

**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

Approved Applications

Application No.	Uses/Developments	Date of Consideration	Approval Conditions
A/YL-SK/152	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	08/05/2009	A1 – A8
A/YL-SK/160	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	28/01/2011	A2 – A4, A7 – A10
A/YL-SK/167	Renewal of Planning Approval for Temporary "Shop and Services (Real Estate Agency)" Use under Application No. A/YL-SK/160 for a Period of 3 Years	20/01/2012	A7 – A13
A/YL-SK/185	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	03/05/2013	A7 – A13
A/YL-SK/214	Renewal of Planning Approval for Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	22/04/2016	A9, A10, A13 – A16

Approval Conditions

- A1 No night-time operation between 6:00 p.m. and 8:00 a.m.
- A2 The provision of boundary fence for setting out the application site boundary
- A3 The submission of landscape proposal
- A4 The implementation of landscape proposal
- A5 The submission of drainage proposal
- A6 The implementation of drainage facilities
- A7 The submission of fire service installations proposal
- A8 The provision of fire service installations
- A9 No night-time operation between 6:00 p.m. and 9:00 a.m.
- A10 The existing drainage facilities on the application site should be maintained
- A11 The existing boundary fence on the application site should be maintained

- A12 The existing trees and landscape plantings on the application site should be maintained
- A13 The submission of a record of the existing drainage facilities
- A14 The submission of a tree preservation proposal
- A15 The implementation of the tree preservation proposal
- A16 The implementation of the accepted fire service installations proposal

Rejected Applications

Application No.	Uses/Developments	Date of Consideration	Rejection Reasons
Nil	Nil	Nil	Nil

Reasons for Rejection

Nil

Similar s.16 Applications

Approved Applications

Application No.	Uses/Developments	Date of Consideration	Approval Conditions
A/YL-SK/164	Temporary Shop and Services (Real Estate Agency) and Ancillary Office for a Period of 3 Years	18/11/2011	A1 – A9
A/YL-SK/205	Proposed Temporary Shop and Services (Real Estate Agency and Retail Shop for Furniture and Pet Accessory) with Ancillary Office for a Period of 3 Years	27/02/2015	A3, A5 – A15

Approval Conditions

- A1 No night-time operation between 6:00 p.m. and 9:00 a.m.
- A2 The existing access track to the east of the application site should be allowed for use by the public
- A3 The submission of run-in/out proposal
- A4 The provision of run-in/out
- A5 The implementation of the accepted landscape proposal
- A6 The submission of drainage proposal
- A7 The implementation of drainage facilities
- A8 The submission of fire service installations proposal
- A9 The implementation of fire service installations proposal
- A10 No operation between 7:00 p.m. and 9:00 a.m. daily
- A11 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 at any time
- A12 No reversing of vehicles into or out from the site is allowed
- A13 The submission of a tree preservation proposal

A14 The implementation of a tree preservation proposal

A15 The implementation of the run-in proposal

Rejected Applications

Application No.	Uses/Developments	Date of Consideration	Rejection Reasons
Nil	Nil	Nil	Nil

Reasons for Rejection

Nil

Advisory Clauses

- (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that:
- (i) the Site comprises 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;
 - (ii) within the Site, Lot No. 225 S.D in D.D.112 is currently covered by Short Term Waiver (STW) No. 3916 for the permitted use of "Temporary Shop and Services (Real Estate Agency)";
 - (iii) the Site is accessible from Kam Sheung 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;
 - (iv) the Site falls within the Shek Kong Airfield Height Restriction Area (SKAHRA). The height of the applied structures shall not exceed relevant airfield height limit within the SKAHRA;
 - (v) according to his records, there is no Small House application received/under processing within the Site; and
 - (vi) should planning approval be given to the planning application, the STW holder(s) will need to apply to his office to modification of the STW conditions where appropriate. Besides, given the applied use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted House(s) will be considered or allowed. 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(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 LandsD.
- (b) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that his department does not and will not maintain the 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.
- (c) to note the comments of the Director of Environmental Protection (DEP) to adopt the latest "Code of Practice on Handling the Environmental Aspects of Temporary uses and Open Storage Sites" issued by his department to minimise any potential environmental nuisances.

- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
- (i) before any new building works (including containers/open sheds as temporary buildings) are to be carried out on site, prior approval and consent of 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);
 - (ii) 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 use under the application;
 - (iii) 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;
 - (iv) 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; and
 - (v) 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 B(P)R at the building plan submission stage.