

**Relevant Extract 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 Applications

Approved Applications

	Application No.	Proposed Uses	Date of Consideration	Approval Condition(s)
1	A/YL-SK/137	Proposed temporary car park (private cars and light/medium goods vehicles) for a period of 3 years	30.3.2007 on review	(1), (2), (3), (4), (5), (6), (7), (8), (9)
2	A/YL-SK/158	Temporary car park (private cars and light goods vehicles) for a period of 3 years	24.9.2010	(1), (2), (3), (4), (9), (10), (11), (12), (13), (18)
3	A/YL-SK/196	Temporary car park (private cars and light goods vehicles) for a period of 3 years	8.11.2013	(1), (2), (3), (4), (9), (10), (12),(14), (15), (16), (17), (18)
4	A/YL-SK/221	Temporary public vehicle park (private cars and light goods vehicles) for a period of 3 years	9.6.2017	(1), (2), (3), (4), (7), (10), (12), (13), (14), (15), (18)

Approval Conditions:

- (1) Restriction on operation hours.
- (2) No medium or heavy goods vehicles and/or container trailers/tractors are allowed to be parked on site.
- (3) No vehicles without valid licences issued under the Road Traffic Regulations are allowed to be parked on site.
- (4) No open storage, repairing, dismantling, maintenance, cleaning, paint spraying or other workshop activities are allowed to be carried out on site.
- (5) Submission and implementation of vehicular access proposal.
- (6) Submission and implementation of run-in proposal.
- (7) Submission and implementation of landscape and tree preservation proposal.
- (8) Submission and implementation of drainage proposal.
- (9) Revocation of planning approval if any of the conditions is not complied with by the specified date or during the planning approval period.
- (10) No more than 27 private cars/light goods vehicles are allowed to be parked on site.
- (11) Maintenance of existing trees and landscape planting on site.
- (12) Maintenance of existing drainage facilities on site.
- (13) Submission and implementation of fire service installations proposal.
- (14) No reverse movement of vehicles on public road are allowed.
- (15) Submission of a record of existing drainage facilities on site.
- (16) Implementation of tree preservation proposal.
- (17) Implementation of fire service installations proposal.
- (18) Reinstatement of the Site to amenity area.

Rejected Applications

	Application No.	Proposed Uses	Date of Consideration	Rejection Reason(s)
1	A/YL-SK/1	Temporary workshop for assembly body of trucks and open storage of lorry assembly materials for a period of 12 months	13.1.1995	(1), (2), (3), (4), (5), (6)
2	A/YL-SK/29	Proposed temporary flea market for a period of 3 years	20.12.1996	(1), (6), (7), (8), (9)
3	A/YL-SK/53	Proposed temporary market for a period of 3 years	9.1.1998 on review	(1), (6), (7)
4	A/YL-SK/117	Proposed temporary car park for a period of 3 years	7.11.2003	(1), (6), (10), (11)

Rejection Reasons:

- (1) Not in line with the planning intention of the “V” zone. No strong justification has been given in the submission for a departure from the planning intention, even on a temporary basis.
- (2) Not compatible with the nearby village type development.
- (3) The proposed vehicular access was undesirable as it abutted a bus lay-by and heavy and long vehicles will encroach on the opposite carriageway when leaving/entering the access road.
- (4) No information in the submission on sewage treatment and disposal facilities and mitigation measures against water pollution.
- (5) No information on the landscaping proposal in the submission.
- (6) The approval of the application would set an undesirable precedent for applications of a similar nature which will degrade the surrounding environment.
- (7) Insufficient information in the submission to demonstrate that the proposed development will not generate adverse traffic impacts.
- (8) The existing car-parking provisions in the nearby areas cannot cater for the parking need of the market visitors. There is insufficient information in the submission to demonstrate that adequate loading/unloading facilities and car-parking provisions can be provided within the application site.
- (9) Insufficient information in the submission to demonstrate that the proposed development will not cause inconvenience and environmental nuisance to the local residents.\
- (10) No information in the submission to demonstrate that the proposed development would not have adverse drainage impact on the surrounding areas.
- (11) No information in the submission to demonstrate that the proposed development would not have adverse fire safety impacts on the surrounding areas.

**Similar S.16 Application
within the same “V” zone on the OZP**

Rejected Application

	Application No.	Proposed Uses	Date of Consideration	Rejection Reason(s)
1	A/YL-SK/116	Proposed temporary car park for a period of 3 years	7.11.2003	(1), (2), (3)

Rejection Reasons:

- (1) Not in line with the planning intention of the “V” zone. No strong justification has been given in the submission for a departure from the planning intention, even on a temporary basis.
- (2) No information in the submission to demonstrate that the development would not generate adverse drainage and fire safety impacts on the surrounding areas.
- (3) Approval of the application would set an undesirable precedent for other similar uses to proliferate into the “V” zone. The cumulative effect of approving such similar application would result in a general degradation of the environment of the area.

**Appendix VI of
RNTPC Paper No. A/YL-SK/278**

Advisory Clauses

- (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that:
- (i) the Site comprises Government land (GL) and an Old Schedule Agricultural Lot 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;
 - (ii) within the Site, Lot 782 (portion) in D.D. 114 is currently covered by Short Term Waiver (STW) No. 3536 for the “Ancillary Use to Car Park (Private Cars and Light Goods Vehicles)”, whereas the GL therein is covered by Short Term Tenancy (STT) No. 2648 for the “Car Park (Private Cars and Light Goods Vehicles)” use; and
 - (iii) the STW/STT holder(s) will need to apply to his office for modification of the STW/STT conditions where appropriate. Besides, given that the applied 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 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 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) to note the comments of the Commissioner for Transport (C for T) that:
- the Site is connected to the public road network via a section of a local access road which is not managed by the Transport Department (TD). The land status of the local access road should be checked with LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.
- (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that:
- HyD shall not be responsible for the maintenance of any access connecting the Site and Kam Sheung Road. Adequate drainage measures should be provided to prevent surface water running from the Site to nearby public roads or drains.
- (d) to note the comments of Director of Environmental Protection (DEP) to follow the relevant mitigation measures and requirements in the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by his department to minimize any potential environmental nuisances.

- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
- (i) if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BD, they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application;
 - (ii) 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 BD should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with BO;
 - (iii) for UBW erected on leased land, enforcement action may be taken by 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 BO;
 - (iv) in connection with (ii) above, 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; and
 - (v) the Site does not abut on a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of B(P)R at the building plan submission stage.
- (f) to note the comments of the Director of Fire Services (D of FS) that:
- (i) in consideration of the design/nature of the proposal, fire service installations are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans with provisions of the proposed fire service installations to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed fire service installations to be installed should be clearly marked on the layout plans; and
 - (ii) the applicant is reminded that if the proposed structure(s) is required to comply with BO, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.