

**Summary of Previous Application**

<b>Application No.</b>	<b>Proposed Use</b>	<b>Date of Consideration</b>	<b>Decision of RNTPC</b>	<b>Approval Conditions</b>
A/SK-PK/194	Temporary Eating Place for a Period of 3 Years	16.3.2012	Approved	(a) no night-time operation between 10:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period; and (b) if the above planning condition (a) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice.

**Similar Applications**

<b>Application No.</b>	<b>Location</b>	<b>Date of Consideration</b>	<b>Decision of the RNTPC/TPB</b>	<b>Approval Conditions/Reasons for Rejection</b>
A/SK-PK/174 Proposed Temporary Agricultural Use (Horticultural Garden) and Eating Place for a Period of 3 Years	Government Land (STT No. SX 2715) in D.D. 217, Tai Chung Hau, Sai Kung, New Territories	25.6.2010	Approved with conditions	(a), (c) and (d)
A/SK-PK/193 Temporary Eating Place (Japanese Restaurant) for a period of 3 years	Lot 1773 in DD221, G/F, 9A Po Tung Road, Sai Kung, New Territories	24.2.2012	Approved with conditions	(a) and (b)
A/SK-PK/200 Temporary Agricultural Use (Horticultural Garden) and Eating Place for a Period of 3 Years	Government Land (STT No. SX 2715) in DD217, Tai Chung Hau, Sai Kung, New Territories	19.4.2013	Approved with conditions	(a), (c) and (d)
A/SK-PK/205 Proposed Temporary Shop and Services and Eating Place (Restaurant) for a Period of 3 Years	Lot 1617 S.A RP (Part) in D.D. 221 and Adjoining Government Land, No. 19H Po Tung Road, Sai Kung	7.2.2014	Approved	(a), (c), (e), (f), (g)
A/SK-PK/226 Renewal of Planning Approval for Temporary "Agricultural Use (Horticultural Garden), Eating Place" for a Period of 3 Years	Government Land (STT No. SX 2715) (Part) in DD217, Tai Chung Hau, Sai Kung, New Territories	20.11.2015	Approved with conditions	(a), (c) and (d)

Application No.	Location	Date of Consideration	Decision of the RNTPC/TPB	Approval Conditions/Reasons for Rejection
A/SK-PK/230 Temporary Eating Place and Outside Seating Accommodation of Restaurant for a Period of 3 Years	Shop 10D and open area in front of the Shop, G/F, Po Tung Road, Lot 1827 (Part) in D.D. 221 and Adjoining Government Land, Sai Kung, New Territories	29.7.2016	Approved with conditions	N/A
A/SK-PK/237 Proposed Temporary Shop and Services and Eating Place (Restaurant) for a Period of 3 Years	Lot 1617A RP in D.D. 221 and Adjoining Government Land, 19H Po Tung Road, Sai Kung, New Territories	12.5.2017	Rejected	(1), (2) and (3)
A/SK-PK/238 Proposed Temporary Eating Place (Restaurant) for a Period of 3 Years	G/F, 9A Po Tung Road, Lot 1773 (Part) in D.D. 221, Sai Kung, New Territories	12.5.2017	Approved with conditions	(a), (b), (d)
A/SK-PK/245 Proposed Temporary Eating Place (Restaurant) for a Period of 3 Years	G/F, 9A Po Tung Road, Lot 1773 (Part) in D.D. 221, Sai Kung, New Territories	1.6.2018	Approved with conditions	(a), (b), (d)
A/SK-PK/250 Renewal of Planning Approval for Temporary Eating Place and Outside Seating Accommodation of Restaurant for a Period of 3 Years	Shop 10D and open area in front of the Shop, G/F, Po Tung Road, Lot 1827 (Part) in D.D. 221 and Adjoining Government Land, Sai Kung, New Territories	19.7.2019	Approved with conditions	(a) and (b)

**Approval Conditions:**

- (a) Submission and provision of fire service installations proposals
- (b) Operation hours are restricted

- (c) Submission and implementation of landscaping and tree preservation proposals
- (d) Provision of fire service installations and water supplies for firefighting
- (e) Submission of geotechnical assessment and implementation of mitigation measures as recommended in geotechnical assessment
- (f) Submission and implementation of drainage and sewerage proposals
- (g) Provision of waterworks reserve within 1.5m from centerline of the water main

**Reasons for Rejection:**

- (1) Fail to establish the temporary nature of the proposed development thus will frustrate the planning intention
- (2) Fail to demonstrate the proposed development will not have adverse landscape impact on the surrounding areas
- (3) Fail to demonstrate that the proposed filling of the existing berm within the application site will not have adverse impact on public safety

Advisory Clauses

- (a) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department that necessary stormwater drainage facilities should be provided in association with the proposed temporary eating place not causing adverse drainage impact to the areas in the vicinity;
- (b) to note the comments of the Commissioner for Transport that no restaurant furniture and temporary structures shall be placed on the adjacent footpath to obstruct pedestrian flow; obstruct any traffic aids; or affect sightlines of vehicles and pedestrians.
- (c) to note the comments of the Director of Fire Services that detailed safety requirements will be formulated upon receipt of formal submission of general building plans or referral from relevant licensing authority;
- (d) to note the comments of the Chief Engineer/Construction, Water Supplies Department that for provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (e) to note the comments of the Chief Building Surveyor/New Territories East 2 & Rail, Buildings Department that the Premises intended to be used for restaurant are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority;
- (f) to note the comments of the Director of Food and Environmental Hygiene (DEFH) that:
  - (i) proper licence/permit issued by FEHD is required if there is any food business/catering service/activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public. The operation of any eating place should be under a food licence issued by the FEHD. If the operator intends to operate a restaurant business in the territory, a restaurant licence should be obtained from FEHD in accordance with the Public Health and Municipal Services Ordinance (Cap. 132). The application for food business licences under Cap. 132, if acceptable by FEHD, will be referred to relevant government departments for comment. If there is no objection from the departments concerned, a letter of requirements will be issued to the applicant for compliance and the licence will be issued upon compliance of all the requirements; and
  - (ii) no food business shall be conducted on the Proposed Temporary Eating Place (Restaurant) unless a valid licence has been obtained from FEHD.