

**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. 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.

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 Site

Approved Applications

	<u>Application No.</u>	<u>Zoning(s) and OZP at the time of consideration</u>	<u>Applied Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Conditions</u>
1.	A/YL-HT/178	“CDA” on approved HT OZP No. S/YL-HT/4	Temporary Open Storage of Construction Materials, Construction Machinery, Vehicle Park for Container Trailer with Repair Workshop (3 Years)	8.12.2000	1, 2, 3, 4, 5
2.	A/YL-HT/362	“CDA” on approved HT OZP No. S/YL-HT/4	Temporary Open Storage of Construction Materials, Construction Machinery, Container Vehicle Park with Ancillary Repair Workshop (3 Years)	19.11.2004	1, 4, 5, 6, 7, 8
3.	A/YL-HT/514	“CDA” on approved HT OZP No. S/YL-HT/8	Renewal of Planning Approval for Temporary Open Storage of Construction Materials and Construction Machinery, Container Vehicle Park with Ancillary Repair Workshop (3 Years)	16.11.2007 (revoked on 16.2.2009)	1, 4, 5, 6, 9, 10, 11
4.	A/YL-HT/600	“CDA” on approved HT OZP No. S/YL-HT/10	Temporary Open Storage of Construction Materials, Construction Machinery and Scrap Metals and Container Vehicle Park with Ancillary Repair Workshop (3 Years)	13.3.2009	4, 5, 6, 9, 10, 11, 12, 14
5.	A/YL-HT/780	“CDA” on approved HT OZP No. S/YL-HT/10	Proposed Temporary Warehouse for Storage of Provisions (3 Years)	20.4.2012 (revoked on 20.3.2014)	1, 4, 5, 7, 9, 11, 15, 16
6.	A/YL-HT/925	“CDA” on approved HT OZP No. S/YL-HT/10	Proposed Temporary Warehouse for Storage of Provisions (3 Years)	12.12.2014 (revoked on 12.11.2016)	1, 2, 4, 5, 6, 7, 9, 11, 17, 18, 19
7.	A/YL-HT/1080	“R(A)3” on approved HT OZP No. S/YL-HT/10	Proposed Temporary Warehouse for Storage of Construction Machinery and Construction Materials with Ancillary Office and Repairing Workshop (3 Years)	14.7.2017	1, 3, 4, 5, 6, 9, 11, 19

Approval Conditions:

- 1 The submission and implementation of landscaping and/or tree preservation proposal.
- 2 The submission and provision of drainage facilities.
- 3 The provision of paving/fencing.
- 4 Revocation clauses.
- 5 Reinstatement clause.

- 6 Maintenance of existing drainage facilities and/or the submission of a condition record of the existing drainage facilities.
- 7 The submission and implementation of the run-in/out proposal.
- 8 The provision of a 9-litres water type/ 3kg dray power fire extinguisher.
- 9 No night-time operation and/or no operation on Sundays and public holidays.
- 10 The stacking height of the materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence.
- 11 The submission and implementation of FSIs proposal(s)/provision of FSIs.
- 12 No handling (including loading, unloading and storage) of hazardous electronic wastes (including computer monitors and cathode-ray tubes (CRT)), and storage of television sets and CRT.
- 13 The maintenance of the existing trees on the site.
- 14 The construction of an intercept channel at the entrance to prevent run-off flowing out from the site to the nearby public roads and drains through the access point.
- 15 The setting back of the hoarding of the site from the works limit of the Contract No. CV/2006/01 'Ping Ha Road Improvement - Remaining Works'.
- 16 The provision of hoarding of the site.
- 17 No cutting, cleansing, melting, dismantling or any other workshop activity.
- 18 Maintenance of existing fencing on-site.
- 19 No vehicle queuing is allowed back to public road or no vehicle reversing onto/from the public road.

**Similar Applications within the subject “R(A)3” zone
on the approved HSK and HT OZP No. S/HSK/2**

Approved Applications

	<u>Application No.</u>	<u>Zoning(s) and OZP at the time of consideration</u>	<u>Applied Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Conditions</u>
1.	A/YL-HT/936	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Proposed Open Storage of Construction Materials and Construction Machinery, Warehouse and Container Vehicle Park (3 Years)	13.3.2015 (revoked on 13.2.2017)	1, 2, 3, 4, 5, 6, 7, 9, 10
2.	A/HSK/24	“R(A)3” on draft HSK and HT OZP No. S/HSK/1	Temporary Open Storage of Construction Materials and Construction Machinery, Warehouse and Container Vehicle Park (3 Years)	24.11.2017	1, 2, 3, 4, 5, 7, 9, 10, 11

Approval Conditions:

- 1 No night-time operation and/or no operation on Sundays and public holidays.
- 2 The stacking height of the materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence.
- 3 No cutting, and/or cleaning, and/or cleansing, and/or melting, and/or dismantling, and/or repairing, and/or compacting, and/or vehicle repair and/or any other workshop activity.
- 4 No vehicle queuing is allowed back to public road or no vehicle reversing onto/from the public road.
- 5 Maintenance of existing drainage facilities and/or the submission of a condition record of the existing drainage facilities.
- 6 The submission and implementation of landscaping and/or tree preservation proposal.
- 7 The provision of fire extinguisher and the submission and implementation of FSIs proposal(s)/provision of FSIs.
- 8 The provision of fencing of the site.
- 9 Revocation clauses.
- 10 Reinstatement clause.
- 11 Maintenance of existing fencing.

Advisory Clauses

- (a) to note that the Site might be resumed at any time during the planning approval period for implementation of government projects;
- (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. Lot No. 897 S.BRP in D.D.125 is covered by Short Term Waiver No. 4981 (STW 4981) for the purpose of Temporary Warehouse for Storage of Construction Machinery and Construction Materials with ancillary Office and Repairing Workshop. The STW holders will need to apply to his office for modification of the STW conditions where appropriate. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. Application(s) for any of the above will be considered by 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 LandsD;
- (c) to note the comments of the Assistant Commissioner for Transport/ New Territories, Transport Department (AC for T/NT, TD) that sufficient manoeuvring spaces shall be provided within the Site;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting the Site and Ping Ha Road;
- (e) 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' issued by the Environmental Protection Department to minimize any potential environmental nuisances;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the required condition record should include coloured photos showing the current condition of the drainage facilities and a layout plan indicating the locations of the photos taken. The submitted photos should cover all internal surface channels, catch pits, sand traps, manholes, terminal catch pits/ manholes and the downstream discharge path as indicated on the submitted drainage proposal;
- (g) 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 Houses) are erected on leased land without approval of BD, they are unauthorized building works (UBW) under the Buildings 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 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 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 (B(P)R) 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 B(P)R at the building plan submission stage; and

- (h) to note the comments of the Project Manager (West), Civil Engineering and Development Department (PM/W, CEDD) that the Site falls within the boundary of Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA). According to the Planning and Engineering Study for the HSK/HT NDA and the latest plan, to ensure timely and orderly implementation, the development of HSK/HT NDA and relevant site formation and infrastructure works would be implemented in five stages, viz. Advance Works and Stage 1 to Stage 4. The lot(s) concerned falls within a site under Stage 3 and Stage 4 Works in the latest programme of the HSK/HT NDA. While the detailed implementation programme for the project is still being formulated, it is envisaged that clearance of the Site will not be arranged before 2024.