

**Proposed Revisions to the Town Planning Board Guidelines No. 13F for
Application for Open Storage and Port Back-up Uses under
Section 16 of the Town Planning Ordinance**

1. Purpose

This paper is to seek Members' agreement to the proposed revisions to the Town Planning Board Guidelines No. 13F for Application for Open Storage (OS) and Port Back-up (PBU) Uses under Section 16 of the Town Planning Ordinance (TPO) (the Guidelines/TPB PG-No.13F).

2. Background

- 2.1 TPB PG-No.13 setting out the assessment criteria for consideration of planning applications for OS/PBU uses were first promulgated in 1994. Since then, the Guidelines have been amended six times with the latest revisions in 2020 to mainly take into account changes in planning circumstances including the results of the Brownfield Survey¹ undertaken by the Planning Department (PlanD).
- 2.2 Under the existing Guidelines, four categories of land have been designated to facilitate the Board's consideration of planning applications for OS/PBU uses. The classifications and assessment criteria under the four categories of land together with total land areas in hectares (ha) are summarized below:

Locational Category	Assessment Criteria	Area under 13F
Category 1	Areas considered suitable for OS and PBU uses. In general, such uses should be sited in areas zoned "Open Storage" ("OS"), "Other Specified Uses" annotated "Port Back-up Uses" ("OU(PBU)"), "Industrial" ("I") or "Industrial (Group D)" ("I(D)") where there are compatible uses such as industrial uses and other PBU and OS activities. Generally, OS/PBU uses are permitted as of right under such zones. For proposed uses of similar nature requiring planning permission, favourable consideration will normally be given subject to no major adverse departmental comments and local objections.	585 ha
Category 2	Areas mostly without clear planning intention or fixed development programme; areas to be affected by major	281 ha

¹ The "Study on Existing Profile and Operations of Brownfield Sites in the New Territories" (the "Brownfield Survey") was commissioned by PlanD and the study findings were released in 2019.

Locational Category	Assessment Criteria	Area under 13F
	upcoming infrastructural projects; areas within or close to clusters of OS/PBU sites which are “existing uses” ² under the TPO and/or subject of previous planning approvals. In addition, these areas should not be subject to high flooding risk. Subject to no adverse departmental comments and local objections, planning permission could be granted on a temporary basis up to a maximum period of 3 years.	
Category 3	Areas outside the Categories 1, 2 and 4 areas. Within these areas, “existing” and approved OS and PBU uses are to be contained and further proliferation of such uses is not acceptable. Applications would normally not be favourably considered unless the applications are on sites with previous planning approvals.	4 045 ha
Category 4	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; areas subject to extremely high flooding risk. Applications would normally be rejected except under exceptional circumstances.	10 402 ha

Note: The classification of Category 1 to 4 areas is to facilitate the consideration of planning applications for OS/PBU uses (which are mostly temporary in nature). Their boundaries do not necessarily follow the boundaries of land use zonings on the OZP.

- 2.3 Notwithstanding the above locational criteria, having considered the contributions of OS/PBU uses to Hong Kong’s economy and job creation, and that the operators/uses affected by Government’s resumption and clearance operations to make way for developments may face difficulties in finding a replacement site, the existing Guidelines provide that sympathetic consideration could be given to such type of planning applications, except those involving land in Category 4 area, if policy support is given by the relevant bureau(x) to applications for relocation of the affected uses/operations to the concerned sites.
- 2.4 For areas within New Development Areas (NDAs) with new/amended outline zoning plans (OZPs) gazetted, while it is envisaged that the existing OS/PBU uses will be gradually phased out, the existing Guidelines provide that 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, and the above assessment criteria under Categories 1 to 4 areas are not applicable. The underlying consideration is to make optimal use of land areas with previous temporary use before they are required for NDA development to accommodate temporary PBU/OS uses.

² “Existing Use” means a use in existence before the publication of the first statutory plan covering the area, and is tolerated under the TPO.

3. Need for Review and Updating

- 3.1 With the implementation of the NDAs, public housing developments and other government projects in full swing, land within these areas are being resumed or cleared by Government in large quantity³. Many existing brownfield operations have been/will be displaced as a result. Over the past few years, the Government has resumed and cleared about 30 ha of brownfield sites for various development projects, involving about 400 affected operators. It is expected that the total brownfield areas to be resumed and cleared by the Government from now till 2026 will increase sharply to 200 ha involving industries including construction, logistics, transportation, recycling, etc. Most such operations are making a positive contribution to the local economy, in terms of assuming a key part in the supply chain of relevant industries, and supporting the daily operation of the community, etc. There are increasing calls from affected industries and other stakeholders that Government should step up assistance to help displaced brownfield operators relocate their businesses elsewhere.
- 3.2 Apart from providing monetary compensation, the Development Bureau (DEVB) has adopted multi-pronged measures to assist displaced operators in identifying suitable land/sites for relocation of their brownfield operations⁴. In gist, Government's longer-term objective is to accommodate these brownfield operations in multi-storey buildings (MSBs) for modern industries so that they can operate in a controlled environment and more orderly and land-efficient manner. To this end, DEVB is preparing to put three MSB sites in Yuen Long to open tender within 2023, to be followed by another two sites in Hung Shui Kiu next year. However, pending the availability of these MSB space and also considering that not all brownfield operations can be relocated to MSBs due to operating requirements, some brownfield uses may still need to operate in open air sites. To channel these operations to sites more suited for brownfield uses, as part of the above multi-pronged strategy, DEVB has undertaken to consolidate and make available information about sites that are more likely to be feasible in accommodating brownfield operations for reference by affected industries (item (iii) of footnote 4 below).
- 3.3 In view of the above, we have reviewed the TPB PG-No. 13F with the twin objectives of (i) reviewing the criteria with a view to making available more land under Category 2 where temporary planning permission may be granted for OS/PBU uses, which constitute a considerable portion of brownfield uses, subject to resolution of relevant departments' concerns on technical aspects; and

³ Of the over 1 600 ha brownfield sites in the New Territories, more than half have been included in various development projects.

⁴ The multi-pronged measures include: (i) Lands Department (LandsD) reaching out as early as possible to provide affected operators with information including more concrete departure timeframe and various means of assistance the Government could offer; (ii) DEVB steering and overseeing various departments in providing advisory services on planning and lands matters to operators, and expediting relevant application processes; (iii) DEVB/PlanD consolidating and providing information on sites that are more likely feasible in accommodating brownfield operations; (iv) LandsD identifying more government land for letting to affected brownfield operators for short-term tenancy; and (v) taking forward the development of MSBs for modern industries, including requiring developers to set aside 30% of the total floor space to be taken over by Government for leasing to affected brownfield operators for a specific period at rentals comparable to the prevailing market rentals of existing brownfield sites.

(ii) allowing more flexibility in putting land pending eventual development within NDAs to temporary OS/PBU uses.

- 3.4 Opportunities have also been taken to update the Guidelines to reflect the latest planning circumstances including the rezoning of sites and publication of four new OZPs covering Lantau.

4. Proposed Revisions to the Guidelines

Site Classification

- 4.1 The last review in 2020 involved mainly re-categorisation of land previously under Category 3 but mostly occupied by brownfield uses either as “existing uses” or with planning permission. As many of these sites are already occupied by brownfield uses, only a limited amount of vacant land can be available for relocation of displaced brownfield operations.
- 4.2 We propose to adjust the classification criteria for Category 2 areas to include the following sites under Category 2 for OS/PBU uses, subject to resolution of departments’ concerns on technical requirements:
- (a) sites adjoining or close to brownfield clusters classified under Category 1 or 2;
 - (b) ecologically non-sensitive areas that are vacant formed land, unused land covered by weeds/vegetation or fallow agricultural land, with a few intermixing with scattered/small scale farmland;
 - (c) sites predominantly/partly occupied by OS/PBU uses or other brownfield operations, some of which are “existing uses” or covered by planning permission and a few cases are subject to planning enforcement action; and
 - (d) sites covered by planning permission for temporary uses other than brownfield operations (e.g. animal boarding establishments, pet parks, hobby farms, etc.).
- 4.3 Based on the above criteria and following consultation with bureaux/departments, sites totaling about 320 ha in area in the Yuen Long, Tuen Mun and North Districts currently classified as Category 3 or 4⁵ are identified suitable to be re-classified to Category 2. These sites are mainly located close to existing Category 1 or 2 areas which can serve as extension areas to accommodate OS/PBU uses upon application; left vacant/idle; and/or occupied by brownfield and other temporary uses. Of the 320 ha, about 135 ha are currently not occupied and hence can be readily considered by displaced operators for relocation of their business. A list of the sites with re-classification proposals is at **Appendix I** and the corresponding site plans are at **Plans 1 to 18**.

⁵ About 66 ha of land currently under Category 4 are proposed to be re-classified to Category 2. Despite some of them are within the “GB” zone, they are proposed to be re-classified based on the criteria mentioned in para. 4.2, i.e. adjoining Cat 1 or 2 areas; currently occupied by brownfield uses or temporary uses with planning approvals intermixed with vacant/unused land or fallow agricultural land.

- 4.4 In identifying the above sites, considerations have also been given to site conditions, existing uses in the surrounding areas, and accessibility of the sites. Areas predominantly occupied by active farming and/or covered by dense vegetation are specifically excluded from the proposed re-classification. While a comprehensive assessment on the technical feasibility and potential impacts of the proposed sites may not be feasible at this stage taking into account the broad coverage of the sites and the different types of OS/PBU uses, comments from relevant departments have been sought and taken into account. In particular, ecologically sensitive areas have been avoided.
- 4.5 It should be noted that by grouping land into broad categories, the Guidelines seek to provide reference on the suitability of sites for OS/PBU uses. Whether a particular site under Category 2 can really be used for the purpose would be subject to planning permission from the Board. As stated in the existing Guidelines, technical assessments, where appropriate, will need to be submitted at the planning application stage to demonstrate that the applied uses at the application site would not have adverse impacts on the surrounding areas, such as on the traffic, environmental, ecological, geotechnical and drainage aspects, and any concerns of departments and local residents and the possible impacts of specific uses on individual sites, if any, can be considered and addressed in the planning application process (e.g. addressing technical concerns through implementation of approval conditions).

New Development Areas

- 4.6 NDAs are large-scale development usually implemented by phases. During the interim period before the land is required for NDA development (including private land pending resumption or land planned for development shortly after resumption), relevant sites may be considered for other uses to maximize utilization. Under the existing Guidelines, for NDAs with new/amended OZPs gazetted, sympathetic consideration may be given to planning applications for continued operation of OS/PBU uses already in existence within that particular NDA area, and on sites within that particular NDA area that are subject to previous planning approval(s). In order to make better use of land pending eventual development within NDAs to accommodate displaced OS/PBU operations temporarily, we propose refining the assessment criteria for planning applications by, subject to policy support by relevant bureau:
- (a) expanding eligible applicants to include displaced OS/PBU uses affected by government projects; and
 - (b) expanding eligible sites to include all sites designated for development purpose in NDAs, with or without previous planning approvals.

Other assessment criteria would remain unchanged, for example, the planning applications should be subject to no major adverse departmental comments and local objections, or the concerns should be addressed by implementation of approval conditions. Moreover, the applicant should be advised that the application site would be required by the Government at any time during the

planning approval period for implementation of government projects.

Update to take into account latest planning circumstances

- 4.7 Since the promulgation of TPB PG-No. 13F in March 2020, some sites have been rezoned to meet housing/community development needs or to reflect completed developments under approved planning applications. Opportunity is therefore taken to update the classification of these sites to reflect the changed planning circumstances.
- 4.8 Upon review, the classification of two sites with zonings changed to reflect the completed permanent developments, i.e. a residential development on the Kwu Tung South OZP and a cemetery on the Lung Yeuk Tau and Kwan Tei South OZP, is proposed to be amended. These two sites are proposed to be re-classified from Category 3 to Category 4. The re-classification proposals with their justifications are set out in **Appendix II** and the corresponding site plans are at **Plans 17 and 18**.
- 4.9 In addition to the above, the following new rural OZPs in South West New Territories were gazetted in 2021 and approved by the Chief Executive-in-Council in 2022:
- Approved Mui Wo North OZP No. S/I-MWN/2
 - Approved Pui O Au OZP No. S/I-POA/2
 - Approved Sha Lo Wan and San Tau OZP No. S/I-SLW/2
 - Approved Sham Wat and San Shek Wan OZP No. S/I-SW/2
- 4.10 As such, the coverage of TPB PG-No. 13F will be updated to include the above new OZPs. As these areas are located in or adjoining areas of high conservation value, the relevant land areas are all included in Category 4 in the Guidelines. The expanded coverage of Guidelines is at **Appendix III**.
- 4.11 There are also refinements to technical requirements for OS/PBU uses as stipulated in the Guidelines to reflect departmental requirements.

5. The Guidelines

- 5.1 A set of draft revised Guidelines (to be renumbered as TPB PG-No. 13G) with incorporation of the proposed revisions mentioned in paragraph 4 above is at **Appendix IV**, with amendments highlighted in ***bold and italics*** or ~~cross-out~~. The Guidance Notes currently attached to the Guidelines setting out the relevant submission requirements have also been updated, and a revised version is at **Appendix IVa**.
- 5.2 Taking into account the re-classification proposals and the proposed extension of the coverage of the Guidelines in paragraph 4 above, changes in the land areas under the Guidelines are set out as follows:

	Area (ha)					
	Cat 1	Cat 2	Cat 3	Cat 4	NDAs	Total
(A) TPB PG-No. 13F (Current)	585	281	4,045	10,402	1,391	16,704
(B) Review of Site Classification						
- Adjust classification criteria for Category 2 areas	0	+321	-255	-66	0	0
- Reflect zoning amendments on OZPs	0	0	-1	+1	0	0
(C) Extension of Coverage (new rural OZPs)	0	0	0	+464	0	464
(D) Land area upon review [i.e. (A) + (B) + (C)]	585	602	3,789	10,801	1,391	17,168
Change [(D)-(A)]	0	+321	-256	+399	0	+464

5.3 The updated areas under Category 1 to 4 are shown on **Plans 1 to 4** of **Appendix IV**.

6. Comments of Bureaux and Departments

The proposed revisions to the TPB PG-No. 13F have been circulated to relevant Government bureaux/departments (B/Ds) for comments. No objection or major adverse comments have been received. The comments of the B/Ds on the re-classification proposals, revised assessment criteria and relevant parts related to technical assessments have been incorporated, as appropriate, in the proposed revised Guidelines at **Appendix IV**. The major comments received from B/Ds and PlanD's responses are set out in **Appendix V**.

7. Advice Sought

Members are invited to endorse the proposed revisions to the TPB PG-No.13F at **Appendix IV**, which will take effect upon endorsement by the Board.

Attachments

Plans 1 to 18	Location Plans of the Proposed Re-classification Sites
Appendix I	List of Sites Proposed for Re-classification to Category 2
Appendix II	List of Sites Proposed for Re-classification to Reflect Zoning Amendments on OZPs for Completed Developments
Appendix III	Proposed Extended Coverage of the TPB Guidelines

Appendix IV	Draft Revised TPB Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (Draft TPB PG-No. 13G) Plan 1a and 1b: NWNT Plan 2a and 2b: NENT Plan 3: SENT Plan 4: SWNT
Appendix IVa	Revised 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)
Appendix V	Major Comments of Bureaux/Departments and PlanD's Responses

PLANNING DEPARTMENT
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