

**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 Applications Covering the Application Site

Approved Applications

<u>No.</u>	<u>Application No.</u>	<u>Use/Development</u>	<u>Date of Consideration</u>	<u>Approval Conditions</u>
1	A/TM-LTYYY/230	Temporary Public Vehicle Park (for Private Cars) for a Period of 3 Years	24.2.2012 [Revoked on 24.10.2013]	(1), (2), (4), (5), (6), (8), (10), (12), (13), (14), (16) & (17)
2	A/TM-LTYYY/294	Temporary Public Vehicle Park (Private Cars only) for a Period of 3 Years	17.4.2015 [Revoked on 17.7.2015]	(1), (2), (3), (5), (6), (7), (9), (10), (12), (13), (14), (15) & (16)
3	A/TM-LTYYY/306	Temporary Public Vehicle Park (Private Cars only) for a Period of 2 Years	10.6.2016	(1), (2), (3), (5), (6), (7), (8) (10), (12), (13), (14), (16) & (17)

Approval Conditions

- (1) No night time operation.
- (2) No parking/storage of vehicles without valid licences issued under the Road Traffic Ordinance.
- (3) Only private cars are allowed to enter/be parked on the site
- (4) No medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer or coach are allowed to be parked/stored on the site.
- (5) Posting of a notice at a prominent location to indicate the type of vehicles to be allowed or not allowed to enter/be parked on the site.
- (6) No vehicle washing/repairing/dismantling/paint spraying and other workshop activity.
- (7) No vehicle is allowed to queue back to or reverse onto/from public road.
- (8) Submission and/or implementation of tree preservation and/or landscape proposal.
- (9) Maintenance of all existing trees and landscape plantings on the site.
- (10) Submission and implementation of drainage proposal.
- (11) Maintenance of existing drainage facilities.
- (12) Submission and implementation of fire services installations proposal.
- (13) Submission and implementation of run in/out proposal.
- (14) Provision of boundary/peripheral fencing.
- (15) Maintenance of paving.
- (16) Revocation clause(s).
- (17) Reinstatement clause.

Advisory Clauses

- (a) to resolve any land issue relating to the development with the concerned owner(s) of the Site;
- (b) to note the comments of District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site falls within the Lot which is held under Block Government Lease. The lease contains the restriction that no structures are allowed to be erected without the prior approval of the Government. A Letter of Approval (L of A) was issued by his office to permit erection of some agricultural structures within the Site. However, his site inspection revealed that the agricultural structures covered by the L of A had been demolished and two porches had been erected on the Site without approval. Hence, his office will consider cancellation of the L of A and reserves the right to take any other lease enforcement actions as considered appropriate against any unauthorized structures on the Lot. Neither the existing porches nor the proposed structures are allowed under the existing lease. The Site is accessible via a strip of government land leading from Fuk Hang Tsuen Road. His office does not carry out maintenance works for the said road nor guarantee any right-of-way will be given to the Site. His office has received a Short Term Waiver application for erection of the proposed structures on the Lot subject to demolition of the existing one. The case is still handled by his office in progress. However, there is no guarantee that the application will be approved and he reserves his right to take any action as may be appropriate. The application will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event that the application is approved, it would be subject to such terms and conditions as the Government shall deem fit to do so, including charging of waiver fee, deposit and administration fee etc. Notwithstanding the above, his office reserves the right to take enforcement actions as considered appropriate against any unauthorized erection/extensions/alterations of the structures affected irrespective of whether planning permission will be given or not. Enforcement action will also be taken should any structures are found erected without any prior approval given by his office or any unauthorized occupation of government land;
- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that there is no record of approval by the Building Authority for the structures existing at the Site and BD is not in a position to offer comments on their suitability for the use related to the application. If the existing structures are erected on leased land without approval of the BD (not being a New Territories Exempted House), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. 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 Unauthorized Building Works (UBW). An Authorized Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the BO. 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 respectively. Formal submission under the BO is required for any proposed new works, including any temporary structures;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that there is a strip of unallocated government land between

the Site and Fuk Hang Tsuen Road, which is not and will not be maintained by HyD. Adequate drainage measures should be provided to prevent surface water running from the Site to nearby public roads and drains;

- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the applicant is required to rectify the drainage system if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by a failure of the drainage system. The proposed development should neither obstruct overland flow nor adversely affect any existing natural streams, village drains, ditches and the adjacent areas;
- (f) to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites”; and
- (g) to note the comments of the Director of Fire Services (D of FS) that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. The applicant is reminded 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.