

**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/TPB)</u>	<u>Approval Conditions</u>
1. A/YL-HT/99	"CDA" on draft Ha Tsuen OZP No. S/YL-HT/3	Temporary Open Storage of Containers (1 Year)	10.9.1999	1, 2, 3, 4, 5
2. A/YL-HT/166	"CDA" on approved Ha Tsuen OZP No. S/YL-HT/4	Temporary Open Storage of Containers (3 Years)	22.9.2000 (revoked on 22.3.2002)	1, 2, 3, 4, 5, 6
3. A/YL-HT/268	"CDA" on approved Ha Tsuen OZP No. S/YL-HT/4	Temporary Open Storage of Containers (3 Years)	13.9.2002	1, 2, 3, 4, 5, 6
4. A/YL-HT/690	"CDA" on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Containers, Plastic, Construction Materials, Scrap Metal, Scrap Plastic, Used Paper Products with Ancillary Logistics Yard and Container Repair Workshop (3 Years)	14.1.2011 (revoked on 14.2.2013)	2, 3, 5, 6, 7, 8, 9, 10, 11
5. A/YL-HT/934	"CDA" on approved Ha Tsuen OZP No. S/YL-HT/10	Proposed Temporary Logistics Centre with Ancillary Office and Parking of Vehicle (3 Years)	6.2.2015 (revoked on 6.5.2016)	2, 3, 4, 5, 6, 7, 11, 12, 13, 14, 15
6. A/HSK/7	"G/IC", "R(B)2" and "O" on draft Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/1	Temporary Logistics Centre (3 Years)	25.8.2017 (revoked on 25.5.2018)	2, 3, 4, 5, 6, 7, 11, 13, 14, 16
7. A/HSK/59	"G/IC", "R(B)2" and "O" on draft Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/1	Temporary Logistics Centre (3 Years)	20.4.2018 (revoked on 20.7.2020)	2, 3, 4, 5, 6, 7, 11, 13, 14, 16

Approval Conditions:

- 1 The stacking height of the materials stored within 5 metres of the periphery of the site should not exceed the height of the boundary fence.
- 2 The submission and/or implementation of landscaping and/or tree preservation proposals.
- 3 The submission and/or implementation of DIA /drainage proposals, and/or provision of drainage facilities, and/or implementation of the drainage/flood mitigation measures proposed.
- 4 The provision and/or maintenance of paving and/or fencing.
- 5 Reinstatement clause.
- 6 Revocation clauses.
- 7 No night-time operation and/or no operation on Saturdays/Sundays and public holidays.
- 8 No stacking of containers within 5 metres of the periphery of the site.
- 9 The stacking height of containers stored at any other location within the site should not exceed 7 units.
- 10 No handling (including loading, unloading, dismantling and storage) of electrical/electronic appliances, computers/computer parts, cathode-ray tubes (CRT), CRT computer monitors/television sets and CRT equipment.
- 11 The submission and/or implementation of FSIs proposals, and/or provision of FSIs.
- 12 No recycling, repairing, cleaning and dismantling or any other workshop activity.
- 13 No vehicle is allowed to queue back to or reverse onto/from the public road at any time.
- 14 The maintenance of the implemented drainage facilities.
- 15 The submission and/or implementation of run-in/out proposal.
- 16 No cutting, dismantling, cleansing, repairing, compaction, tyre repair, vehicle repair, container repair and workshop activity.

**Similar Applications Within the Same “G/IC”, “R(B)2” and “O” Zones  
on the Approved Hung Shui Kiu and Ha Tsuen OZP**

**Approved Applications**

	<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/HSK/5	“O”, “G/IC”, “V” and “R(B)2” on draft Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/1	Temporary Logistics Centre (3 Years)	11.8.2017 (revoked on 11.11.2019)	1, 2, 3, 4, 5, 6, 7, 8, 9, 10
2.	A/HSK/50	“R(B)2” and “O” on draft Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/1	Temporary Logistics Centre (3 Years)	2.3.2018 (revoked on 2.12.2019)	1, 2, 3, 4, 5, 6, 7, 8, 9, 10
3.	A/HSK/108	“O”, “R(B)1” and “R(B)2” on approved Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/2	Temporary Logistics Centre (3 Years)	7.12.2018	1, 2, 3, 4, 6, 8, 9, 10, 11
4.	A/HSK/145	“R(B)2”, “O” and “R(B)1” on approved Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/2	Renewal of Planning Approval for Temporary Logistics Centre (3 Years)	3.5.2019	1, 2, 3, 4, 6, 7, 9
5.	A/HSK/160	“O”, “R(B)2” and “G/IC” on approved Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/2	Temporary Logistics Centre (3 Years)	19.7.2019	1, 4, 6, 9, 11
6.	A/HSK/216	“R(B)2”, “O”, “V” and “G/IC” on approved Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/2	Temporary Logistics Centre (3 Years)	29.5.2020	1, 4, 6, 8, 9, 12

**Approval Condition(s):**

- 1 No night-time operation and no operation on Saturdays/Sundays and public holidays.
- 2 No repairing, and/or recycling, and/or cleaning, and/or dismantling works, and/or cutting, and/or compaction, and/or tyre repair, and/or vehicle repair, and/or container repair, and/or cleansing and/or workshop activity.
- 3 The submission and/or implementation of tree preservation and landscaping proposal.
- 4 Revocation clauses.
- 5 Reinstatement clause.
- 6 The maintenance of the existing/implemented drainage facilities.
- 7 The submission of the condition record of the existing drainage facilities.
- 8 The submission and/or implementation of FSIs proposals and/or provision of FSIs.
- 9 No vehicle is allowed to queue back to public road or reverse onto/from the public road.
- 10 The maintenance/provision of fencing.
- 11 The submission and implementation of drainage proposal.
- 12 The maintenance of existing trees and landscape plants.

**Advisory Clauses**

- (a) prior planning permission should have been obtained before continuing the development on-site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to note that the Site might be resumed at any time during the planning approval period for implementation of government projects;
- (d) 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;
- (e) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site comprises 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 prior approval of the Government. Two portions of the GL (about 565m<sup>2</sup> subject to verification) in the Site are covered by a Short Term Tenancy (STT) No. 3148 for the purposes of "Temporary Logistics Centre with Ancillary Office and Parking of Vehicle". No permission is given for occupation of remained GL (about 35m<sup>2</sup> subject to verification) included in the Site. The act of occupation of GL without Government's prior approval is not allowed. The private lots covered by Short Term Waivers (STWs) are listed below:

Lot No. (in D.D. 129)	STW No.	Purposes
2988 & 2996	4826	Temporary Logistics Centre with Ancillary Office and Parking of Vehicle
2989 RP	4827	
2991 RP	4828	
2992 RP	4829	
2993 & 2995	4830	
2994	4831	
2997	4832	
2998 & 3078	4833	
2999	4834	
3000 RP	4835	
3073 S.A, 3073 RP & 3084	4836	
3079	4837	
3080	4838	
3081 & 3083	4839	
3082 S.A	4840	
3082 S.B	4841	
3085	4842	
3086	4843	
3098 S.E	4844	
3098 S.F	4845	
3077	4965	Temporary Logistics Centre with Ancillary Office
3096	4967	
3098 S.B	4968	
3098 S.C	4969	
3098 S.D	4970	

The STW/STT holders will need to apply to his office for modification of the STW/STT conditions where appropriate. 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. Also, the applicant has to either exclude the GL without STT from the Site or apply for a formal approval prior to the actual occupation of the above GL. Besides, given the proposed use is temporary in nature, only application for regularisation 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 rent or fee, as may be imposed by LandsD;

- (f) 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. Local track leading to the Site is not under TD'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;
- (g) 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 Lau Fau Shan Road;
- (h) 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;
- (i) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the development should neither obstruct overland flow nor adversely affect existing stream course, natural streams, village drains, ditches and the adjacent areas. The applicant should consult DLO/YL and seek consent from the relevant owners for any works to be carried out outside the Site before commencement of the drainage works;
- (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 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, etc.) are to be carried out on the Site, prior approval and consent of 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. 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;

- (k) to note 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;
- (l) to note the comments of the Chief Town Planner, Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that approval of the planning application does not imply approval of tree works such as pruning, transplanting and/or felling under the lease. The applicant should approach relevant authority/government direct to obtain the necessary approval for any proposed tree preservation or removal scheme involving trees within or outside the Site. If replacement for existing trees is required, the applicant may wish to consider other tree species with small mature size in lieu of *Ficus microcarpa* which has the characteristics of vigorous root system and large tree canopy in mature size;
- (m) to note the comments of the Director of Agriculture, Fisheries and Conservation (DAFC) that the applicant should adopt good site practices and implement water pollution control measures as necessary to avoid affecting the nearby watercourse;
- (n) 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). According to the Planning and Engineering 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 to Stage 4. The lot(s) concerned falls within a site under Stage 4 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 will not be arranged before 2024; and
- (o) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that the applicant should take note of any interfacing issue with the proposed fresh and flushing water mains designed and implemented under the HSK/HT NDA project that will intersect the Site.