

**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/347	“Industrial (Group D)” (“I(D)”) on the then draft Ping Shan OZP No. S/YL-PS/2	Proposed Dangerous Goods Godown (Cat. 5 Dangerous Goods)	23.9.2011 (on temporary basis for a period for 5 years) (revoked on 23.9.2012)	(1) to (11)
2.	A/YL-PS/401	“I(D)” on the then approved Ping Shan OZP No. S/YL-PS/14	Proposed Dangerous Goods Godown (Cat. 5 Dangerous Goods)	21.12.2012 (on temporary basis for a period for 5 years)	(1), (3) to (11)
3.	A/HSK/41	“G/IC” on draft Hung Shiu Kiu and Ha Tsuen OZP No. S/HSK/1	Temporary Dangerous Goods Godown (Cat. 5 Dangerous Goods) for a Period of 3 Years	26.1.2018	(1), (3) to (6), (10) to (17)

Approval Conditions:

- (1) No open storage of dangerous goods on the site
- (2) The demolition of buildings/structures not included in the submitted scheme
- (3) Provision / maintenance of a 100mm thick concrete box to enclose the underground tanks
- (4) Provision / maintenance of a 100mm bund wall around the distribution area of 4m x 4m above each of underground tank with a peripheral channel
- (5) Provision / maintenance of an underground sump tank equipped with an oil/grease trap
- (6) Submission and implementation of the design of emergency vehicular access, water supplies for fire-fighting and fire service installations
- (7) No dangerous goods are allowed to be stored on the site prior to compliance of the conditions (3) to (6)
- (8) Submission and implementation of landscape proposal
- (9) Submission and implementation of drainage proposal
- (10) Provision / maintenance of boundary fencing
- (11) Revocation clause
- (12) No night-time operation
- (13) Maintenance of all screen plantings within the site
- (14) Maintenance of implemented drainage facilities
- (15) No vehicle is allowed to queue back to or reverse onto/from public road
- (16) Submission of a condition record of existing drainage facilities
- (17) Reinstatement Clause

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/324	“I(D)” on the then approved Ping Shan OZP Plan No. S/YL-PS/11	Proposed Open Parking of Vehicles for Cat. 5 Dangerous Goods [Open Storage of Dangerous Goods]	15.10.2010	(1)

Rejection Reasons

- (1) Not in line with the Town Planning Board Guideline No. 13E in that the Director of Fire Services objected to the application because the proposed vehicle park could not be used for overnight parking of dangerous goods vehicles while loaded with lubricating oil (Category 5 Dangerous Goods) which should only be stored in a fixed storage facility

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 Lot 367 in D.D. 127 in the Site is a New Grant Lot which contains the restriction that the lot shall be used for private residential purposes only subject to a maximum building height of 25 feet or two-storey and a maximum total roofed over area of 800 sq. ft. The remaining lots in the Site are 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 Lots 856RP and 857RP in D.D.124 and Lot 239 in D.D.127 are covered by Short Term Waiver (STW) No. 5113 for the purposes of temporary dangerous goods godwon (Cat.5 dangerous goods). The lot owner(s) of the lot(s) without STW will need to apply to his office for permitting the structures to be erected or regularise any irregularities on site, if any. The STW holders will need to apply to his office for modification of the STW conditions where appropriate. 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. The local track leading to the Site is not under Transport Department (TD)'s purview. The applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to 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 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 Remaining Phases 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 Remaining Phase development will commence in 2030.