

**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 Site**

**Approved Applications**

	<b><u>Application No.</u></b>	<b><u>Proposed Use(s)</u></b>	<b><u>Date of Consideration (RNTPC)</u></b>	<b><u>Approval Condition(s)</u></b>
1	A/YL-PH/143	Open Storage of Private Cars for Sale	21.11.1997	(1), (7)
2	A/YL-PH/144	Temporary Property Agency Office for a Period of 12 Months	21.11.1997	(1), (3), (7)
3	A/YL-PH/234	Open storage of private cars, light goods vehicles and vehicle parts with ancillary vehicle and vehicle part trading	16.10.1998	(1), (2) (7)
4	A/YL-PH/750	Proposed Temporary Shop and Services (Real Estate Agency, Car Beauty Product Retail and Auto Parts Retail) for a Period of 3 Years	28.7.2017	(1), (4), (5), (6), (7), (8), (9)

**Approval Conditions**

- (1) Submission / implementation of landscaping proposals / tree preservation proposals
- (2) Provision of vehicular access
- (3) Reinstatement of the Site
- (4) Restriction on operation hours
- (5) No medium or heavy goods vehicles (exceeding 5.5 tonnes) are allowed
- (6) No vehicle is allowed to queue back or reverse onto / from public road at any time
- (7) Submission / provision of drainage facilities / implementation of drainage proposal / maintenance of drainage facilities
- (8) Submission / implementation of fire service installation proposals
- (9) Revocation of the planning permission if any planning conditions are not complied with any time during the planning approval period / by the specified date

Similar Application within the same "OS" Zone on the Pat Heung Outline Zoning Plan

Approved Application

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Conditions</u>
1.	A/YL-PH/807	Proposed Temporary Shop and Services with Ancillary Facilities for a Period of 5 Years	5.7.2019	(1), (2), (3), (4), (5), (6)

Approval Conditions

- (1) Restriction on operation hours
- (2) No medium or heavy vehicles (exceeding 5.5 tonnes) are allowed
- (3) No vehicle is allowed to queue back or reverse onto / from public road at any time
- (4) Submission / implementation of drainage proposal / maintenance of drainage facilities
- (5) Submission / implementation of fire service installation proposals
- (6) Revocation of the planning permission if any planning conditions are not complied with any time during the planning approval period / by the specified date

**Advisory Clauses**

- (a) note DLO/YL, LandsD's comments 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 STW holder(s) will need to apply to his office for modification of the STW conditions where appropriate and the lot 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 regularization or erection of temporary structure(s) will be considered. 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 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 the LandsD;
- (b) note CHE/NTW, HyD's comments that adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (c) 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
- (d) note CBS/NTW, BD's comments 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 unauthorized 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 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. Before any new building works (including containers/open sheds as temporary buildings and land filling) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorized Person should be appointed as the co-ordinator 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, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.