

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

1. On 17.10.2008, the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13E) were promulgated, which set out the following criteria for the various categories of area:
 - (a) Category 1 areas: 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 may cause significant environmental and traffic concerns;
 - (b) Category 2 areas: planning permission could be granted on a temporary basis up to a maximum period of 3 years, 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. 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;
 - (c) Category 3 areas: applications would normally not be favourably considered unless the applications are on sites with previous planning approvals. Sympathetic consideration may be given if the applicants have demonstrated genuine efforts in compliance with approval conditions of the previous planning applications and included in the fresh applications relevant technical assessments/proposals to demonstrate that the proposed uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. Planning permission could be granted on a temporary basis up to a maximum period of 3 years, 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; and
 - (d) Category 4 areas: applications would normally be rejected except under exceptional circumstances. For applications on sites with previous planning approvals, and subject to no adverse departmental comments and local objections, sympathetic consideration may be given if the applicants have demonstrated genuine efforts in compliance with approval conditions of the previous planning applications and included in the applications relevant technical assessments/proposals 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. 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 merit.

2. In assessing applications for open storage and port back-up uses, the other major relevant assessment criteria are also summarized as follows:
- (a) there will be a general presumption against development on sites of less than 1,000m² for open storage uses and 2,000m² for port back-up uses in rural areas, other than sites located in major 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, minimizing sprawl over countryside areas and reducing travel trips;
 - (b) port back-up sites and those types of open storage uses generating adverse noise, air pollution and visual intrusion and frequent heavy vehicle traffic should not be located adjacent to sensitive receivers such as residential dwellings, hospitals, schools and other community facilities;
 - (c) port back-up uses are major generators of traffic, with container trailer/tractor parks generating the highest traffic per unit area. In general, port back-up sites should have good access to the strategic road network, or be accessed by means of purpose built roads;
 - (d) adequate screening of the sites through landscaping and/or fencing should be provided where sites are located adjacent to public roads or are visible from surrounding residential areas;
 - (e) there is a general presumption against conversion of agricultural land and fish ponds to other uses on an ad hoc basis, particularly in flood prone areas or sites which would obstruct natural drainage channels and overland flow; and
 - (f) 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, planning permission may be refused, or a shorter compliance period for the approval conditions may be imposed, notwithstanding other criteria set out in the Guidelines are complied with.

**Extract of Town Planning Board Guidelines
on Renewal of Planning Approval
and Extension of Time for Compliance
with Planning Conditions for Temporary Use or Development**

(TPB PG-No. 34B)

1. The criteria for assessing applications for renewal of planning approval include:
 - (a) whether there has been any material change in planning circumstances since the previous temporary approval was granted (such as a change in the planning policy/land-use zoning for the area) or a change in the land uses of the surrounding areas;
 - (b) whether there are any adverse planning implications arising from the renewal of the planning approval (such as pre-emption of planned permanent development);
 - (c) whether the planning conditions under previous approval have been complied with to the satisfaction of relevant Government departments within the specified time limits;
 - (d) whether the approval period sought is reasonable; and
 - (e) any other relevant considerations.

Under normal circumstances, the approval period for renewal should not be longer than the original validity period of the temporary approval. In general, the Board is unlikely to grant an approval period exceeding three years unless there are strong justifications and the period is allowed for under the relevant statutory plans. Depending on the circumstances of each case, the Board could determine the appropriate approval period, which may be shorter than the time under request.

Previous s.16 Applications covering the Site

Approved Applications

	<u>Application No.</u>	<u>Zoning(s) and OZP at the time of consideration</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
1.	A/YL-HT/242	“CDA” zone on approved HT OZP No. S/YL-HT/4	Temporary Ancillary Container Repairing Area (3 years)	12.7.2002 by RNTPC (3 years) (Revoked on 12.1.2003)	4, 9, 10
2.	A/YL-HT/307	“CDA” zone on approved HT OZP No. S/YL-HT/4	Temporary Container Trailer/Tractor Park (3 years)	31.10.2003 by TPB (3 years)	1, 4, 6, 8, 9, 10, 11
3.	A/YL-HT/308	“CDA” zone on approved HT OZP No. S/YL-HT/4	Temporary Open Storage of Container Trailers/Tractors with Repair Workshop (3 years)	31.10.2003 by TPB (3 years)	1, 4, 6, 8, 9, 10, 11
4.	A/YL-HT/500	“CDA” zone on approved HT OZP No. S/YL-HT/8	Temporary Open Storage of Container Trailers and Tractors with Ancillary Repair Workshop (3 years)	10.8.2007 by RNTPC (3 years)	1, 2, 3, 4, 5, 6, 7, 8, 9, 10
5.	A/YL-HT/501	“CDA” zone on approved HT OZP No. S/YL-HT/8	Temporary Open Storage of Container Trailers and Tractors (3 years)	10.8.2007 by RNTPC (3 years)	1, 2, 3, 4, 5, 6, 7, 8, 9, 10
6.	A/YL-HT/934	“CDA” zone on approved HT OZP No. S/YL-HT/10	Temporary logistics centre with ancillary site office and parking of vehicle (3 years)	6.2.2015 by RNTPC (3 years) (Revoked on 6.5.2016)	1, 2, 3, 4, 5, 6, 7, 8, 9, 10
7.	A/YL-HT/1017	“CDA” zone on approved HT OZP No. S/YL-HT/10	Temporary Logistics Centre with Ancillary Site Office (3 years)	13.5.2016 by RNTPC (3 years)	1, 2, 3, 4, 5, 6, 7, 8, 9, 10

Approval Conditions:

- 1 No night-time operation and/or no operation on Sundays and public holidays.
- 2 No recycling, repairing cleaning and dismantling or any other workshop activity is allowed on the site.
- 3 No vehicle is allowed to queue back to public road or reverse onto/from the public road.
- 4 The submission and implementation of the drainage proposal/condition record of existing drainage facilities/the maintenance of the implemented drainage facilities.
- 5 The submission and implementation of the run-in/out proposal.

- 6 The submission and implementation of the tree preservation and landscape proposal.
- 7 The submission/implementation of FSIs proposal and/or provision of fire extinguisher(s) and the submission of a valid fire certificate (FS 251).
- 8 The provision of fencing.
- 9 Revocation clauses.
- 10 Reinstatement clause.
- 11 The submission and implementation of a vehicular access proposal.

**Similar s.16 Applications within the same “O”, “R(B)1” and “R(B)2” Zones
on the approved Hung Shui Kiu and Ha Tsuen Outline Zoning Plan No. S/HSK/2 Since the
Promulgation of TPB PG-No. 13E on 17.10.2008**

Approved Applications

	<u>Application No.</u>	<u>Zoning(s) and OZP at the time of consideration</u>	<u>Applied use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
1.	A/YL-HT/953	“CDA” zone on approved Ha Tsuen OZP No. S/YL-HT/10	Proposed temporary logistics centre (3 years)	22.5.2015 (3 years) (revoked on 22.11.2017)	1, 2, 3, 4, 5, 6, 7, 8, 9, 10
2.	A/YL-HT/970	“CDA” zone on approved Ha Tsuen OZP No. S/YL-HT/10	Proposed temporary logistics centre (3 years)	4.9.2015 (3 years) (revoked on 4.6.2017)	1, 2, 3, 4, 5, 6, 7, 8, 9, 10
3.	A/YL-HT/1058	“CDA” zone on approved Ha Tsuen OZP No. S/YL-HT/10	Proposed temporary logistics centre (3 years)	9.12.2016 (3 years) (revoked on 9.1.2019)	1, 2, 3, 4, 5, 6, 7, 8, 9, 10
4.	A/YL-HT/1062	“CDA” zone on approved Ha Tsuen OZP No. S/YL-HT/10	Proposed temporary logistics centre (3 years)	13.1.2017 (3 years)	1, 2, 3, 4, 5, 6, 7, 8, 9, 10
5.	A/HSK/5	“O”, “V”, “R(B)2” and “G/IC” zones on draft HSK OZP No. S/HSK/1	Temporary logistics centre (3 years)	11.8.2017 (3 years)	1, 2, 3, 4, 5, 6, 7, 8, 9, 10
6.	A/HSK/7	“G/IC”, “R(B)2”, “O” and ‘Road’ on draft HSK OZP No. S/HSK/1	Temporary logistics centre (3 years)	25.8.2017 (3 years) (revoked on 25.5.2018)	1, 2, 3, 4, 5, 6, 7, 8, 9, 10
7.	A/HSK/50	“O” and “R(B)2” on draft HSK OZP No. S/HSK/1	Temporary logistics centre (3 years)	2.3.2018 (3 years)	1, 2, 3, 4, 5, 6, 7, 8, 9, 10
8.	A/HSK/59	“O”, “R(B)2”, “G/IC” and ‘Road’ on draft HSK OZP No. S/HSK/1	Temporary logistics centre (3 years)	20.4.2018 (3 years)	1, 2, 3, 4, 5, 6, 7, 8, 9, 10
9.	A/HSK/108	“O”, “R(B)1”, “R(B)2” and ‘Road’ on approved OZP No. S/HSK/2	Temporary logistics centre (3 years)	7.12.2018 (3 years)	1, 2, 3, 4, 5, 6, 8, 9, 10

Approval Conditions

- 1 The submission and/or implementation of landscaping and/or tree preservation proposals, and/or provision of replacement planting and/or the replacement of dead trees.
- 2 The submission of DIA/drainage proposals and/or provision of drainage facilities/implementation

of the drainage facilities proposed, and/or submission of a condition record of the existing drainage facilities.

- 3 The provision/ maintained of paving, and/or fencing, and/or screening planting.
- 4 The submission/implementation of FSIs proposals and/or provision of FSIs, with or without sprinkler system, provision of the extinguisher(s) and submission of a valid fire certificate (FS251).
- 5 No night-time operation and/or no operation on Sundays and public holidays.
- 6 Revocation clauses.
- 7 Reinstatement clause.
- 8 The maintenance of the drainage facilities.
- 9 No vehicle is allowed to queue back to public road or reverse onto/from the public road.
- 10 No cutting, dismantling, cleansing, repairing, compaction, tyre repair, vehicle repair, container repair and workshop activity.

Advisory Clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) to note that the Site might be resumed at any time during the planning approval period for implementation of government projects;
- (c) to note the comments of the District Lands Officer/Yuen Long (DLO/YL, LandsD) that the Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government. No permission is given for occupation of Government land (GL) of about 8m² in area (subject to verification) included in the Site. The act of occupation of GL without Government's prior approval is not allowed. The private lots which are covered by Short Term Waivers (STWs) in the Site are listed below:

Lot No(s). in D.D.129	STW No.	Purposes
3066, 3103	4964	Temporary Logistics Centre with Ancillary Site Office
3077	4965	
3094, 3095, 3099, 3100, 3102, 3105, 3115 RP, 3116 RP	4966	
3096	4967	
3098 S.B	4968	
3098 S.C	4969	
3098 S.D	4970	
3101	4971	
3104	4972	
3114 RP	1975	

The STW holders will need to apply to LandsD for modification of the STW conditions where appropriate. The owner(s) of lot without STW will need to apply to LandsD to permit the structures to be erected or regularize any irregularity on site, if any. The applicant has to either exclude the remaining GL from the Site or apply for a formal approval prior to the actual occupation of the remaining GL. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Application(s) for any of the above will be considered by the LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by the LandsD. The Site is accessible from Lau Fau Shan Road through private lot. LandsD does not guarantee any right-of-way to the Site;

- (d) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT) that sufficient manoeuvring spaces shall be provided within the Site;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that adequate drainage measures should be provided at the Site access to prevent surface water flowing from the Site onto nearby public roads/drains.
- (f) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that there is no record of approval by the Building Authority (BA) for the existing structures at the Site. If the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of the BD, they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the captioned application. For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO. Before any new building works (including containers/open sheds as temporary buildings and land filling) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the BO. The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;
- (h) to note the comments of the Director of Fire Services (DFS) that in consideration of the design/nature of the structure, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant should submit relevant layout plans incorporated with the proposed FSIs to him for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans. If the proposed structure(s) is required to comply with the Building Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (i) to note the comments of the Director of Agriculture, Fisheries and Conservation (DAFC) that the applicant should adopt good site practices and implement water pollution control measure as necessary to avoid affecting the nearby watercourse; and
- (j) to note the comments of the Project Manager (New Territories West), Civil Engineering and Development Department (PM/NTW, CEDD) that the Site falls within the boundary of Hung Shui Kiu New Development Area (HSK NDA). According to the Planning and Engineering Study (P&E Study) for the HSK NDA, to ensure timely and orderly implementation, the development of HSK NDA and relevant site formation and

infrastructure works would be implemented in five stages, viz. Advance Works and Stage 1 to Stage 4. The concerned lot(s) falls within a site under Stage 4 Works stage. While the detailed implementation programme for the project is still being formulated, based on the P&E Study, it is envisaged that clearance of the Site in question will not be arranged before the first population intake of the HSK NDA expected in 2024.