

**Relevant extracts of the Town Planning Board Guidelines No. 34B for
“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 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 Applications Covering the Application Site

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
1	A/YL-TT/140	Temporary Showroom and Godown for Car Accessories and Parts with Ancillary Workshop for Installation Work for a Period of 3 Years	23.5.2003 (on review)	(1), (2), (3), (4), (10), (11)
2	A/YL-TT/203	Temporary Wholesale Centre of Auto Parts and Storage for a Period of 3 Years	2.2.2007 (revoked on 2.11.2009)	(2), (3), (4), (5), (7), (8), (10), (11)
3	A/YL-TT/260	Temporary Wholesale Centre of Auto Parts and Storage for a Period of 3 Years	23.4.2010	(1), (2), (3), (4), (7), (8), (9), (10), (11)
4	A/YL-TT/314	Temporary Wholesale Centre of Auto Parts and Storage for a Period of 3 Years	2.8.2013 (revoked on 2.7.2015)	(1), (3), (4), (6), (7), (8), (9), (10), (11)
5	A/YL-TT/374	Temporary Wholesale Centre of Auto Parts and Car Sales Centre for a Period of 3 Years	18.3.2016	(1), (3), (4), (6), (7), (8), (9), (10), (11), (12)

Approval Conditions

- (1) Submission and/or implementation of landscape/tree preservation proposals.
- (2) Submission of drainage proposal and/or provision of drainage facilities.
- (3) Submission and implementation of fire services installations proposal
- (4) No workshop/cleaning/dismantling/repairing activities are allowed to be carried out on the site.
- (5) Maintenance of landscape planting on the site.
- (6) Maintenance of drainage facilities on the site.
- (7) No medium and/or heavy vehicles or container vehicles/only light goods vehicles are allowed for the operation of the site.
- (8) No night-time operation and/or no operation on Sundays and public holidays.
- (9) Submission of records of the existing drainage facilities on the site.
- (10) Reinstatement of the site to an amenity area upon expiry of planning permission.
- (11) Revocation of planning approval if conditions not complied with by a given date/at any time during the approval period.
- (12) No vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;

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Paper No. A/YL-TT/454**

Advisory clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (b) the site should be kept in a clean and tidy condition at all times;
- (c) to note the District Lands Officer/Yuen Long, Lands Department's comments that the site comprises of Old Schedule Agricultural Lots held under Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. Lot Nos. 1012 S.A RP, 1037 (A) & (B), 1038 & 1041 in D.D. 115 are covered by Short Term Waiver (STW) No. 3449 and Lot Nos. 1039, 1040 & 1042 in D.D. 115 are covered by STW No. 3450, both of which permit the structure(s) erected thereon for the purpose of "Wholesale center of auto parts & storage". The site is accessible from Castle Peak Road – Yuen Long via Government land (GL). Her office provides no maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the Site. The site falls within Shek Kong Airfield Height Restriction Area (SKAHRA). The height of the proposed structure shall not exceed the relevant airfield height limit within SKAHRA. The STW holder(s) will need to apply to her office for modification of the STWs 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. No construction of New Territories Exempted Building(s) will be considered or allowed. Applications for any of the above will be considered by her department acting in the capacity as landlord or lessor at its sole discretion and there is no guarantee that such application 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 her department;
- (d) to note the Commissioner for Transport's comments that the land status of the access road/path/track leading to the site from Castle Peak Road – Yuen Long should be checked with the lands authority. The management and maintenance responsibilities of the access road/path/track should be clarified with the relevant management and maintenance authorities accordingly. Sufficient space should be provided within the site for manoeuvring of vehicles and no parking of vehicles on public road is allowed;
- (e) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that his department shall not be responsible for the maintenance of the existing vehicular access connecting the site and Castle Peak Road – Yuen Long. Adequate drainage measures should be provided at the site to prevent surface water running from the site to nearby public roads and drains;
- (f) to note the Director of Environmental Protection's comments that the applicant should follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by Environmental Protection Department to minimise any potential environmental nuisances;

- (h) to note the Director of Fire Services' comments that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. 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 also be clearly marked on the layout plans. The applicant is also reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
- (i) to note the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comments that there is no record of approval by the Building Authority for the structures existing at the site. Before any new building works (including containers/ open sheds as temporary buildings) are to be carried out on the site, prior approval and consent of BD should be obtained, otherwise they are unauthorised building works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with BO. If the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of BD, they are UBW under 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 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 4.5 m wide, its permitted development intensity shall be determined under Regulation 19(3) of B(P)R at the building plan submission stage.