

**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/929	Proposed Temporary Public Vehicle Park for Medium Goods Vehicle, Heavy Goods Vehicle and Container Trailer with Ancillary Site Office for a Period of 3 Years	2.1.2015
A/HSK/35	Temporary Public Vehicle Park for Medium Goods Vehicle, Heavy Goods Vehicle and Container Trailer with Ancillary Site Office for a Period of 3 Years	12.1.2018
A/HSK/179	Temporary Open Storage of Construction Machinery and Construction Materials for a Period of 3 Years	6.9.2019 (revoked on 18.10.2019)
A/HSK/207	Temporary Open Storage of Construction Machinery and Construction Materials for a Period of 3 Years	20.3.2020
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

**Similar S.16 Applications straddling/within 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/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/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
A/HSK/602	Temporary Open Storage of Construction Machineries, Hardware Groceries, Spare Parts and Ancillary Office for a Period of 3 Years	8.5.2026

Government Departments' General Comments

1. Land Administration

Comments of the District Lands Officer/Yuen Long, Lands Department:

- no adverse comment on the application;
- the application site (the Site) comprises Government land and 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 following private lot is covered by Short Term Waiver (STW) as listed below:

<u>STW No.</u>	<u>Lot No.</u>	<u>Purposes</u>
4354	774 S.B RP in D.D. 125	Temporary Public Vehicle Park for Medium Goods Vehicle, Heavy Goods Vehicle and Container Trailer with Ancillary Site Office

- his advisory comments are at **Appendix V**.

2. Traffic

(a) Comments of the Commissioner for Transport:

No adverse comment on the application from traffic engineering perspective.

(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

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**.

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) prior planning permission should have been obtained before commencing the applied use at the application site (the Site);
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that:
- no permission is given for occupation of remaining part of Government Land (GL) (about 50m² subject to verification) included in the Site. Any occupation of GL without Government's prior approval is an offence under Cap. 28; and
 - the Short Term Waiver (STW) holder(s) will need to apply to his office for modification of STW conditions where appropriate. The lot owner(s) should apply to his office for STWs and Short Term Tenancy(s) (STT) to permit the structure(s) erected within the private lot(s) and the occupation of the GL. The application(s) for STW/STT will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The STW/STT, 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 the 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 vehicular access from Ping Ha Road to the Site should be constructed and maintained by the applicant. The access should be removed and the road should be reinstated to the satisfaction of HyD upon completion of the use of site; 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 Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that:

- existing water mains will be affected. The cost of any necessary diversion shall be borne by the development;
- in case it is not feasible to divert the affected water mains, a waterworks reserve within 1.5m from the center line of the water main shall be provided to WSD. No structure shall be built or materials stored within this waterworks reserve. Free access shall be made available at all times for staff of the Director of Water Supplies or their contractor to carry out construction, inspection, operation, maintenance and repair works;
- no tree or shrubs with penetrating roots may be planted within the Waterworks Reserve or in the vicinity of the water main; and
- Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the site;

(h) to note the comments of the Director of Fire Services that:

- the layout plans should be drawn to scale and depicted with dimensions and the 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 structure(s) 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 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;

- (j) 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 unauthorised 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 the Regulation 19(3) of the B(P)R at building plan submission stage;
 - if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BA, they are UBW under the BO and should not be designated for any applied 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;
 - 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; and
 - detailed checking under the BO will be carried out at building plan submission stage;
- (k) 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 programme and land resumption/clearance programme of the Lau Fau Shan, Tsim Bei Tsui and Pak Nai Developments are 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 shall be advised not to carry out any substantial works therein; and
- (l) to note the comments of the Commissioner of Police (C of P) that in view of public safety, the applicant must maintain the smooth traffic flow of the concerned location and provide sufficient safety precautions to avoid obstruction or danger caused to any person or vehicle on the road, especially when there is only one parking space for medium/heavy goods vehicle in the application.