

**Relevant extracts of the Town Planning Board Guidelines No. 34B for
“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 circumstance 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

<u>Application No.</u>	<u>Proposed Development / Applied Use</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
A/YL-TT/138	Proposed temporary private swimming pool for a period of 3 years	22.11.2002 [revoked on 22.2.2004]	(1), (2), (3), (4), (5)
A/YL-TT/147	Proposed minor amendments to the approved temporary private swimming pool	8.8.2003 (approved by the then DPO/TMYL under the delegated authority of the TPB)	(1), (3), (5)
A/YL-TT/188	Temporary private swimming pool for a period of 3 years	9.12.2005	(4), (6), (7), (8)
A/YL-TT/233	Renewal of planning approval for temporary "private swimming pool" use for a period of 3 years	24.10.2008 (with validity up to 9.12.2011)	(4), (6), (7)
A/YL-TT/291	Renewal of planning approval for temporary "private swimming pool" use for a period of 3 years	7.10.2011 (with validity up to 9.12.2014)	(1), (4), (9)
A/YL-TT/337	Renewal of Planning Approval for Temporary "Private Swimming Pool" Use for a Period of 3 Years	28.11.2014 (with validity up to 9.12.2017) [revoked on 9.3.2015]	(4), (6), (7), (9)
A/YL-TT/351	Temporary private swimming pool for a period of 3 years	17.7.2015 (with validity up to 17.7.2018)	(4), (6), (7), (9)

Approval Conditions:

- (1) Submission and implementation of tree preservation and/or landscape proposals.
- (2) Submission of drainage proposals for discharge of water from the proposed private swimming pool.
- (3) The provision of the drainage facilities as proposed.
- (4) Revocation of the planning approval if any of the condition(s) is not complied with by the specified date/at any time during the approval period.
- (5) Reinstatement of the application site to an amenity area upon the expiry of the planning permission.
- (6) The trees and/or landscape plantings on the Site should be maintained at all times during the planning approval period.
- (7) The drainage facilities implemented/the existing drainage facilities on the Site should be maintained at all times during the planning approval period.

- (8) The fire service installation provided at the premises should be maintained at all times during the planning approval period.
- (9) The submission of a record of the existing drainage facilities on the Site.

Advisory clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the Site comprises of Old Scheduled Agricultural Lots held under Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. Lots Nos. 3314 S.A and 3314 RP all in D.D. 120 are covered by Short Term Waivers (STWs) Nos. 3179 and 3180 respectively to permit structures erected thereon for the purpose of private swimming pool with associated filtration plant room. The Site is accessible to Sham Chung Road via government land (GL). Her office does not provide maintenance work for GL involved and does not guarantee any right-of-way to the Site. The STW holder(s) will need to apply to her 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 of 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 LandsD;
- (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains. His department shall not be responsible for the maintenance of any access connecting the Site and Sham Chung Road;
- (d) to note the comments of the Director of Environmental Protection that the applicant is reminded to observe the requirements under the Water Pollution Control Ordinance if there is any effluent discharge from the proposed use. The applicant is also advised to observe the following requirements in Environmental Protection Department (EPD)'s Practice Note for Professional Person (ProPECC) PN 5/93 "Drainage Plans subject to Comment by the Environmental Protection Department": (i) Swimming pool main drain, footbath main drain and swimming pool make-up tank drain should be connected to stormwater drains while the filtration plant backwash should be discharged to foul sewers. (ii) In case of unavailability of public sewer, if septic tank and soakaway system is used for the filtration plant backwash, its design and operation should follow the requirements in the ProPECC PN 5/93, including the percolation test and certification by Authorized Person. Provisions should be made for connections to public foul sewers when such is available in the vicinity.
- (e) to note the Director of Fire Services' 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 FSIs to be installed should be clearly marked on the layout plans. However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (f) to note the comments of the Chief Engineer/Construction, Water Supplies Department that existing water mains (**Plan A-2** of this RNTPC Paper) will be affected. The developer shall

bear the cost of any necessary diversion works affected by the proposed development.

- (g) to note the comments of the Director of Electrical and Mechanical Services that in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. The parties concerned should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.