

**Relevant extracts of the Town Planning Board Guidelines No. 34B for  
“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 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 Application Covering the Application Site**

**Approved Application**

	<b><u>Application No.</u></b>	<b><u>Proposed Use</u></b>	<b><u>Date of Consideration (RNTPC)</u></b>	<b><u>Approval Condition(s)</u></b>
1	A/YL-TYST/706	Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	13.3.2015	(1), (2), (3), (4), (5), (6), (7), (8), (9), (10)

**Approval Conditions**

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

**Similar Applications in this Part of the “U” zone on the  
Tong Yan San Tsuen OZP**

**Approved Applications**

	<b><u>Application No.</u></b>	<b><u>Proposed Use(s)/Development(s)</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Approval Condition(s)</u></b>
1	A/YL-TYST/811	Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	14.10.2016	(1), (2), (3), (4), (5), (6), (7), (8)
2	A/YL-TYST/821*	Proposed Temporary Plant Nursery and Shop and Services (Retail Shop for Plants) for a Period of 3 Years	13.1.2017 [Revoked on 26.6.2017]	(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11)

Remarks:

\* Straddling “U” and “R(C)” zones

**Approval Condition(s):**

- (1) No operation between specific hours.
- (2) No (light,) medium or heavy goods vehicles as defined in the Road Traffic Ordinance and tractors/trailers are allowed for the operation of the site.
- (3) Provision of boundary fence on the site.
- (4) Submission and implementation of landscape proposal.
- (5) Submission and implementation of (revised) drainage proposal.
- (6) Submission and implementation of FSIs proposal.
- (7) Revocation of planning approval if conditions not complied with by a given date/at any time during the approval period.
- (8) Reinstatement of the site to an amenity area upon expiry of planning permission.
- (9) No workshop activities are allowed to be carried out on the site.
- (10) Preservation of existing bamboos clumps on the site.
- (11) No site formation and construction works are allowed on the site at any time within the breeding season of ardeids from March to August inclusive.

**Advisory Clauses**

- (a) the Site might be subject to land resumption for the implementation of the Yuen Long South Development which might take place at any time before the expiry of the temporary planning permission.
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the Site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the Site comprises an Old Scheduled Agricultural Lot held under Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. Lot No. 2849 RP in D.D. 120 is covered by a Short Term Waiver (STW) No. 4038 to permit structures erected thereon for the purpose of “Temporary Shop and Services (Real Estate Agency)”. The Site is accessible to Kung Um Road via Government land (GL). His office does not provide maintenance work for GL involved and does not guarantee any right-of-way to the Site. The STW holder will need to apply to his office for modification of the STW if there is any irregularities on the STW site. Such application(s) will be considered by LandsD acting in the capacity as 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 LandsD. The programme of land resumption would follow the project office’s programme notwithstanding the validity period of the planning permission to be granted;
- (d) 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;
- (e) to note the comments of Chief Town Planner/Urban Design and Landscape, Planning Department that the applicant is reminded to conduct routine vegetation maintenance works, such as irrigating the trees and removing weeds regularly throughout the period. Fence and/or kerb or bollard should be constructed with a minimum distance of 1m around the planting areas to guard against damage to the trees and shrubs. The applicant should make reference to “Technical Note on the Submission and Implementation of Landscape Proposals for Compliance with Conditions for Approved Applications for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance”. The applicant shall take reference to the following information/guideline published by the Greening, Landscape and Tree Management Section, Development Bureau for tree maintenance: 私人物業樹木護理資料 Information About Tree Maintenance for Private Properties ([https://www.greening.gov.hk/tc/tree-care/Handbook\\_on\\_Tree\\_Management.html](https://www.greening.gov.hk/tc/tree-care/Handbook_on_Tree_Management.html)), 護養樹木的簡易圖解 Pictorial Guide for Tree Maintenance ([https://www.greening.gov.hk/filemanager/content/pdf/tree\\_care/Pictorial\\_Guide\\_for\\_Tree\\_Maintenance.pdf](https://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf));
- (f) to note the comments of the Director of Fire Services that 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. In addition, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire services requirements will be formulated

upon receipt of formal submission of general building plans;

- (g) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department that if the existing structures are erected on leased land without approval of the BD (not being a New Territories Exempted House), they are unauthorized under the Buildings Ordinance and should not be designated for any use under the application. Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on leased land in the Site, the prior approval and consent of BD should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with BO. For UBW erected on leased land, enforcement action may be taken by the Building Authority (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 works or UBW on the Site under 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; and
- (h) to note the comments of the Director of Electrical and Mechanical Services that for the design and operation of electricity package substation, CLP Power has to comply with the Electricity Ordinance and relevant statutory requirements. As the electricity package substation is to provide electricity supply to some future developments in the vicinity, the associated electricity demand should be provided by the nearby substation as far as possible. The Electricity Supply Lines (Protection) Regulation and the "Code of Practice on Working near Electricity Supply Lines" established under the Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines.