

**Relevant Extract 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 relevant assessment criteria for assessing applications 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 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 the 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 application 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 appropriate approval period, which may be shorter than the time under request.

Previous S.16 Applications

Approved Applications

Application No.	Uses/Development	Date of Consideration	Approval Conditions
A/NE-LYT/260	Temporary Warehouses for Storage of Wooden & Rattan Furniture for a Period of 3 Years	16.5.2003 (Revoked on 16.11.2003)	A1 – A5
A/NE-LYT/278	Temporary Workshops for Manufacture & Storage of Wooden & Rattan Furniture for a Period of 3 Years	11.6.2004 (Revoked on 11.12.2004)	A1, A4 – A6
A/NE-LYT/300	Temporary Workshops for Manufacture and Storage of Wooden and Rattan Furniture for a Period of 3 Years	15.4.2005	A1, A4 – A7
A/NE-LYT/422	Temporary Warehouses (excluding Dangerous Goods Godown) for a Period of 3 Years	13.8.2010 (Revoked on 13.9.2012)	A1, A5, A8 – A19
A/NE-LYT/542	Temporary Warehouses (Excluding Dangerous Goods Godown) for a Period of 3 Years	23.5.2014	A1, A5, A8 – A19
A/NE-LYT/631	Temporary Warehouses (Excluding Dangerous Goods Godown) for a Period of 3 Years	27.10.2017	A1, A5, A8 - A12, A14 - A15, A17 - A18, A20 - A25

Approval Conditions

- A1 No open storage of materials was permitted within the application site
- A2 The submission of a plan showing the existing drains for the site
- A3 The improvement of drainage facilities for the site
- A4 The submission and the implementation of the landscaping proposals
- A5 Revocation clause
- A6 The maintenance of existing drains
- A7 Free access to the Water Supplies Department staff and its contractor should be provided at all times to carry out operation and maintenance works for the water main along Dao Yang Road

- A8 No operation between 8:00 p.m. and 7:00 a.m. was allowed
- A9 No operation except indoor forklift operation inside the enclosed warehouses was allowed on the application site between 7:00 p.m. to 8:00 p.m.
- A10 No operation on Sundays and public holidays was allowed
- A11 A maximum of two heavy goods vehicles/container vehicles were allowed to enter the application site per day
- A12 Gates should be provided at the entrance of the application site
- A13 Vehicles longer than 7.5m should only be allowed to use the ingress/egress at Dao Yang Road
- A14 No manufacturing activities should be carried out on the application site
- A15 No used electrical appliances, televisions, computer monitors, computer parts or any other types of electronic waste were allowed to be stored on the application site
- A16 The submission and the implementation of drainage proposals
- A17 The submission of proposals for water supplies for fire fighting and fire service installations
- A18 The provision of water supplies for fire fighting and fire service installations
- A19 The submission and the implementation of tree preservation and landscape proposals
- A20 All vehicles should only be allowed to use the ingress/egress at Dao Yang Road
- A21 All vehicles entering and exiting the site during the planning approval period should be restricted to non-peak hours (i.e. from 10:00 a.m. to 4:00 p.m.)
- A22 The implementation of the traffic mitigation measures
- A23 The maintenance of the existing trees
- A24 The maintenance of the existing drainage facilities
- A25 The submission of a condition record of the existing drainage facilities

**Similar S.16 Application for Temporary Warehouse within/partly within
“Residential (Group C)” and “Agriculture” Zone
in the vicinity of the Application Site
in the Lung Yeuk Tau & Kwan Tei South Area**

Approved Application

Application No.	Uses/Development	Date of Consideration	Approval Conditions
A/NE-LYT/423	Temporary Warehouses (Excluding Dangerous Goods Godown) for a Period of 3 Years	13.8.2010 (Revoked on 13.9.2012)	A1 - A14

Approval Conditions

- A1 No operation between 8:00 p.m. and 7:00 a.m. was allowed
- A2 No operation except indoor forklift operation inside the enclosed warehouses was allowed on the application site between 7:00 p.m. to 8:00 p.m.
- A3 No operation on Sundays and public holidays was allowed
- A4 A maximum of two heavy goods vehicles/container vehicles were allowed to enter the application site per day
- A5 Gates should be provided at the entrance of the application site
- A6 No vehicles longer than 7.5m were allowed to use the ingress/egress at Hai Wing Road
- A7 No open storage of materials should be carried out on the application site
- A8 No manufacturing activities should be carried out on the application site
- A9 No used electrical appliances, televisions, computer monitors, computer parts or any other types of electronic waste were allowed to be stored on the application site
- A10 The submission and the implementation of drainage proposals
- A11 The submission of proposals for water supplies for fire fighting and fire service installations
- A12 The provision of water supplies for fire fighting and fire service installations
- A13 The submission and the implementation of tree preservation and landscape proposals
- A14 Revocation clause

Recommended Advisory Clauses

- (a) to note the following comments of District Lands Officer/North, Lands Department:
- (i) the lots under application are Old Schedule Lots held under Block Government Lease (demised for agricultural use) without any guaranteed right of vehicular access. The applicant should make his own arrangement for acquiring access, and there is no guarantee that any adjoining Government land will be allowed for the vehicular access of the applied use;
 - (ii) Lots 755, 836, 837, 838 RP, 841 RP, 842 RP, 844 RP and 854 in D.D.83 are covered by Short Term Waiver (STW) No. 985 for the purpose of a workshop for manufacture and storage of wooden and rattan furniture. The total site coverage of the structures erected on the lots aforementioned shall not exceed 2,660 m²;
 - (iii) Lot 835 S.B ss.1 in D.D. 83 is not covered by any STW. The existing structures erected on this lot are not acceptable under the lease. This office reserves the right to take necessary lease enforcement action against the structures concerned;
 - (iv) the total built-over area of the existing structures erected on the Site exceeds the permitted one of STW 985. The actual occupation boundary and the boundary of the Site does not tally;
 - (v) the vehicular access to the Site runs through private lots. The applicant should make his own arrangements for acquiring access. The Government shall accept no responsibility in such arrangements; and
 - (vi) if the planning application is approved, the owners of the lots should apply to his office for modification of STW No. 985 to cover the temporary warehouses. The application will be considered by Government in its landlord's capacity and there is no guarantee that it will be approved. If the application is approved, its commencement date will be backdated to the first date of occupation and it will be subject to such terms and conditions to be imposed including payment of waiver fee and administrative fees as considered appropriate by his office; and
- (b) to note the following comments of Chief Engineer/Construction, Water Supplies Department:
- (i) if diversion is required, existing water mains inside the proposed lot are needed to be diverted outside the site boundary of the applied development to lie in Government land. A strip of land of minimum 1.5m in width should be provided for the diversion of existing water mains. The cost of diversion of existing water mains upon request will have to be borne by the grantee/applicant; and the applicant should submit all the relevant proposal to WSD for consideration and agreement before the works commence; and
 - (ii) if diversion is not required, the following conditions shall apply:
 - (1) existing water mains are affected as indicated on the Plan and no development which requires resiting of water mains will be allowed;

- (2) details of site formation works should be submitted to the Director of Water Supplies for approval prior to commencement of works;
 - (3) no structures shall be built or materials stored within 1.5 metres from the centre line(s) of water main (s) shown on the Plan. Free access shall be made available at all times for staff of the Director of Water Supplies or their contractor to carry out construction, inspection, operation, maintenance and repair works;
 - (4) no tree or shrubs with penetrating roots may be planted within the Water Works Reserve or in the vicinity of the water main(s) shown on the Plan. No change of existing site condition may be undertaken within the aforesaid area without the prior agreement of the Director of Water Supplies. Rigid root barriers may be required if the clear distance between the proposed tree and the pipe is 2.5 metres or less, and the barrier must extend below the invert level of pipe;
 - (5) no planting or obstruction of any kind except turfing shall be permitted within the space of 1.5 metres around the cover of any valve or within a distance of 1 metre from any hydrant outlet; and
 - (6) tree planting may be prohibited in the event that the Director of Water Supplies considers that there is any likelihood of damage being caused to water mains; and
- (c) to note the following comments of Chief Building Surveyor/New Territories West, Buildings Department:
- (i) the applicant is reminded to closely coordinate with the Authorised Person (AP) to follow up on the renewal applications of the temporary building permit (TBP) and temporary occupation permit (TOP) covering the Warehouses B and C at the Site, otherwise, Warehouses B and C shall be removed as they are Unauthorised Building Works (UBW) upon the expiry of the TBP and TOP;
 - (ii) if the existing structures are erected on leased land without approval of the Buildings Department (BD) not being a New Territories Exempted House, they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the captioned application;
 - (iii) before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are UBW. An AP should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
 - (iv) for UBW erected on leased land, enforcement action may be taken by the BA 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;
 - (v) 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 Building (Planning) Regulations (B(P)Rs) respectively; and
 - (vi) if the Site does not abut a specified street of not less than 4.5m wide, its permitted development intensity shall be determined by the BA under Regulation 19(3) of the

B(P)Rs at the building plan submission stage;

- (d) to note the following comments of Director of Fire Services:
- (i) he has no in-principle objection to the application subject to fire service installations (FSIs) and water supplies for firefighting being provided to the satisfaction of his department;
 - (ii) having considered the design/nature of the proposal, the applicant is advised to submit the relevant layout plans incorporated with the proposed FSIs to his department for approval. In preparing the submission, the applicant is advised on the following points:
 - (1) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (2) the locations of the proposed FSIs to be installed and the access for emergency vehicles should be clearly indicated on the layout plans; and
 - (iii) the applicant is reminded that if the proposed structure(s) is required to comply with the BO (cap. 123), detailed fire safety requirements will be formulated upon receipt of formal submission of the aforesaid plans. The applicant will need to subsequently provide such FSIs according to the approved proposal; and
- (e) to follow the environmental mitigation measures as set out in the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by Director of Environmental Protection in order to minimize any possible environmental nuisances.