

**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 Site

Approved Application

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1	A/YL-TT/310	Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years	15.3.2013	(1), (2), (3), (4), (5)
2	A/YL-TT/371	Renewal of Planning Approval for Temporary “Shop and Services (Real Estate Agency)” for a Period of 3 Years	5.2.2016	(1), (3), (4), (5), (6)

Approval Condition(s):

- (1) No operation between 8:00 p.m. and 10:00 a.m. is allowed on the site.
- (2) Provision of fire extinguisher(s) together with a valid fire certificate (FS 251).
- (3) Submission and implementation of fire service installations proposal.
- (4) Revocation of planning approval if conditions not complied with by a given date/at any time during the approval period.
- (5) Reinstatement of the site to an amenity area upon expiry of planning permission.
- (6) No parking of vehicles, as proposed by the applicant, is allowed on the site at any time during the planning approval period

Rejected Application

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejection Reason(s)</u>
1	A/YL-TT/298	Temporary open storage of site tools and materials and site office for a period of 3 years	20.1.2012	(1), (2), (3), (4), (5), (6)

Rejection Reason(s):

- (1) The development was not in line with the planning intention of the “V” zone. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis.
- (2) The development was incompatible with the surroundings which was predominantly rural and residential in character.
- (3) The development was not in line with the Town Planning Board Guidelines No.13E for “Application for Open Storage and Port Back-up Uses”.
- (4) No information in the submission to demonstrate that the development would not cause adverse environmental impact on the surrounding area.
- (5) There was no information in the submission to demonstrate why suitable sites within the “OS” zones could not be made available for the development.
- (6) Approval of the application would set an undesirable precedent for other similar uses to proliferate into the zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

Advisory Clauses

- (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site comprises Government land (GL) and 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. Within the Site, the private Lot 4888 RP in D.D. 116 is covered by Short Term Waiver (STW) No. 3932 which permits the structure(s) erected thereon for the purpose of 'temporary shop and services (real estate agency)'. The GL included in the site is covered by Short Term Tenancy (STT) No. 2784 for the same purpose. The Site is accessible from Tai Tong Road via 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 STW/STT holder(s) will need to apply to her office for modification of the STW/STT 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;
- (b) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that it is noted from the applicant that no run-in/out and direct vehicular access to the site is proposed;
- (c) to note the comments of the Director of Environmental Protection 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;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant is reminded to provide his own drainage facilities to collect the runoff generated from the site or passing through the site, and discharge the runoff collected to a proper discharge point. The development should not obstruct overland flow or cause any adverse drainage impact to the adjacent areas and existing drainage facilities. Please consult DLO/YL, LandsD and seek consent from the relevant owners for any works to be carried out outside his lot boundary before commencement of the drainage works;
- (e) to note the comments of the Director of Fire Services 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 and 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;

- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of BD, they are unauthorised building works (UBW) under the 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) are to be carried out on the site, prior approval and consent of BD should be obtained, otherwise they are UBW. An Authorised Person 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. 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; and

- (g) to note the comments of the Director of Food and Environmental Hygiene that the applicant should arrange disposal properly at his own expenses for any waste generated from such work/operations and refrain from causing any environmental nuisance, pest infestation and obstruction to the surrounding.