

**Relevant Extract of Town Planning Board Guidelines No. 34C on Renewal of
Planning Approval and Extension of Time for Compliance
with Planning Conditions for Temporary Use or Development**

1. The criteria for assessing application for renewal of planning approval include:
 - (a) whether there has been any material change in planning circumstances since the previous temporary approval was granted (such as a change in the planning policy/land-use zoning for the area) or a change in the land uses of the surrounding areas;
 - (b) whether there are any adverse planning implications arising from the renewal of the planning approval (such as pre-emption of planned permanent development);
 - (c) whether the planning conditions under previous approval have been complied with to the satisfaction of relevant Government departments within the specified time limits;
 - (d) whether the approval period sought is reasonable; and
 - (e) any other relevant considerations.

2. Under normal circumstances, the approval period for renewal should not be longer than the original validity period of the temporary approval. In general, the Board is unlikely to grant an approval period exceeding three years unless there are strong justifications and the period exceeding three years unless there are strong justifications and the period is allowed for under the relevant statutory plans. Depending on the circumstances of each case, the Board could determine the appropriate approval period, which may be shorter than the time under request.

Summary of Previous Applications

Application No.	Proposed Use	Date of Consideration	Decision of RNTPC	Approval Conditions
A/SK-PK/122	Temporary Eating Place (Outside Seating Accommodation of Restaurant Only) for a Period of 3 Years	22.11.2002	Approved	Nil
A/SK-PK/151	Temporary Eating Place (Outside Seating Accommodation of Restaurant Only) for a Period of 3 Years	29.9.2006	Approved	Nil
A/SK-PK/170	Temporary Eating Place (Outside Seating Accommodation of Restaurant Only) for a Period of 3 Years	19.1.2010	Approved	Nil
A/SK-PK/206	Temporary Eating Place (Outside Seating Accommodation of Restaurant Only) for a Period of 3 Years	7.2.2014	Approved with conditions	(a) & (b)
A/SK-PK/236	Temporary Eating Place (Outside Seating Accommodation of Restaurant Only) for a Period of 3 Years	28.4.2017	Approved with conditions	(a), (c) & (d)

Approval Conditions:

- (a) The submission of proposals for water supplies for fire-fighting and fire service installations
- (b) The provision of water supplies for fire-fighting and fire service installations
- (c) No operation between 24:00 midnight to 12:00 noon, as proposed by the applicant, is allowed on the site during the planning approval period.
- (d) The provision of fire service installations and water supplies for fire-fighting

Similar Planning Applications

Application No.	Location	Date of Consideration	Decision of the RNTPC/TPB	Reasons for Rejection/ Approval Conditions
A/SK-PK/129 Temporary Outside Seating Accommodation of a Restaurant for a Period of 3 Years	Open Area in front of Shop 10C, Po Tung Road, Lot 1827 in D.D. 221, Po Tung Road, Sai Kung, New Territories	9.1.2004	Approved	NIL
A/SK-PK/130 Temporary Outside Seating Accommodation of a Restaurant for a period of 3 years	Open Area in front of Shops 10A & 10B, Po Tung Road, Lot 1827 in D.D. 221, Po Tung Road, Sai Kung, New Territories	9.1.2004	Approved	NIL
A/SK-PK/172 Temporary Eating Place (Outside Seating Accommodation of Restaurant Only) for a Period of 3 Years	Open Area in front of Shops 10A & 10B, Po Tung Road, Lot 1827 in D.D.221, Sai Kung, New Territories	25.6.2010	Approved with condition	(a)
A/SK-PK/173 Temporary Eating Place (Outside Seating Accommodation of Restaurant Only) for a Period of 3 Years	Open Area in front of Shop 10C, Po Tung Road, Lot 1827 in D.D. 221, Po Tung Road, Sai Kung, New Territories	25.6.2010	Approved with condition	(a)
A/SK-PK/202 Temporary Eating Place (Outside Seating Accommodation of Restaurant) for a Period of 3 Years	Open Area in front of Shop 10C, G/F, Po Tung Road, Lot 1827 (Part) in D.D. 221, Sai Kung, New Territories	16.8.2013	Approved	NIL
A/SK-PK/203 Temporary Eating Place (Outside Seating Accommodation of Restaurant) for a Period of 3 Years	Open Area in front of Shops 10A & 10B, G/F, Po Tung Road, Lot 1827 (Part) in D.D. 221, Sai Kung, New Territories	16.8.2013	Approved	NIL
A/SK-PK/228 Renewal of Planning Approval for Temporary Eating Place (Outside Seating Accommodation of Restaurant) for a Period of 3 Years	Open Area in front of Shops 10A & 10B, G/F, Po Tung Road, Lot 1827 (Part) in D.D. 221, Sai Kung, New Territories	24.6.2016	Approved	NIL

Application No.	Location	Date of Consideration	Decision of the RNTPC/TPB	Reasons for Rejection/ Approval Conditions
A/SK-PK/229 Renewal of Planning Approval for Temporary Eating Place (Outside Seating Accommodation of Restaurant) for a Period of 3 Years	Open Area in front of Shop 10C, G/F, Po Tung Road, Lot 1827 (Part) in D.D. 221, Sai Kung, New Territories	15.7.2016	Approved	NIL
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 10D, G/F, Po Tung Road, Lot 1827 (Part) in D.D. 221 and Adjoining Government Land, Sai Kung, New Territories	29.7.2016	Approved	NIL
A/SK-PK/248 Renewal of Planning Approval for Temporary Eating Place (Outside Seating Accommodation of Restaurant) for a Period of 3 Years	Open Area in front of Shops 10A & 10B, G/F, Po Tung Road, Lot 1827 (Part) in D.D. 221, Sai Kung, New Territories	19.7.2019	Approved with conditions	(b), (c)
A/SK-PK/249 Renewal of Planning Approval for Temporary Eating Place (Outside Seating Accommodation of Restaurant) for a Period of 3 Years	Open Area in front of Shop 10C, G/F, Po Tung Road, Lot 1827 (Part) in D.D. 221, Sai Kung, New Territories	19.7.2019	Approved with conditions	(b), (c)
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 10D, 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	(b), (c)

Approval Conditions:

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

Advisory Clauses

- (a) to note the comments of the Commissioner for Transport that:
 - (i) the restaurant furniture and temporary structures in the Outside Seating Accommodation (OSA) shall not obstruct traffic aids and sightlines of vehicles and pedestrians. The applicant shall modify the layout of the furniture and temporary structures when required by the Government; and
 - (ii) the OSA should be controlled that roadworks and traffic diversions as well as traffic management schemes for special occasions would not be affected;
- (b) to note the comments of the Director of Fire Services that the applicant is advised to submit relevant layout plans incorporated into the proposed fire service installations (FSIs) to Fire Services Department for approval. In addition, the applicant should also be advised on the following points:
 - (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy;
 - (ii) the location of where the proposed FSI to be installed should be clearly marked on the layout plans; and

if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123) (BO) or application for licence for the subject eating place is required, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans or referral from relevant licensing authority respectively;

- (c) 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;
- (d) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that:
 - (i) whenever the restaurant licensees who wish to include an OSA into their licensed premises, they are required to submit application to FEHD by filling in the application form together with 8 copies of proposed layout cum OSA plan and 5 copies of 1:1000 location map for approval. If the application of OSA is acceptable for further processing, FEHD will refer it to the relevant departments including Buildings Department, Transport Department, Fire Services Department, Planning Department, Home Affairs Department and Lands Department for clearance; and
 - (ii) please make reference to hyperlink from FEHD website below for the guideline on application for OSA especially the main licensing requirements listed at Appendix G and H

http://www.fehd.hksarg/english/howtoseries/forms/new/OSA_Guide.pdf;

- (e) to note the comments of the Chief Building Surveyor/New Territories East 2 and Rail, Buildings Department (CBS/NTE2 & Rail, BD) that
- (i) all unauthorised building works/structures should be removed;
 - (ii) before any new building works are carried out on land held under STT, prior approval and consent from the Building Authority (BA) should be obtained, otherwise they are unauthorised building works (UBW). Authorised Person (AP) must be appointed to coordinate all new building works in accordance with the BO;
 - (iii) the granting of planning approval should be not be construed as an acceptance of the unauthorised structures on site under the BO. Enforcement action maybe taken to effect the removal of all unauthorised works in the future; and
 - (iv) the proposed use is subject to the issue of a licence, so the OSA should comply with the building safety and other relevant requirements as may be imposed by the relevant licensing authority.