

**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 Application 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/TPB)</u>	<u>Approval Condition(s)</u>
1.	A/YL-HT/151	"CDA" on approved HT OZP No. S/YL-HT/4	Temporary Vehicle Park for Private Cars, Lorries and Container Trailers (3 years)	16.6.2000	1, 2, 3, 4, 5
2.	A/YL-HT/291	"CDA" on approved HT OZP No. S/YL-HT/4	Temporary Vehicle Park for Private Cars, Heavy and Light Goods Vehicles and Container Trailers (3 years)	21.3.2003 (revoked on 25.10.2003)	1, 4, 5, 6, 7
3.	A/YL-HT/311	"CDA" on approved HT OZP No. S/YL-HT/4	Temporary Vehicle Park for Private Cars, Light and Heavy Goods Vehicles & Container Trailers (3 years)	25.7.2003	1, 2, 3, 4, 6, 9, 13
4.	A/YL-HT/431	"CDA" on draft HT OZP No. S/YL-HT/7	Renewal of Planning Approval for Temporary Public Vehicle Park for Private Cars, Light Goods Vehicles, Heavy Goods Vehicles and Container Trailers (3 years)	17.3.2006	1, 4, 5, 7, 8, 9, 10, 11
5.	A/YL-HT/594	"CDA" on draft HT OZP No. S/YL-HT/9	Renewal of Planning Approval for Temporary Public Vehicle Park for Private Cars, Light Goods Vehicles, Heavy Goods Vehicles and Container Trailers (3 years)	13.3.2009	2, 3, 4, 6, 8, 9, 12, 13, 14, 15
6.	A/YL-HT/701	"CDA" on approved HT OZP No. S/YL-HT/10	Temporary Public Vehicle Park for Private Cars, Light Goods Vehicles, Heavy Goods Vehicles and Container Tractors/Trailers (3 Years)	16.11.2010 (revoked on 26.8.2011)	1, 2, 3, 4, 6, 9, 12, 14
7.	A/YL-HT/795	"CDA" on approved HT OZP No. S/YL-HT/10	Proposed Temporary Logistic Centre and Ancillary Parking of Vehicles (3 Years)	6.7.2012	1, 2, 4, 8, 9, 12, 14, 16, 17
8.	A/YL-HT/866	"CDA" on approved HT OZP No. S/YL-HT/10	Proposed Temporary Logistic Centre and Ancillary Parking of Vehicles (3 Years)	17.1.2014	1, 2, 4, 6, 8, 9, 12, 14, 16, 17, 18
9.	A/YL-HT/1072	"CDA" on approved HT OZP No. S/YL-HT/10	Temporary Logistic Centre and Ancillary Parking of Vehicles (3 Years)	17.3.2017 (revoked on 17.9.2017)	1, 9, 12, 13, 14, 16, 17, 18, 19, 20
10.	A/HSK/40	"G/IC" on draft HSK and HT OZP No. S/HSK/1	Temporary Logistics Centre and Ancillary Parking of Vehicles (3 Years)	26.1.2018 (revoked on 26.2.2020)	1, 2, 4, 9, 12, 13, 14, 16, 18, 19

Approval Conditions

- 1 The submission and implementation of tree preservation and landscape and/or landscaping proposals and/or provision of replacement planting and/or submission of as-planted landscape proposal.
- 2 Revocation clauses.
- 3 The provision of paving, and/or fencing, and/or screening planting.
- 4 Reinstatement clause.
- 5 The submission of a revised site layout plan incorporating the drainage works reserve, and the provision of flood mitigation measures as well as stormwater drainage facilities.
- 6 No vehicle without valid licenses issued under the Traffic Regulations is allowed to be parked.
- 7 The setting back of the site boundary to avoid encroaching upon the public works project limit.
- 8 The submission and implementation of run-in/run-out proposal(s).
- 9 The submission of DIA/drainage proposals and/or provision of drainage facilities, and/or submission of a condition record of the existing drainage facilities.
- 10 The site shall not be used for the purpose of a general godown for storage of anything for reward.
- 11 Only container trailers, and/or private cars, and/or light goods vehicles, and/or heavy goods vehicles are allowed to be parked.
- 12 No night-time operation and/or no operation on Sundays and public holidays.
- 13 Maintenance of the existing trees/drainage facilities/landscape planting.
- 14 The submission/implementation of FSIs proposals and/or provision of FSIs.
- 15 The construction of an intercept channel at the entrance to prevent surface water running from the site to the nearby public roads and drains through the run-in/out.
- 16 No cutting, dismantling, repairing, and/or melting, and/or compaction, and/or unpacking, and/or re-packing, and/or vehicle repair, and/or container repair, cleansing or workshop activity.
- 17 No storage of material within 1m to trees.
- 18 No vehicle is allowed to queue back to public road or vehicle reversing onto/from the public road.
- 19 The existing boundary fencing on the Site shall be maintained at all times.
- 20 The submission/implementation of a run in/out proposal.

**Similar Applications within the subject “G/IC” Zone
on the approved HSK and HT OZP No. S/HSK/2**

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 Condition(s)</u>
1.	A/HSK/68	“G/IC” on draft HSK and HT OZP No. S/HSK/1	Renewal of Planning Approval for Temporary Logistics Centre and Ancillary Type Repair Workshop (3 Years)	15.6.2018 (3 Years)	2, 3, 4, 5, 7, 8, 9, 10, 11, 6
2.	A/HSK/94	“G/IC” and “R(A)3” on draft HSK and HT OZP No. S/HSK/1	Temporary Logistics Centre and Warehouse (3 Years)	21.9.2018 (3 Years)	2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12
3.	A/HSK/173	“G/IC” and ‘Road’ on approved HSK and HT OZP No. S/HSK/2	Renewal of Planning Approval for Temporary Logistics Centre (3 Years)	16.8.2019 (3 Years)	1, 2, 3, 4, 5, 6, 7, 8, 9, 10,

Approval Conditions

- 1 No repairing, recycling, cleaning, dismantling or workshop activities.
- 2 The submission of DIA/drainage proposals and/or provision of drainage facilities/implementation of the drainage facilities proposed, and/or submission of a condition record of the existing drainage facilities.
- 3 Reinstatement clause.
- 4 The submission/implementation of FSIs proposals and/or provision of FSIs, with or without sprinkler system.
- 5 The provision/maintenance of paving, and/or fencing, and/or screening planting.
- 6 No vehicle queuing is allowed back to public road or vehicle reversing onto/from the public road is allowed.
- 7 Revocation clauses.
- 8 No night-time operation and/or no operation on Sundays and public holidays.
- 9 The maintenance of the existing landscape planting and/or trees and/or vegetation.
- 10 The maintenance of the drainage facilities.
- 11 No cutting, dismantling, repairing, and/or melting, and/or compaction, and/or unpacking, and/or re-packing, and/or vehicle repair, and/or container repair, cleansing or workshop activity.
- 12 No material is allowed to be stored/dumped and no vehicle is allowed to be parked within 1m of the fencing/tree on the site.

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 Government Land (GL) and 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. No permission is given for occupation of the GL included in the application site (about 229m² subject to verification). The act of occupation of GL without Government's prior approval is not allowed. The private lots in the Site which are covered by Short Term Waivers (STWs) are listed below:

Lot No(s). in D.D.129	STW No.	Purposes
3169	3054	Ancillary use to Storage
3150 RP	4060	Temporary Logistics Centre and Ancillary Parking of Vehicles
3162 RP	4061	
3163 RP	4062	
3164	4063	
3165	4064	
3166	4065	
3167 S.A	4066	
3168	4067	
3177	4068	
3179	4069	
3183		
3180	4070	
3181 S.A	4071	
3181 R.P	4072	
3188 R.P	4073	
3184	4378	Temporary Shop for Construction Machinery Parts with Warehouse and Workshop, Logistics Warehouse and Logistics Vehicles Back-up Centre, and Ancillary Site Office, Guard Room and Staff Canteen
3178	4379	
3187 RP		

The STW holders will need to apply to his office for modification of the STW 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 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 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 premium 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;
- (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 Ping Ha 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 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;
- (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) 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 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 D of FS 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 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. His detailed comments on the FSIs submission are as follows:

- (i) all means of exit of the structures should be marked on the submitted plans;
 - (ii) layout of structure 1 should be provided;
 - (iii) all openable windows of the structure 5 should be marked on the submitted plans;
 - (iv) emergency light should be provided in accordance with BS 5266 Part 1 and BS EN 1838;
 - (v) directional and exit sign should be provided in accordance with BS 5266 Part 1 and FSD Circular Letter No. 5/2008; and
 - (vi) applicant need to clarify the storage area for single block and clearance around the block regarding item 3.9 in FS notes;
- (l) to note the comments of the Chief Town Planner, Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that approval of the application does not imply approval of tree works such as felling, transplanting or pruning under the lease. The applicant shall approach relevant authority/government department(s) direct to obtain the necessary approval for any proposed tree preservation or removal scheme involving trees within or outside the Site where appropriate; and
- (m) 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 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 will not be arranged before 2024.