

**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**  

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**(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 Applications Covering the Application Site**

**Approved Applications**

	<b><u>Application No.</u></b>	<b><u>Zoning(s) and OZP at the time of consideration</u></b>	<b><u>Applied Use(s)/ Development(s)</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Approval Condition(s)</u></b>
1.	A/YL-HT/260	"O" on the then approved Ha Tsuen Outline Zoning Plan No. S/YL-HT/4	Temporary Private Car and Lorry Park (3 Years)	9.8.2002 (3 Years) (revoked on 9.5.2003)	1, 2, 3, 4, 5, 6, 7
2.	A/YL-HT/784	"O" on the then approved Ha Tsuen Outline Zoning Plan No. S/YL-HT/10	Temporary Public Vehicle Park (Private Car and Light Goods Vehicle) (3 Years)	4.5.2012 (3 Years)	1, 2, 3, 4, 5, 8, 9, 10, 11, 12
3.	A/YL-HT/948	"O" on the then approved Ha Tsuen Outline Zoning Plan No. S/YL-HT/10	Temporary Public Vehicle Park (Private Car and Light Goods Vehicle) (3 Years)	17.4.2015 (3 Years)	1, 2, 4, 5, 9, 10, 11, 12, 13
4.	A/HSK/56	"O" on the draft Hung Shui Kiu and Ha Tsuen Outline Zoning Plan No. S/HSK/1	Temporary Public Vehicle Park (Private Car and Light Goods Vehicle) (3 Years)	6.4.2018 (3 Years)	2, 4, 5, 8, 9, 10, 12, 13, 14

**Approval Conditions:**

1. The submission and implementation of landscaping and tree preservation proposals.
2. The submission of drainage proposals and implementation of drainage facilities/ submission of a condition record of existing drainage facilities.
3. The provision of fencing.
4. Revocation clauses.
5. Reinstatement clause.
6. No parking of lorries or container vehicles.
7. The setting back of the site from the resumption limit of the Ping Ha Road Improvement – Remaining Works (Ha Tsuen Section).
8. No night-time operation and/or no operation on Sundays and public holidays.
9. No vehicle other than private cars and light goods vehicles with valid licence/registration and not exceeding 5.5 tonnes, as defined in the Road Traffic Ordinance was allowed to be parked or stored on the site.
10. A notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes) including container trailers/tractors as defined in the Road Traffic Ordinance was allowed to be parked/stored on the site.
11. The submission and implementation of run-in/run-out proposal(s).
12. The submission and implementation of fire services installations proposals.
13. No vehicle is allowed to queue back to public road or reverse onto/from the public road.
14. The maintenance of existing drainage facilities, trees and landscape planting or boundary fencing.

**Rejected Application**

	<b><u>Application No.</u></b>	<b><u>Zoning(s) and OZP at the time of consideration</u></b>	<b><u>Applied Use/Development</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Reasons For Rejection</u></b>
1.	A/YL-HT/674	"O" on the then approved Ha Tsuen Outline Zoning Plan No. S/YL-HT/10	Temporary Open Storage of Construction Materials (2 Years)	5.11.2010 by TPB (on review)  (appeal dismissed by TPAB on 10.2.2012)	1, 2

**Rejection Reasons:**

1. The development is not in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that no previous approval for open storage use has been granted for the site, there are adverse departmental comments and the development would have adverse environmental impacts on the surrounding areas.
2. Approval of the application would set an undesirable precedent for similar open storage uses in the subject "O" zone, the cumulative effect of which would result in a general degradation of the environment of the area.

**Similar Applications Within the Same “O” Zone**

**Approved Applications**

	<b><u>Application No.</u></b>	<b><u>Zoning(s) and OZP at the time of consideration</u></b>	<b><u>Applied Uses(s)/ Development(s)</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Approval Conditions(s)</u></b>
1.	A/HSK/53	"O" on the draft Hung Shui Kiu and Ha Tsuen Outline Zoning Plan No. A/HSK/1	Renewal of Planning Approval for Temporary Public Vehicle Park (Private Car and Light Goods Vehicle) (3 Years)	16.3.2018 (3 Years)	1, 2, 3, 4, 5, 6, 7, 8, 9, 10
2.	A/HSK/154	"R(A)3" and "O" on the approved Hung Shui Kiu and Ha Tsuen Outline Zoning Plan No. A/HSK/2	Temporary Public Vehicle Park for Private Cars, Light Goods Vehicles, Heavy Goods Vehicles and Container Trailers (3 Years)	5.7.2019 (3 Years)	1, 2, 3, 6, 7, 8, 9, 10

**Approval Conditions:**

- 1 No night-time operation.
- 2 No vehicle is allowed to queue back to public roads or reverse onto/from public roads.
- 3 No vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the site.
- 4 No medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes), including container trailers/tractors, as defined in the Road Traffic Ordinance, is allowed to be parked/stored on the site.
- 5 A notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes) including container trailers/tractors, as defined in the Road Traffic Ordinance is allowed to be parked/stored on the site.
- 6 The maintenance of the existing drainage facilities/ tree and landscape planting/ fencing/ vegetation.
- 7 The submission of a condition record of the existing drainage facilities.
- 8 The submission and implementation of fire service installations proposal.
- 9 Revocation clauses.
- 10 Reinstatement clause.

**Advisory Clauses**

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) to note that the Site might be resumed at any time during the planning approval period for implementation of government projects;
- (c) 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.
- (d) to note the comments of the Commissioner for Transport (C for T) that sufficient manoeuvring spaces shall be provided within the Site;
- (e) 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;
- (f) to note the comments of the Director of Environmental Protection (DEP) that the applicant is advised to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' ('COP') to minimize the possible environmental impacts on the nearby sensitive receivers;
- (g) 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; 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). 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 the Site under Remaining Phase development of 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.