

**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. 34B)

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

<u>No.</u>	<u>Application No.</u>	<u>Use/Development</u>	<u>Date of Consideration</u>	<u>Approval Conditions</u>
1.	A/YL-PS/393	Proposed Temporary Warehouse (for Storage of Used and New Construction Materials and Equipments)	15.3.2013	(1), (2), (3), (4), (6), (7), (8), (9), (10), (11), (12)
2.	A/YL-PS/513	Proposed Temporary Warehouse (for Storage of Used and New Construction Materials and Equipments)	19.2.2016	(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12)

Approval Conditions

- (1) No night-time operation and no operation on Sundays and public holidays.
- (2) No repairing, dismantling or other workshop activity is allowed on the site.
- (3) Only private cars and light goods vehicles are allowed to be parked on the site.
- (4) Posting of a notice at a prominent location to indicate the type of vehicles to be allowed or not allowed to enter/be parked on the site.
- (5) No vehicle queuing back to public road or vehicle reversing onto/from the public road is allowed.
- (6) Submission and implementation of drainage proposals or provision of drainage facilities.
- (7) Maintenance of implemented drainage facilities.
- (8) Submission and/or implementation of the (accepted) landscape and tree preservation proposals.
- (9) Submission and implementation of fire service installations proposal.
- (10) Provision of boundary fencing.
- (11) Revocation clauses.
- (12) Reinstatement clause.

Rejected Applications

<u>No.</u>	<u>Application No.</u>	<u>Use/Development</u>	<u>Date of Consideration</u>	<u>Rejection Reasons</u>
1.	A/YL-PS/33	Proposed Private Car/Rigid Lorry/Container Lorry Park and Open Storage of Unregistered Cars for a Period of 4 Years	17.7.1998	(1), (2)
2.	A/YL-PS/47	Proposed Residential Development	12.11.1999 (TPB)	(1), (2)
3.	A/YL-PS/79	Proposed Temporary Open Storage of Construction Materials for a Period of 3 Years	14.7.2000	(3), (4)
4.	A/YL-PS/82	Temporary Open Storage of Construction Materials for a Period of 3 Years	23.2.2001 (TPB)	(3), (4)

Reasons for Rejection

- (1) Insufficient information to demonstrate the proposed development would not have adverse traffic and/or drainage and/or sewerage impacts on the area.
- (2) Approval of the application would set an undesirable precedent for other similar applications.
- (3) Not compatible with the surrounding land uses as there are many residential dwellings located immediately adjacent to the site.
- (4) Insufficient information to demonstrate that adequate screening and mitigation measures would be implemented to ensure that the development would have no adverse impacts on the surrounding areas.

**Similar Applications within the Adjacent “CDA” Zone
on the Approved Ping Shan OZP No. S/YL-PS/18**

Approved Applications

<u>Application No.</u>	<u>Zoning</u> (at the time of approval)	<u>Development/Use</u>	<u>Date of Consideration</u>	<u>Approval Conditions</u>
A/YL-PS/482	“CDA”	Proposed Temporary Warehouse (Storage of Electronic Products and Daily Necessities) for a Period of 3 Years	4.12.2015 (3 years)	(1), (4), (5), (6), (7), (8), (10), (11), (12), (14), (16), (17)
A/YL-PS/573	“CDA”	Proposed Temporary Warehouse (Storage of Daily Necessities) for a Period of 3 Years	16.11.2018 (3 years)	(1), (2), (3), (4), (5), (6), (7), (9), (11), (13), (15), (16), (17)

Approval Conditions

- (1) No night time operation and no operation on Sundays and public holidays.
- (2) No vehicle without valid license issued under the Road Traffic Ordinance is allowed to be parked/stored on the site.
- (3) Only private cars and light goods vehicles are allowed to enter/be parked on the site.
- (4) No vehicle washing/repairing/dismantling/paint spraying and other workshop uses/activities.
- (5) No vehicle is allowed to queue back to or reverse onto/from public road.
- (6) Submission of Drainage Impact Assessment (DIA) and implementation of drainage mitigation measures identified in the DIA.
- (7) Maintenance of implemented drainage facilities.
- (8) Submission and implementation of diversion proposal of existing water mains.
- (9) Submission of a condition record of the existing drainage facilities on the site.
- (10) Provision of 3m wide water works reserve within 1.5m from the centreline of the water mains
- (11) Submission and implementation of fire services installations proposal.
- (12) Submission and implementation of landscape and tree preservation proposal.
- (13) Maintenance of the existing trees and landscape planning on the site.
- (14) Provision of boundary fencing.
- (15) Maintenance of existing fencing of the site.
- (16) Revocation Clauses.
- (17) Reinstatement Clause.

Advisory Clauses

- (a) to resolve any land issue relating to the development with the concerned owner(s) of the Site;
- (b) to note the comments of 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. Lot Nos. 763RP, 764, 765, 766, 768, 771 & 772 S.B in D.D. 122 within the Site are covered by STW No. 4855 to permit structures erected thereon for the purpose of “temporary warehouse (storage of used and new construction materials and equipment). The Site is accessible from Yung Yuen Road via GL. His office provides no maintenance work for GL involved and does not guarantee any right-of-way over the GL to the Site. The STW holders(s) will need to apply to his office for modification of the STW conditions where appropriate. The owner(s) of the lot without STW will need to apply to his office to permit the structures to be erected or regularize any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structures will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Applications for any of the above will be considered by the LandsD acting in the capacity as 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 follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites”;
- (d) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) that sufficient manoeuvring space shall be provided within the Site. The local track leading to the Site is not under 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;
- (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. For Yung Yuen Road, only the section to the south of lamp post no. V0297 is maintained by HyD. HyD is not and shall not be responsible for the maintenance of any access connecting the Site and that section of Yung Yuen Road;
- (f) 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 Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.