

**Relevant Extracts of Town Planning Board Guidelines No.34B 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.
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 s.16 Applications covering the Application SiteApproved Applications

	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Date of Consideration RNTPC/TPB</u>	<u>Approval Conditions</u>
1	A/YL-PH/653	Temporary Car Park for Villagers (excluding container vehicles) for a period of 1 year	14.2.2014 (on review)	(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13)
2	A/YL-PH/703	Temporary Car Park for Villagers (excluding container vehicles) for a period of 2 years	31.10.2014	(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13)
3	A/YL-PH/737	Renewal of Planning Approval for Temporary Car Park for Villagers (Excluding Container Vehicle) for a Period of 2 Years	14.10.2016	(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13)

Approval Conditions

1. No vehicle without valid licences issued under the Traffic Regulations would be allowed
2. No medium or heavy vehicles exceeding 5.5 tonnes, including container tractors/trailers would be allowed
3. implementation of the revised car parking layout
4. Vehicular access arrangement should be maintained
5. Submission/ implementation/ maintenance of landscaping proposals
6. Submission and/ or implementation of a drainage proposal and/ or drainage record and maintain drainage facilities
7. Submission and/or implementation of fire services installation proposal
8. Reinstatement of the application site to an amenity area
9. Revocation of planning approval for non-compliance with conditions by a specified date or during the planning approval period.
10. restriction of parking spaces to 15 car parking spaces
11. Notices should be posted at prominent location of the site to indicate the rules of operation
12. no reversing of vehicles into or out from the site is allowed
13. provision/maintenance of mitigation measures to minimize possible nuisances of noise and artificial lighting on-site

Rejected Application

	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Date of Consideration (RNTPC)</u>	<u>Main Rejection Reasons</u>
1	A/YL-PH/642	Public Vehicle Park (Private Cars and Light Goods Vehicles)	20.7.2012	(1), (2)

Main Rejection Reasons

1. The development was not in line with the planning intention of the "Village Type Development" zone which was to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by government projects. Land within this zone was primarily intended for development of Small Houses by indigenous villagers. No strong planning justification had been given in the submission to justify a departure from the planning intention.
2. The site was located within a village cluster. The applicants failed to demonstrate that the development would not have adverse environmental impacts on the adjacent residential dwellings.

**Similar Applications within the same “V” and
the adjoining “R(D)” Zones on the Pat Heung OZP**

Approved Applications

No.	Application No.	Proposed Use(s)/Development(s)	Date of Consideration by RNTPC / TPB	Approval Conditions
1	A/YL-PH/84	Proposed Public Car/Lorry Park	14.3.1997 (for 3 years)	(1), (4), (5), (6), (8), (9)
2	A/YL-PH/181*	Proposed Public Car Park	20.11.1998 on review (for 3 years)	(1), (2), (5), (6), (7)
3	A/YL-PH/291	Proposed Public Car/Lorry Park	27.8.1999 (for 3 years)	(1), (2), (3), (4), (5), (6), (7)

*The site straddled “V” and “R(D)” zones.

Approval Conditions

1. No vehicle without valid licences issued under the Traffic Regulations would be allowed
2. No lorry/container vehicle would be allowed / only private cars area allowed
3. Submission of car parking layout
4. Provision of vehicular access arrangement / Provision of run in/out of 7m wide
5. Submission and implementation of landscaping proposals
6. Submission of a drainage impact assessment and implementation of flood mitigation measures / provision of drainage facilities
7. Reinstatement of the application site to an amenity area
8. Paving of the site
9. Permission shall cease to have effect on a specified date unless prior to the specified date either the development hereby permitted is commenced or the permission is renewed
10. No vehicle repairing, dismantling and workshop activities were allowed on site
11. Restriction on operation hours

Rejected Application

No.	Application No.	Proposed Use(s)/Development (s)	Date of Consideration by RNTPC/TPB	Reasons for Rejection
1	A/DPA/YL-PH/18	Open Carpark	13.8.1993	(1), (2)

Rejection Reasons

1. The proposed development was not in line with the planning intention for the area which was to reserve sufficient land for small house development by villagers and there was no justification for the provision of the proposed open carpark.
2. The proposed vehicular access road might adversely affect the main water pipeline and no protective measures to protect the pipeline had been proposed in the submission.

Advisory Clauses

- (a) resolve any land issue relating to the development with the concerned owner(s) of the Site;
- (b) note DLO/YL, LandsD's comments 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. No permission is given for the occupation of GL (about 110m² subject to verification) included in the Site. Attention is drawn to the fact that any occupation of GL without Government's prior approval is not allowed. The Site is located within "V" zone. Under the prevailing policy, land within "V" zone or village environ is primarily reserved for development of New Territories Exempted House by indigenous villagers under the New Territories Small House Policy. The Site is accessible from Fan Kam Road via GL and private land. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the Site. The Site falls within the Shek Kong Airfield Height Restriction Area (SKAHRA). The lot owner(s) will need to apply to his office if any structure to be erected or regularize any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Furthermore, the applicant has to either exclude the GL portion from the Site or apply for a direct grant STT for use of the Site. Applications for any of the above 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 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 the LandsD;
- (c) note C for T's comments that the Site is connected to the public road network via a section of a local access road which is not managed by Transport Department. The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) note CHE/NTW, HyD's comments that HyD does not and will not maintain any access connecting the Site and Fan Kam Road. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (e) adopt environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by DEP to minimize any potential environmental nuisances;
- (f) note CE/C, WSD's comments that existing water mains will be affected (Plan A-2 of the RNTPC paper). The developer shall bear the cost of any necessary diversion

works affected by the development. In case it is not feasible to divert the affected water mains, a waterworks reserve within 1.5m from the centerline of the water mains shown in **Plan A-2** of the RNTPC paper shall be provided to WSD. No structure shall be erected over this waterworks reserve and such area shall not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority may require or authorize; and

- (g) note D of FS's comments that the installation / maintenance / modification / repair work of FSIs shall be undertaken by a 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 his department for consideration.