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/7	Temporary Open Storage of Containers for a Period of 3 Years	29.11.1996 by TPB (revoked on 29.9.1997)
A/YL-HT/82	Temporary Open Storage of Metalware Materials and Machinery with Ancillary Office and Parking Spaces for a Period of 3 Years	28.5.1999
A/YL-HT/341	Temporary Open Storage of Metal Ware and Construction Machinery with Ancillary Office for a Period of 3 Years	28.5.2004 (revoked on 28.11.2004)
A/YL-HT/348	Temporary Open Storage of Construction Machinery and Construction Materials with Ancillary Workshop for a Period of 3 Years	13.8.2004
A/YL-HT/394	Temporary Open Storage of Metal Ware and Construction Machinery with Ancillary Office and Parking Spaces for a Period of 3 Years	10.6.2005 (revoked on 10.9.2005)
A/YL-HT/427	Temporary Open Storage of Metal Ware and Machinery with Ancillary Office and Parking Spaces for a Period of 3 Years	23.12.2005 (revoked on 23.3.2006)
A/YL-HT/509	Temporary Open Storage of Construction Machinery and Materials with Ancillary Workshop for a Period of 3 Years	2.11.2007 (revoked on 2.1.2010)
A/YL-HT/554	Temporary Open Storage of Metal Wares and Machineries with Ancillary Office and Parking Facilities for a Period of 3 Years	4.7.2008 (revoked on 4.10.2008)
A/YL-HT/666	Temporary Open Storage of Construction Machinery and Recycling Materials and Car Park (with Ancillary Workshops and Offices) for a Period of 3 Years	19.3.2010 (revoked on 19.7.2012)
A/YL-HT/700	Temporary Open Storage of Construction Materials and Construction Machinery for a Period of 3 Years	26.11.2010
A/YL-HT/773	Temporary Logistics Centre for a Period of 3 Years	30.3.2012 (revoked on 28.6.2014)
A/YL-HT/818	Temporary Storage of Recycling Materials (Household Materials, Electronic Parts and Goods) with Ancillary Workshops, Offices and Storerooms for a Period of 3 Years	7.12.2012 (revoked on 7.2.2014)
A/YL-HT/872	Renewal of Planning Approval for Temporary Open Storage of Construction Materials and Construction Machinery for a Period of 3 Years	22.11.2013 (revoked on 27.5.2014)

A/YL-HT/910	Temporary Open Storage of Construction Materials and Construction Machinery for a Period of 3 Years	22.8.2014
A/YL-HT/922	Temporary Logistics Centre for a Period of 3 Years	28.11.2014
A/YL-HT/978	Temporary Logistics Centre for a Period of 3 Years	23.10.2015 (revoked on 23.10.2016)
A/HSK/11	Temporary Logistics Centre for a Period of 3 Years	25.8.2017
A/HSK/229	Renewal of Planning Approval for Temporary Logistics Centre for a Period of 3 Years	10.7.2020
A/HSK/505	Temporary Logistics Centre for a Period of 3 Years	15.3.2024 (revoked on 15.9.2025)

Rejected Application

Application No.	**Uses/Development**	**Date of Consideration**	**Rejection Reasons**
A/YL-HT/648	Temporary Open Storage of Metal Wares and Machineries with Ancillary Office and Parking Facilities for a Period of 3 Year	23.10.2009	(1) and (2)

Rejection Reasons:

(1) Subject to fire risks and/or would have adverse drainage impacts on the surrounding areas.
(2) Setting an undesirable precedent.

Similar S.16 Applications within/straddling the subject "Government, Institution or Community" and "Residential (Group A) 4" Zones 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/356	Temporary Storage of Construction Materials and Containers, Logistics Centre and Ancillary Workshop for a Period of 3 Years	10.6.2022 (revoked on 10.3.2024)
A/HSK/421	Proposed Temporary Open Storage of Containers with Ancillary Logistics Uses, Vehicle Repair Workshop, Container Repair Workshop and Parking of Container Tractors for a Period of 3 Years	23.12.2022
A/HSK/541	Temporary Storage of Construction Materials and Containers, Logistics Centre and Ancillary Workshop for a Period of 3 Years	14.3.2025

Government Departments' General Comments

1. 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.

2. 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 submit condition record of the existing drainage facilities to his satisfaction.

3. Environment

Comments of the Director of Environmental Protection:

- no objection to the application; and
- there was no environmental complaint pertaining to the application site (the Site) received in the past three years.

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;
- 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 revised FSIs to his department for approval; and
- regarding the submitted FSIs proposal, the applicant should note his advisory comments at **Appendix V**.

5. Building Matters

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

- no objection to the application under the Buildings Ordinance; and
- no record of approval granted by the Building Authority for the existing structures.

6. 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.

7. Other Departments' Comments

The following government departments have no objection to 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 development on the application site (the Site);

(b) to resolve any land issues relating to the development with the concerned owner(s) of the the Site;

(c) 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;

(d) to note the comments of the District Lands Officer/Yuen Long, Lands Department 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 for the project "Hung Shui Kiu/Ha Tusen New Development Area Remaining Phase Development" has been conducted for the Site, his office will not process either regularisation or new applications for Short Term Waiver (STW) in this case; and

- the following private lots are covered by STW as listed below:

STW No.	Lot(s) in D.D. 125	Purposes
4363	1831	Temporary Logistic Centre
4598	1803, 1804, 1805 & 1832	
4697	1836	Temporary Storage of Construction Materials and Containers, Logistics Centre and Ancillary Workshop

(e) 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. 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 access to the Site;

(f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that:

- the current vehicular access 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;

(g) 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;

(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 safety requirements will be formulated upon receipt of the 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 (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 Regulation 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 4.5 m wide and its permitted

development intensity shall be determined under 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;

- the 11m high logistics centre may be considered excessive. It should be justified upon formal plan submission to BD; and

- detailed comments under the BO will be provided at building plan submission stage;

(k) to note the comments of the Project Manager (West), Civil Engineering and Development Department 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 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.

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A/HSK/630
Lots 1801 RP (Part), 1803 (Part), 1804 (Part), 1805, 1806 S.A (Part), 1806 S.B (Part), 1829 (Part), 1830 (Part), 1831 (Part), 1832 (Part), 1833 (Part) and 1836 (Part)in D.D. 125, Ha Tsuen, Yuen Long
Site area: About 7,065sq.m
Zoning: "GIC", "Res (Group A) 4", "Open Space" and area shown as 'Road'
Applied use: Logistics Centre / 4 Vehicle Parking

Dear TPB Members,

This is strange, 505 approved 15 Mar 2024, revoked 15 Sept 2025 for failure to fulfil Fire conditions.

However according to the paper for 505. *"The current application is to provide additional floor area when compared with the last approved application No. A/HSK/229.* ***All time-limited approval conditions of the previous application have been fulfilled."***

Does this mean that Fire Services had been too lenient in their previous inspections?

Mary Mulvihill