

**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.



**Appendix III of RNTPC  
Paper No. A/YL-KTN/709**

**Previous Applications Covering the Site**

**Approved Applications**

	<b><u>Application No.</u></b>	<b><u>Proposed Use</u></b>	<b><u>Date of Consideration (RNTPC)</u></b>	<b><u>Approval Condition(s)</u></b>
1	A/YL-KTN/320	Temporary Warehouse for Musical Instruments and Posters of Concerts for a Period of 3 Years	17.4.2009	1, 2, 3, 4, 5, 6, 7
2	A/YL-KTN/379	Temporary Warehouse for Musical Instruments and Posters of Concerts for a Period of 3 Years	18.5.2012 [revoked on 18.11.2012]	1, 2, 3, 5, 6, 7
3	A/YL-KTN/398	Temporary Warehouse for Musical Instruments and Posters of Concerts for a Period of 3 Years	1.3.2013	1, 2, 3, 5, 6, 7
4	A/YL-KTN/509	Temporary Warehouse for Musical Instruments, Posters and Document for a Period of 3 Years	18.3.2016 [revoked on 18.12.2016]	1, 2, 3, 5, 6, 7, 8
5	A/YL-KTN/565	Temporary Warehouse for Musical Instruments, Posters, Documents and ancillary caretaker's office for a Period of 3 Years	14.7.2017	1, 2, 3, 5, 6, 7

**Approval Conditions:**

1. Restriction on operation hours
2. Prohibition of medium or heavy goods vehicles exceeding 5.5 tonnes as defined in the Road Traffic Ordinance or container trailers/ tractors
3. Prohibition of dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities
4. Submission and implementation of drainage proposal within a specified period
5. Submission and/or implementation of emergency vehicular access or fire service installations proposals within a specified period
6. Revocation of planning permission if the planning conditions were not complied with during planning approval or by specified date

7. Reinstatement of the application site to an amenity area
8. No reversing of vehicle into or out from the site

**Similar Applications within the Same “AGR” Zone in the Vicinity of the Site  
on the Kam Tin North Outline Zoning Plan**

**Approved Application**

	<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-KTN/10*	Erection of a steel-frame open-side structure for storage of wooden board	6.10.1995	1, 2, 3, 4, 5

*\*The Site straddled “AGR” and “I(D)” zones on the OZP.*

**Approval Conditions**

- (1) Provision of vehicular access arrangement as well as car-parking and loading/unloading spaces
- (2) Submission and implementation of drainage proposal
- (3) Submission and implementation of landscaping proposals
- (4) Provision of fencing along the site boundary
- (5) The permission should cease to have effect on 6.10.1997 unless prior to the said date either the development hereby permitted was commenced or this permission was renewed

**Rejected Application**

	<b><u>Application No.</u></b>	<b><u>Proposed Use(s)</u></b>	<b><u>Date of Consideration (RNTPC)</u></b>	<b><u>Rejection Reason(s)</u></b>
1	A/YL-KTN/397*	Proposed Temporary Back-up Warehouses (Storage of New Electrical Components and Garments in Packed Boxes) for a Period of 3 Years	11.1.2013	1, 2, 3

*\*The Site straddled “AGR”, “V” and “I(D)” zones on the OZP.*

**Rejection Reasons**

- (1) Not in line with the planning intentions of the “AGR” and “V” zones
- (2) Approval of the application would set an undesirable precedent for similar applications in the “AGR” and “V” zones. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.
- (3) The development would pose adverse environmental impact on the nearby residential use and generate adverse landscape and drainage impacts



**Advisory Clauses**

- (a) note DLO/YL, LandsD's comments that the Site comprises Old Scheduled 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 ancillary caretaker's office of the proposal, in any event, shall not be used for domestic/residential purposes. The STW holders will need to apply to his 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. Applications for any of the above will be considered by LandsD acting in the capacity as landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by the LandsD;
- (b) 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 LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (c) note CHE/NTW, HyD's comments that adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads or exclusive road drains. Fung Kat Heung Road is not maintained by his department. His department is not/shall not be responsible for the maintenance of any access connecting the Site and San Tam Road;
- (d) 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" to minimise any potential environmental nuisance;
- (e) note CE/MN, DSD's comments that the applicant should be advised that the development would neither obstruct overland flow nor adversely affect any existing natural streams, village drains, ditches and the adjacent areas; and
- (f) note CBS/NTW, BD's comments that before any new buildings 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 should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO). If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the 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 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 (B(P)R) respectively. The Site does not abut on any specified street, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.