

**Extract of Town Planning Board Guidelines
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.

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 Application covering the Application Site

Approved Applications

	<u>Application No.</u>	<u>Zoning(s) and OZP at the time of consideration</u>	<u>Proposed use/ Development</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Condition(s)</u>
1.	A/YL-HT/889	"V" on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Shop and Services (Real Estate Agency) (3 years)	21.3.2014 (3 Years)	1, 2, 4, 6, 7
2.	A/YL-HT/1069	"V" on approved Ha Tsuen OZP No. S/YL-HT/10	Renewal of Planning Approval for Temporary Shop and Services (Real Estate Agency) (3 Years)	17.3.2017 (3 Years)	1, 3, 5, 6, 7

Approval Conditions

- 1 No night-time operation.
- 2 The implementation of the accepted drainage proposal and the maintenance of the drainage facilities.
- 3 The existing drainage facilities shall be maintained and the submission of a condition record.
- 4 The implementation of landscape proposal.
- 5 The existing trees shall be maintained.
- 6 The submission and implementation of FSIs proposal.
- 7 Revocation clause.

**Similar s.16 Applications within the subject “V” Zone
on the approved Hung Shui Kiu and Ha Tsuen Outline Zoning Plan**

Approved Applications

	<u>Application No.</u>	<u>Zoning(s) and OZP at the time of consideration</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1.	A/YL-HT/931	“V” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Shop and Services (Real Estate Agency and Interior Design Sample Showroom) (3 Years)	16.1.2015 (3 Years) (revoked on 16.4.2017)	1, 2, 3, 4, 7, 8
2.	A/YL-HT/955	“V” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Shop and Services (Real Estate Agency) (3 Years)	7.8.2015 (3 Years)	1, 2, 3, 4, 7, 8, 9
3.	A/YL-HT/973	“V” on approved Ha Tsuen OZP No. S/YL-HT/10	Proposed Temporary Shop and Services (Real Estate Agency) (3 Years)	18.9.2015 (3 Years)	1, 2, 3, 4, 7, 8
4.	A/YL-HT/980	“V” on approved Ha Tsuen OZP No. S/YL-HT/10	Proposed Temporary Shop and Services (Real Estate Agency) (3 Years)	22.1.2016 (3 Years)	1, 2, 3, 4, 5, 6, 7, 8
5.	A/YL-HT/996	“V” on approved Ha Tsuen OZP No. S/YL-HT/10	Proposed Temporary Shop and Services (Real Estate Agency) (3 Years)	8.1.2016 (3 Years)	1, 2, 3, 4, 7, 8
6.	A/YL-HT/1013	“V” on approved Ha Tsuen OZP No. S/YL-HT/10	Proposed Temporary Shop and Services (Real Estate Agency) (3 Years)	8.4.2016 (3 Years) (revoked on 8.9.2018)	1, 2, 3, 4, 7, 8
7.	A/HSK/13	“V” on draft Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/1	Temporary Shop and Services (Real Estate Agency) (3 Years)	22.9.2017 (3 Years)	1, 2, 3, 4, 6, 7, 8
8.	A/HSK/58	“V” on draft Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/1	Proposed Temporary Shop and Services (Convenient Store and Real Estate Agency) (3 Years)	6.4.2018 (3 Years)	1, 2, 4, 7, 8
9.	A/HSK/62	“V” on draft Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/1	Temporary Shop and Services (Real Estate Agency) (3 Years)	4.5.2018 (3 Years)	1, 2, 4, 7, 8
10.	A/HSK/97	“V” on draft Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/1	Temporary Shop and Services (Real Estate Agency and Interior Design Sample Showroom) (3 Years)	5.10.2018 (3 Years)	1, 2, 3, 4, 7, 8
11.	A/HSK/111	“V” on draft Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/1	Proposed Temporary Shop and Services (Real Estate Agency) (3 Years)	7.12.2018 (3 Years)	1, 2, 4, 6, 7
12.	A/HSK/120	“V” on approved Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/2	Renewal of Planning Approval for Temporary Shop and Services (Real Estate Agency) (3 Years)	18.1.2019 (3 Years)	1, 2, 4, 6, 7, 8

13.	A/HSK/130	“V” on approved Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/2	Temporary Shop and Services (Real Estate Agency) (3 Years)	8.3.2019 (3 Years)	1, 2, 4, 6, 7, 9
14.	A/HSK/143	“V” on approved Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/2	Temporary Shop and Services (Real Estate Agency) (3 Years)	3.5.2019 (3 Years)	1, 2, 4, 6, 7, 9

Approval Conditions:

- 1 No night-time operation and/or no operation on Sundays and public holidays.
- 2 The submission/implementation of drainage proposals; and/or provision of drainage facilities; maintenance of existing drainage facilities; and/or submission of a condition record of the existing drainage facilities on-site.
- 3 The submission and implementation of landscaping and/or tree preservation proposals.
- 4 The submission of FSIs proposals and the provision of FSIs/implementation of FSIs proposals.
- 5 The provision of a 9-litres water type/3kg dry powder fire extinguisher in the site office.
- 6 The maintenance of the landscape planting/existing trees/vegetation.
- 7 Revocation clauses.
- 8 Reinstatement clause.
- 9 No vehicle is allowed to queue back to public road or reverse onto/from the public road at all times during the planning approval period.

Advisory clauses

- (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) 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 prior approval from the Government. The private lots No.1028 S.A (now divided into 1028 S.Ass.1 and 1028 S.ARP) and 1030 S.D in D.D. 125 are covered by Short Term Waiver (STW) No. 3906 for the purpose of Temporary Shop and Services (Real Estate Agency). The STW holders 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. Application(s) for any of the above will be considered by the LandsD acting in the capacity of the 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) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting the Site and San Sik Road;
- (c) to follow 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 Environmental Protection Department to minimize any potential environmental nuisance;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the required condition record should include coloured photos showing the current condition of the drainage facilities and a layout plan indicating the locations of the photos taken. The submitted photos should cover all internal surface channels, catch pits, sand traps, manholes, terminal catch pits/manholes and the downstream discharge path as indicated on the submitted drainage proposal;
- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that if the existing structures (not being a NTEH) are erected on leased land without the approval of Building Authority (BA), they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any approved use under the captioned 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 application site under the BO. Before any new building works (including containers/open sheds as temporary buildings, demolition 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 coordinator 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; and

- (f) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the structures, FSIs are anticipated to be required. The applicant should 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 FSIs are to be installed should be clearly marked on the layout plans. If the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.