

**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 applications 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 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.

Previous s.16 Applications covering the Application Site/Premises

Application No.	Location	Date of Consideration	Decision of the RNTPC/TPB	Approval Conditions/Reasons for Rejection
A/SK-PK/129 Outside seating accommodation of a restaurant for a temporary 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/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(Part) in D.D. 221, Po Tung Road, Sai Kung, New Territories	25.6.2010	Approved with condition	Submission and provision of fire service installations proposals
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, Po Tung Road, Sai Kung, New Territories	16.8.2013	Approved	NIL
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, Po Tung Road, Sai Kung, New Territories	15.7.2016	Approved	NIL

Similar Applications

Application No.	Location	Date of Consideration	Decision of the RNTPC/TPB	Approval Conditions/Reasons for Rejection
A/SK-PK/122 Outside seating accommodation of a restaurant for a temporary period of 3 years	Lot 780 RP in D.D.215 and Adjoining Government Land, 183D, Hiram's Highway, Sai Kung, New Territories	22.11.2002	Approved	NIL
A/SK-PK/130 Outside seating accommodation of a restaurant for a temporary period of 3 years	Open Area in front of Shop 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/151 Temporary Eating Place (Outside Seating Accommodation) for a Period of 3 Years	Lot 780 RP in D.D. 215 and Adjoining Government Land, G/F, 183D Po Tung Road, Sai Kung, New Territories	29.9.2006	Approved	NIL
A/SK-PK/170 Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of 3 Years	Lot 780 RP in D.D. 215 and Government Land Adjoining Government Land, No.183D Po Tung Road, Sai Kung, New Territories	29.1.2010	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 Shop 10A & 10B, Po Tung Road, Lot 1827 (Part) in D.D. 221, Po Tung Road, Sai Kung, New Territories	25.6.2010	Approved with condition	(a)
A/SK-PK/174 Proposed Temporary Agricultural Use (Horticultural Garden) and	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)

Application No.	Location	Date of Consideration	Decision of the RNTPC/TPB	Approval Conditions/Reasons for Rejection
Eating Place for a Period of 3 Years				
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/194 Temporary Eating Place (Restaurant) for a Period of 3 Years	Lot 1813 (Part) in D.D. 221, G/F, 11A Po Tung Road, Sai Kung, New Territories	16.3.2012	Approved with condition	(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/203 Temporary Eating Place (Outside Seating Accommodation of Restaurant) for a Period of 3 Years	Open Area in front of Shop 10A & 10B, G/F, Po Tung Road, Lot 1827 (Part) in D.D. 221, Po Tung Road, Sai Kung, New Territories	16.8.2013	Approved	NIL
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/206 Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of 3 Years	Lot 780 RP in D.D.215 and Adjoining Government Land, 183D Hiram's Highway, Sai Kung, New Territories	7.2.2014	Approved with conditions	(a) and (d)

Application No.	Location	Date of Consideration	Decision of the RNTPC/TPB	Approval Conditions/Reasons for Rejection
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)
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 Shop 10A & 10B, G/F, Po Tung Road, Lot 1827 (Part) in D.D. 221, Po Tung Road, Sai Kung, New Territories	24.6.2016	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, 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/236 Temporary Eating Place (Outside Seating Accommodation of Restaurant Only) for a Period of 3 Years	Government Land in D.D. 215, Sai Kung, New Territories	28.4.2017	Approved with conditions	(a), (b) and (d)
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)

Application No.	Location	Date of Consideration	Decision of the RNTPC/TPB	Approval Conditions/Reasons for Rejection
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)

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 Director for Environmental Protection the applicant is reminded to strictly comply with all the requirements under all relevant pollution control ordinances, including Water Pollution Control Ordinance, Air Pollution Control Ordinance and Noise Control Ordinance;
- (b) 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; and
- (c) to note the comments of the Director of Fire Services that the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his department for approval. In addition, the applicant is advised on the following points:
 - (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (ii) the location of where the proposed FSIs 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) or application for licence for the 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.