

**Relevant Extracts 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.

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 Applications covering the Application Site

Approved Applications

	<u>Application No.</u>	<u>Use/Development</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1.	A/YL-LFS/223	Temporary Warehouse for Storage of Animal Feed for a Period of 3 Years	23.9.2011 (revoked on 23.8.2013)	1, 2, 3, 4, 5, 8, 10, 11, 12, 13, 14
2.	A/YL-LFS/261	Temporary Warehouse for Storage of Animal Feed for a Period of 3 Years	9.5.2014	1, 2, 3, 4, 6, 7, 9, 10, 11, 12, 13
3.	A/YL-LFS/295	Renewal of Planning Approval for Temporary "Warehouse for Storage of Animal Feed" for a Period of 3 Years	28.4.2017	1, 2, 3, 4, 7, 9, 11, 12, 13

Approval Conditions

- (1) No night-time operation, and/or no operation on Sundays and public holidays.
- (2) 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 enter, park or operate at the Site.
- (3) No packing, grinding, manufacturing/ cutting, dismantling, cleansing, repairing, compaction, unpacking, re-packing, and other workshop activity is allowed.
- (4) No open storage of materials is allowed on the Site.
- (5) The warehouse(s) should not be used for storage of any materials other than animal feed.
- (6) No vehicle over 10m long is allowed to enter, park or operate at the site.
- (7) No vehicle is allowed to queue back to public road or reverse onto/from the public road.
- (8) The provision of drainage facilities.
- (9) Maintenance of existing drainage facilities and the submission of a condition record of the existing drainage facilities.
- (10) The submission and/or implementation of landscape proposals.
- (11) Submission of FSIs proposals and/or the provision of FSIs.
- (12) Revocation clauses.
- (13) Reinstatement clause.
- (14) The applicant should allow unobstructed access to all parts of the development for unscheduled site inspections by employees of the Government.

Rejected Application

<u>Application No.</u>	<u>Use/Development</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejection Reasons</u>
A/YL-LFS/26	Temporary Open Storage of Construction Materials for 12 Months	24.7.1998 (on review)	1, 2, 3, 4

Rejection Reasons

- (1) The development is not in line with the planning intention of the "Coastal Protection Area" zone on the draft Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan (OZP) No. S/YL-LFS/1 which is to protect the natural coastline with a minimum amount of building development. The subject development is also not in line with the "Recreation" zone on the same OZP which is to designate the development of recreation and eco-tourism. There is no strong justification for a departure from the planning intentions even on a temporary basis.
- (2) The development is not compatible with the village houses and agricultural uses in the surrounding areas.
- (3) There is insufficient information in the submission to demonstrate that the development will not have adverse traffic and drainage impacts on the surrounding areas.
- (4) The approval of the application would set an undesirable precedent for other similar applications, the cumulative effect of which would further degrade the environment of the area.

**Similar s.16 Applications within the subject “REC” zone
on the Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan**

Approved Application

	<u>Application No.</u>	<u>Use/Development</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Conditions</u>
1.	A/YL-LFS/321	Proposed Temporary Warehouse for Storage of Plastic and Retail of Plastic Pellet for a Period of 3 Years	6.7.2018	1 to 11

Approval Conditions

- (1) No night-time operation, and/or no operation on Sundays and public holidays.
- (2) 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 enter, park or operate at the Site.
- (3) No packing, grinding, manufacturing/ cutting, dismantling, cleansing, repairing, compaction, unpacking, re-packing, and other workshop activity is allowed.
- (4) No open storage of materials is allowed on the Site.
- (5) No vehicle is allowed to queue back to public road or reverse onto/from the public road.
- (6) The submission and/or implementation of drainage proposals; and/or maintenance of implemented drainage facilities.
- (7) The submission and/or implementation of landscape proposals.
- (8) Submission of FSIs proposals and/or the provision of FSIs.
- (9) The provision of fencing.
- (10) Revocation clauses.
- (11) Reinstatement clause.

Rejected Applications

	<u>Application No.</u>	<u>Use/Development</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejection Reasons</u>
1.	A/YL-LFS/91	Temporary Warehouse for a Period of 3 Years	10.1.2003 (on review)	1, 2, 3
2.	A/YL-LFS/214	Temporary Warehouse (Storage of Recyclable Materials including Plastics, Metals, Clothes and Wood Product) with Ancillary Workshop for a Period of 3 Years	23.12.2010	1, 2, 3

Rejection Reasons

- (1) The proposed development is not in line with the planning intention of the "Recreation" ("REC") zone which is to encourage the development of recreation and eco-tourism.
- (2) There is insufficient information in the submission to demonstrate that the development would not have adverse environmental, ecological, traffic, drainage or landscape impacts on the surrounding areas.
- (3) The approval of this application would set an undesirable precedent for similar applications, the cumulative impacts of which would result in a general degradation of the environment of the "REC" zone.

Advisory Clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site (the Site);
- (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 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 private lots (PL) of Lots No. 2075, 2083 & 2076 in D.D 129 are covered by Short Term Waiver (STW) Nos. 3692 & 3694 respectively to permit structures for the purpose of “Warehouse for Storage of Animal Feed”. The PL of Lot No. 2082 in D.D. 129 is covered by STW No. 2470 to permit structures for the purpose of “Storage of Animal Feeds”. The STW(s) holders will need to apply to his office for modification of the STW(s) conditions where appropriate. Besides, given the applied use is temporary in nature, only application for regularization 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 rent or fee, as may be imposed by LandsD;
- (c) to note the comments of the Commissioner for Transport (C for T) that sufficient manoeuvring space 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 Deep Bay Road;
- (e) to note the comments of the Director of Environmental Protection (DEP) that the applicant is advised to follow the relevant mitigation measures and requirements in the latest ‘Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses’ (COP);
- (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 are erected on leased land without approval of BD (not being New Territories Exempted Houses), they are unauthorized under the Building Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including warehouse as temporary buildings) are to be carried out on the Site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person (AP) should be

appointed as the co-ordinator for the proposed building works in accordance with BO. For UBW erected on leased land, enforcement action may be taken by the BA 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 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;

- (h) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposal, 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, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
- (i) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that the applicant is reminded of the importance of undertaking proper tree care for existing trees within the Site. Useful information published by the GLTM Section, DEVB on general tree maintenance and tree risk management is available for reference in the following links:
- 護養樹木的簡易圖解:
https://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf
 - 樹木管理手冊:
https://www.greening.gov.hk/tc/tree_care/Handbook_on_Tree_Management.html
 - 樹木風險評估及管理安排:
https://www.greening.gov.hk/tc/tree_care/tra_arrangements.html
 - 護養樹木 保障安全:
https://www.greening.gov.hk/filemanager/content/pdf/tree_care/Chinese_Leaflet_Big_font_size_v1_2012_03_29.pdf
 - 減低樹木風險的樹木護養簡易圖解:
[https://www.greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk\(eng\).pdf](https://www.greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk(eng).pdf)