

**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.

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**

	<b><u>Application No.</u></b>	<b><u>Zoning(s) and OZP at the time of consideration</u></b>	<b><u>Proposed use/ Development</u></b>	<b><u>Date of Consideration (RNTPC)</u></b>	<b><u>Approval Condition(s)</u></b>
1.	A/YL-HT/980	"V" on approved Ha Tsuen OZP No. S/YL-HT/10	Proposed Temporary Shop and Services (Real Estate Agency) (3 Years)	22.1.2016 (3 Years)	1, 2, 3, 4, 5, 6

**Approval Conditions**

- 1 No night-time operation.
- 2 The implementation of accepted drainage proposal.
- 3 The implementation of accepted landscape proposal.
- 4 The submission of FSIs proposals and the provision of FSIs/implementation of FSIs proposals.
- 5 Revocation clauses.
- 6 Reinstatement clause.

**Similar s.16 Applications within the subject “V” Zone on the approved  
Hung Shui Kiu and Ha Tsuen Outline Zoning Plan between 2014 and 2018**

**Approved Applications**

	<b><u>Application No.</u></b>	<b><u>Zoning(s) and OZP at the time of consideration</u></b>	<b><u>Proposed Use(s)/ Development(s)</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Approval Conditions</u></b>
1.	A/YL-HT/889	“V” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Shop and Services (Real Estate Agency) (3 Years)	21.3.2014 (3 Years)	1, 2, 3, 4, 5, 6
2.	A/YL-HT/931	“V” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Shop and Services (Real Estate Agency and Interior Design Sample Showroom) (3 Years)	16.1.2015 (3 Years) (16.4.2017 revoked)	1, 2, 3, 4, 5, 6
3.	A/YL-HT/955	“V” on approved Ha Tsuen OZP No. S/YL-HT/10	Proposed Temporary Shop and Services (Real Estate Agency) (3 Years)	7.8.2015 (3 Years)	1, 2, 3, 4, 5, 6, 7
4.	A/YL-HT/973	“V” on approved Ha Tsuen OZP No. S/YL-HT/10	Proposed Temporary Shop and Services (Real Estate Agency) (3 Years)	18.9.2015 (3 Years)	1, 2, 3, 4, 5, 6, 7
5.	A/YL-HT/996	“V” on approved Ha Tsuen OZP No. S/YL-HT/10	Proposed Temporary Shop and Services (Real Estate Agency) (3 Years)	8.1.2016 (3 Years)	1, 2, 3, 4, 5, 6, 7
6.	A/YL-HT/1013	“V” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Shop and Services (Real Estate Agency) (3 Years)	8.4.2016 (3 Years) (8.9.2018 revoked)	1, 2, 3, 4, 5, 6, 7
7.	A/YL-HT/1069	“V” on approved Ha Tsuen OZP No. S/YL-HT/10	Renewal of Planning Approval for “Temporary Shop and Services (Real Estate Agency)” (3 Years)	17.3.2017 (3 Years)	1, 2, 3, 4, 5, 6, 7
8.	A/HSK/13	“V” on draft Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/1	Temporary Shop and Services (Real Estate Agency) (3 Years)	22.9.2017 (3 Years)	1, 2, 3, 4, 5, 6, 7
9.	A/HSK/58	“V” on draft Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/1	Proposed Temporary Shop and Services (Convenient Store and Real Estate Agency) (3 Years)	6.4.2018 (3 Years)	1, 2, 3, 4, 5, 6, 7
10.	A/HSK/62	“V” on draft Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/1	Temporary Shop and Services (Real Estate Agency) (3 Years)	4.5.2018 (3 Years)	1, 2, 3, 4, 5, 6
11.	A/HSK/97	“V” on draft Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/1	Temporary Shop and Services (Real Estate Agency) (3 Years)	5.10.2018 (3 Years)	1, 2, 3, 4, 5, 6
12.	A/HSK/111	“V” on approved Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/2	Proposed Temporary Shop and Services (Real Estate Agency) (3 Years)	7.12.2018 (3 Years)	1, 2, 3, 4, 5, 6

Approval Conditions:

- 1 No night-time operation
- 2 The submission/implementation of drainage proposals; and/or provision of drainage facilities; maintenance of existing drainage facilities; and/or submission of a condition record of the existing drainage facilities on-site
- 3 The submission and implementation of landscape and/or tree preservation proposals and/or the maintenance of the landscape planting/existing trees/vegetation
- 4 The submission of FSIs proposals and the implementation of FSIs proposals
- 5 Revocation clauses
- 6 Reinstatement clause
- 7 No vehicle is allowed to queue back to public road or reverse onto/from the public road.

**Advisory Clauses**

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site comprises 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. The Government Land (GL) (about 40m<sup>2</sup> subject to verification) is covered by Short Term Tenancy No. 3073 (STT3073) for the purposes of shop and services (real estate agency). Lot No. 650 RP in D.D.125 is covered by Short Term Wavier No. 4699 (STW4699) for the purposes of shop and services (real estate agency). The site is accessible to San Sik Road through GL. His office provides no maintenance work to the GL involved and does not guarantee any right-of-way over the GL to the site. The STW/STT holders will need to apply to his office for modification of the STW/STT conditions where appropriate. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Application(s) for any of the above will be considered by the LandsD acting in the capacity of 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 premium or fee, as may be imposed by the LandsD;
- (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that there will be no vehicular access to/from the site;
- (d) to follow the relevant mitigation measures and requirements in the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Environmental Protection Department;
- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that 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 building works (UBW) under the Building Ordinance (BO) and should not be designated for any proposed use under the 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. Before any new building works (including containers/open sheds as temporary buildings and land filling) are to be carried out on the site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorized Person (AP) should be appointed as the coordinator for the proposed building works in accordance with 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. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the Building (Planning) Regulations at the building plan submission stage; and

- (f) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the structures, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs 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 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 BO (Cap. 123), detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.