

**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)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
1	DPA/YL-PH/11	Temporary horse riding school for a period of 3 years	4.12.1992	(1), (2), (3), (4), (5), (6)
2	A/YL-PH/141	Temporary horse riding school for a period of 12 months	21.11.1997	(9)
3	A/YL-PH/337	Temporary horse riding school for a period of 3 years	25.8.2000 [revoked on 25.11.2001]	(7), (8), (9), (11)
4	A/YL-PH/414	Temporary horse riding school for a period of 3 years	22.11.2002 [revoked on 22.4.2004]	(7), (8), (9), (11)
5	A/YL-PH/519	Temporary horse riding school for a period of 3 years	28.4.2006	(6), (8), (9), (10), (11)
6	A/YL-PH/577	Temporary horse riding school for a period of 3 years	8.5.2009 [revoked on 8.11.2009]	(6), (8), (9), (10), (11), (12), (13)
7	A/YL-PH/609	Renewal of Planning Permission for Temporary Horse Riding School for a Period of 3 Years	15.10.2010	(6), (8), (9), (10), (11), (12)
8	A/YL-PH/674	Renewal of Planning Permission for Temporary Horse Riding School for a Period of 3 Years	11.10.2013 [revoked on 15.7.2014]	(6), (8), (9), (10), (11), (12)
9	A/YL-PH/732	Temporary Horse Riding School for a Period of 3 Years	24.6.2016	(6), (8), (9), (10), (11), (12)
10	A/YL-PH/755	Temporary Horse Riding School for a Period of 3 Years	22.9.2017 [revoked on 22.3.2018]	(6), (7), (8), (9), (11), (12), (14)

Approval conditions

- (1) Submission and implementation of a master layout plan
- (2) Submission of detailed drainage impact assessment and provision of drainage facilities
- (3) Provision of vehicular ingress and egress points
- (4) Provision of sewage treatment and effluent disposal facilities
- (5) Provision of solid waste disposal facilities
- (6) Provision of 6m emergency vehicular access with standard street fire hydrants to reach the administration building and the stables/the submission and implementation of emergency vehicular access (EVA), water supply for fire fighting and fire service installations/ submission and implementation of fire installation proposals
- (7) Submission and implementation of landscape and/or tree preservation scheme

- (8) Submission and/or provision of drainage facilities and/or maintenance the existing drainage facilities on the site and submission of record of drainage facilities
- (9) Reinstatement of the application site to an amenity area
- (10) The existing trees and/or landscape planting on the site should be maintained at all times
- (11) Approval should cease to have effect and should on the same date be revoked without further notice if conditions were not complied with by the specified dated or during the planning approval period
- (12) Restriction on operation hours/time
- (13) No vehicle dismantling, maintenance, repairing/breaking, cleansing, paint spraying and other workshop activities
- (14) No vehicle is allowed to queue back to or reverse onto/from public road

Rejected Application

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejection Reason(s)</u>
1	DPA/YL-PH/9	Private residential development	14.8.1992	(1), (2), (3), (4), (5), (6)

Rejection Reasons

- (1) The configuration of the site was irregular and might impose undesirable constraints to the future planning and development of the surrounding areas
- (2) There is insufficient information in the submission to demonstrate that the proposed development would have minimal adverse impact on the surrounding areas
- (3) No information on drainage impact of the proposed development had been submitted and the discharge of surface run-off had not been addressed
- (4) No information on sewage treatment and disposal had been provided in the submission
- (5) The proposed development was subject to traffic noise from Fan Kam Road and no mitigation measures had been proposed in the submission
- (6) Water supply problem to the proposed development had not been addressed in the submission

Advisory Clauses

- (a) note DLO/YL, LandsD's comments that the Site comprises Old Scheduled 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 Fan Kam Road via Government Land (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. 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;
- (b) 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. 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 does not and will not maintain the accesses connecting the Site and Fan Kam Road. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (d) note DEP's comments that the applicant should 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. Effluent discharges from the applied use are subject to control under the Water Pollution Control Ordinance. It is the obligation of the applicant to meet all statutory requirements under relevant pollution control ordinances and provide necessary mitigation measures to prevent polluting the watercourse adjacent to the Site;;
- (e) note DAFC's comments that the Site is immediately adjacent to a watercourse. The applicant is advised to adopt appropriate measures to avoid disturbing and polluting the watercourse during operation of the riding school;

- (f) note D of FS'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
- (g) note CBS/NTW, BD's comments that before any new buildings works (including containers/open sheds as temporary buildings and land filling) are to be carried out on the Site, prior approval and consent of 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 BO. If the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of BD, they are UBW under the BO and should not be designated for any use under 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 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.