

**Relevant extracts of the Town Planning Board Guidelines No. 34C for  
“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 circumstance 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 Applications covering the Application Site**

**Approved Applications**

	<b><u>Application No.</u></b>	<b><u>Proposed Use</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Approval Conditions</u></b>
1	A/YL-TT/384	Temporary Shop and Services (Local Provision Store with Ancillary Storage Area and Real Estate Agency) for a Period of 3 Years	29.7.2016	(1), (2), (3), (4), (5), (6), (7), (8)
2	A/YL-TT/429	Temporary Shop and Services (Real Estate Agency) and Eating Place for a Period of 3 Years	1.6.2018	(1), (2), (5), (6), (7), (8), (9), (10)

**Approval Condition(s):**

- (1) No night-time operation during specific time limit, as proposed by the applicant, is allowed on the site.
- (2) No vehicle is allowed to be parked/stored on or enter/exit the site.
- (3) Submission and/or implementation of landscaping and tree preservation proposal.
- (4) Submission and/or implementation drainage proposal.
- (5) Submission and/or implementation of fire service installations proposal.
- (6) Revocation of planning approval for non-compliance with conditions by a specified date/at any time during the approval period.
- (7) Reinstatement of the application site upon expiry of planning permission.
- (8) Maintenance of the implemented drainage facilities on the site.
- (9) Maintenance of the existing trees and landscape planting on the site.
- (10) Submission of a condition record of the existing drainage facilities.

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

**Approved Applications**

	<b><u>Application No.</u></b>	<b><u>Proposed Use/Development</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Approval Conditions</u></b>
1	A/YL-TT/289	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	19.8.2011 [revoked on 19.2.2012]	(1), (2), (3), (4), (5), (6), (7)
2	A/YL-TT/301	Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	20.4.2012 [revoked on 20.7.2014]	(1), (2), (3), (4), (5), (6), (7), (8)
3	A/YL-TT/302	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	20.4.2012 [revoked on 20.10.2013]	(1), (2), (3), (4), (5), (6), (7), (8)
4	A/YL-TT/327*	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	22.12.2015 (allowed on appeal for 12 months) [revoked on 22.3.2016]	(1), (2), (3), (4), (5), (6), (7), (8), (10), (11), (12), (13)
5	A/YL-TT/343	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	16.1.2015	(1), (2), (3), (4), (5), (6), (7), (8), (9), (11), (12), (13)
6	A/YL-TT/418	Renewal of Planning Approval for Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	12.1.2018	(1), (5), (6), (7), (9), (10), (12), (13)
7	A/YL-TT/445	Temporary Shop and Services (Interior Design and Decoration Engineering Company) for a Period of 3 Years	8.3.2019	(1), (2), (4), (5), (6), (9), (13), (14)
8	A/YL-TT/462	Temporary Shop and Services (Retail of Construction Materials) for a Period of 3 Years	3.5.2019	(1), (2), (4), (5), (6), (8), (9), (10), (13), (15), (16)

\* The application was rejected by the Board on review on 24.10.2014. The appeal of the Board's decision to reject the case on review was heard by the Appeal Board Panel (Town Planning) (TPAB) on 7.10.2015 and was allowed for a period of 12 months, instead of 3 years applied, subject to approval conditions (with shorter compliance periods).

**Approval Condition(s):**

- (1) No night-time operation during specific time limit is allowed on the site.
- (2) Submission and/or implementation of (accepted) run-in/out proposal.
- (3) Submission and/or implementation of landscaping and tree preservation proposal.
- (4) Submission of (revised) drainage proposal and/or provision/implementation of drainage proposal/facilities.
- (5) Submission and/or implementation of (accepted) fire service installations proposal.
- (6) Revocation of planning approval for non-compliance with conditions by a specified date/at any time during the approval period.
- (7) Reinstatement of the application site upon expiry of planning permission.
- (8) Submission and implementation of parking arrangement proposal.
- (9) Maintenance of the implemented drainage facilities at all times.
- (10) No car repair business, paint spraying, car washing, workshop activities nor any activity not permitted shall be carried on in the site.
- (11) No open storage at the uncovered areas is allowed on the site at any time during the planning approval period.
- (12) Provision of boundary fencing on the site.
- (13) No vehicle parking, queuing and reverse manoeuvring are allowed on public road and at the vehicular access at any time during the planning approval period.
- (14) All existing trees and landscape plantings within the site shall be maintained at all times during the planning approval period.
- (15) No operation on Sundays and public holidays is allowed during the planning approval period.
- (16) No medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, are allowed to be parked/stored on or enter/exit the Site during the planning approval period.

**Rejected Applications**

	<b><u>Application No.</u></b>	<b><u>Proposed Use/Development</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Rejection Reason(s)</u></b>
1	A/YL-TT/344	Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	15.5.2015 (on review)	(1), (2)
2	A/YL-TT/357	Temporary Shop and Services (Environmental Consultancy and Landscaping Services) for a Period of 3 Years	3.6.2016 (on review)	(1), (2)
3	A/YL-TT/421	Temporary Shop and Services (Building Surveying Consultancy) for a Period of 3 Years	10.8.2018 (on review)	(1), (2)

**Rejection Reason(s):**

- (1) Failure to demonstrate that the development would not cause adverse traffic, landscape and drainage impacts on the surrounding area.
- (2) Previous planning permissions granted to the applicant were revoked due to non-compliance of the approval conditions. Approval of the application with repeated non-compliances with approval conditions would set an undesirable precedent for other similar applications, thus nullifying the statutory planning control mechanism.

Advisory clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site (the Site);
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department that the Site comprises Old Schedule Agricultural Lots held under Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. Lots No. 266 RP and 268 in D.D. 117 are covered by Short Term Waivers (STW) No. 4679 and 4680 respectively to permit structures erected thereon for the purpose of “Temporary Shop and Services (Local Provision Store with Ancillary Storage Area and Real Estate Agency)”. The government land (GL) within the Site is covered by Short Term Tenancy (STT) No. 3069 for the purpose of “Temporary Shop and Services (Local Provision Store with Ancillary Storage Area and Real Estate Agency)”. The Site is accessible to Tai Tong Road via GL. Her office does not provide maintenance work for GL involved and does not guarantee any right-of-way to the Site. The STW/STT holder(s) should apply to her office for modification of the STW/STT conditions where appropriate. 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 her department 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 others the payment of premium or fee, as may be imposed by her department;
- (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the approval is based on the understanding that there is and will be no vehicular access to/from the Site;
- (d) to note the comments of the Director of Environmental Protection that the applicant should 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 to minimise any potential environmental impact.
- (e) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that approval of the application by the Town Planning Board does not imply approval of the tree works such as pruning, transplanting and/or felling under lease. You should approach the relevant authority/government department(s) direct to obtain the necessary approval on tree works.
- (f) to note the comments of the Director of Fire Services that the attached fire service installations (FSI) is considered acceptable by his department. Please be advised that the installation/maintenance/modification/repair work of FSI shall be undertaken by an Registered Fire Service Installation Contractor (RFSIC). The RFSIC shall after completion of the installation/maintenance/modification/repair work issue to the person on whose instruction the work was undertaken a certificate (FS 251) and forward a copy of the certificate to him. Please be reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building

plans; and

- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of BD, they are unauthorised building works (UBW) under the BO and should not be designated for any 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 BD should be obtained, otherwise they are UBW. An Authorised Person 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 B(P)R at the building plan submission stage.