

**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 covering the Application Site

Approved Applications

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-TK/335	Temporary Private Garden Ancillary to New Territories Exempted House For a Period of 5 Years (granted with planning permission for a period of 3 years instead)	23.12.2010	A1, A2, A4 and A5
A/NE-TK/480	Temporary Private Garden Ancillary to New Territories Exempted House For a Period of 3 Years	13.12.2013	A3 – A5
A/NE-TK/596	Renewal of Planning Approval for Temporary Private Garden Ancillary to New Territories Exempted House for a Period of 3 Years	23.12.2016	A3 – A5

Approval Conditions

- A1. The submission of landscape and tree preservation proposals within specified period from the date of planning approval.
- A2. The implementation of landscape and tree preservation proposals within specified period from the date of planning approval.
- A3. The existing trees and landscape plantings on the site shall be maintained at all times during the planning approval period.
- A4. Revocation of planning approval for non-compliance with conditions.
- A5. Upon the expiry of the planning permission, the reinstatement of the application site to an amenity area.

Detailed advisory comments from Buildings Department

- (a) before any new building works including temporary structures are to be carried out on the application site, the prior approval and consent of the Building Authority (BA) should be obtained or the building works is minor works that is carried out under the simplified requirement under the Minor Works Control System, 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;
- (b) 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 the application site under the Buildings Ordinance (BO);
- (c) formal submission under the BO is required for any proposed new works, including any temporary structures; and
- (d) in connection with (a) above, the Site shall be provided with means of obtaining access thereto from a street under the Building (Planning) Regulation 5 and emergency vehicular access shall be provided under the Building (Planning) Regulation 41D. If the site is not abutting on a specified street having a width not less than 4.5m, the development intensity shall be determined by the Building Authority under Building (Planning) Regulation 19(3) at building plan submission stage.

Recommended Advisory Clauses

- (a) to note the comments of District Lands Officer/Tai Po, Lands Department (DLO/TP of Lands D) that:
- (i) other than the NTEH, no other structure shall be erected without prior approval from LandsD. Unauthorized structure such as a canopy, a shade, a storage and a flower bed were found on the Site and the applicants are required to clear any existing structures not covered by any approval immediately. Otherwise, appropriate enforcement action will be taken in due course; and
 - (ii) there is no guarantee of right of way to the Site or approval of Emergency Vehicular Access (EVA) thereto;
- (b) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
- (i) before any new building works including temporary structures are to be carried out on the application site, the prior approval and consent of the Building Authority (BA) should be obtained or the building works is minor works that is carried out under the simplified requirement under the Minor Works Control System, 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;
 - (ii) 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 the application site under the Buildings Ordinance (BO);
 - (iii) formal submission under the BO is required for any proposed new works, including any temporary structures; and
 - (iv) in connection with (i) above, the Site shall be provided with means of obtaining access thereto from a street under the Building (Planning) Regulation 5 and emergency vehicular access shall be provided under the Building (Planning) Regulation 41D. If the site is not abutting on a specified street having a width not less than 4.5m, the development intensity shall be determined by the Building Authority under Building (Planning) Regulation 19(3) at building plan submission stage.