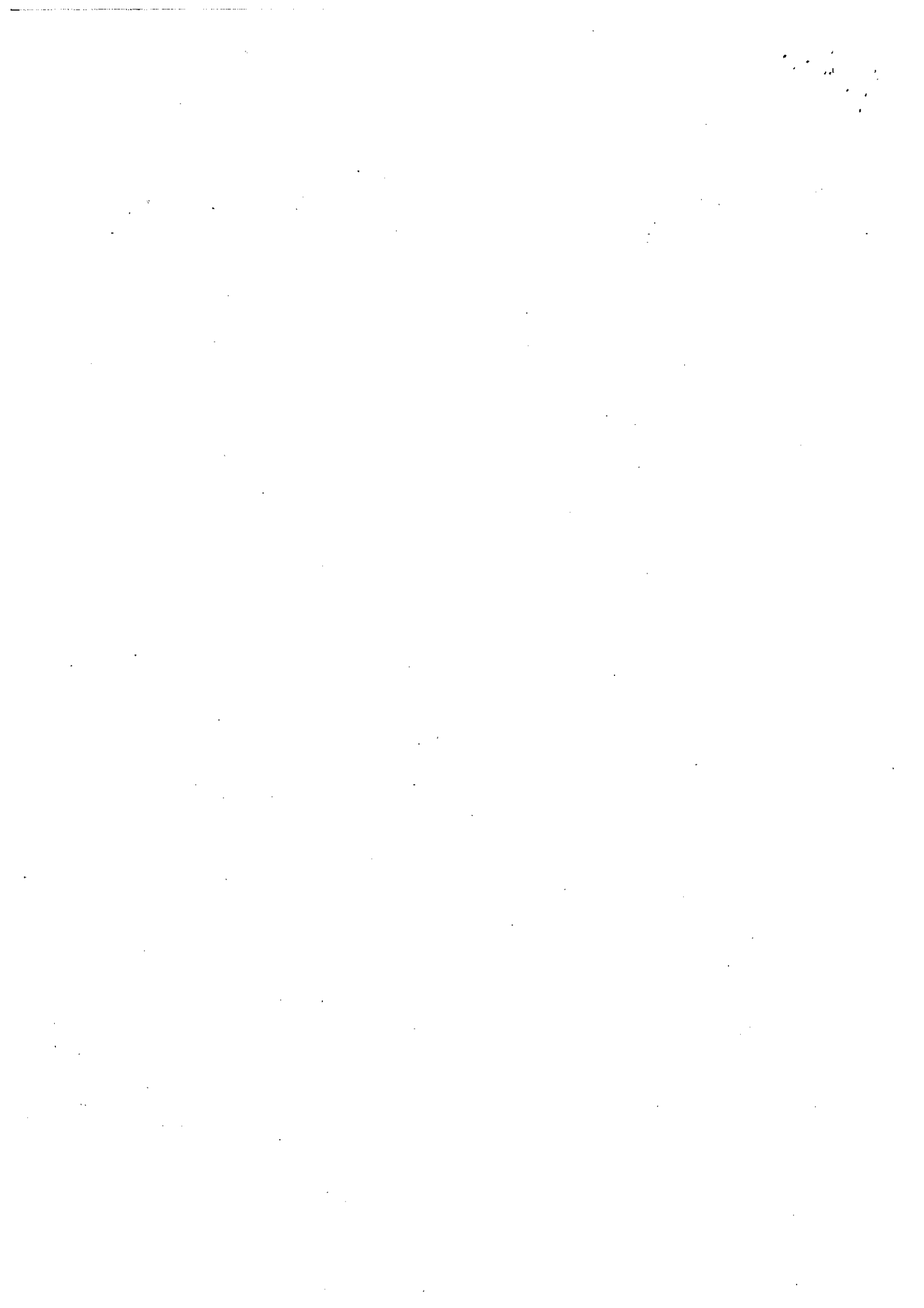


**Relevant Extracts of Town Planning Board Guidelines No.34C on
'Renewal of Planning Approval and Extension of Time for Compliance
with Planning Conditions for Temporary Use or Development'
(TPB PG- No. 34C)**

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

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration By RNTPC/TPB</u>	<u>Approval Conditions</u>
1.	A/YL-KTS/407	Temporary storage and parking of private vehicles for a Period of 3 Years	12.10.2007	(1), (2), (3), (5), (7), (8), (9)
2.	A/YL-KTS/517	Temporary Storage and Parking of Private Vehicles for a Period of 3 Years	10.12.2010	(1), (2), (4), (6), (7), (8), (9)
3.	A/YL-KTS/617	Temporary Storage and Parking of Private Vehicles for a Period of 3 Years	22.11.2013 [Revoked on 22.5.2014]	(1), (2), (3), (6), (7), (8), (9), (10)
4.	A/YL-KTS/707	Temporary Storage and Parking of Private Vehicles for a Period of 3 Years	24.6.2016	(1), (2), (4), (6), (7), (8), (9), (11)

Approval Conditions

- (1) No medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the Site
- (2) No dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities
- (3) Submission and implementation of landscape/tree preservation proposal
- (4) The trees and landscape planting on site shall be maintained at all times
- (5) Submission and implementation of drainage proposal
- (6) The drainage facilities on site shall be maintained at all times
- (7) Submission and implementation of FSIs proposal
- (8) Revocation of the planning approval if the planning conditions are not complied with during the planning approval period or by specified date
- (9) Reinstatement of the Site after the expiry of the planning approval
- (10) Submission of the record of the existing drainage facilities on the site
- (11) No reversing of vehicles into or out from the Site is allowed.



**Similar Application within the Same “AGR” Zone on
the Kam Tin South Outline Zoning Plan**

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration By RNTPC/TPB</u>	<u>Approval Conditions</u>
1.	A/YL-KTS/561	Proposed Temporary Warehouse (Vehicle Spare Parts and Miscellaneous Goods) for a Period of 3 Years	20.4.2012 [Revoked on 20.10.2012]	(1), (2), (3), (4), (5), (6)
2.	A/YL-KTS/601	Proposed Temporary Warehouse (Vehicle Parts and Tools) with Ancillary Site Office for a Period of 3 Years	7.6.2013	(1), (2), (3), (4), (5), (6)

Approval Conditions

- (1) Restriction on operation hours/time
- (2) No medium or heavy vehicles or container trailers/tractors are allowed for the operation of the site.
- (3) No dismantling / maintenance/ car washing/ cleansing/ assembling/ repairing/ paint spraying/ workshop activities to be carried out on site
- (4) Submission and implementation of fire service installations proposal
- (5) Revocation of the planning approval if the planning conditions are not complied with during the planning approval period or by specified date
- (6) Reinstatement of the Site after the expiry of the planning approval



Advisory Clauses

- (a) to resolve any land issues relating to the temporary use with the concerned owner(s) of the Site;
- (b) note DLO/YL, LandsD's comments that the Site comprises Old Schedule Agricultural Lots 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 Tin Road via Government Land (GL). 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 the SKAHRA. The STW holder(s) will need to apply to his office for modification of the STW(s) 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 Lands D 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 Lands D;
- (c) note C for T's comments that the Site is connected to the public road network via a section of a local access road which is not managed by his department. The land status of the local access road should be checked with the Lands Department. 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 his department does not and will not maintain any access connecting the Site and Kam Tin 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 the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" to minimise any potential environmental nuisances;
- (f) note CE/Construction, WSD's comments that the Site is located adjacent to existing Waterworks Reserves where several critical water mains were laid to and from the nearby Au Tau Water Treatment Works (**Plan A-2** of the RNTPC paper). No structure shall be erected over this Waterworks Reserve and such area shall not be used for storage or car-parking purposes. The Water Authority and his officers and contractors, his or their workmen shall have free access at all time to the said area with necessary plants and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority may require or authorize. No trees/shrubs shall be planted within the Waterworks Reserve. No

change of the existing conditions shall be undertaken without prior agreement of WSD. The Site falls within the consultation zone of Au Tau Water Treatment Works, which is a Potentially Hazardous Installation (PHI);

- (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 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 BO (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 before any new building works (including containers/open sheds as temporary building) 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 should be appointed as the co-ordinator of the proposed building works in accordance with the BO. If the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of BD, they are UBW under the BO and should not be designated for any proposed use under the application. For UBW erected on leased land, enforcement action may be taken by 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 (B(P)R) respectively. If the Site does not abut on a specified street of not less than 4.5 m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.