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 Site

Approved Applications

Application No.	<u>Use/Development</u>	<u>Date of</u> <u>Consideration</u>	Approval Conditions
A/YL-PS/57	Temporary Public Vehicle Park for Lorries, Coaches and Private Cars for a Period of 3 Years	27.8.1999	(4), (5), (12), (13), (16) & (21)
A/YL-PS/123	Temporary Public Vehicle Park for Private Cars, Lorries and Coaches for a Period of 3 Years	14.2.2003 (TPB)	(5), (13), (16) & (21)
A/YL-PS/243	Temporary Public Vehicle Park for Private Cars, Lorries and Coaches for a Period of 3 Years	28.4.2006 (revoked on 28.7.2006)	(1), (2), (5), (14), (17), (18), (20) & (21)
A/YL-PS/266	Temporary Public Vehicle Park for Private Cars, Lorries and Coaches for a Period of 3 Years	9.3.2007 (revoked on 6.9.2007)	(1), (2), (5), (14), (17), (18), (20) & (21)
A/YL-PS/278	Temporary Rural Communal Public Vehicle Park for Private Cars, 5.5 Tonnes Goods Vehicles, Coaches and 24 Tonnes Goods Vehicles for a Period of 3 Years	25.7.2008 (12 months) (TPB) (revoked on 25.10.2008)	(1), (4), (5), (7), (14), (17) to (21)
A/YL-PS/294	Temporary Public Vehicle Park for Private Cars, Lorries and Coaches for a Period of 1 Year	13.2.2009	(1), (4), (5), (7), (14), (17) to (21)
A/YL-PS/317	Temporary Public Vehicle Park for Private Cars, Lorries and Coaches for a Period of 3 Years	19.3.2010 (12 months) (revoked on 8.3.2011)	(1), (2), (5), (11), (13), (15), (17), (18) to (21)
A/YL-PS/340	Renewal of Planning Approval for Temporary Public Vehicle Park for Private Cars, Lorries and Coaches under Application No. A/YL-PS/317 for a Period of 3 Years	18.3.2011 (12 months) 15.7.2011 (review on conditions by TPB) (revoked on 12.8.2011)	(1), (3), (5), (11), (13), (15), (17) to (21)
A/YL-PS/385	Temporary Rural Communal Public Vehicle Park for Private Cars, 5.5 Tonnes Goods Vehicles, Coaches and 24 Tonnes Goods Vehicles for a Period of 3 Years	10.8.2012 (12 months) (revoked on 10.4.2013)	(1), (3), (5), (11), (15), (17) to (21)

Application No.	<u>Use/Development</u>	<u>Date of</u> <u>Consideration</u>	Approval Conditions
A/YL-PS/437	Temporary Rural Communal Public Vehicle Park for Private Cars, 5.5 Tonnes Goods Vehicles, Coaches and 24 Tonnes Goods Vehicles for a Period of 3 Years	7.3.2014 (12 months)	(1), (3), (5), (9), (10), (11), (13), (15), (17) to (21)
A/YL-PS/472	Renewal of Planning Approval for Temporary Rural Communal Public Vehicle Park for Private Cars, 5.5 Tonnes Goods Vehicles, Coaches and 24 Tonnes Goods Vehicles for a Period of 3 Years	27.2.2015 (12 months)	(1), (3), (5), (9), (10), (11), (14), (15), (17) to (21)
A/YL-PS/515	Temporary Rural Communal Public Vehicle Park for Private Cars, 5.5 Tonnes Goods Vehicles, Coaches and 24 Tonnes Goods Vehicles for a Period of 3 Years	29.7.2016	(1), (3), (5), (8) to (10), (13), (15), (17) to (21)

Approval Conditions

- (1) No night-time operation.
- (2) No goods vehicle exceeding 5.5 tonnes, coach, container vehicle/trailer is allowed to be parked/stored on the Site.
- (3) No heavy goods vehicles exceeding 24 tonnes, container tractor/trailer is allowed to be parked/stored on the Site.
- (4) No container vehicle is allowed to be parked/stored on the Site.
- (5) Posting notice to indicate the types of vehicles to be allowed to enter/be parked.
- (6) Provision of warning notice and measures on pedestrian safety.
- (7) Improvement of road signs at the Site.
- (8) No parking/storage of vehicles without valid licences.
- (9) No vehicle washing, vehicle repairing, dismantling, or other workshop activity is allowed.
- (10) No vehicle is allowed to queue back to or reverse onto/from public road.
- (11) The parking layout arrangement should be adhered to.
- (12) Submission and/or implementation of vehicular access proposal/provision of vehicular standard access.
- (13) Submission and implementation of tree preservation and/or landscape proposal or compensatory planting.
- (14) Maintenance of existing trees/landscape planting.
- (15) Provision of peripheral fencing and/or paving of the Site.
- (16) Submission and/or implementation of drainage impact assessment/drainage proposal/ flood mitigation measures/drainage facilities.
- (17) Submission of condition record of drainage facilities.
- (18) Maintenance of existing/implemented drainage facilities.
- (19) Submission and implementation of fire service installations proposal/fire extinguisher.
- (20) Revocation clauses.
- (21) Reinstatement clause.

Similar Applications within the same "V" zone on the approved Ping Shan OZP No. S/YL-PS/18

Approved Applications

Application No.	Zoning (at the time of approval)	<u>Development/Use</u>	Date of Consideration (RNTPC)	Approval Conditions
A/YL-PS/306	"V"	Temporary Public Vehicle Park for Medium Size Buses (24-seats) and Private Cars for a Period of 3 Years	7.8.2009	(1), (2), (5), (8), (9), (12), (22) & (23)
A/YL-PS/307	"V" & "U"	Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years	18.9.2009	(1), (2), (5), (9), (14), (15), (16), (22) & (23)
AYL-PS/310	"V"	Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years	6.11.2009	(1), (2), (5), (9), (12), (13), (16), (19), (22) & (23)
A/YL-PS/356	"V", "R(E)2", "R(B)1" & "CDA"	Temporary Public Vehicle Park for Private Cars, Light Goods Vehicles and Light Buses for a Period of 3 Years	21.10.2011	(1), (2), (4), (5), (10), (14), (15), (16), (17), (22), (23), (24) & (25),
A/YL-PS/363	"V"	Proposed Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles For a Period of 3 Years	20.1.2012	(2), (4), (5), (9), (12), (13), (16), (17), (22) & (23)
A/YL-PS/366	"V" & "OU(Heritage and Cultural Tourism Related Uses)" ("OU(HCTR)")	Proposed Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles For a Period of 3 Years	10.2.2012	(2), (4), (5), (9), (14), (15), (16), (17), (22) & (23)
A/YL-PS/371	"V"	Temporary Public Vehicle Park for Coaches for a Period of 3 Years	24.2.2012	(2), (4), (5), (9), (12), (15), (16), (22) & (23)
A/YL-PS/382	"V"	Temporary Public Vehicle Park for Private Car and Light Goods Vehicles for a Period of 3 Years	15.6.2012	(1), (2), (4), (5), (8), (10), (11), (14), (15), (16), (22) & (23)
A/YL-PS/386	"V"	Temporary Public Vehicle Park for Medium Size Buses (24-seats) and Private Cars for a Period of 3 Years	24.8.2012	(1), (2), (4), (5), (8), (9), (14), (15), (22) & (23)

Application No.	Zoning (at the time of	<u>Development/Use</u>	Date of Consideration	Approval Conditions
	approval)		(RNTPC)	Conditions
A/YL-PS/390	"V"	Temporary Public Vehicle Park for Private Car and Light Goods Vehicle for a Period of 3 Years	21.9.2012	(1), (2), (4), (5), (8), (9), (14), (15), (16), (17), (22) & (23)
A/YL-PS/395	"V"	Renewal of Planning Approval for Temporary "Public Vehicle Park for Private Car and Light Goods Vehicle" for a Period of 3 Years	19.10.2012	(1), (2), (4), (5), (6), (8), (9), (14), (15), (16), (20), (21), (22) & (23)
A/YL-PS/410	"V"	Temporary Public Vehicle Park for Private Car and Light Goods Vehicle for a Period of 3 Years	21.6.2013	(1), (2), (4), (5), (6), (9), (13), (14), (16), (20), (22) & (23)
A/YL-PS/425	"γ"	Proposed Temporary Public Vehicle Park for Private Car and Light Van for a Period of 3 Years	13.12.2013	(1), (2), (4), (5), (6), (9), (12), (16), (17), (22) & (23)
A/YL-PS/452	"V"	Proposed Temporary Public Vehicle Park for Private Cars for a Period of 3 Years	14.11.2014	(1), (3), (4), (5), (6), (7), (9), (12), (14), (16), (17), (22) & (23)
A/YL-PS/458	"V", "R(E)2", "R(B)1" & "CDA"	Temporary Public Vehicle Park for Private Cars, Light Goods Vehicles and Light Buses for a Period of 3 Years	17.10.2014 (revoked on 19.8.2015)	(1), (2), (4), (5), (6), (7), (9), (14), (15), (16), (18), (22) & (23)
A/YL-PS/466	"γ"	Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles For a Period of 3 Years	16.1.2015	(1), (3), (4), (5), (6), (7), (10), (14), (15), (16), (22) & (23)
A/YL-PS/468	"V" & "OU(HCTR)"	Renewal of Planning Approval for Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) For a Period of 3 Years	6.2.2015 (revoked on 11.11.2016)	(1), (3), (4), (5), (6), (7), (9), (14), (15), (16), (18), (22) & (23)
A/YL-PS/469	"γ"	Renewal of Planning Approval for Temporary Public Vehicle Park for Coaches for a Period f 3 Years	6.2.2015	(1), (4), (5), (6), (7), (10), (14), (15), (16), (18), (22), (23) & (26)
A/YL-PS/479	"V"	Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles only) for a Period of 3	22.5.2015	(1), (3), (4), (5), (6), (7), (8), (9), (14),

Application No.	Zoning (at the time of approval)	<u>Development/Use</u>	Date of Consideration (RNTPC)	Approval Conditions
		Years		(15), (16), (20), (22) & (23)
A/YL-PS/485	"V"	Renewal of Planning Approval for Temporary Public Vehicle Park for Medium Size Buses (24-seats) and Private Cars for a Period of 3 Years	7.8.2015	(1), (2), (4), (5), (6), (7), (8), (10), (14), (15), (16), (22) & (23)
A/YL-PS/489	"γ"	Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years	8.1.2016	(1), (3), (4), (5), (6), (7), (8), (9), (14), (15), (16), (17), (22) & (23)
A/YL-PS/492	"γ"	Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years	8.4.2016	(1), (2), (4), (5), (6), (7), (9), (12), (14), (16), (17), (22) & (23)
A/YL-PS/498	"γ"	Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years	6.11.2015 (revoked on 6.8.2016)	(1), (3), (4), (5), (6), (7), (8), (9), (14), (15), (16), (17), (21), (22) & (23)
A/YL-PS/516	"γ"	Temporary Public Vehicle Park (Private Cars) for a Period of 3 Years	22.4.2016	(1), (3), (4), (5), (6), (7), (9), (10), (12), (14), (16), (17), (22) & (23)
A/YL-PS/521	"V", "R(E)2", "R(B)1" & "CDA"	Temporary Public Vehicle Park (Private Cars, Light Goods Vehicles and Light Buses) for a Period of 3 Years	29.7.2016	(1), (2), (4), (5), (6), (7), (14), (15), (16), (18), (22) & (23)
A/YL-PS/522	"V" & "OU(HCTR)"	Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years	12.8.2016	(1), (2), (4), (5), (6), (7), (9), (14), (15), (16), (17), (22) & (23)
A/YL-PS/543	"γ"	Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years	8.9.2017	(1), (2), (4), (5), (6), (7), (8), (9), (14), (15), (16), (17), (21), (22) & (23)

Application No.	Zoning (at the time of approval)	<u>Development/Use</u>	Date of Consideration (RNTPC)	Approval Conditions
A/YL-PS/549	"γ"	Temporary Public Vehicle Park (Private Car and Light Goods Vehicle) for a Period of 3 Years	26.1.2018	(1), (2), (4), (5), (6), (7), (10), (14), (15), (16), (18), (22) & (23)
A/YL-PS/552	"γ"	Renewal of Planning Approval for Coaches for a Period of 3 Years	9.2.2018	(1), (4), (5), (6), (7), (10), (14), (15), (16), (18), (22), (23) & (26)
A/YL-PS/553	"V"	Temporary Public Vehicle Park for Private Cars for a Period of 3 Years	2.3.2018 (revoked on 13.8.2018)	(1), (3), (4), (5), (6), (7), (8), (10), (14), (16), (17), (22) & (23)
A/YL-PS/554	"γ"	Temporary Public Vehicle Park for Private Cars for a Period of 3 Years	2.3.2018	(1), (3), (4), (5), (6), (7), (10), (14), (15), (16), (22) & (23)
A/YL-PS/561	"γ"	Temporary Public Vehicle Park for Private Cars for a Period of 3 Years	6.7.2018	(1), (3), (4), (5), (6), (7), (12), (14), (16), (17), (22) & (23)
A/YL-PS/562	"γ"	Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years	20.7.2018	(1), (3), (4), (5), (6), (7), (10), (14), (15), (16), (18), (22) & (23)
A/YL-PS/564	"V"	Renewal of Planning Approval for Temporary Public Vehicle Park for Medium Size Buses (24-seater) and Private Cars for a Period of 3 Years	17.8.2018	(1), (2), (4), (5), (6), (7), (8), (10), (14), (15), (16), (22) & (23)
A/YL-PS/583	"V"	Temporary Public Vehicle Park (Private Cars) for a Period of 3 Years	22.3.2019	(1), (3), (4), (5), (6), (7), (10), (14), (15), (16), (18) & (22)

Approval Conditions

- (1) No parking/storage of vehicles without valid licences issued under the Road Traffic Ordinance.
- (2) No medium of heavy goods vehicle) or parking of (goods) vehicles (exceeding) 5.5 tonnes (or more), (coaches, container vehicles), container tractors and/or trailers.

- (3) Only private cars (and light goods vehicles) are allowed to enter/be parked.
- (4) Posting notice at a prominent location to indicate the types of vehicle allowed to enter/be parked.
- (5) No night time operation.
- (6) No vehicle washing/repairing/dismantling/paint spraying and other workshop uses/ activities.
- (7) No vehicle is allowed to queue back to or reverse onto/from public road.
- (8) Posting notice at a prominent location to remind drivers on pedestrian safety on access road.
- (9) Submission and/or implementation of the (accepted) tree preservation and/or landscape proposal(s).
- (10) Maintenance of (existing) landscape planting/vegetation/trees, including replacement of dead plants.
- (11) Submission of tree survey plan and schedule.
- (12) Submission and/or implementation of (accepted) drainage proposal/Drainage Impacting Assessment/implementation of flood mitigation measures identified therein.
- (13) Provision of drainage facilities proposed.
- (14) Maintenance of (existing/implemented) drainage facilities.
- (15) Submission of condition record of existing drainage facilities.
- (16) Submission and/or implementation of fire services installations proposal or provision of fire service installations proposed.
- (17) Provision of peripheral/boundary fencing.
- (18) Maintenance of peripheral/boundary fencing.
- (19) Provision of paving and fencing.
- (20) Maintenance of (existing) paving and/or fencing.
- (21) A minimum of 3.5m set back from the northern, eastern and southern boundaries.
- (22) Revocation clauses.
- (23) Reinstatement clause.
- (24) No excavation of land
- (25) Submission and implementation of run-in/out proposal
- (26) Only coach is allowed to enter/be parked.

Rejected Application

Application No.	Zoning	Development/Use	Date of	Rejection
			Consideration	<u>Reasons</u>
A/YL-PS/372	"γ"	Temporary Public Vehicle Park for Private Cars, Light Goods Vehicles, Medium Goods Vehicles and Coaches (not exceeding 24 seaters) for a Period of 3 Years	27.7.2012 (TPB)	(1) & (2)

Rejection Reasons

- (1) Not in line with planning intention. No strong planning justifications had been given in the submission to justify a departure from the planning intention.
- (2) The parking of medium goods vehicles and coaches had to be accessed via a long stretch of local track passing through the "V" zone would generate environmental nuisance to the adjacent residential settlements as well as those along the access road.

Advisory Clauses

- (a) to resolve any land issues relating to the development with other owner(s) of the Site;
- (b) to note the comments of 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. Within the Site, the following private lots are currently covered by Short Term Waivers (STWs), details of which are listed below:

Lot No./ GL in D.D. 122	STW No.	Permitted Use
429	STW 3957	Temporary Rural Communal Public Vehicle
431 & 436	STW 3958	Park for Private Cars, 5.5 Tonnes Goods
438 S.A	STW 3959	Vehicles, Buses (Coaches) and 24 Tonnes
449 RP	STW 3960	Goods Vehicles

The Site is accessible from Tsui Sing Road via government land (GL). His office does not provide maintenance work for GL involved and does not guarantee any right-of-way over the GL to the Site. The STW holder(s) will need to apply to his office for modification of the STW conditions where appropriate and the lot owner(s) of the lot(s) without STW will need to apply to his office to permit the structures to be erected or regularise any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Applications 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 will be approved. If such application is approved, it will be subject to such terms and conditions, including among other the payment of premium or fee, as may be imposed by the LandsD;

- to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) that sufficient manoeuvring space shall be provided within the Site. The local track leading to the Site is not under 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;
- (d) 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. Currently, only the section of Tsui Sing Road of about 120m abutting Ping Ha Road is maintained by HyD. HyD shall not be responsible for the maintenance of any access connecting the Site and the section of Tsui Sing Road being maintained by HyD;
- (e) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that the applicant is advised that approval of the s.16 application by the Board does not imply approval of the tree works such as pruning, transplanting and/or felling under lease. The applicant is reminded to approach relevant authority/government department(s) direct to obtain the necessary approval on tree works;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the applicant is reminded 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 cat pits/manholes and the downstream discharge path as indicated on the submitted drainage proposal;

- (g) 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. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI 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 services requirements will be formulated upon receipt of formal submission of general building plans;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that as there is no record of approval by the Building Authority for the existing structures at the Site, he is not in a position to offer comments on their suitability for the use proposed in the application. If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BD, they are unauthorised 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 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 Site under the BO. Before any new building works (including containers/open sheds as temporary buildings 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 Authorised Person (AP) should be appointed as the co-ordinator 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;
- (i) to note the comments of the Director of Agriculture, Fisheries and Conservation (DAFC) that the applicant is advised to implement necessary measures to avoid causing disturbance and water pollution to the nearby ponds to the west of the Site; and
- (j) to follow the relevant mitigation measures and requirements in the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" ("COP").