

**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 Application Covering the Site

Approved 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>Approval Conditions</u>
1.	A/YL-HT/1062	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Proposed Temporary Logistics Centre (3 years)	13.1.2017 (revoked on 13.6.2019)	1, 2, 3, 4, 5, 6, 7, 8, 9, 10

Approval Conditions:

- 1 No night-time operation and no operation on Sundays or public holidays.
- 2 No recycling, cleaning, repairing, dismantling work nor workshop activity is allowed on the Site at any time.
- 3 No vehicle is allowed to queue back to or reverse onto/from the public road at any time.
- 4 Submission and implementation of drainage proposal.
- 5 Maintenance of implemented drainage facilities.
- 6 Submission and implementation of the tree preservation and landscape proposal.
- 7 Submission and implementation of fire services installations proposal.
- 8 Provision of boundary fencing.
- 9 Reinstatement clause.
- 10 Revocation clauses.

**Similar Applications Within the Same “R(B)1” and “O” Zones
on the Approved Hung Shui Kiu and Ha Tsuen OZP**

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/5	“O”, “V”, “R(B)2” and “G/IC” 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/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)	1, 2, 3, 4, 6, 7, 8, 9, 10, 11
3. 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
4. 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	1, 2, 3, 4, 6, 7, 8, 9, 10, 11
5. 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, 7, 9, 11
6. 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, 5, 7, 9
7. A/HSK/160	“O” and “R(B)2” on approved Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/2	Temporary Logistics Centre (3 years)	19.7.2019	1, 2, 3, 4, 7, 9, 11
8. 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, 3, 4, 5, 7, 9

Approval Conditions:

- 1 No night-time operation and no operation on Sundays and public holidays.
- 2 No cutting, and/or recycling, and/or cleaning, and/or dismantling works, and/or cleansing, and/or repairing, and/or compaction, and/or tyre repair, and/or vehicle repair, and/or container repair and workshop activity on the site.
- 3 No vehicle is allowed to queue back to public road or reverse onto/from the public road at all times.
- 4 Maintenance of existing/implemented drainage facilities and/or fencing and/or existing trees and landscape planting.
- 5 Submission of condition record of the existing drainage facilities.
- 6 Submission and/or implementation of the tree preservation and landscape proposal.
- 7 Submission and provision/implementation of fire services installations proposal.
- 8 Provision of fencing.
- 9 Revocation clauses.
- 10 Reinstatement clause.
- 11 Submission and implementation of drainage proposal.

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 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. in D.D.129	STW No.	Purposes
3207	1963	The Storage and Repair of Container Boxes
3200	3128	Storage, Canteen and Ancillary Use
1842	4129	Temporary Vehicle Service Centre

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. 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. 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;
- (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 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;
- (l) 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 and 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
- (m) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) on 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.