

**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.



Previous S.16 Applications covering the Application Site

Approved Applications

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Date of Consideration by RNTPC</u>	<u>Approval Condition(s)</u>
1	A/YL-SK/144	Temporary animal boarding establishment (kennel) for a period of 3 years	14.12.2007 [revoked on 14.3.2010]	(1), (2), (3), (4), (5)
2	A/YL-SK/159	Temporary animal boarding establishment (kennel) for a period of 3 years	24.9.2010	(2), (3), (4), (5), (6)
3	A/YL-SK/194	Temporary animal boarding establishment (kennel) for a period of 3 years	11.10.2013 (for 2 years) [revoked on 11.4.2015]	(1), (3), (4), (5), (7), (8)
4	A/YL-SK/211	Temporary animal boarding establishment (kennel) for a period of 3 years	23.10.2015	(3), (4), (5), (6), (7), (8), (9),

Approval Conditions:

- (1) Submission and/or implementation of tree preservation proposal.
- (2) Submission and/or implementation of drainage proposal
- (3) Submission and implementation of fire service installation proposal
- (4) Revocation of planning approval if any of the conditions is not complied with by the specified date/ during planning approval period
- (5) Reinstatement of the Site to any amenity area upon expiry of the planning permission
- (6) The existing trees and landscape plating on the Site shall be maintained at all times during the planning approval period
- (7) Maintenance of existing drainage facilities on the Site at all times during the planning approval period
- (8) Submission of a record of existing drainage facilities on the Site
- (9) No reversing of vehicles into or out from the Site

**Rejected Application**

	<b><u>Application No.</u></b>	<b><u>Proposed Use</u></b>	<b><u>Date of Consideration by RNTPC</u></b>	<b><u>Approval Condition(s)</u></b>
1	A/YL-SK/59	Temporary open storage of construction materials (tools, marble and granite) for a period of 12 months	3.4.1998	(1), (2), (3)

**Rejection Reasons:**

- (1) The development is not in line with the planning intention of the “Village Type Development” zone on the OZP, which is to designate both existing recognized villages and areas of land considered suitable for village expansion. There is no justification in the submission to depart from the planning intention even on a temporary basis.
- (2) The development is not compatible with the nearby village houses.
- (3) Approval of the application would set an undesirable precedent for other similar applications, the cumulative effect of which would degrade the environment of the area.

**Advisory clauses**

- (a) resolve any land issues relating to the development with the concerned land owners;
- (b) note DLO/YL, LandsD's comments that the Site comprised Government Land (GL) and 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 Sheung Road via GL. His office provides no maintenance work for the GL involved and does not guarantee 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. The STW and STT holder(s) will need to apply to his office for modification of the STW/STT conditions where appropriate. The owner(s) of the lot without STW will need to apply to his office to permit the structures to be erected or regularize any irregularities on site, if any. 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 of 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 applicant is reminded that sufficient space within the Site should be provided for manoeuvring of vehicles. 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. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (e) note DEP's comments that the applicant is advised to properly design and maintain the facilities with a view to minimize potential environmental nuisance to nearby sensitive receivers, e.g. the kennels should be enclosed with proper soundproofing materials and provided with 24-hour mechanical ventilation and air-conditioning (MVAC) system. The applicant is also advised to follow the relevant mitigation measures and requirements in the revised "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" (the COP) to

minimize any potential environmental nuisance, and implement suitable mitigation measures to address potential odour impacts. Moreover, effluent discharges from the applied use are subject to control under the Water Pollution Control Ordinance (WPCO). A discharge licence under the WPCO shall be obtained before a new discharge is commenced. If septic tank and soakaway system is proposed, its design and construction should follow the requirements of the Practice Note for Professional Person (ProPECC) PN 5/93 "Drainage Plans subject to Comment by the Environmental Protection Department";

- (f) 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;
- (g) note DFEH's comments that if any FEHD's facility is affected by the development, FEHD's prior consent must be obtained. Reprovisioning of the affected facilities by the project proponent up to the satisfaction of FEHD may be required. Besides, the project proponent should provide sufficient amount of additional recurrent cost for management and maintenance of the reprovisioned facilities to FEHD. Proper licence/permit issued by his department is required if there is any food business/catering service/activities regulated by the DFEH under the Public Health and Municipal Hygiene Ordinance (Cap. 132) and other relevant legislation for the public and the operation of any business should not cause any obstruction. If the proposal involves any commercial/trading activities, no environmental nuisance should be generated to the surroundings. Also, for any waste generated from the commercial/trading activities, the applicant should handle on their own/at their expenses. Any animal carcass/parts shall be properly wrapped or bagged before disposal; 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.

