

APPLICATION FOR RENEWAL OF PLANNING APPROVAL
FOR TEMPORARY USE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/SK-PK/305

- Applicant** : Ms. CHOW Wai Fong Forna
- Site** : Shop 10D and Open Area in front of the Shop, G/F, Lot 1827 (Part) in D.D. 221, 10 Po Tung Road, Sai Kung, New Territories
- Site Area** : About 71.1m²
- Lease** : New Grant No. 6720 restricts the ground floor of any building erected thereon to non-industrial use
- Plan** : Approved Pak Kong and Sha Kok Mei Outline Zoning Plan (OZP) No. S/SK-PK/11
- Zoning** : Area shown as 'Road'
- Application** : Renewal of Planning Approval for Temporary Eating Place including Outside Seating Accommodation (OSA) of Restaurant for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning permission to continue using the application site (the Site), which comprises the ground floor of an existing three-storey New Territories Exempted House (NTEH) (i.e. Shop 10D) and an open area in front of the shop, for temporary eating place including OSA of restaurant for a period of three years. The Site falls within an area shown as 'Road' on the approved Pak Kong and Sha Kok Mei OZP No. S/SK-PK/11 (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use with planning permission under application No. A/SK-PK/274 valid until 29.7.2025.
- 1.2 The Site is abutting Po Tung Road. The current proposal includes an area of 57.18m² as eating place, and an area of 13.92m² as OSA (**Drawing A-3**). According to the applicant, the operation hours will be from 1:00 p.m. to 11:00 p.m. daily, and no parking space is proposed. The location plan, site plan and layout plan submitted by the applicant are at **Drawings A-1 to A-3** respectively.

- 1.3 The Site is the subject of three previous applications (No. A/SK-PK/230, 250 and 274) submitted by the same applicant for the same use as the current application which were approved by the Rural and New Town Planning Committee (the Committee) of the Board on 29.7.2016, 19.7.2019 and 15.7.2022 respectively. The general layout and site area of the eating place and OSA in the current application have remained the same as the last approved application (No. A/SK-PK/274). Details of the previous applications are set out in paragraph 6 and **Appendix III**, and their locations are shown on **Plans A-1 and A-2**.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on **(Appendix I)** 29.5.2025
 - (b) Further Information (FI) received on 3.7.2025* **(Appendix Ia)**
**accepted and exempted from publication and recounting requirements*

2. Justification from the Applicant

The justifications put forth by the applicant in support of the application are detailed in part 7 of the Application Form at **Appendix I**. They can be summarised as follows:

the applied use provides a comfortable open seating area for patrons and the current application is for renewal of planning approval which is the same as the last approval.

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

The applicant is not a “current land owner” 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 Sai Kung Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34D) is relevant to the application. The relevant assessment criteria are attached at **Appendix II**.

5. Background

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

6. **Previous Applications**

- 6.1 The Site is the subject of three previous applications (No. A/SK-PK/230, 250 and 274)¹ submitted by the same applicant for the same use as the current application. They were approved by the Committee on a temporary basis of three years on 29.7.2016, 19.7.2019 and 15.7.2022 respectively mainly on the considerations that the proposed use on temporary basis would not frustrate the planning intention of the area shown as 'Road'; the proposed use was considered not incompatible with the surrounding uses such as retail shops and restaurants on the ground level of the nearby village houses; and no adverse impacts on the surrounding areas were anticipated.
- 6.2 The general layout and the site area of the eating place and OSA in the current application have remained the same as the last application (No. A/SK-PK/274). The approval conditions of the last application related to the submission and implementation of a fire service installations proposal had been complied with. The planning permission is valid until 29.7.2025.
- 6.3 Details of the previous applications are summarized at **Appendix III** and their locations are shown on **Plans A-1 and A-2**.

7. **Similar Applications**

There are four similar applications for temporary eating place and/or OSA within the same area shown as 'Road' on the OZP in the past five years. All of the applications were approved by the Committee mainly on similar considerations as stated in paragraph 6.1 above. Details of the applications are summarised at **Appendix IV** and their locations are shown on **Plans A-1 and A-2**.

8. **The Site and its Surrounding Areas** (Plans A-1 and A-2, Aerial Photos on Plan A-3 and Site Photos on Plans A-4a and A-4b)

- 8.1 The Site is:
- (a) located on the ground floor of a 3-storey NTEH and an open area in front of the NTEH;
 - (b) accessible via Po Tung Road;
 - (c) outside the project boundary of the Hiram's Highway Improvement Project Stage 2 which was authorized in October 2021; and
 - (d) currently occupied by the applied use with valid planning permission.

¹ As compared with the first two previous applications (No. A/SK-PK/230 and 250), the last application (No. A/SK-PK/274) involved a reduction in site area of about 18.7m² (from about 89.8m² to 71.1m²) due to exclusion of the government land from the OSA to avoid encroaching onto the project area of Hiram's Highway Improvement Stage 2.

8.2 The surrounding areas have the following characteristics:

- (a) the existing developments in the vicinity of the Site are predominantly village houses and low-rise residential developments with ground floors mostly occupied by shops and restaurants; and
- (b) two open metered car parks are located about 50m northwest and 20m southeast of the Site (**Plans A-2 and A-3**) and are accessible via Po Tung Road and Hiram's Highway.

9. Planning Intention

The Site falls within an area shown as 'Road' forming part of land area reserved for future widening and junction improvement of Hiram's Highway, Po Tung Road and Tai Mong Tsai Road.

10. Comments from Relevant Government Departments

All the 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 V and VI** respectively.

11. Public Comment Received During Statutory Publication Period

On 6.6.2025, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual objecting to the application mainly on the grounds that the proposed OSA will obstruct pedestrian flow, cause disturbance to residents, create noise and air pollutants, affect environmental hygiene and cause traffic congestion to the surrounding neighbourhood (**Appendix VII**).

12. Planning Considerations and Assessments

12.1 The application is for renewal of planning approval for temporary eating place including OSA of restaurant for a period of three years. The Site falls within an area shown as 'Road' on the OZP, which is intended to reserve land for future road widening and junction improvement. Although the applied use is not in line with the planning intention, given the temporary nature of the applied use and that the Site is located outside the boundary of Hiram's Highway Improvement Stage 2 project and the Chief Engineer/Major Works, Highways Department has no objection to the application from project interface point of view, approval of the renewal application for a further period of three years would not jeopardise the long-term planning intention of the 'Road' area.

12.2 The Site is located at the fringe of Sai Kung Town. The applied use is

considered not incompatible with the surrounding areas, which are mainly village houses and low-rise residential developments with retail shops and restaurants on the ground floors.

- 12.3 In view of its small scale of operation, the applied eating place including OSA would unlikely cause adverse traffic, environmental, drainage and fire safety impacts on the surrounding areas. Relevant government departments consulted including Commissioner for Transport, Chief Highway Engineer/New Territories East of Highways Department, Director of Environmental Protection, Chief Engineer/Mainland South, Drainage Services Department and Director of Fire Services have no objection to or no adverse comment on the application. Director of Food and Environmental Hygiene also has no adverse comment from food licence angle.
- 12.4 The Site is the subject of three previous applications (No. A/SK-PK/230, 250 and 274) for the same use approved by the Committee in 2016, 2019 and 2022 respectively. The general layout and the site area of the eating place and OSA in the current application have remained the same as the last application. The current application is generally in line with TPB PG-No. 34D in that there has been no material change in planning circumstances since the approval of the last application; no adverse planning implication arising from the renewal application is anticipated; all planning conditions under the previous approval of No. A/SK-PK/274 have been complied with; no government departments consulted have objection to or adverse comment on the application; and the three-year approval period sought is not longer than the original validity period of the previous approval and is reasonable. In view of the above, favourable consideration could be given to the renewal application for a further period of three years. Also, there are four approved similar applications for eating place and/or OSA in the vicinity of the Site (**Plans A-1 and A-2**). Approval of the current renewal application is in line with the Committee's previous decisions. As the fire service installations has been implemented, FSD agreed that approval condition is not required.
- 12.5 Regarding the public comment as mentioned in paragraph 11 above, the departmental comments and planning assessments above are relevant.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 and having taking 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, and be renewed from 30.7.2025 until 29.7.2028. The recommended advisory clauses are attached at **Appendix VI**.
- 13.3 There is no strong reason to recommend rejection of the application.

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

Appendix I	Application Form with attachments received on 29.5.2025
Appendix Ia	FI received on 3.7.2025
Appendix II	Relevant extract of TPB PG-No. 34D
Appendix III	Previous Applications
Appendix IV	Similar Applications in the past five years
Appendix V	Government Departments' General Comments
Appendix VI	Recommended Advisory Clauses
Appendix VII	Public Comment
Drawing A-1	Location Plan
Drawing A-2	Site Plan
Drawing A-3	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A4-b	Site Photos

**PLANNING DEPARTMENT
JULY 2025**