

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

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

Previous s.16 Application covering the Application Site

Approved Applications

| | <u>Application No.</u> | <u>Zoning(s) and OZP at the time of consideration</u> | <u>Proposed Use(s)/ Development(s)</u> | <u>Date of Consideration (RNTPC)</u> | <u>Approval Conditions</u> |
|----|------------------------|---|---|--------------------------------------|------------------------------|
| 1. | A/YL-HT/468 | “CDA” on draft Ha Tsuen OZP No. S/YL-HT/7 | Proposed Temporary Open Storage of Construction Material and Metal Ware (3 Years) | 17.11.2006 | 2, 3, 5, 6, 7, 8 |
| 2. | A/YL-HT/612 | “CDA” on approved Ha Tsuen OZP No. S/YL-HT/10 | Temporary Open Storage of Containers (3 Years) | 8.5.2009 | 2, 3, 5, 6, 7, 8, 13, 13 |
| 3. | A/YL-HT/657 | “CDA” on approved Ha Tsuen OZP No. S/YL-HT/10 | Temporary Open Storage of Construction Material and Metal Ware (3 Years) | 18.12.2009 | 2, 5, 6, 7, 8, 9, 10, 11 |
| 4. | A/YL-HT/785 | “CDA” on approved Ha Tsuen OZP No. S/YL-HT/10 | Temporary Open Storage of Containers (3 Years) | 18.5.2012 (revoked on 18.8.2014) | 2, 3, 5, 6, 7, 8, 11, 12, 13 |
| 5. | A/YL-HT/953 | “CDA” on approved Ha Tsuen OZP No. S/YL-HT/10 | Temporary Logistics Centre (3 Years) | 22.5.2015 (revoked on 22.11.2016) | 2, 3, 4, 6, 7, 8, 11, |
| 6. | A/YL-HT/970 | “CDA” on approved Ha Tsuen OZP No. S/YL-HT/10 | Proposed Temporary Logistics Centre (3 Years) | 4.9.2015 (revoked on 4.6.2017) | 1, 2, 4, 5, 6, 7, 8, 10, 11 |
| 7. | A/HSK/5 | “O”, “V”, “R(B)2”, “G/IC” on draft Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/1 | Temporary Logistics Centre (3 Years) | 11.8.2017 (revoked on 11.11.2019) | 1, 2, 4, 5, 6, 7, 8, 10, 11 |
| 8. | A/HSK/50 | “R(B)2” and “O” on draft Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/1 | Temporary Logistics Centre (3 Years) | 2.3.2018 (revoked on 2.12.2019) | 1, 2, 4, 5, 6, 7, 8, 10, 11 |

Approval Conditions:

- 1 No vehicle is allowed to queue back to or reverse onto/from the public road at any times.
- 2 The submission and/or implementation of landscaping and/or tree preservation proposals, and/or provision of replacement planting and/or the replacement of dead trees.
- 3 The submission and/or implementation of Drainage Impact Assessment (DIA)/drainage proposals, and/or provision of drainage facilities/implementation of the drainage facilities proposed.
- 4 The provision and/or maintenance of paving, and/or fencing and/or screening planting.
- 5 Reinstatement clause.
- 6 Revocation clauses.
- 7 No cutting, and/or dismantling, and/or repairing, and/or recycling, and/or cleaning, and/or melting, and/or compaction, and/or unpacking, and/or re-packing, and/or vehicle repair, and/or container repair, and/or cleansing and/or no paint-spraying and/or crushing and/or workshop activity and/or grinding activity.
- 8 No night-time operation and/or no operation on Saturdays/Sundays and public holidays.
- 9 No container vehicle, including container trailers and tractors, was allowed to be parked/stored on the site.

- 10 The maintenance of the existing/implemented drainage facilities, and/or submission of a condition record of the existing drainage facilities.
- 11 The submission and/or implementation of FSIs proposals and/or provision of FSIs, with or without sprinkler system.
- 12 The provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251)
- 13 The stacking height of containers stored on the site should not exceed 7 units
- 14 The demolition of the existing structure on-site

**Similar s.16 Applications within the same “R(B)2”, “O”, “G/IC”
and “V” Zones on the approved Hung Shui Kiu and Ha Tsuen OZP**

Approved Applications

| | <u>Application No.</u> | <u>Zoning(s) and OZP at the time of consideration</u> | <u>Applied Use(s)/ Development(s)</u> | <u>Date of Consideration (RNTPC/TPB)</u> | <u>Approval Condition(s)</u> |
|----|-------------------------------|--|---|---|-------------------------------------|
| 1. | A/YL-HT/1017 | “CDA” on approved OZP No. S/YL-HT/10 | Temporary Logistics Centre with Ancillary Site Office (3 years) | 13.5.2016 (3 years) | 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 |
| 2. | A/YL-HT/1058 | “CDA” on approved OZP No. S/YL-HT/10 | Proposed Temporary Logistics Centre (3 years) | 9.12.2016 (3 years) (revoked on 9.1.2019) | 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 |
| 3. | A/YL-HT/1062 | “CDA” on approved OZP No. S/YL-HT/10 | Proposed Temporary logistics centre (3 years) | 13.1.2017 (3 years) | 1, 2, 3, 5, 6, 7, 8, 9, 10, 11 |
| 4. | A/HSK/7 | “R(B)2”, “G/IC”, “O” and ‘Road’ on draft OZP No. S/HSK/1 | Temporary Logistics Centre (3 years) | 25.8.2017 (3 Years) (revoked 25.5.2018) | 1, 3, 5, 6, 7, 8, 9, 11 |
| 5. | A/HSK/59 | “R(B)2”, “G/IC”, “O” and ‘Road’ on draft OZP No. S/HSK/1 | Temporary Logistics Centre (3 years) | 20.4.2018 (3 Years) | 1,3, 5, 6, 7, 8, 9, 10, 11 |
| 6. | A/HSK/108 | “O”, “R(B)1”, “R(B)2” and ‘Road’ on approved OZP No. S/HSK/2 | Temporary Logistics Centre (3 years) | 7.12.2018 (3 years) | 1, 2, 3, 5, 6, 7, 9, 10, 11 |
| 7. | A/HSK/145 | “R(B)2”, “O”, “R(B)1” and ‘Road’ on approved OZP No. S/HSK/2 | Renewal of Planning Approval for Temporary “Logistics Centre with Ancillary Site Office” (3 years) | 3.5.2019 (3 years) | 1, 2, 3, 5, 6, 7, 9, 10, 11 |
| 8. | A/HSK/160 | “O”, R(B)2”, “G/IC” and ‘Road’ on approved OZP No. S/HSK/2 | Temporary Logistics Centre (3 years) | 19.7.2019 (3 years) | 1, 2, 5, 7, 9, 10, 11 |

Approval Conditions

1. No night-time operation and/or no operation on Sundays and public holidays.
2. The maintenance of the existing/ implemented drainage facilities
3. The provision of fencing/ to maintain the existing fencing on the site.
4. The submission and implementation of run-in/run-out proposal(s)
5. The submission of a condition record or/and a DIA/drainage proposals and/or provision of drainage facilities/implementation of the drainage facilities proposed/flood mitigation measures for the development identified in the DIA.
6. The submission and implementation of landscaping or/and tree preservation proposals and/or provision of replacement dead trees/planting and/or to maintain all the existing plants/ trees and landscape planting.
7. The provision of fire extinguisher(s) and/or FS 251 certificate and/or the submission of FSIs proposals and the provision of FSIs/implementation of FSIs proposals.
8. Reinstatement clause.

9. Revocation clauses.
10. No recycling, and/or cutting, and/or dismantling, and/or cleaning, and/or cleansing, and/or dismantling work, and/or repairing, and/or compaction, and/or tyre repair, and/or vehicle repair, and/or container repair, and/or any other workshop activity is allowed.
11. No vehicle queuing is allowed back to public road or vehicle reversing onto/from the public road is allowed.

Advisory Clauses

- (a) prior planning permission should have been obtained before continuing the development on-site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site (the Site);
- (c) to note that the Site might be resumed at any time during the planning approval period for implementation of government projects;
- (d) shorter compliance period is imposed in order to monitor the progress of compliance with approval conditions. Should the applicant fail to comply with any of the approval conditions again resulting in the revocation of planning permission, sympathetic consideration may not be given to any further applications;
- (e) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.

The lots within the Site which are covered by licences are listed below:

| Lot No(s). in D.D.129 | Licences Type and Nos. | Purposes |
|--|--|---|
| 2455 S.B ss.1 (Later divided into 2455 S.B ss.1 S.A, 2455 S.B ss.1 S.B, 2455 S.B ss.1 S.C, 2455 S.B ss.1 RP while 2455 S.B ss.1 S.B is outside the application site) | Letter of Approval (LoA) with No. MT/LM12679 | Watchman Shed, Chicken Sheds, Agricultural Store-rooms, Porches, Agricultural Kitchen |
| 2961 RP | Modification of Tenancy (MoT) and LoA with No. M22185 | Private Residential, Chicken Sheds, Agricultural Kitchen, Watchman Shed, Agricultural Store-room, Pigeon Sheds |

The private lots which are covered by Short Term Waivers (STWs) are listed below:

| Lot No(s). in D.D.129 | STW No. | Purposes |
|-----------------------|---------|---|
| 2427 | 2982 | Office Ancillary to Storage of Containers |
| 2430 | 4262 | Temporary Logistics Centre |
| 2431 | 4263 | |
| 2432 | 4264 | |
| 2433 | 4265 | |
| 2436 | | |
| 2434 | 4266 | |
| 2435 | 4267 | |
| 2978 | | |
| 2437 | 4268 | |
| 2439 | | |
| 2438 S.B | 4269 | |
| 2447 | 4742 | |
| 2455 S.B ss.1 S.A | 4744 | |
| 2961 RP | 4745 | |
| 2961 S.A RP | 4746 | |
| 2961 S.A ss.1 | 4747 | |

| | | |
|----------|------|--|
| 2977 S.A | 4270 | |
| 2977 S.B | 4271 | |
| 2979 | 4272 | |
| 2980 | 4273 | |

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

- (f) to note the comments of the Assistant Commissioner for Transport/ New Territories, Transport Department (AC for T/NT, TD) that sufficient manoeuvring spaces shall be provided within the Site. Local track leading to the Site is not under TD's purview. The applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the Site;
- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that the access arrangement of the Site should be commented by TD. Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting the Site and Lau Fau Shan Road;
- (h) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize any potential environmental nuisance;
- (i) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the required condition record should include coloured photos showing the current condition of the drainage facilities and a layout plan indicating the locations of the photos taken. The submitted photos should cover all internal surface channels, catch pits, sand traps, manholes, terminal catch pits/ manholes and the downstream discharge path as indicated on the submitted drainage proposal;
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that if the existing structures (not being a New Territories Exempted Houses) are erected on leased land without approval of the Building Authority (BA), they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application. For UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with the prevailing enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO. Before any new building works (including containers/open sheds as temporary buildings, demolition and land filling) are to be carried out on the Site, prior approval and consent of BA should be obtained, otherwise they are UBW. An Authorized Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the BO. The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the

Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;

- (k) to note comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the BO (Cap. 123) or license is required under the Dangerous Goods Ordinance (Cap. 295), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans or referral from relevant licensing authority respectively;
- (l) to note the comments of the Project Manager (West), Civil Engineering and Development Department (PM/W, CEDD) that the Site falls within the boundary of Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA). According to the Planning and Engineering Study for the HSK/HT NDA and the latest plan, to ensure timely and orderly implementation, the development of HSK/HT NDA and relevant site formation and infrastructure works would be implemented in five stages, viz. Advance Works and Stage 1 to Stage 4. The lot(s) concerned falls within a site under Stage 4 works in the latest programme of the HSK/HT NDA. While the detailed implementation programme for the project is still being formulated, it is envisaged that clearance of the Site will not be arranged before the first population intake of the HSK/HT NDA expected in 2024.