensed restaurant. Should the OSA application be acceptable for further processing, FEHD will refer it to relevant departments for clearance. A Letter of Requirements would be issued if no objection was raised by the departments concerned;
- (d) to note the comments of the Director of Environmental Protection (DEP) that:
 - (i) the restaurant should be connected to the public sewer before operating the OSA;
 - (ii) adequate land space within the Site should be reserved by the applicant for connection to and maintenance of the public sewer; and
 - (iii) full ownership, cost and responsibility of connection and maintenance of the sewerage connection system will be borne by the applicant;
 - (iv) in view of the proximity of the Site to nearby domestic premises, the applicant should observe and comply with relevant environmental pollution control ordinances (including *Noise Control Ordinance* and *Air Pollution Control Ordinance*), and carry out pollution abatement measures in relevant guidelines, including *General Environmental Guidelines for Outside Seating Accommodation* and *Control of Oily Fume and Cooking Odour from Restaurants and Food Business*, to avoid creating any nuisance; and
 - (v) as the OSA in open areas would be subject to substantial amount of wind-blown rain, the applicant should follow ProPECC PN 5/93, including connection of drainage outlets in open areas to stormwater drains and those in covered areas to foul sewers in accordance with paras. 5(i) and (ii);
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:
 - (i) there is no public drain maintained by DSD in the vicinity of the Site. The applied use should have its own stormwater collection and discharge system to cater for the runoff generated within the Site and overland flow from other areas

surrounding the Site;

- (ii) the applicant should design the drainage proposal based on actual site condition for DSD's comment/agreement. In the design, the applicant should consider the workability, the impact to the surrounding environment and seek comments from other concerned parties/departments if necessary. The applicant should make sure no adverse impact will be caused to the area due to the proposed works. The existing natural streams, village drains, ditches and the adjacent areas should not be adversely affected;
 - (iii) the applicant should provide the sewerage connection proposal for DSD's agreement. In addition, to ensure the sustainability of the public sewerage network, the applicant/owner should demonstrate that the runoff within the Site will be served by a designated stormwater collection and discharge system and shall not be drained to the public sewerage network; and
 - (iv) the applicant should rectify/modify the existing drainage/sewerage systems if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify Government against claims and demands arising out of damage or nuisance caused by failure of the system;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that if the OSA is subject to the issue of a licence, any existing structures on the Site intended to be used for such purpose are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority;
- (g) to note the comments of the Director of Fire Services (D of FS) that:
- (i) the applicant should submit relevant layout plans incorporated with the proposed fire service installations (FSIs) for his approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of the proposed FSIs to be installed should be clearly marked on the layout plans; and
 - (ii) however, if the proposed structure(s) is required to comply with the Building Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (h) to note the comments of the Director of Electrical and Mechanical Services (DEMS) that:
- (i) there is a high pressure underground town gas transmission pipeline (running along Lam Kam Road) in the vicinity of the Site. The applicant shall therefore liaise with the Hong Kong and China Gas Company Limited in respect of the exact locations of existing or planned gas pipes/gas installations in the vicinity of the Site and any required minimum set back distance away from them during the design and construction stages of development; and
 - (ii) the applicant should observe Electrical and Mechanical Services Department's requirements on the "Avoidance of Damage to Gas Pipes 2nd Edition" for reference.