

**Relevant extracts of the Town Planning Board Guidelines No. 34C for
“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 circumstance 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

	<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/TPB)</u>	<u>Approval Condition(s)</u>
1.	A/YL-PS/12	“Comprehensive Development Area” (“CDA”) on the then draft Ping Shan OZP No. S/YL-PS/1	Comprehensive Development with Minor Relaxation on Building Height	8.8.1997 (lapsed on 8.8.2003)	(1) to (14)
2.	A/YL-PS/267	“CDA” on the then approved Ping Shan OZP No. S/YL-PS/11	Temporary Vehicle Park for Private Car, Light Goods Vehicle and Medium Goods Vehicle With Ancillary Office and Storeroom for a Period of 3 Years	13.4.2007 (revoked on 13.1.2008)	(15) to (22)
3.	A/YL-PS/277	“CDA” on the then approved Ping Shan OZP No. S/YL-PS/11	Temporary Vehicle Park for Private Car, Light Goods Vehicle and Medium Goods Vehicle With Ancillary Office and Storeroom for a Period of 3 Years	14.12.2007 (revoked on 24.7.2008)	(15) to (19), (21) to (24)
4.	A/YL-PS/288	“CDA” on the then approved Ping Shan OZP No. S/YL-PS/11	Temporary Vehicle Park for Private Car, Light Goods Vehicle and Medium Goods Vehicle With Ancillary Office and Storeroom for a Period of 3 Years	24.10.2008 (revoked on 24.4.2009)	(15) to (18), (22), (24) to (28)
5.	A/YL-PS/296	“CDA” on the then approved Ping Shan OZP No. S/YL-PS/11	Temporary Vehicle Park for Private Car, Light Goods Vehicle and Medium Goods Vehicle With Ancillary Office and Storeroom for a Period of 3 Years	27.2.2009	(15) to (18), (22), (24) to (29)
6.	A/YL-PS/368	“CDA” on the then draft Ping Shan OZP No. S/YL-PS/13	Renewal of Planning Approval for Temporary "Vehicle Park for Private Car, Light Goods Vehicle and Medium Goods Vehicle with Ancillary Office and Storeroom" for a Period of 3 Years	24.2.2012	(15), (16), (18), (22), (24), (26) to (32)
7.	A/YL-PS/471	“CDA” on the then draft Ping Shan OZP No. S/YL-PS/15	Renewal of Planning Approval for "Temporary Vehicle Park for Private Car, Light Goods Vehicle and Medium Goods Vehicle with Ancillary Office and Storeroom" for a Period of 3 Years	6.2.2015 (revoked on 12.5.2017)	(15), (16), (18), (22), (26) to (29), (31) to (35)

	<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/TPB)</u>	<u>Approval Condition(s)</u>
8.	A/HSK/39	“R(A)4” on draft Hung Shiu Kiu and Ha Tsuen OZP No. S/HSK/1	Temporary Public Vehicle Park (Private Cars, Light Goods Vehicles and Coaches) for a Period of 3 Years	26.12.2018	(15), (16), (18), (22), (26) to (29), (31) to (35)

Approval Conditions:

- (1) Submission and implementation of a Master Layout Plan
- (2) Submission and implementation of a master landscape plan, including a tree preservation proposal
- (3) Design and provision of a bus terminus layout
- (4) Provision of footbridges linking to the Hong Kong Housing Society site to the north and the future Hung Shui Kiu Light Rail Transit (LRT) station
- (5) Extension of the proposed footbridge to the south connecting to the LRT station platforms alongside Castle Peak Road and to the other side of Castle Peak Road-Hung Shui Kiu
- (6) Design and provision of ingress/egress point(s), car-parking spaces, taxi area(s), loading and unloading facilities and pedestrian access(es)
- (7) Design and provision of a market of a gross floor area of not less than 7,500m²
- (8) Design and provision of an indoor recreation centre according to the schedule of accommodation
- (9) Design and provision of a refuse collection point of a gross floor area of not less than 600m²
- (10) Provision of an emergency vehicular access and fire services installations
- (11) Submission of a noise impact assessment and the provision of noise mitigation measures
- (12) Submission of a drainage impact assessment and the provision of flood mitigation measures
- (13) The deletion of the provision of a day nursery in the proposed development
- (14) Submission and implementation of a development programme of the proposed development
- (15) No night-time operation
- (16) No dismantling and repairing of vehicles or paint spraying and other workshop activities
- (17) No goods vehicles of 5.5 tonnes or more, coaches, container vehicles, container tractors and trailers were allowed to be parked on the site
- (18) No vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on site
- (19) Implementation of the accepted landscape proposal
- (20) Submission and implementation of drainage proposal
- (21) Provision of a 9-litre water type/3kg dry powder fire extinguisher
- (22) Revocation clause
- (23) Provision of the proposed drainage facilities
- (24) Reinstatement clause
- (25) Maintenance of existing landscape planting within the site
- (26) Maintenance of implemented drainage facilities
- (27) Submission of a condition record of existing drainage facilities
- (28) Submission and implementation of fire service installations
- (29) The parking layout arrangement should be adhered to at all times during the planning approval

period

- (30) No heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, was allowed to be parked/stored on or enter/exit the site
- (31) A notice should be posted at a prominent location of the site to indicate that no heavy goods vehicle exceeding 24 tones, including container tractor/trailer, as defined in the Road Traffic Ordinance, was allowed to be parked/stored on or enter/exit the site
- (32) Submission and implementation of landscape /tree survey and / tree preservation proposal
- (33) Only private cars, light goods vehicles and medium goods vehicles as defined in the Road Traffic Ordinance are allowed to enter/be parked on the site
- (34) No vehicle is allowed to queue back to or reverse onto/from public road
- (35) Provision / maintenance of boundary fencing

Rejected Application

<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/TPB)</u>	<u>Rejection Reason</u>
A/YL-PS/50	“CDA” on the then approved Ping Shan OZP No. S/YL-PS/2	Restaurant and Car Park	26.3.1999	(1) to (4)

Rejection Reasons

- (1) Not in line with the planning intention
- (2) Insufficient information in the submission to demonstrate that a proper vehicular access to the site and sufficient loading/unloading spaces, with adequate manoeuvring spaces, would be provided for the proposed development
- (3) Approval of the application would frustrate the implementation of essential infrastructural projects in the Hung Shui Kiu area as the site falls within the land resumption boundaries for road widening works and the construction of Light Rail Transit facilities
- (4) The approval of the application would set an undesirable precedent for similar applications for piecemeal development in the "CDA" zone. The cumulative effect of approving such similar applications would defeat the planning intention for comprehensive development in the "CDA" zone

**Similar Application within the Same “R(A)4” Zone*
on the Approved Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/2**

Approved Application

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Conditions</u>
1	A/HSK/2	Proposed Temporary Public Vehicle Park (excluding container vehicle) for a Period of 3 Years	11.8.2017 (revoked on 11.11.2019)	(1) to (12)
2	A/HSK/54	Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years	16.3.2018 (revoked on 16.9.2019)	(1) to (4), (7), (8), (11) to (14)
3	A/HSK/208	Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years	20.3.2020	(1) to (3), (5), (7), (8), (11), (12)
4	A/HSK/209	Temporary Public Vehicle Park (excluding container vehicle) for a Period of 5 Years	20.3.2020	(1) to (3), (5), (7) to (9), (11), (12), (15)
5	A/HSK/220	Temporary Public Vehicle Park (Private Cars) for a Period of 3 Years	12.6.2020	(1) to (3), (5), (7), (8), (11), (12)

Approval Conditions

1. No medium and 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
2. A notice shall be posted at a prominent location of the site to indicate that no medium and 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
3. No vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the site
4. No vehicle washing, vehicle repair, dismantling, paint spraying or other workshop activity is allowed on the site
5. No vehicle is allowed to queue back to or reverse onto/from public road
6. Peripheral fencing on the site shall be maintained
7. Submission and implementation of drainage proposal
8. Maintenance of implemented drainage facilities
9. Submission and provision of run-in/out proposal
10. Submission and implementation of tree preservation and landscape proposal
11. Submission and implementation of fire service installations proposal
12. Revocation Clause

13. Provision of boundary fencing
14. Reinstatement Clause
15. Submission of a valid fire certificate (FS251)

* Since the site has been rezoned under the HSK/HT OZP currently in force.

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 Old Schedule Agricultural Lots (OSLAs) held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government. The private land of Lot 2429RP in D.D.124 is covered by Short Term Waiver (STW) No. 3826 to permit structures for the purpose of “temporary vehicle park for private car, LGV and MGV with ancillary office and storeroom”. The Government land (GL) in the Site is covered by a Short Term Tenancy (STT) No. 2707 for the purposes of “temporary vehicle park for private car, LGV and MGV with ancillary office and storeroom”. 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 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 the LandsD;
- (c) to note the comments of the Commissioner for Transport (C for T) 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. The applicant should provide the run-in/out at Hung Yuen Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. HyD shall not be responsible for the maintenance of any access connecting the Site and Hung Tin Road;
- (e) 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.
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that if the existing structures (not being New Territories Exempted Houses) are erected on leased land without the approval of the Building Authority (BA), they are Unauthorized Building Works (UBW) under the Buildings Ordinance (BO) and should not be designated for any approved 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 site, prior approval and consent of the BA should be obtained, otherwise they are UBW. An Authorised Person (AP) should be appointed as the co-ordinator 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. The Site does not abut on a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and detailed checking under BO will be carried out at building plan submission stage; and

- (g) 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 the Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA). According to the Planning and Engineering Study (P&E 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 three phases, viz. First Phase development, Second Phase development and Remaining Phase development. The lot(s) concerned falls within sites under Second Phase development and Remaining Phase development 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 the site formation and engineering infrastructure works for the Second Phase development will commence in 2024. In this regard, relevant sites should be returned to the Government by 31.12.2023.