

**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 Application Site

Approved Applications

	<u>Application No.</u>	<u>Zoning(s) and OZP at the time of consideration</u>	<u>Applied Use/ Development</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
1.	A/YL-HT/172	"CDA" on the then Approved Ha Tsuen OZP No. S/YL-HT/4	Temporary Public Vehicle Park (Private Cars, Lorries and Coaches) (3 years)	23.3.2001 by TPB (3 years)	1, 2, 3, 4, 5, 6
2.	A/YL-HT/382	"CDA" on the then Draft Ha Tsuen OZP No. S/YL-HT/5	Temporary Public Vehicle Park (Private Cars, Lorries and Coaches) (3 years)	18.3.2005 (3 years)	2, 4, 5, 6, 7, 8
3.	A/YL-HT/581	"CDA" on the then Draft Ha Tsuen OZP No. S/YL-HT/9	Temporary Public Vehicle Park (Private Cars, Lorries and Coaches) (3 Years)	7.11.2008 (3 years) (revoked on 7.5.2009)	1, 2, 3, 4, 6, 8, 9, 10, 11, 12, 13
4.	A/YL-HT/630	"CDA" on the then Approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Public Car Park (3 Years)	24.7.2009 (3 years) (revoked on 24.10.2009)	1, 2, 3, 4, 6, 13
5.	A/YL-HT/696	"CDA" on the then Approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Public Car Park (3 Years)	24.9.2010 (3 years)	1, 2, 3, 4, 5, 6, 8, 10, 13, 14
6.	A/YL-HT/867	"CDA" on the then Approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Public Car Park (3 Years)	8.11.2013 (3 years) (revoked on 8.5.2014)	1, 2, 3, 4, 5, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18
7.	A/YL-HT/902	"CDA" on the then Approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Vehicle Service Centre (3 Years)	27.6.2014 (3 years)	1, 2, 3, 4, 8, 9, 10, 11, 14, 18, 19
8.	A/YL-HT/938	"CDA" on the then Approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Vehicle Service Centre (3 Years)	13.3.2015 (3 years)	1, 2, 3, 8, 9, 10, 11, 14, 18, 19
9.	A/HSK/42	"O" on the draft Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/1	Temporary Vehicle Service Centre (3 Years)	26.01.2018 (3 years)	2, 3, 7, 8, 10, 14, 18, 19, 20

Approval Conditions:

- 1 The submission and implementation of landscaping or/and tree preservation proposals and/or provision of replacement planting.
- 2 Revocation clause.
- 3 The submission of (DIA) drainage proposals and/or provision of drainage facilities, and/or submission of a condition record of the existing drainage facilities.
- 4 Reinstatement clause.
- 5 No vehicle without valid licenses issued under the Traffic Regulations is allowed to be parked/store on the site.
- 6 No container vehicle including container trailer and tractor is allowed to be parked/stored.

- 7 The maintenance of the landscape planting.
- 8 The maintenance of the drainage facilities.
- 9 The provision of fencing.
- 10 No night-time operation and/or no operation on Sundays and public holidays.
- 11 The submission and implementation of run-in/run-out proposal(s).
- 12 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.
- 13 No open storage of materials.
- 14 The submission and implementation of fire service installations
- 15 No parking of container vehicles, including container trailers and tractors, as defined in the Road Traffic Ordinance.
- 16 A notice should be posted at a prominent location of the site to indicate that no parking of container vehicles, including container trailers and tractors, as defined in the Road Traffic Ordinance, is allowed to be sold/parked/stored on the application site.
- 17 No cutting, dismantling, melting, cleansing, repairing or other workshop activity.
- 18 No vehicle is allowed to queue back to public road or reverse onto/from the public road.
- 19 No vehicle spraying activities.
- 20 The maintenance of the fencing.

Advisory Clauses

- (a) to note that the Site might be resumed at any time during the planning approval period for implementation of government projects;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site comprises Old Schedule Agricultural Lot (OSAL) and Government Land (GL). The OSAL is 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 within the Site is about 910m². A portion of GL (about 81m²) in the Site is covered by a Short Term Tenancy No. 2794 (STT) for the purposes of Temporary Vehicle Service Centre. On the other hand, STT application for the remaining GL (about 829m²) in the Site was received in his office. The STT application is under processing and the toleration fee for the remaining GL is charged quarterly. The private lot covered by Short Term Waiver (STW) is listed below:

Lot No. in D.D.125	STW No.	Purposes
826 S.B RP	3951	Temporary Vehicle Service Centre

The STW/STT holders will need to apply to his office for modification of the STW/STT conditions where appropriate. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. Application(s) for any of the above will be considered by LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by LandsD;

- (c) to note the comments of the Commissioner for Transport (C for T) that sufficient manoeuvring spaces shall be provided within the Site;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting the Site and Ping Ha Road;
- (e) 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;
- (f) 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;
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that if the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of the Building Authority (BA), 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, demolition 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

- (h) to note the comments of the Project Manager (West), Civil Engineering and Development Department (PM/W, CEDD) that the Site falls within the boundary of Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA). To ensure timely and orderly implementation, the development of HSK/HT NDA and relevant site formation and infrastructure works would be implemented in three phases, viz. First Phase development, Second Phase development and Remaining Phase development. The lot(s) concerned falls within the sites under Remaining Phase development of HSK/HT NDA. While the detailed implementation programme for the project is still being formulated, it is envisaged that the site formation and engineering infrastructure works will commence in 2030.