

**Relevant Extracts of Town Planning Board Guidelines No.34C on
'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 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.



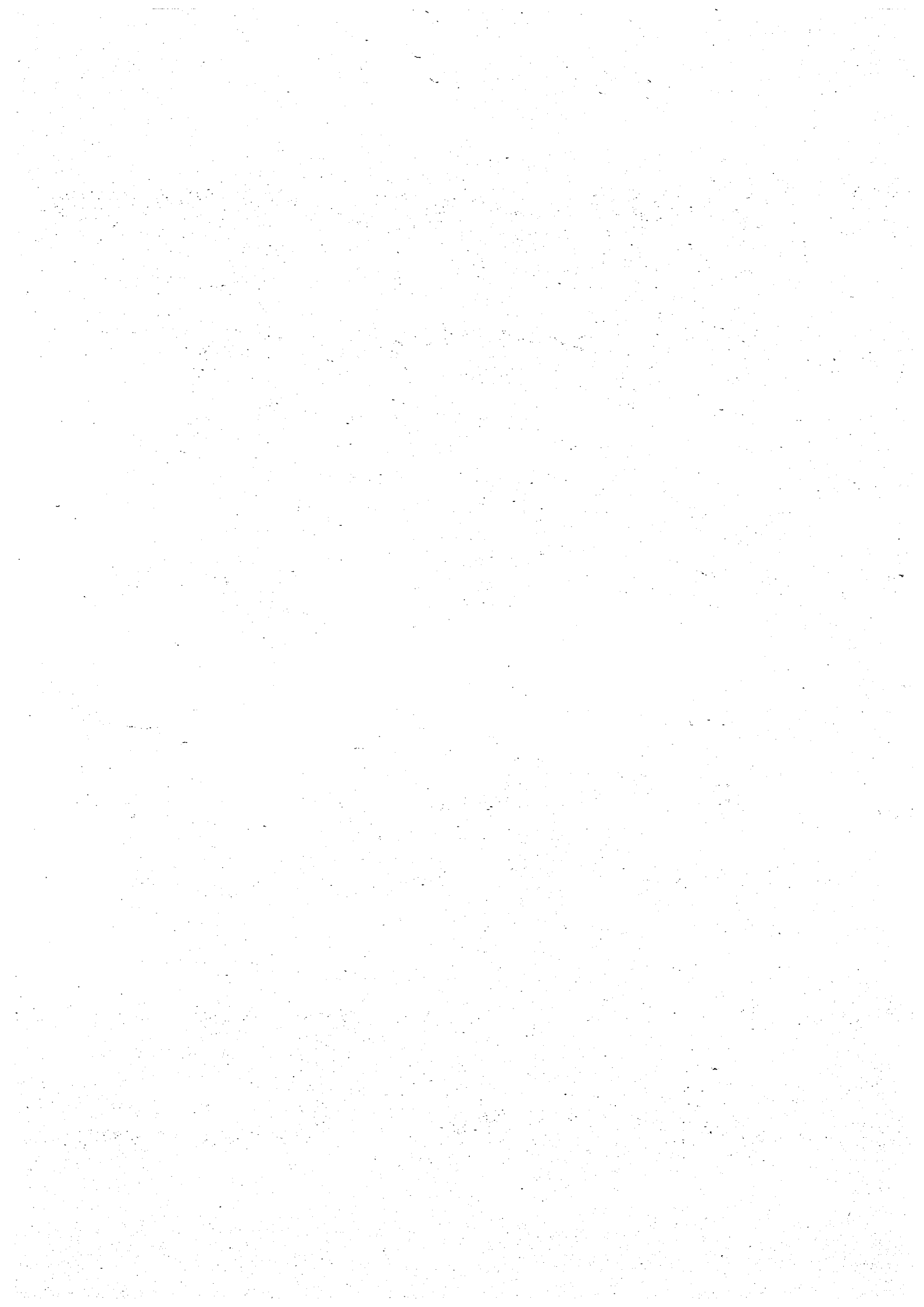
Previous s.16 Application covering the Application Site

Approved Application

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration By RNTPC/TPB</u>	<u>Approval Conditions</u>
1.	A/YL-PH/746	Proposed Temporary Public Vehicle Park (excluding Container Vehicle) for a Period of 3 Years	12.5.2017	(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11)

Approval Conditions

- (1) no vehicles without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations are allowed to be parked/stored on the Site
- (2) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site;
- (3) a notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the Site
- (4) no vehicle is allowed to queue back to or reverse onto/from public road'
- (5) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the Site
- (6) the provision of fencing on the Site
- (7) submission and implementation of landscaping proposal
- (8) submission, implementation and provision/maintenance of drainage facilities
- (9) submission and implementation of fire service installations proposal
- (10) revocation of planning permission if planning conditions not complied with during the planning approval period/by the specified time limit
- (11) upon expiry of the planning permission, the reinstatement of the Site to an amenity area



Similar Applications within the Same “V” Zone in the Vicinity of the Site on approved Pat Heung Outline Zoning Plan

Approved Application

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration By RNTPC/TPB</u>	<u>Approval Conditions</u>
1.	A/YL-PH/35	Public Car Park	12.1.1996 (for 1 year)	(3), (4), (5), (6)
2.	A/YL-PH/78	Public Car Park (39 parking spaces)	28.2.1997 (for 5 years)	(1), (5), (6)
3.	A/YL-PH/88	Public Car/Lorry Park	16.5.1997 (for 3 years)	(1), (5), (6), (7)
4.	A/YL-PH/149	Temporary Public Car Park for a Period of 12 Months	5.12.1997	(1), (2), (4), (5), (6), (7)
5.	A/YL-PH/777*	Proposed Temporary Covered Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years	4.5.2018	(1), (7), (8), (9), (10), (11), (13), (14), (15), (16)
6.	A/YL-PH/800	Proposed Temporary Private Car Park (excluding container vehicle) for a Period of 3 Years	18.1.2019	(1), (7), (8), (9), (10), (11), (13), (14), (15), (16)

* 22% of the site falls within the same “V” zone and 78% of the site falls within the adjacent “Open Storage” zone

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 are allowed
- (3) Paving of the site
- (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/ maintenance of drainage facilities
- (7) Reinstatement of the site to an amenity area
- (8) No medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period
- (9) A notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period
- (10) No vehicle is allowed to queue back or reverse onto/from public road at any time during the planning approval period

- (11) No dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the site at any time during the planning approval period
- (12) Provision of fencing
- (13) Submission and implementation of drainage proposal
- (14) Submission and/or implementation of accepted fire service installations proposal
- (15) Revocation of the planning approval if any of the planning conditions is not complied with by the specified date or during the planning approval period
- (16) Restrictions on operation hours

Advisory Clauses

- (a) note DLO/YL, LandsD's comments that the Site comprises 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. The lot owner(s) will need to apply to his office to permit the structures 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. 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 rent or fee, as may be imposed by LandsD;
- (b) note C for T's comments that the Site is connected to the public road network via a section of local access road which is not managed by TD. 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;
- (c) note CHE/NTW, HyD's comments that his department shall not be responsible for the maintenance for any access connecting the Site and Kam Tai Road. Adequate drainage measures should be provided to prevent water running from the Site to the nearby public roads and drains;
- (d) 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 DEP; and
- (e) note CBS/NTW, BD's comments that before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, prior approval and consent of the 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 the Buildings Ordinance (BO). If the existing structures (not being a new Territories Exempted House) are erected on leased land without the approval of the BD, they are UBW under the BO and should not be designated for any proposed use under 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. 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 4.5 m wide, its permitted

development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.