

**Relevant extracts of the Town Planning Board Guidelines
for Application for Open Storage and Port Back-up Uses
(TPB PG-No. 13G)**

1. On 14.4.2023, 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.13G) were promulgated, which set out the following criteria for the various categories of the 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, 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: 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 or if required, 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 (irrespective of whether the application is submitted by the applicant of previous approval or a different applicant). Sympathetic consideration may be given if genuine efforts have been demonstrated in compliance with approval conditions of the previous planning applications and/or 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. 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 (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 genuine efforts have been demonstrated in compliance with approval conditions of the previous planning applications and/or 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. A maximum period of 3 years may be allowed for an applicant to identify suitable sites for relocation. Application for renewal of approval will be assessed on its individual merits.

2. In assessing applications for open storage and port back-up uses, the other major relevant assessment criteria are also summarised as follows:
 - (a) port back-up sites and those types of open storage 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;
 - (b) 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;
 - (c) adequate screening of sites through landscaping and/or fencing should be considered where sites are located adjacent to public roads or are visible from surrounding residential areas;
 - (d) there is a general presumption against conversion of active or good quality agricultural land and fish ponds to other uses on an ad-hoc basis. For flood prone areas or sites which would obstruct natural drainage channels and overland flow, advice should be sought;
 - (e) 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, notwithstanding other criteria set out in this Guidelines are complied with; and
 - (f) 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:
 - (i) policy support is given by the relevant bureau(x) to the application for relocation of the affected uses/operations to the concerned sites; and
 - (ii) no adverse departmental comments and local objections, or the concerns could be addressed by approval conditions.

Previous Applications Covering the Site

Approved Applications

<u>Application No.</u>	<u>Zoning</u> (at the time of consideration)	<u>Development/Use</u>	<u>Date of Consideration</u>
A/DPA/YL-PS/30	Unspecified Use	Temporary Use of Open Storage of New Vehicles	21.10.1994 (Approved for 3 Years)
A/YL-PS/14	“REC”	Temporary Open Storage of New Vehicles for a Period of 12 Months	3.10.1997
A/YL-PS/40	“REC”	Temporary Open Storage of New Vehicles for a Period of 12 Months	16.10.1998
A/YL-PS/76	“REC” & “V”	Temporary Open Storage of New Vehicles for a Period of 3 Years	19.5.2000 (Revoked on 19.8.2001)
A/YL-PS/106	“REC”	Temporary Open Storage of New Vehicles (Cars, Taxis and Light Vans Only) for a Period of 3 Years	1.3.2002 (Revoked on 22.8.2002)
A/YL-PS/122	“REC”	Temporary Open Storage of New Vehicles (Cars, Taxis and Light Vans Only) for a Period of 3 Years or Less	11.10.2002 (Approved for 3 Years)
A/YL-PS/167	“REC”	Temporary Open Storage of New Vehicles (Cars, Taxis and Light Vans Only) for a Period of 3 Years	19.12.2003
A/YL-PS/255	“REC”	Renewal of Planning Approval for Temporary Open Storage of New Vehicles (Cars, Taxis and Light Vans Only) under Application No. A/YL-PS/167 for a Period of 3 Years	1.12.2006
A/YL-PS/311	“REC”	Temporary Open Storage of New Vehicles (Cars, Taxis, Light Goods Vehicles and Light Buses Only) for a Period of 3 Years	19.3.2010
A/YL-PS/346	“REC”	Proposed Temporary Open Storage of Construction Materials for a Period of 3 Years	3.6.2011
A/YL-PS/352	“REC”	Proposed Temporary Open Storage of Construction Materials for a Period of 3 Years	2.9.2011
A/YL-PS/446	“REC”	Renewal of Planning Approval for Temporary Open Storage of Construction Materials for a Period of 3 Years	23.5.2014
A/YL-PS/457	“REC”	Open Storage of Construction Materials and Construction Equipment for a Period of 3 Years	17.10.2014
A/YL-PS/538	“REC”	Renewal of Planning Approval for Temporary Open Storage of Construction Materials for a Period of 3 Years	26.5.2017
A/YL-PS/545	“REC”	Renewal of Planning Approval for Temporary Open Storage of Construction Materials and Construction Equipment for a Period of 3 Years	13.10.2017
A/YL-PS/603	“REC”	Renewal of Planning Approval for Temporary Open Storage of Construction Materials for a Period of 3 Years	29.5.2020
A/YL-PS/612	“REC”	Renewal of Planning Approval for Temporary Open Storage of Construction Materials and Construction Equipment for a Period of 3 Years	9.10.2020
A/YL-PS/680	“REC” & “R(A)6”	Renewal of Planning Approval for Temporary Open Storage of Construction Materials for a Period of 3 Years	19.5.2023

A/YL-PS/695	“REC” & “R(A)6”	Renewal of Planning Approval for Temporary Open Storage of Construction Materials and Construction Equipment for a Period of 3 Years	22.9.2023
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Rejected Application

<u>Application No.</u>	<u>Zoning</u> (at the time of consideration)	<u>Development/Use</u>	<u>Date of Consideration</u>	<u>Rejection Reasons</u>
A/DPA/YL-PS/3	Unspecified Use	Proposed Open Storage of New Vehicles	13.5.1994 (TPB)	(1) to (5)

Rejection Reasons

- (1) Not in line with planning intention of the area/the “REC” zone.
- (2) Not compatible with surrounding land uses.
- (3) Fails to demonstrate in the submission that the proposed development will not cause adverse impacts to stormwater discharge on the existing stormwater drain along Tin Tsz Road.
- (4) Fails to adequately address the potential visual and noise impacts.
- (5) Insufficient information on the existing access road and the applicant have not demonstrated that the number of vehicles received/despached in future will be maintained at the present level.

**Similar s.16 Applications within/straddling the same “REC” and “R(A)6” Zones
in the past 5 Years**

Approved Applications

<u>Application No.</u>	<u>Development/Use</u>	<u>Zoning(s)</u>	<u>Date of Consideration</u>
A/YL-PS/653	Renewal of Planning Approval for Temporary Open Storage of New Vehicles (Private Cars, Taxis, Light Goods Vehicles and Light Buses Only) for a Period of 3 Years	“REC” and “V”	4.3.2022
A/YL-PS/669	Temporary Warehouse and Open Storage of Plastic and Hardware Materials for a Period of 3 Years	“R(A)6” and “REC”	3.3.2023
A/YL-PS/685	Temporary Open Storage of Construction Materials (Metal) for a Period of 3 Years	“REC”	23.6.2023
A/YL-PS/697	Renewal of Planning Approval for Temporary Open Storage of Construction Materials and Construction Equipment for a Period of 3 Years	“R(A)6” and “REC”	27.10.2023
A/YL-PS/711	Temporary Open Storage of Building Materials and Machinery for a Period of 3 Years	“R(A)6” and “G/IC”	5.7.2024
A/YL-PS/764	Temporary Public Vehicle Park (Private Cars) and Open Storage of Construction Machinery and Construction Materials and Associated Filling of Land for a Period of 3 Years	“REC” and “V”	9.1.2026
A/YL-PS/767	Proposed Temporary Warehouse and Open Storage of Construction Machinery and Construction Materials and Associated Filling of Land and Pond for a Period of 3 Years	“R(A)6”, “REC” and “V”	6.2.2026

Government Departments' General Comments

1. Land Administration

Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- no adverse comment on the application;
- the application site (the Site) comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government, and Government land (GL);
- the GL within the Site (about 204m² subject to verification) is covered by a Short Term Tenancy (STT) No. 2834 and 2856 for the purposes of “Temporary Open Storage of Construction Materials and Construction Equipment” and “Temporary Open Storage of Construction Materials” respectively; and
- Lots 206 and 231 in D.D.126 are covered by a Short Term Waiver (STW) No. 4055 for the purpose of “Temporary Open Storage of Construction Materials and Construction Equipment”. Lot 226 in D.D.126 is covered by STW No. 4176 for the purpose of “Temporary Open Storage of New Vehicles (Private Cars and Light Goods Vehicles only)”.

2. Traffic

(a) Comments of the Commissioner for Transport (C for T):

No adverse comment on the application.

(b) Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

No adverse comment on the application.

3. Drainage

Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- no in-principle objection to the application from a drainage point of view; and
- should the Town Planning Board consider the application acceptable, a condition should be stipulated in the approval letter requiring the applicant to submit a drainage proposal, to implement and maintain the proposed drainage facilities as per the drainage proposal for the Site to the satisfaction of his department.

4. **Fire Safety**

Comments of the Director of Fire Services (D of FS):

- no in-principle objection to the proposal subject to fire service installations (FSIs) being provided to his satisfaction; and
- in consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposal FSIs to his department for approval.

5. **Building Matters**

Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- no objection to the application; and
- it is noted that six structures and associated filling of land are proposed in the application. Before any new building works (including containers/open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on the Site, prior approval and consent of Buildings Authority should be obtained, otherwise they are Unauthorised Building Works. An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with Buildings Ordinance;

6. **Long-term Development**

Comments of the Chief Engineer/Housing Projects, Civil Engineering and Development Department (CE/HP, CEDD):

- no adverse comment on the application; and
- the applicant should note the advisory comments at **Appendix VI**.

7. **District Officer's Comments**

Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

No local feedback was received.

8. **Other Departments**

The following departments has no comment on the application:

- Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD);
- Director of Agriculture, Fisheries and Conservation (DAFC); and
- Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

Recommended Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the applied use at the application site (the Site);
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (c) the Site should be kept in a clean and tidy condition at all times;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the lot owner(s) shall apply to his office for a Short Term Waiver (STW) to permit the structure(s) erected or to be erected within the private lots, if any. The STW and Short Term Tenancy (STT) holder(s) will need to apply to his office for modification of the existing STW(s) and /or STT(s) conditions where appropriate. The application(s) for STW and STT will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The STW(s) and STT(s), if approved, will be subject to such terms and conditions, including the payment of waiver fee and administrative fee as considered appropriate by LandsD. Besides, given the proposed use is temporary in nature, only erection of temporary structure(s) will be considered;
- (e) to note the comments of the Commissioner for Transport (C for T) that:
 - the applicant is reminded that sufficient space within the Site should be provided for maneuvering of vehicles;
 - no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period; and
 - the Site is connected to Tin Wah Road via a section of a local road which is not managed by his department. The land status of that local access road should be checked with LandsD. The management and maintenance responsibilities of that local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that:
 - adequate drainage measures shall be provided to prevent surface water running from the Site to the nearby public roads and drains; and
 - the access road connecting the Site with Tin Wah Road is not and will not be maintained by his office. His office should not be responsible for maintaining any access connecting the Site with Tin Wah Road;
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the applicant is required to demonstrate in the drainage proposal that the applied land filling works will not obstruct the overland flow nor cause any adverse drainage impact to the adjacent areas. The applicant shall be liable for any adverse drainage impact due to the applied land filling works;

- (h) to note the comments of the Director of Environmental Protection (DEP) that the applicant should follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspect of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department;
- (i) to note the comments of to note the comments of the Chief Engineer/Housing Projects, Civil Engineering and Development Department (CE/HP, CEDD) that majority of the Site falls within the development area of the proposed public housing development near Tin Tsz Road and would be subject to land resumption for the implementation which might take place at any time before the expiry of the temporary planning permission. The applicant is advised not to carry out any substantial works during the approval period;
- (j) to note the comments of the Director of Fire Services (D of FS) that:
- in consideration of the design/nature of the application, the applicant is advised to submit a relevant layout plans incorporated with the proposed fire services installations (FSIs) to his department for approval;
 - the layout plan should be drawn to scale and depicted with dimensions and nature of occupancy; the location of where the proposed FSI to be installed should be clearly marked on the layout plans; and
 - if the proposed structures are required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire services requirements will be formulated upon receipt of formal submission of general building plans; and
- (k) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
- 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;
 - the Site does not abut on a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of B(P)R at building plan submission stage;
 - for unauthorised building works (UBWs) erected on lease land, enforcement may be taken by BD to effect their removal in accordance with the prevailing enforcement policy against UBWs as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBWs on the Site under BO (Cap. 123);
 - any temporary shelters or converted containers for office, storage, washroom or other uses are considered as temporary buildings are subject to the control of Part VII of B(P)R; and
 - detailed checking under BO will be carried out at building plan submission stage.