

**Relevant Extracts 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.

**Appendix III of RNTPC
Paper No. A/YL-KTS/805**

Previous s.16 Applications covering the Application Site

Approved Applications

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Condition(s)</u>
1	A/YL-KTS/128	Temporary Timber Processing Workshop for 12 months	31.7.1998	1, 2, 3
2	A/YL-KTS/175	Temporary Timber Processing Workshop for 12 months	13.8.1999	1, 2, 3
3	A/YL-KTS/226	Temporary Timber Processing Workshop for a Period of 3 Years	8.9.2000 (Revoked on 8.6.2001)	1, 2, 3, 4
4	A/YL-KTS/363	Temporary Warehouse for Storage of Recycled Timber Products for a Period of 3 Years	17.3.2006	1, 2, 3, 4, 5, 6, 7, 8
5	A/YL-KTS/469	Temporary Warehouse for Storage of Recycled Building Material Products for a Period of 3 Years.	4.9.2009 (Revoked on 4.5.2011)	1, 2, 3, 4, 6, 7, 8, 9, 10
6	A/YL-KTS/588	Temporary Warehouse for Storage of Building Material Products for a Period of 3 Years	11.1.2013	1, 2, 3, 4, 6, 7, 8, 9, 10
7	A/YL-KTS/688	Temporary Warehouse for Storage of Building Material Products for a Period of 3 Years	8.1.2016	3, 4, 6, 7, 8, 10, 11

Approval Conditions:

1. The submission and implementation of landscape and/or tree preservation proposals

2. The submission and provision and/or maintenance of drainage facilities
3. Upon expiry of the planning permission, the reinstatement of the site to an amenity area
4. If the condition is not complied with at any time during the planning approval or by specified date, the approval shall cease to have effect and be revoked without further notice
5. The provision of a 9-litre water type/3kg dry powder fire extinguisher in the site office
6. Restriction on operation time
7. Prohibition of medium or heavy goods vehicles (i.e. exceeding 5.5 tonnes) as defined in the Road Traffic Ordinance or container trailers/ tractors
8. Prohibition of vehicle dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities
9. The provision of boundary fencing
10. The submission and implementation of Fire Service Installations proposal
11. No vehicle is allowed to queue back to or reverse onto/from public road

Appendix IV of RNTPC
Paper No. A/YL-KTS/805

Similar Applications within the same and adjoining “R(D)” Zone on the Kam Tin South OZP

Approved Application

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Condition(s)</u>
1	A/YL-KTS/403	Temporary Office and Warehouse for a period of 3 years	10.8.2007 (approved for 1 year) (revoked on 10.2.2008)	1,2,3,4,5,6,7
2	A/YL-KTS/451	Temporary Office and Warehouse for a Period of 3 Years	23.1.2009 (approved for 1 year) (revoked on 23.9.2009)	1,2,3,4,5,6,7
3	A/YL-KTS/695	Temporary Warehouse for Storage of Rice with Ancillary Site Office and Packaging Workshop for a Period of 3 Years	10.6.2016 (revoked on 10.9.2017)	1, 2, 3, 4, 5, 7, 8, 9,

Approval Conditions:

1. Restriction on operation hours
2. Prohibition of medium or heavy goods vehicles (i.e. exceeding 5.5 tonnes) as defined in the Road Traffic Ordinance or container trailers/ tractors
3. Prohibition of vehicle dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities
4. The submission and provision and/or maintenance of drainage facilities
5. The submission and implementation of Fire Service Installations proposal
6. Upon expiry of the planning permission, the reinstatement of the site to an amenity area
7. If the condition is not complied with at any time during the planning approval or by specified date, the approval shall cease to have effect and be revoked without further notice
8. The submission of drainage record
9. The submission and implementation of tree preservation and/or landscape proposal

Rejected Application

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Date of Consideration (TPB)</u>	<u>Rejection Reasons</u>
1	A/YL-KTS/599	Temporary Warehouse and Ancillary Office and Open Storage for a Period of 3 Years	13.9.2013 (upon review)	1,2,3

Rejection Reasons

1. Not in line with planning intention of the zone
2. The application did not comply with the Town Planning Board PG-No. 13E in that there was no previous approval for workshop and open storage use granted at the site and there were adverse departmental comment and local objections against the application
3. The approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications

Detailed comments from UD&L, PlanD

- (a) The applicant is recommended to update the drawing to indicate the covered area of the existing structure and no existing trees at the eastern part of the Site;
- (b) the applicant is reminded that no material or tools shall be placed near the trees; and
- (c) the applicant is recommended to step up horticultural maintenance such as weed removal and pruning works where appropriate. Please make reference to the following promulgated by GLTM Section under DEVB:
- 護養樹木的簡易圖解
https://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf
 - 樹木修剪的錦囊（小冊子）
https://www.greening.gov.hk/filemanager/content/pdf/tree_care/factsheet_c.pdf
 - 減低樹木風險的樹木護養簡易圖解
[https://www.greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk\(eng\).pdf](https://www.greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk(eng).pdf)

Advisory clauses

- (a) resolve any land issues relating to the development with the concerned land owner;
- (b) note DLO/YL, LandsD's comments that the Site comprised an Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. The Site is accessible from Kam Shui Road via Government Land (GL) and private land. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the Site. The Site falls within Shek Kong Airfield Height Restriction Area (SKAHRA). The height of the proposed structure shall not exceed the relevant airfield height limit within SKAHRA. Should planning approval be given to the subject application, the STW holder(s) will need to apply to this office for modification of the STW conditions where appropriate. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Applications for any of the above will be considered by LandsD acting in the capacity as the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by the LandsD;
- (c) note C for T's comment that the Site is connected to the public road network via a section of a local access road which is not managed by TD. The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) note CHE/NTW, HyD's comments that HyD does not and will not maintain any access connecting the Site and Kam Sheung Road, Kam Shui South Road or Kam Shui Road. The applicant should be responsible for his own access arrangement. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (e) adopt relevant mitigation measures and requirements as set out in the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by DEP to minimize any potential environmental nuisances;
- (f) note CTP/UD&L, PlanD's comments that the applicant is recommended to update the drawing to indicate the covered area of the existing structure and no existing trees at the eastern part of the Site. The applicant is reminded that no material or tools shall be placed near the trees. the applicant is recommended to step up

horticultural maintenance such as weed removal and pruning works where appropriate. Please make reference to the following promulgated by GLTM Section under DEVB: 護養樹木的簡易圖解 https://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf 樹木修剪的錦囊 (小冊子) https://www.greening.gov.hk/filemanager/content/pdf/tree_care/factsheet_c.pdf 減低樹木風險的樹木護養簡易圖解 [https://www.greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk\(eng\).pdf](https://www.greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk(eng).pdf);

- (g) note D of FS's comments that in consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The applicant should be advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap.123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
- (h) note CBS/NTW, BD's comments that if the existing structures are erected on leased land without approval of the BD (not being a New Territories Exempted House), they are unauthorized under the BO and should not be designated for any use under application. Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, prior approval and consent of the BD should be obtained. Otherwise, they are Unauthorized Building Works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO. The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations respectively. If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the Building (Planning) Regulation at the building plan submission stage.