

**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-KTS/846**

Previous S.16 Applications covering the Site

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Condition(s)</u>
1	A/YL-KTS/513	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	10.12.2010	(1), (2), (3), (4), (5), (6)
2	A/YL-KTS/619	Renewal of Planning Approval for Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	22.11.2013	(1), (2), (3), (4), (5), (6), (7), (8)
3	A/YL-KTS/742	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	23.6.2017	(1), (2), (3), (4), (5), (6), (7), (8), (9)

Approval Conditions:

- (1) Restriction on operation hours.
- (2) Submission and/or implementation/maintenance of landscaping and/or tree preservation proposals.
- (3) Submission and/or provision/maintenance of drainage facilities.
- (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 upon the expiry of the planning approval.
- (7) No vehicle is allowed to queue back to or reverse onto / from public road at any time during the planning approval period.
- (8) Submission of a record of existing drainage facilities.
- (9) 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.

**Similar Applications within the same “AGR” or “V” Zones on the Kam Tin South
Outline Zoning Plan**

Approved Applications

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Conditions</u>
1	A/YL-KTS/495	Temporary Shop and Services (Real Estate Agency) for a period of 3 years	16.7.2010 [revoked on 16.8.2012]	(1), (2), (3), (5), (6), (7)
2	A/YL-KTS/497	Temporary Shop and Services (Real Estate Agency) for a period of 3 years	30.7.2010	(1), (2), (3), (5), (6), (7)
3	A/YL-KTS/542	Temporary Shop and Services (Real Estate Agency) for a period of 3 years	5.8.2011 [revoked on 5.5.2012]	(1), (2), (3), (5), (6), (7)
4	A/YL-KTS/546	Temporary Shop and Services (Real Estate Agency) for a period of 3 years	2.9.2011	(1), (2), (3), (5), (6), (7)
5	A/YL-KTS/608	Temporary Shop and Services (Real Estate Agency) for a period of 3 years	11.10.2013 [revoked on 11.4.2014]	(1), (2), (4), (5), (6), (7), (8), (9)
6	A/YL-KTS/649	Temporary Shop and Services (Real Estate Agency) for a period of 3 years	17.10.2014 [revoked on 17.4.2015]	(1), (2), (4), (5), (6), (7), (8), (9),
7	A/YL-KTS/650	Temporary Shop and Services (Real Estate Agency) for a period of 3 years	17.10.2014	(1), (2), (4), (5), (6), (7), (8), (9)
8	A/YL-KTS/651	Temporary Shop and Services (Real Estate Agency) for a period of 3 years	16.1.2015 [revoked on 16.7.2016]	(1), (2), (3), (5), (6), (7), (9)
9	A/YL-KTS/704	Temporary Shop and Services (Real Estate Agency) for a period of 3 years	27.5.2016 [revoked on 27.8.2016]	(1), (2), (4), (5), (6), (7), (8), (9)
10	A/YL-KTS/729	Temporary Shop and Services (Real Estate Agency) for a period of 3 years	17.2.2017	(1), (2), (4), (5), (6), (7), (8), (9)
11	A/YL-KTS/809	Proposed Temporary Shop and Services (Real Estate Agency) for a period of 3 years	4.1.2019	(1), (2), (4), (5), (6), (7), (8), (9)

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Conditions</u>
12	A/YL-KTS/841	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	20.3.2020	(1), (3), (5), (6), (7), (8)
13	A/YL-KTS/845	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	24.4.2020	(1), (4), (5), (6), (7), (8)

Approval Conditions

- (1) Restriction on operation hours.
- (2) Submission and/or implementation/maintenance of landscape and/or tree preservation proposal.
- (3) Submission of drainage proposal and/or implementation/maintenance of drainage facilities.
- (4) Maintenance of drainage facilities and submission of drainage facilities record.
- (5) Submission of fire service installations (FSIs) proposal and/or provision of FSIs.
- (6) Revocation of the planning approval if the planning conditions are not complied with during the planning approval period or by specified date.
- (7) Reinstatement of the Site after the expiry of the planning approval.
- (8) No vehicle is allowed to queue back to or reverse onto / from public road at any time during the planning approval period.
- (9) 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 on or enter/exit the Site at any time.

Advisory Clauses

- (a) note DLO/YL, LandsD's comments that 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. The STW holder(s) 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 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 rent or fee, as may be imposed by the LandsD;
- (b) note CHE/NTW, HyD's comments that the applicant should provide the run in/out at Kam Sheung Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to the nearby public roads or exclusive road drains;
- (c) 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" issued by the DEP; and
- (d) note CBS/NTW, BD's comments that if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the Building Authority (BA), they are unauthorized building works (UBW) under the Buildings Ordinance (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 the prevailing 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. Before any new building works (including containers/open sheds as temporary buildings, demolition and land filling) are to be carried out on the Site, prior approval and consent of the BA should be obtained, otherwise, they are UBW. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with 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 a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.

