

**Relevant Extracts of The 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 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.
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 s.16 Applications covering the Application Site**

**Approved Applications**

<b><u>Application No.</u></b>	<b><u>Use(s)/Development(s)</u></b>	<b><u>Date of Consideration by RNTPC/TPB</u></b>	<b><u>Approval Conditions</u></b>
A/TM-LTYYY/229	Proposed Temporary Edible Ice Manufacturing Plant for a Period of 3 Years	24.2.2012 [Revoked 24.8.2012]	(3), (5), (6), (9), (10)
A/TM/LTYYY/253	Temporary Edible Ice Manufacturing Plant for a Period of 3 Years	8.2.2013 [Revoked 8.8.2014]	(1), (2), (3), (5), (6), (9), (10)
A/TM/LTYYY/275	Temporary Edible Ice Manufacturing Plant for a Period of 3 Years	7.3.2014	(1), (2), (3), (5), (8), (9), (10)
A/TM/LTYYY/325	Renewal of Temporary Edible Ice Manufacturing Plant for a Period of 3 Years	3.2.2017	(1), (2), (4), (5), (7), (8), (9), (10)

**Approval Conditions**

- (1) No operation between 8:00p.m. and 8:00a.m. from Mondays to Sundays
- (2) Only light goods vehicles with valid license issued under the Road Traffic Ordinance are allowed to access, park/store at the site at any time during the planning approval period
- (3) Submission and implementation of drainage proposal
- (4) Submission of a condition record of existing drainage facilities
- (5) Submission and implementation of proposal on water supplies for fire-fighting and fire service installations
- (6) Submission and implementation of landscape plantings proposal
- (7) Maintenance of existing drainage facilities
- (8) Maintenance of the existing trees on site at all times during the approval period
- (9) Revocation Clause
- (10) Reinstatement Clause

**Advisory Clauses**

- (a) to note the comments of the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD) that:
- (i) The application site (“the Site”) falls within Lot Nos. 407 S.A (Part) and 407 RP (Part) in DD.130 (“the Lots”) and adjoining government land (GL). The Lots are Old Schedule Lot 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.
  - (ii) STW (“STW”) No. MR16023 and Short Term Tenancy (“STT”) No. MX16026 were issued on the Lots and the adjoining GL for the purpose of edible ice manufacturing plant. Site inspection revealed that the layout of existing structures tally with the proposal as well as the built-over area and height of existing structures were permitted in the subject STW and STT.
  - (iii) The Site is accessible via a strip of GL designated as a right-of-way for STW No. MR16023 leading from the Ng Lau Road. The waivee of STW No. MR16023 is responsible for carrying out maintenance works for the said right-of-way leading to the application site.
  - (iv) The Lot owner is required to demolish and remove all structures and debris on the Lots and the adjoining GL at his own cost upon termination of the STW and STT. Notwithstanding the above, his office reserves the right to take enforcement actions as considered appropriate against any unauthorized erection/extensions/alterations of structures on the site or any unauthorized occupation of GL at any time and irrespective of whether planning permission will be given or not.
- (b) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that the existing access road connecting the application site and Ng Lau Road is not and will not be maintained by HyD; and adequate drainage measures shall be provided to prevent surface water running from the application site to the nearby public roads and drains;
- (c) to follow the 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;
- (d) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In addition, the applicant should also be advised on the following points: (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and the location of where the proposed FSI to be installed should be clearly marked on the layout plans. However, the applicant is reminded that 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.

- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
- (i) there is no record of approval by the Building Authority for the structures existing at the Site and BD is not in a position to offer comments on their suitability for the use related to the application;
  - (ii) if the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of the Buildings Department (BD), they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the captioned application;
  - (iii) before any new building works are to be carried out on the Site, the prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorized Person (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;
  - (v) 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;
  - (vi) if the proposed use under application is subject to the issue of a license, please be reminded that any existing structures on the Site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority;
  - (vii) 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 respectively;
  - (viii) 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 Building (Planning) Regulation at the building plan submission stage; and
  - (ix) detailed comments under the BO will be provided at the building plan submission stage.
- (f) to note the comments of Chief Engineer/Housing Projects 2, Civil Engineering and Development Department (CE/HP2, CEDD) that the Site might be subject to land resumption for the implementation of the San Hing Road and Hong Po Road Public Housing Development which might take place at any time before the expiry of the temporary planning permission.