

**Appendix II of RNTPC
Paper No. A/HSK/211**

***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 applications covering the Site

Approved applications

	<u>Application No.</u>	<u>Zoning(s) and OZP at the time of consideration</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Conditions</u>
1.	A/YL-HT/76	“Undetermined” (“U”) on draft Ha Tsuen OZP No. S/YL-HT/1	Canopy Over the Repair Area of an Existing Container Depot	26.3.1999	(1)
2.	A/YL-HT/610	“U” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Containers, Container Repair Workshop and Logistics Yard for a Period of 3 Years	8.5.2009	(2) to (8)
3.	A/YL-HT/834	“U” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Containers, Container Repair Workshop and Logistics Yard for a Period of 3 Years	8.2.2013	(2), (3), (6) to (12)
4.	A/YL-HT/1065	“U” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Containers, Container Repair Workshop and Logistics Yard for a Period of 3 Years	17.2.2017	(2), (3), (6) to (12)

Approval Conditions:

1. The permission shall cease to have effect on 26.3.2002 unless prior to the said date either the development hereby permitted is commenced or this permission is renewed.
2. No night time operation and / or no operation on Sundays and public holidays.
3. The stacking height of the materials stored within 5m from the periphery of the Site and should not exceed 8 units.
4. The existing trees on the Site should be maintained.
5. The submission of Drainage Impact Assessment /drainage proposals and /or provision of drainage facilities /implementation of the drainage facilities proposed.
6. The submission /implementation of the fire service installations (FSIs) proposals and /or provision of FSIs.
7. The submission and /or implementation of landscaping and /or tree preservation proposals, and /or provision of replacement planting and/or the replacement of dead trees.
8. Revocation clauses.
9. No vehicle was allowed to be parked within one metre of any tree.
10. No vehicle is allowed to queue back to public road at any time or reverse onto/from the public road.
11. The maintenance of the drainage facilities, and the submission of the condition record of the existing drainage facilities.
12. The provision of fire extinguisher(s).

**Similar Applications within the Same “O” Zone
on the Approved Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/2
(Previously zoned “U” on the Approved Ha Tsuen OZP No. S/YL-HT/10)**

Approved Applications

	<u>Application No.</u>	<u>Zoning(s) and OZP at the time of consideration</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Conditions</u>
1.	A/YL-HT/686	“Undetermined” (“U”) on approved Ha Tsuen OZP No. S/YL-HT/10	Renewal of Planning Approval for Temporary "Open Storage of Containers" for a Period of 3 Years	16.7.2010	(1) to (5)
2.	A/YL-HT/857	“ U” on approved Ha Tsuen OZP No. S/YL-HT/10	Renewal of Planning Approval for Temporary "Open Storage of Containers" for a Period of 3 Years	19.7.2013	(1) to (7)
3.	A/YL-HT/1033	“ U” on approved Ha Tsuen OZP No. S/YL-HT/10	Renewal of Planning Approval for Temporary "Open Storage of Containers" for a Period of 3 Years	15.7.2016	(1) to (3), (5) to (12)
4.	A/HSK/147	"Open Space" and area shown as ‘Road’ on approved Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/2	Temporary Open Storage of Containers for a Period of 3 Years	31.5.2019	(1), (2), (6) to (13)

Approval Conditions

1. No night time operation and / or no operation on Sundays and public holidays.
2. The stacking height of the materials stored within 5m from the periphery of the Site and should not exceed 7 units.
3. The maintenance of the drainage facilities, and the submission of the condition record of the existing drainage facilities.
4. The submission and /or implementation of landscaping and /or tree preservation proposals or the replacement of dead trees.
5. Revocation clauses.
6. The provision of fire extinguisher(s).
7. The submission /implementation of the fire service installations (FSIs) proposals and /or provision of FSIs.
8. The maintenance of existing fencing at all times.
9. No vehicle is allowed to queue back to public road at any time or reverse onto/from the public road.
10. No materials is allowed to be stored/dumped within 1m of any tree on the Site at any time.
11. The existing trees and the landscape planting on the Site shall be maintained at all times.
12. Reinstatement clause.
13. No cleaning, repairing, oil spraying and workshop activities at all times.

Good Practice Guidelines
for open storage sites

		Internal access for fire appliances	Lot boundaries (Clear width)	Distance between storage cluster and temporary structure	Cluster size	Storage height
1.	Open Storage of Containers		2m	4.5m		
2.	Open Storage of non-combustibles or limited combustibles	4.5m	2m	4.5m		
3.	Open Storage of combustibles	4.5m	2m	4.5m	40m x 40m	3m

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

Advisory clauses

- (a) prior planning permission should have been obtained before commencing the development on-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 consists of 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 Short Term Waiver (STW)/ Short Term Tenancy (STT) holders will need to apply to LandsD for modification of the STW/STT conditions where appropriate and the lot owner(s) of the lot(s) without STW will need to apply to LandsD for permitting the structures to be erected or regularise any irregularities on site, if any. 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 at his 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 the LandsD.
- (d) to note the comments of the Commissioner for Transport/New Territories, Transport Department (C for T, TD) that sufficient manoeuvring space shall be provided within the Site. 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 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 Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that the accesses connecting the Site and Tin Sam Road is not and will not be maintained by HyD. Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/ drains.
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the applicant is reminded 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. Since a flooding incident was recorded on 27.5.2019 near the Site at Sha Chau Lei Tsuen, the applicant is required to review the conditions of the existing drainage facilities carefully and make sure they are functioning properly at all times. Site inspection by his office will be carried out when deemed necessary. In addition, the applicant should also consider to provide an

additional surface channel at the east boundary of the Site as an intercepting drain so as to enhance confinement of overland flow within the Site in particular during adverse weather.

- (g) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (h) to note 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 Fire Services Department (FSD) 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. The applicant should be advised to adhere to the attached good practice guidelines for open storage in **Appendix V**. 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.
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) if the existing structures (not being a New Territories Exempted Houses) are erected on leased land without approval of the BD, they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any approved 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 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 the BD 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.
- (j) to note the comments of the Project Manager (New Territories West), Civil Engineering and Development Department (PM/NTW, 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 (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 to Stage 4. The lot(s) concerned falls within sites under Stage 2 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.