

List of sites Proposed for Re-classification to Category (Cat) 2

| 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-KTN-1 (8.9 ha) | “Agriculture” (“AGR”) (Plan 1) | Cat 3 | Cat 2 | <ul style="list-style-type: none">▪ Current uses: some open storage (OS) and workshop uses; vacant land in the south-eastern part▪ Some S16 approvals for temporary use: e.g. animal boarding establishment (ABE), hobby farm, holiday camp▪ An extension of Cat 2 area: Adjoining Cat 1 area (zoned “Industrial (Group D)” (“I(D)”)) to its north and Cat 2 area to its west within the same “AGR” zone▪ Road access: via Sam Tam Road/ Fung Kat Heung Road |
| YL-PH-1 (16.5 ha) | “Residential (Group D)” (“R(D)”) (Plan 2) | Cat 3 | Cat 2 | <ul style="list-style-type: none">▪ Current uses: some OS and workshop uses; some agricultural land left fallow when the first statutory plan was gazetted▪ Some S16 approvals for temporary use: e.g.OS, vehicle park, recycling materials centre▪ Close to Cat 2 area to the north within the same “R(D)” zone▪ Road access: via Fan Kam Road |
| YL-PH-2 (7.3 ha) | “AGR” (Plan 2) | Cat 3 | Cat 2 | <ul style="list-style-type: none">▪ Current uses: some BF uses of which a few already existed when the first statutory plan was gazetted; agricultural land in the north-eastern and southern portions has been fallow for years▪ S16 approval for temporary use: e.g. OS▪ An extension to Cat 2 area: adjoining Cat 2 area (zoned “R(D)”) to its west▪ Road access: via a local track road off Fan Kam Road |
| YL-KTS-1 (6.1 ha) | “R(D)” (Plan 3) | Cat 3 | Cat 2 | <ul style="list-style-type: none">▪ Current uses: partly occupied by BF uses; partly occupied by chicken farms which already existed when the first statutory plan was gazetted▪ S16 approval for temporary use: OS▪ Close to Cat 2 area (zoned “R(D)”) to the north across Kam Tin River▪ Road access: via Kam Shui Road |
| YL-SK-1 (18.5 ha) | “AGR” (Plan 4) | Cat 3 | Cat 2 | <ul style="list-style-type: none">▪ Current uses: has been left vacant or used for non-agricultural purposes; partly infiltrated by |

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| | | From | To | |
| | | | | BF uses in the northern part <ul style="list-style-type: none"> ▪ S16 approval for temporary use: tent camping ground ▪ Adjoining Cat 1 area (zoned “I(D)”) and Cat 2 area across Kam Shui Road to its south ▪ Road access: via Kam Shui South Road/ Shek Kong Airfield Road |
| YL-SK-3 (16.7 ha) | “R(D)”, “AGR” (Plan 4) | Cat 3 | Cat 2 | <ul style="list-style-type: none"> ▪ Current uses: BF uses in the northern part closest to Kam Sheung Road; the southern part has been fallow for years ▪ S16 approval for temporary use: shop and services ▪ Road access: via Kam Sheung Road |
| YL-NSW-1 (2.1 ha) | “Open Space” (“O”) (Plan 5) | Cat 3 | Cat 2 | <ul style="list-style-type: none"> ▪ The site is zoned “O” but there is no known implementation programme ▪ Abutting Tsing Long Highway and Castle Peak Road - Tam Mei to its immediate north and west respectively ▪ Adjoining Cat 1 area (zoned “OS”) to its northeast; to its further north across Tsing Long Highway is currently used as temporary container storage yard ▪ Road access: via Castle Peak Road - Tam Mei |
| YL-NTM-1 (39.5 ha) | “Green Belt” (“GB”) (Plan 6) | Cat 4 | Cat 2 | <ul style="list-style-type: none"> ▪ This site has been disturbed by BF uses (e.g. warehouse) intermixing with agricultural structures (pigsties and chicken farms) since gazettal of the first statutory plan ▪ Adjoining Cat 1 area (zoned “OS”) to its northwest ▪ Road access: via a local track road off Kwu Tung Road/ a local track road off Ka Lung Road |
| YL-HTF-1 (2.2 ha) | “R(D)” (Plan 7) | Cat 3 | Cat 2 | <ul style="list-style-type: none"> ▪ Current uses: BF uses ▪ Some S16 approvals for temporary use: e.g. recycled collection centre, OS ▪ An extension of Cat 2 area: adjoining Cat 2 area to its south within the same “R(D)” zone ▪ Road access: via a local track road off Fung Kong Tsuen Road |
| YL-HTF-2 (13.0 ha) | “AGR” (Plan 7) | Cat 3 | Cat 2 | <ul style="list-style-type: none"> ▪ Current uses: some BF uses ▪ Some S16 approvals for temporary use: e.g. ABE, hobby farm ▪ Sandwiched between “R(D)” and “AGR” zones (Cat 2 area) where BF uses are dominant, and a recently approved application (No. A/YL-HTF/1133) for temporary OS to the |

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| | | | | <p>southwest within the same “AGR” zone</p> <ul style="list-style-type: none"> An extension of Cat 2 area: adjoining Cat 2 area to its northeast within the same “AGR” zone Road access: via Deep Bay Road |
| YL-PS-1 (2.2 ha) | “GB” (Plan 8) | Cat 4 | Cat 2 | <ul style="list-style-type: none"> Current uses: not occupied by any BF use; partly occupied by scattered agricultural land Adjoining Cat 1 area (zoned “OS”) which has already filled up with BF operations Road access: via a local track road off Fuk Shun Street Reserved for extension of Yuen Long Industrial Estate - this site could be used for temporary OS/PBU uses in the interim period |
| YL-LFS-1 (36.4 ha) | “Recreation” (“REC”) (Plan 9) | Cat 3 (27.7 ha), Cat 4 (8.7 ha) | Cat 2 | <ul style="list-style-type: none"> Current uses: mostly BF uses (especially the southern portion) with warehouses covered by temporary planning permissions and ‘Existing Use’ tolerated under TPO Some S16 approvals for temporary use: e.g. warehouse, OS, shop and services An extension to Cat 2 area: adjoining Cat 2 area (zoned “R(E)”) to its south Road access: via Deep Bay Road |
| YL-TT-1 (10.9 ha) | “Other Specified Uses (Rural Use)” (“OU(RU)”) (Plan 10) | Cat 3 | Cat 2 | <ul style="list-style-type: none"> Current use: proliferation of BF uses within the area (mainly at the northern portion and along Tai Shu Ha Road West) Some S16 approvals for temporary use: e.g. shop and services Adjoining Cat 1 area (zoned “OS”) to its southeast Road access: via Tai Shu Ha Road West/ Tai Shu Ha Road East |
| YL-TT-2 (3.1 ha) | “AGR” (Plan 11) | Cat 3 | Cat 2 | <ul style="list-style-type: none"> Current uses: proliferation of BF uses within the area Some S16 approvals for temporary use: e.g. warehouse, hobby farm, ABE Precedent approval case (A/YL-TT/544 for relocation of a temporary warehouse for storage of construction materials from KTN NDA) In close proximity to Cat 1 area (zoned “OS”) to its south Road access: via a local track off Tai Tong Road |
| YL-TT-3 (11.7 ha) | “OU(RU)”, “AGR” | Cat 3 | Cat 2 | <ul style="list-style-type: none"> Current uses: mostly BF uses Adjacent to Cat 1 area (zoned “Undetermined” (“U”)) to its west |

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| | (Plan 11) | | | <ul style="list-style-type: none"> Road access: via Pak Sha Shan Road |
| YL-TT-6 (3.7 ha) | “AGR” (Plan 10) | Cat 3 | Cat 2 | <ul style="list-style-type: none"> Current uses: some BF uses; some vacant land Some S16 approvals for temporary use: e.g. ABE Adjoining Cat 1 area (zoned “OS”) to its north Road access: via Tai Shu Ha Road West |
| YL-TYST-1 (9.7 ha) | “Residential (Group C)” (“R(C)”) (Plan 11) | Cat 4 | Cat 2 | <ul style="list-style-type: none"> Current uses: mostly BF uses Some S16 approvals for temporary use: e.g. indoor recreation centre, shop and services Adjoining Cat 1 area (zoned “U”) except its eastern side Road access: via local tracks off Kung Um Road |
| Tuen Mun District | | | | |
| TM-LTTY-1 (0.7 ha) | “GB” (Plan 12) | Cat 4 | Cat 2 | <ul style="list-style-type: none"> Current uses: mostly BF uses Road access: via Shun Tat Street |
| TM-LTTY-2 (6.2 ha) | “R(D)” (Plan 12) | Cat 3 | Cat 2 | <ul style="list-style-type: none"> Current uses: some BF uses; dominated by temporary uses and structures Some S16 approvals for temporary use: e.g. shop and services Road access: via Wong Kong Wai Road/ Fuk Hang Tsuen Road Will be affected by road works (Route 11) - this site could be used for temporary OS/PBU uses in the interim period |
| North District | | | | |
| NE-FTA& HLH-1 (21.0 ha) | "AGR", "GB" (Plan 13) | Cat 3 (18.2 ha), Cat 4 (2.8 ha) | Cat 2 | <ul style="list-style-type: none"> Current uses: BF uses intermixed with agricultural structures (pigsties), fallow agricultural land, vacant land; whereas some BF uses already existed when the first statutory plan was gazetted. Some S16 approvals for temporary use: e.g. ABE An extension to Cat 2 area: adjoining Cat 2 area (zoned “AGR”) to its east Road access: via Kong Nga Po Road |
| NE-HLH-2 (14.9 ha) | "AGR", "GB" (Plan 13) | Cat 3 (13.1 ha), Cat 4 (1.8 ha) | Cat 2 | <ul style="list-style-type: none"> Current uses: mostly occupied by BF uses intermixed with scattered fallow farmlands, vacant land; whereas most of the BF uses already existed when the first statutory plan was gazetted. Road access: via local track roads off Kong Nga Po Road |

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| NE-TKL-1 (14.3 ha) | "AGR" (Plan 14) | Cat 3 | Cat 2 | <ul style="list-style-type: none"> Current uses: BF uses intermixed with scattered fallow farmlands, vacant land; whereas most BF uses already existed when the first statutory plan was gazetted. Some S16 approvals for temporary use: e.g. logistics centre, hobby farm, pets land Precedent approval case (A/NE-TKL/687 for relocation of a temporary logistic centre from KTN NDA) An extension to Cat 2 area: adjoining Cat 2 area in Tai Po Tin and Lei Uk within the same "AGR" zone Road access: via Ping Che Road |
| NE-MUP-1 (13.0 ha) | "R(D)", "AGR", "GB" (Plan 15) | Cat 3 (12.7 ha), Cat 4 (0.3 ha) | Cat 2 | <ul style="list-style-type: none"> Current uses: BF uses (warehouses, open storage yards) intermixed with scattered/ fallow farmlands, vacant land; whereas some BF uses already existed when the first statutory plan was gazetted. Some S16 approvals for temporary use: e.g. ABE, shop and services Road access: via Sha Tau Kok Road-Wo Hang |
| NE-PK-1 (42.8 ha) | "AGR", "REC", "GB" (Plan 16) | Cat 3 (42.3 ha), Cat 4 (0.5 ha) | Cat 2 | <ul style="list-style-type: none"> Current uses: some BF uses (warehouses); fallow agricultural land intermixed with scattered farmlands Some S16 approvals for temporary use: e.g. ABE, hobby farm Road access: via local track roads off Fam Kam Road |

**List of Sites Proposed for Re-classification to Reflect Zoning Amendments on OZPs
for Completed Developments**

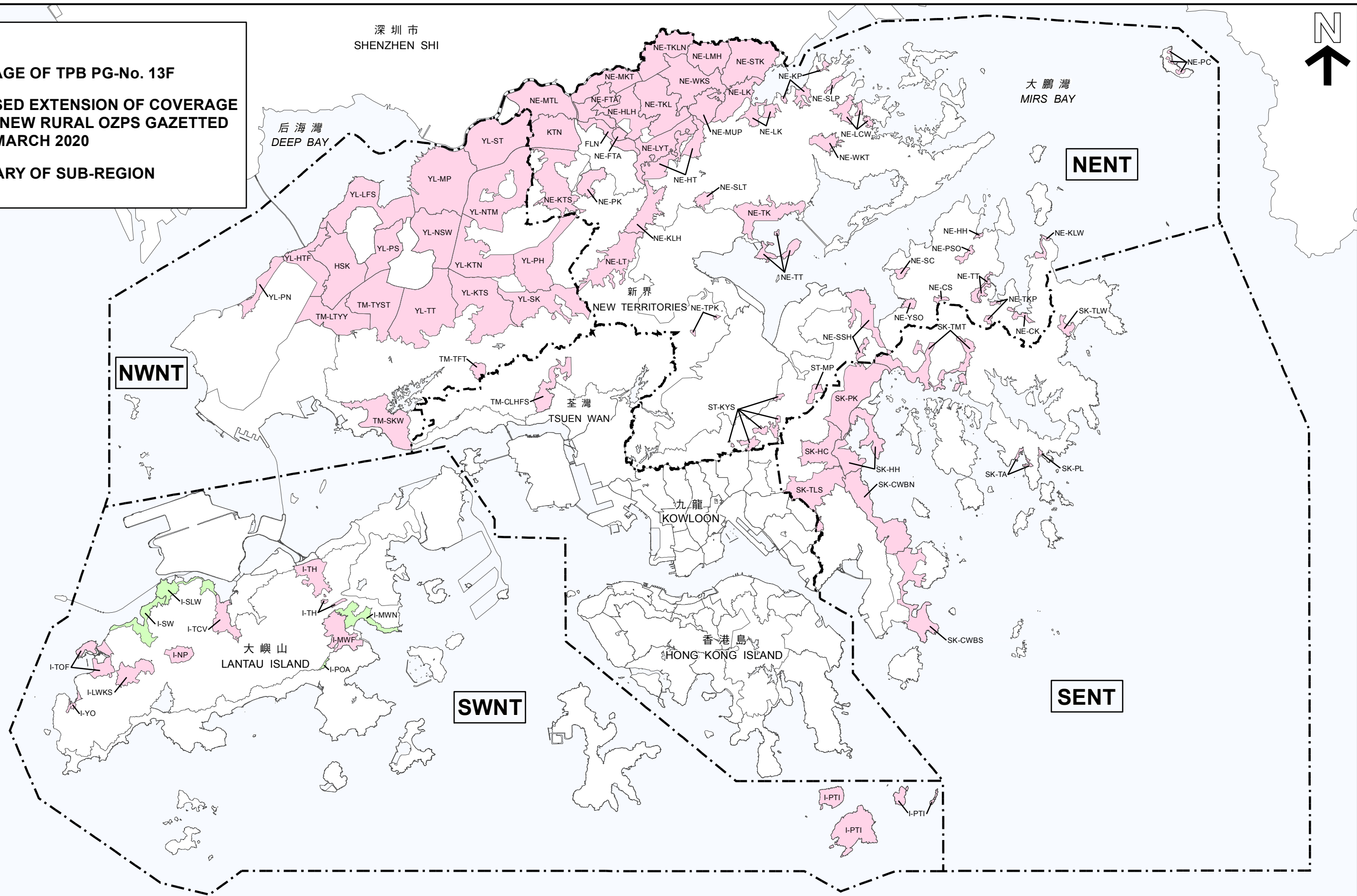
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| | | From | To | |
| North District | | | | |
| NE-KTS-1 (1.3 ha) | “Residential (Group C) 2” (“R(C)2”) (Plan 17) | Category (Cat) 3 | Cat 4 | The site was rezoned from “Green Belt” to “R(C)2” in 2022 to update the zoning for an existing residential development (The Green 歌賦嶺) |
| NE-LYT-1 (0.2 ha) | “Other Specified Uses” annotated “Cemetery” (“OU(Cemetery)”) (Plan 18) | Cat 3 | Cat 4 | The site was rezoned from “Agriculture” to “OU(Cemetery)” in 2022 to reflect an existing development (Sung Him Tong Sung Chan Wui Kei Tuk Kau Fan Cheung 崇謙堂崇真會基督教墳場) |

LEGEND

COVERAGE OF TPB PG-No. 13F

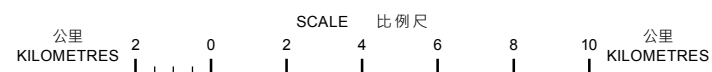
PROPOSED EXTENSION OF COVERAGE
DUE TO NEW RURAL OZPS GAZETTED
AFTER MARCH 2020

BOUNDARY OF SUB-REGION



本摘要圖於2023年3月15日擬備
EXTRACT PLAN PREPARED ON 15.3.2023

PROPOSED EXTENDED COVERAGE OF THE TPB GUIDELINES



規劃署
PLANNING DEPARTMENT



參考編號 REFERENCE No.
M/NT/23/15

APPENDIX
III

**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 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% **of the site area**) 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 cement/sand
- 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

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

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” (***“I”***) 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 East and 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

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, port back-up or other types of brownfield sites/ ***temporary uses*** ~~which are regarded as “existing uses” under the Town Planning Ordinance and/or subject of previous planning approvals~~. In addition, the areas should not be subject to high flooding risk. 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. 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, planning permission could be granted on a temporary basis up to a maximum period of 3 years.

(c) Category 3 areas

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 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. 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, planning permission could be granted on a temporary basis up to a maximum period of 3 years.

(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 *major* 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. ~~Since the planning intention of Category 4 areas is to phase out the open storage and port back-up uses, Planning permission for a maximum period of 23 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 a~~ Application for renewal of approval will be assessed on its individual merits.

(e) Taking into account the demand for cross-boundary ~~ear~~-parking facilities, applications for *such use* ~~cross-boundary parking facilities~~ at suitable sites in areas of close proximity to the ~~border~~-*boundary* 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, 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

- (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:
 - (i) 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
 - (ii) 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.
- (b) The broad coverage of Category 1, 2, 3 and 4 areas is indicated on the following plans:
 - 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) Adequate screening of sites through landscaping and/or fencing should be ~~provided~~ **considered** 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 site boundary facing public frontage. All the planting should be provided at grade or in fixed planters. Plants in movable containers/pots are not acceptable.~~

- (b) 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) The 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)~~(c) 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, *if any*.

2.4 Transport

- (a) 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) ***Subject to the advice of Transport Department,*** 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) 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) 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) Adequate setbacks should be provided from public roads to allow adequate sight lines to meet Transport Department's requirements.

2.5 Environmental Planning

- (a) Applicants should take note of the requirements under the Environmental Impact Assessment Ordinance (**EIAO**) (Cap. 499). In order to determine whether the proposed development is a Designated Project as defined under the ~~Ordinance~~ **EIAO**, Schedules 2 and 3 of the ~~Ordinance~~ **EIAO** must be checked.
- (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.
- (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.
- (d) Noise Impact Assessments ~~should~~ **may need to** be undertaken for noise generating activities such as those which involve the use of heavy machinery including manoeuvring of heavy vehicles and workshop activities.
- (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~~ **may be** 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~~**arising** from the development.

- (g) 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 in rural areas, ~~particularly in~~**For** flood prone areas (i.e. in flood plains) or sites which would obstruct natural drainage channels and overland flow, ~~—A~~advice from the Drainage Services Department should be sought on this aspect if in doubt. Planning applications in such zones ~~should~~**may need to** 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.
- (h) Adequate on-site provision should be made for refuse/waste collection and disposal.
- (i) Reference should be made to the Dangerous Goods Ordinance and Waste Disposal Ordinance for guidelines on storage, handling and licensing procedures.
- (j) The application should demonstrate that all fire safety requirements have been met.

2.6 Other Considerations

- (a) Notwithstanding the above locational and site planning criteria, each application will be assessed on **its** 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:
 - (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 **major** 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 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. 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~~ **sites** 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~~ **may also need to** 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. ***However, sympathetic consideration may be given to applications for relocation of the uses/operations affected by government projects to sites designated for development purpose in NDAs (including those planned for GIC and open space developments) as temporary use/ development before these sites are required for NDA development, subject to policy support given by the relevant policy bureau(x) to the application and no major adverse departmental comments and local objections, or the concerns could be addressed by approval conditions as set out in paragraph 2.6(b) above.*** 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~~ **and Yuen Long South Stages 1 & 2 Development**, as well as future NDAs upon the gazetting of the relevant new/amended OZPs for such areas.

4. **Compliance of Approval Conditions**

- 4.1 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.~~
- 4.2 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.

5. **Renewal of Temporary Planning Permission**

For sites with temporary permissions for open storage and port back-up uses, if there is ~~has been~~ 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 **major** adverse departmental comments and local objections. Reference can be made to the procedures and assessment criteria under ~~the~~ Board's Guidelines (Guidelines No. 34~~DC~~ or its latest version) on "Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development".

6. **Guidance Notes/The Board's Guidelines**

- 6.1 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 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. 34CD 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 34CD in parallel with these Guidelines.

- 6.2 Apart from Plans 1a, 1b, 2a, 2b, 3 and 4 which would be available on the Board's web-site (~~address:—~~<http://www.info.gov.hk/tpb/>) and at the Planning Enquiry Counters (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:

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 PECs of the Planning Department and the Secretariat of the Board for public reference.

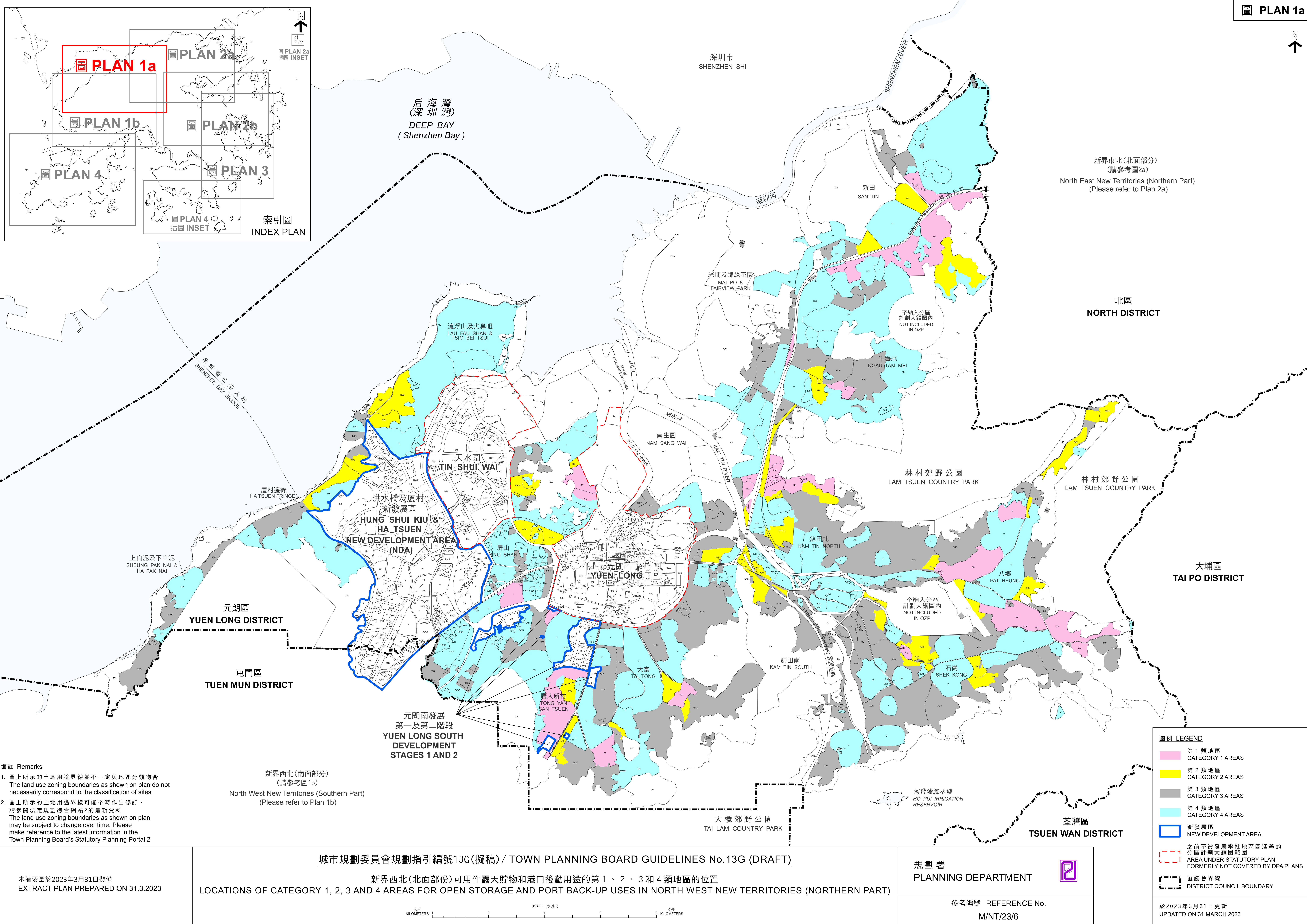
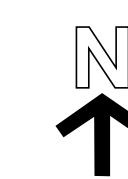
TOWN PLANNING BOARD

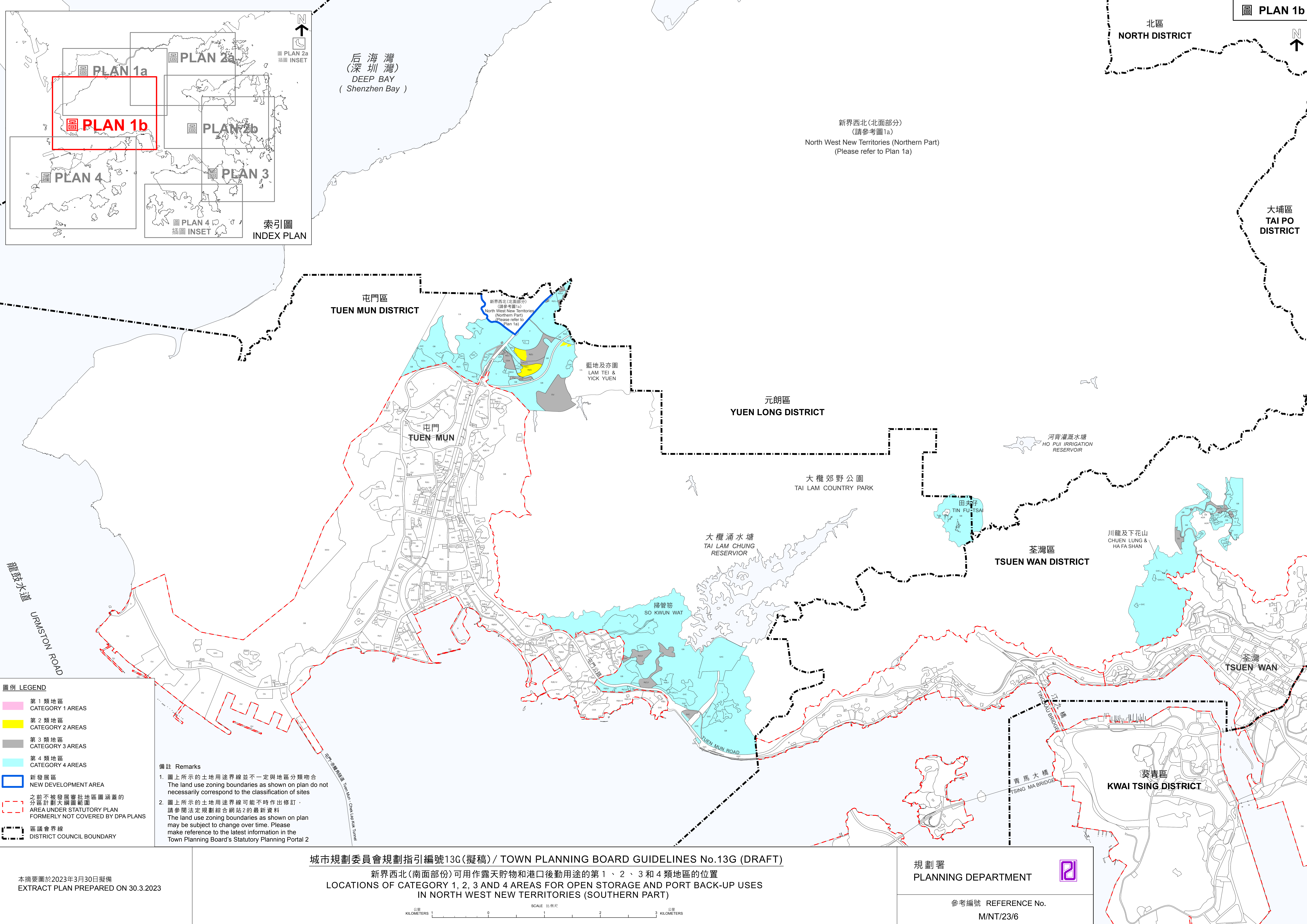
~~MARCH 2020~~ APRIL 2023

Note:

(i) ~~Guidelines promulgated on 27 March 2020.~~

(ii) ~~Plan 1a updated on 10 July 2020 upon gazetting of the Tong Yan San Tsuen and Tai Tong OZPs (No. S/YL TYST/13 and No. S/YL TT/17 respectively) to reflect the NDA of the Yuen Long South Stages 1 & 2 Development.~~





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

備註 Remarks

1. 圖上所示的土地用途界線並不一定與地區分類吻合
The land use zoning boundaries as shown on plan do not necessarily correspond to the classification of sites

2. 圖上所示的土地用途界線可能不時作出修訂，請參閱法定規劃綜合網站2的最新資料
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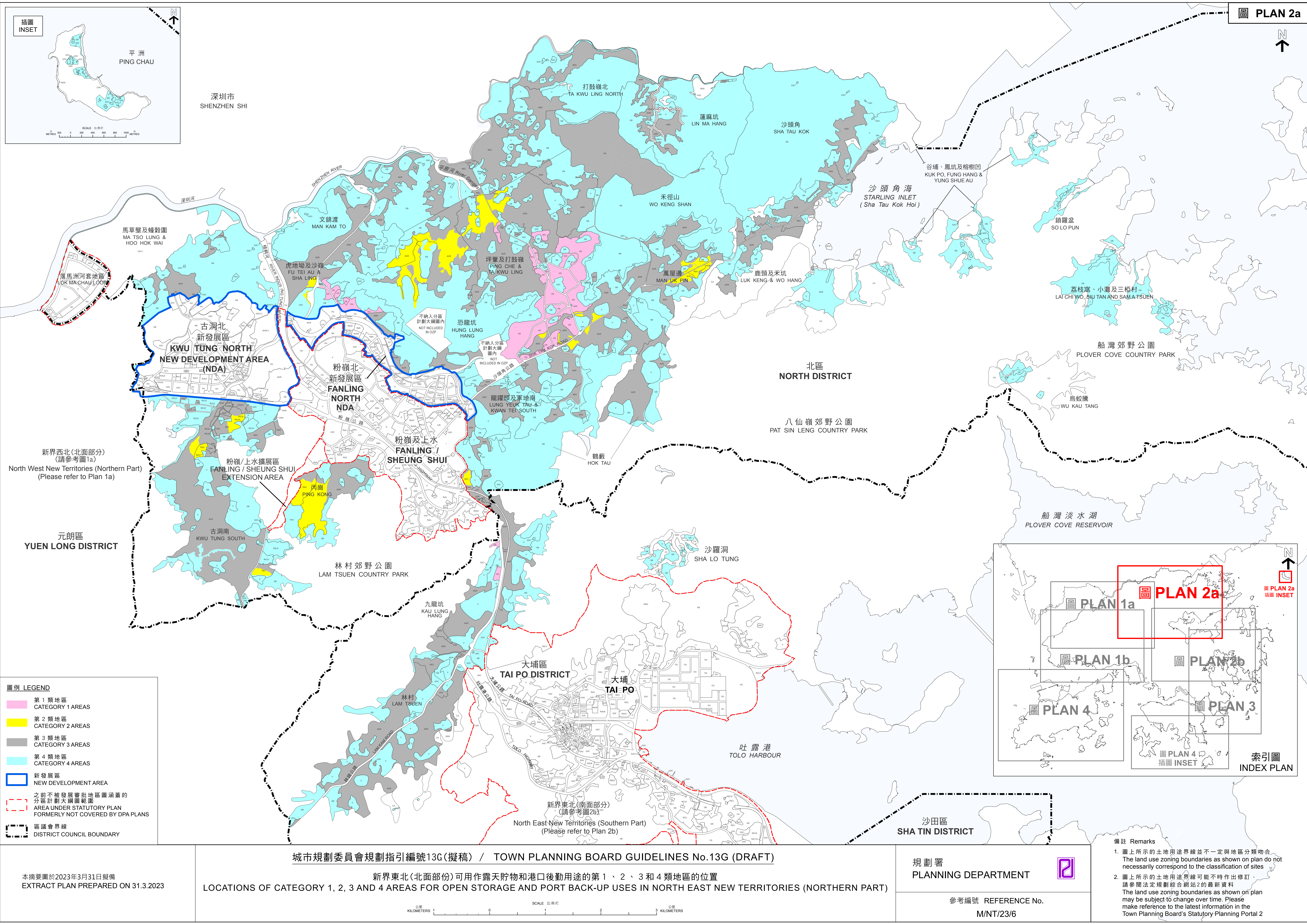
城市規劃委員會規劃指引編號13G(擬稿) / TOWN PLANNING BOARD GUIDELINES No.13G (DRAFT)

新界西北(南面部份)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 (SOUTHERN PART)



規劃署
PLANNING DEPARTMENT

參考編號 REFERENCE No.
M/NT/23/6



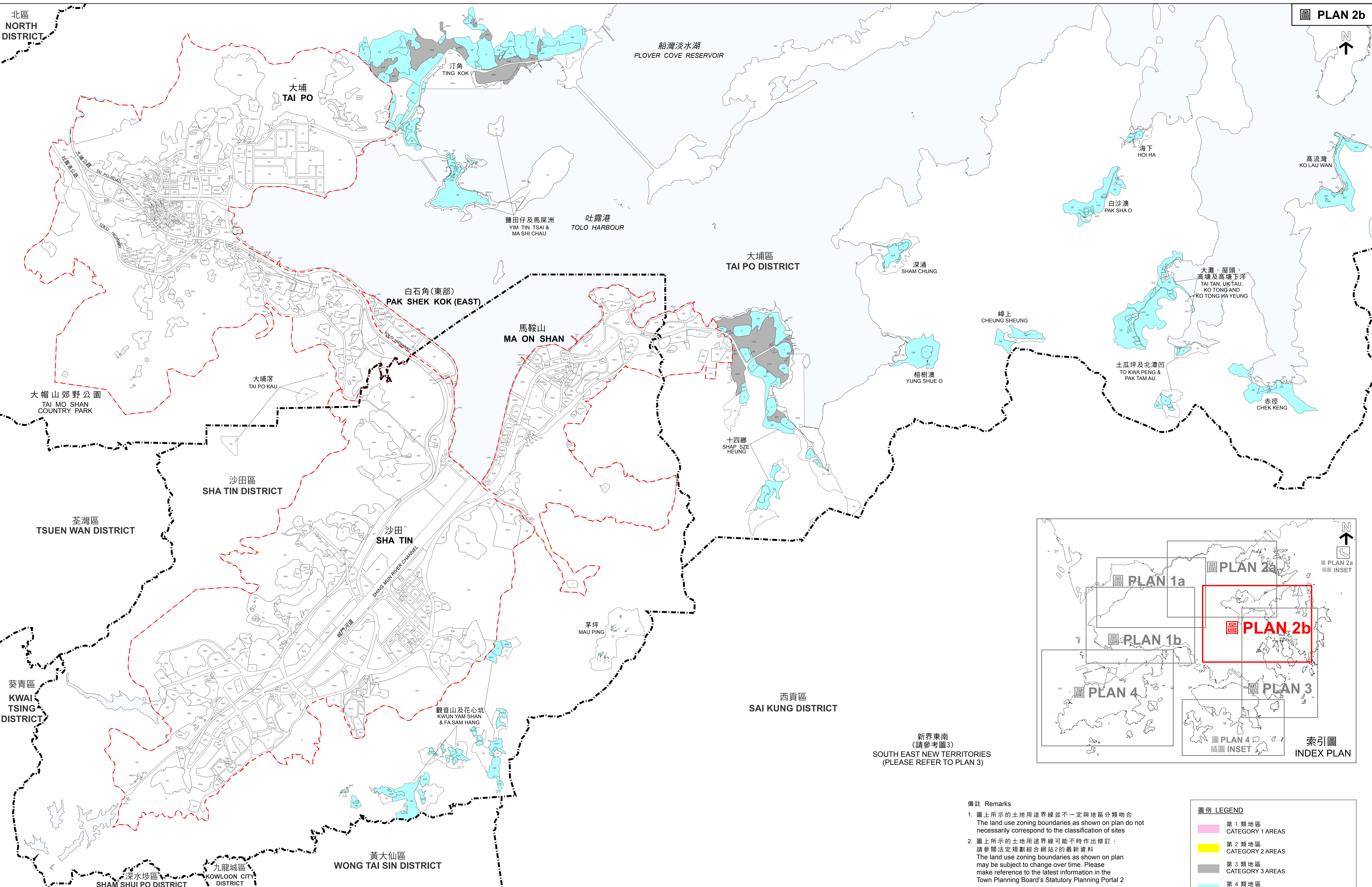
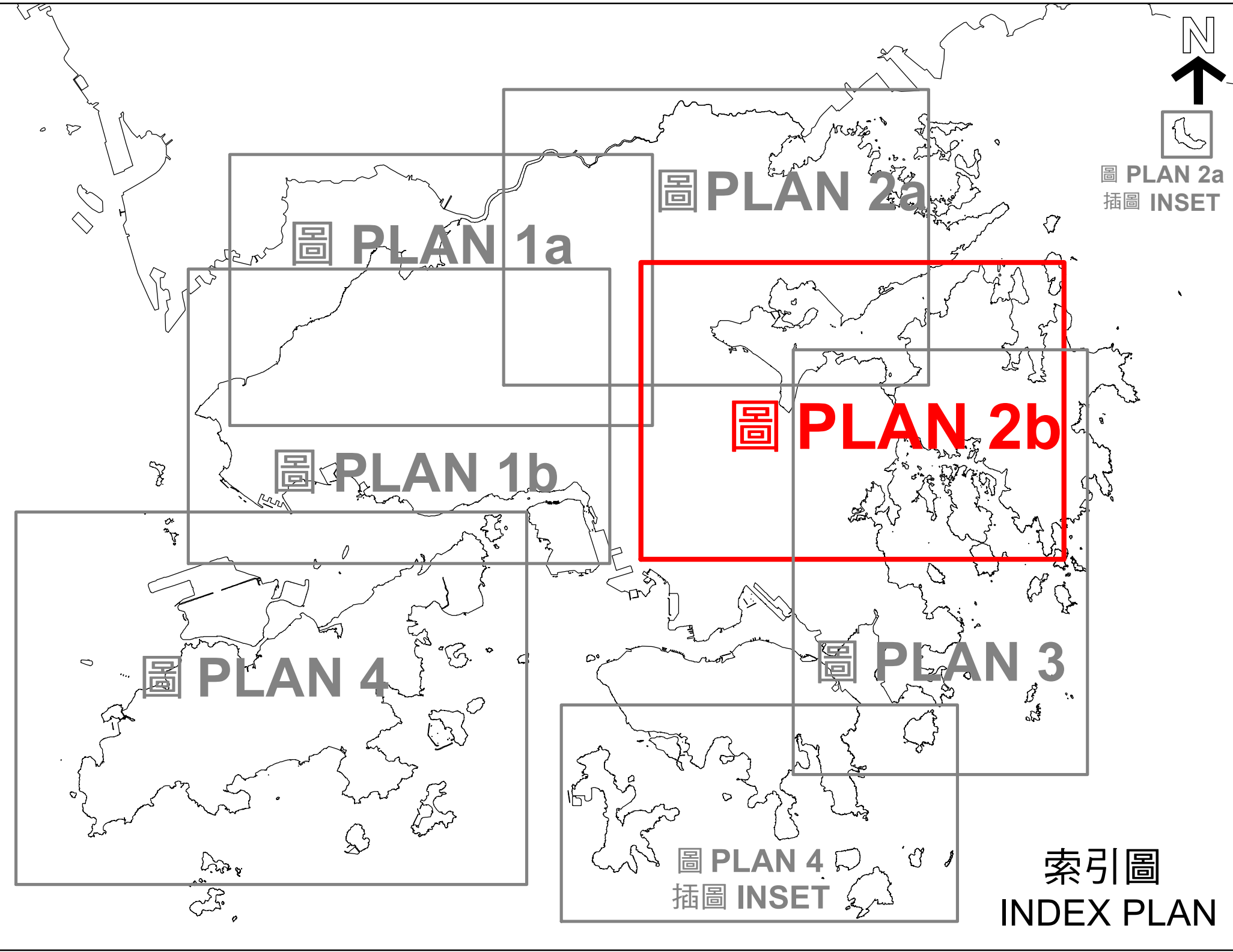


圖 PLAN 2b



索引圖
INDEX PLAN

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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

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本摘要圖於2023年3月31日擬備
EXTRACT PLAN PREPARED ON 31.3.2023

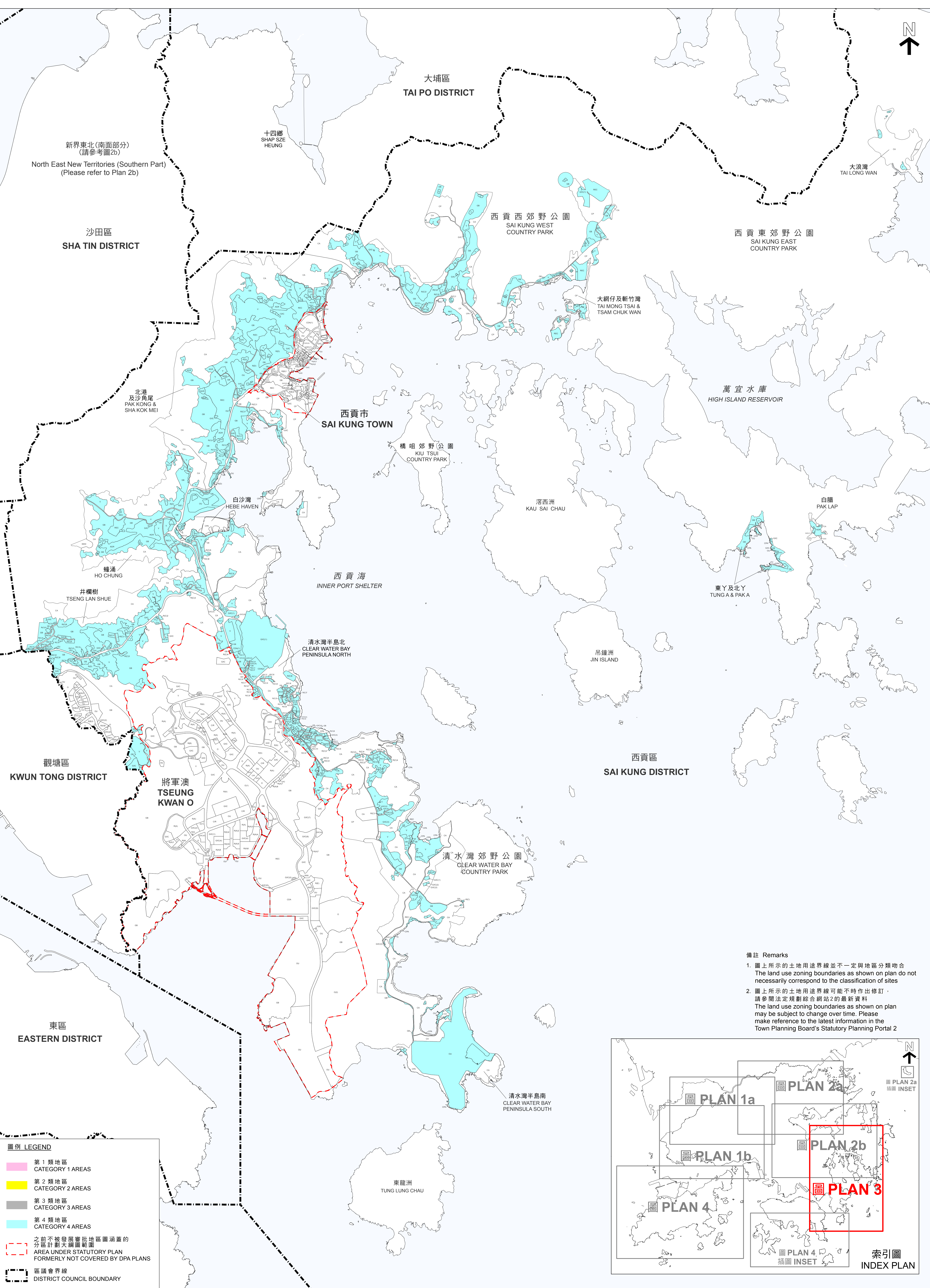
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公里 KILOMETERS 1 0 1 2 3 公里 KILOMETERS
SCALE 比例尺

規劃署
PLANNING DEPARTMENT



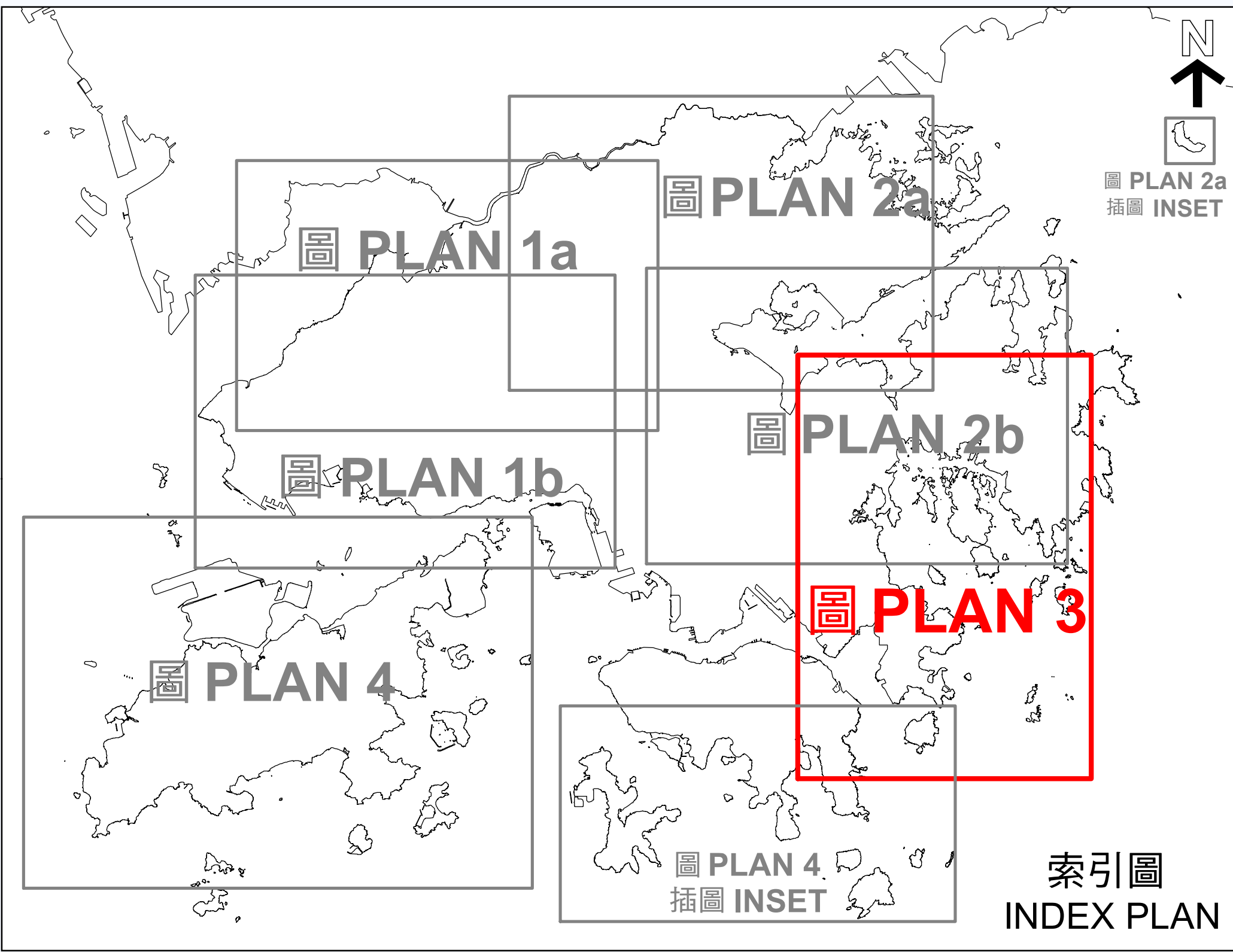
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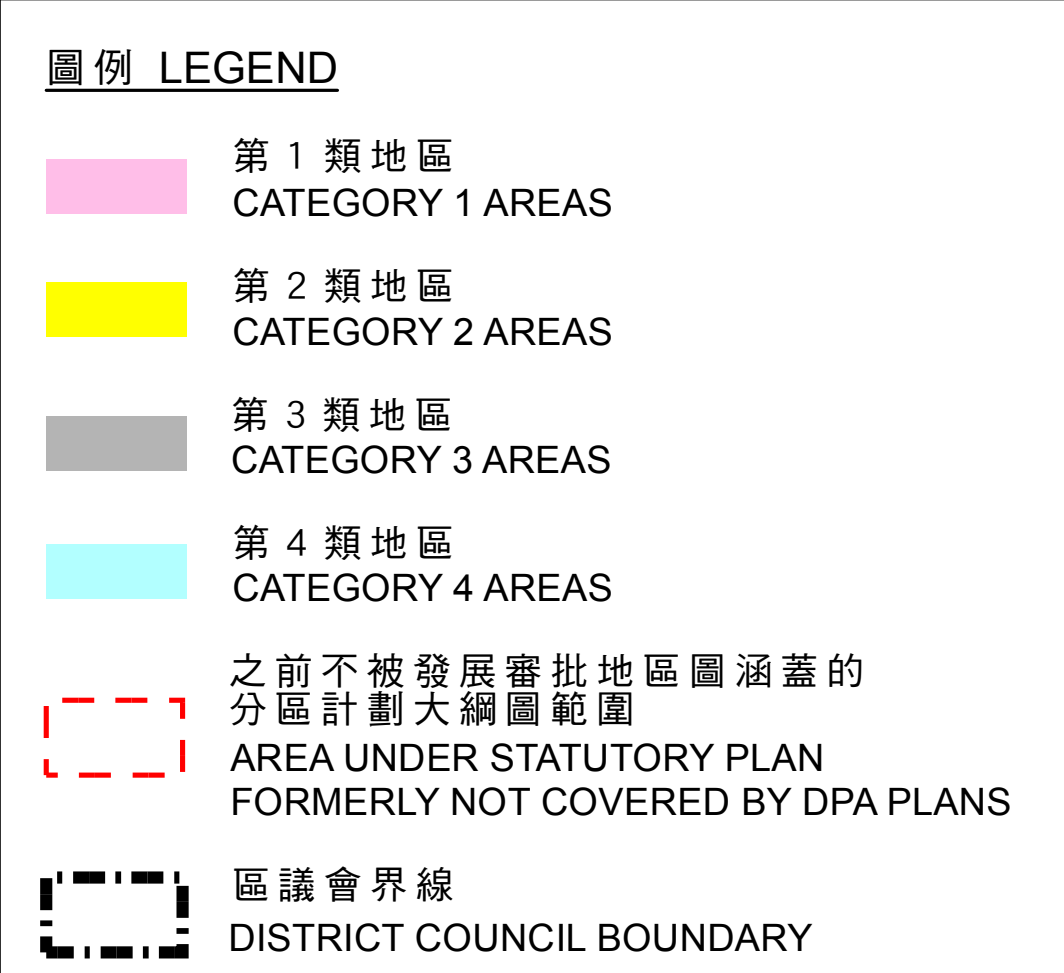
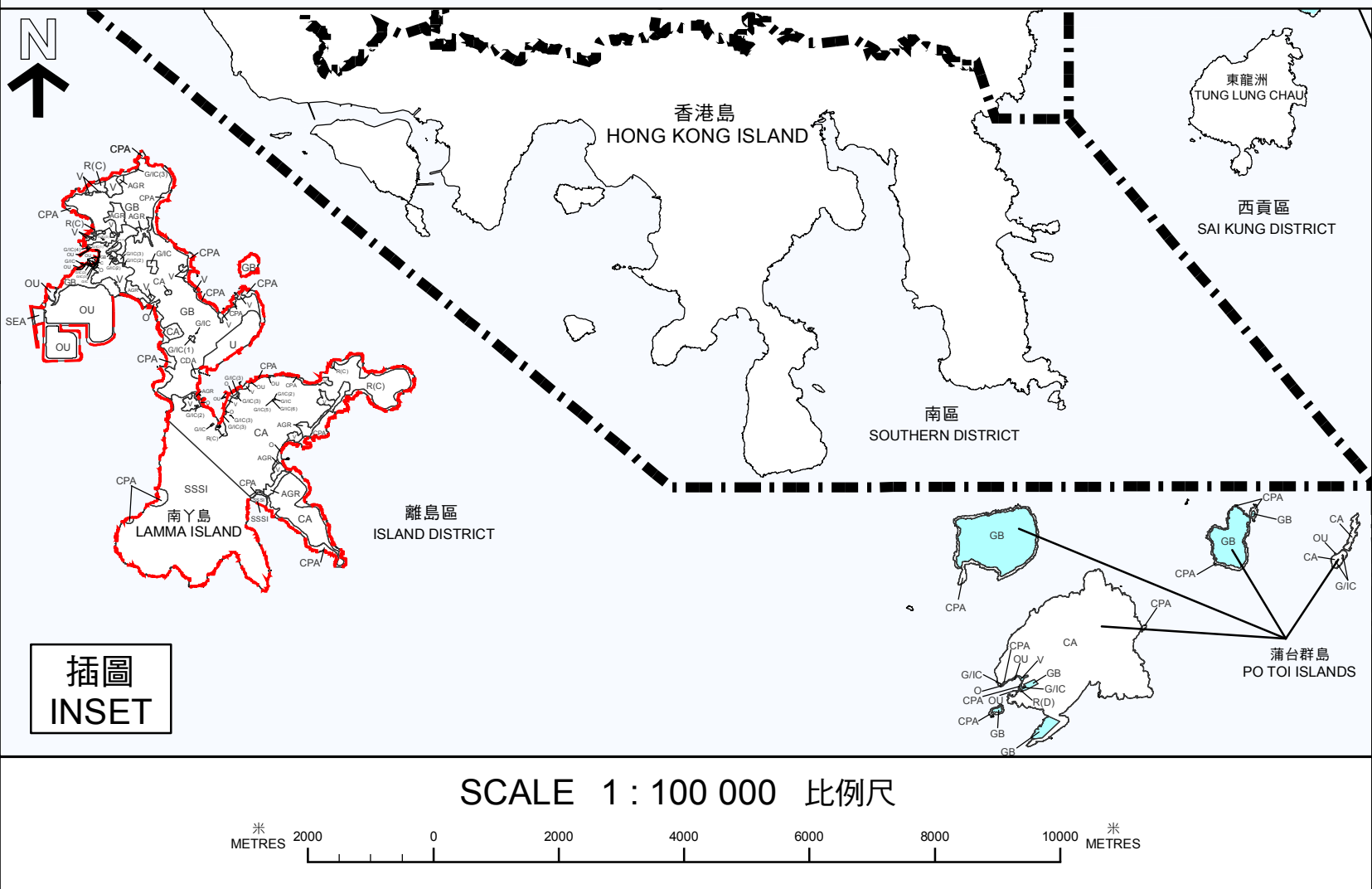
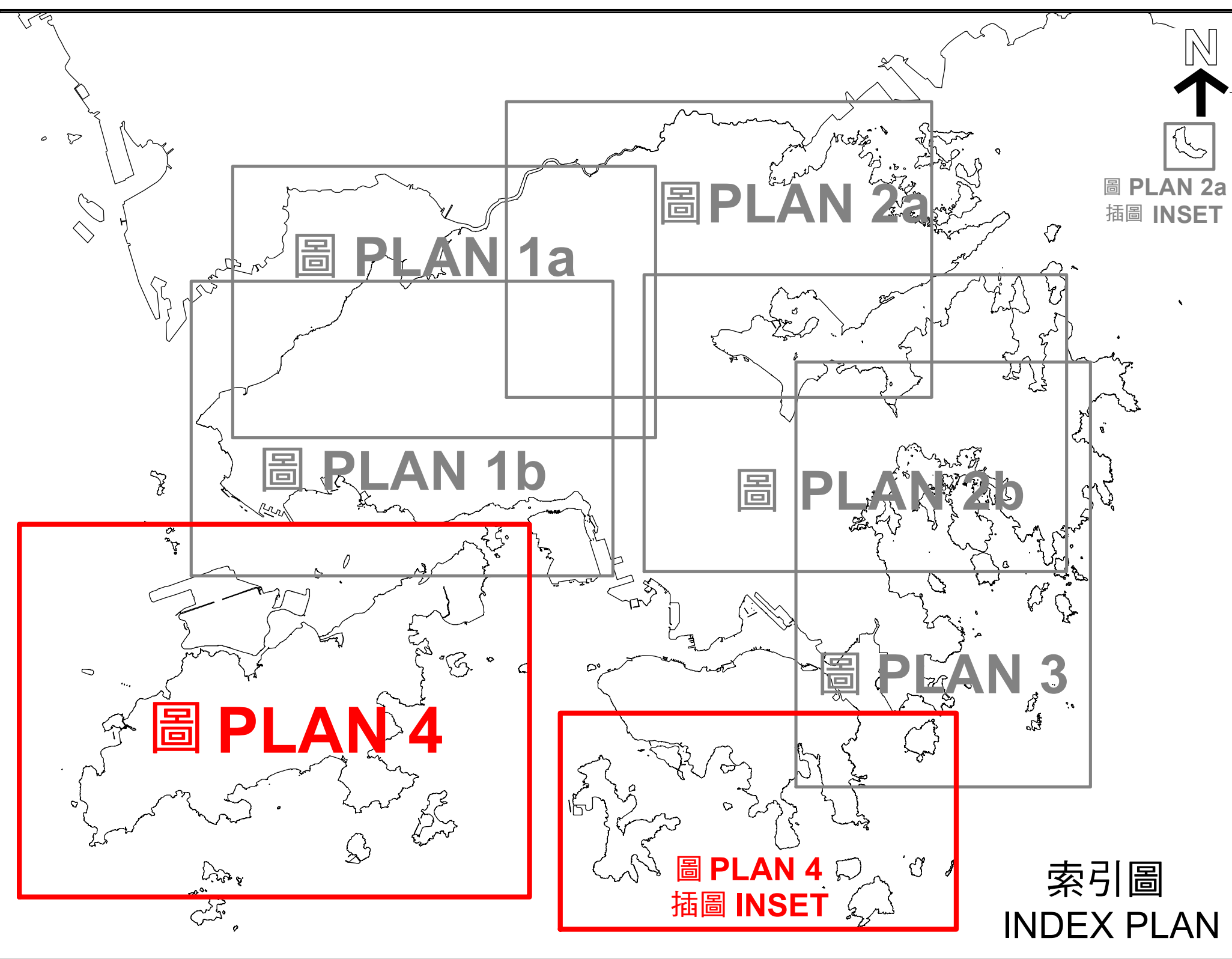


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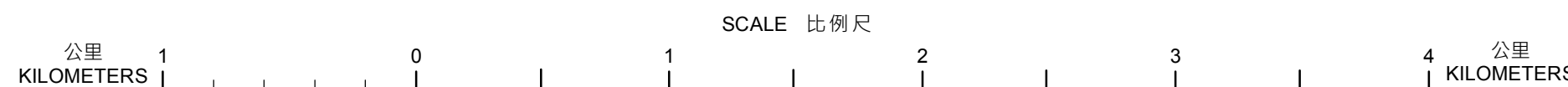




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**Application for Permission for Temporary Open Storage and Port Back-up Uses
under Section 16 of the Town Planning Ordinance (Cap. 131)**

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) of the Planning Department (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, Secretariat of the Town Planning Board~~, at 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong (Tel.: 2231 4810 or 2231 4835) **and the Planning Enquiry Counters** ~~or the District Planning Offices (DPOs) of the Planning Department~~ (**Hotline: 2231 5000**),—The application form can also be ~~or~~ downloaded from ~~the Town Planning Board's Homepage Website~~ (address: <http://www.info.gov.hk/tpb/>). **For submission of planning applications via the Electronic Planning Application Submission System, the relevant electronic application form is available at the Board's website.** 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~~ **may** 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. The landscape proposals should also demonstrate how the landscape and visual impact generated by the proposed uses can be properly mitigated and 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;
- (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~~ **may need to** 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;
- (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** - *subject to the advice of Transport Department*, 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:

- (i) Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance;
- (ii) ***“Practice Notes for Professional Persons No. 1/2019 – Processing and Compliance Checking of Landscape Submissions related to Planning Applications”*** ~~“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 ***District Planning Offices*** (DPOs) of the Planning Department on the detailed requirements of the submissions.

- 7 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 ?

- 8 In granting planning permission, planning conditions on the **submission**/resubmission of technical proposals and/or **implementation** of the proposals would be imposed, ***where appropriate***, 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~~ ***may*** 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.
- 9 Successful applicants ~~should~~ ***may*** 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~~ ***A list of contacts of concerned Government departments will be*** attached to the notification letter issued by the Secretary, Town Planning Board. ***The applicants may also refer to relevant*** ~~These documents providing guidance on the fulfillment of conditions as mentioned in paragraphs 6 (ii) to (iv) above. 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”.~~

10 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, air quality and water quality impacts; and
- (v) **Lands Department** - the provision of fencing and paving of the site.

Submission of Technical Proposals

11 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 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.

12 The relevant DPO will circulate the technical proposals to concerned Government departments for comments and inform the applicants within 6 weeks 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.

~~**13** 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 for departments concerned to vet the proposals.~~

Implementation of Technical Proposals

- 1413** 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~~ **or** Government departments will arrange for site inspection and inform the applicants within 6 weeks whether the implemented works are satisfactory. The completed works/landscape/mitigation measures should be properly maintained.

Reinstatement Clause

- 1514** 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 *demolition of the structure/shelter on the site*, removal of hard paving and *restore the amenity (e.g. grassing* ~~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 ?

- 1615** 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 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 6 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 "Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development".

REVOCATION OF PLANNING APPROVAL

- 1716** 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.

1817-Continuation of these uses without planning permissions will constitute unauthorized developments subject to enforcement action taken by the Planning Authority.

1918 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 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

2019 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.

2120 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.

2221 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.

2322 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 Secretariat

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

Town Planning Board's Homepage Website

(address: <http://www.info.gov.hk/tpb/>).

Planning Enquiry Counters of the Planning Department (PEC)

(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)-
(Hotline: 2231 5000)

~~(March 2020~~ ***April 2023***)

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

Major Comments of Bureaux/Departments and PlanD's Responses

| Major Comments | PlanD's Responses |
|--|---|
| 1. Secretary for Development (SDEV) | |
| (a) Para. 2.1(b) – since PlanD intends to delete the reference to Town Planning Ordinance/ planning approvals, suggest providing more elaboration of “temporary uses” (say by citing some examples). | Some examples of such temporary uses have been given in para. 4.2(d) of the Town Planning Board (the Board/TPB) paper, and it is considered not necessary to quote the same in the TPB Guidelines which aims to provide general planning criteria. |
| (b) Para. 2.5(g) – suggests to amend to read: “ <i>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 in rural areas. ...</i> ” | AFCD is conducting a consultancy study to explore the feasibility of identifying relatively large areas of quality agricultural land as Agricultural Priority Areas (APAs) with a view to putting agricultural land into long-term agricultural use. The proposed amendment aims to align with AFCD's intention related to the designation of APAs and hence is recommended to be retained. |
| (c) Para. 3.3 - suggests to amend to read: “...However, sympathetic consideration may be given to applications for relocation of <i>the uses/ operations affected by government developments to sites in New Development Area (NDA) as temporary use/ development before these sites are required for NDA development.</i> ” | Taking into account relevant departments' comments, this section is proposed to be elaborated to read : “...However, sympathetic consideration may be given to applications for relocation of <i>the uses/operations affected by government projects to sites designated for development purpose in NDAs (including those planned for GIC and open space developments) as temporary use/development before these sites are required for NDA development, subject to policy support given by the relevant policy bureau(x) to the application and no major adverse departmental comments and local objections, or the concerns could be addressed by approval conditions as set out in paragraph 2.6(b) above.</i> ” |
| (d) The affected operators may be eager to know how long could the potential sites be used for brownfield | As mentioned in para. 1.3 of the TPB Guidelines, in granting permission for temporary uses, the Board would, based on individual merits of each application, |

| Major Comments | PlanD's Responses |
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| (BF) operation while they are looking for relocation site. | determine the exact time period of permission, and such period, in any event, would not exceed 3 years. |
| 2. Director of Agriculture, Fisheries and Conservation (DAFC) | |
| (a) We have reservation to re-categorise the farmland having agricultural rehabilitation potential in those sites zoned "Agriculture" ("AGR") or "Green Belt" ("GB") to Category 2 that would bring a further decrease in area of arable agricultural land and detrimental to the long-term sustainable development of local agriculture. | The proposed sites zoned "AGR" or "GB" are mostly occupied by non-agricultural uses (e.g. BF operations), temporary uses approved under s.16 applications (e.g. animal boarding establishments, hobby farm and pet park), intermixed with fallow agricultural land and vacant land. Active farmlands are very limited within these sites. Moreover, the sites are adjoining or close to existing Category 1 or 2 areas, which could be regarded as extension of such areas. Operation of OS/port back up (PBU) uses within Category 2 areas is subject to planning permission and comments from relevant departments (including DAFC) will be sought for individual planning applications. Technical requirements of concerned departments could be incorporated as approval conditions, where appropriate. |
| (b) In re-categorising sites next to farmland, PlanD should take note that a buffer distance of at least 100m for dusty use, such as open storage (OS) areas, from other uses is required according to the Hong Kong Planning Standards and Guidelines (HKPSG) Chapter 9. Furthermore, the possibility of contaminating farmland during flooding should be avoided. From agricultural point of view, the elevation of those brownfield should be lower than the adjacent agricultural area. | |
| (c) In general, natural habitats such as woodland, wetland/seasonal wetland, natural watercourse, etc. should be avoided despite the current zoning. | Major natural habitats such as woodland and wetland have been avoided in identifying potential sites for re-classification. DAFC's views from nature conservation perspective would be sought for individual planning applications. Technical requirements of concerned departments could be incorporated as approval conditions, where appropriate. |
| (d) Specific comments on the sites proposed for re-classification from nature conservation perspective: <u>NE-PK-1, NE-FTA & HLH-1, NE-HLH-2</u> - Patches of wooded area were noted from the aerial photos, please avoid encroachment to these natural habitats. <u>YL-KTS-1 & YL-SK-1</u> - Please avoid direct encroachment onto compensatory woodland maintained by AFCD. <u>Site YL-HTF-2</u> – Shenzhen Bay Egret and Ngua Hom Shek Egret fall within the site. The egrets and the flightlines should be preserved as far as practical during the design stage through building | |

| Major Comments | PlanD's Responses |
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| <p>realignment, flight corridor creation, buffer area creation and etc.</p> | |
| <p><u>Site YL-TT-2</u> - The site currently zoned "GB" and "AGR" is located immediately adjacent to Tai Lam Country Park (TLCP, zoned "Country Park") which is a recognised site of conservation importance. Taking into account the existing land use/ zoning of the site and the environmental sensitivity of its adjoining TLCP, we have reservation on the proposed re-categorisation of the site from Category 3/4 to Category 2 from the country parks management perspective.</p> <p><u>Site YL-TT-3</u> - The southern portion of the site is located in close vicinity to TLCP. The comments on Site YL-TT-2 are also applicable.</p> | <p>It is observed that there are also some Category 1 areas located immediately adjacent to country park, such as Fung Kat Heung in Kam Tin North and Wong Chuk Yuen in Shek Kong. As mentioned above, operation of OS/PBU uses is subject to planning permission and DAFC's comments would be sought for individual planning applications. The previously proposed "GB" portion of Site YL-TT-2 has been deleted.</p> |
| <p><u>Site YL-TYST-1</u> - The northwestern edge of the site encroaches onto Pak Sha Tsuen Egrettry which has been abandoned since 2020. I have <u>no objection</u> to the development around the former Pak Sha Tsuen Egrettry.</p> | <p>Noted.</p> |
| <p><u>Site YL-NTM-1</u> - Species of conservation importance and some natural habitats were found according to the study of San Tin/Lok Ma Chau Development Node. Ecological impact assessment should be conducted to assess the potential ecological impacts and recommend appropriate mitigation measures.</p> | <p>It is observed that the site has been disturbed and largely occupied by various BF operations. The concerned species of conservation importance and natural habitats are outside the subject site. As mentioned above, operation of OS/PBU uses is subject to planning permission and DAFC's comments including any potential ecological impact and the need for ecological impact assessment will be sought for individual planning applications.</p> |
| <p><u>Sites YL-NSW-1, YL-HTF-1, YL-PS-1, YL-LFS-1</u> - These sites are largely disturbed. I have <u>no objection</u> to including them in Category 2 provided that encroachment to any natural habitats therein would be avoided</p> | <p>Noted.</p> |

| Major Comments | PlanD's Responses |
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| 3. Commissioner for Transport (C for T) | |
| (a) We understand that the areas proposed to be re-categorised from Category 3 or 4 to Category 2 should have been assessed to fulfill the planning criteria, including those under “Transport” aspect, stipulated in the TPB Guidelines No. 13F. Should the proposed areas be re-categorised to Category 2, future applicants for OS, PBU or other types of BF sites in these areas would have reasonable expectation that all planning criteria, such as “ <i>availability of good access to the strategic road network</i> ” and “ <i>sites accessed by unpaved tracks should not be considered for PBU uses</i> ” of TPB Guidelines have already been satisfied. | Operation of OS and PBU uses within Category 2 areas is subject to planning permission in accordance with the provisions of the Notes of the OZP. The proposed re-classification to Category 2 is to allow more flexibility for OS or PBU operators to identify possible sites for their operations subject to resolution of relevant departments’ technical requirements including availability of road access. Specific comments on the applications will be sought from relevant departments at the planning application stage in accordance with established practice. |
| (b) We have reviewed the suitability of the proposed sites by considering (i) availability of good access to strategic road network, or be accessed by means of purpose built roads; (ii) potential traffic impact to the roads leading to the sites; and (iii) whether the sites are only accessed by unpaved tracks. Some of the sites are considered having capacity and safety issues on the connecting road and/or critical junctions and their suitability for Category 2 should be reviewed. | C for T’s comments on individual sites are noted. Operation of OS/PBU uses within Category 2 areas is subject to planning permission and comments from relevant departments (including C for T) will be sought for individual planning applications. Technical requirements of concerned departments could be incorporated as approval conditions, where appropriate. |
| (c) Apart from (b) above, he also has supplementary comments on the following sites: <u>Site YL-HTF-2</u> The site is accessible through Deep Bay Road (a single track road) which is operated near capacity. Deep Bay Road to the west of Lau Fau Shan Roundabout will be widened to single-2-carriageway under PWP Project 878TH, which would be completed in phases after 2029. The site falls within the study area of Land Use Review Study for Lau Fau Shan, Tsim Bei Tsui and Pak Nai Areas – Feasibility Study. The land use of the site will be reviewed under the Study. | The Land Use Review Study for Lau Fau Shan, Tsim Bei Tsui and Pak Nai Areas commenced in August 2022, but the land resumption programme has yet to be confirmed. Therefore, this site is considered suitable to be re-classified to Category 2 as an interim measure for relocation of OS/PBU uses before the land is required for its long-term development. C for T’s views from traffic perspective will be sought for individual applications. |

| Major Comments | PlanD's Responses |
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| <p><u>Site YL-NTM-1</u></p> <p>The site is located at least 650m away from Kwu Tung Road via local village access next to Ki Lun Tsuen and at least 300m away from Ka Lung Road via local village access next to Luk Mei Tsuen. Both local village accesses are narrow single track road (~3m wide) with sharp bends and limited numbers of passing bay. It is anticipated that there would be capacity and safety issues on the single track village access.</p> | <p>This site has been disturbed by various BF operations. The proposed re-classification from Category 4 to Category 2 forms an extension of the adjacent Category 1 area (zoned "Open Storage"), which would increase the land area under Category 2 where applications for OS/PBU uses may be approved subject to no major adverse departmental comments and local objection. C for T's views from traffic perspective will be sought for individual applications.</p> |
| <p><u>NE-PK-1 & NE-TKL-1</u></p> <p>These two sites may not be suitable for OS and PBU uses and their suitability should be reviewed. Potential applicants may find it not practical to accommodate PBU uses in their planning applications.</p> <p>In addition, for the site NE-PK-1, it is noted that the local access connecting to the site, which is not under the management of TD, is narrow and could only accommodate private cars or LGV. While the existing local access could not accommodate HGV or container trailer / tractor commonly generated with PBU uses and improvements may not be practical and effective, such proposed sites may NOT fulfill the requirement stipulated in para 2.4 of TPB Guidelines No. 13F.</p> | <p>OS and PBU uses cover a wide range of uses with different nature and scale as stated in the Guidelines. The traffic impact and improvement works required of each planning application would be assessed and proposed by the applicant to the satisfaction of TD. In case the site is not suitable for PBU use, it may still be suitable for OS operation and the re-classification proposal would allow flexibility for using the site for such purpose subject to the resolution of technical concerns of relevant departments (including TD).</p> |
| 4. Chief Estate Surveyor/NDA, Lands Department (CES/NDA, LandsD) | |
| <p>(a) For the assessment criteria for applications within NDAs, para. 3.3 is suggested to amend as follows:</p> <p><i>".... However, sympathetic consideration may be given to applications for relocation of displaced operations affected by earlier phases of the NDA to sites within NDAs during the interim period before such sites are required for implementation of the NDAs provided that –</i></p> <ul style="list-style-type: none"> <i>the applicants can prove and/or Civil Engineering Development Department can confirm that the</i> | <p>Taking into account relevant departments' comments, para. 3.3 will be revised to read :</p> <p><i>"...However, sympathetic consideration may be given to applications for relocation of the uses/operations affected by government projects to sites designated for development purpose in NDAs (including those planned for GIC and open space developments) as temporary use/development before these sites are required for NDA development, subject to policy support given by the relevant policy bureau(x) to the application and no major adverse departmental</i></p> |

| Major Comments | PlanD's Responses |
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| <p><i>current uses/operations in NDAs/PDAs are/will be directly displaced by developments in these areas through land resumption;</i></p> <ul style="list-style-type: none"> ● <i>the applicant can demonstrate and undertake that granting of the temporary approval would not jeopardize the land resumption and or works commencement programme; and</i> ● <i>other relevant criteria for assessment of applications within NDAs are met.</i> | <p><i>comments and local objections, or the concerns could be addressed by approval conditions as set out in paragraph 2.6(b) above.</i></p> |
| <p>(b) If TPB only “advise” the applicant not to jeopardize the land resumption and/or works commencement programme or impose a relevant planning condition in approving such planning application, there cast doubt in the effectiveness of such measures. Particularly when the applicant sublet the established OS/PBU premises to a third party or parties, TPB/PlanD should consider the question of effective control over the third party or parties. The most effective way of preventing the temporary approval from jeopardizing the land resumption and/or works commencement programme is that TPB would disapprove any new OS/PBU which would have perceived adverse implication on land resumption and/or works commencement programme.</p> | <p>The subject matter had been previously deliberated by the Rural and New Town Planning Committee (RNTPC) of the Board. Taking into account the advice of relevant departments on the programme of the NDA development and noting the advice of LandsD's representative at the relevant RNTPC meeting that the programme of land resumption would not be disturbed even if the planning permission was granted for 3 years, the Committee agreed to grant temporary approval for 3 years for such temporary uses and that an advisory clause be included to remind the applicant that the site might be subject to land resumption, which might take place at any time before expiry of the temporary planning permission. In this regard, para. 3.4 of the Guidelines has already included such a reminder – “<i>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.</i>”</p> |
| 5. CES/HQ, LandsD | |
| <p>(a) Noted from PlanD's memo of 13.1.2023 that this amendment of TPB PG No. 13F is a follow up action for identifying suitable land / sites for relocation of the affected BF operations, PlanD please consider if</p> | <p>Please note that the Guidelines are to provide guidance for planning applications for OS and PBU uses only. Planning applications for other BF uses would be considered with reference to all relevant planning</p> |

| Major Comments | PlanD's Responses |
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| <p>the “OS” and “PBU” uses could sufficiently cover the affected BF operations in planning regime. Unless the scope of permitted temporary uses (i.e. OS/PBU) can cater for the needs of the affected BF operations in planning regime, the effectiveness of revising the guidelines, focusing on expanding the possible eligible areas but without expanding the scope, to meet the objective of providing suitable sites for relocation of the variety of affected BF operations would be lessened.</p> | <p>considerations and other relevant guidelines in accordance with the established practice.</p> |
| <p>(b) Having considered that (i) temporary uses of any land and building for a maximum of 5 years in urban and new town areas are always permitted under the covering notes of the relevant OZPs, (ii) the covering notes for OZPs for rural areas provided that “Temporary use or development of land or building exceeding three years requires permission from the TPB in accordance with the terms of the Plan”; and (iii) each planning application for temporary uses in the rural areas is subject to technical scrutiny by relevant departments and consideration by the TPB to ensure its compatibility, PlanD please consider if there is any room to allow flexibility for extending the time period of permission for suitable temporary uses in rural area up to a maximum of 5 years.</p> | <p>The proposed relaxation of classification criteria aims to increase the amount of land under Category 2 areas so that the affected operators would be able to identify possible sites for relocation of their businesses. The approval period of temporary planning permission (i.e. a maximum of 3 years) is a statutory provision under the Notes of the OZP, and is not the subject of the current review exercise.</p> |
| 6. District Lands Officer/North (DLO/N), LandsD | |
| <p>In view of time constraints and substantial areas involved, only preliminary land status is conducted and revealed that (i) private lots, short term tenancies, short term waivers, Government land licences, Modification of tenancies, Letter of Approval, burial ground and unleased and unallocated Government land etc. are involved; and (ii) no land exchange or lease modification applications are being processed within the 5 sites (i.e. NE-PK-1, NE-FTA & HLH-1, NE-HLH-2, NE-TKL-1 and NE-MUP-1) falling within his purview. At this stage this office has no comment to offer on the proposed inclusion of the 5</p> | <p>Noted.</p> |

| Major Comments | PlanD's Responses |
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| <p>sites into Category 2 area where planning permission may be granted for OS/PBU uses on a temporary basis.</p> <p>Comments from lease and land administrative perspectives would be given when individual planning application is received in future.</p> | |
| 7. DLO/Islands, LandsD | |
| (a) No Comment on the re-classification proposal. | Noted. |
| <p>(b) PlanD's memo states that "... we have been mindful that areas predominantly occupied by active farming and/or covered by dense vegetation are to be avoided." It is not absolutely clear regarding PlanD's viewpoint on those agricultural lands that are currently not occupied by active farming. PlanD may wish to note that some local villagers may intend to revive farming on such lands. PlanD may examine whether this is a relevant consideration in the course of identifying sites for OS/PBU uses.</p> | <p>In order to identify more suitable land to meet the imminent need for relocation of displaced BF operations, we have to be more practical and one of the potential source is abandoned agricultural land. The inclusion of the areas under Category 2 in the Guidelines is to provide flexibility for the Board to consider planning applications for OS/PBU uses. It does not necessarily mean that the sites are to be converted for OS/PBU uses. Land owners have their own choice on whether their abandoned farmlands are to be rehabilitated for agricultural use.</p> |
| 8. Director of Environmental Protection (DEP) | |
| (a) No objection to those sites re-classified to Category 2 and proposed amendments to TPB Guidelines No. 13F. | Noted. |
| <p>(b) Please be reminded to consider the existing environment of the surrounding areas and their compatibility after re-classification, in particular to the sites where village houses and farmlands are nearby. Your attention is also drawn to the recommended buffer distance as reflected in Chapter 9 of HKPSG, and follow our <i>Code of Practice on Handling Environmental Aspects of Open Storage and other Temporary Uses</i> in order to avoid and minimise environmental impacts / nuisance to the nearby sensitive receivers.</p> | <p>Operation of OS/PBU uses within Category 2 areas is subject to planning permission and relevant departments' comments (including DEP) would be sought for individual planning applications. Technical comments of departments would be taken into account by the Board. Approval conditions would be incorporated, where appropriate, to address the technical requirements.</p> |

| Major Comments | PlanD's Responses |
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| 9. Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) | |
| <p>On the understanding that the applicants would submit drainage proposal or carry out Drainage Impact Assessment (DIA) as necessary to DSD's satisfaction under each planning application to demonstrate that, with the implementation of necessary mitigation measures, the proposed use will not cause unacceptable increase in flood risk in the surrounding area of the site, this Division has no objection in principle to the proposed re-classification of sites to Category 2.</p> | <p>Noted.</p> |
| 10. Project Manager/West, Civil Engineering and Development Department (PM(W), CEDD) | |
| <p>(a) No comment on the proposed re-classification of sites to Category 2 and revisions to the TPB Guidelines.</p> <p>(b) Sites YL-HTF-1, YL-HTF-2 and YL-LFS-1 are located within the study area of the Land Use Review Study for Lau Fau Shan, Tsim Bei Tsui and Pak Nai Areas. Considering that the PODP and development programme of the concerned areas are being formulated under the said study, we have no comment, from the implementation of HSK/HT NDA point of view, on including the concerned sites under Category 2 where planning permission may be granted for OS/PBU uses on a temporary basis.</p> | <p>Noted.</p> |
| 11. Head of Geotechnical Engineering Office (H/GEO), CEDD | |
| <p>(a) There are a number of registered man-made slope features within or near some of the proposed sites. For those proposed sites overlooked by steep natural terrain, they may be affected by potential natural terrain landslide hazards and a Natural Terrain Hazard Study (NTHS) may be required.</p> <p>(b) Future applicants may be required to submit a Geotechnical Planning Review Report (GPRR) in support of the planning applications. Please consider making reference to the "GEO Advice Note for Planning Applications" in the TPB Guidelines</p> | <p>H/GEO of CEDD's views from geotechnical engineering perspective would be sought for individual planning applications and approval conditions may be imposed, where appropriate, to address the technical requirements.</p> |

| Major Comments | PlanD's Responses |
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| No. 13F if appropriate. | |
| 12. Regional Highway Engineer, Highways Department (HyD) | |
| NT Regional Office of HyD has no comment on the proposals subject to these proposed lands for OS/PBU uses will not bring adverse impact on the existing road drainage systems maintained by HyD. | Noted. |
| 13. Assistant Director/NT, Water Supplies Department (WSD) | |
| (a) No comment. | Noted. |
| (b) Under the existing practice, the applicants will submit planning applications including, amongst others, the assessment and proposed mitigation measures to address the impact of the proposed OS/PBU uses on any existing/ planned waterworks such as water mains located within the concerned sites for WSD's comment and agreement. We presume that these existing practices will also be followed for the sites identified in the proposal. | Operation of OS/PBU uses within Category 2 areas is subject to planning permission and relevant departments' comments (including WSD) would be sought for individual planning applications in accordance with established practice. Approval conditions will be imposed, where appropriate, to address the technical requirements. |
| 14. District Officer/Tuen Mun, Home Affairs Department (DO/TM, HAD) | |
| (a) With active implementation of NDAs/public housing sites, increasing number of BF operations have been displaced. Notably, in Tuen Mun, BF operators such as Turbo Ice (德保雪粒) have been displaced due to the development at San Hing Road and Hong Po Road, which has garnered media attention. In general, we believe BF operations in the district would welcome the review, which would allow them to move to nearby area and continue their operations. | Noted. |
| (b) We note that two sites in Tuen Mun are identified: <u>TM-LTY-1</u> The site is located close to a refuse transfer station <u>TM-LTY-2</u> The site is located within Fuk Hang Tsuen and there is likely some overlap with Route 11 and Tuen Mun Bypass Project. HyD may wish to advise the exact land to be resumed, but we consider it undesirable for | Noted. Site TM-LTY-2 falls within the Route 11 and Tuen Mun Bypass Project area. As such, this site is considered suitable to be included in the re-classification proposal which could serve as an interim |

| Major Comments | PlanD's Responses |
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| land to be included in Cat 2 if they would be resumed shortly. | solution for relocation of BF sites, pending implementation of the road project. |
| (c) Villagers or residents in the vicinity of the two sites in Tuen Mun might voice out their concerns with BF operations moving into their neighbourhood. We trust your office will consult relevant stakeholders at a suitable juncture to gauge their views. | Operation of OS/PBU uses within Category 2 areas is subject to planning permission and relevant departments' comments (including relevant DO) would be sought for individual planning applications. Planning applications will be published for public comments in accordance with the TPO. The planning application, together with departmental and public comments, will be submitted to the Board for consideration. |

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

- (a) Secretary for Transport and Logistics
- (b) CES/Acquisition and CES/Estate Management, LandsD
- (c) District Lands Officers for Yuen Long, Tuen Mun, Tai Po, Sai Kung and Tsuen Wan & Kwai Tsing, LandsD
- (d) Chief Engineer/Mainland South, DSD
- (e) PM(East), CEDD
- (f) Chief Building Surveyor for New Territories East and New Territories West, Buildings Department
- (g) District Officers for Yuen Long, Tai Po, North, Sai Kung, Islands and Tsuen Wan, HAD