

**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/TPB)</u>	<u>Approval Condition(s)</u>
1	A/YL-TYST/50	Proposed Concrete Batching Plant	16.10.1998	(2), (3), (5), (7), (10)
2	A/YL-TYST/181	Proposed Amendment and Extension of Concrete Batching Plant and Minor Relaxation of Maximum Building Height Restriction	28.2.2003 approved for 3 years (on review)	(2), (3), (11)
3	A/YL-TYST/306	Renewal of Planning Approval for Temporary “Concrete Batching Plant” for a Period of 3 Years	17.2.2006	(1), (6), (7), (8), (9), (11)
4	A/YL-TYST/410	Renewal of Planning Approval for Temporary “Concrete Batching Plant” for a Period of 3 Years	19.12.2008	(1), (4), (6), (7), (8), (9), (11)
5	A/YL-TYST/568	Renewal of Planning Approval for Temporary “Concrete Batching Plant” for a Period of 3 Years	10.2.2012	(1), (4), (6), (7), (8), (9), (11)
6	A/YL-TYST/710	Renewal of Planning Approval for Temporary “Concrete Batching Plant” for a Period of 3 Years	6.2.2015	(1), (4), (6), (7), (8), (9), (11)
7	A/YL-TYST/863	Renewal of Planning Approval for Temporary “Concrete Batching Plant” for a Period of 3 Years	8.12.2017	(1), (4), (9), (11), (12), (13), (14)

Approval Conditions:

- (1) Vehicles to and from the site are restricted to using the major trunk roads and industrial access roads in the vicinity of the site.
- (2) Submission and implementation of landscaping proposals.
- (3) Submission of drainage proposals/provision of drainage facilities.
- (4) Submission of a record of the existing drainage facilities on the site.
- (5) Provision of vehicle parking spaces and loading/unloading bays.
- (6) Provision of run-in.
- (7) Provision of emergency vehicular access, water supplies for fire fighting and fire services installations.
- (8) Maintenance of the landscape planting on the site.
- (9) Maintenance of the drainage facilities on the site.
- (10) Permission ceases to have effect unless the development is commenced or permission is renewed.

- (11) Revocation of planning approval for non-compliance with conditions by a specified date/at any time during the approval period.
- (12) No queuing of vehicles and no vehicle reversing into/from the public road is allowed at any time during the planning approval period.
- (13) Submission and implementation of fire service installations proposals.
- (14) Maintenance of the trees on the site

Similar Applications within the same “I” Zone on the OZP

Rejected Application

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Rejection Reason(s)</u>
1	A/YL-TYST/135	Proposed Concrete Batching Plant	18.5.2001	(1), (2)

Rejection Reasons:

- (1) The proposed development would generate noise and dust nuisances to the nearby residents and there is insufficient information in the submission to address the environmental impact of the proposed development
- (2) There is insufficient information in the submission to demonstrate that the proposed development would not generate adverse drainage impact on the surrounding areas.

Advisory clauses

- (a) the application site (the Site) should be kept in a clean and tidy condition at all times;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department that the Site comprises various private lots (Lot Nos. 2019, 1290 S.C RP and 1293 S.C all in D.D.121) and a piece of Government land (GL). Lot No. 2019 in D.D.121, held under New Grant No. 4101, shall not be used for any purpose other than for industrial or godown. The lot is also subject to a Temporary Waiver (TW) to permit the use of specified areas for the purpose of vehicle parking and/or loading and unloading. Lot Nos. 1290 S.C RP and 1293 S.C in D.D.121 are held under Block Government Lease for the purposes of agricultural or garden ground. The lots are subject to Short Term Waivers (STWs) for the purpose of storage of aggregates for concrete production. The GL within the Site is covered by a Short Term Tenancy (STT) for the purpose of storage of aggregates for concrete production. The holder(s) of the TW/STWs/STT need(s) to apply to her office for modification(s) of the condition(s) contained in the TW/STWs/STT if there are any irregularities on site. Such application(s) 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(s) will be approved. If such application(s) is/are approved, it/they would be subject to such terms and conditions, including among others the payment of premium, fee and/or rent, as may be imposed by her department;
- (c) to note the comments of the Commissioner for Transport that 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 his department shall not be responsible for the maintenance of any access connecting the Site and San Fui Street. Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains;
- (e) to note the comments of the Director of Environmental Protection that a licence for specified process for the concrete batching plant under the Air Pollution Control Ordinance has been obtained with validity up to 23.3.2021. The plant should be operated according to the licensed terms and conditions during the licensed period. The licensee should apply for renewal and demonstrate compliance to the Air Quality Objectives at the nearby air sensitive receivers. 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; and
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that according to his records, appraisal report for the existing concrete batching plant on the Site, which is unauthorised building works, had been acknowledged via his letter to the Registered Structural Engineer (RSE) on 26.7.2004. As stipulated in paragraph 2 of the said letter, a maintenance survey report together with certification regarding the stability of the concrete batching plant from RSE should be submitted to BD for acceptance and acknowledgement at 2 years interval from the date of the said letter. BD would consider to take enforcement action against the existing concrete batching plant if you fail to comply with the said letter.