

**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 Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
1	A/YL-TT/230	Proposed Temporary Animal Boarding Establishment (kennel) with Ancillary Dog Recreational Facilities for a Period of 3 Years	6.3.2009 on review	(1), (2), (3), (4), (5), (6), (7), (8)
2	A/YL-TT/308	Temporary Dog Hotel for a Period of 3 Years	9.11.2012	(2), (4), (5), (7), (8), (9), (10), (11), (12)
3	A/YL-TT/375	Temporary Dog Hotel for a Period of 3 Years	22.4.2016	(4), (7), (8), (9), (10), (11), (12), (13)

Approval Condition(s):

- (1) Not more than 20 dogs should be kept within the site at all times.
- (2) Submission and implementation of tree preservation and/or landscape proposal.
- (3) Submission of drainage proposal and/or provision of drainage facilities.
- (4) Submission and/or implementation/provision of fire service installations proposal/fire extinguisher.
- (5) Submission and implementation of run-in/out proposal.
- (6) Installation of double glazing windows at the kennel building.
- (7) Revocation of planning approval if conditions not complied with by a given date/at any time during the approval period.
- (8) Reinstatement of the site to an amenity area upon expiry of planning permission.
- (9) The dogs should be kept inside the enclosed boarding facilities at night on the site at all times.
- (10) Maintenance of the existing double glazing windows installed for the boarding facilities.
- (11) Maintenance of the existing drainage facilities on the site.
- (12) Submission of a record of the existing drainage facilities on the site.
- (13) No operation between 6:30 p.m. and 8:45 a.m. from Mondays to Fridays, 6:30 p.m. and 9:00 a.m. on Saturdays and 7:00 p.m. and 9:30 a.m. on Sundays.

Advisory Clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site (the Site);
- (b) the Site should be kept in a clean and tidy condition at all times;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department that the Site comprises Government Land (GL) and Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government. The Site is accessible from Tai Tong Road via GL. Her office provides no maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the Site. The Short Term Waiver (STW)/Short Term Tenancy (STT) holder(s) will need to apply to her office for modification of the STW/STT conditions where appropriate. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Applications for any of the above will be considered by her department acting in the capacity as 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 her department.
- (d) to note the comments of the Commissioner for Transport that other than for pick up/drop off activities, stopping of vehicles along roadside for parking is not allowed. The applicant is reminded that no parking of vehicles on public road are allowed.
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the application is approved on the understanding that there is and will not be vehicular access to/from the Site;
- (f) to note the comments of the Director of Environmental Protection that the proposed mitigation measures should be properly implemented. The applicant is reminded that any discharge of wastewater arising from the Site shall comply with the requirements stipulated under the Water Pollution Control Ordinance. Also, the applicant should follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimise any potential environmental nuisances;
- (g) to note the comments of the Director of Agriculture, Fisheries and Conservation that if the applicant would like to continue the animal boarding business, she shall renew the boarding establishment license before it expires;
- (h) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. 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 and the location of where the proposed FSIs to be installed should also be clearly marked on the layout plans. The applicant is also 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;

- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the Building Authority for the structures existing at the Site. If the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of BD, they are unauthorised building works (UBW) under BO and should not be designated for any proposed use under the application. For UBW erected on leased land, enforcement action may be taken by 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 works or UBW on the Site under BO. Before any new building works (including containers/open sheds as temporary buildings) are to be carried out in the Site, the prior approval and consent of BD should be obtained, otherwise they are UBW. An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with 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. 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; and
- (j) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that no Food and Environmental Hygiene Department's facilities will be affected and such activity and operation shall not cause any environmental nuisance, pest infestation and obstruction to the surrounding. For any waste generated from the such activity / operation, the applicant should arrange disposal properly at her own expenses. Any animal carcass/ parts shall be properly wrapped or bagged before disposal. Proper licence / permit issued by his department is required if there is any catering service / activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public.