

**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**

	<b><u>Application No.</u></b>	<b><u>Proposed Use(s)</u></b>	<b><u>Date of Consideration (RNTPC)</u></b>	<b><u>Approval Condition(s)</u></b>
1	A/YL-TYST/161	Proposed Extension of School Building	1.3.2002	(1), (2), (3)
2	A/YL-TYST/550	Temporary Social Welfare Facility (Social Service Centre) for a Period of 3 Years	4.11.2011	(1), (2), (3), (4), (5), (6)
3	A/YL-TYST/699	Temporary Social Welfare Facility (Social Service Centre) for a Period of 3 Years	31.10.2014	(1), (2), (3), (4), (5), (6), (7), (8)
4	A/YL-TYST/866	Temporary Social Welfare Facility (Social Service Centre) for a Period of 3 Years	22.12.2017	(3), (5), (6), (7), (8), (9), (10)

**Approval Conditions**

- (1) Submission and/or implementation of landscape and tree preservation proposals.
- (2) Submission of drainage proposal and/or provision of drainage facilities.
- (3) Submission and/or implementation/provision of water supplies for fire-fighting/emergency vehicular access and fire service installations
- (4) Submission of run-in/out proposal and provision of run-in/out
- (5) Revocation of planning permission if any of the approval conditions is not complied with by the specified date/at any time during the approval period.
- (6) Reinstatement of the application site to an amenity area upon expiry of the planning permission.
- (7) No night time operation.
- (8) No vehicle queuing and reverse movement onto/from public road.
- (9) Maintenance of existing trees and landscape planting on the site.
- (10) Maintenance of existing drainage facilities and submission of records of the existing drainage facilities.

**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 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 GL and Lot No. 1354 RP in D.D. 121 are currently covered by Short Term Tenancy (STT) No. 2939 and Short Term Waiver (STW) No. 4383 respectively to permit structures erected thereon for the purpose of “Temporary Social Welfare Facility (Social Service Centre)”. 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. 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 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 sufficient manoeuvring space should be provided within the Site;
- (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 the nearby public roads/drains. His department shall not be responsible for the maintenance of any access connecting the Site and Ma Fung Ling Road;
- (e) to note the comments of the Director of Environmental Protection that 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;
- (f) to note the comments of the Director of Agriculture, Fisheries and Conservation that the existing trees within and adjacent the Site shall be properly preserved; 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 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 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 and land filling) 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. If the proposed use under application is subject to issue of a license, any existing structures on the Site intended to be used for such purposes are required to comply with the building safety and

other relevant requirements as may be imposed by the licensing authority. 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.