

**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 Condition(s)</u>
1.	A/HSK/75	“OS”, “Road”, “OU (PBU&SWU)”, “OU(POFEFTS)” and “Road” on draft Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/1	Proposed temporary open storage of construction materials (3 Years)	6.7.2018 (revoked on 6.1.2019)	1, 2, 3, 4, 5, 6, 7, 8, 9, 10
2.	A/HSK/110	“OS”, “Road”, “OU (PBU&SWU)”, “OU(POFEFTS)” and “Road” on draft Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/1	Proposed Temporary Logistics Centre and Warehouse (3 Years)	7.12.2018	1, 3, 4, 5, 6, 7, 11

Approval conditions:

1. No night-time, Sunday and public holidays operation.
2. No cutting, dismantling, cleansing, compacting and workshop activities.
3. No material is allowed to be to be dumped/ stored within 1m of any tree.
4. No vehicle is allowed to queue back to or reverse onto/from the public road.
5. The submission and implementation of drainage proposal.
6. The submission and implementation of landscape proposal.
7. The submission and implementation of fire service installations proposal.
8. The provision of fire extinguishers and valid certificate
9. Revocation clause
10. Reinstatement clause
11. Maintenance of implemented drainage facilities.

Rejected Application

	<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>Reason(s) for Rejection/</u>
1.	A/YL-HT/623	“GB” and “CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary open storage of containers (1 Year)	23.10.2009	1, 2, 3, 4

Reasons for Rejection:

1. Not in line with the planning intention.
2. Not in line with the Town Planning Board Guidelines No. 10 for Application for Development within the Green Belt zone.
3. Not in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses.
4. Set an undesirable precedent for unauthorized filling of land in the "GB" zone, the cumulative effect of which would result in a general degradation of the environment of the area.

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) 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
168	4087	Temporary Open Storage of Containers with Ancillary Logistics Uses, vehicle Repair Workshop, Container Repair Workshop and Parking of Tractors
169	4089	
172	4108	Temporary Open Storage of Construction Materials, Container with Container Vehicle Park, Logistics Yard with Ancillary Workshop (Including Compacting and Unpacking Workshop)
148 and 171	4116	
147	4117	
173	4118	
175	4122	
19	5035	Temporary Logistics Centre and Warehouse
42, 44 S.B, 51, 182, 183, 184 and 258	5036	
50 and 167	5037	
174	5038	
177 and 179	5039	
# 180 S.A	5040	
180 S.B	5041	
181	5042	
257	5043	
176 and 178	5117	

The lot owner(s) of the lot(s) 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 rent 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. 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;
- (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 Ping 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 to minimize any potential environmental nuisances;
- (g) 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;
- (h) 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) 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;
- (i) to note the comments of the Director of Fire Services (D of FS) that for the submitted FSIs, hose reel system shall be provided at the two site offices;
- (j) 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 or felling under the lease. The applicant should approach relevant authority/government department(s) direct to obtain the necessary approval on tree works where appropriate. If replacement for existing tree 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; 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 sites under Second Phase and Remaining Phase development of HSK/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 will commence in 2024.