

**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 Application covering the Application Site

Approved Application

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-TK/553	Proposed Temporary Hobby Farm, Shop and Services (Retail Shop) for a Period of 3 Years and Land Filling (Podium of 10 cm in Depth)	7.8.2015	A1-A7

Approval Conditions

- A1 No night-time operation between 7:00 p.m. and 11:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period.
- A2 No operation on Mondays, as proposed by the applicant, is allowed on the site during the planning approval period
- A3 The submission and implementation of landscape proposal within specified periods from the date of the planning approval.
- A4 The submission and implementation of drainage proposal within specified periods from the date of the planning approval.
- A5 The submission and implementation of fire service installations and water supplies for fire-fighting proposal within specified periods from the date of the planning approval.
- A6 The submission and implementation of the revised layout plan with a reduced paved area within specified periods from the date of the planning approval.
- A7 Reinstatement of the application site to an amenity area.

Recommended Advisory Clauses

- (a) to note the comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) that:
- (i) no structure shall be erected on the lots without prior approval from LandsD; and
 - (ii) the as-built shade (i.e. 6.9m x 5.9m) on the Site was found larger than the dimension of the permitted shade (i.e. 6.9m x 5.45m) as restricted under the Short Term Waiver (STW) No. 783 and the total as-built floor area on site is slightly larger than the permitted waiver area of 44m² under the STW, the applicant should immediately purge the above breaches on the Site as soon as possible;
- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the applicant should exercise extreme care when working in the vicinity of any existing drainage facilities in order not to disturb, interfere with or cause damage to them. Any blockage or damage to the said works due to the applicant's activities in the area shall be made good to the satisfaction of concerned departments at the resources of proponent;
- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
- (i) if the existing structures are erected on leased land without approval of the BD (not being a New Territories Exempted House), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application;
 - (ii) before any new building works (including site formation/containers/open sheds as temporary buildings) are to be carried out on the Site, the prior approval and consent of the BD should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
 - (iii) 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;
 - (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 B(P)R 19(3) at the building plan submission stage;

- (d) to note the comments of the Director of Fire Services that emergency vehicular access arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 which is administered by the BD; and detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans; **and**
- (e) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of inside services within the private lots to WSD's standards; **and**
- (f) *to note the comments of the Director of Environmental Protection (DEP) that the applicant should follow the relevant mitigation measures and requirements in the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites".*