

**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. 34B)

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 Applications covering the Application Site

Approved Applications

<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Conditions</u>
1. A/YL-HT/260	Temporary Private Car and Lorry Park for a Period of 3 Years	9.8.2002 (3 Years) (Revoked on 9.5.2003)	1, 2, 3, 4, 5, 6, 7
2. A/YL-HT/582	Proposed Temporary Public Vehicle Park (Private Car and Light Goods Vehicles) for a Period of 3 Years	21.11.2008 (3 Years)	3, 4, 5, 6, 7, 8, 9, 10
3. A/YL-HT/769	Temporary Public Vehicle Park (Private Car and Light Goods Vehicles) for a Period of 3 Years	16.3.2012 (3 Years)	3, 6, 7, 8, 10, 11, 12, 13, 14, 15
4. A/YL-HT/941	Temporary Public Vehicle Park (Private Car and Light Goods Vehicle) for a Period of 3 Years	27.3.2015 (3 Years)	3, 4, 5, 6, 7, 8, 10, 11, 12, 13

Approval Conditions:

- 1 The setting back of the site from the resumption limit of the Ping Ha Road Improvement-Remaining Works (Ha Tsuen Section).
- 2 No lorries or container vehicles should be parked within the site.
- 3 The submission and implementation of landscaping and/or tree preservation proposals.
- 4 The submission of DIA/drainage proposals, and/or the implementation of the drainage proposal, and/or provision of drainage facilities, and/or submission of a condition record of the existing drainage facilities, and/or the maintenance of the drainage facilities.
- 5 The provision of fencing and/or paving.
- 6 Reinstatement clauses.
- 7 Revocation clauses.
- 8 No night-time operation.
- 9 No vehicle other than private cars and light goods vehicles with valid licence/registration and not exceeding 5.5 tonnes are allowed to be parked on the site.
- 10 The submission of FSIs proposals and the provision of FSIs/implementation of FSIs proposals.
- 11 No vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the site.
- 12 No medium or heavy goods vehicle exceeding 5.5 tonnes, including container trailers/tractors, as defined in the Road Traffic Ordinance, as proposed by applicant, is allowed to be parked/stored on the site.
- 13 A notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes) including container trailers/tractors, as defined in the Road Traffic Ordinance is allowed to be parked/stored on the site.
- 14 No material is allowed to be stored/dumped and/or no vehicle is allowed to be parked within

1m of any tree.

15 The submission and implementation of the run-in/out proposal(s).

Rejected Application

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Reason(s) For Rejection</u>
1	A/YL-HT/549	Temporary Open Storage of Materials Construction Materials for a Period of 3 Years	6.6.2008	1, 2

Rejection Reasons:

1. The development is not in line with the planning intention of the “O” zone, which is primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public.
2. The development is not in line with the TPB Guidelines No. 13D for Application for Open Storage and Port Back-up Uses in that no previous approval for open storage use has been granted for the site, there are adverse departmental comments and there is insufficient information in the submission to demonstrate that the proposed development would not have adverse environmental impacts on the surrounding areas.

**Similar s.16 Application within the subject "O" Zone
on the Draft Hung Shui Kiu and Ha Tsuen Outline Zoning Plan No. S/HSK/1**

Approved Applications

<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Conditions</u>
1. A/YL-HT/784	Temporary Public Vehicle Park (Private Car and Light Goods Vehicles) For a Period of 3 Years	4.5.2012 (3 Years)	1, 2, 3, 4, 5, 6, 7, 8, 9, 10
2. A/YL-HT/948	Temporary Public Vehicle Park (Private Car and Light Goods Vehicles) For a Period of 3 Years	17.4.2015 (3 Years)	1, 2, 3, 4, 7, 8, 11, 12, 13

Approval Conditions:

- 1 No night-time operation.
- 2 No vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the site.
- 3 No coach, medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes), including container trailers/tractors, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to enter or be parked/stored on the site.
- 4 A notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes), including container trailers/tractors, as defined in the Road Traffic Ordinance is allowed to be parked/stored on the site.
- 5 Provision of drainage facilities.
- 6 The submission and implementation of the run-in/out proposal(s).
- 7 The submission of FSIs proposals and the provision of FSIs/implementation of FSIs proposals:
- 8 Implementation of landscaping proposal.
- 9 Reinstatement clauses.
- 10 Revocation clauses.
- 11 No vehicle is allowed to queue back to public road or reverse onto/from the public road
- 12 The existing boundary fencing on site shall be maintained
- 13 The submission of DIA/drainage proposals, and/or the implementation of the drainage proposal, and/or provision of drainage facilities, and/or submission of a condition record of the existing drainage facilities, and/or the maintenance of the drainage facilities.

Appendix VI of RNTPC
Paper No. A/HSK/53

Advisory Clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the 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 ~~prior~~ without the prior approval of the Government. The private land of Lot No. 904 S.B RP in D.D. 125 is currently covered by Short Term Waiver (STW) No. 4364 to permit structures for the purpose of “Temporary Public Vehicle Park (Private Car and Light Goods Vehicle). The Site is accessible to Ping Ha Road through Government Land (GL). ***The Site does not fall within Shek Kong Airfield Height Restriction Area.*** Her office provides no maintenance work for the GL involved and does not guarantee any right-of-way. The STW holder will need to apply to her office for modification of the STW conditions if there are any irregularities on Site and the lot owner(s) of the lot without STW will need to apply to her office for permit the structures to be erected or regularize any irregularities on Site. Such application(s) will be considered by the Lands Department 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 Lands Department;
- (d) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) that sufficient manoeuvring spaces shall be provided within 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 Ping Ha Road;
- (f) to follow the relevant mitigation measures and requirements in the latest ‘Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses’ issued by the Environmental Protection Department;
- (g) to note that approval of the S.16 application by the Town Planning Board does not imply approval of the tree works such as pruning, transplanting and felling. Application for tree works should be submitted directly to DLO for approval. The applicant is reminded the importance of general tree care as well as proper tree maintenance. Useful information on general tree maintenance is available for reference in 護養樹木的簡易圖解

de_for_Tree_Maintenance.pdf) and the Handbook of Tree Management (Chinese Version:

https://www.greening.gov.hk/tc/tree_care/Handbook_on_Tree_Management.html) published by the GLTM Section, DEVB;

- (h) to the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of the BD (not being a New Territories Exempted Houses), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the application site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with the BO. For the 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 application site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulation 5 and 41D of the Building (Planning) Regulations respectively. If the site does not abut on a specified street of not less than 4.5 m wide, its permitted development intensity shall be determined under Regulation 19(3) of the Building (Planning) Regulation at the building plan submission stage;
- (i) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the structures, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to him 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 to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap 123), detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;
- (j) to note the comments of the Project Manager (New Territories West), Civil Engineering and Development Department (PM/NTW, CEDD) that the Site falls within the boundary of the Hung Shui Kiu New Development Area (HSK NDA). According to the Planning and Engineering Study (P&E Study) for the HSK NDA, to ensure timely and orderly implementation, the development of HSK NDA and relevant site formation and infrastructure works would be implemented in five stages, viz. Advance Works and Stage 1 to Stage 4. The lot(s) concerned falls within a site under Stage 4 Works stage. While the detailed implementation programme for the project is still being formulated, based on the P&E Study, it is envisaged that clearance of the Site in question will not be arranged before the first population intake of the HSK NDA expected in 2024; and
- (k) to note the comments of Director of Electrical and Mechanical Services

(DEMS) that in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the mentioned application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the concerned site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.