

**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 Applications covering the Application Site

Approved Applications

	Application No.	Proposed Use(s)/ Development(s)	Date of Consideration By RNTPC/ TPB	Approval Conditions
1	A/YL-PH/259	Temporary open storage of left-hand drive vehicles prior to sale for a period of 12 months	5.2.1999	(2), (3), (5)
2	A/YL-PH/313	Temporary open storage of left-hand drive vehicles prior to sale for a period of 3 years	14.1.2000 (revoked on 14.10.2000)	(2), (3), (5), (7)
3	A/YL-PH/434	Proposed temporary site office for a period of 3 years	27.6.2003	(1), (2), (3), (4), (5), (6), (13)
4	A/YL-PH/522	Renewal of permission for temporary site office for a period of 3 years	2.6.2006	(1), (4), (5), (6), (8), (9), (10)
5	A/YL-PH/584	Temporary site office for a period of 3 years	10.7.2009	(1), (4), (5), (6), (8), (11), (12), (13)
6	A/YL-PH/643	Temporary site office for a period of 3 years	20.7.2012	(1), (4), (5), (6), (8), (9), (11), (12)
7	A/YL-PH/717	Renewal of Planning Approval for Temporary Site Office for a Period of 3 Years	3.7.2015	(1), (4), (5), (6), (8), (9), (11), (12), (13)

Approval Conditions:

- (1) The site should only be used for site office and no repairing works allowed
- (2) Submission and implementation of landscape proposals
- (3) Submission and/or implementation of drainage proposals
- (4) Submission and provision of EVA, water supplies for fire fighting and/or fire service installation/ implementation of the accepted fire service installations proposals
- (5) Upon expiry of planning permission, the reinstatement of the site to an amenity area
- (6) If the planning condition is not complied with during the approval period/by specified date, the approval shall cease to have effect and be revoked without further notice
- (7) Stacking height of the vehicles should not exceed the height of the peripheral fence of the application site
- (8) Maintenance of existing trees and landscape planting
- (9) Maintenance of drainage facilities on the application site/ submission of drainage record
- (10) The setting back of the boundary of the site from the work limits of the project "Improvement to Kam Tin Road, Stage 2" as when required by the Government departments
- (11) Restriction on operating hours
- (12) No medium or heavy good vehicles or container trailers/tractors
- (13) Provision of vehicular access



**Advisory Clauses**

- (a) the Site should be kept clean and tidy at all times;
- (b) resolve any land issue relating to the development with the concerned owner of the Site;
- (c) 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 Site is accessible to 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 limit within SKAHRA. The STW holder(s) will need to apply to his office for modification of the STW conditions if there is any irregularities on site. Such application(s) 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 premium or fee, as may be imposed by the LandsD;
- (d) 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 Transport 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;
- (e) note CHE/NTW, HyD's comments that his department does not and will not maintain the accesses connecting the Site and Kam Tin Road. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (f) adopt the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by DEP to minimize any potential environmental nuisances;
- (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 if the existing structures are erected on leased land without approval of BD (not being New Territories Exempted House), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the planning application. Before any new building works (including containers/ open sheds as temporary buildings) are to be carried out on the Site, the prior approval and consent of the BA 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 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. For UBW erected on leased land, enforcement action may be taken by the BA 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-site under the BO. 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.