

**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 Applications Covering the Application Site

Approved Applications

	<u>Application No.</u>	<u>Zoning(s) and OZP at the time of consideration</u>	<u>Applied Use(s)/ Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
1.	A/YL-HT/976	“REC” on the then approved Ha Tsuen OZP No. S/YL-HT/10	Temporary warehouse for storage of food provision (3 years)	18.9.2015 (3 years) (revoked on 18.12.2017)	1, 2, 3, 4, 5, 6, 7, 8, 9, 10
2.	A/HSK/49	“O” on the draft Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/1	Temporary warehouse for storage of food provision (3 years)	2.3.2018 (3 years)	1, 2, 3, 4, 6, 8, 9, 10, 11

Approval Conditions

- 1 No night-time operation and/or no operation on Sundays and public holidays.
- 2 No goods vehicles exceeding 5.5 tonnes as defined in the Road Traffic Ordinance are allowed to enter the site.
- 3 No vehicle queuing is allowed back to public road or vehicle reversing onto/from the public road is allowed.
- 4 The implementation and maintenance of the proposed drainage facilities, and/or submission of a condition record of existing drainage facilities.
- 5 The submission and implementation of the tree preservation and landscape proposal.
- 6 The submission and implementation of fire service installations proposal.
- 7 The provision of fencing.
- 8 No workshop activity, as proposed by the applicant, is allowed on the site at any time during the planning approval period.
- 9 Revocation clause.
- 10 Reinstatement clause.
- 11 The maintenance of existing fencing and landscape planting.

Rejected Application

	<u>Application No.</u>	<u>Zoning(s) and OZP at the time of consideration</u>	<u>Applied Use(s)/ Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Reasons For Rejection</u>
1.	A/YL-HT/156	“REC” on the then approved Ha Tsuen OZP No. S/YL-HT/4	Temporary Open Storage of Metal Scaffolds (12 months)	14.7.2000	1, 2

Reasons for Rejection:

1. The development is not in line with the planning intention of the "REC" zone which is to designate areas for developments restricted to recreational uses. No strong justification has been provided in the submission for a departure from the planning intention.
2. There is no information in the submission to demonstrate that the proposal would not have adverse traffic, environmental and drainage impacts on the surrounding areas.

Advisory Clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) to note that the Site might be resumed at any time during the planning approval period for implementation of government projects;
- (c) 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 the prior approval of the Government. The private Lots No. 675 S.A and 675 S.B both in D.D. 125 are covered by a Short Term Waiver (STW) No. 4523 for the purposes of "Temporary Warehouse for Storage of Food Provision". The GL (about 21m²) in the Site is covered by a Short Term Tenancy (STT) No. 2979 for the purposes of "Temporary Warehouse for Storage of Food Provision". The STW/STT holders will need to apply to his 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 his office for permitting the structures to be erected or to 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. Application(s) for any of the above will be considered by 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 rent or fee, as may be imposed by LandsD;
- (d) to note the comments of the Commissioner for Transport (C for T) that sufficient manoeuvring spaces shall be provided within the Site. Local track leading to the Site is not under Transport Department (TD)'s purview. The applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the Site;
- (e) 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;
- (f) to note the comments of the Director of Environmental Protection (DEP) that the applicant is advised to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' ('COP') to minimize the possible environmental impacts on the nearby sensitive receivers;
- (g) 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;

- (h) 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 New Territories Exempted House) are erected on leased land without approval of the Building Department (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 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, etc.) are to be carried out on application site, prior approval and consent of BD should be obtained, otherwise they are UBW. An Authorized Person (AP) 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
- (i) to note the comments of the Project Manager (West), Civil Engineering and Development Department (PM/W, CEDD) that the Site falls within the boundary of Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA). To ensure timely and orderly implementation, the development of HSK/HT NDA and relevant site formation and infrastructure works would be implemented in three phases, viz. First Phase development, second Phase Development and Remaining Phase development. The lot(s) concerned falls within the Site under Second Phase development of HSK/HT NDA. While the detailed implementation programme for the project is still being formulated, it is envisaged that the site formation and engineering infrastructure works for the Remaining Phase development will commence in 2024. In this regard and subject to necessary approvals as required, the government plans to acquire these relevant sites by the end 2023 for the development of HSK/HT NDA.