

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

APPLICATION NO. A/SK-PK/297

Applicant : Mr. HOO Wai Shing represented by BerLin Consultancy Services Limited

Premises : G/F, 11A Po Tung Road, Sai Kung, New Territories

Floor Area : About 40.82m²

Lease : Lot 1813 in D.D. 221 - Held under New Grant No. 6321 restricted for non-industrial purposes

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 (Restaurant) for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval for temporary eating place (restaurant) on the ground floor of an existing three-storey village house (the Premises) for a period of three years. The Premises fall within an area shown as 'Road' on the approved Pak Kong and Sha Kok Mei OZP No. S/SK-PK/11 (the OZP) (**Plan A-1**). According to the covering Notes of the OZP, all uses in the area shown as 'Road' requires planning permission from the Town Planning Board (the Board).
- 1.2 The Premises are currently used for the applied use with valid planning permission (Application No. A/SK-PK/267) until 24.9.2024 (**Plans A-1 and A-2**). The temporary eating place, with a floor area of about 40.82m², is abutting and accessible via Po Tung Road (**Plan A-4a**). According to the applicant, the opening hours of the Premises will be from 12:00 p.m. to 00:00 a.m. daily for about 22 guests to be served by two staffs. No parking and loading/unloading spaces are proposed by the applicant. A plan showing the proposed layout of the Premises submitted by the applicant is at **Drawing A-1**.

1.3 The Premises are the subject of three previously approved applications (No. A/SK-PK/194, 259 and 267) for the same temporary use. The last application No. A/SK-PK/267, which was submitted by a different applicant was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board for a period of three years until 24.9.2024 (details in paragraph 5 below and at **Appendix III**). The applicant confirmed the floor area and general layout of the eating place remains unchanged.

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

- (a) Application Form with attachments received on 30.7.2024 (**Appendix I**)
- (b) Supplementary Information (SI) received on 2.8.2024 (**Appendix Ia**)
- (c) Further Information (FI) received on 5.9.2024* (**Appendix Ib**)

** 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 part 7 of the application form at **Appendix I**. They can be summarised as follows:

The restaurant has been in continuous operation. The applicant is willing to comply with the requirements from relevant government departments for renewal of planning 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 obtaining consent from the “current land owner”. 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. Previous Applications

5.1 The Premises are the subject of three previously approved applications (No. A/SK-PK/194, 259 and 267) submitted by two different applicants (both different from the current applicant) for the same temporary use for a period of three years. They were approved with conditions by the Committee on 16.3.2012, 9.10.2020 and 24.9.2021 respectively mainly on the grounds that the long-term planning intention of the area shown as ‘Road’ would not be frustrated; the proposed use was

considered not incompatible with the surrounding uses on ground level and existing residential developments; no adverse impacts on the surrounding areas were anticipated; a number of similar applications had been approved in the vicinity and in line with the previous decisions of the Committee.

- 5.2 Application No. A/SK-PK/259 was revoked on 9.4.2021 due to non-compliance with the approval condition on the provision of fire service installations (FSIs) within the required time frame. Subsequently, the applicant submitted the application No. A/SK-PK/267 and all approval conditions in respect of the submission and implementation of FSIs proposal had been complied with. Details of the previous applications are summarised in **Appendix III** and their locations are shown in **Plans A-1** and **A-2**.

6. Similar Applications

- 6.1 There are 11 similar applications for temporary eating place in area shown as 'Road' on the OZP. 10 applications were approved by the Committee mainly on the grounds that the planning intention of area shown as 'Road' would not be jeopardised; the proposed use was not incompatible with surrounding uses, no adverse impacts on the surrounding areas were anticipated; and there had been no major change in planning circumstances in the area since the last planning approval.
- 6.2 Application No. A/SK-PK/237 for temporary eating place was rejected by the Committee on 12.5.2017 on the grounds that the temporary nature of the application could not be established; the planning intention of the area shown as 'Road' would be frustrated; adverse landscape impact on the surrounding areas was anticipated, and the proposed filling of the existing berm would have adverse impact on public safety.
- 6.3 Details of the similar applications are summarised at **Appendix IV** and their locations are shown on **Plans A-1** and **A-2**.

7. The Premises and the 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 Premises are:
- (a) located on the ground floor of a 3-storey village house;
 - (b) accessible via Po Tung Road;
 - (c) outside the project boundary of the Hiram's Highway Improvement Project Stage 2; and
 - (d) currently occupied by the applied use with valid planning permission.
- 7.2 The surrounding of the Premises are predominantly village houses and low-rise residential developments with ground floors mostly occupied by shops and restaurants. To the east across Po Tung Road are existing residential and

commercial developments of Sai Kung Town. Two open air metered car parks are located about 50m northwest and 20m southeast of the Premises.

8. Planning Intention

The planning intention of the area shown as 'Road' is to reserve land for future widening and junction improvement of Hiram's Highway, Po Tung Road and Tai Mong Tsai Road.

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 V** and **VI** respectively.

10. Public Comments Received During Statutory Publication Period

On 6.8.2024, the application was published for public inspection. No public comment was received during the statutory public inspection period.

11. Planning Considerations and Assessments

11.1 The application is for renewal of planning approval for temporary eating place (restaurant) for a period of three years which fall within an area shown as 'Road' on the OZP intended to reserve land for future widening and junction improvement of roads. Although the applied use is not in line with the planning intention, given the temporary nature of the applied use, and as advised by the Chief Engineer 4/Major Works, Highways Department (HyD) that the Premises fall outside the boundary of Hiram's Highway Improvement Stage 2 project, approval of the renewal application for a further period of three years would not jeopardise the long-term planning intention of the 'Road' area.

11.2 The Premises are located close to the existing residential and commercial developments of Sai Kung Town. The proposed temporary eating place is considered not incompatible with surrounding uses which are mainly village houses and low-rise residential developments with restaurants and retail shops on the ground floors. Given its small scale of operation and it is situated within an existing building, adverse traffic, environmental, drainage and fire safety impacts are not anticipated. Relevant government departments consulted including Commissioner for Transport, Chief Highway Engineer/New Territories East, HyD, Director of Environmental Protection, Chief Engineer/Mainland South, Drainage Services Department and Director of Fire Services have no in-principle objection to/no comment on the application.

11.3 The current renewal application is generally in line with TPB PG-No. 34D in that there has been no major change in planning circumstances and land uses of the surrounding areas since the previous temporary approval was granted; the approval conditions under the previous approval regarding the submission and

implementation of FSIs proposal had also been complied with; government departments consulted have no objection to or no adverse comment on the application; and the three-year approval period sought which is the same as the validity period of previous approval is reasonable.

11.4 The Premises are the subject of three previously approved applications for the same temporary use. According to the applicant, the area and general layout of the eating place remains unchanged. Approval of the current application is in line with the Committee's previous decision.

11.5 There is no public comment received regarding the application.

12. Planning Department's Views

12.1 Based on the assessments made in paragraph 11, the Planning Department considers that the temporary eating place (restaurant) could be tolerated for a period of three years.

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, and be renewed from 25.9.2024 until 24.9.2027. The following advisory clauses are also suggested for Members' reference:

Advisory Clauses

The recommended advisory clauses are attached at **Appendix VI**.

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, 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 30.7.2024
Appendix Ia	SI received on 2.8.2024
Appendix Ib	FI received on 5.9.2024
Appendix II	Relevant Extracts of Town Planning Board Guidelines on

Appendix III	Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34D)
Appendix IV	Previous Applications
Appendix V	Similar Applications
Appendix VI	Government Departments' General Comments
	Recommended Advisory Clauses
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and 4b	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2024**