

**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 Application Covering the Application Site

Approved Application

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Condition(s)</u>
1	A/YL-TYST/737	Proposed Temporary Shop (Grocery Store) for a Period of 3 Years	3.7.2015	(1), (2), (3), (4), (5), (6), (7), (8)

Approval Conditions

- (1) No operation between specific hours is allowed on the site.
- (2) No medium and heavy goods vehicles are allowed to be parked/stored on or enter/exit the site.
- (3) No vehicle is allowed to queue back to or reverse onto/from public road.
- (4) Submission of a revised drainage proposal and implementation of drainage proposal.
- (5) Maintenance of the implemented drainage facilities on the site.
- (6) Submission and implementation of fire service installations proposal.
- (7) Revocation of planning approval for non-compliance with conditions by a specified date/at any time during the approval period.
- (8) Reinstatement of the application site upon expiry of planning permission.

Similar Applications within the Subject “R(C) Zone

Approved Application

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
1.	A/YL-TYST/577	Proposed Temporary Eating Place and Shop (Grocery Store) for a Period of 3 Years	16.3.2012 [revoked on 16.3.2013]	(2), (3), (4), (5), (6), (7), (8)
2.	A/YL-TYST/620	Proposed Temporary Eating Place and Shop (Grocery Store) for a Period of 3 Years	23.11.2016 [revoked on 23.12.2014]	(2), (3), (4), (5), (6), (7), (8)
3.	A/YL-TYST/714	Proposed Temporary Shop (Grocery Store) for a Period of 3 Years	6.2.2015	(2), (3), (4), (5), (6), (7), (8), (11)
4.	A/YL-TYST/738	Proposed Temporary Eating Place and Shop (Grocery Store) for a Period of 3 Years	3.7.2015 [revoked on 3.4.2016]	(2), (3), (4), (5), (6), (7), (8), (11), (13)
5.	A/YL-TYST/760	Proposed Temporary Shop (Grocery Store) for a Period of 3 Years	23.10.2015 [revoked on 23.7.2016]	(2), (3), (4), (5), (6), (7), (8), (11), (13)
6.	A/YL-TYST/774	Proposed Temporary Shop (Grocery Store) for a Period of 3 Years	8.1.2016	(2), (4), (5), (6), (7), (8), (11), (13), (14)
7.	A/YL-TYST/805	Proposed Temporary Shop (Grocery Store) for a Period of 3 Years	14.9.2016	(2), (4), (5), (6), (7), (8), (11), (13), (14)
8.	A/YL-TYST/821*	Proposed Temporary Plant Nursery and Shop and Services (Retail Shop for Plants) for a Period of 3 Years	13.1.2016	(2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (15)
9.	A/YL-TYST/873	Proposed Temporary Shop (Grocery Store) for a Period of 3 Years	18.5.2018	(3), (4), (5), (6), (7), (8), (11), (13), (14)

*Straddling the adjacent “Undetermined” zone

Approval Condition(s):

- (1) Submission of vehicular run-in/out proposal and provision of vehicular run-in.
- (2) Submission and/or implementation of (accepted) landscape and/or tree preservation proposal or maintenance of existing trees and landscape plantings.
- (3) Submission of (revised) drainage proposal and implementation/provision of drainage facilities/proposal.
- (4) Submission and implementation/provision of emergency vehicular access, water supply for firefighting and/or fire service installations proposal.

- (5) Revocation of planning approval if conditions not complied with by a given date/at any time during the approval period.
- (6) Reinstatement of the site to an amenity area upon expiry of planning permission.
- (7) No night-time operation (between specific hours).
- (8) No light, medium or heavy goods vehicles, including container tractor/trailer, is allowed to park/store on or enter/exit the site.
- (9) No workshop activities are allowed on the site.
- (10) Preservation of existing bamboos clumps.
- (11) No vehicle is allowed to queue back to or reverse onto/from public road.
- (12) Provision of boundary fencing on the site.
- (13) The implemented/existing drainage facilities shall be maintained.
- (14) Submission of records of the existing drainage facilities on the site.
- (15) No site formation and construction works are allowed within the breeding season of ardeids.

Advisory Clauses

- (a) to note that the planning approval only covers the development/use under the planning application. Any development/use within the application site (the Site) that is not in compliance with the OZP restrictions will require separate planning approval from the Town Planning Board;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the Site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department that the Site comprises an Old Scheduled Agricultural Lot 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. 1286 and 1287 in D.D.119 are covered by Short Term Waiver (STW) Nos. 4705 and 4706 respectively to permit structures erected thereon for the purpose of "Temporary Shop (Grocery Store)". The Government land (GL) within the Site is covered by Short Term Tenancy (STT) No. 3082 for the purpose of "Temporary Shop (Grocery Store)". The Site is accessible to Kung Um Road via GL. Her office does not provide maintenance work for GL involved and does not guarantee any right-of-way to the Site. The STW/STT holder(s) will need to apply to her office for modification of the STW/STT if there is any irregularities on site and the lot owner(s) of the lot(s) without STW will need to apply to her office for permit the structures to be erected or regularize any irregularities on site. Such application(s) 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(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 her department;
- (d) to note the comments of the Commissioner for Transport that the land status of the access road/path/track leading to the Site from Kung Um Road shall be checked with the lands authority. The management and maintenance responsibilities of the access road/path/track shall be clarified and consulted with the relevant management and maintenance authorities accordingly. The applicant is reminded that sufficient space should be provided within the Site for manoeuvring of vehicles. In addition, no parking, queuing and reverse movement of vehicles on public road are allowed;
- (e) 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 Kung Um Road;
- (f) to follow 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;
- (g) to note the comments of Chief Town Planner/Urban Design and Landscape, Planning Department that the applicant is reminded to conduct routine vegetation maintenance works, such as irrigating the trees and removing weeds regularly throughout the period. Fence and/or kerb or bollard should be constructed with a minimum distance of 1m around the planting areas to guard against damage to the trees and shrubs. The applicant should make

reference to “Technical Note on the Submission and Implementation of Landscape Proposals for Compliance with Conditions for Approved Applications for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance”. The applicant shall take reference to the following information/guideline published by the Greening, Landscape and Tree Management Section, Development Bureau for tree maintenance: 私人物業樹木護理資料 Information About Tree Maintenance for Private Properties (https://www.greening.gov.hk/tc/tree-care/Handbook_on_Tree_Management.html), 護養樹木的簡易圖解 Pictorial Guide for Tree Maintenance (https://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf);

- (h) to note the comments of the Director of Fire Services that 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. In addition, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire services requirements will be formulated upon receipt of formal submission of general building plans;
- (i) to note the comments of the Chief Engineer/Construction, Water Supplies Department for provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to his department’s standards.
- (j) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department that if the existing structures are erected on leased land without approval of the BD (not being a New Territories Exempted House), they are unauthorized under the Buildings Ordinance and should not be designated for any use under the application. Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on leased land in the Site, the prior approval and consent of BD should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with BO. For UBW erected on leased land, enforcement action may be taken by the Building Authority (BA) 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 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 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;
- (k) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that work and operation shall not cause any environmental nuisance, pest infection and obstruction to the surrounding. For any waste generated from the commercial/trading activities, the applicant should arrange its disposal properly at his own expense. Proper licence/permit issued by Food and Environmental Hygiene Department (FEHD) is required if there is any catering service/activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public. Under the Food Business Regulation, Cap. 132X, Food Factory Licence must be obtained from his department for food business which involves the preparation of food for sale from human

consumption off the premises before commencement of such business. Besides, a Fresh Provision Shop licence is required for any person who intends to sell fresh, chilled or frozen beef, mutton, pork, reptiles (including live snake), fish (including live fish) and poultry at any premises before commencement of such business. The application for Food Factory Licence/Fresh Provision Shop Licence, if acceptable by FEHD, will be referred to relevant government departments, such as Lands Department and Planning Department for comment. If there is no objection from the departments concerned, a letter of requirements will be issued to the applicant for compliance and the licence will be issued upon compliance of all the requirements; and

- (1) to note the comments of the Director of Electrical and Mechanical Services that in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the "Code of Practice on Working near Electricity Supply Lines" established under the Regulation when carrying out works in the vicinity of the electricity supply lines.