

**Relevant extract from the Town Planning Board Guidelines for Application for  
Open Storage and Port Back-up Uses (TPB PG-No. 13F)**

2.6 Other Considerations

- (a) Notwithstanding the above locational and site planning criteria, each application will be assessed on individual merits, taking due account of the nature and scale of the proposed use and local circumstances. For applications involving sites with previous planning approvals, should there be no evidence to demonstrate that the applicants have made any genuine effort to comply with the approval conditions of the previous planning applications, the Board may refuse to grant permission, or impose a shorter compliance period for the approval conditions, notwithstanding other criteria set out in this Guidelines are complied with.
- (b) Having considered that the open storage and port back-up uses have a role to play in Hong Kong's economy and provide considerable employment opportunities, and the operators/uses affected by resumption and clearance operations of the Government to make way for developments may face difficulties in finding a replacement site, sympathetic consideration could be given to such type of applications, except those involving land in Category 4 area (only minor encroachment may be allowed), if the following criteria are met:
  - (i) policy support is given by the relevant bureau(x) to the application for relocation of the affected uses/operations to the concerned sites; and
  - (ii) no adverse departmental comments and local objections, or the concerns could be addressed by approval conditions.

3. **Applications in New Development Areas (NDAs)**

- 3.1 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. For applications in NDAs with new/amended OZPs gazetted, the assessment criteria set out in the following paragraphs, instead of those in paragraph 2.1 above, should be adopted.
- 3.2 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.

- 3.3 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.
- 3.4 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.
- 3.5 The above paragraphs are applicable to areas covered by the Kwu Tung North/Fanling North NDA and Hung Shui Kiu/Ha Tsuen NDA, as well as future NDAs upon the gazetting of the relevant new/amended OZPs for such areas.

**Previous s.16 Application covering the Application Site**

**Approved Application**

	<b><u>Application No.</u></b>	<b><u>Zoning(s) and OZP at the time of consideration</u></b>	<b><u>Applied Use(s)/ Development(s)</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Approval Condition(s)</u></b>
1.	A/YL-HT/886	“Residential (Group D)” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Public Vehicle Park (Excluding Container Vehicle) for a Period of 3 Years	21.3.2014	(1) to (12)

**Approval Conditions:**

- (1) No night-time operation
- (2) No vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on site
- (3) No light goods vehicle (except van), medium or heavy goods vehicle exceeding 3.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, or coach, is allowed to be parked/stored on or enter/exit the site at any time during the planning approval period
- (4) A notice should be posted at a prominent location of the site at all times to indicate that no light goods vehicle (except van), medium or heavy goods vehicle exceeding 3.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance is allowed to be parked on the site during the planning approval period
- (5) No repairing, dismantling, cleansing of vehicle, selling of vehicle, or workshop activity is allowed on the site at any time during the planning approval period
- (6) No vehicle queuing is allowed back to the public road and no vehicle reversing into/from the public road is allowed at any time during the planning approval period
- (7) Implementation of the accepted drainage proposal
- (8) Maintenance of drainage facilities on the site
- (9) Submission and implementation of tree preservation and landscape proposals
- (10) Submission and implementation of a fire service installations proposal
- (11) The provision of fencing of the site
- (12) Revocation clause

消防處發出之露天貯存用地良好作業指引  
**Good Practice Guidelines for Open Storage issued by the Director of Fire Services**

		消防車輛 內部通道 Internal Access for Fire Appliances	地段界線 (淨闊度) Lot Boundaries (Clear Width)	貯存物品 地點與 臨時構築物 之間的距離 Distance between Storage Cluster and Temporary Structure	貯存物品 地點的大小 Cluster Size	貯存高度 Storage Height
1.	露天貯存貨櫃 Open Storage of Containers		2 米 2m	4.5 米 4.5m		
2.	露天貯存非易燃物品 或有限數量的易燃物品 Open Storage of Non-Combustibles or Limited Combustibles	4.5 米 4.5m	2 米 2m	4.5 米 4.5m		
3.	露天貯存易燃物品 Open Storage of Combustibles	4.5 米 4.5m	2 米 2m	4.5 米 4.5m	40 米乘 40 米 40m x 40m	3 米 3m

備註：露天貯存用地／回收場內不得吸煙或使用明火。

Remarks: Smoking and naked flame activities shall not be allowed within the open storage/recycling site.

**Advisory Clauses**

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (b) to note that the Site might be resumed at any time during the planning approval period for implementation of government projects;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site comprises an Old Schedule Agricultural Lots (OSALs) and Government Land (GL). The OSALs are 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. No permission has been given for occupation of the GL (about 299.2m<sup>2</sup> subject to verification). The act of occupation of GL without Government's prior approval is not allowed. According to his record, there is no lease modification / land exchange application or building plan submission in relation to development at the Site approved / under processing. The lot owner(s) of the lot(s) without Short Term Waiver (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 applicant has to either exclude the GL from the Site or apply for a formal approval prior to the actual occupation of the GL. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. 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;
- (d) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) that sufficient manoeuvring spaces shall be provided within the Site. 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 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 Tin Ha Road;
- (f) 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;
- (g) to note the following comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):
  - (i) taking note of the significant size of the Site, the applicant is advised to setback the fence from the site boundary facing public frontage to allow sufficient space for provision of effective screen planting outside the fence;
  - (ii) appropriate landscape treatments, such as planting of small trees and /or palm trees, vertical greening, etc. along the site boundary for screening purpose would be further reviewed at the submission stage of the landscape proposal;
  - (iii) the applicant is advised that approval of the s.16 application by the Board does not imply approval of tree works such as pruning, transplanting and/or felling under lease.

Applicant is reminded to approach relevant authority / Government department(s) direct to obtain the necessary approval on tree works;

- (h) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that existing water mains will be affected. 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 the waterworks reserve. Free access shall be made available at all times for staff of WSD and 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 existing water main. 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;
- (i) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to him for 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. Good practice guidelines for open storage is attached at **Appendix IV** of the RNTPC paper. To address the approval condition on provision of fire extinguisher(s), the applicant is advised to submit a valid fire certificate (FS 251) to his department for approval. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (j) 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 Houses) 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 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. 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 the BA should be obtained, otherwise they are UBW. An Authorized Person (AP) 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. 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; 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 the Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA). According to the Planning and Engineering Study (P&E Study) for the HSK/HT NDA and the latest plan, to ensure timely and orderly implementation, the development of HSK/HT NDA and relevant site formation and infrastructure works would be implemented in five stages, viz. Advance Works and Stage 1 Works to Stage 4 Works. The western part of the Site falls within Stage 2 Works, whereas the eastern part of the Site falls within Stage 3 Works in the latest programme of the HSK/HT NDA. While the detailed implementation programme for the project is still being formulated, it is envisaged that clearance of the Site in question will not be arranged before the first population

intake of the HSK/HT NDA expected in 2024. Part of the applicant's Old Site 1 and part of Old Site 2 fall within Advance Works Phase 3. The access to these sites will also be affected by Advance Works Phase 3, which construction works is planned to commence in 2024.