

**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 Site

Approved Applications

	<u>Application No.</u>	<u>Zoning(s) and OZP at the time of consideration</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Condition (s)</u>
1.	A/YL-HT/105	“CDA” on draft Ha Tsuen OZP No. S/YL-HT/3	Temporary Open Storage of Construction Materials with Ancillary Parking Facilities (3 Years)	22.10.1999 (revoked on 22.7.2000)	1, 2, 3, 4, 5
2.	A/YL-HT/274	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/4	Temporary Open Storage of Trucks (3 Years)	22.11.2002	1, 2, 3, 4, 5, 6
3.	A/YL-HT/403	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/6	Temporary Open Storage of Trucks (3 Years)	29.7.2005	4, 5, 7, 8, 9, 10, 11
4.	A/YL-HT/571	“CDA” on draft Ha Tsuen OZP No. S/YL-HT/9	Temporary Open Storage of Trucks and Goods Compartments of Dump Trucks (3 Years)	10.10.2008	1, 4, 5, 7, 9, 10, 12, 13
5.	A/YL-HT/753	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Trucks and Goods Compartments of Dump Trucks (3 Years)	23.9.2011	1, 4, 5, 7, 10, 12, 13, 14, 15
6.	A/YL-HT/912	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Renewal of Planning Approval for Temporary Open Storage of Trucks and Goods Compartments of Dump Trucks (3 Years)	22.8.2014	1, 4, 5, 7, 10, 12, 13, 14, 16
7.	A/HSK/16	“R(A)3” on draft Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/1	Temporary Open Storage of Trucks and Goods Compartments of Dump Trucks (3 Years)	22.9.2017	4, 5, 7, 9, 10, 12, 13, 14, 16

Approval Conditions:

1. The submission and implementation of landscaping and/or tree preservation proposal(s) and/or provision of replacement planting.
2. The provision of paving, and/or fencing.
3. The submission of a Drainage Impact Assessment and/or provision of drainage facilities.
4. Revocation clauses.
5. Reinstatement clauses.
6. The submission and implementation of vehicular access proposal(s).
7. No night-time operation and/or no operation on Sundays and public holidays.
8. No vehicle repair workshop.
9. The maintenance of the landscape planting/existing trees and/or existing boundary fencing on Site.
10. The maintenance of the drainage facilities, and/or submission of a condition record of the existing drainage facilities.
11. The submission and implementation of run-in/run-out proposal(s).
12. No cutting, and/or dismantling, and/or cleansing, and/or repairing, and/or compaction, and/or packing/re-packing, and/or unpacking, and/or vehicle repair and workshop activities.
13. No public vehicle park.
14. The provision of fire extinguisher(s) and/or submission and implementation of a fire service installations proposal.
15. No material was allowed to be stored/dumped and no vehicle was allowed to be parked within 1m of any tree on the Site.
16. No vehicle queuing is allowed back to public road or no vehicle reversing onto/from the public road.

**Similar Applications within the subject “R(A)3” Zone
on the Approved Hung Shui Kiu and Ha Tsuen OZP**

Approved Applications

<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/TPB)</u>	<u>Approval Condition(s)</u>
1. A/HSK/47	“R(A)3” and ‘Road’ on the draft Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/1	Temporary Open Storage of Scrap Metal and Logistics Centre (3 Years)	9.2.2018	1, 2, 3, 4, 5, 6, 7, 8
2. A/HSK/135	“R(A)3”, “G/IC” and ‘Road’ on the approved Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/2	Temporary Open Storage of Containers and Logistics Centre (3 Years)	12.4.2019	1, 2, 3, 4, 5, 7, 8, 9
3. A/HSK/179	“R(A)3” on the approved Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/2	Temporary Open Storage of Construction Machinery and Construction Materials (3 Years)	6.9.2019 (revoked on 18.10.2019)	1, 2, 3, 4, 5
4. A/HSK/207	“R(A)3” on the approved Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/2	Proposed Temporary Open Storage of Construction Machinery and Construction Materials (3 Years)	20.3.2020	1, 2, 4, 5

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 and the provision of the extinguisher(s) and submission of a valid fire certificate (FS251).
- 4 The maintenance of fencing, and/or existing trees and landscape planting and/or fire services installations implemented.
- 5 Revocation clauses.
- 6 Reinstatement clause.
- 7 No cutting, and/or dismantling, and/or repairing, and/or cleansing, and/or melting and workshop activity.
- 8 No vehicle is allowed to queue back to or reverse onto/from the public road at any time.
- 9 The stacking height of containers stored should not exceed 8 units.

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).	STW No.	Purposes
Lot No. 799 (Portion) in D.D.125	2213	Vehicle Repair Workshop (Excluding Paint-spraying)
Lot No.800 in D.D.125	4581	Temporary Logistics Centre and Warehouse (Storage of Paper)
Lot No. 3300 in D.D.129	4584	

The STW holders will need to apply to his office for modification of the STW 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. 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. 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 before any new building works (including containers/open sheds as temporary buildings) are to be carried out on application site, prior approval and consent of the BD should be obtained, otherwise they are authorized building works (UBW) under the Buildings Ordinance (BO). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO. 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. 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 a site under Stage 4 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.