

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

1. On 14.4.2023, the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13G) were promulgated, which set out the following criteria for New Development Areas:
 - (a) The planning for various New Development Areas (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 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, 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.
 - (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. 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 adverse departmental comments and local objections, or the concerns could be addressed by approval conditions. There is a general presumption against such uses 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 Applications covering the Application Site

Approved Applications

Application No.	Uses/Development	Date of Consideration
A/YL-HT/83	Temporary Open Storage of Construction Machinery, Used Cars & Scrap Metals with Ancillary Office for a Period of 12 Months	28.5.1999
A/YL-HT/167	Temporary Open Storage of Construction Machinery, Used Cars and Scrap Metal with Ancillary Office for a Period of 3 Years	13.10.2000 (revoked on 13.10.2001)
A/YL-HT/243	Temporary Open Storage of Construction Machinery, Machinery Parts, Used Cars and Scrap Metal with Ancillary Office for a Period of 3 Years	12.4.2002
A/YL-HT/490	Temporary Open Storage of Second-hand Vehicles, Metals, Machineries, Parts and Ancillary Site Office for a Period of 3 Years	7.6.2007 (revoked on 7.12.2007)
A/YL-HT/530	Temporary Open Storage of Second-hand Vehicles, Metals, Machineries, Parts and Ancillary Site Office for a Period of 3 Years	1.2.2008
A/YL-HT/875	Temporary Open Storage of Second-Hand Vehicles, Metal, Machineries, Parts and Ancillary Office for a Period of 3 Years	13.12.2013

Similar S.16 Applications within the Subject “Residential (Group A) 3” Zone on the Hung Shui Kiu & Ha Tsuen Outline Zoning Plan in the Past Five Years

Approved Applications

Application No.	Uses/Development	Date of Consideration
A/HSK/312	Temporary Logistics Centre, Warehouse, Cold Storage, Open Storage of Containers and Container Vehicle Park with Ancillary Workshop (including Compacting, Unpacking and Tyre Repairing) and Canteen for a Period of 3 Years	9.7.2021 (revoked on 9.12.2023)
A/HSK/362	Proposed Temporary Public Vehicle Park for Private Car and Goods Vehicle not exceeding 24 tonnes and Open Storage of Export Vehicle and Vehicle Parts for a Period of 3 Years	1.6.2022
A/HSK/385	Temporary Open Storage of Containers and Logistics Centre for a Period of 3 Years	12.8.2022
A/HSK/430	Renewal of Planning Approval for Temporary Open Storage of Construction Machinery and Construction Materials for a Period of 3 Years	17.3.2023
A/HSK/506	Temporary Open Storage of Trucks and Goods Compartments of Dump Trucks for a Period of 3 Years	15.3.2024
A/HSK/534	Proposed Temporary Warehouse (excluding Dangerous Goods Godown), Open Storage of Containers and Logistics Centre for a Period of 3 Years	4.10.2024
A/HSK/538	Temporary Logistics Centre, Warehouse, Vehicle Repair Workshop, Open Storage of Containers and Container Vehicle Park with Ancillary Workshop (including Compacting and Unpacking) and Canteen for a Period of 3 Years	23.5.2025
A/HSK/558	Renewal of Planning Approval for Temporary Public Vehicle Park for Private Car and Goods Vehicle not exceeding 24 tonnes and Open Storage of Export Vehicle and Vehicle Parts for a Period of 3 Years	2.5.2025

Government Departments' General Comments

1. Land Administration

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

- no adverse comment on the application;
- the application site (the Site) comprises Old Schedule Agricultural Lots (OSALs) held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government; and
- the following private lots are covered by Short Term Waiver (STW) as listed below:

<u>STW No.</u>	<u>Lot No.</u>	<u>Purposes</u>
3040	93 RP in D.D. 125	Ancillary use to open storage
4097	94 in D.D. 125	Temporary open storage of container & logistic centre
5349	92 in D.D. 125	(i) Temporary logistics centre, warehouse, cold storage, open storage of containers and container vehicle park with ancillary workshop (including compacting, unpacking and tyre repairing) (ii) Temporary open storage of containers and logistics centre (iii) Ancillary uses as may be approved by DLO/YL

2. Traffic

(a) Comments of the Commissioner for Transport:

No adverse comment on the application from traffic engineering point of view.

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

No objection to the application from highway maintenance point of view.

3. Drainage

Comments of the Chief Engineer/Mainland North, Drainage Services Department:

- no in-principle objection to the application from drainage point of view; and
- should the application be approved, a condition should be stipulated requiring the applicant to maintain the existing drainage facilities, and to submit condition record of the existing drainage facilities to his satisfaction.

4. Fire Safety

Comments of the Director of Fire Services:

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

5. Building Matters

Comments of the Chief Building Surveyor/New Territories West, Buildings Department:

No objection to the application.

6. Long-term Development

(a) Comments of the Project Manager (West), Civil Engineering and Development Department (CEDD):

- the Site falls within the study area of Lau Fau Shan Development under the consultancy Agreement No. CE 5/2024 (CE) “Developments at Lau Fau Shan, Tsim Bei Tsui and Pak Nai areas – Investigation”, which is the Investigation Study and jointly commissioned by Planning Department and CEDD. The implementation programme and land resumption/clearance programme of the Lau Fau Shan Development is currently being reviewed under the Investigation Study and subject to change; and
- if the application is granted, notwithstanding the validity period, the applicant should note his advisory comments at **Appendix V**.

(b) Comments of the Northern Metropolis Railways Office (NMRO):

- his office has no comments from railway project interface viewpoint; and
- if the application is granted, notwithstanding the validity period, the applicant should note his advisory comments at **Appendix V**.

7. District Officer’s Comments

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

- no comment from departmental point of view; and
- his office has not received any comment from the locals on the application.

8. Other Departments' Comments

The following government departments have no objection to/no adverse comment on the application:

- Chief Engineer/Construction, Water Supplies Department; and
- Commissioner of Police.

Recommended Advisory Clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site (the Site);
- (b) the planning permission is given to the development/use under application. It does not condone any other development/use (i.e. open storage of containers) which currently exists on the Site but not covered by the application. Immediate action should be taken to discontinue such development/use not covered by the permission;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Short Term Waiver (STW) holder(s) will need to apply to his office for modification of the STW conditions where appropriate. The lot owner(s) shall apply to his office for STWs to permit the structures erected within the private lots. The application(s) for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The application(s), if approved, will be subject to such terms and conditions including the payment of waiver fee/rent and administrative fee as considered appropriate by LandsD. Besides, given the applied use is temporary in nature, only erection of temporary structure(s) will be considered;
- (d) to note the comments of the Commissioner for Transport that:
- sufficient manoeuvring spaces shall be provided within the Site or its adjacent area. No vehicles are allowed to queue back to public roads or reverse onto/from public roads; and
 - the local track leading to the Site is not under Transport Department'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;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that:
- the access road from Ping Ha Road to the Site is not maintained by HyD and HyD will not take up the maintenance responsibility of the access; and
 - adequate drainage measures shall be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department 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; and
 - the drainage facilities shall be properly designed, constructed and maintained in good condition without causing adverse drainage impact to the adjacent area at all times, and the applicant/owner is required to rectify/modify the drainage systems if they are found to be inadequate or ineffective to accommodate the additional runoff arisen from the application. The applicant/owner shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure or ineffectiveness of the drainage systems caused by his application;

- (g) to note the comments of the Director of Environmental Protection that the applicant is advised:
- to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”;
 - to follow the relevant guidelines and requirements in relevant Professional Persons Environmental Consultative Committee Practice Notes (ProPECCPNs). If septic tank and soakaway system will be used in case of unavailability of public sewer, its design and construction shall follow the requirements of ProPECC PN 1/23 “Drainage Plans subject to Comment by the Environmental Protection Department” including completion of percolation test and certification by Authorized Person;
 - to provide adequate supporting infrastructure/facilities for proper collection, treatment and disposal of waste/wastewater generated from the applied use; and
 - to meet the statutory requirements under relevant environmental legislation;
- (h) to note the comments of the Director of Fire Services (D of FS) that:
- the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy;
 - the location of the proposed fire service installations to be installed should be clearly marked on the layout plans; and
 - if the proposed structures are required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
- before any new building works (including containers/open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on the Site, prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are unauthorized building works (UBW) under the BO. An Authorized Person should be appointed as the co-ordinator 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. The Site does not abut on a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;
 - if the existing structures are erected on leased land without the approval of the BA, they are UBW under the 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 the 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; and

- any temporary shelters or converted containers for office, storage, washroom or other uses are considered as temporary buildings are subject to the control of Part VII of the B(P)R. Detailed checking under the BO will be carried out at building plan submission stage;
- (j) to note the comments of the Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD) that the Site falls within the study area of Lau Fau Shan Development under the consultancy Agreement No. CE 5/2024 (CE) “Developments at Lau Fau Shan, Tsim Bei Tsui and Pak Nai areas – Investigation”, which is the Investigation Study and jointly commissioned by Planning Department and CEDD. The implementation and land resumption/clearance programme of the Lau Fau Shan Development is currently being reviewed under the Investigation Study and subject to change. The applicant should be reminded that the Site may be resumed at any time during the planning approval period for potential development project and advised not to carry out any substantial works therein;
- (k) to note the comments of the Northern Metropolis Railway Office that the Site falls within the development site of Hong Kong – Shenzhen Western Rail Link (Hung Shui Kiu – Qianhai). The applicant should be reminded that the Site may be resumed at any time during the planning approval period for potential development project and advised not to carry out any substantial works therein; and
- (l) to note the comments of the Commissioner of Police that in view of public safety, the applicant must maintain the smooth traffic flow of the concerned location and provide sufficient safety precaution to avoid obstruction or danger caused to any person or vehicle on the road.

tpbpd/PLAND

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A/HSK/602

Lots 92 (Part), 93 RP (Part) and 94 (Part) in D.D. 125, Ha Tsuen

Site area: About 4,800sq.m

Zoning: "Res (Group A) 3"

Applied use: Open Storage of Construction Machineries / Vehicle Parking

Dear TPB Members,

The last approval for Open Storage on these lots was back in 2013, A/YL-HT/875. At the time the lots were zoned "CDA".

So how come for the last decade the operation has continued without approval?

Applicant states "*However, due to the economic downturn and uncertainties in recent years, I neglected the application **until recently when the relevant departments inspected the warehouse and realized that I needed to submit the planning permit application as soon as possible***"

Has the operator been paying Ground Rent, taxes, etc all these years? No wonder urban folk feel hard done by as we have to follow the regulations.

The Application makes no mention of Drainage and Fire installations. This is unacceptable so the Application should be rejected.

In the aftermath of the Tai Po Fire, the community can no longer tolerated such a lax attitude towards rules and regulations put in place to protect the community.

Mary Mulvihill