

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/SK-SKT/35

- Applicant** : Ms. CHAN Chi Yan Canny
- Premises** : Shop 2, G/F, 41 Sai Kung Tai Street, Sai Kung
- Floor Area** : About 42m²
- Land Status** : Lot 642 in D.D. 215
(a) held under New Grant No. 4549
(b) restricted for residential and commercial purposes
- Plan** : Draft Sai Kung Town Outline Zoning Plan (OZP) No. S/SK-SKT/7
- Zoning** : “Village Type Development” (“V”)
- Application** : Eating Place

1. The Proposal

- 1.1 The applicant seeks planning permission for eating place at the application premises (the Premises) which falls within an area zoned “V” on the OZP (**Plan A-1**). According to the Notes for the “V” zone of the OZP, ‘Eating Place’ use other than those located on the ground floor of a New Territories Exempted House (NTEH) is a Column 2 use within the “V” zone, which requires planning permission from the Town Planning Board (the Board). According to District Lands Officer/Sai Kung, Lands Department, the building where the Premises situated in is not a NTEH. The Premises is currently used for the applied use without valid planning permission.
- 1.2 According to the applicant, the eating place with a gross floor area of about 42m², including seating area, food preparation area, toilet and waiting area is on the G/F of an existing 6-storey building, which the remaining storeys are observed to be for domestic use. There are about five to six tables in the eating place and it is directly accessible to Sai Kung Hoi Pong Street. The operation hours are from 11 a.m. to 8 p.m. daily. The layout plan submitted by the applicant is shown in **Drawing A-1**.
- 1.3 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form received on 17.8.2026 **(Appendix I)**
 - (b) Supplementary Information (SI) received on 21.8.2026 **(Appendix Ia)**

(c) Further Information (FI) received on 21.9.2026*

(Appendix Ib)

(d) FI received on 28.9.2026*

(Appendix Ic)

**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, SI and FI at **Appendices I, Ia to Ic**. They can be summarised as follows:

- (a) the eating place is to provide a clean and quiet place for light refreshment to serve tourists and nearby residents; and
- (b) no adverse drainage, environmental and traffic impacts to the surroundings.

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

The applicant is not a ‘current land owner’ but has complied with the requirement 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 obtaining consents of the current land owners. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Town Planning Board Guidelines**

TPB-PG No. 15A for ‘Application for Eating Place within “Village Type Development” Zone in Rural Areas under Section 16 of the Town Planning Ordinance’ is relevant to this application. The relevant assessment criteria are extracted as follows:

- (a) 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;
- (b) the eating place use should not have any adverse traffic impacts 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 NTEH or as a free-standing development, the eating place use should not adversely affect the land availability for village type development;
- (e) for a village located adjacent to recreational use or tourist attraction spots, favourable consideration may be given to eating place use which will provide catering facilities to serve the visitors and tourists; and
- (f) all other statutory or non-statutory requirements of relevant government departments should be met.

5. **Previous Application**

There is no previous application at the Premises.

6. **Similar Applications**

6.1 There are two similar applications No. A/SK-SKT/5 and 17 within the same “V” zone on the OZP for proposed eating place approved by the Rural and New Town Planning Committee (the Committee) on 5.10.2012 and 8.12.2017 respectively mainly on the considerations that the proposed use was not in conflict with the planning intention of “V” zone, and not incompatible with the land uses in the vicinity, the proposed development was generally in line with the planning criteria set out in TPB PG-No. 15A that no adverse environmental, traffic, drainage, sewage and fire safety impacts.

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

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

7.1 The Premises is:

- (a) on the G/F of an existing 6-storey building, in which the remaining storeys are observed to be for domestic use;
- (b) located within the existing village cluster of Sai Kung Old Town which is not a recognised village in Sai Kung Heung; and
- (c) accessible via Sai Kung Hoi Pong Street and Sai Kung Tai Street.

7.2 The surrounding areas comprise cluster of village houses and low-rise residential buildings in Sai Kung Old Town with commercial uses including restaurants and retail shops.

8. **Planning Intention**

The planning intention of the “V” zone is to designate both existing recognized village and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a NTEH. Other commercial, community and recreational uses may be permitted on application to the Board.

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 are provided in **Appendix III**.

10. Public Comment Received during the Statutory Publication Period

The application was published for public inspection on 25.8.2026. During the public inspection period, no public comment was received.

11. Planning Considerations and Assessments

11.1 The applicant seeks planning permission for eating place at the Premises falling within the “V” zone. The planning intention of the “V” zone is to designate both existing recognized village and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the G/F of a NTEH. Other commercial, community and recreational uses may be permitted on application to the Board. Although the building of which the Premises located is not a NTEH in that the provision of ‘Eating Place’ on G/F is always permitted, it is in the form of a low-rise building for residential and commercial uses. The eating place at the Premises is considered generally in line with the planning intention to allow selected commercial uses on G/F to serve the needs of the villagers.

11.2 The Premises is located at Sai Kung Tai Street in Sai Kung Old Town. Commercial uses such as restaurants and retail shops are common on the ground floor of village houses along Sai Kung Tai Street (**Plan A-4**). The eating place is considered compatible with the existing residential and commercial uses in the vicinity, in particular the developments in Sai Kung Old Town.

11.3 The eating place is generally in line with the planning criteria set out in TPB PG-No. 15A in that the Premises is located at the fringe of a village area and could provide catering facilities to serve the visitors and tourists; and the applied use would not have any adverse impacts on traffic, drainage, sewage disposal or fire safety aspects. Relevant government departments including the Commissioner for Transport, Chief Engineer/Mainland South, Drainage Services Department, Director of Environmental Protection, Director of Fire Services and Director of Food, Environmental Hygiene have no objection to or no adverse comment on the application. The eating place will also be subject to control by the licensing authority.

12. Planning Department’s Views

12.1 Based on the assessments made in paragraph 11 above, the Planning Department has no objection to the application.

12.2 Should the Committee decide to approve the application, no time clause for the commencement for the development is proposed as the ‘Eating Place’ use is already in operation. The advisory clauses suggested for Members’ reference are attached at **Appendix IV**.

12.3 There is no strong reason to recommend rejection of the application.

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.

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 received on 17.8.2026
Appendix Ia	SI received on 21.8.2026
Appendix Ib	FI received on 21.9.2026
Appendix Ic	FI received on 28.9.2026
Appendix II	Similar Applications
Appendix III	Government Departments’ General Comments
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2026**