

**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. 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.



**Appendix III of RNTPC  
Paper No. A/YL-KTN/658**

**Previous Application covering the Application Site**

**Approved Applications**

	<b><u>Application No.</u></b>	<b><u>Proposed Use</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Approval Condition(s)</u></b>
1	A/YL-KTN/273	Temporary Place of Recreation (including Barbecue Spot and Picnic Area) for a period of 3 years	22.6.2007 [for a period of 2 years]	(1), (2), (3), (4), (5), (6), (7)
2	A/YL-KTN/329	Renewal of Planning Approval for Temporary "Place of Recreation (including Barbecue Spot and Picnic Area)" for a period of 3 years	19.6.2009	(1), (2), (3), (4), (5), (6), (7), (8)
3	A/YL-KTN/383	Renewal of Planning Approval for Temporary "Place of Recreation (including Barbecue Spot and Picnic Area)" for a period of 3 years	1.6.2012	(1), (2), (3), (4), (5), (6), (7), (8), (10)
4	A/YL-KTN/495	Temporary Place of Recreation, Sports or Culture (including Barbecue Spot, Picnic Area, Children Playground and Handicraft Making Area with Ancillary Facilities) for a Period of 3 Years	10.6.2016	(1), (2), (3), (4), (6), (7), (8), (9)

**Approval conditions:**

- (1) restriction on operation hours
- (2) no public announcement system, portable loudspeaker or any form of audio amplification system is allowed to be used on the site
- (3) no pond filling or paving of the site is allowed on the site
- (4) maintenance of landscape plantings on the site
- (5) maintain right-of-way to the occupiers of the small house site in the middle of the site and the nearby residents
- (6) if the planning condition is not complied with during the planning approval period/ by the specified dates, the approval shall cease to have effect and shall be revoked without further notice
- (7) reinstatement of the site upon expiry of the planning permission
- (8) maintenance of existing drainage facilities/ submission of a record of existing drainage facilities

- (9) no reversing of vehicles into or out of the site and no queuing back of vehicles to public road from the site is allowed
- (10) submission and implementation of fire service installations

**Appendix IV of RNTPC  
Paper No. A/YL-KTN/658**

**Similar s.16 Applications within the same “Agriculture” Zone on  
Kam Tin North Outline Zoning Plan**

**Approved Applications**

	<b><u>Application No.</u></b>	<b><u>Proposed Use</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Approval Condition(s)</u></b>
1	A/YL-KTN/150	Temporary Barbecue Spot with Structures for 3 years	23.8.2002	(1), (3), (4)
2	A/YL-KTN/235	Temporary Barbecue Spot with Structures for 3 years	26.8.2005	(2), (3), (4)

**Approval Conditions:**

1. the submission of drainage proposal and/or provision of drainage facilities
2. maintenance of drainage facilities
3. if the condition not complied with by a specified date or during the planning approval period, the approval shall cease to have effect and shall be revoked without further notice
4. reinstatement of site to an amenity area upon expiry of planning permission

**Rejected Applications**

	<b><u>Application No.</u></b>	<b><u>Proposed Use</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Rejection Reason (s)</u></b>
1	A/YL-KTN/394	Proposed temporary field study/education centre and hobby farm for 5 years	14.6.2013 on review	(1), (2), (3), (4)
2	A/YL-KTN/418	Proposed Temporary Barbecue Area with Ancillary Car Park and Meeting Point for a Period of 3 Years	8.11.2013	(3), (4), (5), (6)

**Rejection Reasons**

- (1) the site is the subject of unauthorized land filling
- (2) there is no detailed information provided regarding the design and operation of the proposed development particularly the hobby farm, field study/education centre and the office with porch

- (3) the applicant fails to demonstrate that the development would not generate adverse landscape, drainage and/or environmental impacts on the surrounding areas
- (4) approving the application would set an undesirable precedent for similar applications within the “AGR” zone, and the cumulative effect of which would result in a general degradation of the rural environment of the area
- (5) the development was not in line with the planning intention of the “AGR” zone. No strong justification had been given in the submission for a departure from the planning intention even on a temporary basis
- (6) the development was not compatible with the residential dwellings/structures in the vicinity for a period of 3 years

**Advisory Clauses**

- (a) resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (b) note DLO/YL, LandsD's comments that the Site comprises an Old Schedule Agricultural Lot (OSAL) (i.e. Lot No. 570 in D.D. 107) held under the Block Government Lease and a New Grant Agricultural Lot (NGAL) (i.e. Lot No. 571 RP in D.D. 107) held under Tai Po New Grant No. 5927. The OSAL contains the restriction that no structures are allowed to be erected without the prior approval of the Government. The NGAL contains the restriction on user for agricultural purpose. No permission is given for occupation of Government Land (GL) (about 94 m<sup>2</sup> subject to verification) included in the Site. Any occupation of GL without Government's prior approval is not allowed. Within the Site, Lot No. 570 in D.D. 107 is currently covered by Short Term Waiver (STW) No. 1757 to permit structures erected thereon for the purpose of "Storage of building construction materials and no open storage of dusty materials". The Site is accessible from Fung Kat Heung Road via GL. 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 STW holder(s) will need to apply to his office for modification of the STW conditions where appropriate. The owner(s) of the lot(s) 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 erection of temporary structure(s) will be considered. No construction of New Territories Excepted Building(s) will be considered or allowed. Furthermore, the applicant has to either exclude the GL portion from the Site or apply for a direct grant STT for use of the Site. 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 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) note C for T's comments that the Site is connected to the public road network via a section of a local access road which is not managed by Transport Department (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;
- (d) note CHE/NTW, HyD's comments that HyD shall not be responsible for the maintenance of any access connecting the Site and Chi Ho Road. Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains;
- (e) note DEP's comments that potential noise nuisance from activities such as human chatting, shouting and music from amplifiers especially during night time would be a concern to nearby sensitive uses, i.e. residential dwellings located to the immediate north and west of the Site. The applicant should ensure compliance with the

undertakings proposed by him and minimize any noise from the applied use so that it would not cause any noise nuisance to nearby sensitive receivers. The applicant is also advised to 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 DEP to minimize any potential environmental nuisance;

- (f) note DAFC's comments that there are fish ponds within and adjacent to the Site. The applicant should adopt necessary measures to avoid causing pollution or disturbance to the ponds during operation;
- (g) note DFEH's comments that if any Food and Environmental Hygiene Department (FEHD)'s facility is affected by the development, FEHD's prior consent must be obtained. Re provisioning 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 re provisioned facilities to FEHD. Proper licence and/or permit issued by his department is required if any food business and/or activities related to place of entertainment is involved: (i) for the operation of any types of food business, relevant food licence(s) and/or permit(s) should be obtained from FEHD in accordance with the Public Health and Municipal Services Ordinance (Cap. 132); and (ii) any person who desires to keep or use any place of public entertainment for example a theatre and cinema or a place, building, erection or structure, whether temporary or permanent, on one occasion or more, capable of accommodating the public presenting or carrying on public entertainment within Places of Public Entertainment (PPE) Ordinance (Cap. 172) and its subsidiary legislation, such as a concert, opera, ballet, stage performance or other musical, dramatic or theatrical entertainment, cinematograph or laser projection display or an amusement ride and mechanical device which is designed for amusement. A Place of Public Entertainment Licence (or Temporary Place of Public Entertainment Licence) should be obtained from FEHD whatever the general public is admitted with or without payment. 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;
- (h) note DLCS(AMO)'s comments that the applicant is required to inform AMO of LCSD immediately if antiquities or supposed antiquities are discovered within the Site during the construction and operation of the place of recreation;
- (i) note FSD's 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 FSI to be installed should be clearly marked on the layout plans. 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; and

- (j) note CBS/NTW, BD's comments that if the existing structures (not being New Territories Exempted Houses) are erected on leased land without approval of BD, they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any 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. 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 BD should be obtained. Otherwise, they are UBW. An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with 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, their permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.

