

**Relevant extracts of the Town Planning Board Guidelines No. 34C for
“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 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)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
1	A/YL-TYST/4	Temporary open storage of construction materials and machineries for 12 months	21.3.1997 [on review]	(1), (2), (3)
2	A/YL-TYST/5	Temporary Open Storage of Construction Materials for 12 months	9.5.1997 [on review]	(1), (2), (3), (4)
3	A/YL-TYST/44	Temporary open storage of construction machinery and materials for a period of 12 months	25.9.1998	(1), (3), (4)
4	A/YL-TYST/784	Proposed Temporary Dog Kennel cum Dog Recreation Centre for a Period of 3 Years	29.7.2016	(1), (3), (5), (6), (7), (8), (9), (10), (11), (12), (13)

Approval Conditions

- (1) The submission and implementation of landscape proposals.
- (2) The paving of the site to reduce dust generation.
- (3) Reinstatement of the site upon expiry of planning permission.
- (4) The submission of a drainage impact assessment and the implementation of flood mitigation measures and/or provision of drainage facilities.
- (5) No operation between 7:00 p.m. and 9:00 a.m., except for the overnight dog kennel.
- (6) All dogs shall be kept inside the enclosed boarding facilities after operation hours on the Site.
- (7) No medium or heavy goods vehicles exceeding 5.5 tonnes, including container trailer/tractor, are allowed to be parked/stored on or enter/exit the Site.
- (8) No vehicle queuing and no reverse movement of vehicles on public road.
- (9) Provision of boundary fencing on the Site.
- (10) The submission and implementation of drainage proposal.
- (11) Maintenance of implemented drainage facilities.
- (12) The submission and implementation of fire service installations proposal.
- (13) Revocation of planning approval if conditions not complied with by a given date/at any time during the approval period.

Rejected Applications

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejection Reason(s)</u>
1	A/YL-TYST/119	Temporary Open Storage of Construction Machinery and Materials for a Period of 3 Years	9.3.2001 [on review]	(1), (2), (3), (4)
2	A/YL-TYST/145	Temporary Open Storage of Construction Machinery and Materials for a Period of 3 Years	17.8.2001	(1), (3), (5)
3	A/YL-TYST/158	Temporary Open Storage of Timber for a Period of 3 Years	7.6.2002 [on review]	(1), (3), (5)
4	A/YL-TYST/182	Temporary Open Storage of Construction Machinery and Materials for a Period of 3 Years	28.3.2003 [on review]	(1), (3), (5)
5	A/YL-TYST/262	Proposed Temporary Recycling Facility for Plastic Waste for a Period of 3 Years	3.12.2004	(2), (3), (5)
6	A/YL-TYST/670	Temporary Open Storage of Construction Machinery and Materials, Recycling Materials and Used Electrical Appliances with Ancillary Office and Warehouses for a Period of 3 Years	10.10.2014 [on review]	(1), (6), (7)

Rejection Reason(s):

- (1) The development is not in line with the planning intention of the “Residential (Group D)” zone which is to improve and upgrade the existing domestic accommodation largely in temporary structures within the zone. No strong justification has been given in the submission for a departure from the planning intention, even on a temporary basis.
- (2) The proposed development was considered not compatible with the surrounding rural uses/nearby residential structures.
- (3) The current environmental and traffic conditions associated with the access track to the application site are already deteriorating. Approving the application would result in a further degradation of the environmental and traffic conditions of the area.
- (4) There is no information in the submission to demonstrate why suitable sites within the “U” zone cannot be made available for the development.
- (5) There was no/insufficient information in the submission to demonstrate that the development would not generate adverse environmental and/or drainage/landscape impacts on the surrounding areas.
- (6) The application did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that there are adverse departmental comments and local objections against the application.
- (7) Approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

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 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. Within the Site, Lots 713, 714, 715, 718 and 719, 716, and 717 in D.D. 121 are currently covered by Short Term Waivers (STWs) Nos. 4724, 4725, 4726 and 4727 respectively while the subject Government Land (GL) is covered by Short Term Tenancy (STT) No. 3086, permitting structures erected thereon for the purpose of 'Temporary Dog Kennel cum Dog Recreation Centre'. The Site is accessible from Long Hon Road via GL and private land. Her office does not provide maintenance work for GL involved and does not guarantee any right-of-way over the GL to the Site. The STW/STT holder(s) will need to apply to her office for modification of the STW/STT conditions if there is any irregularities on site and the lot owner(s) of the lot(s) without STW will need to apply to her office to permit the structures to be erected or regularise any irregularities on site. 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 of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application 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 the land status of the access road/path/track leading to the Site from Long Hon Road should be checked with the lands authority. The management and maintenance responsibilities of the access road/path/track should be clarified and consulted with the relevant management and maintenance authorities accordingly. Sufficient space within the Site should be provided for manoeuvring of vehicles. In addition, 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 adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to the nearby public roads/drains. His department should not be responsible for the maintenance of any access connecting the Site and Tong Yan San Tsuen Interchange;
- (f) to note the comments of the Director of Environmental Protection that the facilities should be properly designed and maintained and the relevant mitigation measures and requirements in the revised "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" should be followed to minimise any potential environmental nuisance. Suitable mitigation measures should also be implemented to minimise potential odour nuisance. You may also consider additional preventive measures such as putting up notices against loud human orders/ whistling/ public announcement, etc. Effluent discharges from the proposed use are subject to control under the Water Pollution Control Ordinance. The septic tank and soak-away pit should be designed and maintained according to the requirements of the Professional Persons Environmental Consultative Committee Practice Note No. 5/93;

- (g) to note the comments of the Director of Agriculture, Fisheries and Conservation that good site practices should be adopted and water pollution control measures should be implemented as necessary in order to avoid affecting the nearby watercourse and its riparian vegetation. You should apply for a license from her department if you intend to (1) sell any animals; (2) run animal boarding business; or (3) exhibit any animals in return for a fee;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BD, they are unauthorised building works (UBW) under the Buildings Ordinance (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. 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 Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. The Site should 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
- (i) to note the comments of the Project Manager (West), Civil Engineering and Development Department that the Site falls within the project boundary of the proposed Yuen Long South (YLS) Development – Stage 2. The YLS Development would provide land to meet the medium to long term housing needs of Hong Kong. Extension of the planning permission may not be supported in future when the detailed implementation programme of works in the Site under YLS Development – Stage 2 is formulated.