

**Town Planning Board Guidelines for  
Application for Open Storage and Port Back-up Uses  
(TPB PG-No.13F)**

1. On 27.3.2020, the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13F) were promulgated, which set out the following criteria for New Development Areas:
  - (a) The planning for various NDAs (including potential development areas) in the New Territories has been in progress and the land use proposals for some of these areas have been incorporated as appropriate into relevant statutory town plans. The NDAs will be implemented by phases. While it is envisaged that the existing open storage and port back-up uses in these areas will be gradually phased out, sympathetic consideration may be given to applications for continued operation of these uses during the interim period before the sites are required for NDA development.
  - (b) For existing open storage and port back-up uses with previous planning approval(s) and/or permitted under the previous OZPs, sympathetic consideration may be given to the application (irrespective of whether the application is submitted by the applicant of previous approval or a different applicant) until the concerned site is required for implementation of NDA development, provided that the relevant approval conditions, if any, have been complied with. Technical assessments, where appropriate, should be submitted to demonstrate that the continued operation of the current uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas and the concerns of the departments and local residents, if any, can be addressed through the implementation of the approval conditions.
  - (c) In view of the impending implementation of NDAs, new open storage and port back-up uses are generally not encouraged to infiltrate into the NDAs. There is a general presumption against such uses at greenfield areas and/or at sites with land use compatibility issue, e.g. in close proximity to existing residential dwellings which may be subject to environmental nuisances caused by the open storage and port back-up uses. Applications will normally be rejected unless under exceptional circumstances.
  - (d) Any approved temporary use and development should not jeopardize the long-term planned development on the respective site/the surrounding area under the NDA and the applicant should be advised that the site would be required by the government at any time during the planning approval period for implementation of government projects.

**Extract of 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. 34C)**

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.

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 and OZP at the time of consideration</u>	<u>Applied Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
1	A/YL-HT/7	"U" on draft Ha Tsuen OZP No. S/YL-HT/1	Temporary Open Storage of Containers (3 Years)	29.11.1996 by TPB (revoked on 29.9.1997)	1, 2, 3, 4, 5, 6, 7
2	A/YL-HT/82	"U" on approved Ha Tsuen OZP No. S/YL-HT/2	Temporary Open Storage of Metalware Materials and Machinery with Ancillary Office and Parking Spaces (3 Years)	28.5.1999	1, 4, 6, 8, 9
3	A/YL-HT/341	"U" on approved Ha Tsuen OZP No. S/YL-HT/4	Temporary Open Storage of Metal Ware and Construction Machinery with Ancillary Office (3 Years)	28.5.2004 (revoked on 28.11.2004)	1, 4, 6, 7, 8, 9
4	A/YL-HT/348	"U" on approved Ha Tsuen OZP No. S/YL-HT/4	Temporary Open Storage of Construction Machinery and Construction Materials with Ancillary Workshop (3 Years)	13.8.2004	1, 4, 7, 10
5	A/YL-HT/394	"U" on approved Ha Tsuen OZP No. S/YL-HT/6	Temporary Open Storage of Metal Ware and Construction Machinery with Ancillary Office and Parking Spaces (3 Years)	10.6.2005 (revoked on 10.9.2005)	4, 7, 9, 11, 12
6	A/YL-HT/427	"U" on approved Ha Tsuen OZP No. S/YL-HT/6	Temporary Open Storage of Metal Ware and Machinery with Ancillary Office and Parking Spaces (3 Years)	23.12.2005 (revoked on 23.3.2006)	4, 6, 7, 10, 12, 13
7	A/YL-HT/509	"U" on approved Ha Tsuen OZP No. S/YL-HT/8	Temporary Open Storage of Construction Machinery and Materials with Ancillary Workshop (3 Years)	2.11.2007 (revoked on 2.1.2010)	1, 4, 6, 7, 9, 14, 15, 16, 17
8	A/YL-HT/554	"U" on draft Ha Tsuen OZP No. S/YL-HT/9	Temporary Open Storage of Metal Wares and Machineries with Ancillary Office and Parking Facilities (3 Years)	4.7.2008 (revoked on 4.10.2008)	4, 7, 10, 12, 14
9	A/YL-HT/666	"U" on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Construction Machinery and Recycling Materials and Car Park (with Ancillary Workshops and Offices) (3 Years)	19.3.2010 (revoked on 19.7.2012)	1, 4, 7, 14, 15, 16, 17, 18
10	A/YL-HT/700	"U" on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Construction Materials and Construction Machinery (3 Years)	26.11.2010	1, 4, 7, 14, 17

	<u>Application No.</u>	<u>Zoning and OZP at the time of consideration</u>	<u>Applied Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
11	A/YL-HT/773	“U” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Logistics Centre (3 Years)	30.3.2012 (revoked on 28.6.2014)	1, 4, 7, 14, 15, 19, 20
12	A/YL-HT/818	“U” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Storage of Recycling Materials (Household Materials, Electronic Parts and Goods) with Ancillary Workshops, Offices and Storerooms (3 Years)	7.12.2012 (revoked on 7.2.2014)	1, 4, 6, 7, 8, 14, 16, 17, 21, 22, 23, 24, 25
13	A/YL-HT/872	“U” on approved Ha Tsuen OZP No. S/YL-HT/10	Renewal of Planning Approval for “Temporary Open Storage of Construction Materials and Construction Machinery” (3 Years)	22.11.2013 (revoked on 27.5.2014)	1, 4, 7, 14, 16, 17
14	A/YL-HT/910	“U” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Construction Materials and Construction Machinery (3 Years)	22.8.2014	1, 4, 7, 14, 16, 17, 25, 26
15	A/YL-HT/922	“U” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Logistics Centre (3 Years)	28.11.2014	1, 4, 6, 7, 8, 14, 15, 16, 17, 19, 26
16	A/YL-HT/978	“U” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Logistics Centre (3 Years)	23.10.2015 (revoked on 23.10.2016)	1, 4, 6, 7, 8, 14, 16, 17, 26
17	A/HSK/11	“G/IC”, “R(A)4”, “O” and ‘Road’ on draft Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/1	Temporary Logistics Centre (3 Years)	25.8.2017	1, 4, 6, 7, 8, 10, 14, 16, 19, 26

Approval Condition(s):

- 1 The submission and/or the implementation of tree preservation and landscape proposals.
- 2 The provision of sewage treatment and disposal facilities.
- 3 The submission of noise impact assessment and the provision of noise mitigation measures.
- 4 The submission of drainage impact assessment or drainage proposals and/or the provision of drainage facilities and/or submission of condition record of existing drainage facilities.
- 5 The submission of traffic impact assessment and the implementation of traffic improvement measures including vehicular access arrangement, junction improvement and provision of parking and loading/unloading spaces and queuing area.
- 6 Reinstatement clause.
- 7 Revocation clause.
- 8 The provision and/or maintenance of fencing and/or paving.
- 9 The stacking height of the construction machineries/materials stored within 5m of the periphery of the site and/or should not exceed the height of the boundary fence and/or should not exceed 2m of the site.
- 10 The provision of a 9-litres water type/3kg dry power fire extinguisher or the submission and implementation of fire service installations proposal.
- 11 The replacement of the dead tree.
- 12 The maintenance of the landscape planting/existing trees.
- 13 The submission and/or implementation of run-in proposals and/or the provision of vehicular run-in.
- 14 No night-time operation/no operation on Sundays or public holidays.

- 15 No heavy vehicle (i.e. over 24 tonnes)/medium or heavy vehicle (i.e. over 5.5 tonnes) as defined in the Road Traffic Ordinance, including container trailer and tractor, was allowed for the operation of the site and/or to be parked on-site .
- 16 The maintenance of existing/implemented drainage facilities .
- 17 The submission and/or implementation of fire service installations (FSIs) proposal.
- 18 No container trailer/tractor was allowed to access the site .
- 19 No cutting, and/or dismantling, and/or melting, and/or cleansing, and/or compaction, and/or repairing, and/or vehicle repair and workshop activity was allowed on the site
- 20 The demolition of the existing structure on-site .
- 21 No dismantling of electrical/electronic equipment was allowed on the site
- 22 No handling (including loading, unloading and storage) of cathode-ray tubes (CRT), CRT computer monitors/television sets and CRT equipment was allowed on the site
- 23 Handling (including loading, unloading and storage) of electrical/electronic equipment, electronic parts and goods on the site must be carried out within concrete-paved area with covered structures
- 24 No material was allowed to be stored within 1m of any tree
- 25 The provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251)
- 26 No vehicle queuing is allowed back to public road or no vehicle reversing onto/from the public road is allowed at any time

**Rejected Application**

	<u>Application No.</u>	<u>Zoning and OZP at the time of consideration</u>	<u>Applied Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Reason(s) for Rejection</u>
1	A/YL-HT/648	“U” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Metal Wares and Machineries with Ancillary Office and Parking Facilities (3 years)	23.10.2009	1,2

**Reasons for Rejection:**

- 1 The development would be subject to fire risks and/or would have adverse drainage impacts on the surrounding areas, and the submitted information cannot demonstrate that the fire risks and/or adverse drainage impacts could be mitigated.
- 2 The application involves previously revoked planning permissions due to non-compliance with the approval conditions. Approval of the application with repeated non-compliances would set an undesirable precedent for other similar planning permissions for temporary uses which are also subject to the requirement to comply with the approval conditions, thus nullifying statutory planning control.

Similar Application within the subject “G/IC”, “R(A)4” and “O” Zones  
on the Approved Hung Shui Kiu and Ha Tsuen OZP

Approved Application

<u>Application No.</u>	<u>Zoning(s) and OZP at the time of consideration</u>	<u>Applied use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Condition(s)</u>
1. A/HSK/105	“R(A)3”, “R(A)4”, “G/IC”, “O” & ‘Road’ on approved Hung Shiu Kiu and Ha Tsuen OZP No. S/HSK/2	Temporary Storage of Construction Materials and Containers, Logistics Centre and Ancillary Workshop (3 Years)	16.11.2018	1, 2, 3, 4, 5, 6

Approval Conditions:

- 1 No night-time operation and/or no operation on Sundays and public holidays.
- 2 The maintenance of the drainage facilities and submission of a condition record of the existing drainage facilities.
- 3 The submission and implementation of FSIs proposals.
- 4 The maintenance of existing trees and landscape planting, and fencing.
- 5 Revocation clauses.
- 6 No vehicle is allowed to queue back to or reverse onto/from the public road at any time.

**Advisory Clauses**

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) to note that the Site might be resumed at any time during the planning approval period for implementation of government projects;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) 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. The private lots which are covered by Short Term Waivers (STWs) are listed below:

Lot No(s). in D.D.125	STW No.	Purposes
1831	4363	Temporary Logistics Centre
1803, 1804, 1805 and 1832	4598	
1836	4647	Temporary Storage of Construction Materials and Containers, Logistics Centre and Ancillary Workshop

The STW holders will need to apply to his 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 his office for permitting the structures to be erected or to regularize 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. Application(s) for any of the above will be considered by LandsD acting in the capacity of the 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 rent or fee, as may be imposed by LandsD;

- (d) to note the comments of the Assistant Commissioner for Transport/ New Territories, Transport Department (AC for T/NT, TD) that sufficient manoeuvring spaces shall be provided within the Site. The local track leading to the Site is not under TD'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;
- (e) 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 Ping Ha Road;
- (f) to follow the relevant mitigation measures and requirements in the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize any potential environmental nuisances;

- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) 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 photos 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;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that if the existing structures (not being a New Territories Exempted Houses) are erected on leased land without approval of the Building Authority (BA), they are unauthorized 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, demolition and land filling) are to be carried out on the Site, prior approval and consent of BA should be obtained, otherwise they are UBW. An Authorized Person (AP) should be appointed as the coordinator 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
- (i) to note the comments of the Project Manager (West), Civil Engineering and Development Department (PM/W, CEDD) that the Site falls within the boundary of Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA). According to the Planning and Engineering Study for the HSK/HT NDA and the latest plan, to ensure timely and orderly implementation, the development of HSK/HT NDA and relevant site formation and infrastructure works would be implemented in five stages, viz. Advance Works and Stage 1 to Stage 4. The lot(s) concerned falls within sites under Stage 3 Works in the latest programme of the HSK/HT NDA. While the detailed implementation programme for the project is still being formulated, it is envisaged that clearance of the Site will not be arranged before 2024.