

**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.

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Previous Applications covering the Application Site

Approved Applications

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Conditions</u>
1	A/YL-SK/131	Temporary dog kennels for a period of 3 years	3.3.2006	(a), (b), (c), (d), (e), (f)
2	A/YL-SK/150	Renewal of planning approval for temporary dog kennels for a period of 3 years	9.1.2009	(e), (f), (g), (h), (i), (j), (k)
3	A/YL-SK/173	Temporary dog kennels for a period of 3 years	7.9.2012 [Revoked on 7.3.2013]	(a), (b), (e), (f), (h), (k), (l), (m), (n)
4	A/YL-SK/190	Temporary dog kennels for a period of 3 years	2.8.2013	(a), (b), (e), (f), (h), (k), (l)
5	A/YL-SK/217	Renewal of planning approval for temporary dog kennels for a period of 3 years	15.7.2016	(e), (f), (g), (h), (k), (l), (n)

Approval Conditions:

- (a) Submission of tree preservation proposals
- (b) Implementation of the accepted tree preservation proposals.
- (c) Submission of drainage proposals
- (d) Provision of drainage facilities
- (e) If any of the specific planning conditions was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice
- (f) Upon the expiry of the planning permission, the reinstatement of the application site to an amenity area
- (g) The existing trees on the application site should be maintained at all time during the planning approval period
- (h) The existing drainage facilities on the application site should be maintained at all time during the planning approval period
- (i) Submission of emergency vehicular access and FSIs proposals
- (j) Provision of emergency vehicular access and FSIs
- (k) If any of the specific planning conditions was not complied with at any time during the planning approval period, the approval hereby given should cease to

have effect and should be revoked immediately without further notice

- (l) Submission of a record of existing drainage facilities on the application site
- (m) Submission of FSIs proposal
- (n) Implementation of FSIs proposal

Advisory Clauses

- (a) resolve any land issue relating to the development with other concerned owner(s) of the site;
- (b) 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 Sheung 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 shall not exceed the relevant airfield height limit within the SKAHRA. The STW holder(s) will need to apply to his office for modification of the STW conditions where appropriate. Besides, given the proposed use is temporary in nature, only application for regularization 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 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 the LandsD;
- (c) note CHE/NTW, HyD's comments that his department shall not be responsible for the maintenance of any access connecting the Site;
- (d) note DEP's comments that the applicant has obtained discharge licence under the Water Pollution Control Ordinance which is valid up to 31.10.2022. It is the obligation of the applicant to comply with its terms and conditions. The applicant is also reminded to minimize noise caused by the use so that it would not cause environmental nuisance to nearby sensitive receivers;
- (e) note CBS/NTW, BD's comments that before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO). If the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of his department, they are UBW under the 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 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 4.5 m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;

- (f) note DAFC's comments that the applicant holds a valid Animal Trader licence issued by his department. The licence is valid until 30.10.2019. There is a stream abutting the Site. The applicant is advised to adopt necessary measures to avoid disturbance and pollution to the stream during operation as far as practicable;
- (g) note D of FS's comments that the applicant is reminded that if the proposed structure(s) is required to comply with the BO (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
- (h) note DFEH's comments that if any FEHD's facility is affected by the development, FEHD's prior consent must be obtained. Reprovisioning of the affected facilities by the project proponent up to the satisfaction of FEHD may be required. Besides, the project proponent should provide sufficient amount of additional recurrent cost for management and maintenance of the reprovisioned facilities to FEHD. Proper licence / permit issued by this Department is required if there is any food business / catering service / activities regulated by the Director of Food and Environmental Hygiene (DFEH) under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public and the operation of any business should not cause any obstruction. If the proposal involves any commercial/trading activities, its state should not as to be a nuisance or injurious or dangerous to health and surrounding environment. Also, for any waste generated from the commercial/ trading activities, the applicant should handle on their own/at their expenses. Any animal carcass/ parts shall be properly wrapped or bagged before disposal.