

**Supporting Planning Statement**

**Planning Application under Section 16 of Town Planning Ordinance**

**For**

**Proposed Eating Place with Outside Seating Accommodation of a Restaurant**

**At**

**Lot Nos. 1055 and 1056 in Demarcation District 217,  
Pak Sha Wan, Sai Kung, New Territories**

Prepared by Prudential Surveyors (Hong Kong) Limited

Date: 7 October 2024

## Executive Summary

This Supporting Planning Statement is to supplement the application for permission from Town Planning Board (the “TPB”) under Section 16 of the Town Planning Ordinance for a **Proposed Temporary Eating Place with Outside Seating Accommodation of a Restaurant for a period of 5 years** at Lot Nos. 1055 and 1056 in Demarcation District 217, Pak Sha Wan, Sai Kung, New Territories (the “Application Site”).

The Application Site is located at the western side of Hiram’s Highway, occupying an area of about 87.22 m<sup>2</sup> and falls within an area zoned “Village Type Development” under the Approved Pak Kong and Sha Kok Mei Outline Zoning Plan No.S/SK-PK/11 (“OZP”). According to the Notes of the OZP for “Village Type Development” (“V”) zone, “Eating Place”, except from being always permitted on the ground floor of a New Territories Exempted House, is a Column 2 use which requires planning permission from the Town Planning Board.

The major planning justification are summarized as follows:-

- Compatible with the Surroundings as a Local Visit Place
- Would not jeopardize the planning intention of the “V” zone in long run
- Would Not Result in Undesirable Precedent Case
- No Adverse Traffic Impact
- No Adverse Visual Impact
- No Adverse Sewerage Impact
- Proper Control of Cooking Fume and Odour

Considering the planning justifications presented in this Planning Statement, we sincerely seek favourable consideration from the TPB to this planning application.

## 行政摘要

(內文如有差異，應以英文版本為準)

本規劃許可申請尋求城市規劃委員會（「城規會」）批准於新界西貢白沙灣丈量約份第 217 約地段第 1055 號及第 1056 號上現有建築物（「申請地點」）用作**臨時食肆用途及露天座位**，為期 5 年。

申請地點位於西貢公路的西面，地盤面積約 87.22 平方米，並處於北港及沙角尾分區計劃大綱核准圖編號 S/SK-PK/11 範圍內被劃作「鄉村式發展」的用途地帶；擬議的「食肆」，除了在位於新界豁免管制屋宇的地面一層為經常准許的用途之外，為大綱核准圖的第二欄用途，需獲得城市規劃委員會的規劃許可。

是次申請的主要規劃理據概括如下：

- 符合現有周邊環境用途
- 擬議用途屬臨時性質，將不會阻礙用地作為「鄉村式發展」用途的規劃意向
- 不會造成不良先例
- 不會對交通造成不良影響
- 不會對視覺造成不良影響
- 不會對排污造成不良影響
- 將妥善處理及控制食肆營運期間產生的煮食油煙及氣味

基於本規劃報告所闡述的的理據，我們懇請城規會對本規劃申請作出正面積極的考慮。

## 1. Background

This application for permission under Section 16 of the Town Planning Ordinance (TPO) is prepared and submitted on behalf of the Applicant to the Town Planning Board (TPB) for proposed temporary eating place with outside seating accommodation of a restaurant for a period of 5 years (the “Subject Application”) at Lot Nos. 1055 and 1056 in Demarcation District 217, Pak Sha Wan, Sai Kung, New Territories (the “Application Site”).

## 2. Site Context

The Application Site, with an area of about 87.22 m<sup>2</sup>, occupies a rectangular-shaped site on the western side of Hiram’s Highway. Located at the fringe of the “V” zone, the site is directly opposite to a public open car park on the other side of Hiram’s Highway, neighbouring some village houses and Kau Sai San Tsuen Village Office to its north and southwest respectively. Public transportation facilities such as franchised buses, minibuses and taxis are available in close proximity along Hiram’s Highway.

Development in the vicinity are dominated by village houses and low-rise estate-type residential development, intermingled with some recreational facilities such as Pak Sha Wan Sea Activity Centre, Hebe Haven Yacht Club and Pak Sha Wan Centre. A recent-build hotel, namely The Pier, is located at further southeast of the Application Site.

According to our site inspection on 5 June 2024, the Application Site was a 2-storey building which is currently vacant. There is no direct vehicular access to the Application Site. Existing access to the Application Site is on foot via an unnamed paved road branched off Hiram’s Highway. Location plan and photos taken during our site inspection are attached at *Appendices 1 and 2*.

## 3. Planning Context

The Application Site falls within an area zoned “Village Type Development” (“V”) under the Approved Pak Kong and Sha Kok Mei Outline Zoning Plan No. S/SK-PK/11 dated 27 October 2006 (the “OZP”). Extract of the OZP is attached at *Appendix 3*.

According to the Notes of the OZP, planning intention of “V” zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. 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 New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Town Planning Board. It is noted that ‘Eating Place’ other than on the ground floor of a New Territories Exempted House (NTEH) is a Column 2 use which requires planning permission from the Town Planning Board.

#### 4. Previous Planning Application relevant to the Application Site

One planning application in connection with the Application Site was found and the particulars are listed below [Table 1 refers].

No.	Application No.	Applied Use	Location	Zone	Parameters	Decision Date	Decision
1	A/SK-PK/103	Proposed Restaurant for a period of 5 years	1/F, Pak Sha Wan, Sai Kung	Village Type Development	UFA: 75 m <sup>2</sup>	12/01/2001	Approved with condition(s) on a temporary basis

*Table 1 Previous Planning Application relevant to the Application Site*

#### 5. Precedent Planning Application for Eating Place within “V” zone under the OZP

Precedent planning applications for approval for eating place within “V” zone under various OZP (at the time of application) was found in the past 3 years and nine of them are listed below [Table 2 refers].

#	Application No.	Applied Use	Location	Zone	Parameters	Decision Date	Decision
1	A/NE-TK/795	Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of 3 Years	Lots 214 S.A ss.1 (Part), 214 S.B ss.1 (Part) and 214 S.A RP (Part) in D.D. 28, Lung Mei, Tai Po	V	Site Area: 60.11 m <sup>2</sup> Total GFA: 27.6 m <sup>2</sup> Building Height: 2.4m No. of Storey: 1	05/04/2024	<b>Approved</b> with conditions on a temporary basis
2	A/NE-TK/789	Temporary Eating Place (Outside Seating Accommodation	Lots 210 (Part), 211 (Part) and 213 RP (Part) in D.D. 28, Lung Mei, Tai Po	V	Site Area: 160.4 m <sup>2</sup> Total GFA: 88.5 m <sup>2</sup> Building Height: Not more than 5.3m	26/01/2024	<b>Approved</b> with conditions on

		of a Restaurant) for a Period of 3 Years			No. of Storey: 1		a temporary basis
3	A/NE-TK/784	Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of 3 Years	Government Land Adjoining Lot 882 in D.D. 28, Tai Mei Tuk, Tai Po	V	Site Area: 49.91 m <sup>2</sup> Total GFA: 36.681 m <sup>2</sup> Building Height: 4.71m No. of Storey: 1	13/10/2023	<b>Approved</b> with conditions on a temporary basis
4	A/NE-KP/1	Proposed Eating Place	G/F, Lot 156 in D.D. 65 and Adjoining Government Land, Kuk Po Tsuen, Sha Tau Kok	V	Site Area: 59.9 m <sup>2</sup> Total GFA: 59.9 m <sup>2</sup> No. of Storey: 1	13/10/2023	<b>Approved</b> with conditions
5	A/NE- SSH/150	Renewal of Planning Approval for Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of 3 Years	Lots 1046, 1047 and 1051 (Part) in D.D.165 and Adjoining Government Land, Tseng Tau Village, Sai Sha Road, Shap Sz Heung, Sai Kung	V	Site Area: 172 m <sup>2</sup>	25/8/2023	<b>Approved</b> with conditions on a temporary basis
6	A-NE-TK/763	Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of 3 Years	Government Land adjoining Lot 882 in D.D. 28, Tai Mei Tuk, Tai Po	V	Site Area: 49.91 m <sup>2</sup> Total GFA: 36.681 m <sup>2</sup> Building Height: 4.71m No. of Storey: 1	11/11/2022	<b>Approved</b> with conditions on a temporary basis
7	A/NE-TK/746	Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of 3 Years	Lot 715 RP (Part) in D.D. 28, Tai Mei Tuk, Tai Po	V & Road	Site Area: 22.8 m <sup>2</sup>	18/03/2022	<b>Approved</b> with conditions on a temporary basis

8	A/TP/679	Proposed Temporary Eating Place (Extension of a Restaurant) for a Period of 3 Years	Government Land in D.D. 6, Kam Shek New Village, Tai Po	V	Site Area: 34.4 m <sup>2</sup> Building Height: Not more than 2.8m No. of Storey: 1	24/12/2021	<b>Approved</b> with conditions on a temporary basis
9	A/NE-TK/695	Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of 3 Years	Lots 214 S.A ss.1 (Part), 214 S.B ss.1 (Part) and 214 S.A RP (Part) in D.D. 28, Lung Mei, Tai Po	V	Site Area: 60.11 m <sup>2</sup> Total GFA: 27.6 m <sup>2</sup> Building Height: 2.4m No. of Storey: 1	22/01/2021	<b>Approved</b> with conditions on a temporary basis

*Table 2 Precedent Planning Application for Eating Place within “V” zone under various OZP*

## 6. Land Status

The Application Site comprises 2 land lots, including Lot Nos. 1055 and 1056 in Demarcation District 217, both held under New Grant No. 3171 and was permitted for building purposes. According to the general and special conditions annexed to the NG 3171, there is no restriction in relation to gross floor area, roofed-over area, building height, site coverage under lease, except that the building erected on the lot shall not be used as “Chai Tong” or for any other purpose of a similar nature (SC 2a in Government Notification No. 364 of 1934).

Both land lots are solely owned by the Applicant.

## 7. Development Proposal

The Applicant proposes to use 1/F, roof and the open area on G/F of the existing two-storey building as a temporary eating place with outdoor seating accommodation for a period of 5 years (“Proposed Use”) which aims to provide F&B services to locals and visitors alike. The entire existing building (i.e. G/F, 1/F and Roof) was previously occupied as a Licensed General Restaurant since 2001 (about) and this application involves no change in terms of the accommodation and layout of the building. Alfresco dining will also be available on Roof.

Details of the site/development parameters are listed as follow:-

Application Site Area	87.22 s.m.	
	<u>Existing</u>	<u>Proposed</u>
Site Coverage	G/F : 100% 1/F : 86.8%	No change
No. of Block	One 2-storey building	No change
Proposed Building Height	6.39 m	No change
Domestic GFA	-	-
Non-Domestic GFA <sup>(1)</sup>	G/F : 65.03 s.m. 1/F : 75.74 s.m. Total : 140.77 s.m.	No change
Plot Ratio	G/F : 0.75 (about) 1/F : 0.87 (about) Total : 1.62 (about)	No change
Roof Area	66.58 s.m.	No change
Outdoor Seating Area	G/F : 22.19 s.m.	No change
No. of Parking Spaces	Nil	No change
No. of Loading/Unloading Spaces	Nil	No change

Note:

- (1) Only unenclosed retractable sunshade will be installed on Roof. As the Roof will be unenclosed, there will not be GFA implication.
- (2) The proposed restaurant included G/F, 1/F and Roof of the existing building. Considering the use of G/F as restaurant is always permitted under the OZP, information of the internal area of G/F in the application is for reference only and not for approval.

Operation hours of the proposed restaurant is 10:00 a.m. to 10:00 p.m. daily including public holiday. The proposed maximum capacity of the restaurant is 58 customers.

The Layout Plan of the existing building is attached at ***Appendix 4***.

## 8. Justification

### 8.1 Compatible with the Surroundings as a Local Visit Place

The Application Site is zoned “Village Type Development” under the OZP, where proposed eating place, shop and services use are always permitted on the ground floor of a New Territories Exempted House. It is considered the Proposed Use is not incompatible with the surrounding land uses which are predominantly residential dwellings with some of the ground floor premises occupied for commercial purposes. By conveniently located at the fringe of the village area abutting Hiram’s Highway and adjacent to recreational uses and tourist attraction spots, such as The Pier Hotel, Hebe



Haven Yacht Club, the Proposed Use will serve as a meeting place for social gathering of the villagers and cater both local and visitors' demand for eating place. Given the scale and location of the Application Site, it is also expected that the Proposed Use would not create nuisance or cause inconvenience to the local residents. Also, the Application Site has been occupied as a restaurant since 2001 (about) and is a long established use in the area.

8.2 Would not jeopardize the planning intention of the “V” zone in long run

Considering that the Proposed Use is temporary in nature, the proposal would not reduce the land area available for village type development. Furthermore, as the Application Site is currently vacant, the Proposed Use would also help to better utilize land resources while being compatible with the surroundings.

8.3 Would Not Result in Undesirable Precedent Case

As noted in Section 4 above, an application for a proposed restaurant for a period of 5 years at 1/F of the Application Site was approved in 2001. Considering the scale of the current application and its similarity with the previous approved application at the application site, the current application would not result in undesirable precedent case.

8.4 No Adverse Traffic Impact

The customer of the proposed eating place will be mainly the local villagers and visitors of the recreational facilities nearby. Considering that public transport facilities such as franchised buses, green minibuses (GMB) and taxis are available in close proximity along Hiram's Highway, it is foreseen that the dominant mode of transport to the proposed eating place would be public transport. Furthermore, whilst no car parking space would be provided at the Application Site, a public carpark with adequate metered parking spaces are located directly opposite to the Application Site.

In view of the user and development parameters of the current proposal, it is also anticipated that only minimal road traffic related to pick-up or drop-off purposes would be generated. The loading and unloading of goods will be arranged at the public carpark nearby and it will not be carried out during peak hour.

Overall, the traffic impact caused by the proposed eating place is considered insignificant.

8.5 No Adverse Visual Impact

The proposed application involves no change to the façade of the existing building while its building height is also generally in line with the surrounding buildings. Hence, no adverse visual impact would be aroused.

#### 8.6 No Adverse Sewerage Impact

As there is no public government drainage near the Application Site, all the wastewater will be collected by 3 interceptors and 2 foul water tanks at/next to the Application Site and are treated by monthly vacuum services.

The layout plan and photos of the said interceptors and foul water tanks are attached at ***Appendix 5***.

#### 8.7 Proper Control of Cooking Fume and Odour

The Applicant/restaurant operator will follow the “Control of Oily Fume and Cooking Odour from Restaurants and Food Business” guideline published by the Environmental Protection Department and the relevant requirements under Air Pollution Control Ordinance (Cap. 311). Examples of measures includes making sure cooking fume and odour are to be discharged with proper treatment, kitchen exhaust vents to be positioned properly to avoid nuisances and regular maintenance to exhaust system. Design and installation requirement of ventilating/kitchen exhaust system listed in “A Guide To Application for Restaurant Licence” published by the Food and Environmental Hygiene Department will also be taken into consideration.

### **9. Conclusion**

In light of this Supporting Planning Statement, the Subject Application is justified on following grounds:

- Compatible with the Surroundings as a Local Visit Place
- Would not jeopardize the planning intention of the “V” zone in long run
- Would Not Result in Undesirable Precedent Case
- No Adverse Traffic Impact
- No Adverse Visual Impact
- No Adverse Sewerage Impact
- Proper Control of Cooking Fume and Odour

This Supporting Planning Statement demonstrates that the Subject Application deserves the favourable consideration by the TPB in light of the justifications provided. We trust that the TPB will see fit to approve the application.

## **List of Appendices**

1. Location Plan
2. Photos of the Application Site and Surrounding Areas
3. Extract of the OZP
4. Layout Plan of the Existing Building
5. Layout Plan and Photos of the Sewer Tanks