

**Relevant Extract of Town Planning Board Guidelines No. 34B on  
“Renewal of Planning Approval and Extension of Time for Compliance  
with Planning Conditions for Temporary Use or Development”  
(TPB PG-No. 34B)**

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 Applications Covering the Application Site**

**Approved Applications**

	<b><u>Application No.</u></b>	<b><u>Proposed Use(s)</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Approval Condition(s)</u></b>
1	A/YL-TYST/553	Proposed Temporary Eating Place (Outside Seating Accommodation of a Licensed Restaurant) for a Period of 5 Years	11.5.2012 (on review) for a period of 1 year	(1), (2)
2	A/YL-TYST/635	Renewal of Planning Approval for Temporary “Eating Place (Outside Seating Accommodation of a Licensed Restaurant)” for a Period of 2 Years	19.4.2013 for a period of 1 year	(1), (2)
3	A/YL-TYST/669	Renewal of Planning Approval for Temporary “Eating Place (Outside Seating Accommodation of a Licensed Restaurant)” for a Period of 1 Year	21.3.2014	(1), (2)
4	A/YL-TYST/720	Renewal of Planning Approval for Temporary “Eating Place (Outside Seating Accommodation of a Licensed Restaurant)” for a Period of 1 Year	27.3.2015	(1), (2)
5	A/YL-TYST/780	Renewal of Planning Approval for Temporary “Eating Place (Outside Seating Accommodation of a Licensed Restaurant)” for a Period of 1 Year	4.3.2016	(1), (2)
6	A/YL-TYST/834	Renewal of Planning Approval for Temporary “Eating Place (Outside Seating Accommodation of a Licensed Restaurant)” for a Period of 1 Year	28.4.2017	(1), (2)

**Approval Conditions**

- (1) No night-time operation between 10:30p.m. and 9:00a.m., as proposed by the applicant, is allowed on the application site during the planning approval period.
- (2) Revocation of planning approval if condition is not complied with during the approval period.

**Advisory clauses**

- (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department that Site is covered by a Land Licence YLOSA No. 37 issued by his office on 8.7.2013 for the purpose of outdoor restaurant seating accommodation for a period of one year certain commencing on 12.5.2013 and thereafter from year to year subject to the Licence shall be spent of effect if no valid planning permission and other terms and conditions provided in the Licence;
- (b) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the applicant shall at his own cost and to the satisfaction of his Department make good of any damage to the public footpaths and any public carriageway/street furniture arising from his works. The applicant is requested to submit initial photos of the concerned footpath for record;
- (c) to note the comments of the Director of Environmental Protection that the applicant should be reminded to comply with various pollution control ordinances, such as the Air Pollution Control Ordinance, Noise Control Ordinance and Water Pollution Control Ordinance, to address various potential environmental concerns, and to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department; and
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the development should not obstruct overland flow or cause any adverse drainage impact to the adjacent areas and existing drainage facilities.