

TOWN PLANNING BOARD

TPB Paper No. 10642

**For Consideration by
the Town Planning Board on 27.3.2020**

**Proposed Revisions to the Town Planning Board Guidelines No. 13E for
Application for Open Storage and Port Back-up Uses under
Section 16 of the Town Planning Ordinance**

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1. Purpose

This paper is to seek Members' agreement to the proposed revisions to the Town Planning Board Guidelines No. 13E for Application for Open Storage (OS) and Port Back-up (PBU) Uses under Section 16 of the Town Planning Ordinance (TPO) (the Guidelines/TPB PG-No.13E).

2. Background

2.1 While noting the contribution of OS/PBU industries to the economy of Hong Kong, the Town Planning Board (the Board/TPB) recognizes that haphazard proliferation of OS and PBU activities in the New Territories (NT) may cause serious problems related to degradation of rural environment, noise and air pollution, flooding, visual intrusion as well as traffic congestion and safety concern. To facilitate the Board in considering applications for OS/PBU uses, the Board has promulgated the Guidelines setting out the criteria in assessing such planning applications. In gist, in order to prevent uncontrolled sprawl of activities and minimize environmental impacts, the Board has designated suitable sites for such uses under "Open Storage" ("OS"), "Industrial" ("I"), "Industrial (Group D)" ("I(D)") and "Other Specified Uses" ("OU") annotated "Port Back-up Uses" zones on rural statutory town plans. Besides, to provide greater flexibility in the planning permission system to cater for short-term operations as required by the trade, temporary OS/PBU uses not exceeding three years may be allowed on application to the Board in areas outside these zones specifically designated for such purposes. Applications to operate such uses in environmentally/ecologically sensitive areas¹ are however prohibited.

2.2 Since the Guidelines (TPB PG-No.13) were first issued in 1994, they have been amended 5 times in 1999, 2001, 2003, 2005 and 2008 to take into account changing planning circumstances. In particular, TPB PG-No. 13B promulgated in 2001 set out a set of locational assessment criteria through the identification of specific 'will-go', 'tolerated', 'outside' and 'no-go' areas with the intention to channel OS and PBU uses to specific areas, thereby preventing them from proliferating into the much wider unspoiled rural area. These categories were renamed as Category 1, 2, 3 and 4 areas respectively under TPB PG-No.13C promulgated in 2003, and remain unchanged on the current TPB PG-No. 13E promulgated in 2008. The assessment criteria for considering planning applications involving land in the 4

¹ Environmentally/ecologically sensitive areas include "Conservation Area", "Coastal Protection Area", "Site of Special Scientific Interest", "OU" annotated "Comprehensive Development and Wetland Protection Area" and "OU" annotated "Comprehensive Development and Wetland Enhancement Area" zones.

Categories of locations are summarized below.

Locational category	Assessment criteria
Category 1	areas considered suitable for OS and PBU uses. In general, such uses should be sited in areas zoned “OS”, “OU(PBU)”, “I” or “I(D)” where there are compatible uses such as industrial uses, and other port back-up and open storage activities. Generally, OS/PBU uses are permitted as of right under such zones. For proposed uses of similar nature requiring planning permission, favourable consideration will normally be given, subject to no major adverse departmental comments and local objections.
Category 2	areas mostly without clear planning intention or fixed development programme; areas to be affected by major upcoming infrastructural projects; areas within or close to clusters of OS/PBU sites which are “existing uses” under the TPO and/or subject of previous planning approvals. In addition, these areas should not be subject to high flooding risk. Subject to no adverse departmental comments and local objections, planning permission could be granted on a temporary basis up to a maximum period of 3 years.
Category 3	areas outside the Category 1, 2 and 4 areas. Within these areas, “existing” and approved OS and PBU uses are to be contained and further proliferation of such uses is not acceptable. Applications would normally not be favourably considered unless the applications are on sites with previous planning approvals.
Category 4	areas with ponds or wetland, or with extensive vegetation, or close to environmentally or ecologically sensitive areas; areas which are mostly used for residential purpose or proposed for such purposes; areas near existing major village settlements; areas subject to extremely high flooding risk. Applications would normally be rejected except under exceptional circumstances.

Note: the classification of Category 1 to 4 areas is to facilitate the consideration of planning applications for OS/PBU uses (which are mostly temporary in nature). Their boundaries do not necessarily follow the boundaries of land use zonings on the OZP.

3. Need for Review and Updating

3.1 Since the last updating of the Guidelines in 2008, there have been substantial changes in the planning circumstances in the NT. New statutory town plans have been exhibited to extend the statutory planning control to various areas including Country Park enclaves. Moreover, amendments to land use zonings on OZPs have been made to meet development needs of the community including implementation of the New Development Areas (NDAs) (i.e. Kwu Tung North/Fanling North (KTN/FLN), Hung Shui Kui/Ha Tsuen (HSK/HT)) and rezoning for various housing developments. At the same time, some planned developments have been implemented over the years. To reflect the changed planning circumstances, there is a need to review and update the coverage, site classification and assessment criteria of the Guidelines.

3.2 The “Study on Existing Profile and Operations of Brownfield Sites in the New Territories - Feasibility” (the Brownfield Survey) was completed in 2019. The Brownfield Survey captures a snapshot of comprehensive profile across brownfield

sites² in the NT. With such information, opportunity is taken to review the site classification of land, particularly those with brownfield uses, under the current Guidelines to provide proper guidance for such uses in the NT.

4. Coverage of the Guidelines

- 4.1 The current TPB PG-No. 13E cover areas in 35 OZPs in the North West NT (NWNT) and North East NT (NENT) only. Over the years, a number of new OZPs have been exhibited to provide statutory planning control for different parts of the NT including some Country Park enclaves. To provide proper guidance for development, it is proposed to update the coverage of Guidelines to include all areas covered by rural statutory town plans including those covered by these new OZPs. As shown in **Appendix I**, there are in total 42 OZPs to be covered by the revised Guidelines: including 22 in NENT, 1 in NWNT, 8 in South West NT (SWNT), 10 in South East NT (SENT) and one in Tsuen Wan (Chuen Lung and Ha Fa Shan OZP³).
- 4.2 The land in these 42 OZPs have been classified based on the established assessment criteria as set out in paragraph 2.2 above. Apart from land under environmentally/ecologically sensitive areas which prohibit application for OS/PBU uses, all the other newly included areas are proposed to be classified under either Category 4 (about 93%) or Category 3 (about 7%). The locations and classification of the newly included areas are shown on **Plans 1b, 2a, 2b, 3 and 4** under the revised Guidelines at **Appendix III**.

5. Site Classification

(A) Update to take into account latest planning circumstances

- 5.1 Since the promulgation of TPB PG-No. 13E in 2008, there have been changes in planning circumstances in the rural NT, rendering the site classification for some sites no longer appropriate. For example, some sites have been rezoned to other uses with a different planning intention and permissible uses (e.g. rezoning from “Undetermined” to residential zonings), or the intended permanent development under the relevant zonings (e.g. “Comprehensive Development Area”, “Residential (Group B)”, “Government, Institution or Community”) have been implemented and there is no room for temporary OS and PBU uses at these sites. As such, opportunity is taken to review the classification of the relevant sites.
- 5.2 Upon review, the classification of 44 sites with zoning changed and/or permanent development implemented is proposed to be amended. Among them, 43 sites are re-classified from Category 2/Category 3 mainly to Category 4, to reflect the zoning

² Under the Survey, brownfield sites include primarily agricultural land in NT which has been formed and occupied by industrial, storage, logistics and parking uses. Most of the brownfield uses captured by the Survey, except for a few uses including warehouse (those with more than 50% of site covered), workshops and parking for private cars, are OS/PBU uses covered by the Guidelines.

³ While being located in Tsuen Wan district in Metro Area, the OZP was previously covered by a Development Permission Area Plan as similar to other rural OZPs, and is therefore included.

amendments and completed developments of the concerned sites (**Plans 1 to 11**), and a site zoned “I(D)” is re-classified from Category 3 to Category 1 considering that the site is suitable for OS and PBU uses. The re-classification proposals with their justifications are set out in **Appendix II**.

(B) Update with regard to Brownfield Survey

- 5.3 According to the Brownfield Survey, there was a total of 1,579 ha of brownfield sites in NT as at the survey period between 2017 and 2018. About 653 ha are within the NDAs. With the implementation of NDAs in time, the existing OS and PBU uses in the areas will be phased out. To avoid spreading out of these uses to environmentally sensitive areas, there is a need to channel them to more appropriate locations. With this in mind, the current Category 1 to 4 areas have been reviewed on the basis of assessment criteria in paragraph 2.2 above.
- 5.4 The existing Category 1 and 2 areas are considered as the most suitable locations for OS and PBU uses, and should be kept to provide room for accommodation of such uses, which may be displaced from other areas, particularly NDAs.
- 5.5 For areas with extensive vegetation or within/close to village setting/residential areas, they are primarily classified as Category 4. The intention remains to be keeping such areas intact and discouraging proliferation of OS and PBU uses in these areas, and applications for OS and PBU uses will normally be rejected. Upon review, the Category 4 areas should generally be kept, and any unauthorized uses in these areas should be phased out and channelized to other more appropriate locations, e.g. Category 1 and 2 areas.
- 5.6 As revealed in the Brownfield Survey, a number of sites falling within areas currently categorized as Category 3 are mainly occupied with brownfield uses which are regarded as existing uses⁴ under the TPO or having obtained planning permissions from the Board over the years. The Survey reveals that some of the sites accommodating these authorized brownfield uses have congregated in certain areas as clusters, and the concerned sites have generally lower landscape value but with road access. Reflecting evolution of changing circumstances and planning intention over time, areas occupied by these sites generally comply with the designation criteria for Category 2 area set out in paragraph 2.2 above, and have scope to accommodate brownfield operations particularly those displaced by the NDAs. Upon review, 20 sites (about 148 ha of land) in Yuen Long, Tuen Mun and North District currently classified as Category 3 are identified as suitable to be re-classified to Category 2. Most of them are located within or close to existing brownfield clusters classified as Category 1 and 2 of TPB PG-No. 13E, and/or mainly occupied by brownfield uses which are existing uses or covered by planning permissions (**Plans 1 to 11**). The detailed re-classification proposals with their justifications are at **Appendix II**.

⁴ “Existing use” means a use in existence before the publication of the first statutory plan covering the area, and is tolerated under the TPO.

(C) NDAs

- 5.7 In the past decades, some NDAs have been identified to serve as major development nodes in the NT to meet the housing and economic needs of the community. For KTN/FLN NDA and HSK/HT NDA, the relevant OZPs were approved in 2015 and 2018 respectively. In accordance with the land use framework in the OZPs, the NDAs will proceed with implementation by phases, and the existing OS and PBU uses in these areas will be gradually phased out and replaced by land uses designated on the relevant OZP newly approved for the NDA concerned. Since the impending NDA development will already provide a solution for re-planning the existing land uses in the area, the assessment criteria in paragraph 2.2. above are considered no longer relevant. In view of the above, an alternative approach is suggested for consideration of planning applications for OS and PBUs uses in the NDAs.
- 5.8 The current site classification in NDAs is proposed to be removed and replaced by 'NDA' designation on the relevant map (**Plans 1a and 2a of Appendix III**) under the Guidelines. Where a planning application for the area involves existing OS and PBU uses in the said NDA with planning permission from the Board or permitted under the previous zonings of the OZP (that drawn up before the area was planned as NDA), it is proposed that sympathetic consideration may be given to applications for continued operation of these uses (through applications for renewal of planning permission or through fresh applications involving the same site) until the land is required for NDA implementation, provided that there are no adverse departmental comments and local objections and the approval conditions under previous planning permission, if any, have been complied with. Technical assessments, where appropriate, should be submitted in the planning application to demonstrate that the continued operation of the uses would not have adverse drainage, traffic, visual, landscape and environmental impacts on the surrounding areas and the concerns of departments and local residents, if any, can be addressed through implementation of approval conditions.
- 5.9 To avoid infiltration of new OS and PBU uses before the implementation of NDAs, new applications involving sites which are not previously approved for OS and PBU uses would normally be rejected unless under exceptional circumstances.
- 5.10 The suggested approach should also be adopted for future NDAs upon the gazetting of relevant new/amended OZPs for the NDAs⁵.

6. Assessment Criteria

- 6.1 To facilitate assessments on applications for temporary OS and PBU uses, the current Guidelines set out the general requirements of concerned departments on site planning, transport, environmental planning, and other matters. The concerned bureaux/departments have been consulted to update the relevant requirements in the Guidelines.

⁵ The future NDAs may include those in Yuen Long South and New Territories North.

6.2 Some OS and PBU uses have been operated in compliance with the planning regime for some time, and are generally allowed to continue the operation if not for the resumption and clearance by Government to make way for development. These OS and PBU uses have a role to play in Hong Kong's economy and provide considerable employment opportunities. Some of the affected operators may wish to continue their business but face difficulties in finding a replacement site. To allow flexibility to cater for such circumstances, it is proposed that sympathetic consideration could be given to such type of applications⁶, except those involving land in Category 4 area (only minor encroachment may be allowed), if the following criteria are met:

- (a) policy support is given by the relevant bureau(x) to the application for relocation of the affected uses/operations to the concerned sites; and
- (b) no adverse departmental comments and local objections, or the concerns could be addressed by approval conditions.

6.3 A set of draft revised Guidelines (to be renumbered as TPB PG-No. 13F) with incorporation of the proposed revisions mentioned in paragraphs 4 to 6.2 above as well as other amendments proposed by the concerned departments are at **Appendix III**, with amendments highlighted in *bold and italics* or ~~cross-out~~. The Guidance Notes currently attached to the Guidelines setting out the relevant submission requirements have also been updated, and a revised version is at **Appendix IIIa**.

7. Revised Areas under the Guidelines

7.1 Taking into account the proposed extension of the coverage of the Guidelines in paragraph 4 and re-classification proposals in paragraph 5 above, the change in the land areas under the Guidelines are set out as follows:

	Area (ha)					
	<i>Cat 1</i>	<i>Cat 2</i>	<i>Cat 3</i>	<i>Cat 4</i>	<i>NDA</i> s	<i>Total</i>
(A) TPB PG-No. 13E	630	157	3,946	5,633	1,057	11,423
(B) Extending coverage to include areas covered by greater number of OZPs	0	+0.08	+360	+4,673	-	+5,033
(C) Review Site Classification						
- to reflect change in planning circumstances	+7	-24	-106	+108	-	-15#
- with regard to the Brownfield Survey	0	+148	-148	0	-	0
(D) Land area upon review [i.e. (A) + (B) + (C)]	637	281	4,052	10,414	1,057	16,441
Change [D)-(A)]	+7	+124	+106	+4,781	-	+5,018

about 15ha of land re-classified from Category 2 or Category 3 to No Category

⁶ There were two similar cases approved by the Board in the past. These two applications for temporary OS uses in the "Agriculture" zone in Pat Heung OZP (Category 3 area with no previous approval) were approved by the Rural and New Town Planning Committee in 2011 on sympathetic consideration that the applied use is for reprovisioning of the business affected by the Guangzhou-Shenzhen-Hong Kong Express Rail Link project, with the support of the Highways Department.

7.2 The updated areas under Category 1 to 4 and location of the NDAs are shown on **Plans 1 to 4 of Appendix III.**

8. Comments of Bureaux and Departments

The proposed revisions to the TPB PG-No. 13E have been circulated to relevant Government bureaux/departments (B/Ds) for comments. The comments of the B/Ds on the re-classification proposals and revised assessment criteria have been incorporated, as appropriate, in the proposed revised Guidelines at **Appendix III.** No objection or major adverse comments have been received. The major comments received from B/Ds and Planning Department (PlanD)'s responses are set out in **Appendix IV.**

9. Promulgation

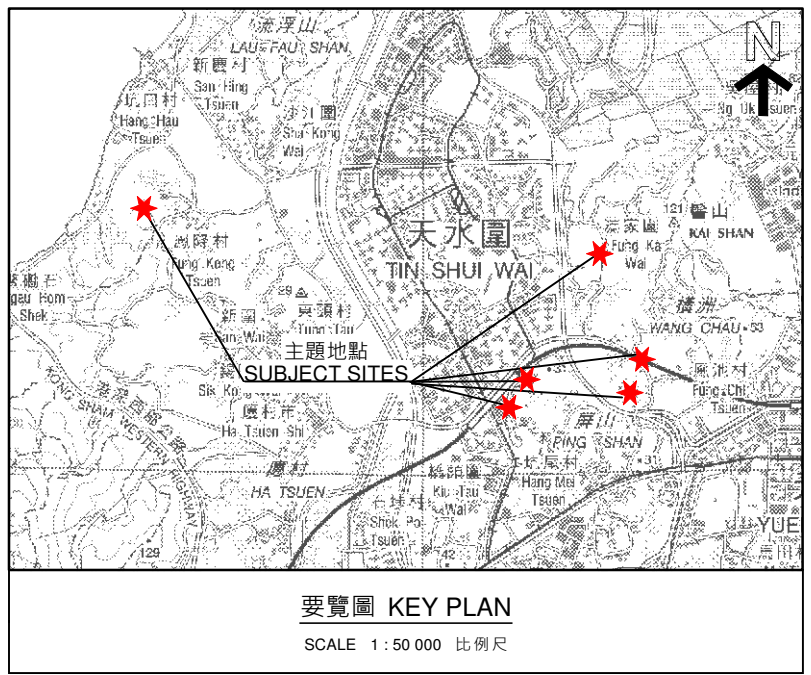
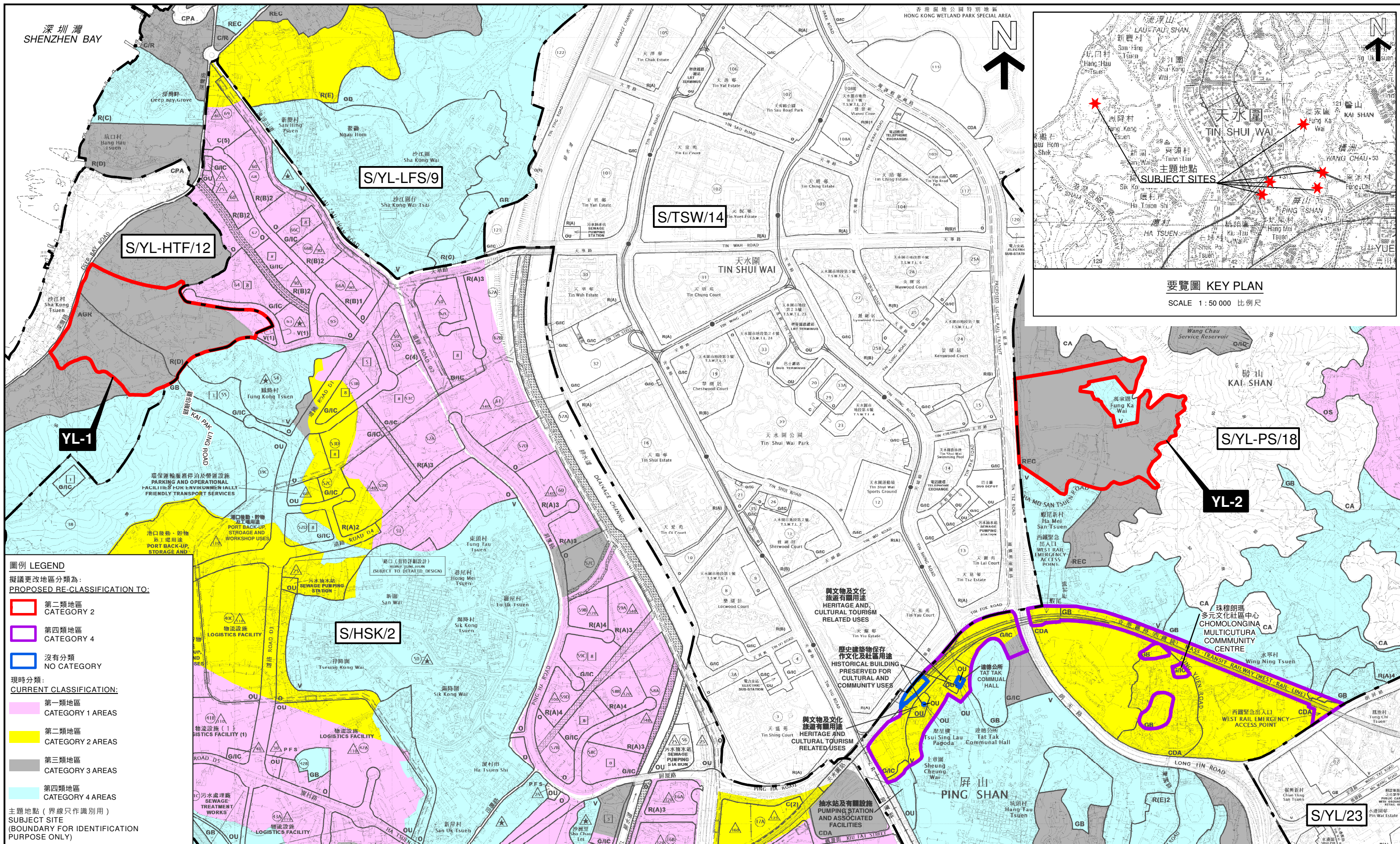
Upon Members' agreement to the proposed revisions to the TPB PG-No. 13E, a press release will be issued and the revised TPB PG-No. 13F will be uploaded to the Board's website to inform the public of its promulgation. The revised Guidelines shall take effect upon promulgation.

10. Advice Sought

Members are invited to endorse the proposed revisions to the TPB PG-No. 13E at **Appendix III.**

Attachments

Plans 1 to 11	Location of the Proposed Re-classified Sites
Appendix I	Proposed Extended Coverage of the Guidelines
Appendix II	List of Proposed Re-classified Sites
Appendix III	Revised Draft TPB Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (Draft TPB PG-No. 13F) Plan 1a and 1b: NWNT Plan 2a and 2b: NENT Plan 3: SENT Plan 4: SWNT
Appendix IIIa	Revised Guidance Notes for Application for Permission For Temporary Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (Cap. 131)
Appendix IV	Major Comments of Bureaux/Departments and PlanD's Responses



圖例 LEGEND

擬議更改地區分類為:
PROPOSED RE-CLASSIFICATION TO:

- 第二類地區
CATEGORY 2
- 第四類地區
CATEGORY 4
- 沒有分類
NO CATEGORY

現時分類:
CURRENT CLASSIFICATION:

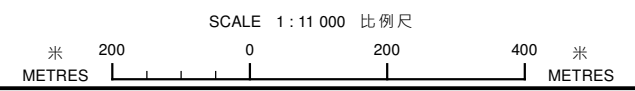
- 第一類地區
CATEGORY 1 AREAS
- 第二類地區
CATEGORY 2 AREAS
- 第三類地區
CATEGORY 3 AREAS
- 第四類地區
CATEGORY 4 AREAS

主題地點 (界線只作識別用)
SUBJECT SITE (BOUNDARY FOR IDENTIFICATION PURPOSE ONLY)

位置圖 LOCATION PLAN

擬議更改地區分類
元朗區 - 屏山及厦村地區

PROPOSED RE-CLASSIFICATION OF SITES
YUEN LONG DISTRICT - PING SHAN AND HA TSUEN AREAS



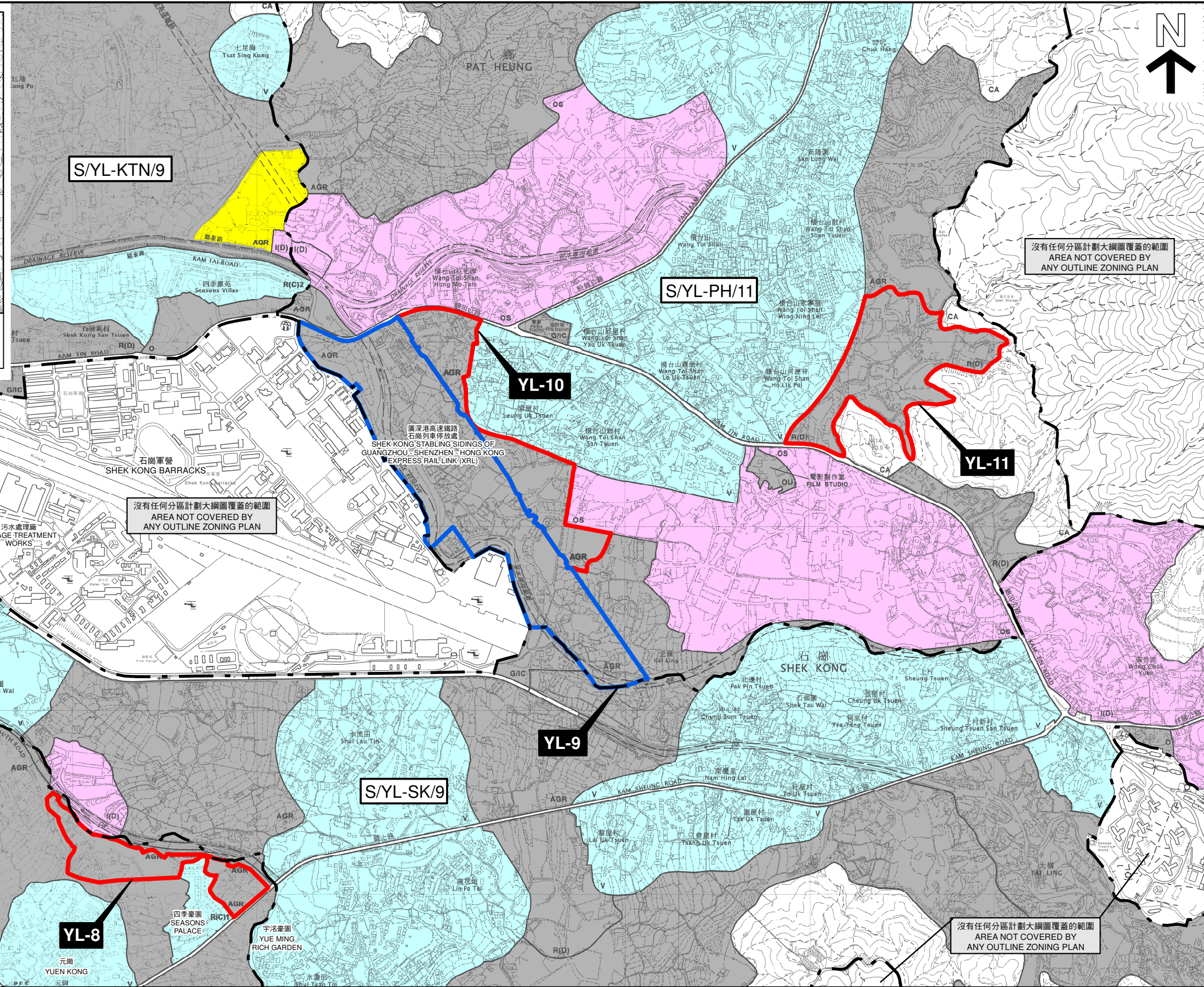
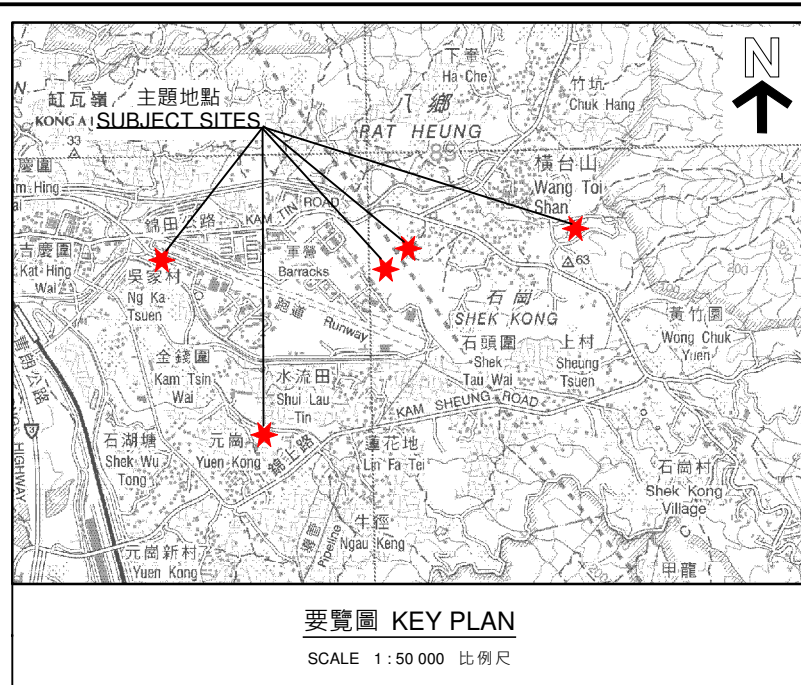
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PLANNING DEPARTMENT



參考編號 REFERENCE No.
M/NT/20/4

圖 PLAN
1

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EXTRACT PLAN PREPARED ON 18.3.2020



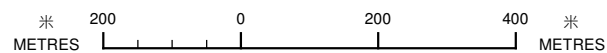
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EXTRACT PLAN PREPARED ON 18.3.2020

位置圖 LOCATION PLAN

擬議更改地區分類
元朗區 - 錦田南及八鄉地區

**PROPOSED RE-CLASSIFICATION OF SITES
YUEN LONG DISTRICT - KAM TIN SOUTH AND PAT HEUNG AREAS**

SCALE 1:11 000 比例尺



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PLANNING DEPARTMENT

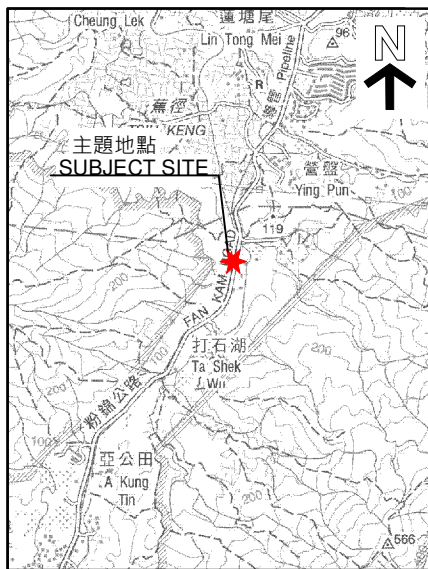


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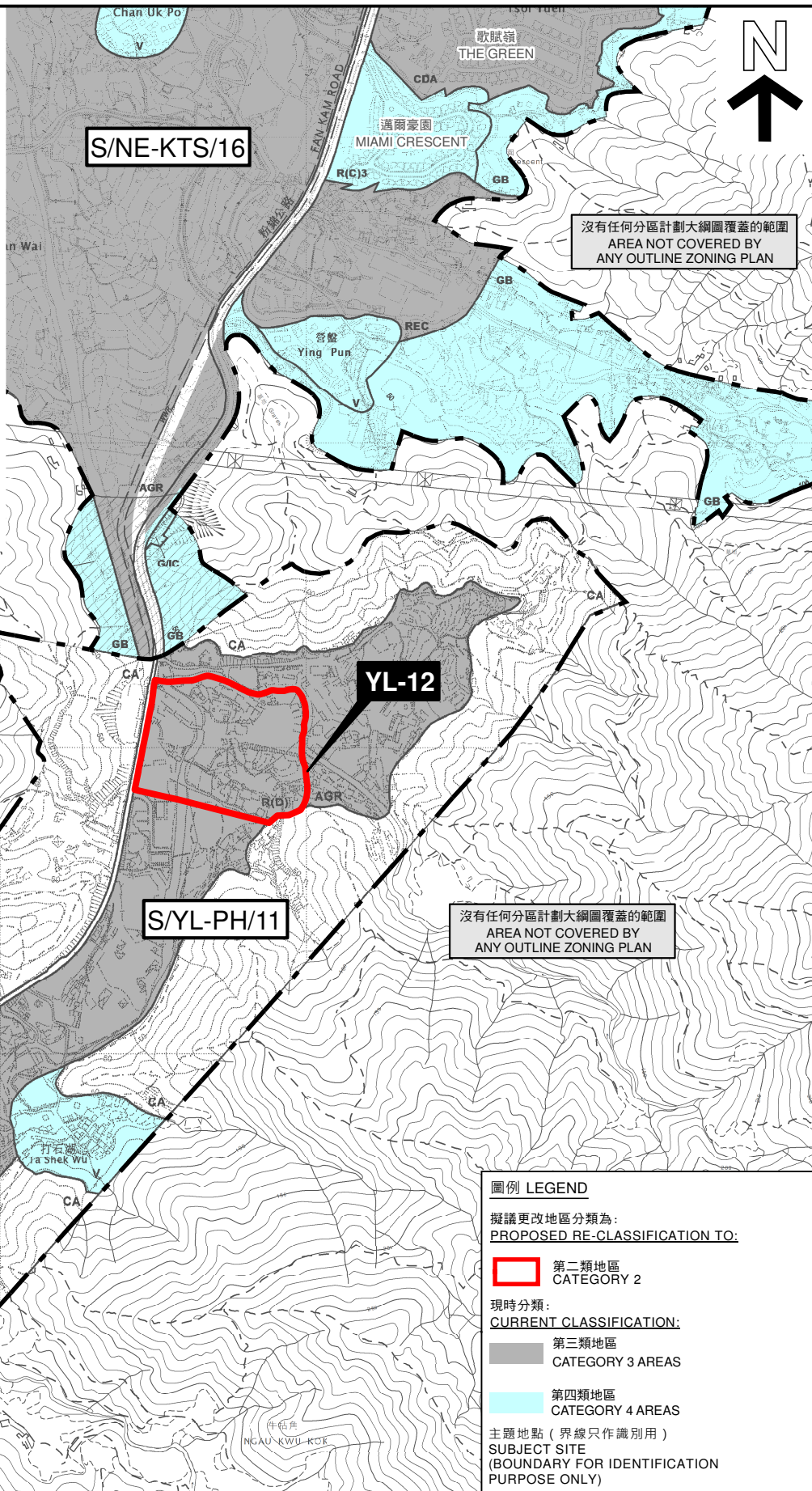
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3



要覽圖 KEY PLAN

SCALE 1 : 50 000 比例尺



圖例 LEGEND

擬議更改地區分類為:
PROPOSED RE-CLASSIFICATION TO:

第二類地區
CATEGORY 2

現時分類:
CURRENT CLASSIFICATION:

第三類地區
CATEGORY 3 AREAS

第四類地區
CATEGORY 4 AREAS

主題地點 (界線只作識別用)
SUBJECT SITE
(BOUNDARY FOR IDENTIFICATION
PURPOSE ONLY)

位置圖 LOCATION PLAN

擬議更改地區分類
元朗區 - 八鄉北地區

PROPOSED RE-CLASSIFICATION OF SITE
YUEN LONG DISTRICT - PAT HEUNG NORTH AREA

本摘要圖於2020年3月17日擬備
EXTRACT PLAN PREPARED ON 17.3.2020

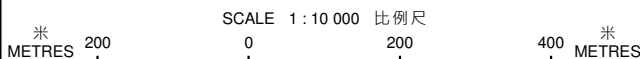
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DEPARTMENT

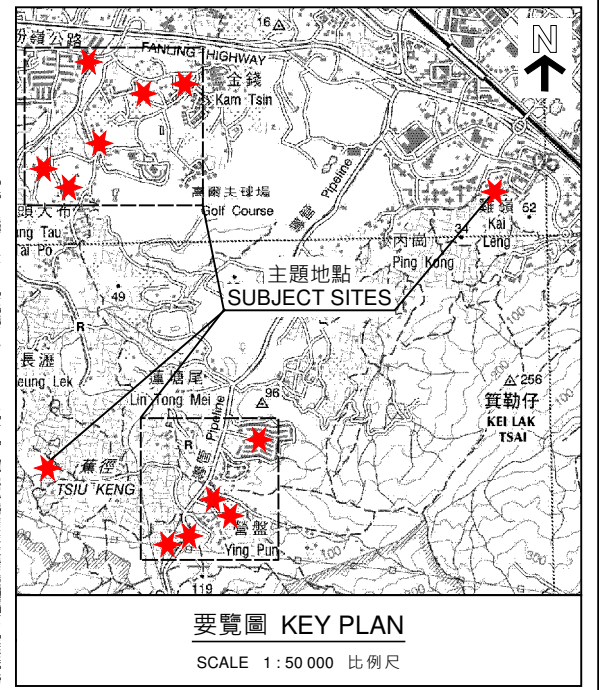
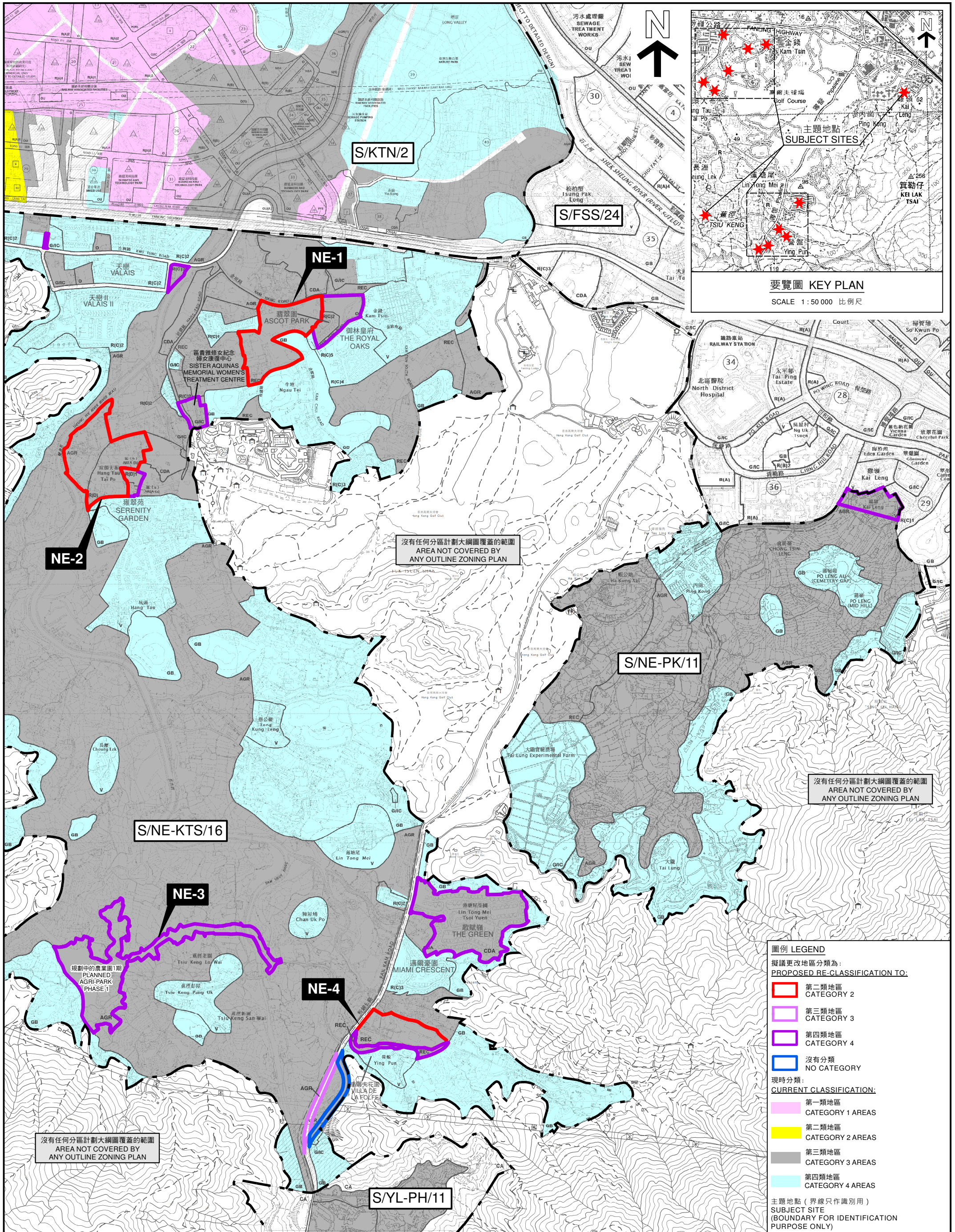


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M/NT/20/7

圖 PLAN

4





圖例 LEGEND

擬議更改地區分類為:
PROPOSED RE-CLASSIFICATION TO:

- 第二類地區
CATEGORY 2
- 第三類地區
CATEGORY 3
- 第四類地區
CATEGORY 4
- 沒有分類
NO CATEGORY

現時分類:
CURRENT CLASSIFICATION:

- 第一類地區
CATEGORY 1 AREAS
- 第二類地區
CATEGORY 2 AREAS
- 第三類地區
CATEGORY 3 AREAS
- 第四類地區
CATEGORY 4 AREAS

主題地點 (界線只作識別用)
SUBJECT SITE (BOUNDARY FOR IDENTIFICATION PURPOSE ONLY)

位置圖 LOCATION PLAN

擬議更改地區分類
北區 - 古洞南及丙崗地區
PROPOSED RE-CLASSIFICATION OF SITES
NORTH DISTRICT - KWU TUNG SOUTH AND PING KONG AREAS

SCALE 1:13 000 比例尺

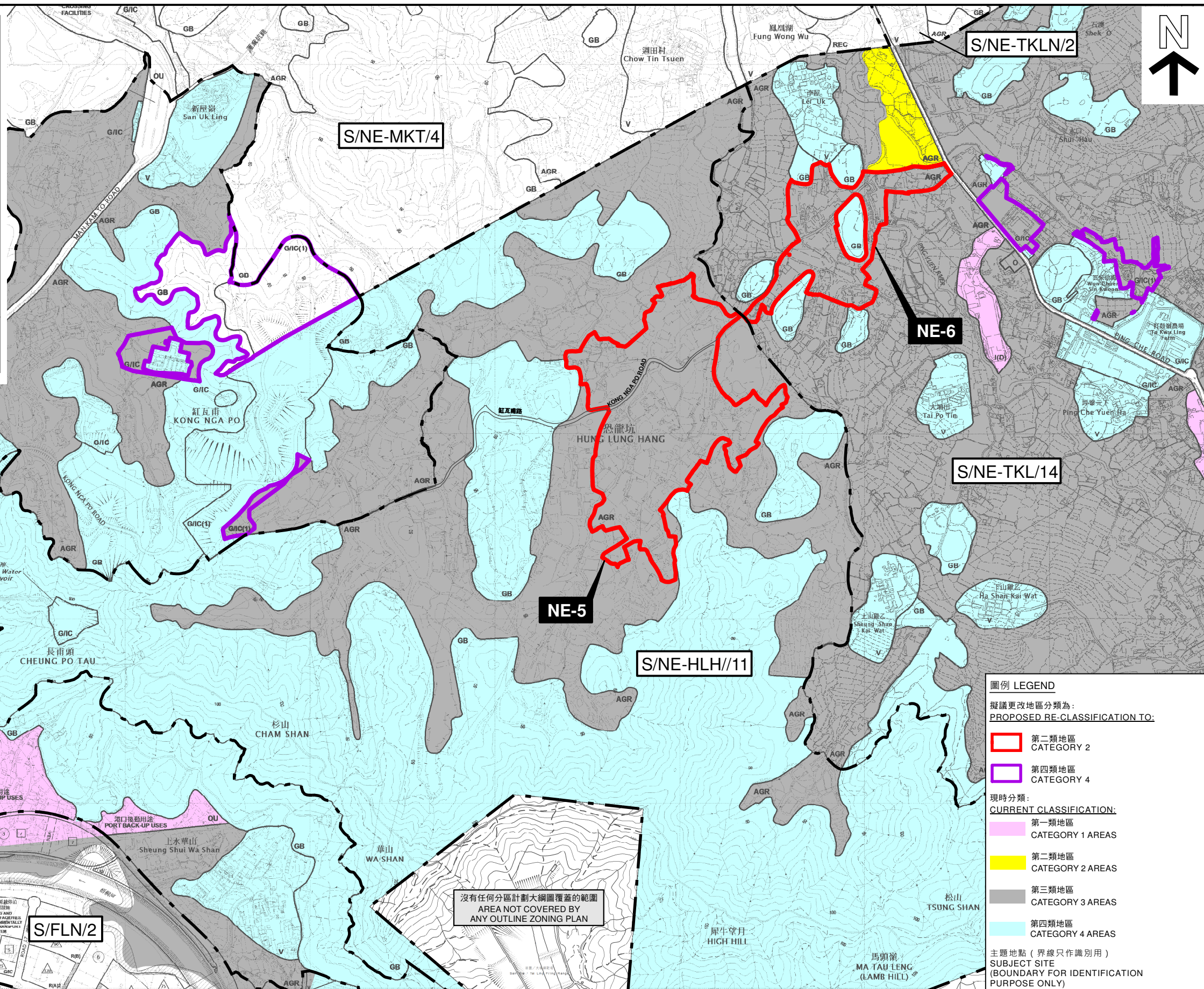
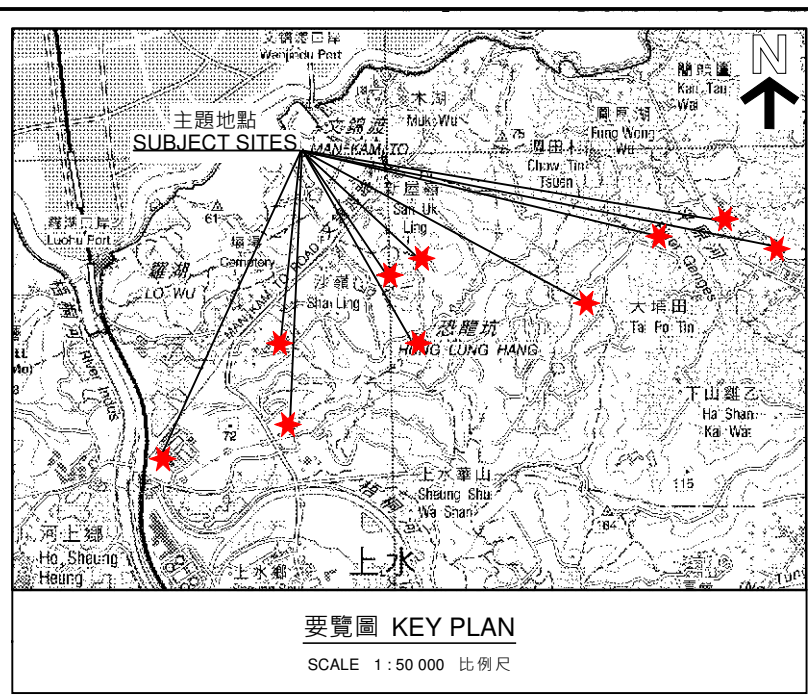
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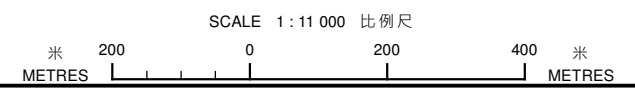
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M/NT/20/8

圖 PLAN
5



位置圖 LOCATION PLAN

擬議更改地區分類
北區 - 虎地坳及恐龍坑地區
PROPOSED RE-CLASSIFICATION OF SITES
NORTH DISTRICT - FU TEI AU AND HUNG LUNG HANG AREAS



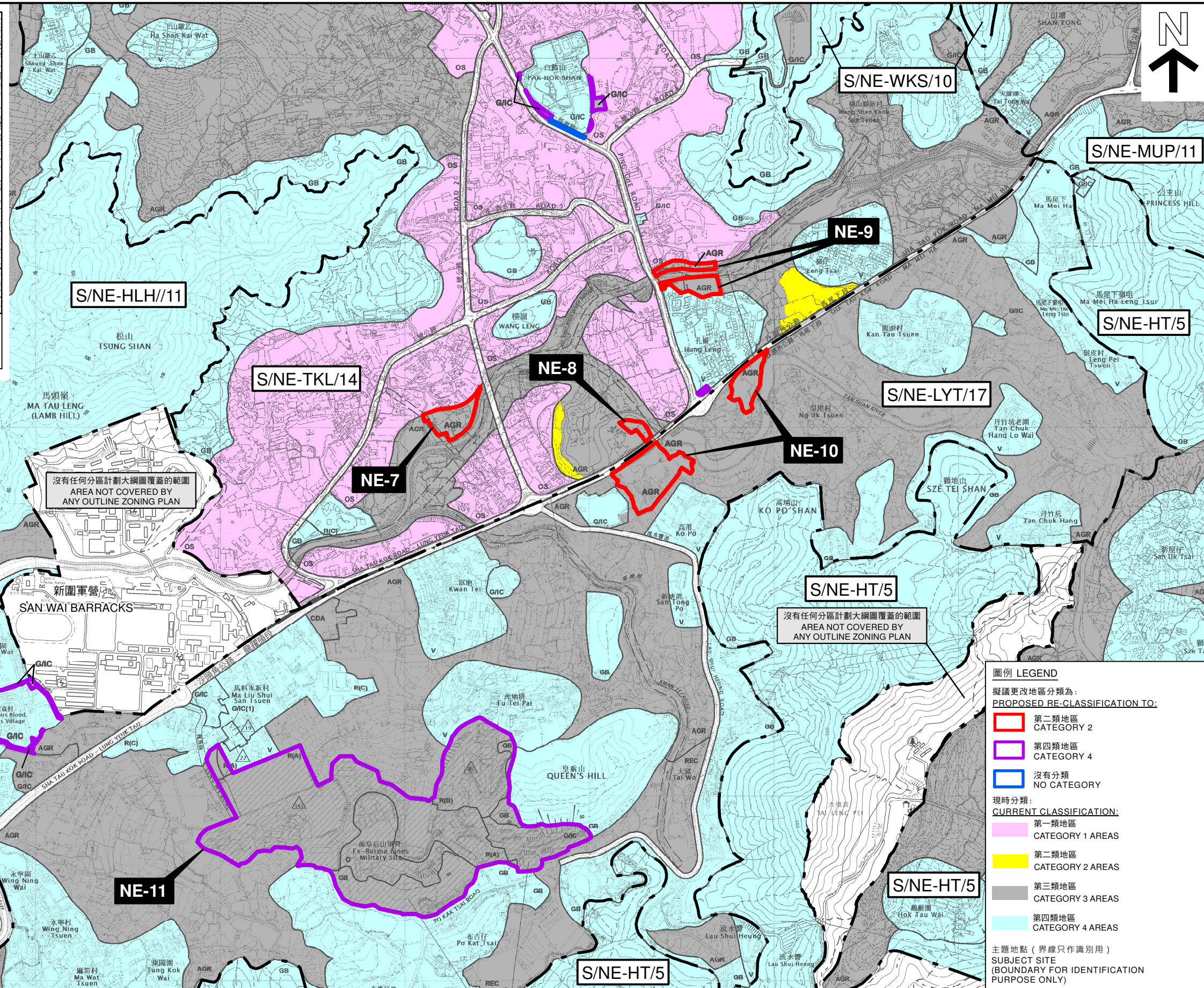
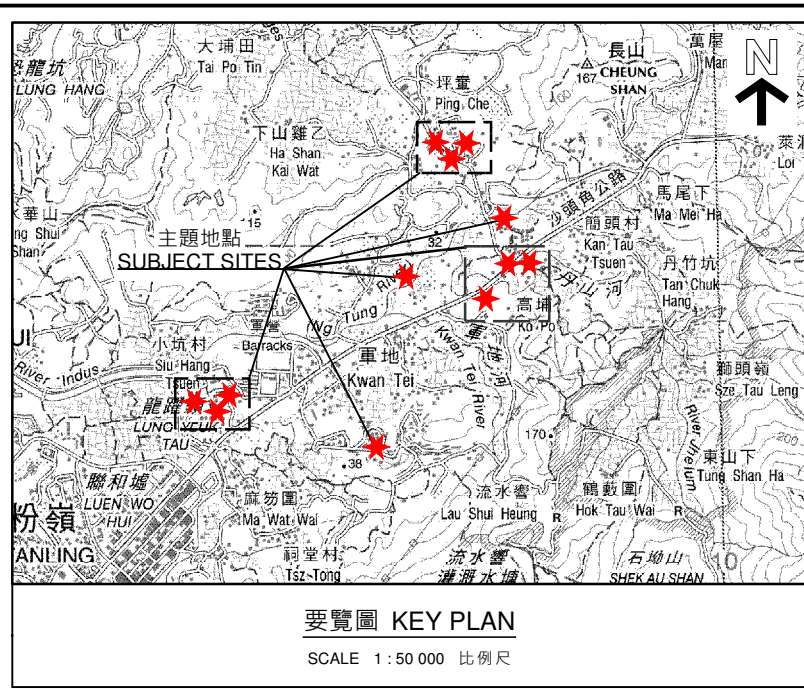
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PLANNING DEPARTMENT



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M/NT/20/9

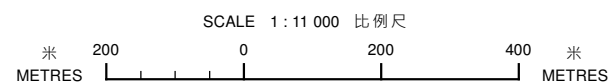
圖 PLAN
6



位置圖 LOCATION PLAN

本摘要圖於2020年3月17日擬備
EXTRACT PLAN PREPARED ON 17.3.2020

擬議更改地區分類
北區 - 龍躍頭及打鼓嶺地區
PROPOSED RE-CLASSIFICATION OF SITES
NORTH DISTRICT - LUNG YEUK TAU AND TA KWU LING AREAS

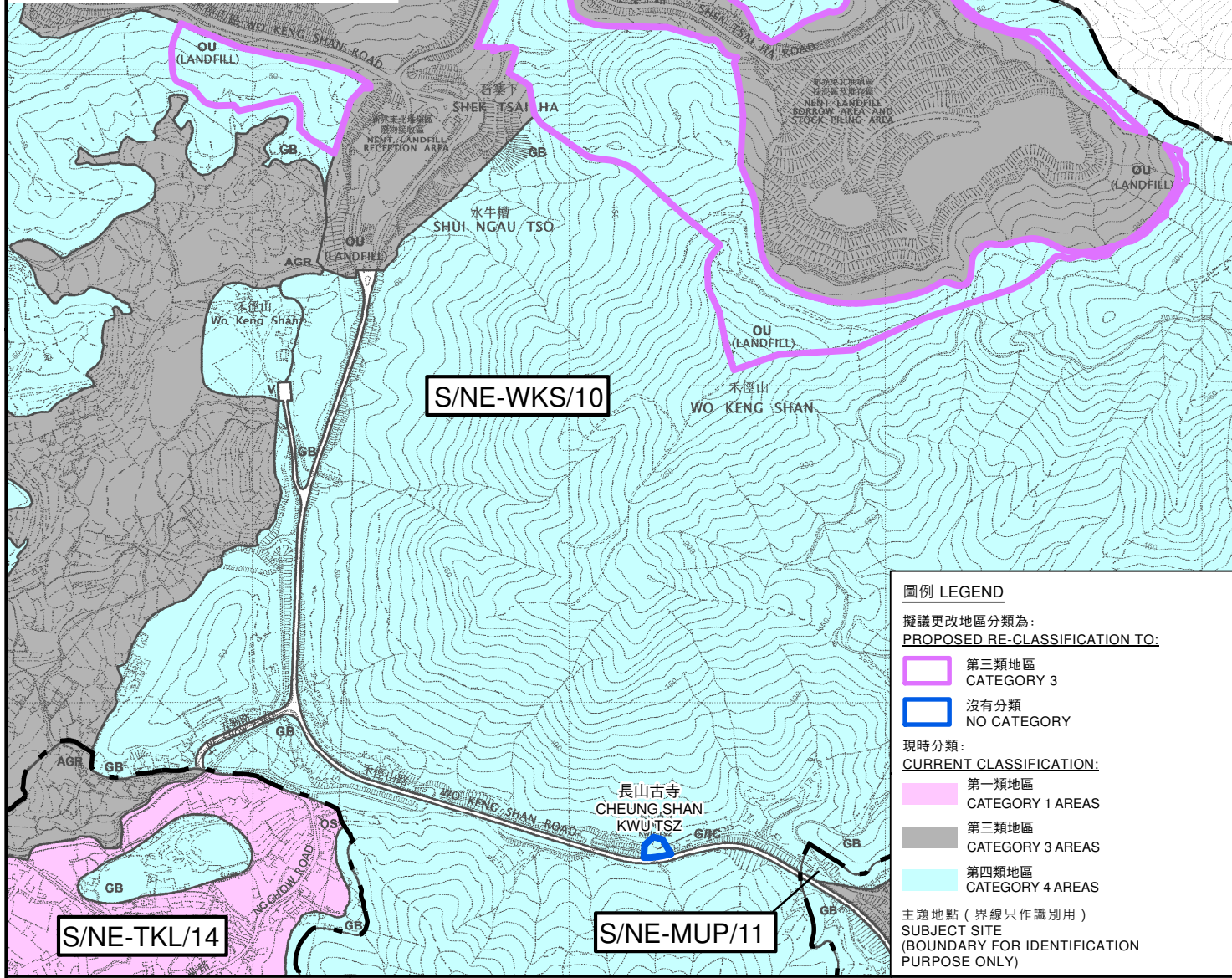
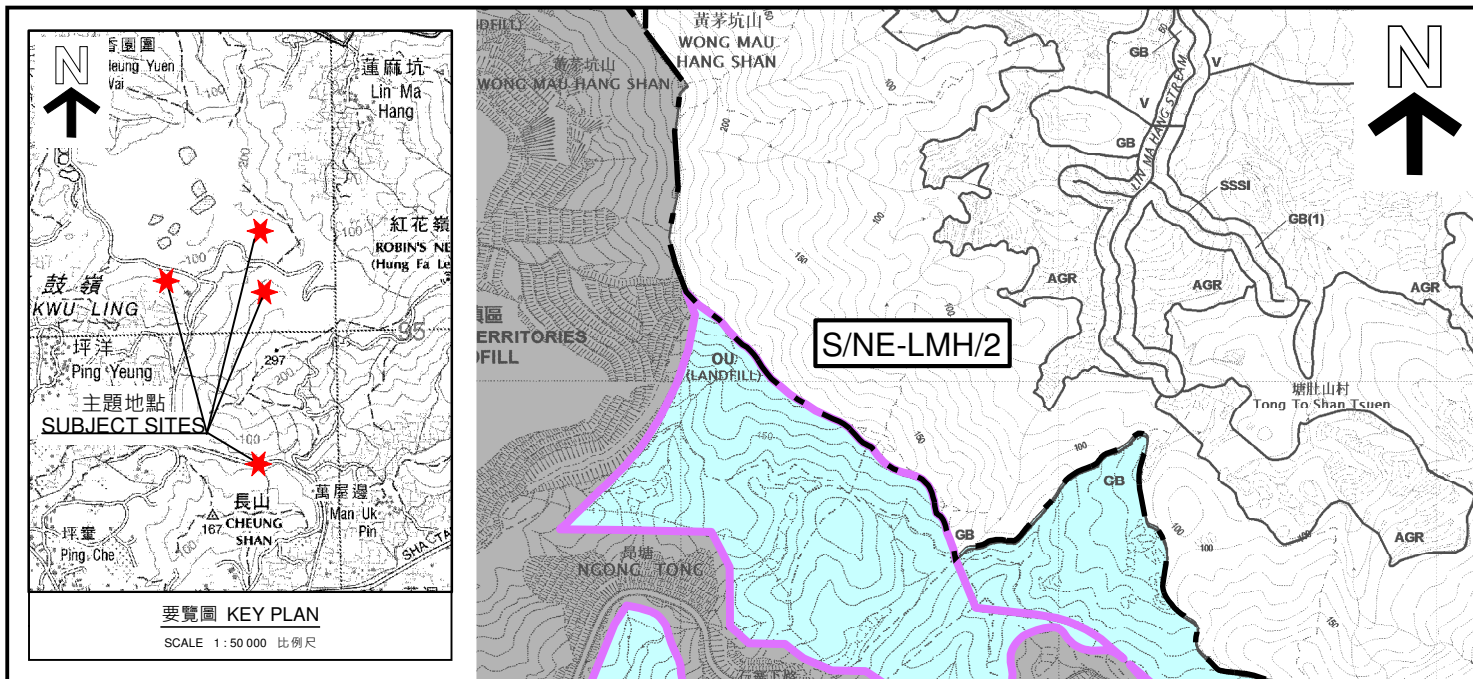


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PLANNING DEPARTMENT

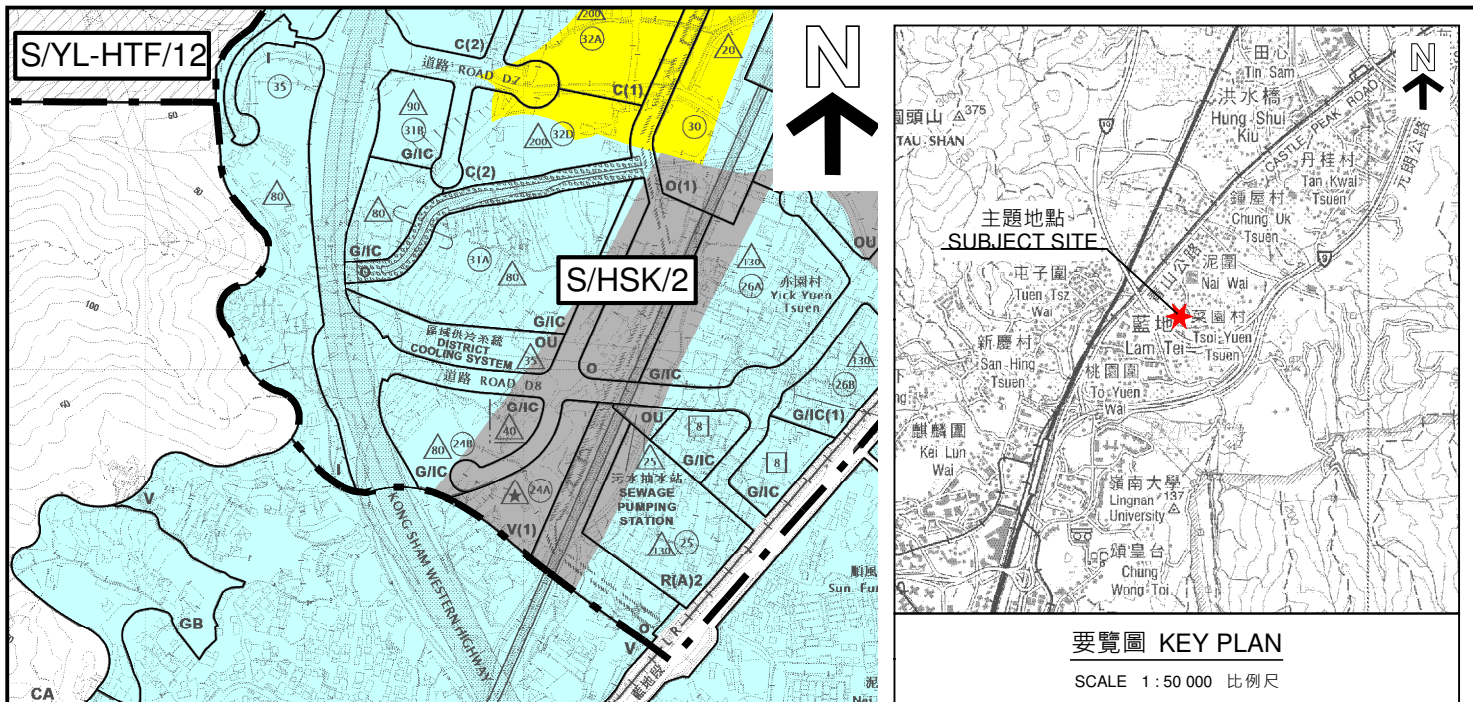


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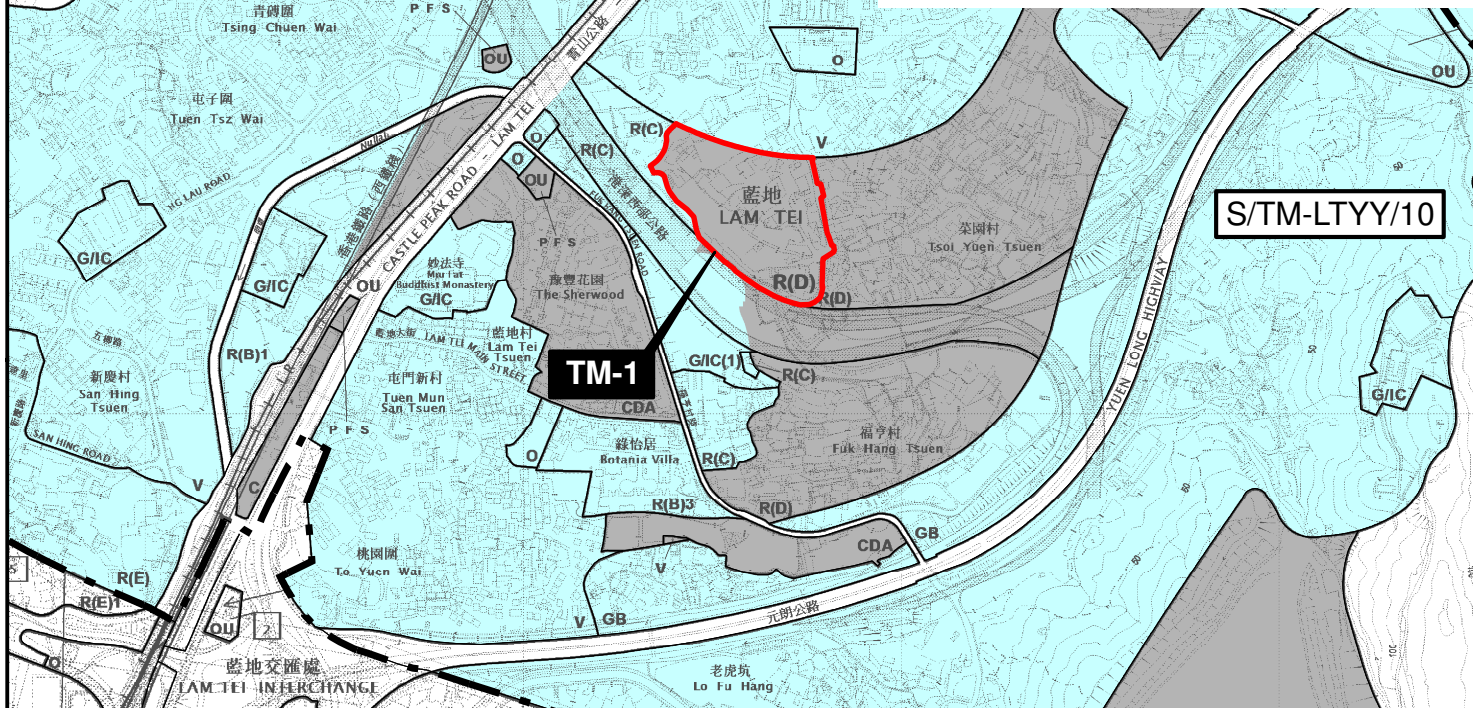
圖 PLAN
7



<p>本摘要圖於2020年3月11日擬備 EXTRACT PLAN PREPARED ON 11.3.2020</p>	<p>位置圖 LOCATION PLAN</p> <p>擬議更改地區分類 北區 - 禾徑山地區</p> <p>PROPOSED RE-CLASSIFICATION OF SITES NORTH DISTRICT - WO KENG SHAN AREA</p> <p>SCALE 1:10 000 比例尺</p> <p>米 METRES 200 0 200 400 米 METRES</p>	<p>規劃署 PLANNING DEPARTMENT</p>  <p>參考編號 REFERENCE No. M/NT/20/11</p> <p>圖 PLAN 8</p>
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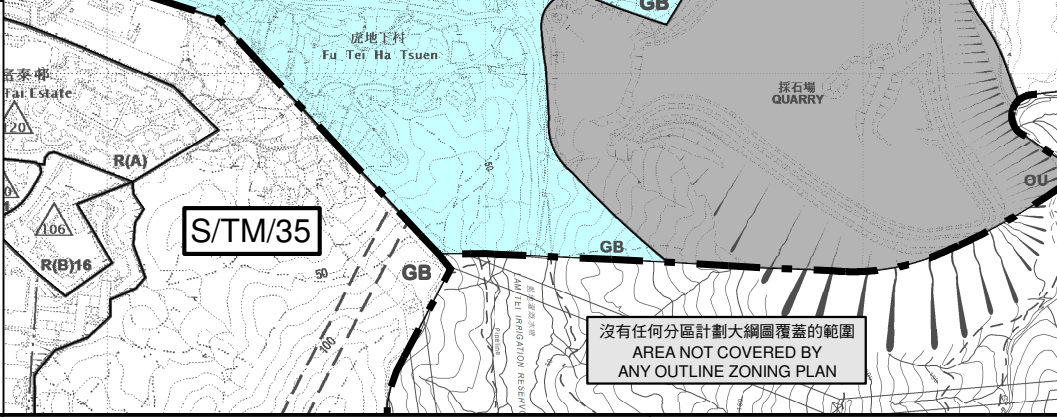
要覽圖 KEY PLAN
SCALE 1:50 000 比例尺



圖例 LEGEND
 擬議更改地區分類為：
PROPOSED RE-CLASSIFICATION TO:
 [Red outline box] 第二類地區
 CATEGORY 2

現時分類：
CURRENT CLASSIFICATION:
 [Yellow box] 第二類地區
 CATEGORY 2 AREAS
 [Grey box] 第三類地區
 CATEGORY 3 AREAS
 [Light blue box] 第四類地區
 CATEGORY 4 AREAS

主題地點 (界線只作識別用)
 SUBJECT SITE
 (BOUNDARY FOR IDENTIFICATION
 PURPOSE ONLY)



位置圖 LOCATION PLAN

擬議更改地區分類
 屯門區 - 藍地地區
PROPOSED RE-CLASSIFICATION OF SITE
TUEN MUN DISTRICT - LAM TEI AREA

SCALE 1:10 000 比例尺



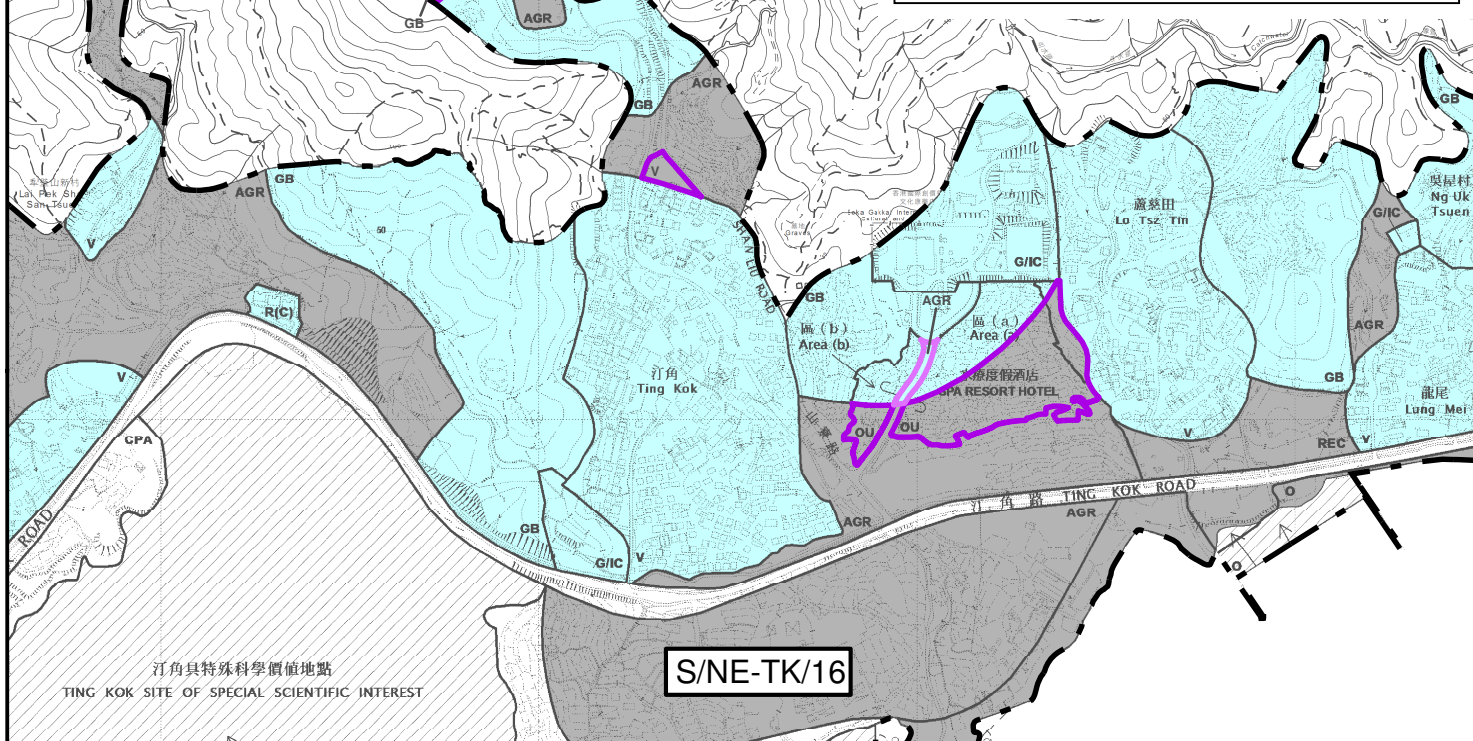
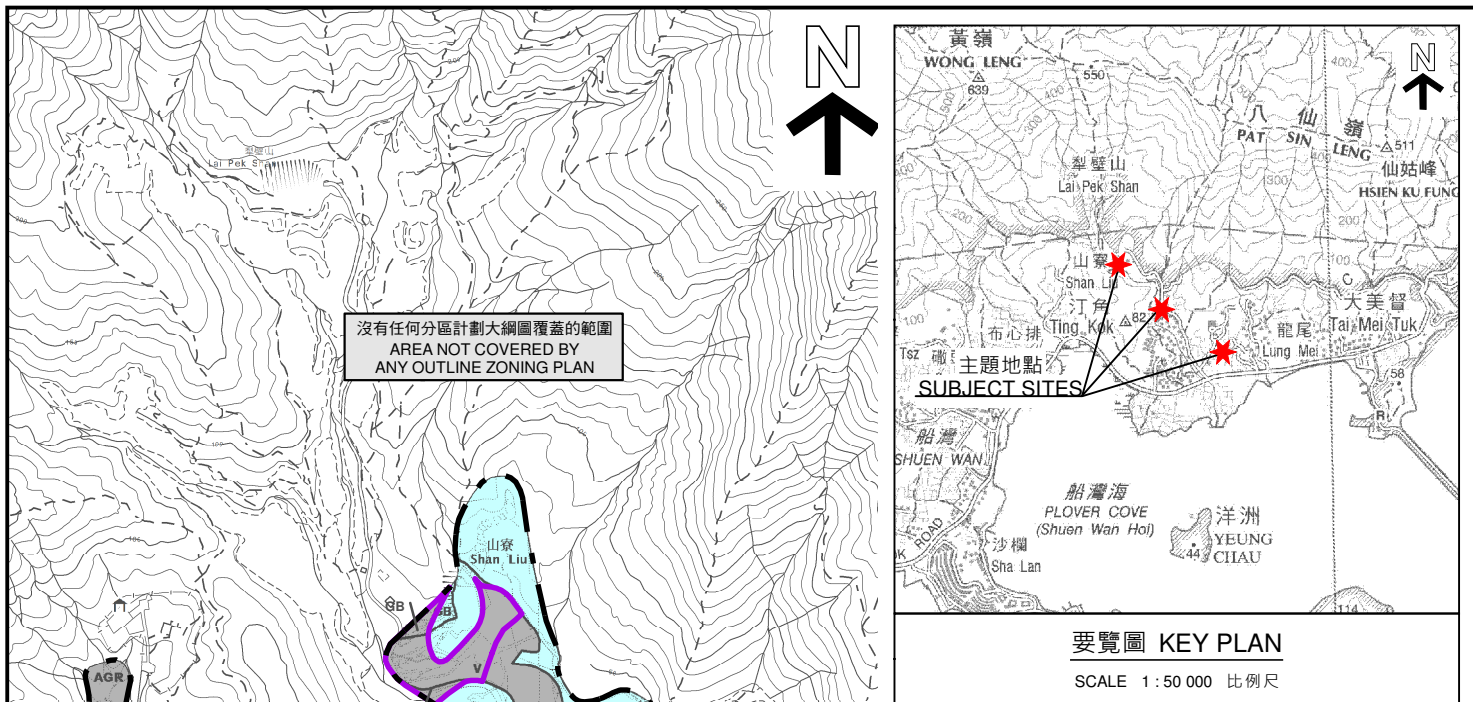
規劃署
**PLANNING
 DEPARTMENT**



參考編號
 REFERENCE No.
M/NT/20/12

圖 PLAN
9

本摘要圖於2020年3月17日擬備
 EXTRACT PLAN PREPARED ON 17.3.2020



圖例 LEGEND
 擬議更改地區分類為:
PROPOSED RE-CLASSIFICATION TO:

第三類地區
 CATEGORY 3

第四類地區
 CATEGORY 4

現時分類:
CURRENT CLASSIFICATION:

第三類地區
 CATEGORY 3 AREAS

第四類地區
 CATEGORY 4 AREAS

主題地點 (界線只作識別用)
 SUBJECT SITE
 (BOUNDARY FOR IDENTIFICATION
 PURPOSE ONLY)

本摘要圖於2020年3月11日擬備
 EXTRACT PLAN PREPARED ON 11.3.2020

船灣海
 PLOVER COVE
 (SHUEN WAN HOI)



**規劃署
 PLANNING
 DEPARTMENT**

參考編號
 REFERENCE No.
 M/NT/20/14

圖 PLAN
 11

List of Proposed Re-classified Sites

Site No. (Site area) (about)	Zoning on Outline Zoning Plan (OZP)	Proposed re-classification		Reasons for Proposed Re-classification / Remarks
		From	To*	
Yuen Long District				
YL-1 (14.84 ha)	“Residential (Group D)” (“R(D)”) & “Agriculture” (“AGR”) (<i>Plan 1</i>)	Category (Cat) 3 (14.20ha) / Cat 1 (0.64ha)	Cat 2*	<ul style="list-style-type: none"> ▪ Mostly occupied by brownfield uses which existed when the first statutory plan was gazetted ▪ Accessible via Deep Bay Road. Also served by an alternative road (Kai Pak Ling Road) from the south
YL-2 (14.97 ha)	“Recreation” (“REC”) (<i>Plan 1</i>)	Cat 3	Cat 2*	<ul style="list-style-type: none"> ▪ Most of the site subject to approved s.16 applications for temporary open storage (OS) uses ▪ Accessible via a local track off Tin Tsz Road
YL-3 (15.83 ha)	“Comprehensive Development Area” (“CDA”) and “R(D)” (<i>Plan 2</i>)	Cat 3	Cat 2*	<ul style="list-style-type: none"> ▪ Mostly occupied by brownfield uses which existed when the first statutory plan was gazetted ▪ Adjoins an “I(D)” zone to the east ▪ Accessible via San Tam Road and Chuk Yau Road
YL-4 (7.89 ha)	“Industrial (Group D)” (“I(D)”) (<i>Plan 2</i>)	Cat 3	Cat 1	<ul style="list-style-type: none"> ▪ Re-classified to Cat 1, taking into account the “I(D)” zoning for the site ▪ Accessible via San Tam Road and Chuk Yau Road. Improved accessibility with completion of Chun Shin Road to the north of the site in 2004
YL-5 (5.73 ha)	“AGR” (<i>Plan 2</i>)	Cat 3	Cat 2*	<ul style="list-style-type: none"> ▪ Both clusters are currently largely occupied by various brownfield uses ▪ Adjoin a Cat 1 area (“I(D)” zone) to the north ▪ Accessible via San Tam Road / Fung Kat Heung Road
YL-6 (11.25 ha)	“AGR” (<i>Plan 2</i>)	Cat 3	Cat 2*	<ul style="list-style-type: none"> ▪ Some of the existing OS and vehicle repair workshop uses are subject to temporary planning approvals ▪ Separated from residential area to the north by Tsing Long Highway ▪ Accessible via Kam Tin Road
YL-7 (2.9 ha)	“R(D)” (<i>Plan 3</i>)	Cat 3	Cat 2*	<ul style="list-style-type: none"> ▪ Mostly occupied by brownfield uses which existed when the first statutory plan was gazetted and/or with approved s.16 applications for

* Proposed re-classification with regard to the Brownfield Survey

Site No. (Site area) (about)	Zoning on Outline Zoning Plan (OZP)	Proposed re-classification		Reasons for Proposed Re-classification / Remarks
		From	To*	
				temporary brownfield uses <ul style="list-style-type: none"> ▪ Bounded by Shek Kong Barracks and Kam Tin River ▪ Accessible via Kam Shui North Road
YL-8 (5.05 ha)	“AGR” (Plan 3)	Cat 3	Cat 2*	<ul style="list-style-type: none"> ▪ Mostly occupied by brownfield uses which existed when the first statutory plan was gazetted ▪ The western part adjoins a Cat 1 area (“I(D)” zone) to the north ▪ Accessible via Kam Shui South Road
YL-9 (23.53 ha)	“AGR” (Plan 3)	Cat 3	No Cat	<ul style="list-style-type: none"> ▪ To reflect the existing Shek Kong Stabling Sidings of XRL
YL-10 (8.00 ha)	“AGR” (Plan 3)	Cat 3	Cat 2*	<ul style="list-style-type: none"> ▪ Some of the sites with approved s.16 applications for temporary OS uses ▪ Adjoins Cat 1 areas to the east and north across Kam Tin Road (“OS” zone). The sites are surrounded by Shek Kong Stabling Sidings of XRL and “OS” zone ▪ Accessible via Kam Tin Road / local track off Kam Tin Road
YL-11 (11.12 ha)	“R(D)” (Plan 3)	Cat 3	Cat 2*	<ul style="list-style-type: none"> ▪ Mostly occupied by brownfield uses which existed when the first statutory plan was gazetted and/or with approved s.16 applications for temporary brownfield uses ▪ To its south across Kam Tin Road is a Cat 1 area (“OS” zone) ▪ Accessible via Kam Tin Road
YL-12 (5.12 ha)	“R(D)” (Plan 4)	Cat 3	Cat 2*	<ul style="list-style-type: none"> ▪ Mostly occupied by brownfield uses which existed when the first statutory plan was gazetted ▪ Accessible via Fan Kam Road
Others (56.21 ha)	Various (Plans 1 to 4)	Cat 2 / Cat 3 / No cat	Cat 4 / No Cat	<ul style="list-style-type: none"> ▪ To reflect existing/completed developments, to reflect planning intention of sites, to reclassify based on updated zonings, to tally with zoning boundaries
North District (Plans 5 to 8)				
NE-1 (5.69 ha)	“REC” (Plan 5)	Cat 3	Cat 2*	<ul style="list-style-type: none"> ▪ Mostly occupied by brownfield uses which existed when the first statutory plan was gazetted ▪ Accessible via Kwu Tung Road and Kam Hang Road
NE-2 (7.08 ha)	“R(D)” & “AGR” (Plan 5)	Cat 3	Cat 2*	<ul style="list-style-type: none"> ▪ Mostly occupied by brownfield uses which existed when the first statutory

* Proposed re-classification with regard to the Brownfield Survey

Site No. (Site area) (about)	Zoning on Outline Zoning Plan (OZP)	Proposed re-classification		Reasons for Proposed Re-classification / Remarks
		From	To*	
				<p>plan was gazetted</p> <ul style="list-style-type: none"> ▪ Accessible via a local track connecting Hang Tau Road
NE-3 (9.08 ha)	“AGR” (Plan 5)	Cat 3	Cat 4	<ul style="list-style-type: none"> ▪ To reflect the planned Agri-Park Phase I
NE-4 (3.35 ha)	“REC” (Plan 5)	Cat 3	Cat 2*	<ul style="list-style-type: none"> ▪ Mostly occupied by brownfield uses which existed when the first statutory plan was gazetted or with approved s.16 applications for temporary brownfield uses ▪ Accessible via Fan Kam Road
NE-5 (21.69 ha)	“AGR” (Plan 6)	Cat 3	Cat 2*	<ul style="list-style-type: none"> ▪ Mostly occupied by brownfield uses which existed when the first statutory plan was gazetted ▪ Accessible via Kong Nga Po Road
NE-6 (8.26 ha)	“AGR” (Plan 6)	Cat 3	Cat 2*	<ul style="list-style-type: none"> ▪ Mostly occupied by brownfield uses which existed when the first statutory plan was gazetted ▪ Adjoins a Cat 2 area to the north ▪ Accessible via Ping Che Road
NE-7 (0.92 ha)	“AGR” (Plan 7)	Cat 3	Cat 2*	<ul style="list-style-type: none"> ▪ Mostly occupied by brownfield uses which existed when the first statutory plan was gazetted ▪ Sites NE-7 and NE-9 adjoin Cat 1 areas (“OS” zone) to the north ▪ Accessible via Sha Tau Kok Road / local track off Sha Tau Kok Road
NE-8 (0.23 ha)				
NE-9 (0.91 ha)				
NE-10 (2.85 ha)	“AGR” (Plan 7)	Cat 3	Cat 2*	<ul style="list-style-type: none"> ▪ The eastern site with approved s.16 application for temporary public vehicle park ▪ The western site is covered by brownfield uses which existed when the first statutory plan was gazetted ▪ Located near Cat 1 and Cat 2 areas to the northwest across Sha Tau Kok Road ▪ Accessible via Sha Tau Kok Road
NE-11 (28.19 ha)	“Residential (Group A)”, “Residential (Group B)”, “Village Type Development”, “AGR”, “Green Belt” (“GB”), “Open Space” & “G/IC” (Plan 7)	Cat 3	Cat 4	<ul style="list-style-type: none"> ▪ To reclassify based on updated zonings
Others (74.89 ha)	Various (Plans 5 to 8)	Cat 3 / Cat 4 /	Cat 3 / Cat 4 /	<ul style="list-style-type: none"> ▪ To reflect existing/completed developments, to reflect planning

* Proposed re-classification with regard to the Brownfield Survey

Site No. (Site area) (about)	Zoning on Outline Zoning Plan (OZP)	Proposed re-classification		Reasons for Proposed Re-classification / Remarks
		From	To*	
		No cat	No Cat	intention of sites, to reclassify based on updated zonings, to tally with zoning boundaries
Tuen Mun District				
TM-1 (3.35 ha)	“R(D)” (<i>Plan 9</i>)	Cat 3	Cat 2*	<ul style="list-style-type: none"> ▪ Mostly occupied by brownfield uses which existed when the first statutory plan was gazetted
Others (7.11 ha)	“GB” & “G/IC” (<i>Plan 10</i>)	Cat 3	Cat 4	<ul style="list-style-type: none"> ▪ To reflect completed developments and to tally with zoning boundaries
Tai Po District				
Others (4.2 ha)	Various (<i>Plan 11</i>)	Cat 3 / Cat 4	Cat 4 / Cat 3	<ul style="list-style-type: none"> ▪ To tally with the boundary of the relevant zones

* Proposed re-classification with regard to the Brownfield Survey

TPB PG-No. 13EF(draft) (Revised ~~October 2008~~ *March 2020*)

**TOWN PLANNING BOARD GUIDELINES FOR APPLICATION
FOR OPEN STORAGE AND PORT BACK-UP USES
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

(Important Note :

The Guidelines are intended for general reference only.

Any enquiry on this pamphlet should be directed to the Secretariat of the Town Planning Board (15th Floor, North Point Government Offices (NPGO), 333 Java Road, Hong Kong - Tel. No. 2231 4810 or 2231 4835) or the Planning Enquiry Counters of the Planning Department (Hotline: 2231 5000) (17th Floor, NPGO and 14th Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin).

The Guidelines are subject to revision without prior notice.)

1. **Scope and Application**

1.1 The Town Planning Board (the Board) recognises that the proliferation of open storage activities in the New Territories has led to considerable degradation of the rural environment and caused serious problems related to impacts of noise and air pollution, flooding and visual intrusion as well as ~~road~~*traffic* congestion and safety. In order to prevent further uncontrolled sprawl of activities and minimise adverse environmental impacts resulting from these land uses, “Open Storage” (“OS”) and “Other Specified Uses” annotated “Port Back-up Uses” (“OU(PBU)”) zones are designated in appropriate areas on statutory town plans with a view to meeting the demand for open storage and port back-up sites and to regularising the already haphazard proliferation of such uses within these zones. The intention is to provide for the rational development of open storage of materials which cannot be accommodated in conventional godown premises.

1.2 In “OS”, “OU(PBU)” and “Industrial (Group D)” (“I(D)”) zones, *open storage and port back-up uses are generally permitted. That said,* specific open storage and port back-up uses such as container storage, storage of dangerous goods and container trailer/tractor park which may cause significant environmental nuisance, safety hazards or transport problems require planning permission from the Board. The purpose is to ensure that such open storage and port back-up uses would have no adverse environmental, drainage, traffic and other impacts on the surrounding areas.

- 1.3 Temporary open storage and port back-up uses may also be permissible on application to the Board in areas covered by rural statutory town plans **but outside the designated zones in paragraph 1.2 above**, except in environmentally/ecologically sensitive areas including the “Site of Special Scientific Interest” (“SSSI”), “Conservation Area” (“CA”), “Coastal Protection Area” (“CPA”), “Other Specified Uses” **annotated** “Comprehensive Development and Wetland Enhancement Area”) (“OU(CDWEA)”) and “Other Specified Uses” **annotated** “Comprehensive Development and Wetland Protection Area”) (“OU(CDWPA)”) zones where such uses are prohibited. In granting permission for temporary uses, the Board would, based on individual merits of each application, determine the exact time period of permission, and such period, in any event, would not exceed 3 years.

Open Storage Uses

- 1.4 “Open Storage” uses considered here relate to activities carried out on a site for which the greater part of the site (i.e. generally assumed to be more than 50%) is uncovered and used for storage, repair or breaking other than container-related uses. **Uncovered** storage activities ancillary to industrial, workshop and warehousing on the same site, **if not exceeding 50% of the site area**, are excluded from this definition. The definition however includes temporary structures such as those found on dumping and vehicle repair sites (for example galvanised sheeting used for carports), as these do not radically differ from the appearance, nature or impact of operations carried out in open accommodation. It also includes open storage use with on-site commercial activities, e.g. display and sale of vehicles.

- 1.5 Examples of open storage activities conforming to the above definition include :

- Storage of **general goods such as rattan and bamboo, logs and timber, ceramic/pottery products, processed agricultural products, used electrical appliances/scrap metal, cans/tanks, construction material, construction equipment, recyclable materials (e.g. waste paper and waste plastics), etc.**
- ~~Storage of logs and timber~~
- ~~Storage of ceramic/pottery products~~
- ~~Storage of processed agricultural products~~
- ~~Storage of used electrical appliances/scrap metal~~
- ~~Storage of cans/tanks~~
- ~~Storage of paper and general rubbish~~
- Storage of cement/sand
- ~~Storage of construction material~~
- ~~Storage of construction equipment~~
- Storage of chemical products
- Storage of dangerous goods
- Storage of vehicles for stripping/breaking or repairing
- Storage of vehicles and vehicle parts for sale or disposal
- ~~Vehicle depot~~

Port Back-up Uses

1.6 Port back-up uses are those port-related activities which are situated off-port (i.e. beyond the perimeter of the container terminals, river trade terminals and public and private cargo working areas). Such activities are essential to the operation of port activities but do not need to be located within the confines of the port. For the purpose of these guidelines, the following activities are defined as port back-up uses :

- container storage/repair yard
- container freight station
- container vehicle park/container vehicle repair yard
- freight forwarding services center
- logistic centre

2. General Planning Criteria

~~2.1~~ The following are criteria to be used in the assessment of planning applications for open storage and port back-up uses.

2.1 *Site Location*

(a) Category 1 areas

~~2.2~~ Category 1 areas are areas considered suitable for open storage and port back-up uses. In general, such uses should be sited in areas zoned “OS”, “OU(PBU)”, “Industrial” or “I(D)” where there are compatible uses such as industrial uses, public utility installations, quarrying and other port back-up and open storage activities. Apart from the above zones, other suitable sites in close proximity to the existing and proposed cross boundary links in the North West New Territories are also included within this category. Generally, open storage / **port back-up** uses are permitted as of right under such zones. Proposed uses which may cause significant environmental and traffic concerns require planning permission from the Board in accordance with the notes of the plans. Favourable consideration will normally be given to applications within these areas, subject to no major adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions. Technical assessments should be submitted if the proposed uses, such as container trailer/tractor park and open storage of chemical products/dangerous goods etc., may cause significant environmental and traffic concerns.

(b) Category 2 areas

~~2.3~~ Category 2 areas are areas mostly without clear planning intention or fixed development programme; **areas** to be affected by major upcoming infrastructural projects; **areas** within or close to clusters of open storage, ~~off~~ port back-up **or other types of brownfield** sites

which are regarded as “existing uses” under the Town Planning Ordinance and/or subject of previous planning approvals. ***In addition, the, and areas should not be*** subject to high flooding risk. Technical assessments, where appropriate, should be submitted to demonstrate that the proposed uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. Subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions, planning permission could be granted on a temporary basis up to a maximum period of 3 years.

(c) Category 3 areas

2.4 Category 3 areas are those outside the Category 1, 2 and 4 areas. Within these areas, “existing” and approved open storage and port back-up uses are to be contained and further proliferation of such uses is not acceptable. Applications falling within Category 3 areas would normally not be favourably considered unless the applications are on sites with previous planning approvals (***irrespective of whether the application is submitted by the applicant of previous approval or a different applicant***). In that connection, sympathetic consideration may be given if ~~the applicants have demonstrated~~ genuine efforts ***have been demonstrated*** in compliance with approval conditions of the previous planning applications and ~~included in the fresh applications~~ relevant technical assessments/proposals ***have been included in the fresh applications***, if required, to demonstrate that the proposed uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. Subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions, planning permission could be granted on a temporary basis up to a maximum period of 3 years.

2.5(d) Category 4 areas

Category 4 areas are areas with ponds or wetland or with extensive vegetation or close to environmentally or ecologically sensitive areas, areas which are mostly used for residential purpose or proposed for such purposes, areas near existing major village settlements or areas subject to extremely high flooding risk. Applications for open storage and port back-up uses in Category 4 areas would normally be rejected except under exceptional circumstances. For applications on sites with previous planning approvals (***irrespective of whether the application is submitted by the applicant of previous approval or a different applicant***), and subject to no adverse departmental comments and local objections, sympathetic consideration may be given if ~~the applicants have~~

~~demonstrated~~—genuine efforts **have been demonstrated** in compliance with approval conditions of the previous planning applications and ~~included in the applications~~ relevant technical assessments/proposals **have been included in the fresh application**, if required, to demonstrate that the proposed uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. The intention is however to encourage the phasing out of such non-conforming uses as early as possible. Since the planning intention of Category 4 areas is to phase out the open storage and port back-up uses, a maximum period of 2 years may be allowed upon renewal of planning permission for an applicant to identify suitable sites for relocation. No further renewal of approval will be given unless under very exceptional circumstances and each application for renewal of approval will be assessed on its individual merits.

- ~~2.6(e)~~ Taking into account the ~~increasing~~ demand for cross-boundary car parking facilities, applications for cross-boundary parking facilities at suitable sites in **areas of close proximity to the border crossing points, such as in the San Tin area**, particularly near the existing cross-boundary link in Lok Ma Chau, may also be considered. **Notwithstanding the criteria set out in paragraphs 2.1(c) and (d) above, a**Application of such nature will be assessed on its own merits, including its nature and scale of the proposed use and the local circumstances, and subject to satisfactory demonstration that the proposed use would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas, and each case will be considered on its individual merits.

2.2 Other Site Location Considerations

- ~~2.7(a)~~ Apart from the above broad location criteria, the following specific criteria are also applicable to applications for open storage and port back-up uses:

- (~~ai~~) port back-up sites and those types of open storage generating adverse noise, air pollution and visual intrusion (e.g. dump sites, vehicle repair activities, scrap metal and vehicle breaking, storage of wind blown materials such as sand and cement) and frequent heavy vehicle traffic should not be located adjacent to sensitive receivers such as residential dwellings, hospitals, schools and other community facilities; and
- (~~bi~~) where the site has to be accessed by local roads adjoining sensitive receivers, traffic generating activities, such as container storage/repair yards, container tractor/trailer parks, and container freight stations, would not be permitted unless traffic generation to and from the site can be demonstrated to be acceptable.

- ~~2.8(b)~~ The broad coverage of Category 1, 2, 3 and 4 areas ~~in the North West New Territories, North East New Territories, and Southern~~

part of North West New Territories is indicated on *the following plans*: Plans 1, 2 and 3 respectively.

- Plan 1a* - *North West New Territories (Northern Part)*
- Plan 1b* - *North West New Territories (Southern Part)*
- Plan 2a* - *North East New Territories (Northern Part)*
- Plan 2b* - *North East New Territories (Southern Part)*
- Plan 3* - *South East New Territories*
- Plan 4* - *South West New Territories*

2.3 Site Planning

- (a)2.9 Adequate screening of sites through landscaping and/or fencing should be provided at the periphery of the site within the boundary, especially where sites are located adjacent to public roads or are visible from surrounding residential areas. ***The planting reduces visual intrusion of unsightly storage uses such as dumping and vehicle breaking and prevents overspill of activities beyond the curtilage of the site.*** In order to provide a satisfactory screening effect, ***adequate setback of boundary fence should be allowed for continuous landscaping along the site boundary facing public frontage.*** ~~All the planting should be provided at-grade on the ground or in fixed planters. and rem~~ ***Plants in movable containers/pots*** ~~plants~~ are not acceptable. ~~This reduces visual intrusion of unsightly storage uses such as dumping and vehicle breaking and prevents overspill of activities beyond the curtilage of the site. Landscaping, in particular landscaped mounding, is preferred for sites which can allow setbacks to be introduced.~~
- (b)2.10 Applications should demonstrate that no adverse impacts on the amenity of surrounding sensitive receivers will result, and that adequate buffering is available between sensitive receivers and potential noise emitters such as container trailer/tractor parks and container storage/repair sites.
- (c)2.11 ~~There will be a general presumption against development on~~ ***use of*** sites of less than 2,000m² ***each*** for port back-up uses, and below 1,000m² ***each*** for open storage uses in rural areas, ***is generally not encouraged***, other than sites located in major road corridors, industrial/ godown/ workshop areas, quarrying activities or where it is demonstrated that optimum use is made of the site. This is to prevent the further proliferation of small sites in rural areas and concentrate activities within appropriate surroundings, thus minimising sprawl over countryside areas and reducing travel trips.
- (d)2.12 For container storage/repair sites that would cause significant visual intrusion to surrounding or adjoining residential uses in rural areas, a maximum stacking height restriction of 3 units is recommended. For safety reason, the stacking height of the materials stored within 5 metres of the periphery of the application site should not exceed the height of the boundary fence.

2.4 *Transport*

- (a)~~2.13~~ Port back-up uses are major generators of traffic, with container trailer/tractor parks generating the highest traffic per unit area. In general, therefore, port back-up sites should have good access to the strategic road network, or be accessed by means of purpose built roads.
- (b)~~2.14~~ Traffic Impact Assessment (TIA) should be carried out for those port back-up and open storage uses generating substantial volumes of traffic. TIA for sites served by local roads would need to demonstrate that traffic does not interfere with sensitive receivers, that traffic volumes do not exceed the capacity of the local road network, or that proposed mitigation measures such as junction improvements are practical and effective. Sites accessed by unpaved tracks should not be considered for port back-up uses.
- (c)~~2.15~~ Sites should have a clearly defined exit and entrance point, usually restricted to one unless demonstrated that separate exit/entrance points are required (usually for large port back-up uses) as detailed in a TIA. These should meet the Transport Department's requirements.
- (d)~~2.16~~ Adequate parking and queuing for operational functions and visitor parking should be provided within the curtilage of the site to avoid on-street parking and queuing. Adequate manoeuvring space should also be provided within the site for container-related and other vehicles. To facilitate the assessment of the application, information on the type and the number of vehicles visiting the site and length of stay of vehicles within the site needs to be provided.
- (e)~~2.17~~ Adequate setbacks should be provided from public roads to allow adequate sight lines to meet Transport Department's requirements.

2.5 *Environmental Planning*

- ~~2.18~~(a) Applicants should take note of the requirements under the Environmental Impact Assessment Ordinance (Cap. 499). In order to determine whether the proposed development is a Designated Project as defined under the Ordinance, Schedules 2 and 3 of the Ordinance must be checked.
- ~~2.19~~(b) To minimize environmental nuisances generated by open storage and port back-up uses, such as air and noise pollution, the environmental measures recommended in the latest "Code of Practice on Handling *the* Environmental Aspects of Temporary Uses & Open Storage Sites" issued by Environmental Protection Department should be adopted.
- ~~2.20~~(c) Container storage/repair sites, and container trailer/tractor parks are considered major noise emitters. Efforts should be made to ensure

that the noise impact caused by these activities will be minimised through screening, mounding, protection by noise tolerant buildings or structures/empty container boxes not subject to on-site activities and/or ensuring that sources of noise have no line of sight to noise sensitive uses. It may be necessary for a traffic noise impact assessment to be carried out in combination with a TIA. Where necessary, noise modeling may be required to demonstrate that noise impacts on sensitive receivers are within those recommended under the Noise Control Ordinance. Hours of operation may be specified where sites cause noise problems to sensitive receivers through traffic generation and on-site activities.

~~2.21~~(d) Noise Impact Assessments should be undertaken for noise generating activities such as those which involve the use of heavy machinery ***including manoeuvring of heavy vehicles*** and workshop activities.

~~2.22~~(e) To avoid potential land and water contamination from discharge of untreated waste and leakage of oils, fuels and other discharges (relating mostly to container storage/repair yards, container trailer/tractor parks, and dumping/breaking/repairing of motor vehicles and used electrical appliances/scrap metals), proper treatment and/or disposal of storage materials, wastes, oils and fuels should be ensured. Paving of site would help avoiding potential land and water contamination and reducing dust emissions from vehicular traffic, container handling and related operations. Technical assessment to address this aspect is required.

(f) ***The water demand generated from temporary open storage and port back-up uses is presumed to be low. If water intensive uses/operations would be located at the sites, water impact assessment should be included in the planning applications to identify mitigation measures to the water supply impact arisen from the development.***

~~2.23~~(g) There is a general presumption against conversion of agricultural land and fish ponds to other uses on an ad-hoc basis in rural areas, particularly in flood prone areas (i.e. in flood plains) or sites which would obstruct natural drainage channels and overland flow. Advice from the Drainage Services Department should be sought on this aspect if in doubt. Planning applications in such zones should include a drainage impact assessment (DIA) and include necessary flood mitigation measures where appropriate. Sites should have adequate drainage installations and proper discharge points of adequate capacity to allow adequate stormwater discharges to minimise flood risk.

~~2.24~~(h) Adequate on-site provision should be made for refuse/waste collection and disposal.

~~2.25~~(i) Reference should be made to the Dangerous Goods Ordinance and

Waste Disposal Ordinance for guidelines on storage, handling and licensing procedures.

~~2.26~~(j) The application should demonstrate that all fire safety requirements have been met.

2.6 *Other Considerations*

~~2.27~~(a) Notwithstanding the above locational and site planning criteria, each application will be assessed on individual merits, taking due account of the nature and scale of the proposed use and local circumstances. For applications involving sites with previous planning approvals, should there be no evidence to demonstrate that the applicants have made any genuine effort to comply with the approval conditions of the previous planning applications, the Board may refuse to grant permission, or impose a shorter compliance period for the approval conditions, notwithstanding other criteria set out in this Guidelines are complied with.

(b) *Having considered that the open storage and port back-up uses have a role to play in Hong Kong's economy and provide considerable employment opportunities, and the operators/uses affected by resumption and clearance operations of the Government to make way for developments may face difficulties in finding a replacement site, sympathetic consideration could be given to such type of applications, except those involving land in Category 4 area (only minor encroachment may be allowed), if the following criteria are met:*

- *policy support is given by the relevant bureau(x) to the application for relocation of the affected uses/operations to the concerned sites; and*
- *no adverse departmental comments and local objections, or the concerns could be addressed by approval conditions.*

3. Applications in New Development Areas (NDAs)

3.1 *The planning for various NDAs (including PDAs) 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. For applications in NDAs with new/amended OZPs gazetted, the assessment criteria set out in the following paragraphs, instead of those in paragraph 2.1 above, should be adopted.*

3.2 *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.

- 3.3 *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 OS and PBU uses. Applications will normally be rejected unless under exceptional circumstances.*
- 3.4 *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.*
- 3.5 *The above paragraphs are applicable to areas covered by the Kwu Tung North/Fanling North NDA and Hung Shui Kiu/Ha Tsuen NDA, as well as future NDAs upon the gazetting of the relevant new/amended OZPs for such areas.*

43. Compliance of Approval Conditions

- 43.1 To mitigate any adverse impacts of open storage and port back-up uses on the surrounding areas, planning applications are usually approved with conditions, for example, the submission and implementation of various technical proposals. Under normal circumstances, the time allowed for submission and implementation of such technical proposals is 6 and 9 months respectively, from the date of approval of the planning application. For special cases that close monitoring is required, such as uses within Category 4 areas, a shorter compliance period may be imposed.
- 43.2 Application for extension of time for compliance with the time-limited approval conditions will be assessed on individual merits. Such extension of time will not be granted if the applicants have shown no genuine effort in compliance with the approval conditions. Depending on the circumstances of each case, the Board could determine the appropriate extension period, which may be shorter than the time under request. In any event, for applications *for open storage and port back-up uses* approved on a temporary basis for 3 years, the maximum period for compliance of approval conditions is *normally* 18 months. Beyond that, no further extension of time will be allowed and the planning approval will be revoked, unless under very exceptional circumstances.

54. Renewal of Temporary Planning Permission

For sites with temporary permissions for open storage and port back-up uses, if there is no major change in planning circumstances since the last approval of the application, the applicant will not be required to prepare new, but just the updates of, technical assessments to support the application for renewal of the planning permission, provided that the approval conditions of the previous permission have been complied with and there are no adverse departmental comments and local objections. *Reference can be made to the procedures and assessment criteria under Board's Guidelines (Guidelines No. 34C or its latest version) on "Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development".*

65. Guidance Notes/The Board's Guidelines

65.1 In conjunction with this set of Guidelines, a "Guidance Notes for Application for Permission for Temporary Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (Cap. 131)" enclosing "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" and other guidelines from the Drainage Services Department, Environmental Protection Department and Lands Department has been prepared to illustrate how to comply with and to fulfill the technical requirements imposed by the relevant Government departments and to give a step-by-step guide to assist applicants in making submissions for planning applications, and submissions for compliance with approval conditions. The Board's Guidelines (Guidelines No. 34AC or its latest version) on "Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development" set out the procedures and assessment criteria for such applications. All applicants are encouraged to read the Guidance Notes and Guidelines 34AC in parallel with these Guidelines.

6.2 Apart from Plans *1a, 1b, 2a, 2b, 3* and ~~34~~ which would be available on the Board's web-site (address: <http://www.info.gov.hk/tpb/>) and ~~distributed~~ at the *Planning Enquiry Centres (PECs)* of the Planning Department and the Secretariat of the Board, advice could be sought from the respective District Planning Office (DPO) *as follows* on relevant information regarding the details of the Guidelines and the categorization of land ~~in the North West New Territories (Tuen Mun & Yuen Long DPO - Tel: 2158 6301) and North East New Territories (Sha Tin, Tai Po & North DPO - Tel: 2158 6274):~~:

Tuen Mun & Yuen Long West DPO - Tel: 2158 6301

Fanling/Sheung Shui & Yuen Long East DPO - Tel: 3168 4025

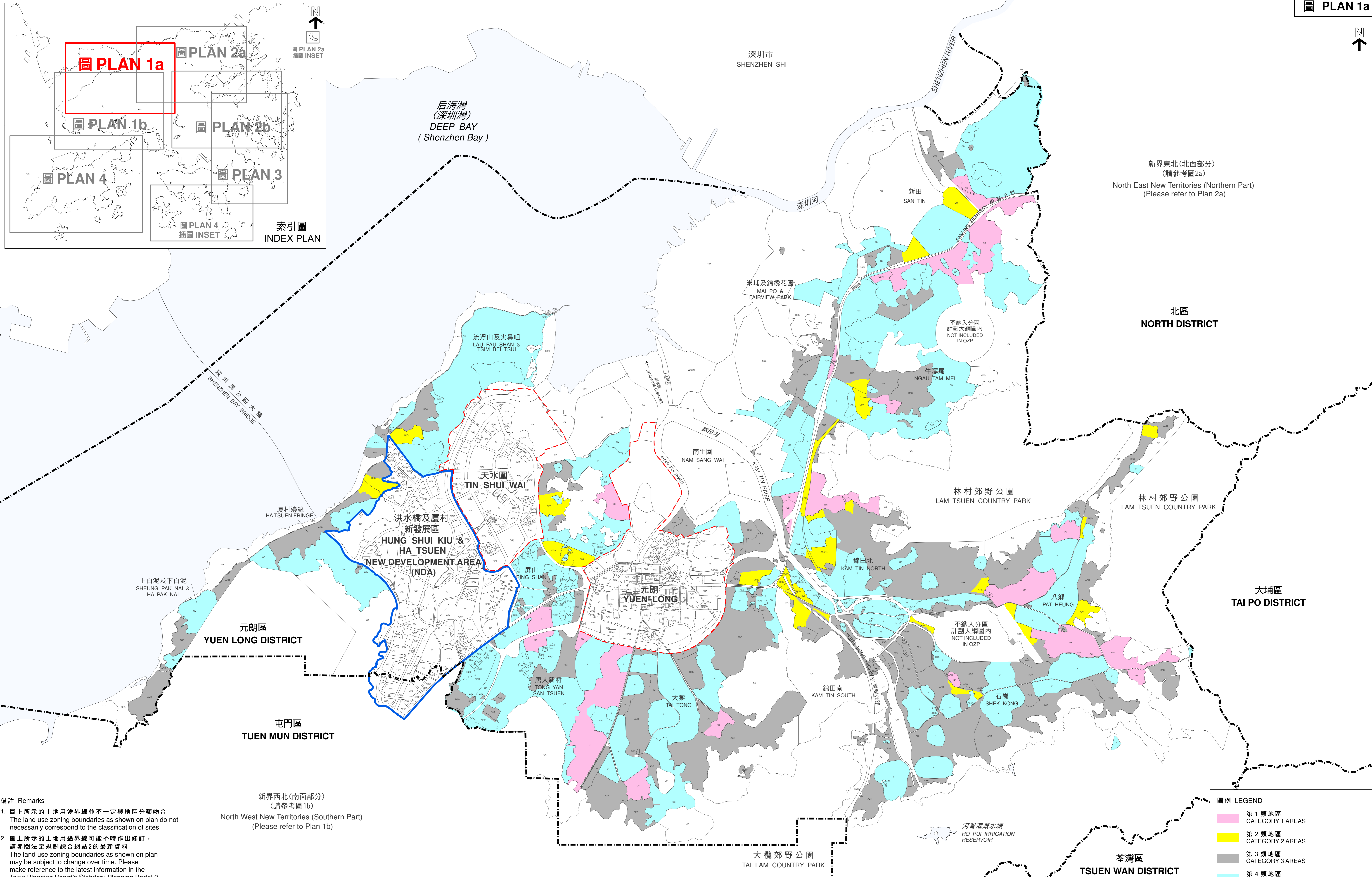
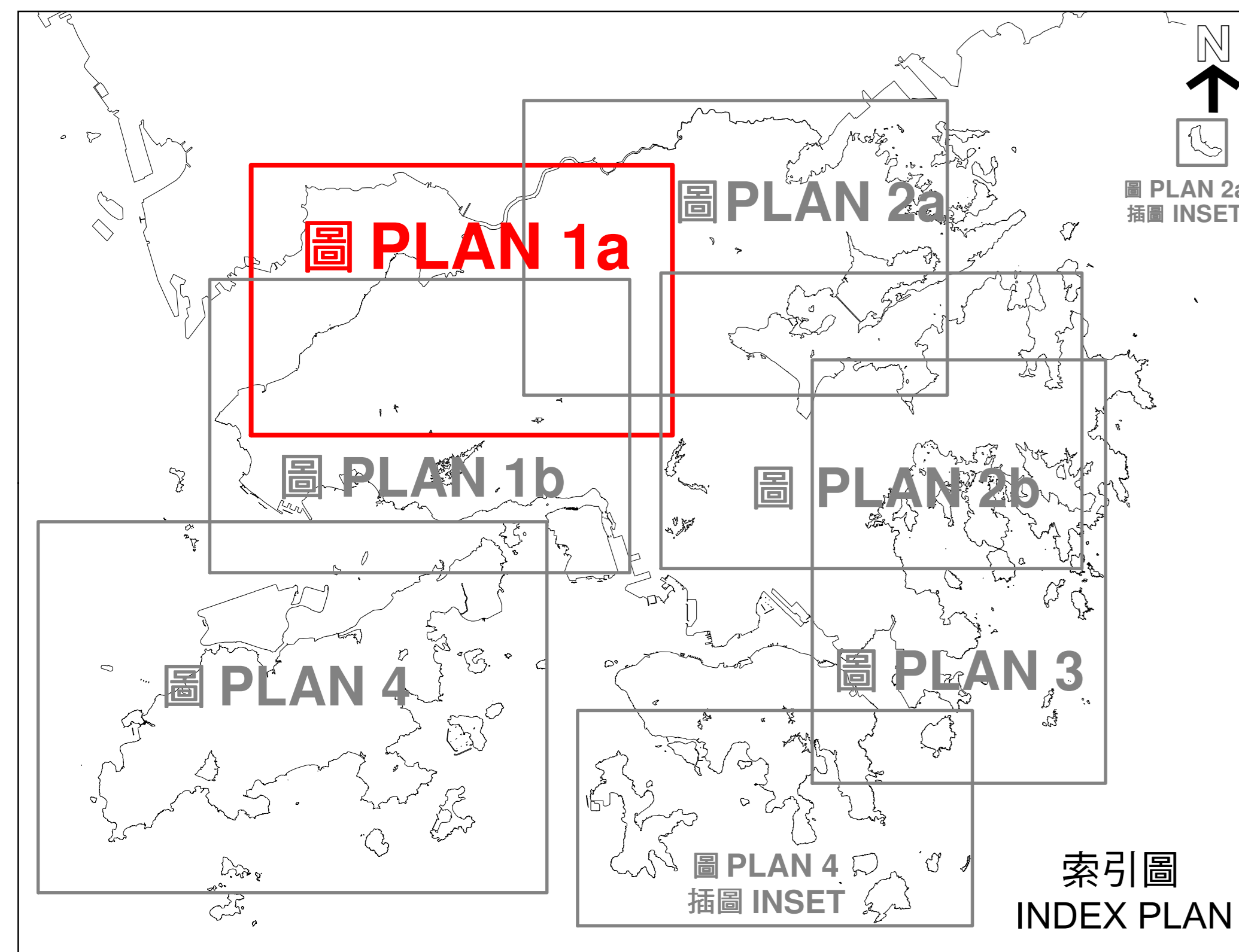
Sha Tin, Tai Po & North DPO - Tel: 2158 6274

Sai Kung & Islands DPO - Tel: 2158 6177

Tsuen Wan & West Kowloon DPO - Tel: 2417 6658

- 6.3 Besides, large scale plans are also available at the ~~enquiry counters~~ *PECs of the Planning Department* and the Secretariat of the Board for public reference.

TOWN PLANNING BOARD
~~OCTOBER 2008~~MARCH 2020



備註 Remarks

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新界西北(南面部分)
(請參考圖1b)
North West New Territories (Southern Part)
(Please refer to Plan 1b)

圖例 LEGEND

	第 1 類地區 CATEGORY 1 AREAS
	第 2 類地區 CATEGORY 2 AREAS
	第 3 類地區 CATEGORY 3 AREAS
	第 4 類地區 CATEGORY 4 AREAS
	新發展區 NEW DEVELOPMENT AREA
	之前不被發展審批地區圖涵蓋的分區計劃大綱圖範圍 AREA UNDER STATUTORY PLAN FORMERLY NOT COVERED BY DPA PLANS
	區議會界線 DISTRICT COUNCIL BOUNDARY

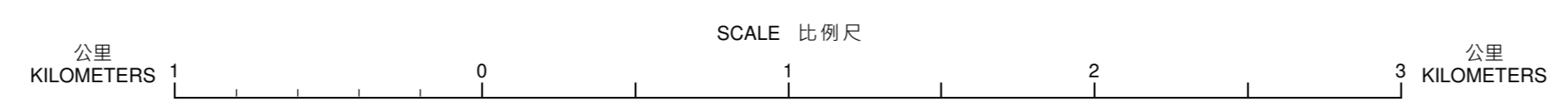
本摘要圖於2020年3月18日擬備
EXTRACT PLAN PREPARED ON 18.3.2020

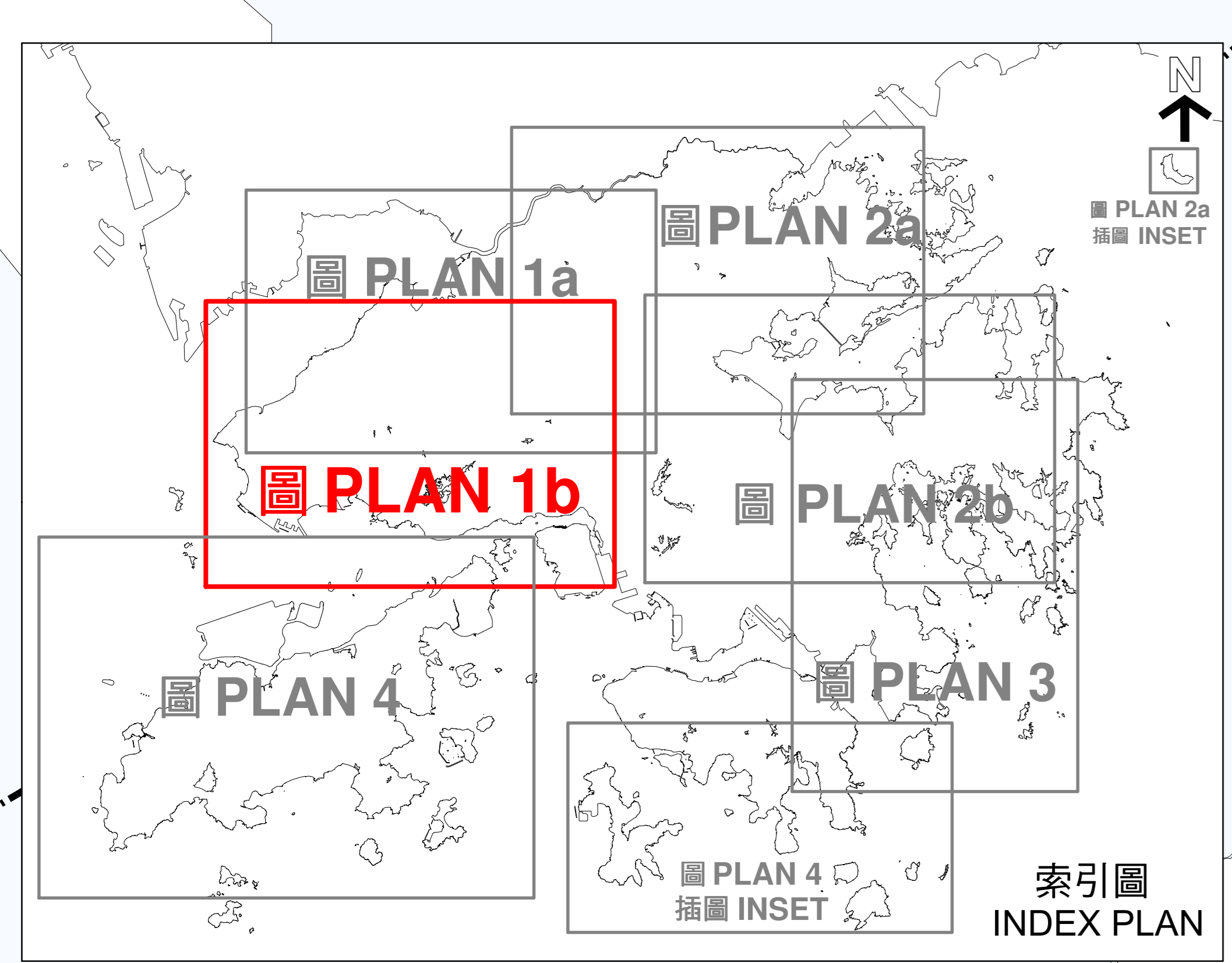
城市規劃委員會規劃指引編號13F(擬稿) / TOWN PLANNING BOARD GUIDELINES No.13F (DRAFT)

新界西北(北面部份)可用作露天貯物和港口後勤用途的第 1、2、3 和 4 類地區的位置
LOCATIONS OF CATEGORY 1, 2, 3 AND 4 AREAS FOR OPEN STORAGE AND PORT BACK-UP USES IN NORTH WEST NEW TERRITORIES (NORTHERN PART)

規劃署
PLANNING DEPARTMENT

參考編號 REFERENCE No.
M/NT/19/19





后海灣
(深圳灣)
DEEP BAY
(Shenzhen Bay)

圖 PLAN 1b

北區
NORTH DISTRICT

新界西北(北面部分)
(請參考圖1a)
North West New Territories (Northern Part)
(Please refer to Plan 1a)

大埔區
TAI PO
DISTRICT

屯門區
TUEN MUN
DISTRICT

新界西北(北面部分)
(請參考圖1a)
North West New Territories (Northern Part)
(Please refer to Plan 1a)

藍地及亦園
LAM TEI &
YICK YUEN

元朗區
YUEN LONG
DISTRICT

河背灌溉水塘
HO PUI IRRIGATION
RESERVOIR

大欖郊野公園
TAI LAM COUNTRY PARK

田夫仔
TIN FU-TSAI

荃灣區
TSUEN WAN
DISTRICT

川龍及下花山
CHUEN LUNG &
HA FA SHAN

龍鼓水道
URMSTON ROAD

大欖涌水塘
TAI LAM CHUNG
RESERVOIR

掃管笏
SO KWUN WAT

荃灣
TSUEN WAN

圖例 LEGEND

- 第1類地區
CATEGORY 1 AREAS
- 第2類地區
CATEGORY 2 AREAS
- 第3類地區
CATEGORY 3 AREAS
- 第4類地區
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AREA UNDER STATUTORY PLAN FORMERLY NOT COVERED BY DPA PLANS
- 區議會界線
DISTRICT COUNCIL BOUNDARY

備註 Remarks

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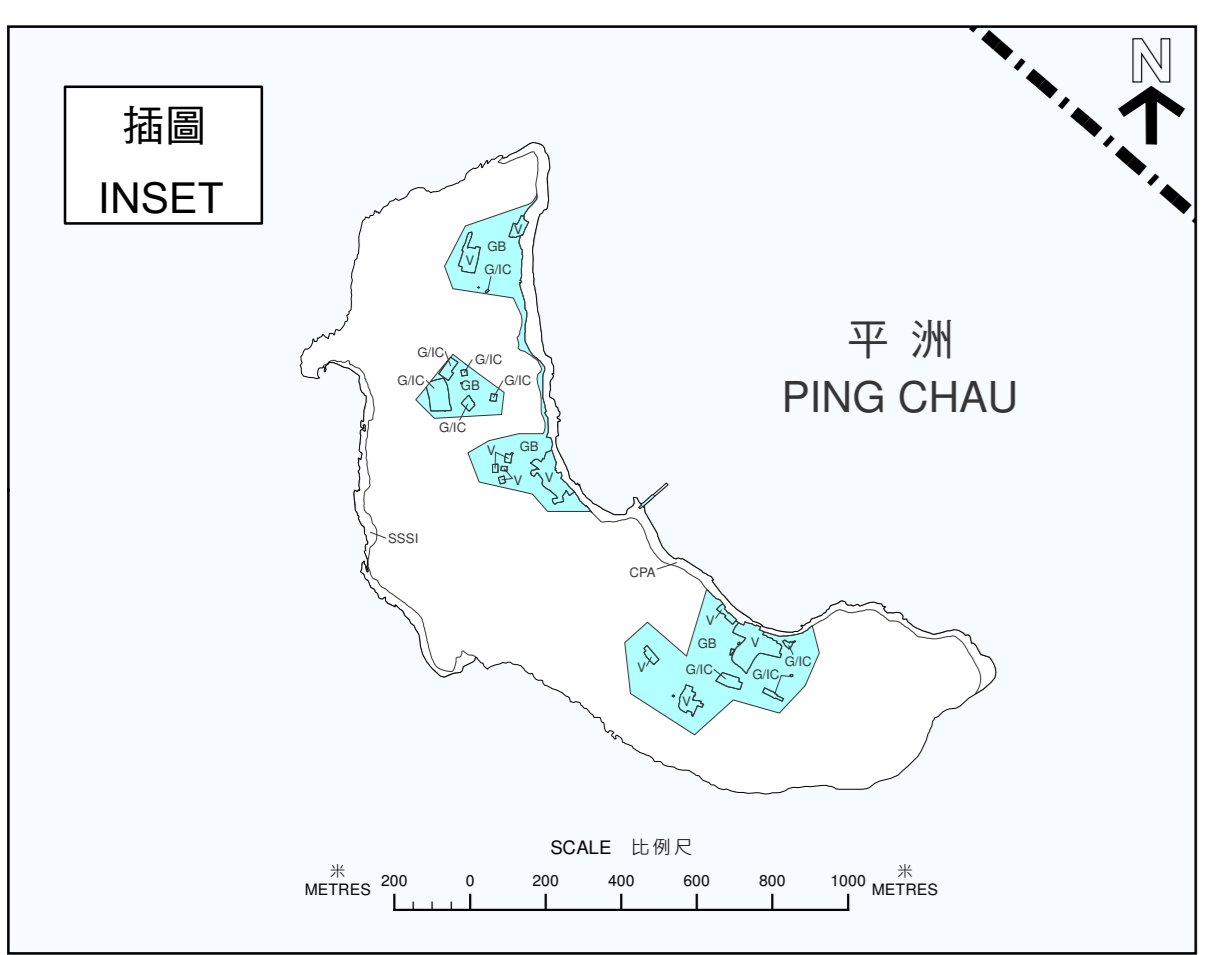
新界西北(南面部份)可用作露天貯物和港口後動用途的第1、2、3和4類地區的位置
LOCATIONS OF CATEGORY 1, 2, 3 AND 4 AREAS FOR OPEN STORAGE AND PORT BACK-UP USES
IN NORTH WEST NEW TERRITORIES (SOUTHERN PART)

規劃署
PLANNING DEPARTMENT

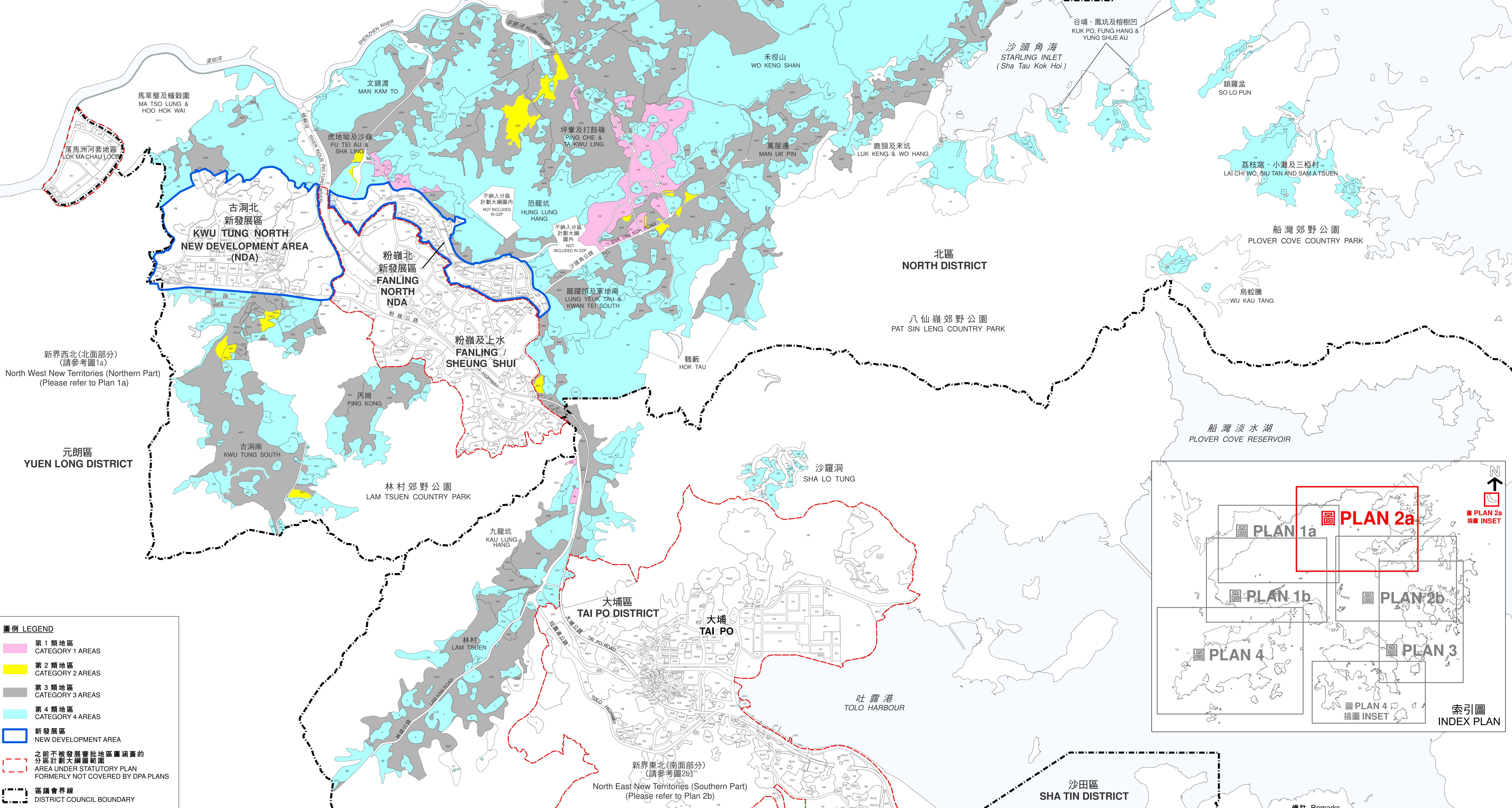
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M/NT/19/19

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EXTRACT PLAN PREPARED ON 18.3.2020



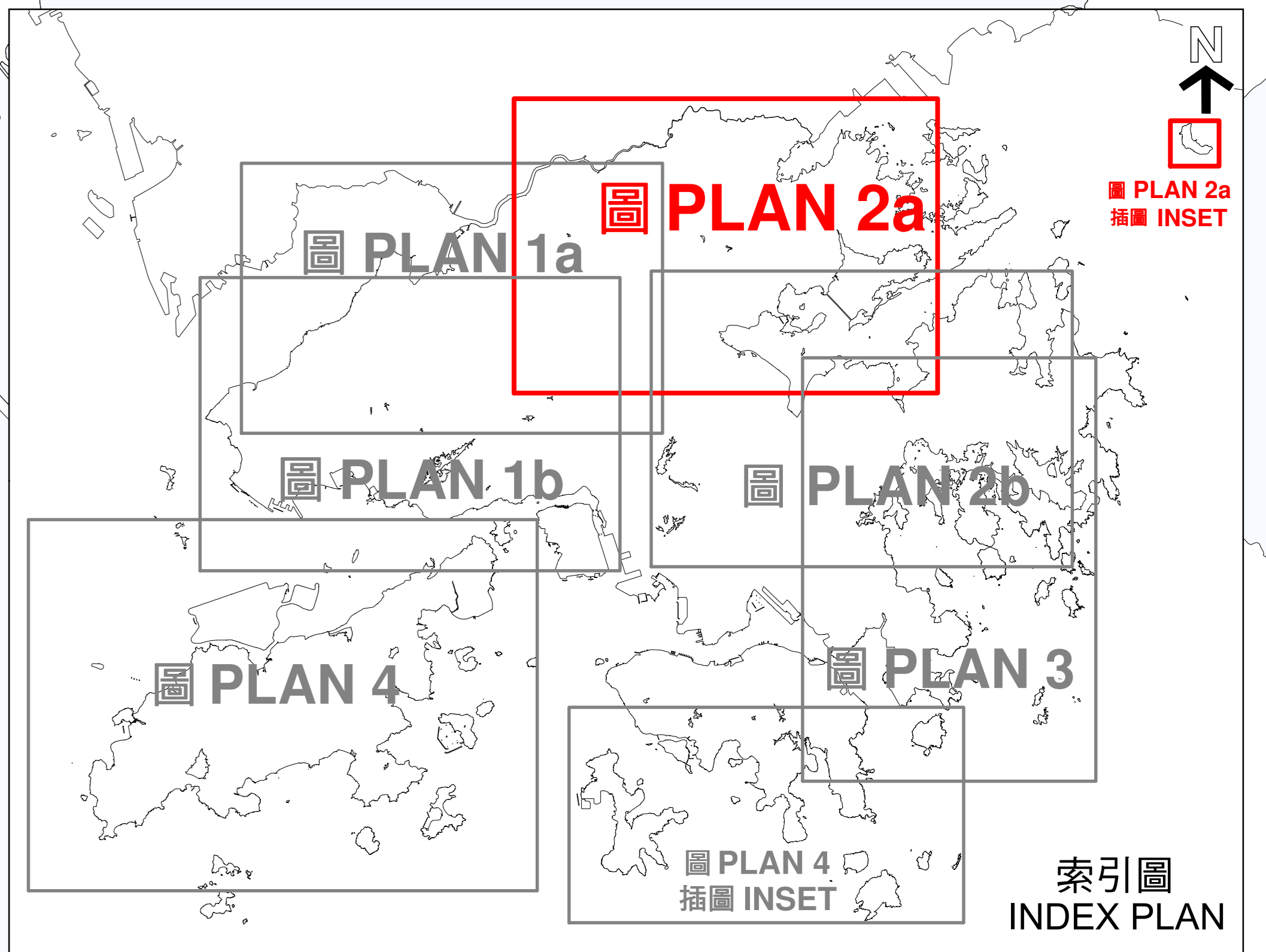


深圳市 SHENZHEN SHI



圖例 LEGEND

- 第 1 類地區 CATEGORY 1 AREAS
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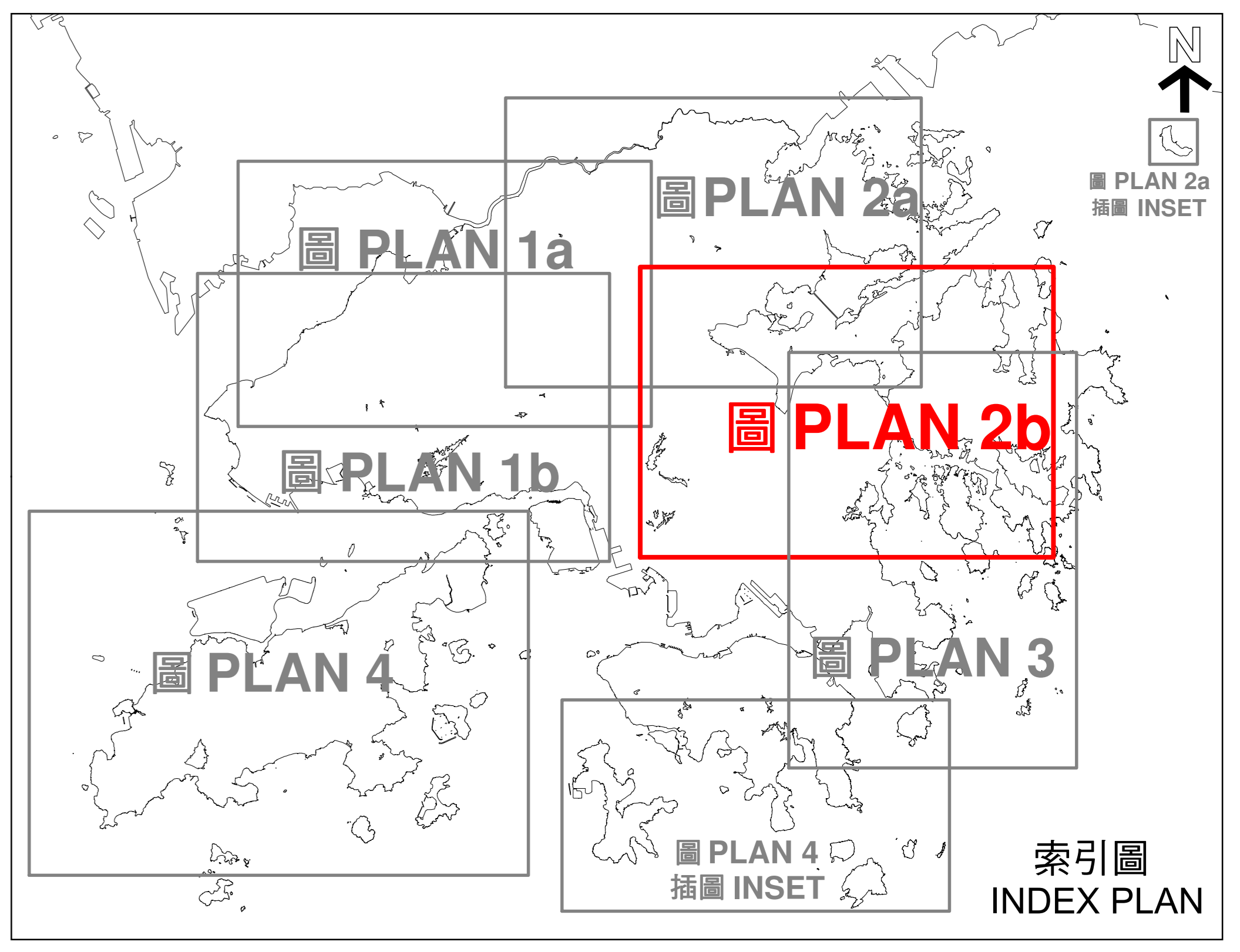
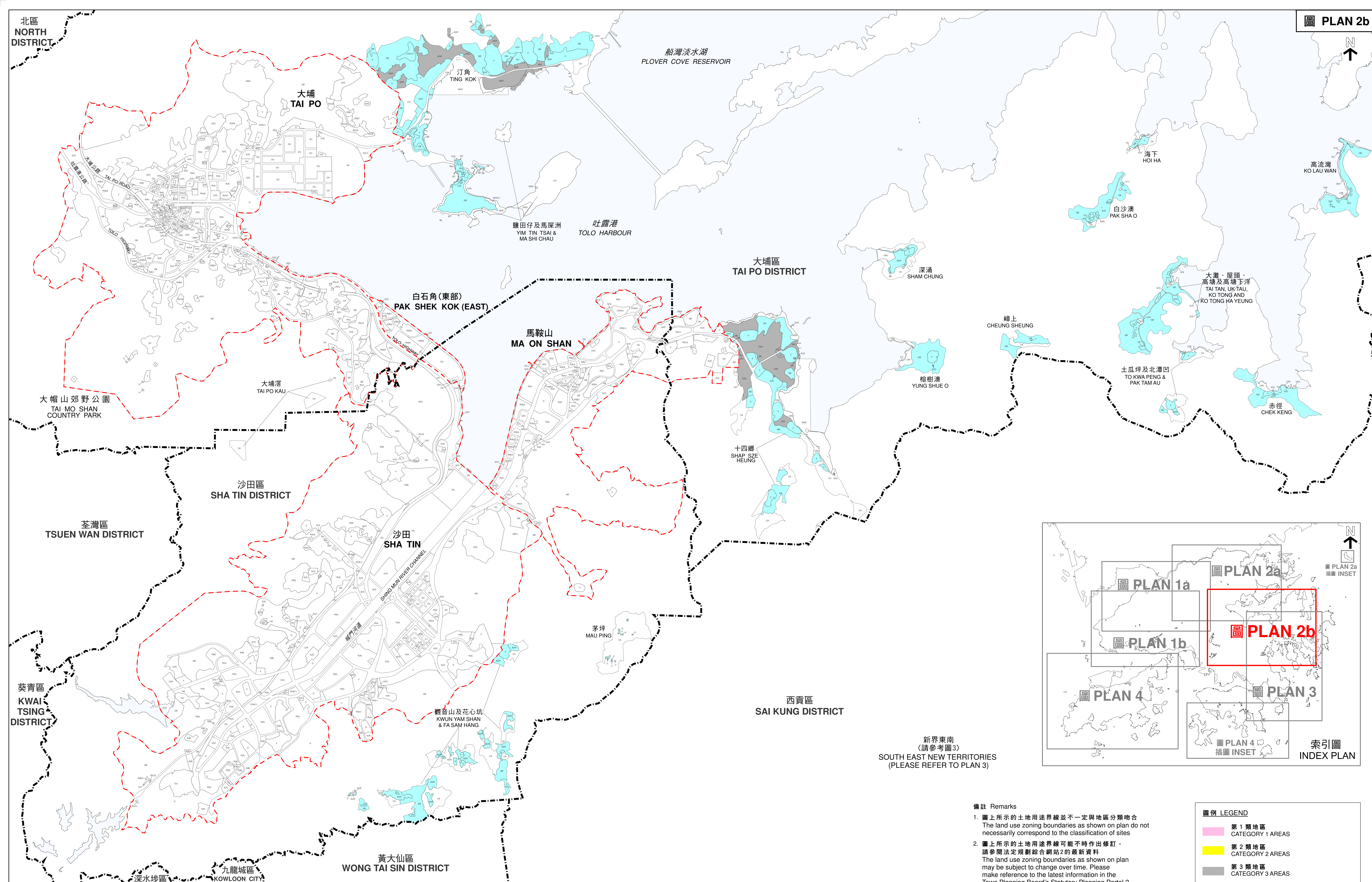
公里 KILOMETERS 1 0 1 2 3 公里 KILOMETERS
SCALE 比例尺

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參考編號 REFERENCE No.
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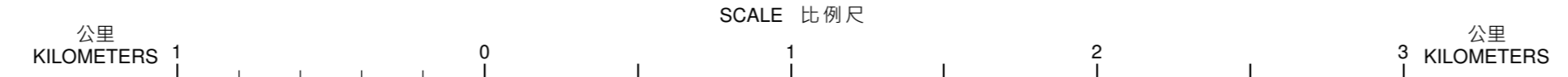
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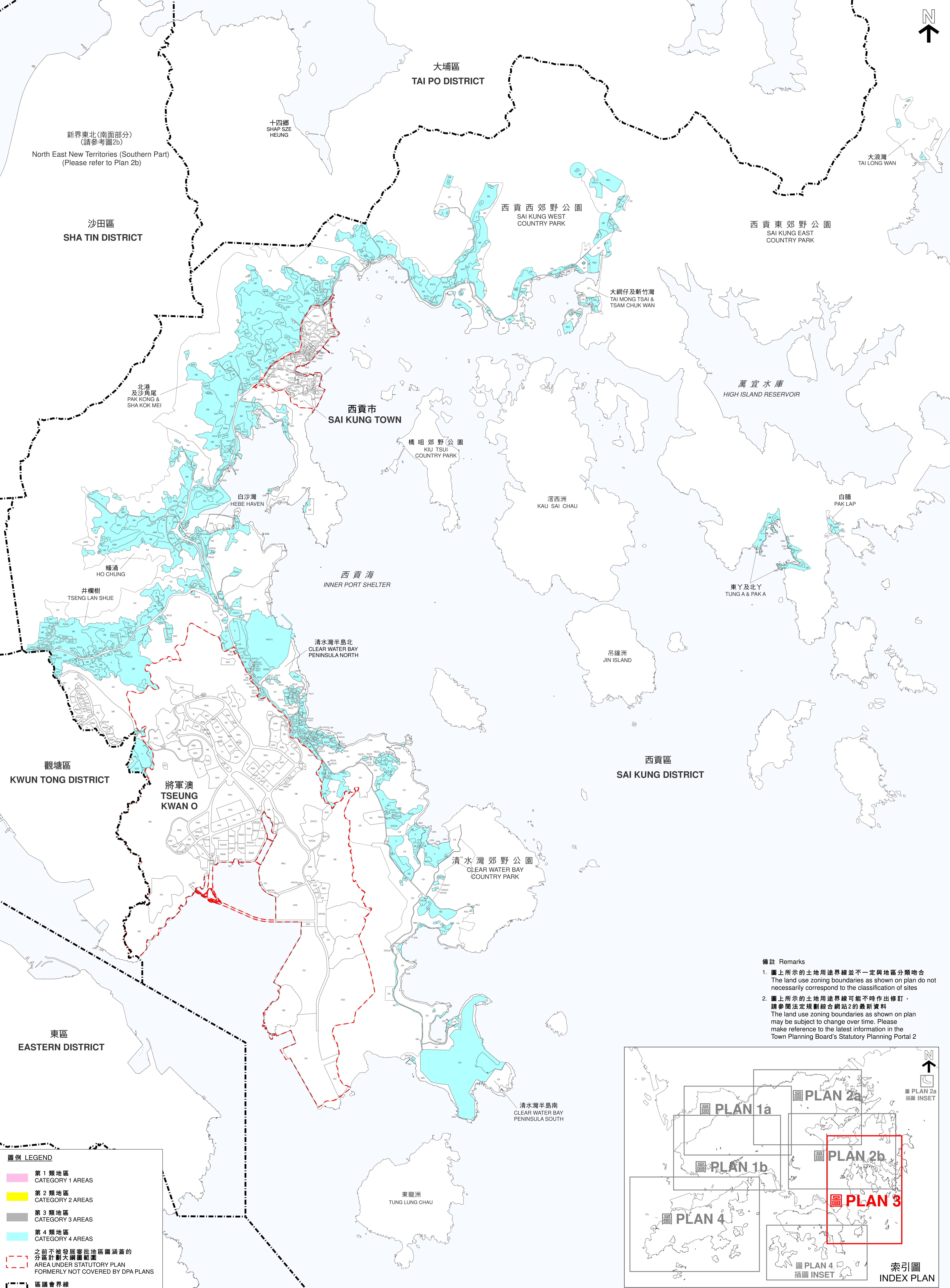
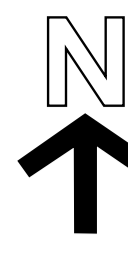
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規劃署
PLANNING DEPARTMENT

參考編號 REFERENCE No.
M/NT/19/18

本摘要圖於2020年3月18日擬備
EXTRACT PLAN PREPARED ON 18.3.2020



新界東北(南面部分)
(請參考圖2b)
North East New Territories (Southern Part)
(Please refer to Plan 2b)

沙田區
SHA TIN DISTRICT

大埔區
TAI PO DISTRICT

大浪灣
TAI LONG WAN

西貢西郊野公園
SAI KUNG WEST COUNTRY PARK

西貢東郊野公園
SAI KUNG EAST COUNTRY PARK

大網仔及新竹灣
TAI MONG TSAI & TSAM CHUK WAN

北港及沙角尾
PAK KONG & SHA KOK MEI

西貢市
SAI KUNG TOWN

萬宜水庫
HIGH ISLAND RESERVOIR

橋咀郊野公園
KIU TSUI COUNTRY PARK

灣西洲
KAU SAI CHAU

白膽
PAK LAP

白沙灣
HEBE HAVEN

西貢海
INNER PORT SHELTER

東丫及北丫
TUNG A & PAK A

蠔涌
HO CHUNG

吊鐘洲
JIN ISLAND

井欄樹
TSENG LAN SHUE

清水灣半島北
CLEAR WATER BAY PENINSULA NORTH

觀塘區
KWUN TONG DISTRICT

西貢區
SAI KUNG DISTRICT

將軍澳
TSEUNG KWAN O

清水灣郊野公園
CLEAR WATER BAY COUNTRY PARK

清水灣半島南
CLEAR WATER BAY PENINSULA SOUTH

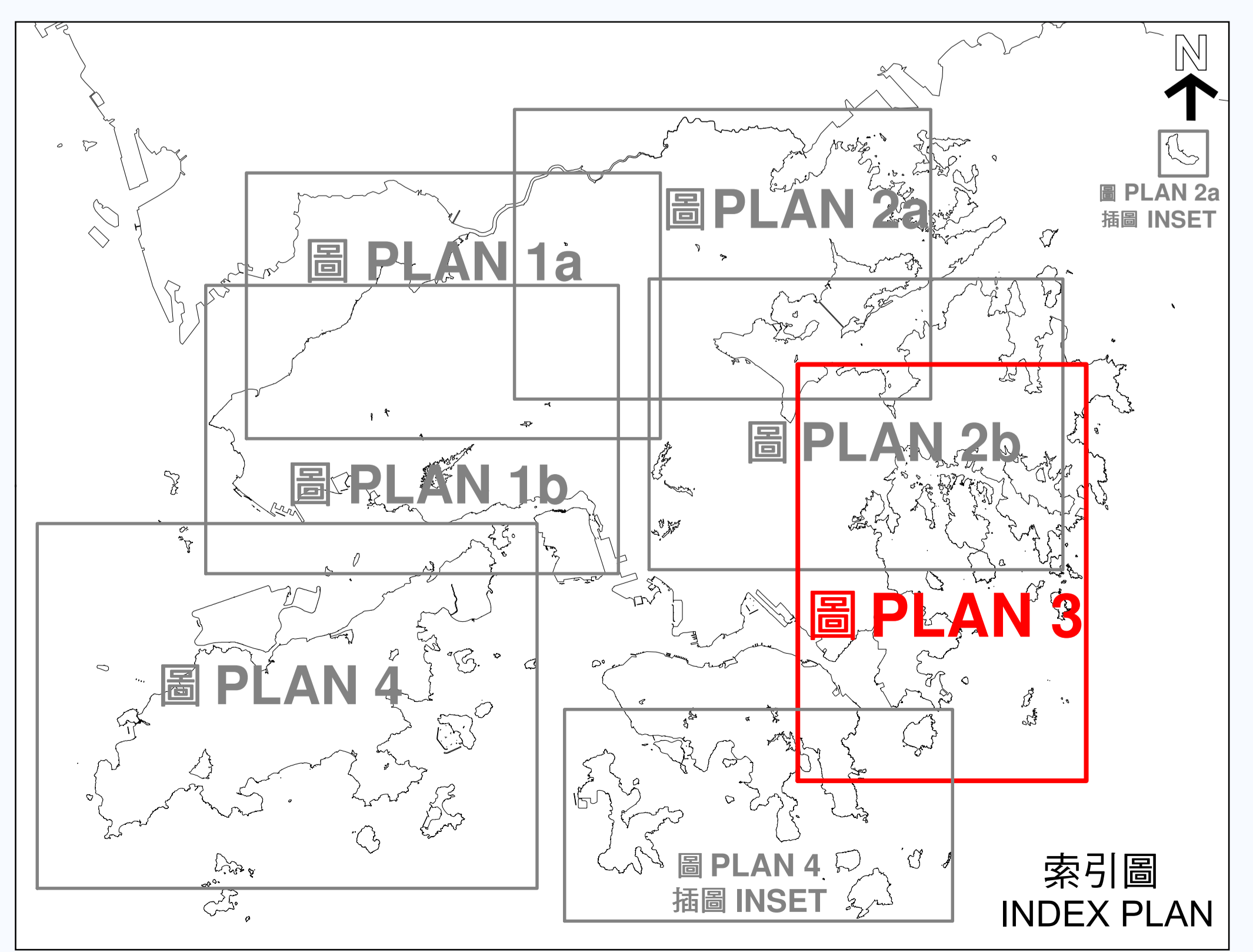
東龍洲
TUNG LUNG CHAU

備註 Remarks

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CATEGORY 1 AREAS
- 第2類地區
CATEGORY 2 AREAS
- 第3類地區
CATEGORY 3 AREAS
- 第4類地區
CATEGORY 4 AREAS
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AREA UNDER STATUTORY PLAN FORMERLY NOT COVERED BY DPA PLANS
- 區議會界線
DISTRICT COUNCIL BOUNDARY



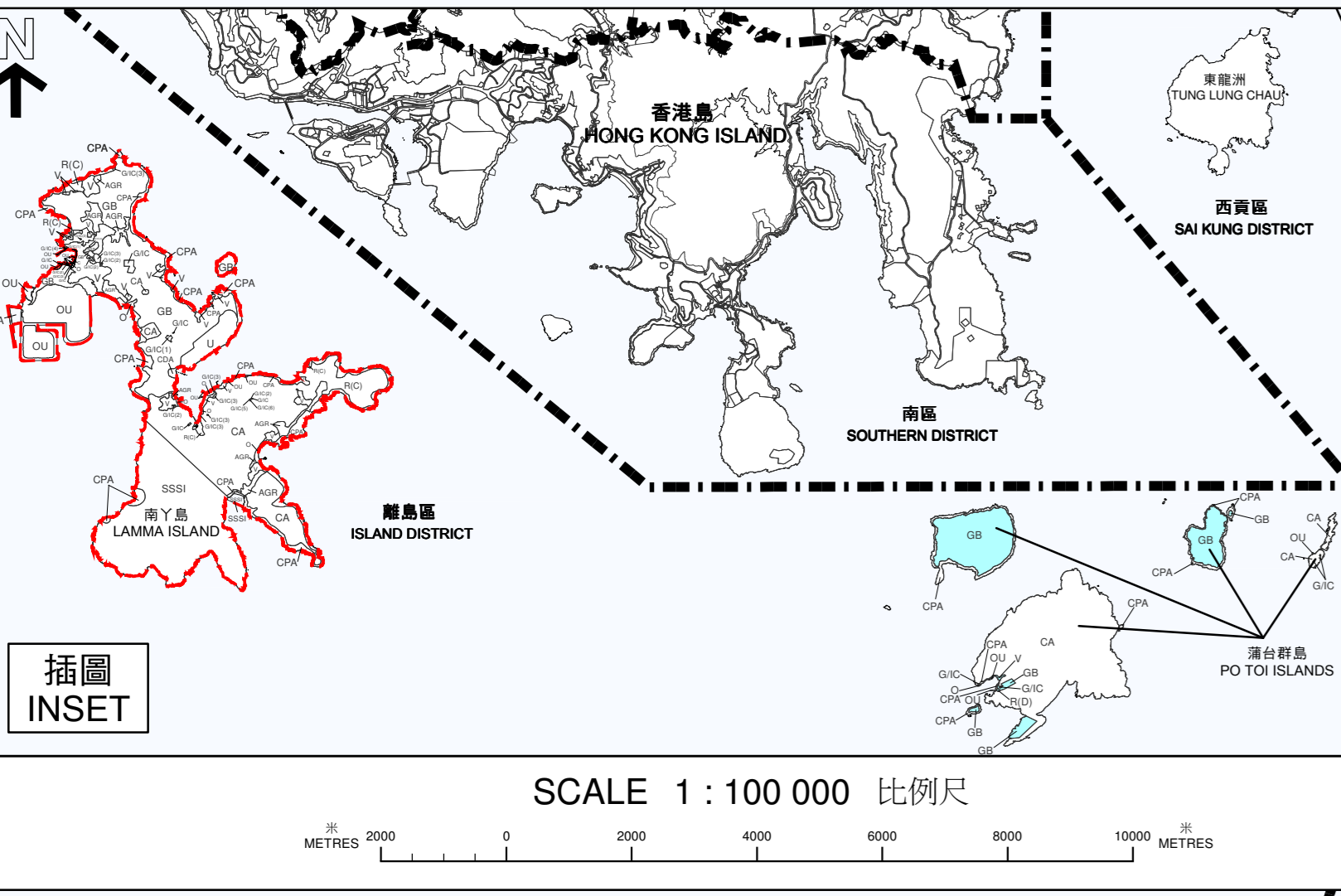
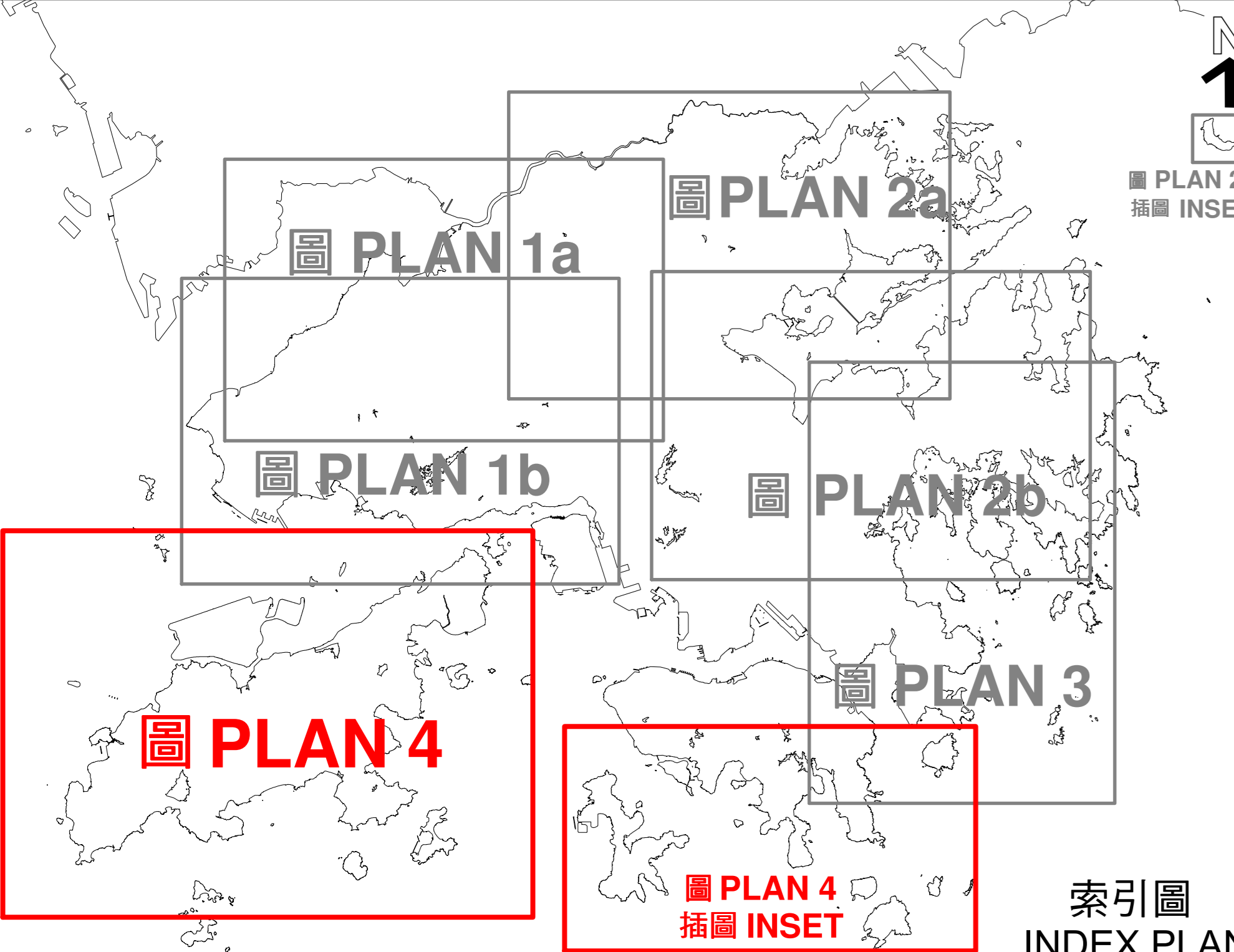
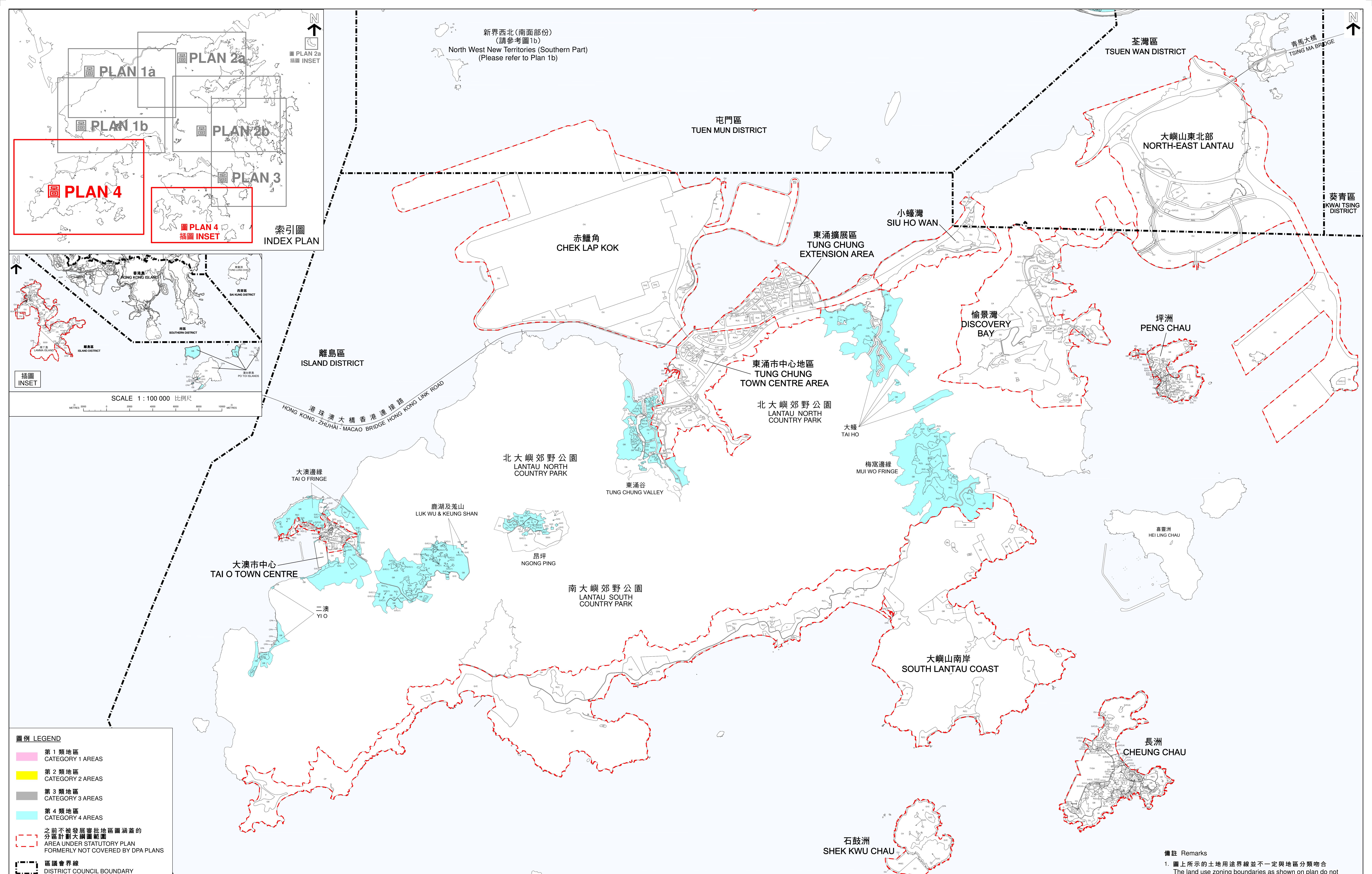
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新界東南可用作露天貯物及港口後勤用途的第1、2、3和4類地區的位置
LOCATIONS OF CATEGORY 1, 2, 3 AND 4 AREAS FOR OPEN STORAGE AND PORT BACK-UP USES IN SOUTH EAST NEW TERRITORIES

公里 KILOMETERS 1 0 1 2 3 公里 KILOMETERS
SCALE 比例尺

規劃署
PLANNING DEPARTMENT
參考編號 REFERENCE No.
MNT/19/20

圖 PLAN 3



SCALE 1 : 100 000 比例尺

圖例 LEGEND

	第 1 類地區 CATEGORY 1 AREAS
	第 2 類地區 CATEGORY 2 AREAS
	第 3 類地區 CATEGORY 3 AREAS
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	區議會界線 DISTRICT COUNCIL BOUNDARY

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城市規劃委員會規劃指引編號13F(擬稿) / TOWN PLANNING BOARD GUIDELINES No.13F (DRAFT)
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規劃署
PLANNING DEPARTMENT
參考編號 REFERENCE No.
M/NT/19/21

**Application for Permission for Temporary Open Storage
and Port Back-up Uses under Section 16 of
the Town Planning Ordinance (Cap. 131)**

GUIDANCE NOTES

INTRODUCTION

- 1 In recent years, there has been an increasing number of planning applications for temporary open storage and port back-up uses in the rural areas to meet the demand of land for such uses. This set of Guidance Notes aims to give information and guidance on how to apply for permission for temporary open storage and port back-up uses under section 16 of the Town Planning Ordinance (the Ordinance) and how to comply with the approval conditions. Please read them carefully.
- 2 If further information or assistance is required, please contact the **Planning Enquiry Counters (PECs)**~~Information and Technical Administration Unit (PITA Unit)~~ of the **Planning Department** (5-17/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong (Tel: 2231 5000) and 14/F, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin, New Territories).

WHAT TO APPLY?

- 3 Generally speaking, in areas covered by the rural Outline Zoning Plans (OZPs), application for temporary use or development, including temporary open storage and port back-up uses could be made to the Town Planning Board (the Board) under section 16 of the Ordinance. The Board may grant, with or without conditions, or refuse to grant permission. However, for areas falling within certain land use zones such as “Conservation Area”, “Coastal Protection Area”, “Site of Special Scientific Interest”, “Other Specified Uses (Comprehensive Development and Wetland Enhancement Area)” and “Other Specified Uses (Comprehensive Development and Wetland Protection Area)”, open storage and port back-up uses are prohibited. Reference should be made to the latest Notes attached to individual OZPs to see if the temporary open storage and port back-up uses would require permission from the Board or are prohibited.

HOW LONG COULD THE USES BE APPLIED FOR?

- 4 Planning permission for temporary uses could be granted, with or without conditions, for a maximum period of **3 years**. Should the successful applicant wish to continue the approved use upon expiry of the planning permission, a fresh planning application needs to be submitted for the consideration of the Board.

WHAT DOCUMENTS ARE REQUIRED FOR THE SUBMISSION?

5 In submitting planning applications, the following documents are required:

- (i) **Application Form** - completed application form duly signed by the applicants. The application form can be obtained from the office of Secretary, Town Planning Board, 15/F, North Point Government Offices, 33 Java Road, North Point, Hong Kong (Tel.: 2231 4810 or 2231 4835) or the District Planning Offices (DPOs) of the Planning Department. The application form can also be downloaded from Town Planning Board's Homepage (address: <http://www.info.gov.hk/tpb/>). *Reference can be made to the Guidance Notes on Application for Permission under Section 16 of the Town Planning Ordinance (Cap. 131) for the required documents for the submission.*
- (ii) **Location and Site Plans/Drawings** - clear and accurate location and site layout plans showing the location of the application site and its surrounding area. If the access to the proposed site is via a village track, the submitted plan should cover the entire section of the track from the site to the local feeder road, which should be at least up to single two lane road standard, and the applicant should also submit photographs covering the entire track to show its cross-section, the sightline and the condition of the road pavements. Also, drawings showing the locations of the proposed drainage works, landscape works, noise barriers and boundary wall or fencing, if relevant, should be submitted;
- (iii) **Details of Proposed Uses** - details of the uses and operations proposed to be carried out on the application site. These include information such as the operation hours, the type and stacking height of stored materials, the number of parking spaces for stored vehicles or container tractors/trailers, the industrial or mechanical processes involved, the vehicular access and the vehicular trip generated. Details of any structure(s) proposed to be erected on the application site should also be provided;
- (iv) **Drainage Impact Assessment/Drainage Proposals** - to alleviate the risk of flooding caused by the proposed uses involving activities such as earth filling, hard surface paving and building of structures, drainage proposals are required to demonstrate how the applicants will collect, convey and discharge rain water falling on or flowing to their sites. For application sites larger than 1 hectare, or within flood prone areas such as low-lying areas and flooding blackspots, or adjacent to or encompassing a major stream, channel or river etc., the drainage impact of the proposed uses may be significant and drainage impact assessment (DIA) would normally be required. The primary objective of the DIA is to demonstrate that with the implementation of necessary mitigation measures, the proposed use will not cause unacceptable increase in the risk of flooding in areas upstream of, adjacent to or downstream of the development;
- (v) **Landscape Proposals** - to ensure that the landscape and visual impacts of the proposed use(s) on the surrounding areas are kept to the absolute

minimum, *the potential impacts arising from the proposed development on the existing landscape resources and the proposed tree treatments should be illustrated in the* landscape proposals. ~~are required to~~ *The landscape proposals should also* demonstrate how the landscape and visual impact generated by the proposed uses can be properly mitigated ~~and~~. ~~The proposals should~~ include information such as species, size, spacing, total quantity of each type of the proposed planting and their locations. Planting in movable containers/pots will not be accepted. If mature trees *in good health and structural condition* are found within the site, *the trees should be preserved on site as far as practicable* ~~a tree preservation proposal indicating how the trees can be retained is required.~~ ~~No tree felling will be allowed unless approval has been obtained from relevant authority before any site operation;~~

- (vi) **Noise Impact Assessment/Mitigation Measures** - to ensure that the proposed uses would not cause adverse noise impact to the surrounding sensitive receivers, noise impact assessments should be undertaken for noise generating activities *such as those* which involve the use of heavy machinery *including manoeuvring of heavy vehicles and workshop activities*. Proposals on mitigation measures to reduce the noise pollution generated by the proposed uses are required; ~~and~~
 - (vii) **Air Quality Proposal** – *to demonstrate and ensure that the relevant mitigation measures as stipulated under the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses & Open Storage Sites” will be followed to avoid or alleviate air nuisance generated by the proposed uses; and*
 - (viii) **Traffic Impact Assessment** - traffic impact assessment should be carried out for those uses generating substantial volumes of traffic, in particular container trailer/tractor park to ensure that the traffic volumes do not exceed the capacity of the local road network or that proposed mitigation measures such as junction improvements are practical and effective. Analyses of swept paths of appropriate types of goods vehicles at critical bends and junctions should also be included where appropriate. Where there are nearby residential or school developments, information on pedestrian count obtained from pedestrian surveys should be provided.
- 6 In the preparation of submissions as mentioned in paragraph 5 above, applicants can make reference to the following documents which are attached to this set of Guidance Notes:
- (i) Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance;
 - (ii) “Technical Note on the Submission and Implementation of Landscape Proposals for Compliance with Approval Conditions for Applications for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance” issued by Planning Department;
 - (iii) “Code of Practice on Handling Environmental Aspects of Temporary Uses & Open Storage Sites” issued by Environmental Protection Department;

- (iv) “Technical Note to prepare a Drainage Submission” issued by Drainage Services Department; and
- (v) “Code of Practice for Container Depots” issued by Lands Department.

They could also consult the relevant Government departments and the DPOs of the Planning Department on the detailed requirements of the submissions.

~~7~~ A total of 20 copies each of the completed application form, clear and accurate location/site plans or drawings, detailed technical proposals and impact assessments, if considered appropriate, are required.

~~8~~ Reference can be made to the Guidance Notes on Application for Permission under Section 16 of the Town Planning Ordinance (Cap. 131) for the general procedure for the submission of planning applications to the Board.

79 In the assessment of planning applications for open storage and port back-up uses, general planning criteria including the planning intention of the area covering the site, compatibility with surrounding land uses, site accessibility and possible impacts generated by the proposed uses will be taken into account. For details on these general planning criteria, applicants can make reference to the “Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance” mentioned in paragraph 6(i) above.

HOW TO COMPLY WITH APPROVAL CONDITIONS?

~~810~~ In granting planning permission, planning conditions on the **submission**/ resubmission of technical proposals and/or **implementation** of the proposals would be imposed to ensure that the approved open storage/port back-up uses would not generate adverse drainage, landscape, environmental and traffic impacts on the surrounding area and that the proposals would be complied with and/or implemented within a specified time. Depending on the special circumstance of each case, a planning condition requiring the application site be reinstated to an amenity area upon expiry of the planning permission would normally be imposed to ensure that the site would be tidied up, after the expiry of the planning permission, with the provision of suitable landscape treatment. It is imperative that the requirements are duly observed and implemented in accordance with the planning conditions.

~~911~~ Successful applicants should seek advice and assistance from the respective Government departments and the DPO in the preparation of the detailed technical submissions and implementation of the approval conditions. Relevant documents providing guidance on the fulfillment of conditions are also attached to the notification letter issued by the Secretary, Town Planning Board. These documents include:

- (i) A list of contacts of concerned Government departments;
- (ii) “Technical Note on the Submission and Implementation of Landscape Proposals for Compliance with Approval Conditions for Applications for Open Storage and

- Port Back-up Uses under Section 16 of the Town Planning Ordinance”;
- (iii) “Code of Practice on Handling Environmental Aspects of Temporary Uses & Open Storage Sites”; and
 - (iv) “Technical Note to prepare a Drainage Submission”.

1012 Government departments will give advice on the following aspects:

- (i) **Planning Department** - preparation and implementation of landscape proposals, their maintenance and detailed reinstatement requirement;
- (ii) **Drainage Services Department** - preparation of drainage impact assessment and drainage proposals; and implementation of drainage facilities;
- (iii) **Transport Department** - provision of vehicular access point, junction improvement, design of parking layout and preparation of traffic impact assessment;
- (iv) **Environmental Protection Department** - preparation of noise impact assessment and implementation of mitigation measures to reduce noise, ~~and~~ *air quality and water quality* impacts; and
- (v) **Lands Department** - the provision of fencing and paving of the site.

Submission of Technical Proposals

1113 Successful applicants should submit the technical proposals as soon as they are available. For normal cases where the conditions are required to be complied with within 6 months from date of planning approval, the applicant should submit the proposals at least 6 weeks before expiry of the ~~6-month~~ compliance period to the relevant DPO of the Planning Department for central processing (for landscape proposals, a copy should be sent to the Landscape Unit of the Planning Department directly). A copy of the submissions should also be sent to the Secretary, Town Planning Board for record purpose.

1214 The relevant DPO will circulate the technical proposals to concerned Government departments for comments and inform the applicants within ~~6 weeks~~ *one month* upon receipt of the proposals whether the submitted proposals are acceptable. If the proposals do not meet the requirements of the concerned departments, the applicants should revise the proposals and resubmit the proposals for further consideration. In any case, it is important to have the revised proposals accepted by the relevant Government departments within the compliance period. If not, application for extension of time for compliance with the planning conditions should be sought.

1315 Sometimes the Board may impose a shorter compliance period for implementing the conditions. Applicants should pay particular regard to the length of the compliance period and submit proposals to comply with the conditions as early as possible, and allow at least ~~6 weeks~~ *one month* for departments concerned to vet the proposals.

Implementation of Technical Proposals

1416 Once the technical proposals are accepted, the applicants should proceed with the implementation works without delay and notify the relevant DPO of the Planning Department and the Secretary, Town Planning Board once the works are completed. All works must be completed **at least 6 weeks** before the expiry of the specified time limit. For works that do not require the submission of proposals, implementation works should be undertaken once the applications are approved. Upon receipt of the applicants' notification of the completion of the required works, the relevant DPO and Government departments will arrange for site inspection and inform the applicants within **6 weeks**~~one month~~ whether the implemented works are satisfactory. The completed works/landscape/mitigation measures should be properly maintained.

Reinstatement Clause

1517 If the planning condition contains a requirement to reinstate the application site into an amenity area upon expiry of the planning approval, the applicant is required to undertake reinstatement works which usually include removal of hard paving and planting the site with trees, shrubs and grass, and sometimes demolition of the structure/shelter on the site. Any enquiry on the reinstatement requirement should be directed to the relevant DPO of the Planning Department.

HOW TO APPLY FOR EXTENSION OF TIME FOR COMPLIANCE WITH PLANNING CONDITIONS?

1618 If the applicants consider that more time is required to comply with the planning conditions, they could submit applications for extension of time for compliance with planning conditions. The application form can be obtained from the office of Secretary, Town Planning Board or downloaded from the Town Planning Board's ~~Homepage~~ **website**. In submitting the applications, the applicants should demonstrate that genuine efforts have been made in complying with and implementing the conditions by including in the submissions documentation on the technical proposals so far submitted and an account of works undertaken in respect of the planning conditions. Good justifications should also be given on why the planning condition(s) could not be complied with within the prescribed time limit. Such application should be submitted to the Secretary, Town Planning Board no less than ~~46~~ weeks before the expiry of the specified time limit. The general requirements and assessment criteria for this type of application are set out in 'the "Town Planning Board Guidelines ~~on for~~ "Renewal of Planning ~~Approval~~ **Permission** and Extension of Time for Compliance with Planning Conditions *for Temporary Use or Development*".

REVOCAION OF PLANNING APPROVAL

1719 If the applicants fail to comply with the approval conditions within the specified time limit, the planning permissions granted for the uses will be **revoked** automatically without further notice.

1820 Continuation of these uses without planning permissions will constitute unauthorized developments subject to enforcement action taken by the Planning Authority.

~~1921~~ To continue the same use(s) on the site, a fresh section 16 planning application needs to be submitted to the Board for consideration. Planning permission would normally not be granted unless the applicants have included in the submissions technical assessments/proposals on such aspects as *traffic*, landscape, drainage and environmental mitigation to demonstrate that the proposed uses would not generate adverse *traffic, landscape, drainage, and* environmental, ~~landscape and traffic~~ impacts on the surrounding areas. Furthermore, there should be no major adverse departmental comments and the concerns of the departments and local residents can be addressed through the implementation of approval conditions.

IMPORTANT POINT TO NOTE

~~2022~~ This set of Guidance Notes serves only as general guidelines for the preparation of applications for temporary open storage and port back-up uses under section 16 of the Ordinance and for the compliance of approval conditions for this type of application. The guidelines are not meant in any way to restrict the content of each development proposal, nor to restrict the right of the Board to require further information. Each application will be considered on individual merits.

21 The information in an application submitted to the Board and the Board's decision on the application would be disclosed to the public. Such information would also be uploaded to the Board's website where the Board considers appropriate. The public may make photocopies of the application which is made available for public inspection upon payment of a fee as the Board determines.

22 Applicants are advised that offering any advantage to a Civil Servant or Members of the Board in connection with the application is an offence under the Prevention of Bribery Ordinance.

23 It is **outside the purview** of the Board and the Town Planning Appeal Board to determine any claims in relation to 'existing use'. It is the right of an applicant/operator to bring an action for judicial review in the Court of First Instance if he genuinely believes that he has a valid claim of 'existing use' for a specific site. For further information on this matter, please contact the Central Enforcement & Prosecution Section of the Planning Department.

Secretary, Town Planning Board, 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong (Tel: 2231 4835 or 2231 4810).

Town Planning Board's Homepage (address: <http://www.info.gov.hk/tpb/>).

Planning Enquiry Counters of the Planning Department (PEC) ~~Planning Information and Technical Administration Unit (PITA Unit)~~, (17/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong (Tel: 2231 5000) and 14/F, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin, New Territories).

(~~December 2004~~ **March 2020**)

Proposed Revisions to the Town Planning Board Guidelines No. 13E

Major Comments of Bureaux/Departments and PlanD's Responses

No.	Bureaux/ Departments	Major Comments	PlanD's Responses
1.	Commissioner for Transport (C for T)	This office could not conclude our view on the overall cumulative traffic impact for this proposed increase. However, the traffic impact of each application under Section 16 of the Town Planning Ordinance (TPO) could be assessed under the traffic impact assessment report or traffic review report to be submitted by the applicant on case-by-case basis.	Noted. C for T's views from traffic perspective would be sought for individual applications and be taken into account by the Town Planning Board (the Board).
2.	Director of Agriculture, Fisheries and Conservation (DAFC)	<p>(a) We have no particular comment on the proposed amendments to TPB PG-No. 13E and the proposed re-classification of areas in various districts from agricultural point of view. Having said that, planning applications for non-agricultural uses, e.g. open storage (OS) and port back-up (PBU) uses are normally not supported in "Agriculture" zone with potential of agricultural rehabilitation.</p> <p>(b) We have no further update on the general criteria as specified in the Guidelines from agricultural and nature conservation point of view. Having said that, comments from agricultural, fisheries and nature conservation point of view will be provided on each planning application for OS & PBU uses, based on the specific condition of each application site on a case-by-case basis.</p> <p>(c) Please find our specific comments on the sites proposed for re-classification:</p>	<p>(a) and (b):</p> <p>Noted. DAFC's views from agricultural perspective would be sought for individual applications and be taken into account by the Board.</p>

No.	Bureaux/ Departments	Major Comments	PlanD's Responses
		<p><u>Site YL-11</u> - The "Conservation Area" zone and the Lam Tsuen Country Park are located immediately to the east of the site. Encroachment to these ecological sensitive areas should be avoided. As such, please consider if the site should be retained in Category 3.</p> <p><u>Site NE-4</u> - The site is in close proximity to the Agri-Park and located in an up-stream position of the main river running through the area. There is concern over the proposed re-classification as OS/PBU uses may cause soil and water pollution to the area, contaminating the nearby farmland of the Agri-Park, especially during the rainy seasons.</p>	<p>The sites are currently mainly covered by brownfield uses which were in existence before the gazetting of the first statutory plan or with temporary planning permissions granted by the Board. Taking into account their existing uses and site conditions, re-classification of the sites from Category 3 to Category 2 is in line with the current criteria for Category 2 areas. Comment from AFCD would be sought for individual applications, and any concern raised will be duly considered by the Board.</p>
3.	District Lands Officer/North (DLO/N), Lands Department (LandsD)	<p>Having regard to the time constraints and large geographic area involved, no detail land status check was made on all areas concerned within DLO/N. Yet, a general desktop study was conducted and the comment / observation on the proposed amendments from this office are listed below please.</p> <p>(a) As mentioned in para. 2.6(b) concerning NDA in Draft TPB PG-No. 13F, in gist, it appears that it is the planning intention / proposal that those displaced OS/PBU operators in NDA as a result of resumption or otherwise may be able to look for / apply for alternative sites in other districts (outside NDA) for replacement;</p> <p>(b) For all areas (including the operators thereon) affected by resumption, the relevant parties (including landowners and operators) would be compensated in accordance with the relevant statutory provisions. It appears that there is a need to justify the provision of a replacement site;</p>	<p>Noted.</p> <p>(a) and (b):</p> <p>The suggested sympathetic consideration for applications by operators affected by NDA development is premised on policy support from relevant bureaux and meeting other assessment requirements. This does not involve the provision of a replacement site to the operator, and the decision on the application rests on the Board.</p>

No.	Bureaux/ Departments	Major Comments	PlanD's Responses
		(c) Some of the sites may fall within Village Environ boundaries (VEB). As the area within VEB is administratively reserved for village development, it may not be practical to categorize those areas for potential location for temporary OS and PBU uses.	The Guidelines are related to temporary use and should not jeopardise the intention of the long term use. Comments from the relevant DLOs will be sought for individual planning applications and be taken into account by the Board.
4.	Chief Estate Surveyor/New Development Area (CES/NDA), LandsD	<p>(a) <u>Para. 3.1 of revised Guidelines</u> - Subsequent to the funding approval, posting of resumption notice to resume affected lots would be arranged. In parallel, short-term land instruments (if any) to permit OS or PBU uses on private lots would be terminated to tie-in with the reversion date of affected private lots to Government. The "interim period" is considered be more appropriate shortened as it would be undesirable to grant planning permission to such uses while the related short-term land instruments are about to be terminated. Para. 3.1 should be revised as "... sympathetic consideration may be given to applications for continued operation of these uses during the interim period before the sites are resumed FC funding approval for NDA/PDA development."</p> <p>(b) <u>Para. 3.3 of revised Guidelines</u> - Unless the pre-clearance survey had been conducted, the planning approval for OS or PBU uses would create more short-term land instruments to permit such uses on private lots. It would then increase the amount of EGA compensation payable to affected operators (subject to eligibility) when their business operations are resumed for the implementation of NDA/PDA.</p>	<p>There are different stages in the land resumption process. To provide flexibility, a more general wording is proposed. Nevertheless, comment of LandsD, including CES/NDA, on the approval period will be sought and duly considered during the planning application stage.</p> <p>The proposed revisions to the Guidelines concerning applications in NDA (including PDA) unlikely amount to the granting of more planning approvals. New OS and PBU uses are generally not allowed to infiltrate into NDA. After all, the Board shall consider such applications with regard to the relevant planning and technical considerations, and compensation issue should be considered by Government separately.</p>

No.	Bureaux/ Departments	Major Comments	PlanD's Responses
		(c) For applications in NDAs, short-term land instruments (if any) to permit OS and PBU uses on affected private lots or Government land would be terminated to tie in with the reversion date of affected private lots or hand-over date of concerned Government land to project office. Hence, even though planning permission is granted for continued operation of these uses during the "interim period", there is no guarantee that approval for the continuation of the required STW or STT will be given as the relevant STW might have been terminated or the STT site might be required to be handed over to the project office within a limited period of time.	Noted. As stated in para. 3.4 of the revised Guidelines, the applicant will be advised that the site would be required by the government at any time during the planning approval period for implementation of government projects.
5.	Chief Estate Surveyor/Acquisition, LandsD	Your attention is drawn that relocation/re-provisioning of the affected operations is not covered by the existing Compensation and Rehousing Arrangements in Government clearance exercises. The affected operators should seek their alternative sites on their own initiatives and the approval from LandsD for the required STW/STT application is not guaranteed.	Noted.
6.	Chief Engineer/Construction, Water Supplies Department (CE/C, WSD)	Provided that the sites are for temporary OS and PBU uses, the water demand generated from the sites is presumed to be low. If water intensive industries would be located in the sites, water impact assessment should be included in the planning applications to identify mitigation measures to the water supply impact arisen from the development.	Noted. WSD's comments are included in the revised Guidelines. CE/C, WSD's specific comments will be sought and duly considered during the planning application stage.
7.	Director of Environmental Protection	Para. 15 of revised Guidance Notes – We consider that it would be useful, and indeed necessary, to clearly spell out that the proposed noise mitigation measures shall be implemented before the commencement of the operation of	Noted. Section 15 of the Guidance Notes specifies the general requirement for implementation of technical proposals. Specific requirement on implementation of proposed noise mitigation

No.	Bureaux/ Departments	Major Comments	PlanD's Responses
		the OS and PBU sites. Please consider.	measures before commencement of operation can be suggested on a base-by-case basis during the planning application stage and suitably incorporated as approval condition or advisory clause for the Board's consideration.

The following Government bureaux/departments have no objection to or no comment on the proposed revisions to the Guidelines:

- (a) Secretary for Development;
- (b) Secretary for Transport and Housing;
- (c) Chief Building Surveyor/New Territories West, Buildings Department;
- (d) Chief Engineer/Mainland South, Drainage Services Department;
- (e) Regional Highway Engineer/New Territories, Highways Department;
- (f) Project Manager/West, Project Manager/East and Project Manager/North, Civil Engineering and Development Department (CEDD);
- (g) Head/Geotechnical Engineering Office, CEDD;
- (h) Sustainable Lantau Office, CEDD;
- (i) Chief Town Planner/Urban Design and Landscape, PlanD;
- (j) District Land Officers for Yuen Long, Tuen Mun, Tai Po, Sai Kung and Islands, LandsD; and
- (k) District Officers for Yuen Long, Tuen Mun, Tai Po, North, Sai Kung and Islands, Home Affairs Department.