

**Relevant extracts of the Town Planning Board Guidelines No. 34C for
“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 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</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Condition(s)</u>
1	A/YL-TYST/694	Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years	26.9.2014	(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11)
2	A/YL-TYST/855	Temporary Public Vehicle Park for Private Car and Light Goods Vehicle and Shop and Services (Real Estate Agency) for a Period of 3 Years	22.9.2017	(1), (2), (3), (4), (5), (6), (8), (10), (11), (12), (13), (14)

Approval Conditions

- (1) No vehicle without valid licences issued under the Road Traffic Ordinance is allowed to park/store on the site at any time during the planning approval period.
- (2) No medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance is allowed to park/store on or enter/exit the site at any time during the planning approval period.
- (3) A notice should be posted at a prominent location of the site at all times to indicate that no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, is allowed to park on the site during the planning approval period.
- (4) No open storage activity is allowed on the site at any time during the planning approval period.
- (5) No vehicle repairing, dismantling or other workshop activities, should be carried out on the site at any time during the planning approval period.
- (6) No queuing and reverse movement of vehicle onto public road at any time during the planning approval period.
- (7) Submission and implementation of (a revised) drainage proposal.
- (8) Submission and/or implementation of (accepted) landscape and tree preservation proposals.
- (9) Submission and implementation of fire service installations proposal.
- (10) Revocation of planning approval for non-compliance with conditions by a specified date/at any time during the approval period.
- (11) Reinstatement of the application site upon expiry of planning permission.
- (12) No operation for the real estate agency between 8:00 p.m. and 9:00 a.m. is allowed on the site.
- (13) Maintenance of existing drainage facilities on the site.
- (14) Submission of records of the existing drainage facilities on the Site and the existing natural stream course.

**Similar Applications within the Same “V” Zone
on the Tong Yan San Tsuen OZP**

Approved Applications

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Condition(s)</u>
1	A/YL-TYST/86	Proposed Public Car/Lorry Park (<i>not for temporary use</i>)	18.2.2000 approved for a period of 3 years [revoked on 18.11.2000]	(1), (2), (3), (4), (5), (6), (7)
2	A/YL-TYST/627	Proposed Temporary Public Vehicle Park for Private Car and Light Goods Vehicle for a Period of 3 Years	24.5.2013 [revoked on 24.11.2014]	(1), (3), (4), (6), (7), (8), (9), (10), (11), (12), (13)
3	A/YL-TYST/629	Proposed Temporary Public Vehicle Park for Private Car and Light Goods Vehicle for a Period of 3 Years	21.6.2013	(1), (3), (4), (8), (9), (10), (11), (12), (13)
4	A/YL-TYST/761	Proposed Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years	23.10.2015	(1), (3), (4), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15)
5	A/YL-TYST/804	Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years	26.8.2016 [revoked on 26.2.2017]	(3), (6), (7), (8), (9), (13), (14), (15), (16)

Approval Conditions

- (1) No vehicles without valid licences issued under the Traffic Regulations/Road Traffic (Registration and Licensing of Vehicles) Regulations are allowed to be parked/stored on the application site.
- (2) No container vehicles are allowed to be parked/stored on the application site.
- (3) Submission and/or implementation of (the accepted) landscape and/or tree preservation proposals.
- (4) Submission and/or implementation of (the accepted) drainage proposal.
- (5) The provision of petrol interceptor facility.
- (6) Revocation of planning approval for non-compliance with conditions by a specified date/at any time during the approval period.
- (7) Reinstatement of the application site upon expiry of planning permission.
- (8) No operation during specific time limit is allowed on the site.
- (9) No medium and heavy goods vehicle exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, were allowed to be parked/stored on or enter/exit the site.
- (10) Posting of a notice at a prominent location of the site to indicate that no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers are allowed to be parked/stored on or enter/exit the site.

- (11) No vehicle dismantling/repairing, maintenance, repairing, cleansing, paint-spraying or other workshop activities, should be carried out on the site.
- (12) Provision/maintenance of (the existing) boundary fence on the site.
- (13) Submission and implementation of fire service installations proposal.
- (14) No queuing and reverse movement of vehicle onto public road.
- (15) Maintenance of the existing/implemented drainage facilities on the site at all times.
- (16) Submission of records of the existing drainage facilities on the site.

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 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. Within the Site, Lots 1567 RP and 1570 in D.D. 119 are currently covered by Short Term Waivers (STWs) No. 4474 and 4475 respectively to permit the structures erected thereon for the purpose of “Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles”. The STW holder(s) will need to apply to her office for modification of the STW conditions where appropriate and the lot owner(s) of the lot(s) without STW will need to apply to her office to permit the structures to be erected or to regularise any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. Applications for any of the above will be considered by her department acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application 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 her department;
- (c) to note the comments of the Commissioner for Transport that the land status of the access road/path/track leading to the Site from Shan Ha Road should be checked with the lands authority. The management and maintenance responsibilities of the access road/path/track should be clarified and consulted with the relevant management and maintenance authorities accordingly. Sufficient space should be provided within the Site for manoeuvring of vehicles. No parking of vehicles on public road is allowed;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains. His department shall not be responsible for the maintenance of any access connecting the Site and Shan Ha Road;
- (e) to note the comments of the Chief Engineer/Construction, Water Supplies Department that existing water mains will be affected (**Plan A-2** of this RNTPC Paper). You shall bear the cost of any necessary diversion works affected by the proposed development. In case that it is not feasible to divert the affected water mains, a waterworks reserve (WR) within 1.5 metres from the centreline of the water main shall be provided to her department. No structure shall be erected over this WR and such area shall not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority may require or authorise. Government shall not be liable for any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the Site;
- (f) to note the comments of the Director of Environmental Protection that the relevant mitigation measures and requirements in the latest “Code of Practice on Handling the

Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department should be followed to minimise any potential environmental nuisances on the surrounding areas; and

- (g) 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 the approval of the BD, they are unauthorised building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application. For UBW erected on leased land, enforcement action may be taken by the 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.