

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

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

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

(TPB PG-No. 34C)

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

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

Previous s.16 Applications covering the Site

Approved Applications

	<u>Application No.</u>	<u>Zoning and OZP at the time of consideration</u>	<u>Applied Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Condition(s)</u>
1.	A/YL-HT/38	“CDA” on draft Ha Tsuen OZP No. S/YL-HT/1	Temporary Public Container Vehicles, Light Van and Private Car Park (1 Year)	16.1.1998	1, 3, 4
2.	A/YL-HT/73	“CDA” on draft Ha Tsuen OZP No. S/YL-HT/1	Temporary Public Car Park including Parking of Container Trailer/Tractor (1 Year)	12.3.1999	1, 3, 4, 7
3.	A/YL-HT/155	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/4	Temporary Public Vehicle Park for Private Cars, Light Goods Vehicles, Heavy Goods Vehicles and Container Trailers (3 Years)	16.6.2000 (revoked on 16.3.2001)	1, 3, 4, 5, 7
4.	A/YL-HT/231	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/4	Temporary Public Vehicle Park for Private Cars, Light and Heavy Goods Vehicles, and Container Trailers (3 Years)	21.12.2001 (revoked on 21.3.2002)	1, 3, 4, 5, 8, 9
5.	A/YL-HT/270	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/4	Temporary Public Car Park for Private Cars, Light and Heavy Goods Vehicles and Container Trailers (3 Years)	27.9.2002	1, 3, 4, 5, 6, 8
6.	A/YL-HT/422	“CDA” on draft Ha Tsuen OZP No. S/YL-HT/6	Temporary Public Vehicle Park for Private Cars, Light and Heavy Goods Vehicles and Container Trailers (3 Years)	25.11.2005	2, 4, 5, 10, 11, 12, 13
7.	A/YL-HT/587	“CDA” on draft Ha Tsuen OZP No. S/YL-HT/9	Temporary Public Vehicle Park for Private Cars, Light and Heavy Goods Vehicles and Container Tractors/Trailers (3 Years)	19.12.2008 (revoked on 16.7.2009)	3, 4, 5, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17
8.	A/YL-HT/650	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Public Vehicle Park for Private Cars, Light and Heavy Goods Vehicles and Container Tractors/Trailers with Ancillary Freight Forwarding Facility and Vehicle Repair Workshop (3 Years)	6.11.2009 (revoked on 15.10.2010)	3, 4, 5, 6, 7, 8, 10, 11, 12, 14, 16
9.	A/YL-HT/697	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Public Vehicle Park for Private Cars, Light and Heavy Goods Vehicles and Container Tractors/Trailers with Ancillary Freight Forwarding Facility and Vehicle Repair Workshop (Renewal of Planning Approval under Application No. A/YL-HT/650) (1 Year)	15.10.2010 (revoked on 7.10.2011)	1, 3, 4, 5, 8, 10, 12, 16

	<u>Application No.</u>	<u>Zoning and OZP at the time of consideration</u>	<u>Applied Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Condition(s)</u>
10	A/YL-HT/762	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Vehicle Park for Private Cars, Light and Heavy Goods Vehicles and Container Tractors/Trailers with Ancillary Freight Forwarding Facility, Vehicle Repair Workshop and Open Storage of Scrap Metal for a Period of 3 Years (3 Years)	20.1.2012 (1 year)	1, 3, 4, 5, 8, 10, 12, 16
11	A/YL-HT/830	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Vehicle Park for Private Cars, Light and Heavy Goods Vehicles and Container Tractors/ Trailers with Ancillary Freight Forwarding Facility, Vehicle Repair Workshop and Open Storage of Scrap Metal (3 Years)	11.1.2013	1, 3, 4, 5, 8, 10, 12, 13, 16, 18, 19
12	A/YL-HT/990	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Logistic Centre and Open Storage of Construction Material and Scrap Metal with Ancillary Site Office (3 Years)	8.1.2016 (revoked on 8.1.2017)	1, 3, 4, 5, 10, 12, 16, 18, 20, 21, 22, 23
13	A/YL-HT/1078	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10; later rezoned to “R(A)3”, “O” and ‘Road’ on the draft HSK and HT OZP No. S/HSK/1	Temporary Logistics Centre with Ancillary Site Office (3 Years)	14.7.2017	1, 3, 4, 5, 10, 12, 16, 18, 22

Approval Conditions:

- 1 The submission and implementation of landscaping and/or tree preservation proposals and/or provision of replacement planting.
- 2 The submission of vehicular access proposal and/or provision of vehicular access arrangement (or alternative vehicular entrance) as well as parking and loading/unloading spaces.
- 3 The submission of DIA/drainage proposals and provision of drainage facilities, and/or submission of a condition record of the existing drainage facilities.
- 4 Reinstatement clause.
- 5 Revocation clause.
- 6 The setting back of the site boundary to avoid encroaching upon the public works project limit.
- 7 The provision of paving, and/or fencing, and/or screening planting.
- 8 No vehicle without valid licenses issued under the Traffic Regulations is allowed to be parked.
- 9 The submission and implementation of the environmental mitigation measures proposals.
- 10 No night-time operation and/or no operation on Sundays and public holidays.
- 11 Maintenance of the landscape planting.
- 12 Maintenance of the existing/ implemented drainage facilities.
- 13 No dismantling, repairing, melting, cleansing and/or other workshop activities.
- 14 The submission and implementation of run-in/out proposal.
- 15 The construction of an intercept channel at the entrance to prevent surface water running from the site to the nearby public roads and drains through the run-in/out.
- 16 The submission/implementation of FSIs proposals and/or the provision of FSIs, with or without sprinkler system.
- 17 No loading/unloading of goods is allowed.
- 18 No vehicle is allowed to queue back or reserve onto/from the public road.

- 19 No material/vehicle is allowed to be stored/parked within 1m of any tree on the site.
- 20 No vehicle/tyre repairing, compacting and dismantling or other workshop activities.
- 21 No material/vehicle is allowed to be stored/parked within 1m of any tree.
- 22 Maintenance of the existing boundary fencing.
- 23 Provision of fire extinguishers.

Rejected Application

	<u>Application No.</u>	<u>Zoning and OZP at the time of consideration</u>	<u>Applied Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Rejection Reasons</u>
1.	A/YL-HT/26	“CDA” on draft Ha Tsuen OZP No. S/YL-HT/1	Proposed public car park for private car, goods vehicle, heavy goods vehicle, bicycle, motor cycle and private bus (Permanent)	20.6.1997	1, 2, 3, 4, 5

Rejection Reasons:

- 1 The applicant has not submitted any Master Layout Plan for the “CDA” zone to the Board for consideration.
- 2 The proposed development is not in line with the planning intention of the “CDA” zone.
- 3 The proposed development would jeopardize the future planning and implementation of the “CDA” zone.
- 4 The proposed development would affect the implementation of the ‘Ping Ha Road Improvement – Ha Tsuen Section’ project which would commence in 1999.
- 5 Approval of the application would set an undesirable precedent for similar applications.

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

Approved Applications

	<u>Application No.</u>	<u>Zoning and OZP at the time of consideration</u>	<u>Applied Use(s)/ Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
1.	A/YL-HT/569	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Logistics Centre and Warehouse (3 years)	7.11.2008	1, 2, 3, 4, 5, 6, 7
2.	A/YL-HT/745	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Logistics Centre with Ancillary Vehicle Park (3 years)	20.8.2011	1, 2, 3, 4, 5, 6, 7, 10, 14, 17
3.	A/YL-HT/761	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Logistics Centre and Warehouse (3 years)	24.2.2012	1, 2, 3, 4, 6, 7, 11, 12, 15
4.	A/YL-HT/839	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Logistics Centre and Ancillary Parking of Vehicle (3 Years)	5.4.2013	1, 3, 4, 5, 6, 7, 8, 11, 13, 18, 20
5.	A/YL-HT/873	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Logistics Centre and Ancillary Parking of Vehicle (3 years)	22.11.2013	1, 3, 4, 5, 6, 7, 8, 11, 13, 18
6.	A/YL-HT/939	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Logistics Centre and Ancillary Parking of Vehicle (3 years)	27.3.2015 (revoked on 27.9.2015)	1, 3, 4, 5, 6, 7, 8, 11, 13
7.	A/YL-HT/960	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Logistics Centre and Ancillary Parking of Vehicle (3 years)	3.7.2015	1, 3, 4, 5, 6, 7, 8, 11, 13
8.	A/YL-HT/962	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Logistics Centre and Warehouse (Storage of Paper) (3 years)	3.7.2015	1, 2, 3, 4, 5, 6, 7, 8, 11, 13, 14, 19
9.	A/YL-HT/1014	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Logistics Centre (3 years)	22.4.2016 (revoked on 22.5.2018)	1, 2, 3, 4, 6, 7, 11, 13, 14
10.	A/HSK/86	“R(A)3” and ‘Road’ on the draft HSK and HT OZP No. S/HSK/1	Temporary Logistics Centre (3 years)	3.8.2018	1, 2, 3, 4, 5, 6, 7, 11, 13

Approval Conditions:

- 1 No night-time operation and/or no operation on Sundays and public holidays.
- 2 The maintenance of the drainage facilities, and/or submission of a condition record of the existing drainage facilities.
- 3 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.
- 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 The provision/ maintenance of paving, and/or fencing, and/or screening planting, and /or drainage facilities.
- 6 Revocation clauses.
- 7 Reinstatement clause.
- 8 The submission of DIA/drainage proposals and/or provision of drainage facilities/implementation of the drainage facilities proposed.
- 9 The demolition of the existing structure on-site.

- 10 Setting back of the boundary of the site from the “Village Type Development” zone by 50m
- 11 No cutting, and/or dismantling, and/or repairing, and/or cleansing, and/or melting, and/or compaction, and/or unpacking, and/or re-packing, and/or vehicle repair, and/or container repair, cleansing and workshop activity.
- 12 No wood, cement and combustibles is allowed to be stored.
- 13 No vehicle is allowed to queue back to or reverse onto/from the public road at any time.
- 14 The submission and implementation of run-in/run-out proposal(s).
- 15 No material is allowed to be stored/dumped and no vehicle is allowed to be parked within 5m of the fencing.
- 16 No heavy goods vehicle exceeding 24 tonnes is allowed to enter the site at any time.
- 17 The stacking height of the materials/goods stored shall not exceed the height of the boundary fence/2.5m/5m.
- 18 No stacking of containers within 5m of the periphery of the site.
- 19 No material is allowed to be stored/dumped and/or no vehicle is allowed to be parked within 1m of any tree.
- 20 The stacking height of containers stored should not exceed 7/8 units.

Advisory Clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) to note that the Site might be resumed at any time during the planning approval period for implementation of government projects;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site comprises Government Land (GL) and Old Schedule Agricultural Lots (OSALs). The OSALs are held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. The GL in the Site (about 190m² subject to verification) is covered by Short Term Tenancy No. 2864 (STT2864) for the purpose of Temporary Vehicle Park for Private Cars, Light and Heavy Goods Vehicles and Container Tractors/Trailers with Ancillary Freight Forwarding Facility, Vehicle Repair Workshop and Open Storage of Scrap Metal. The private lots within the Site covered by Short Term Waivers (STWs) are listed below:

Lot No(s). in D.D.125	STW No.	Purposes
814 RP	2202	Storage and Workshop for Construction Machinery
816 S.B RP	3126	Office, Storage and Ancillary Use to Public Car Park
805 S.B RP	3127	
807 RP	5105	Temporary Logistics Centre with Ancillary Site Office
808 RP	5106	
809 RP	5107	
815	5108	

The STW/STT holders will need to apply to his office for modification of the STW/STT conditions where appropriate and the lot owner(s) of the lot(s) without STW will need to apply to his office for permitting the structures to be erected or to regularize any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. Application(s) for any of the above will be considered by LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;

- (d) to note the comments of the Assistant Commissioner for Transport/ New Territories, Transport Department (AC for T/NT, TD) that sufficient manoeuvring spaces shall be provided within the Site. No vehicles are allowed to queue back to public roads or reverse onto/from public roads;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that the access arrangement of the Site should be commented by TD. Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting the Site and Ping Ha Road;
- (f) to follow the relevant mitigation measures and requirements in the latest ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Environmental Protection Department to minimize any potential environmental nuisances;

- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the required condition record should include coloured photos showing the current condition of the drainage facilities and a layout plan indicating the locations of the photos taken. The submitted photos should cover all internal surface channels, catch pits, sand traps, manholes, terminal catch pits/ manholes and the downstream discharge path as indicated on the submitted drainage proposal;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that if the existing structures (not being a New Territories Exempted Houses) are erected on leased land without approval of the Building Department (BD), they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application. For UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO. Before any new building works (including containers/open sheds as temporary buildings and land filling) are to be carried out on the Site, prior approval and consent of BD should be obtained, otherwise they are UBW. An Authorized Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the BO. The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and
- (i) to note the comments of the Project Manager (West), Civil Engineering and Development Department (PM/W, CEDD) that the Site falls within the boundary of Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA). According to the Planning and Engineering Study for the HSK/HT NDA and the latest plan, to ensure timely and orderly implementation, the development of HSK/HT NDA and relevant site formation and infrastructure works would be implemented in five stages, viz. Advance Works and Stage 1 to Stage 4. The lot(s) concerned falls within a site under Stages 3 and 4 Works in the latest programme of the HSK/HT NDA. While the detailed implementation programme for the project is still being formulated, it is envisaged that clearance of the Site will not be arranged before 2024.