

**Relevant extracts of the Town Planning Board Guidelines on
“Renewal of Planning Approval and Extension of Time for Compliance with Planning
Conditions for Temporary Use or Development”
(TPB PG-No. 34D)**

1. The criteria for assessing applications for renewal of planning approval include:
 - (a) whether there has been any material change in planning circumstances 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 s.16 Applications Covering the Application Site

Approved Applications

<u>Application No.</u>	<u>Zoning</u>	<u>Development/Use</u>	<u>Date of Consideration</u>
A/YL-PS/180	“V”	Temporary Public Vehicle Park for Private Cars and Lorries for a Period of 3 Years	28.5.2004 (revoked on 16.3.2006)
A/YL-PS/248	“V”	Temporary Public Vehicle Park for Private Car and Light Goods Vehicle for a Period of 3 Years	4.8.2006
A/YL-PS/275	“V”	Temporary Public Vehicle Park (Private Car and Light Goods Vehicle) for a Period of 3 Years	30.11.2007
A/YL-PS/304	“V”	Temporary Public Vehicle Park for Private Car and Light Goods Vehicle for a Period of 3 Years	10.7.2009
A/YL-PS/382	“V”	Temporary Public Vehicle Park for Private Car and Light Goods Vehicles for a Period of 3 Years	15.6.2012
A/YL-PS/479	“V”	Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles only) for a Period of 3 Years	22.5.2015
A/YL-PS/562	“V”	Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years	20.7.2018
A/YL-PS/635	“V”	Renewal of Planning Approval for Temporary Public Vehicle Park for Private Car and Light Goods Vehicle for a Period of 3 Years	25.6.2021

Rejected Application

<u>Application No.</u>	<u>Development/Use</u>	<u>Date of Consideration</u>	<u>Reasons for Rejected</u>
A/YL-PS/238	Temporary Public Vehicle Park for Private Car, Light Goods Vehicle and Medium Goods Vehicle for a Period of 3 Years	7.4.2006	(1) to (3)

Reasons for Rejection

- (1) Not compatible with the surrounding areas;
- (2) Insufficient information to demonstrate no adverse environmental impact on the surrounding areas;
- (3) Approval of the application will set an undesirable precedent.

Similar Applications within the same “V” zone in the past 5 years

Approved Applications

<u>Application No.</u>	<u>Zoning</u> (at the time of approval)	<u>Development/Use</u>	<u>Date of Consideration</u>
A/YL-PS/590	“V”	Renewal of Planning Approval for Temporary "Rural Communal Public Vehicle Park for Private Cars, 5.5 Tonnes Goods Vehicles, Coaches and 24 Tonnes Goods Vehicles" for a Period of 3 Years	19.7.2019
A/YL-PS/592	“V”	Temporary Public Vehicle Park for Private Car for a Period of 3 Years	4.10.2019
A/YL-PS/594	“V” & “OU(HCTRU)”	Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years	4.10.2019 (Revoked on 4.4.2021)
A/YL-PS/595	“V”	Proposed Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years	1.11.2019
A/YL-PS/606	“V”	Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years	10.7.2020
A/YL-PS/625	“V” & “OU(HCTRU)”	Temporary Public Vehicle Park for Private Car & Light Goods Vehicle for a Period of 3 Years	22.1.2021
A/YL-PS/628	“V”	Renewal of Planning Approval for Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years	26.2.2021
A/YL-PS/629	“V”	Proposed Temporary Public Vehicle Park for Light Goods Vehicle & Medium Goods Vehicle for a Period of 3 Years	14.5.2021
A/YL-PS/630	“V”	Proposed Temporary Public Vehicle Park for Private Car and Light Goods Vehicle for a Period of 3 Years	26.3.2021
A/YL-PS/636	“V”	Temporary Vehicle Park for Coaches for a Period of 3 Years	25.6.2021
A/YL-PS/638	“V”	Temporary Public Vehicle Park (Private Cars) for a Period of 3 Years	9.7.2021

<u>Application No.</u>	<u>Zoning</u> (at the time of approval)	<u>Development/Use</u>	<u>Date of Consideration</u>
A/YL-PS/641	“V”	Renewal of Planning Approval for Temporary Public Vehicle Park for Medium Size Buses (24-seater) and Private Cars for a Period of 3 Years	13.8.2021
A/YL-PS/651	“V”	Temporary Public Vehicle Park for Private Cars for a Period of 3 Years	28.1.2022
A/YL-PS/657	“V”	Renewal of Planning Approval for Temporary Public Vehicle Park (Private Cars) for a Period of 3 Years	22.4.2022
A/YL-PS/663	“V”	Renewal of Planning Approval for Temporary "Rural Communal Public Vehicle Park for Private Cars, 5.5 Tonnes Goods Vehicles, Coaches and 24 Tonnes Goods Vehicles" for a Period of 3 Years	29.7.2022
A/YL-PS/684	“V”	Renewal of Planning Approval for Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years	23.6.2022
A/YL-PS/705	“V”	Renewal of Planning Approval for Temporary Public Vehicle Park for Private Car, Light Goods Vehicle and Medium Goods Vehicle for a Period of 3 Years	5.4.2024
A/YL-PS/709	“V”	Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years	19.4.2024
A/YL-PS/710	“V”	Temporary Public Vehicle Park (Private Cars) for a Period of 3 Years	19.4.2024

Government Departments' General Comments

1. Land Administration

Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- he has no adverse comment on the application;
- the Site comprises GL and Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government;
- no permission is given for occupation of GL (about 5m² subject to verification) included in the Site. Any occupation of GL without Government's prior approval is not allowed;
- Lot 390 in D.D. 122 is covered by Short Term Waiver (STW) No. 3587 to permit structures erected thereon for the purpose of "Temporary Public Vehicle Park for Private Car and Light Goods Vehicles (not exceeding 5.5 tonnes)";
- Lot 392 in D.D. 122 is covered by STW No. 3438 to permit structures erected thereon for the purpose of "Ancillary Use to Public Vehicle Park for Private Cars and Light Goods Vehicles";
- Lot 403 RP in D.D. 122 is covered by STW No. 3720 to permit structures erected thereon for the purpose of "Temporary Public Vehicle Park for Private Car and Light Goods Vehicle";
- if the planning application is approved, the STW holder(s) will need to apply to his office for modification of the STW conditions where appropriate and the lot owner(s) shall apply to his Office for STW and Short Term Tenancy (STT) to permit structure(s) erected within Lots 391, 394 and 395 and the occupation of the GL in D.D. 122. The application(s) for STW and STT will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The STW and STT, if approved, will be subject to such terms and conditions including the payment of waiver fee, rent and administrative fee as considered appropriate by LandsD. Besides, given the proposed use is temporary in nature, only erection of temporary structure(s) will be considered; and
- according to his record, there is no Small House (SH) application approved or under processing at the Site.

2. Traffic

Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

He has no adverse comment on the application.

3. Drainage

Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- he has no objection in principle to the application from a drainage point of view; and
- according to the applicant's submission, the existing drainage facilities which were implemented under an approved application No. A/YL-PS/635 will be maintained for the subject development. Should the Board consider the application be acceptable, he would suggest that a condition should be stipulated in the approval letter requiring the applicant to maintain the existing drainage facilities and submit condition record of the existing drainage facilities to his satisfaction.

4. **Fire Safety**

Comments of the Director of Fire Services (D of FS):

- he has no objection in principle to the proposal subject to fire service installations (FSIs) being provided to his satisfaction; and
- in consideration of the design/nature of the proposal, the latest FSI proposal for planning application no. A/YL-PS/712; a full set of valid F.S. 251(s) covering all the FSIs implemented on the application site; and a statement/undertaking to confirm there is no change in the layout and proposed uses as compared with the previous application are anticipated to be required.

5. **Building Matters**

Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

He has no objection to the application.

6. **Environment**

7.

Comments of the Director of Environmental Protection (DEP):

He has no objection to the application.

8. **District Officer's Comments**

Comments of the District Officer (Yuen Long), Home Affairs Department:

His office has not received any feedback from locals.

9. **Other Departments**

The following departments has no comment on the application:

- Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD);
- Commissioner of Police (C of P);
- Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD);
- Director of Agriculture, Fisheries and Conservation (DAFC); and
- Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

Recommended Advisory Clauses

- (a) to resolve any land issue relating to the development with the concerned owner(s) of the Site;
- (b) to note the comments of the Commissioner for Transport (C for T) that in view of the motorcycle parking need of Tin Shui Wai, the applicant is suggested to consider provision of motorcycle parking within the development. Sufficient manoeuvring space shall be provided within the Site. The local track leading to the Site is not under Transport Department's purview. The applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the Site. In addition, no parking, queuing and reverse movement of vehicles on public road are allowed;
- (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting the Site and Tsui Sing Road;
- (d) 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 to minimise any potential nuisance;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the applicant is reminded that the required condition record should include coloured photos showing the current condition of the drainage facilities and a layout plan indicating the locations of the photo taken. The submitted photos should cover all internal surface channels, catch pits, sand traps, manholes terminal catch pits/manholes and the downstream discharge path as indicated on the submitted drainage proposal;
- (f) to note the comments of the Director of Fire Services (D of FS) that:
 - (i) 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 for his approval;
 - (ii) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy;
 - (iii) the location of where the proposed FSI to be installed should be clearly marked on the layout plans; and
 - (iv) the applicant is 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

- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
- (i) if the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of BA, they are unauthorised building works (UBW) under the BO and should not be designated for any proposed use under the captioned application;
 - (ii) for UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with prevailing 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;
 - (iii) before any new building works (including containers/open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on the application site, the 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 BO;
 - (iv) 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; and
 - (v) 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 B(P)R at the building plan submission stage;