

**Extract of Town Planning Board Guidelines
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 Site

Approved Applications

| Application No. | Uses/ Development | Date of Consideration (RNTPC/TPB) | Approval Conditions |
|------------------------|--|--|---------------------------------|
| A/DPA/NE-LYT/82 | Residential Development with Recreational Facilities | 13.10.1995 (on review) | A1 - A5 |
| A/NE-LYT/256 | Temporary Public Vehicle Park for Private Cars & Light Goods Vehicles for a Period of Three Years | 4.4.2003 | A6 - A11 |
| A/NE-LYT/335 | Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years | 7.7.2006 | A8 - A9, A11 - A15 |
| A/NE-LYT/394 | Renewal of Planning Approval for Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years | 19.6.2009 | A11, A13, A16 - A20 |
| A/NE-LYT/462 | Renewal of Planning Approval for Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years | 1.6.2012 | A8, A11, A21 - A26 |
| A/NE-LYT/560 | Renewal of Planning Approval for Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years | 8.5.2015 | A11, A21 - A22, A25 - A29 |

Approval Conditions:

- A1 The submission and implementation of a master layout plan to include a vehicular access
- A2 The provision of a vehicular access from Sha Tau Kok Road to the application site
- A3 The submission and provision of drainage facilities
- A4 The provision of sewage treatment facilities
- A5 The commencement clause
- A6 The provision of peripheral fencing as proposed in the application
- A7 The submission and implementation of proposals on provision of passing-bay and signage to alert drivers
- A8 The submission of drainage proposals
- A9 The provision of the drainage facilities
- A10 The implementation of the agreed landscaping proposals
- A11 The revocation clause
- A12 No repairing work for and parking of heavy goods vehicles were allowed
- A13 The existing landscape planting on the site should be maintained
- A14 The submission of a site layout plan showing the proposed car parking spaces and manoeuvring paths
- A15 The implementation of proposals for vehicular access, parking and manoeuvring paths
- A16 The existing drains within the application site should be maintained
- A17 The setting back of the site boundary to avoid encroachment on the Temporary Occupation Area of the project namely "PWP Item No. 339DS - North District Sewerage Stage 1 Phases 2B and 2C and Stage 2 Phase 1 (Part) - Village Sewerage at Wing Ning Tsuen, Wing Ning Wai and Ma Wat Wai, Fanling, N.T."

- A18 The replacement of a missing tree previously planted on the site under Application No. A/NE-LYT/335
- A19 The submission of a layout plan and site photos showing the proposed vehicular access to/from the site and the car parking spaces arrangement
- A20 The submission of a drainage record plan and site photos
- A21 No vehicles other than private cars and light goods vehicles not exceeding 5.5 tonnes, as defined in the Road Traffic Ordinance, were allowed to be parked within the application site
- A22 A notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes) including container trailers/tractors, as defined in the Road Traffic Ordinance, was allowed to be parked/stored on the site
- A23 The existing trees should be maintained in good condition
- A24 The implementation of drainage proposal
- A25 The submission of proposals of water supplies for fire fighting and fire service installations
- A26 The implementation of proposals of water supplies for fire fighting and fire service installations
- A27 The existing trees and landscape plantings on-site should be maintained in good condition
- A28 The existing drainage facilities implemented under Application No. A/NE-LYT/462 on the site should be maintained at all times during the planning approval period and rectified if they were found inadequate/ineffective during operation
- A29 The submission of a condition record of the existing drainage facilities on the site

Rejected Applications

| Application No. | Uses/ Development | Date of Consideration (RNTPC/TPB) | Rejection Reasons |
|------------------------|---|--|--------------------------|
| A/NE-LYT/302 | Temporary Public Vehicle Parking and Loading and Open Packaging for Recycled Products for a Period of 3 Years | 27.5.2005 | R1 - R2 |
| A/NE-LYT/317 | Temporary Open Storage for Plastic Tube and Construction Article for a Period of 3 Years | 3.2.2006 | R3 |

Rejection Reasons:

- R1 The development under application did not comply with the Town Planning Board Guidelines No. 13C for Application for Open Storage and Port Back-up Uses in that it was not compatible with the rural village character of the surrounding areas and there was no previous planning approval granted to the application site for vehicle parking and loading and open packaging for recycled products
- R2 No technical assessments/proposal had been submitted to demonstrate that the subject development would not generate adverse traffic, drainage and environmental impacts on the surrounding areas
- R3 The development under application did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses in that no previous planning approval for open storage use had been given to the application site and there was no technical assessments/proposals submitted to demonstrate that the development would not generate adverse traffic and environmental impacts on the surrounding areas

**Similar S.16 Applications
within the Same “Agriculture” Zone in the vicinity of the Site on the
Approved Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan No. S/NE-LYT/17**

Approved Applications

| Application No. | Uses/ Development | Date of Consideration (RNTPC/TPB) | Approval Conditions |
|------------------------|---|--|--------------------------------|
| A/NE-LYT/577 | Proposed Temporary Open Car Park for a Period of 3 Years | 20.11.2015 (revoked on 20.9.2016) | A1 - A10 |
| A/NE-LYT/598 | Proposed Temporary Public Vehicle Park for a Period of 3 Years | 29.7.2016 | A4 - A13 |

Approval Conditions:

- A1 No vehicle without valid licence issued under the Road Traffic Ordinance was allowed to be parked/stored on or enter/exit the site
- A2 Only private car as defined in the Road Traffic Ordinance was allowed to be parked/stored on or enter/exit the site
- A3 A notice should be posted at a prominent location of the site to indicate that only private car as defined in the Road Traffic Ordinance was allowed to be parked/stored on or enter/exit the site
- A4 No car washing, vehicle repair, dismantling, paint spraying or other workshop activities was allowed on the site
- A5 The boundary fence on the site should be maintained
- A6 The submission and the implementation of landscape proposal
- A7 The submission of drainage proposal
- A8 The provision of drainage facilities
- A9 The revocation clause

- A10 The reinstatement clause
- A11 No vehicle without valid licence issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations was allowed to be parked/stored on or enter/exit the site
- A12 Only private car and motorcycle as defined in the Road Traffic Ordinance was allowed to be parked/stored on or enter/exit the site
- A13 A notice should be posted at a prominent location of the site to indicate that only private car and motorcycle as defined in the Road Traffic Ordinance was allowed to be parked/stored on or enter/exit the site

Recommended Advisory Clauses

- (a) to note the comments of DLO/N, LandsD that :
- (i) there are unauthorised structures erected on the lot concerned, which are not acceptable under the Lease concerned and his office reserves the right to take necessary lease enforcement actions against the aforesaid structures; and
 - (ii) if the planning application is approved, the owner of the lot concerned shall apply to his office for a Short Term Waiver (STW) to regularize the illegal structures erected on the Site, which will be considered by Government in its landlord's capacity and there is no guarantee that it will be approved. If the STW is approved, the commencement date would be backdated to the first date of occupation and it will be subject to such terms and conditions to be imposed including payment of waiver fee and administrative fee as considered appropriate by his office;
- (b) to 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 DEP;
- (c) to note the comments of D of FS that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
- (d) to note the comments of CBS/NTW, BD as follows:
- (i) before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, the prior approval and consent of the BD should be obtained, otherwise they are UBW. An AP should be appointed as the co-ordinator for the proposed building works in accordance with the BO. There is no record of approval by the Building Authority for the structures existing at the site;

- (ii) 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;
- (iii) in connection with (i) 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 B(P)Rs respectively; and
- (iv) if the Site does not abut a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)Rs at the building plan submission stage.