

**Relevant Extract 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.

Previous s.16 Application covering the Application Site

Approved Application

	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1	A/YL-PH/744	Proposed Temporary Shop and Services (Provision Store) for a Period of 3 Years	23.6.2017	(1), (2), (3), (4), (5), (6), (7), (8)

Approval Conditions

- (1) Restriction on operation hours
- (2) No medium and heavy goods vehicles exceeding 5.5 tonnes are allowed
- (3) No vehicle is allowed to queue back to or reverse onto / from public road at any time during the planning approval period
- (4) Submission / implementation of drainage proposal
- (5) Submission/ implementation of tree preservation and landscape proposal
- (6) Submission / implementation of fire service installations proposal
- (7) Revocation of planning approval if any of the planning conditions are not complied with during the planning approval period / by the specified date
- (8) Reinstatement of the application Site upon expiry of the planning permission

**Appendix IV of
RNTPC Paper No. A/YL-PH/839**

**Similar Applications within the Same “V” Zone
on the Pat Heung Outline Zoning Plan**

Approved Applications

	Application No.	Proposed Use(s)	Date of Consideration (RNTPC/TPB)	Rejection Reason(s)
1	A/YL-PH/672	Temporary Shop and Services (Real Estate Agency) for a Period of 5 Years	6.9.2013 (for a period of 3 years)	(1), (2), (6), (7)
2	A/YL-PH/708	Temporary Shop and Services for a Period of 3 Years	16.1.2015 (revoked on 16.4.2017)	(1), (2), (3), (4), (5), (6), (7)
3	A/YL-PH/788	Temporary Shop and Services (Daily Supplies and Food Retail Shop) for a Period of 3 Years	7.9.2018	(1), (2), (4), (5), (6), (7), (8)
4	A/YL-PH/813	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	5.7.2019	(1), (2), (4), (6), (9)
5	A/YL-PH/816	Temporary Shop and Services for a Period of 3 Years	4.10.2019	(1), (2), (4), (5), (6), (8), (10)

Approval Conditions

1. Restriction on operating hours
2. Submission / implementation of fire service installations proposal
3. Submission / implementation of tree preservation proposal
4. Submission / implementation of drainage proposal / maintenance of drainage facilities
5. No medium and heavy goods vehicles exceeding 5.5 tonnes are allowed
6. Revocation of planning approval if any of the planning conditions are not complied with during the planning approval period / by the specified date
7. Reinstatement of the application Site upon expiry of the planning permission
8. No vehicle is allowed to queue back to or reverse onto / from public road at any time

9. Submission of a record of the existing drainage facilities
10. Submission / implementation of a run-in / out proposal

Advisory Clauses

- (a) note DLO/YL, LandsD's comments that the Site comprises an Old Scheduled 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 lot owner(s) will need to apply to his office to permit the structure(s) 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. 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 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 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;
- (c) note CHE/NTW, HyD's comments that HyD shall not be responsible for the maintenance of any access 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;
- (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" issued by the DEP; and
- (e) note CBS/NTW, BD's comments that 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 Building Authority should be obtained, otherwise they are unauthorized building works (UBW) under the Buildings Ordinance (BO). An Authorized Person 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 BD to effect their removal in accordance with BD's 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. 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 4.5 m wide and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.

