

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 (NDAs):
 - (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 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/886	Temporary Public Vehicle Park (Excluding Container Vehicle) for a Period of 3 Years	21.3.2014
A/HSK/231	Proposed Temporary Warehouse and Open Storage of New Vehicles (Private Cars, Taxis, Light Goods Vehicles and Light Buses) for a Period of 3 Years	9.10.2020
A/HSK/483	Renewal of Planning Approval for Temporary Warehouse and Open Storage of New Vehicles (Private Cars, Taxis, Light Goods Vehicles and Light Buses) for a Period of 3 Years	22.9.2023

Government Departments' General Comments

1. Traffic

(a) Comments of the Commissioner for Transport:

- no adverse comment on the application from traffic engineering perspective; and
- his advisory comments are at **Appendix V**.

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

- no objection to the application from highway maintenance point of view; and
- his advisory comments are at **Appendix V**.

2. Drainage

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

- no objection in principle to the application from a drainage point of view;
- should the application be approved, a condition should be stipulated requiring the applicant to submit a drainage proposal, to implement and maintain the proposed drainage facilities to his satisfaction; and
- her advisory comments are at **Appendix V**.

3. Fire Safety

Comments of the Director of Fire Services:

- no objection in principle to the application subject to fire service installations (FSIs) and water supplies for firefighting being provided; and
- his advisory comments are at **Appendix V**.

4. Building Matters

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

- no objection to the application under the Buildings Ordinance;
- no record of approval granted by the Building Authority for the existing structures; and
- his advisory comments are at **Appendix V**.

5. **Long Term Development**

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

- the Site falls within the boundary of Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA). To ensure timely and orderly implementation, the development of HSK/HT NDA and relevant site formation and infrastructure works would be implemented in three phases, viz. First Phase development, Second Phase development and Remaining Phase development. The lots concerned fall within the sites under Remaining Phase development of HSK/HT NDA (see **Plan A-2**). It is anticipated that the Site would be gazetted for land resumption shortly and the works will proceed accordingly.

6. **District Officer's Comments**

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

- his office has not received any comment from the locals on the application.

7. **Other Departments' Comments**

The following government departments have no objection to/no comment on the application with advisory clauses at **Appendix V**:

- 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) to note that the Site might be resumed at any time during the planning approval period for implementation of government projects and to hand over the Site when required by the Government;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that:
- the Site comprises Government Land and Old Schedule Agricultural Lot(s) 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;
 - as the Pre-Clearance Survey (“PCS”) for the project “Hung Shui Kiu/Ha Tusen New Development Area” has been conducted for the Site, his office will not process either regularisation or new applications for Short Term Waiver (STW)/ Short Term Tenancy (STT) in this case;
 - the private lots within the Site covered by STW are listed below:
- | STW No. | Lot(s) in D.D. 124 | Purposes |
|---------|--------------------|--|
| 5327 | 1198 & 1201 | Temporary Warehouse and Open Storage of New Vehicles (Private Cars, Taxis, Light Goods Vehicles and Light Buses) |
| 5328 | 1199 | |
| 5329 | 1200 | |
- GL within the Site with 240m² (about) is covered by STT No. STTYL0048 for the purposes of “Temporary Warehouse and Open Storage of New Vehicles (Private Cars, Taxis, Light Goods Vehicles and Light Buses)”; and
 - there is no Small House application under processing or approved at the Site;
- (d) to note the comments of the Commissioner for Transport (C for T) 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 access road from Tin 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 (CE/MN, DSD) that:

- the applicant/owner should have its own stormwater collection and discharge system to cater for the runoff generated within the Site and overland flow from surrounding of the Site, e.g. surface channel of sufficient size along the perimeter of the Site; sufficient openings should be provided at the bottom of the boundary wall/fence to allow surface runoff to pass through the Site if any boundary wall/fence are to be erected. Any existing flow path affected should be re-provided. The applicant/owner should neither obstruct overland flow nor adversely affect the existing natural streams, village drains, ditches and the adjacent areas. There is no detail on site layout, site cross section and the information/condition of existing water course/drainage facilities provided in the application. As such, only preliminary comments are provided. It is assumed that the existing water course and drainage facilities remain unchanged and should not be affected/altered/modified. Any earth filling of the watercourse, drainage diversion works or modification works is not allowed unless a drainage proposal is submitted and accepted. The applicant/owner should be reminded that his drainage facilities should 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 should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by failure or ineffectiveness of the drainage systems caused by his application; and
- the cost and work of drainage as well as future maintenance responsibility should be borne by the applicant;

(g) to note the comments of the Director of Fire Services (D of FS) that:

- if the proposed structure(s) is 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;

(h) to note the comments of the Director of Environmental Protection (DEP) 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;

(i) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that:

- existing water mains will be affected as shown on **Plan A-2**. 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 1.5 metres 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 trees or shrubs with penetrating roots may be planted within the Waterworks Reserve or in the vicinity of the water main shown on the plan; 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; and
- (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 structure is erected on leased land without the approval of the BA, they are UBW under the Building Ordinance (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.