

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/SK-PK/314

<u>Applicant</u>	:	Mr. Pan Meng represented by Allgain Land Planning Limited
<u>Site</u>	:	Lots 767, 769 and 770 (Part) in D.D. 217, Tai Chung Hau Road, Sai Kung, New Territories
<u>Site Area</u>	:	About 420m ²
<u>Lease</u>	:	Old Schedule Agricultural Lots held under Block Government Lease
<u>Plan</u>	:	Approved Pak Kong and Sha Kok Mei Outline Zoning Plan (OZP) No. S/SK-PK/11
<u>Zoning</u>	:	“Recreation” (“REC”)
<u>Application</u>	:	Proposed Temporary Shop and Services with Ancillary Office for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary shop and services with ancillary office for a period of three years at the application site (the Site). The Site falls within an area zoned “REC” on the approved Pak Kong and Sha Kok Mei OZP No. S/SK-PK/11 (**Plan A-1**). According to the Notes of the OZP, ‘Shop and Services’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently vacant, hard-paved and fenced-off (**Plans A-4a and A-4b**).
- 1.2 The Site is accessible via a local footpath to its southwest connecting to Tai Chung Hau Road (**Plans A-2 and A-3**). According to the applicant, the proposed shop and services includes a convenience store/grocery store and an ancillary site office and storage which mainly serve the nearby residents. No parking space is proposed. The layout plan submitted by the applicant is at **Drawing A-1**.
- 1.3 The Site is the subject of a previous application (No. A/SK-PK/294) submitted by a different applicant for the same proposed use and layout which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 5.4.2024. The planning permission was revoked on 6.10.2025. Details of the previous application are set out in paragraph 5 below.

- 1.4 The major development parameters of the proposed development are summarised as follows:

Site Area	About 420m ²
Total Floor Area	About 200m ²
No. of Structures	2
Building Height / No. of Storeys	About 6m / 2 storeys
Operation Hours	9:00am to 8:00pm (daily)

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

- (a) Application Form with attachments received on 19.11.2025 (Appendix I)
and Supplementary Information received on 24.11.2025
- (b) Further information (FI) received on 30.12.2025* (Appendix Ia)
**accepted and exempted from 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 and FI at **Appendices I** and **Ia** respectively. They can be summarised as follows:

- (a) the Site was covered by a previous planning approval under application No. A/SK-PK/294 for the same use. The approval of Short Term Waiver (STW) by the Lands Department (LandsD) is pending. While the approval condition related to submission of fire service installations (FSIs) proposal had been complied with, the approval was revoked due to non-compliance of approval conditions regarding implementation of FSIs, and submission and implementation of drainage proposal within a specified period. The applicant commits to discharge all relevant approval conditions upon obtaining the planning approval from the Board;
- (b) the proposed use is temporary in nature and would not frustrate the long-term planning intention of the “REC” zone. It aims to provide shop and services to meet the daily needs of nearby residents;
- (c) the proposed temporary structures would be converted from container structures without large-scale works at the Site;
- (d) the proposed use would not cause any adverse impact or nuisance to the surrounding areas. Loading and unloading activities will be carried out at the public carpark nearby and will not cause any traffic impact;
- (e) while no toilet facility would be provided within the Site, visitors and staff can make use of the public toilet at Tai Chung Hau Road; and
- (f) relevant regulations as imposed by the Government would be observed and the Site would be reinstated upon expiry of the planning permission.

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 the Sai Kung Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

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

5. Previous Application

The Site is the subject of a previous application (No. A/SK-PK/294) submitted by a different applicant for the same proposed use and layout which was approved with conditions by the Committee on 5.4.2024 mainly on the considerations that the approval of the application on a temporary basis would not jeopardise the long-term development of the area; the proposed use was not incompatible with the surrounding temporary settlement character; adverse impacts were not envisaged; and the technical concerns could be addressed by relevant approval conditions. Since the time-limited approval conditions regarding implementation of FSIs as well as the submission and implementation of drainage proposal have not been complied with by the specified date, the planning permission was revoked on 6.10.2025. Details of the previous application are at **Appendix II**.

6. Similar Applications

6.1 There are three similar applications (No. A/SK-PK/296, 308 and 309) for temporary shop and services uses within the same and the immediate adjoining “REC” zones of the OZP in the past five years. The applications were approved with conditions by the Committee between 2024 and 2025 mainly on the similar considerations as mentioned in paragraph 5 above.

6.2 Details of the similar applications are summarised in **Appendix III** and their locations are shown on **Plans A-1** and **A-2**.

7. The Site and Its Surrounding Areas (Plans A-1 and A-2, aerial photo on Plan A-3, and site photos on Plans A-4a and A-4b)

7.1 The Site is currently vacant, hard-paved and fenced-off. It can be accessed via a local footpath to the southeast connecting to Tai Chung Hau Road.

7.2 The surrounding areas are in rural fringe character predominated by temporary structures, plant nursery and storage uses intermixed with village houses to the

north and east, and scrublands to the immediate south and west of the Site. Tai Chung Hau Road is to the north of the Site and Hiram's Highway is to the east of the Site.

8. Planning Intention

The planning intention of the "REC" zone is primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the recreational developments may be permitted subject to planning permission.

9. 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.

10. Public Comment Received During Statutory Publication Period

On 2.12.2025, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual was received mainly on the concern about the compliance of approval conditions; and suggested shorter approval period of one year instead of three years (**Appendix VI**).

11. Planning Considerations and Assessments

11.1 The application is for proposed temporary shop and services with ancillary office for a period of three years at the Site which falls within an area zoned "REC" zone on the OZP. While the proposed use is not entirely in line with the planning intention of the "REC" zone, there is no known proposal for permanent recreational development at the Site. Approval of the application on a temporary basis for a period of three years would not jeopardise the long-term development of the area.

11.2 The Site is currently vacant, hard-paved and fenced off and accessible via a local footpath. The surrounding areas are in rural fringe character predominated by temporary structures, plant nursery and storage uses intermixed with village houses and scrublands. The proposed use only comprises two two-storey (6m) temporary structures with GFA of 200m² as a convenience store/grocery store and ancillary office serving the nearby residents. The Chief Town Planner/Urban Design and Landscape, Planning Department considers that no adverse landscape impact arising from the proposed use is anticipated.

11.3 Concerned government departments consulted including the Commissioner for Transport, Director of Environmental Protection, Director of Fire Services, and Chief Engineer/Mainland South, Drainage Services Department have no objection to or no adverse comment on the application. Adverse traffic, environmental, fire safety and drainage impacts are not envisaged. Relevant approval conditions are

recommended in paragraph 12.2 below to address the technical requirements of concerned government departments.

- 11.4 The Site is involved in a previous application (No. A/SK-PK/294) submitted by a different applicant for the same proposed use, which was approved with conditions for a period of three years by the Committee on 5.4.2024 as detailed in paragraph 5 above. While the planning permission of the previous application was revoked, the applicant commits to discharge all relevant approval conditions upon obtaining the planning approval from the Board. Should the application be approved, the applicant will be advised that failure to comply with any of the approval conditions will result in revocation of the planning permission.
- 11.5 There were three similar applications for temporary shop and services uses approved by the Committee within the same and adjacent “REC” zone in the past five years as detailed in paragraph 6 above. Approval of the current application is in line with the Committee’s previous decisions.
- 11.6 Regarding the public comment received on the application as summarised in paragraph 10 above, the comments of government departments in paragraph 9 and planning assessments in paragraphs 11.1 to 11.5 above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comment mentioned in paragraph 10 above, the Planning Department has no objection to the application.
- 12.2 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 9.1.2029. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the submission of a drainage proposal within **6** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 9.7.2026;
- (b) in relation to (a) above, the implementation of the drainage proposal within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 9.10.2026;
- (c) in relation to (b) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (d) the submission of a 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 9.7.2026;
- (e) in relation to (d) above, the implementation of the 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 9.10.2026;

- (f) if the above planning condition (c) 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
- (g) if any of the above planning condition (a), (b), (d) or (e) 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**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the proposed use is not in line with the planning intention of the "Recreation" zone, which is primarily for recreational developments for the use of the general public. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 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.
- 13.3 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.

14. Attachments

Appendix I	Application form with attachments received on 19.11.2025 and Supplementary Information received on 24.11.2025
Appendix Ia	FI received on 30.12.2025
Appendix II	Previous Application
Appendix III	Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comment
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
JANUARY 2026**