

**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 Applications Covering the Application Site

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/YL-HT/160	“CDA” on the then draft Ha Tsuen OZP No. S/YL-HT/4	Temporary open storage of construction materials with ancillary workshop (3 years)	25.8.2000 (3 years) (revoked on 25.8.2001)	1, 2, 3, 4
2.	A/YL-HT/181	“CDA” on the then draft Ha Tsuen OZP No. S/YL-HT/4	Temporary open storage of construction materials (3 years)	22.12.2000 (3 years) (revoked on 22.12.2001)	1, 2, 3, 4
3.	A/YL-HT/265	“CDA” on the then draft Ha Tsuen OZP No. S/YL-HT/4	Temporary open storage of construction materials with ancillary workshop (3 years)	23.8.2002 (3 years)	1, 2, 3, 4
4.	A/YL-HT/266	“CDA” on the then draft Ha Tsuen OZP No. S/YL-HT/4	Temporary open storage of construction materials with ancillary office (3 years)	23.8.2002 (3 years)	1, 2, 3, 4
5.	A/YL-HT/401	“CDA” on the then draft Ha Tsuen OZP No. S/YL-HT/6	Temporary open storage of construction materials with ancillary workshop (3 years)	29.7.2005 (3 years)	2, 4, 6, 7, 8, 9
6.	A/YL-HT/402	“CDA” on the then draft Ha Tsuen OZP No. S/YL-HT/6	Temporary open storage of construction materials (3 years)	29.7.2005 (3 years)	2, 4, 5, 6, 7, 8
7.	A/YL-HT/572	“CDA” on the then draft Ha Tsuen OZP No. S/YL-HT/9	Temporary open storage of construction materials with ancillary workshop (3 years)	10.10.2008 (3 years)	2, 3, 4, 6, 7, 10, 11
8.	A/YL-HT/754	“CDA” on the then approved Ha Tsuen OZP No. S/YL-HT/10	Temporary open storage of construction materials with ancillary workshop (3 years)	7.10.2011 (3 years)	1, 2, 4, 6, 8, 11
9.	A/YL-HT/944	“CDA” on the then approved Ha Tsuen OZP No. S/YL-HT/10	Temporary open storage of construction materials with ancillary workshop (3 years)	27.3.2015 (3 years)	2, 3, 4, 6, 7, 8, 9, 11, 12, 13
10	A/HSK/52	“O” and “G/IC” on the draft Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/1	Temporary open storage of construction materials with ancillary workshop (3 years)	16.3.2018 (3 years)	2, 3, 4, 6, 7, 8, 11, 13

Approval Conditions:

- 1 The submission and implementation of landscaping and/or tree preservation proposals and/or provision of replacement planting.

- 2 Revocation clauses.
- 3 The submission of DIA/drainage proposals and/or provision of drainage facilities, and/or submission of a condition record of the existing drainage facilities.
- 4 Reinstatement clause.
- 5 No storage of compressed gas cylinders.
- 6 No night-time operation and/or no operation on Sundays and public holidays.
- 7 The maintenance of the landscape planting/existing trees/existing fencing.
- 8 The maintenance of the drainage facilities.
- 9 The provision of a 9-litres water type/3kg dry powder fire extinguisher and the submission of fire certificate.
- 10 No public vehicle park.
- 11 The submission and/or implementation of fire service installations (FSIs) proposals and the provision of FSIs.
- 12 The existing fencing should be maintained.
- 13 No vehicle queuing is allowed back to public road or vehicle reversing onto/from the public road is allowed.

Similar Applications Within the Same “G/IC” Zone

Approved Applications

	<u>Application No.</u>	<u>Zoning(s) and OZP at the time of consideration</u>	<u>Applied Uses(s)/ Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions(s)</u>
1	A/HSK/77	“G/IC”, “R(D)” and ‘Road’ on the draft Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/1 and the draft Ha Tsuen Fringe OZP No. S/YL-HTF/11	Temporary Open Storage of Scrap Metal and Plastic (3 years)	6.7.2018 (3 years)	1, 2, 3, 5, 6, 7, 8, 9, 10, 11
2	A/HSK/150	“G/IC” & ‘Road’ on the approved Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/2	Temporary Open Storage of Metal Ware (3 years)	31.5.2019 (3 years)	1, 2, 3, 4, 5, 6, 7, 8
3	A/HSK/151	G/IC” & “O” on the approved Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/2	Temporary Open Storage of Metal Ware (3 years)	31.5.2019 (3 years)	1, 2, 3, 4, 5, 6, 7, 8
4	A/HSK/159	G/IC” & ‘Road’ on the approved Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/2	Temporary Open Storage of Construction Machinery and Material (3 years)	19.7.2019 (3 years)	1, 2, 3, 5, 6, 7, 8
5	A/HSK/176	“R(D)”, “G/IC” and ‘Road’ on the approved Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/2 and the approved Ha Tsuen Fringe OZP No. S/YL-HTF/12	Temporary Open Storage of Construction Material and Metal Ware (3 years)	16.8.2019 (3 years)	1, 2, 4, 5, 6, 7, 8

Approval Conditions

- 1 No night-time operation and/or no operation on Sundays and public holidays.
- 2 No cutting, dismantling, repairing, and/or melting, and/or compaction, and/or unpacking, and/or re-packing, and/or vehicle repair, and/or container repair, cleansing and/or workshop activity.
- 3 No vehicle queuing was allowed back to public road or vehicle reversing onto/from the public road.
- 4 The maintenance of existing trees and landscape plants/ fencing.
- 5 The submission of a condition record of the existing drainage facilities and/or implementation of accepted drainage proposal with maintenance of existing/implemented drainage facilities.
- 6 The provision of the fire extinguisher(s) and the submission of a valid fire certificate (FS 251).
- 7 The submission and implementation of the fire service installations proposal.
- 8 Revocation clause.
- 9 Reinstatement clause.
- 10 The submission and implementation of the tree preservation and landscape proposal and/or the provision of fencing.
- 11 No handling (including loading, unloading and storage) of hazardous electronic wastes (including computer monitors and cathode-ray tubes (CRT)), and storage of television sets and CRT.
- 12 No vehicle exceeding 24 tonnes, including container trailer/tractor, as defined in the Roads (Traffic) Ordinance, is allowed to enter/ exit or to be parked/stored on the site.

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 (in D.D.128)	STW No.	Purposes
34 RP	4461	Temporary Open Storage of Construction Materials with Ancillary Workshop
35, 36, 37 and 41	4462	Temporary Open Storage of Construction Materials with 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 regularization 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 premium or fee, as may be imposed by LandsD;

- (d) to note the comments of the Commissioner for Transport (C for T) that sufficient manoeuvring spaces shall be provided within the Site. Local track leading to the Site is not under Transport Department (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 Fung Kong Tsuen Road;
- (f) to note the comments of the Director of Environmental Protection (DEP) that the applicant is advised to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' ('COP') to minimize the possible environmental impacts on the nearby sensitive receivers;
- (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 House) are erected on leased land without approval of the Building Department (BD), 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 and land filling, etc.) are to be carried out on application site, prior approval and consent of BD 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;
- (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). To ensure timely and orderly implementation, the development of HSK/HT NDA and relevant site formation and infrastructure works would be implemented in three phases, viz. First Phase development, second Phase Development and Remaining Phase development. The lot(s) concerned falls within the Site under Remaining Phase development of HSK/HT NDA. While the detailed implementation programme for the project is still being formulated, it is envisaged that the site formation and engineering infrastructure works for the Remaining Phase development will commence in 2030; and
- (j) to note the comments of the Director of Agriculture, Fisheries and Conservation (DAFC) that the applicant should adopt good site practices and implement necessary water pollution control measures to avoid causing water pollution to the nearby watercourse.