

**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)</u>	<u>Approval Condition(s)</u>
1	A/YL-TT/67	Temporary Forklift Training Centre with Ancillary Facilities for a Period of 3 Years	28.1.2000 [revoked on 28.2.2001]	(1), (2), (3), (4), (5), (6)
2	A/YL-TT/91	Temporary Forklift Training Centre with Ancillary Facilities for a Period of 3 Years	22.12.2000	(2), (4), (5), (6)
3	A/YL-TT/183	Temporary Forklift Training Centre with Ancillary Facilities for a Period of 3 Years	29.7.2005	(5), (6), (7), (8), (9)
4	A/YL-TT/404	Temporary Forklift Training Centre with Ancillary Facilities for a Period of 3 Years	11.8.2017	(1), (2), (4), (5), (6), (7), (8), (10), (11), (12), (13), (14)

Approval Conditions

- (1) No forklift truck is allowed to be driven in/out from the site.
- (2) Submission and implementation of landscape and/or tree preservation proposal.
- (3) Provision of a noise buffer.
- (4) Submission and implementation of drainage proposal and/or provision of drainage facilities.
- (5) Revocation of planning approval if conditions not complied with by a given date/at any time during the approval period.
- (6) Reinstatement of the site to an amenity area upon expiry of the planning permission.
- (7) No repairing or workshop activities are allowed at the site.
- (8) Maintenance of landscape planting at the site.
- (9) Maintenance of drainage facilities at the site.
- (10) No operation between 6:00pm and 8:30am is allowed on the site.
- (11) No operation on Sundays and public holidays is allowed on the site.
- (12) No medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit the Site at any time during the approval period.
- (13) No vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (14) Submission and implementation of fire services installation proposal.

Rejected Application

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Rejection Reason(s)</u>
1	A/YL-TT/40	Temporary Forklift Training Centre with Ancillary Facilities for a Period of 12 Months	25.9.1998	(1), (2), (3), (4)

Rejection Reasons

- (1) Not in line with the planning intention of the “AGR” zone.
- (2) Not compatible with the surrounding rural land uses and the nearby residential structures.
- (3) Insufficient information in the submission to demonstrate that the development would not cause adverse noise and drainage impacts on the surrounding areas.
- (4) Approval of the application would set an undesirable precedent for other similar applications.

Similar Applications within the same “AGR” zone on the OZP

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Condition(s)</u>
1	A/YL-TT/236	Temporary Forklift Training Centre with Ancillary Facilities for a Period of 3 Years	7.11.2008	(1), (2), (3), (4), (5), (6), (7), (8), (9), (10)
2	A/YL-TT/293	Temporary Forklift Training Centre with Ancillary Facilities for a Period of 3 Years	2.12.2011	(1), (2), (3), (4), (5), (6), (8), (9), (10), (11), (12)
3	A/YL-TT/338	Temporary Forklift Training Centre with Ancillary Facilities for a Period of 3 Years	12.12.2014	(1), (2), (3), (4), (5), (6), (8), (9), (10), (11), (12), (13)
4	A/YL-TT/413	Temporary Forklift Training Centre with Ancillary Facilities for a Period of 3 Years	24.11.2017	(1), (2), (3), (4), (5), (6), (8), (9), (10), (11), (13), (14)

Approval Conditions

- (1) No (night-time) operation during specific time limit is allowed on the site.
- (2) No operation on Sundays and public holidays is allowed on the site.
- (3) No forklift truck is allowed to be driven in/out from the site.
- (4) No medium and heavy vehicles over 5.5 tonnes are allowed to be parked/stored on the site.
- (5) No dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities are allowed at the site.
- (6) Submission and implementation of fire service installations proposal.
- (7) Submission and implementation of landscape and tree preservation proposal.
- (8) Maintenance of (existing) drainage facilities at the site.
- (9) Revocation of planning approval if conditions not complied with by a given date/at any time during the approval period.
- (10) Reinstatement of the site to an amenity area upon expiry of the planning permission.
- (11) Submission of a record of drainage record.
- (12) Maintenance of landscape planting at the site.
- (13) No queuing and reverse movement of vehicle are allowed on public road.
- (14) All landscape plantings include trees and shrubs within the site should be maintained in good condition at all times during the planning approval period.

Advisory Clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site comprises government land (GL) and 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, Lot 2270 S.A (portion) in D.D. 118 is currently covered by Short Term Waiver (STW) No. 2422 and the GL is covered by Short Term Tenancy (STT) No. 2443 permitting structures erected thereon for the purposes of 'Forklift Training Centre with Ancillary Facilities'. The STW/STT holder(s) will need to apply to her office for modification of the STW/STT conditions where appropriate 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, if any. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. 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 rent or fee, as may be imposed by her department;
- (c) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the Site from Tai Shu Ha Road East shall be checked with the lands authority. The management and maintenance responsibilities of the access road/path/track shall be clarified and consulted with the relevant management and maintenance authorities accordingly. Sufficient space should be provided within the Site for manoeuvring of vehicles. No parking of vehicles on public road are allowed;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department shall not be responsible for the maintenance of any access connecting the Site and Tai Shu Ha Road East. Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to the nearby public roads and drains;
- (e) to note the comments of the Director of Environmental Protection that the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department should be followed to minimise any potential environmental nuisances on the surrounding area;
- (f) to note the comments of the Director of Agriculture, Fisheries and Conservation that appropriate measures should be adopted to avoid causing disturbance and pollution to the adjacent watercourse;
- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the tree T1 stated in the tree preservation proposal should be *Celtis sinensis* instead of *Ficus microcarpa*. The whole tree crown of T1 was removed and the health of the tree is under critical condition. You should closely monitor the tree. T2 is observed having dieback and a sweeping codominant branch. Rectification tree works should be carried out as appropriate, such as pruning of dead twigs, crown reduction for the sweeping branch and close

tree monitoring. The planning approval does not imply approval of the trees works such as pruning, transplanting and/or felling under lease. Relevant authority/ government department(s) should be approached direct to obtain necessary approval on tree works. It is important to undertake proper tree care for existing trees within the Site. Useful information published by the Greening, Landscape and Tree Management Section of Development Bureau on general tree maintenance and tree risk management is available from their website, including 'Pictorial Guide for Tree Maintenance', 'Minimising Tree Risks' and 'Pictorial Guide for Tree Maintenance to Reduce Tree Risks'; and

- (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 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 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) are to be carried out on the Site, prior approval and consent of the 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 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.