

**Relevant Extracts 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 Applications covering the Application Site

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration By RNTPC/TPB</u>	<u>Approval Conditions</u>
1.	A/YL-KTN/352	Temporary Storage of Logistics Products and Goods with Ancillary Office for a Period of 3 Years	28.1.2011	(1), (2), (3), (4), (5), (6), (7), (8),
2.	A/YL-KTN/428	Renewal of Temporary Storage of Logistics Products and Goods with Ancillary Office for a Period of 3 Years	17.1.2014	(1), (2), (3), (4), (5), (6), (7), (8),
3.	A/YL-KTN/542	Renewal of Temporary Storage of Logistics Products and Goods with Ancillary Office for a Period of 3 Years	9.12.2016	(1), (2), (3), (4), (5), (6), (7), (8),

Approval Conditions

- (1) Restriction on operation hours
- (2) Restriction on types of vehicles used
- (3) No workshop activities
- (4) Submission and/or implementation/maintenance of landscaping proposal
- (5) Submission and/or provision/maintenance of drainage facilities
- (6) Submission and implementation of fire service installations proposal
- (7) Revocation of planning permission if planning conditions not complied with during the planning approval period/by the specified time limit
- (8) Upon expiry of the planning permission, the reinstatement of the Site to an amenity area

**Similar Applications within the Same “AGR” Zone in the Vicinity of the Site on
approved Kam Tin North Outline Zoning Plan**

Rejected Application

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration By RNTPC/TPB</u>	<u>Approval Conditions</u>
1.	A/YL-KTN/330	Temporary Furniture Warehouse for a Period of 3 Years	10.7.2009	(1), (2), (3), (4)

Rejected Reasons

- (1) The development was not in line with the planning intention of the “Agriculture” zone
- (2) The development was not compatible with the surrounding land uses, which were dominated by residential structures/ village houses and scattered farm/ vacant structures and orchards
- (3) The structures on-site were akin to domestic structures and no strong evidence to demonstrate the development was genuinely intended for the applied use
- (4) The approval of the application, even on a temporary basis, would set an undesirable precedent

Advisory Clauses

- (a) note DLO/YL, LandsD's comments that the Site comprises Old Schedule Agricultural Lots 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 Site is accessible from Kam Tai Road via Government Land (GL) and private land. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the Site. The Site falls within Shek Kong Airfield Height Restriction Area (SKAHRA). The height of the proposed structure should not exceed the relevant airfield height limit within SKAHRA. The STW holder(s) will need to apply to his office for modification of the STW conditions where appropriate. The owner(s) of the lot without STW will need to apply to his office to permit the structures to be erected or regularize any irregularities on site, if any. 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 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 premium 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 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 his department is not/ shall not be responsible for the maintenance for any access connecting the Site and Kam Tai Road;
- (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 if the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of the BD, they are unauthorized under the BO and should not be designated for any approved use under the application. Before any new building works (including storage shed and office as temporary building) 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). An Authorized Person (AP) 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 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. 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.