

**Relevant Extract of Town Planning Board Guidelines No. 15A 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 relevant planning criteria for assessing applications 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 be given if the eating place use 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 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;
- (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.

**Relevant Extract of Town Planning Board Guidelines No. 34B for
“Renewal of Planning Approval and Extension of Time for Compliance with
Planning Conditions for Temporary Use or Development”
(TPB PG-No. 34B)**

1. The criteria for assessing applications for renewal of planning approval include:
 - (a) whether there has been any material change in planning circumstances since the previous temporary approval was granted (such as a change in the planning policy/ land-use zoning for the area) or a change in the land uses of the surrounding areas;
 - (b) whether there are any adverse planning implications arising from the renewal of the planning approval (such as pre-emption of planned permanent development);
 - (c) whether the planning conditions under previous approval have been complied with to the satisfaction of relevant Government departments within the specified time limits;
 - (d) whether the approval period sought is reasonable; and
 - (e) any other relevant considerations.

2. Under normal circumstances, the approval period for renewal should not be longer than the original validity period of the temporary approval. In general, the Board is unlikely to grant an approval period exceeding three years unless there are strong justifications and the period is allowed for under the relevant statutory plans. Depending on the circumstances of each case, the Board could determine the appropriate approval period, which may be shorter than the time under request.

**Previous s.16 Application for Temporary Eating Place
(Outside Seating Accommodation (OSA) of a Restaurant) for
a Period of 3 Years Within the “V” Zone on the
Approved Ting Kok Outline Zoning Plan No. S/NE-TK/19**

Approved Applications

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-TK/218	Temporary Eating Place (OSA of a Restaurant)	20/10/2006 (Revoked on 20/01/2007)	A1 – A4, A7
A/NE-TK/236	Proposed Temporary Eating Place (OSA of a Restaurant)	24/8/2007	A1 – A4, A7
A/NE-TK/315	Renewal of Planning Approval for Temporary “Eating Place (OSA of a Restaurant)” for a Period of 3 Years	13/8/2010	A1, A6, A7
A/NE-TK/447	Renewal of Planning Approval for Temporary Eating Place (OSA of a Restaurant) for a Period of 3 Years	21/6/2013	A1, A2, A5, A7
A/NE-TK/584	Renewal of Planning Approval for Temporary Eating Place (OSA of a Restaurant) for a Period of 3 Years	29/7/2016	A1, A2, A5 – A7

Approval Conditions

- A1. setback of the development
- A2. provision of fire services installations (FSIs) within the specified periods from the date of the planning approval
- A3. submission of drainage/sewage connection proposal within the specified periods from the date of the planning approval
- A4. provision of drainage connection within the specified periods from the date of the planning approval
- A5. submission of FSIs proposal within the specified periods from the date of the planning approval
- A6. maintenance of the drainage facilities at all times during the planning approval period

- A7. upon the expiry of the planning permission, reinstatement of the application site to an amenity area

**Similar Applications for Restaurant/ Temporary Eating Place
(Outside Seating Accommodation (OSA) of a Restaurant) within the “V” Zone on the
Approved Ting Kok Outline Zoning Plan No. S/NE-TK/19**

Approved Applications

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-TK/93	Restaurant (Open-air Cafe)	4/12/1998 (Review)	A1
A/NE-TK/118	Restaurant (Cafe)	28/1/2000	A1, A2
A/NE-TK/151	Restaurant (Cafe)	17/1/2003	A3
A/NE-TK/157	Restaurant (Cafe)	25/4/2003	A1, A4, A16
A/NE-TK/158	Restaurant (Cafe)	25/4/2003	A1, A5, A16
A/NE-TK/159	Restaurant (Cafe)	25/4/2003	A1, A16
A/NE-TK/164	Restaurant (Cafe)	11/7/2003	A3
A/NE-TK/170	Restaurant (Cafe)	19/9/2003	A1, A16
A/NE-TK/237	Temporary Eating Place (OSA of a Restaurant) for a Period of 3 Years	14/9/2007 (Revoked on 14/03/2008)	A1, A6 – A9
A/NE-TK/412	Proposed Temporary Eating Place (OSA of a Restaurant) for a Period of 3 Years	9/11/2012	A7, A14
A/NE-TK/413	Proposed Temporary Eating Place (OSA of a Restaurant) for a Period of 3 Years	9/11/2012	A7, A14
A/NE-TK/437	Proposed Temporary Eating Place (OSA of a Restaurant) for a Period of 3 Years	3/5/2013	A7, A10
A/NE-TK/438	Proposed Temporary Eating Place (OSA of a Restaurant) for a Period of 3 Years	3/5/2013	A7, A10
A/NE-TK/505	Proposed Temporary Eating Place (OSA of a Restaurant) for a Period of 3 Years	25/4/2014	A1, A7, A10 – A12

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-TK/532	Proposed Temporary Eating Place (OSA of a Restaurant) for a Period of 3 Years	16/1/2015 (Revoked on 16/7/2015)	A7, A10 – A13
A/NE-TK/534	Temporary Eating Place (OSA of a Restaurant) for a Period of 3 Years	27/2/2015	A7, A10, A13, A14
A/NE-TK/566	Proposed Temporary Eating Place (OSA of a Restaurant) for a Period of 3 Years	4/12/2015 (Revoked on 4/3/2016)	A7, A10 - A14
A/NE-TK/568	Proposed Temporary Eating Place (OSA of a Restaurant) for a Period of 3 Years	18/12/2015	A7, A10, A15, A17
A/NE-TK/569	Proposed Temporary Eating Place (OSA of a Restaurant) for a Period of 3 Years	18/12/2015 (Revoked on 18/12/2016)	A7, A10, A15, A17
A/NE-TK/574	Renewal of Planning Approval for Temporary Eating Place (OSA of a Restaurant) for a Period of 3 Years	22/4/2016	A7, A10
A/NE-TK/575	Renewal of Planning Approval for Temporary Eating Place (OSA of a Restaurant) for a Period of 3 Years	22/4/2016	A7, A10
A/NE-TK/630	Renewal of Planning Approval for Temporary Eating Place (OSA of a Restaurant) for a Period of 3 Years	9/2/2018	A7, A10, A15, A17
A/NE-TK/656	Renewal of Planning Approval for Temporary Eating Place (OSA of a Restaurant) for a Period of 3 Years	7/12/2018	A6, A10, A15

Approval Conditions

- A1. setback of the development
- A2. protection of the existing mature tree at the south-western part of the application site
- A3. provision/submission of drainage/sewerage facilities
- A4. submission and implementation of landscaping and tree preservation proposals within the specified periods from the date of the planning approval
- A5. no materials should be stored/stacked on the footpath and carriageway adjoining the application site

- A6. provision of fire services installations within the specified periods from the date of the planning approval
- A7. upon the expiry of the planning permission, reinstatement of the application site to an amenity area
- A8. provision/submission of drainage connection within the specified periods from the date of the planning approval
- A9. diversion of the 3" water main affected by the development
- A10. no operation between the specified time, as proposed by the applicant, was allowed on the site during the planning approval period
- A11. provision of a clearance of 1.5m from the edge of the drainage channel at all times during the planning approval period
- A12. no structure or support for any structure shall be erected within the area of drainage reserve at any time during the planning approval period
- A13. provision/submission and implementation of fire service installations (FSIs) proposal within the specified periods from the date of the planning approval
- A14. provision/submission and implementation of drainage proposal within the specified periods from the date of the planning approval
- A15. maintenance of the existing drainage facilities at all times during the planning approval period
- A16. provision of drainage facilities for connection to the nearby stormwater drainage system
- A17. provision of FSIs and water supplies for fire-fighting within the specified periods from the date of the planning approval

Recommended Advisory Clauses

- (a) to note the comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) that the applicant is required to rectify the breach of the tenancy conditions by not occupying any additional Government land, or LandsD will initiate land control action, and there is no guarantee to the grant of a right of way to the Site or approval of the Emergency Vehicular Access thereto;
- (b) to note the comments of the Director of Environmental Protection (DEP) that the relevant mitigation measures and requirements in the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” should be followed; and
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the existing public sewers are available for connection in the vicinity of the application site.