

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 relevant assessment criteria for assessing applications 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 appropriate approval period, which may be shorter than the time under request.

Previous s.16 Application

Approved Application

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-LT/628	Temporary Private Car Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years	2.3.2018	A1 – A7

Approval Conditions

- A1. 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
- A2. No reversing of vehicles into or out from the site is allowed at any time during the planning approval period.
- A3. The preventive measures against water pollution to the upper indirect water gathering ground should be properly maintained at all times during planning approval period.
- A4. The development should not cause any water pollution to the upper indirect water gathering ground at any time during the planning approval period.
- A5. The provision of boundary fencing on the site.
- A6. The submission of drainage proposal.
- A7. The implementation of drainage proposal.

**Similar s.16 Application within the same “V” zone*
on the Lam Tsuen Outline Zoning Plan (OZP)**

Approved Application

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/NE-LT/661	Temporary Private Car Park (Private Cars only) for a Period of Three Years	8.3.2019	A1 – A8

Approval Conditions

- A1. No vehicles other than private cars are allowed to be parked/stored on the site at any time during the planning approval period.
- A2. No vehicle dismantling, inspection, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out at the site at any time during the planning approval period.
- A3. The development should not cause any water pollution to the upper indirect water gathering ground at any time during the planning approval period.
- A4. The provision of boundary fencing on the site.
- A5. The submission of drainage proposal.
- A6. The implementation of drainage proposal.
- A7. The submission of proposal on grease trap and petrol interceptor.
- A8. The implementation of proposal on grease trap and petrol interceptor.

* There is no similar applications within the same “AGR” zone on the Lam Tsuen OZP.

**Advisory comments of the Chief Engineer/Construction,
Water Supplies Department (CE/C, WSD)**

- (a) site formation, construction and drainage plans shall be submitted to WSD for approval;
- (b) besides car parking, other activities such as car maintenance, repairing or washing activities shall not be allowed within the Site;
- (c) no effluent or foul water shall be discharged directly or indirectly into any watercourses without the prior written permission of WSD;
- (d) all solid waste and sludge arising from the operation of the private car park shall be disposed of properly outside the WGG;
- (e) the applied use shall be surrounded by kerbs and drains on all sides to avoid polluting the nearby watercourses during heavy rainfall;
- (f) fencing shall be erected on the sides facing the nearest stream course to trap all wind-blown debris within the car park;
- (g) no chemicals including fertilizers shall be used without the prior approval from WSD;
- (h) provision of toilet facilities shall not be permitted in the car park without the prior approval from WSD;
- (i) drainage traps such as grease traps, petrol interceptors shall be installed at each of the drainage outlets and shall be under proper maintenance. All such drainage traps shall have sufficient capacity to ensure the proper collection and disposal of fuel and lubricants. All effluent/pollutants arising from the private car park shall be disposed of properly outside the WGG;
- (j) no oil leakage or spillage in the WGG is allowed;
- (k) the storage and discharge of pesticide or toxicant, flammable or toxic solvents, petroleum oil or tar and other toxic substances are strictly prohibited within the WGG;
- (l) oil and grease decontamination kit such as absorbent pads shall be made available by the car park owner to decontaminate any oil leakage or spillage in the course of operation; and
- (m) should pollution be detected due to the private car park, it shall immediately be closed pending implementation of remedial measures by the applicant to the satisfaction of WSD; and
- (n) existing water mains at the Site will be affected. The applicant should either divert or protect the water mains found on the Site. If diversion is required, existing water mains within the Site are needed to be diverted outside the site boundary of the development to lie in Government land. A strip of land of minimum 1.5m in width should be provided

for the diversion of the existing water main(s). The cost of diversion of existing water main(s) upon request will have to be borne by the applicant; and the applicant shall submit all the relevant proposal to WSD for consideration and agreement before the works commence. If diversion is not required, the applicant should be advised that:

- (i) existing water main(s) at the Site are affected and no development which requires resiting of water main(s) will be allowed;
- (ii) details of site formation works shall be submitted to WSD for approval prior to commencement of works;
- (iii) no structures shall be built or materials stored within 1.5m from the centre line(s) of water main(s). Free access shall be made available at all times for WSD's staff or his contractor to carry out construction, inspection, operation, maintenance and repair works;
- (iv) no trees or shrubs with penetrating roots should be planted in the vicinity of the water main(s). No change of existing site condition may be undertaken within the aforesaid area without the prior agreement of WSD. Rigid root barriers may be required if the clear distance between the proposed tree and the pipe is 2.5m or less, and the barrier must extend below the invert level of the pipe;
- (v) no planting or obstruction of any kind except turfing shall be permitted within the space of 1.5 metres around the cover of any valve or within a distance of 1 metre from any hydrant outlet; and
- (vi) tree planting may be prohibited in the event that there is any likelihood of damage being caused to water main(s).

Advisory comments of the Director of Electrical and Mechanical Services (DEMS)

- (a) in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the mentioned application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the concerned site. The applicants should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.
- (b) there is a high pressure underground town gas transmission pipeline (running along Lam Kam Road) in the vicinity of the Site;
- (c) the applicants/consultant/works contractor should liaise with the Hong Kong and China Gas Company Limited in respect of the exact locations of existing or planned gas pipes/gas installations in the vicinity of the Site and any required minimum set back distance away from them during the design and construction stages of development; and
- (d) the applicants/consultant/works contractor should observe the Electrical and Mechanical Services Department's requirements on the "Avoidance of Damage to Gas Pipes 2nd Edition" for reference.

Recommended Advisory Clauses

- (a) to note the comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) that:
- (i) no structure shall be erected on the Site without prior approval from LandsD;
 - (ii) the proposed ingress/egress are on unallocated Government land. The maintenance and management responsibility of the said Government land should be sorted out with the relevant Government departments prior to making use of them for proposed vehicular access purpose. Furthermore, neither occupation nor works of any kind thereon is allowed without the prior approval from LandsD;
 - (iii) the lot owners should submit applications for Short Term Waiver (STW) to LandsD if they wish to erect structures on the lots. However, there is no guarantee at this stage that the STW applications would be approved. If the STW applications are approved by LandsD acting in the capacity as landlord at its sole discretion, such approval will be subject to such terms and conditions as may be imposed by LandsD including payment of waiver fee and administrative fee as considered appropriate; and
 - (iv) there is no guarantee to the grant of a right of way to the Site or approval of the emergency vehicular access thereto;
- (b) to note the comments of the Commissioner for Transport (C for T) that the existing village access connecting the Site is not under Transport Department's management. The land status, management and maintenance responsibilities of the road and footpath should be clarified with the relevant lands and maintenance authorities accordingly in order to avoid potential land disputes;
- (c) to note the comments of the Director of Environmental Protection (DEP) that the applicants should follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:
- (i) the temporary car park should have its own stormwater collection and discharge system to cater for the runoff generated within the Site and overland flow from surrounding of the Site, e.g. surface channel of sufficient size along the perimeter of the Site;
 - (ii) the applicants should maintain those existing drainage facilities properly and rectify those facilities if they are found inadequate/ ineffective during operation; and
 - (iii) for works to be undertaken outside the lot boundary, the applicants should consult LandsD and seek consent from relevant lot owners;

- (e) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) in **Appendix V**; and
- (f) to note the comments of the Director of Electrical and Mechanical Services (DEMS) in **Appendix V**.