

**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 Applications Covering the Site

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)</u>	<u>Approval Conditions</u>
1 A/YL-HT/121	"CDA" and "V" on the then draft Ha Tsuen OZP No. S/YL-HT/3	Temporary Open Storage of Construction Machinery, Construction Materials and Marble (3 Years)	17.12.1999 (revoked on 17.9.2000)	1, 2, 3, 4
2 A/YL-HT/675	"CDA" on the then approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage and Godown (for Ceramic Tableware) (3 Years)	28.5.2010 (revoked on 28.8.2012)	1, 2, 3, 4, 6, 8, 11, 12
3 A/YL-HT/920	"CDA" on the then approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage and Godown (for Ceramic Tableware) (3 Years)	28.11.2014	1, 3, 4, 5, 6, 7, 9, 10, 11, 12
4 A/HSK/3	"R(A)2" on the then draft Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/1	Renewal of Planning Approval for Temporary "Open Storage and Godown (for Ceramic Tableware)" (3 Years)	11.8.2017 (revoked on 28.4.2020)	1, 3, 4, 5, 6, 9, 10, 11, 12

Approval Conditions:

- 1 The submission and/or implementation of landscaping/tree preservation proposals.
- 2 The submission of Drainage Impact Assessment and provision of drainage facilities.
- 3 Revocation clause.
- 4 Reinstatement clause.
- 5 The maintenance of the drainage facilities, and/or submission of a condition record of the existing drainage facilities.
- 6 The submission and/or implementation of FSIs proposals and/or provision of FSIs, with or without sprinkler system.
- 7 The existing fencing on the site shall be maintained at all times.
- 8 No material was allowed to be stored/dumped within 1m of any tree on the site.
- 9 The provision of fire extinguisher(s) and/or the submission of a valid fire certificate (FS251).
- 10 No vehicle queuing is allowed back to public road or no vehicle reversing onto/from the public road is allowed at any time.
- 11 No night-time operation and/or no operation on Sundays and public holidays.
- 12 No cutting, cleansing, melting, dismantling or any other workshop activity.

Similar Applications Within the Same “R(A)2” and “O” Zones

Approved Applications

Application No.	Zoning(s) and OZP at the time of consideration	Applied Use(s)/Development(s)	Date of Consideration (RNTPC/TPB)	Approval Condition(s)
1. A/HSK/4	“OU(PBUSWU)”, “OU(LF)”, “O”, “G/IC” and “OU(SPS)” and “R(A)3” on the then draft Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/1	Temporary Open Storage of Containers and Construction Materials with Site Offices (3 Years)	13.10.2017	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11
2. A/HSK/66	“O” on the then draft Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/1	Proposed Temporary Open Storage of Construction Materials and Logistics Centre (3 Years)	18.5.2018	1, 2, 3, 4, 5, 6, 7, 8, 12, 13, 14
3. A/HSK/71	“O” on the then draft Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/1	Temporary Open Storage of Recyclable Materials (including Metal and Plastic) (3 Years)	15.6.2018 (revoked on 15.7.2020)	1, 2, 3, 4, 5, 6, 7, 8, 15, 17
4. A/HSK/132	“G/IC” and “O” on the approved Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/2	Proposed Temporary Open Storage of Recyclable Materials (Including Metal and Plastic) and Filling of Pond (3 Years)	12.4.2019	1, 2, 3, 4, 5, 7, 8, 17, 18, 19
5. A/HSK/239	“O” on the approved Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/2	Temporary Open Storage of Recyclable Materials (Including Metal and Plastics) (3 Years)	21.8.2020	1, 3, 4, 5, 7, 8, 15, 17

Approval Conditions:

- 1 No night-time operation and/or no operation on in the afternoon on Saturdays and/or no operation on Sundays and public holidays.
- 2 The maintenance of the drainage facilities, and/or submission of a condition record of the existing drainage facilities.
- 3 The submission of FSIs proposals and implementation/provision of FSIs and provision of the extinguisher(s) and submission of a valid fire certificate (FS251).
- 4 The provision/maintenance of fencing, and/or trees, and/or landscape planting.
- 5 Revocation clauses.
- 6 Reinstatement clause.
- 7 No cutting, and/or dismantling, and/or repairing, and/or cleaning, and/or cleansing, and/or compacting, and/or vehicle repair workshop activity and/or workshop activity, and/or other than container repairing activities.
- 8 No vehicle is allowed to queue back to or reverse onto/from the public road at any time.
- 9 The stacking height of containers stored should not exceed 7 units.
- 10 No left turn of container vehicles upon leaving the Site.
- 11 Erection of a ‘Turn Right’ traffic sign at the junction of the access road .
- 12 No material is allowed to be stored/dumped and no vehicle is allowed to be parked within 5m of the fencing.
- 13 No material is allowed to be stored/dumped and no vehicle is allowed to be parked within 5m of the fencing.
- 14 No ground excavation works shall be carried out on-site without prior written consent.
- 15 No goods vehicles exceeding 5.5 tonnes, including medium goods vehicles, heavy goods vehicles, container tractor/trailers, as defined in the Road Traffic Ordinance, are allowed to enter/exit or to be parked/stored on the site.
- 16 The implementation of landscape proposal.
- 17 The submission and/or implementation of drainage proposal.
- 18 No part of the pond shall be filled to a depth exceeding 1.2m.
- 19 No heavy goods vehicle exceeding 24 tonnes, including container trailer/tractor, as defined in the Road Traffic Ordinance, is allowed to be parked/stored on or enter/exit the site.

Advisory Clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) to note that the Site might be resumed at any time during the planning approval period for implementation of government projects;
- (c) 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;
- (d) 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 private lots which are covered by Short Term Waivers (STWs) are listed below:

Lot No(s). in D.D.125	STW No.	Purposes
110	4992	Temporary Open Storage and Godown (for Ceramic Tableware)
115 S.A	4995	Temporary Open Storage and Godown (for Ceramic Tableware)

The lot owner(s) of the lot(s) without STW will need to apply to his office for permitting the structures to be erected or to regularize any irregularities on site, if any. The STW holders will need to apply to his office for modification of the STW conditions where appropriate. 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;

- (e) to note the comments of the Commissioner for Transport (C for T) that sufficient manoeuvring spaces shall be provided within the Site. 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;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that 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 Ping Ha Road;
- (g) to follow the relevant mitigation measures and requirements in 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 nuisances;

- (h) 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;
- (i) 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 House) 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 BD's 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 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;
- (j) to note the comments of the Director of Fire Services (D of FS) that relevant layout plans incorporated with the proposed fire service installations (FSIs) should be submitted for his 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), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
- (k) 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). 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 lot(s) concerned falls within the site under Remaining Phase development of HKS/HT NDA. While the detailed implementation programme for the project is still being formulated, it is envisaged that the site formation and engineering infrastructure works for the Remaining Phase development will commence in 2030.