

**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

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Condition(s)</u>
1	A/YL-TYST/42*	Proposed Open Storage of Construction Materials	14.8.1998 (approved for 2 years)	(1), (3), (8)
2	A/YL-TYST/702*	Proposed Temporary Warehouse for Storage of Machinery and Spare Parts for a Period of 3 Years	12.12.2014	(1), (3), (4), (5), (6), (7), (8), (9), (10), (12)
3	A/YL-TYST/862*	Proposed Temporary Warehouse for Storage of Machinery and Spare Parts for a Period of 3 Years	8.12.2017	(1), (2), (3), (4), (6), (7), (10), (11), (12)
4	A/YL-TYST/884*	Proposed Temporary Warehouse for Storage of Machinery and Spare Parts for a Period of 3 Years	6.4.2018	(1), (2), (3), (4), (6), (7), (10), (11), (12)

*Zoned “Undetermined” at the time of consideration by RNTPC

Approval Conditions

- (1) Submission and implementation of landscaping proposals, including a tree preservation scheme/maintenance of existing trees and landscape plantings.
- (2) Maintenance and/or submission of a condition record of existing drainage facilities.
- (3) Reinstatement of the application site to an amenity area upon expiry of planning permission.
- (4) No operation between specific hours and no operation on Sundays and public holidays.
- (5) No medium and heavy goods vehicles exceeding 5.5 tonnes allowed to park/store on or enter/exit the site.
- (6) No repairing, dismantling, cleansing or other workshop activities.
- (7) No queuing and reverse movement of vehicle are allowed on public road.
- (8) Submission/implementation of drainage proposal/provision of drainage facilities
- (9) Submission/implementation of run-in/out.
- (10) Submission and/or implementation of fire service installations proposal.
- (11) No open storage is allowed.
- (12) Revocation of planning permission upon non-compliance with approval conditions.

Similar Applications within the same “G/IC(2)” and/or “O” Zones on the OZP

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Condition(s)</u>
1	A/YL-TYST/747*	Temporary Warehouse for Storage of Exhibition Materials for a Period of 3 Years	7.8.2015	(1), (2), (3), (4), (5), (7), (8), (10), (13), (16), (18)
2	A/YL-TYST/770*	Temporary Warehouse and Open Storage of Escalator Parts for a Period of 3 Years	18.12.2015	(1), (3), (4), (5), (6), (7), (8), (10), (12), (13), (14), (16)
3	A/YL-TYST/800*	Temporary Warehouse for Storage of Household Products for a Period of 3 Years	12.8.2016 [revoked on 12.2.2018]	(1), (2), (3), (4), (5), (6), (7), (8), (13), (16)
4	A/YL-TYST/813*	Temporary Warehouse for Storage of Brand New Electronic Goods for a Period of 3 Years	14.10.2016	(1), (2), (3), (4), (5), (6), (7), (8), (12), (15), (16), (18), (19)
5	A/YL-TYST/902*	Temporary Warehouse for Storage of Exhibition Materials for a Period of 3 Years	20.7.2018	(3), (5), (7) (8), (9), (10), (13), (14), (16)
6	A/YL-TYST/938*	Temporary Warehouse for Storage of Household Products for a Period of 3 Years	1.2.2019 [revoked on 1.11.2019]	(2), (3), (5), (7), (8), (9), (10), (13), (16)
7	A/YL-TYST/986*	Temporary Warehouse for Storage of Household Products and Electronic Goods for a Period of 3 Years	1.11.2019	(2), (3), (5), (7), (8), (9), (10), (13), (15), (16)
8	A/YL-TYST/988*	Temporary Warehouse for Storage of Construction Material for a Period of 3 Years	15.11.2019	(3), (5), (7), (8), (9), (10), (13), (14), (15), (16)
9	A/YL-TYST/1040	Temporary Warehouse for Storage of Electronic Goods for a Period of 3 Years	15.9.2020	(2), (3), (5), (7), (8), (9), (10), (13), (16)

*Zoned “Undetermined” at the time of consideration by RNTPC

Approval Condition(s):

- (1) Submission and/or implementation of (revised) landscape/tree preservation proposals.
- (2) Submission of (revised) drainage proposal and/or provision/implementation of drainage facilities/proposal.

- (3) Revocation of planning approval if conditions not complied with by a given date/at any time during the approval period.
- (4) Reinstatement of the site to an amenity area upon expiry of planning permission.
- (5) Submission of proposals and/or provision of fire service installations/fire extinguisher/street fire hydrant or water tank.
- (6) Paving and/or provision/maintenance of boundary fencing on the site.
- (7) No (night-time) operation specific time limit and/or no operation on Sundays and public holidays.
- (8) No workshop/cleaning/dismantling/repairing/spraying activities are allowed to be carried out on the site.
- (9) Maintenance of existing trees/landscape planting on the site.
- (10) Maintenance of (implemented /existing) drainage facilities on the site.
- (11) Replacement planting of landscaping trees on the site.
- (12) No used electrical appliances/televisions/computer monitors/computer parts/ electronic parts (including cathode-ray tubes) or any other types of electronic waste are allowed to be stored/handled on the site.
- (13) No medium and/or heavy vehicles or container vehicles (trailers/tractors)/only light goods vehicles are allowed for the operation of the site.
- (14) Submission of a record of the existing drainage facilities implemented on the site.
- (15) No open storage is allowed on the site.
- (16) No vehicle queuing and no reverse movement of vehicles on public road(s) is allowed.
- (17) No material is allowed to be stored/dumped within 1m of any tree on the site.
- (18) Submission of run-in/out proposal and the provision of run-in/out.
- (19) No handling/storage/loading/unloading of electronic goods/electronic waste/used electrical/electronic appliances/ is allowed outside the concrete-paved covered structure(s) on the site.

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 Government land (GL) and 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. Lot Nos. 1483 S.A RP and 1483 S.B RP in D.D. 119 are covered by Short Term Waiver (STW) No. 4567 to permit structures erected thereon for the purpose of “Temporary Warehouse for Storage of Machinery and Spare Parts”. The GL within the Site is covered by Short Term Tenancy (STT) No. 3001 for the purpose of “Temporary Warehouse for Storage of Machinery and Spare Parts”. The STW/STT holder(s) will need to 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. 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 rent or fee, as may be imposed by her department;
- (c) to note the comments of the Commissioner for Transport that the land status of the access road/path/track leading to the Site from Kung Um Road shall be checked with the lands authority. Sufficient space should be provided within the Site for manoeuvring of vehicles. No parking of vehicles on public road are allowed;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains. His department shall not be responsible for the maintenance of any access connecting the Site and Kung Um Road;
- (e) to note the comments of the Director of Environmental Protection that 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 should be followed to minimise any environmental nuisance on the surrounding areas;
- (f) to note the comments of the Director of Fire Services (D of FS) that the installation/ maintenance/ modification/ repair work of fire service installation (FSI) shall be undertaken by an Registered FSI 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. 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;
- (g) to note the comments of the Chief Engineer/Construction, Water Supplies Department that existing water mains will be affected (see **Plan A-2** of this RNTPC paper). A waterworks reserve within 1.5m from the centerline of the water main shall be provided to her department. No structure shall be built or materials stored within this waterworks reserve. Free access shall be made available at all times for staff of the Director of Water Supplies or

their contractor to carry out construction, inspection, operation, maintenance and repair works. No trees or shrubs with penetrating roots may be planted within the waterworks reserve or in the vicinity of the subject water main. Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the Site;

- (h) 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 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 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; and
- (i) to note the comments of the Project Manager (West), Civil Engineering and Development Department that the majority of the Site falls within the boundary of Yuen Long South (YLS) Development – Stage 2 Phase 2. The land resumption and clearance programme of the project is subject to Executive Council's (ExCo's) authorisation on land resumption and Finance Committee's (FC's) funding approval of the project. Land clearance operation at the eastern part of the Site is tentatively targeted to commence in 2024. Extension of the planning permission for the majority of the Site may not be supported in the future. No substantial works should be carried out within the majority of the Site in view of the planned YLS Development – Stage 2 Phase 2. A very small portion of the Site near Kung Um Road falls within the boundary of YLS Development – Stage 2 Phase 1 (the project). Based on the latest programme of the project, the land clearance at the concerned part of the Site is planned to commence in mid-2022 subject to ExCo's authorisation on land resumption and FC's funding approval of the project by Q4 2021 and Q1 2022 respectively. The programme of land resumption would follow the project programme notwithstanding the validity period of the planning permission to be granted. The Site might be subject to land resumption for the implementation of the YLS Development – Stage 2 Phase 1 which might take place at any time before the expiry of the temporary planning permission. No substantial works should be carried out at the Site in view of the planned project. His department will give sufficient notice to relevant department(s) for early resumption of the Site if his department's works commence early.