

**Relevant Extract of 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 relevant assessment criteria for assessing applications 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 the 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 application 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 appropriate approval period, which may be shorter than the time under request.

Previous Applications covering the Site

Approved Application

	<u>Application No.</u>	<u>Zoning</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
1	A/TM-SKW/98	“V”	Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	11.8.2017	(1) to (4)

Approval Condition(s)

- (1) No operation between 7:00 p.m. and 10:00 a.m.
- (2) No structures within 7m from the western boundary of the site
- (3) Submission of fire services installations (FSIs) proposal and provision of FSIs
- (4) Reinstatement of the Site to an amenity area upon expiry of the planning permission

Rejected Application

	<u>Application No.</u>	<u>Zoning</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejection Reason(s)</u>
1	A/TM-SKW/7	“V”	Temporary Open Storage of Containers for a period of 12 months	6.3.1998	(1) to (4)

Rejection Reason(s)

- (1) Not in line with the planning intention of “V” zone
- (2) Adverse traffic impact on the local traffic network
- (3) Adverse noise impact on the dwelling houses in the vicinity
- (4) Undesirable precedent for other similar applications

Similar Applications within the Same “V” Zone on the OZP

Approved Applications

	<u>Application Nos.</u>	<u>Zoning</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
1	A/TM-SKW/79	“V”	Proposed Temporary Shop and Services (Construction Consultancy Services) with Ancillary Private Vehicle Park for a Period of 3 Years	7.9.2012 (revoked on 7.3.2013)	(1), (4) to (6), (8) to (11)
2	A/TM-SKW/84	“V”	Proposed Temporary Shop and Services (Construction Consultancy Services) with Ancillary Private Vehicle Park for a Period of 3 Years	7.3.2014 (revoked on 7.6.2014)	(1), (4) to (6), (8) to (11)
3	A/TM-SKW/107	“V”	Proposed Temporary Shop and Services for a Period of 3 Years	10.7.2020	(2), (3), (6) to (8), (10)

Approval Condition(s)

- (1) No night-time operation and no operation on Sundays and public holidays on the Site
- (2) No night-time operation on the Site
- (3) No vehicle is allowed to queue back to or reverse onto/from public road
- (4) No storage of construction materials or workshop use is allowed on the site at any time
- (5) Only private cars with valid licence issued under the Road Traffic Ordinance are allowed to be parked/stored on the Site
- (6) Submission and implementation of drainage proposal
- (7) Implemented drainage facilities shall be maintained at all times
- (8) Submission and implementation of fire service installations proposal
- (9) Submission and implementation of landscape proposal
- (10) Revocation clause
- (11) Reinstatement clause

Advisory clauses

- (a) to note the comments of the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD) that the Site is an 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. The Site is accessible via a strip of Government land adjoining So Kwun Wat Tsuen Road. His office does not carry out maintenance works for the said Government land nor has granted any right-of-way over the Government land to the Site. The Government also reserves the right to take any enforcement action as may be considered appropriate regarding any unauthorised structures or extension to existing permitted structures erected on the Lot or any encroachment or unauthorised use of Government land;
- (b) to note the comments of the Commission for Transport (C for T) that Site is connected to the public road network via a section of a local access road which is not managed by his Department. The land status of the local access road should be checked with LandsD. The management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the applicant shall be liable for and shall indemnify claims and demands arising out of any damage and/or nuisance caused by failure of his drainage facilities/system;
- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that if the existing structures are erected on leased land without approval of the Building Authority (not being a New Territories Exempted House (NTEH)), they are unauthorised 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 shed as temporary buildings) are to be carried out on the Site, the prior approval and consent of the BA should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorised Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO. 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. 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. 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. Formal submission under the BO is required for any proposed new works, including any temporary structures. Detailed comments will be made at the building plan submission stage;
- (e) to note the comments of the 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 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 Site. The parties

concerned 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; and

- (f) to note the comments of the District Officer/Tuen Mun, Home Affairs Department (DO/TM, HAD) that his office currently provides ad-hoc maintenance to So Kwun Wat Tsuen Road located in the proximity to the Site. The proposed application should not affect the said village access.