

**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/118	“CDA” on the then Approved Ha Tsuen OZP No. S/YL-HT/3	Temporary open storage of container trailer and tractor (3 years)	3.12.1999 (3 Years) (revoked on 3.9.2000)	1,2,5,11,12
2.	A/YL-HT/158	“CDA” on the then Approved Ha Tsuen OZP No. S/YL-HT/4	Temporary container trailer and tractor park (3 Years)	28.7.2000 (3 Years) (revoked on 28.4.2001)	1,5,11,12,16
3.	A/YL-HT/248	“CDA” on the then Approved Ha Tsuen OZP No. S/YL-HT/4	Temporary open storage of container trailer and tractor (3 Years)	10.5.2002 (3 Years)	1,2,11,12
4.	A/YL-HT/400	“CDA” on the then Approved Ha Tsuen OZP No. S/YL-HT/6	Temporary open storage of mobile toilets goods compartments of dump trucks (3 Years)	29.7.2005 (3 Years)	3,7,10,11,12,15
5.	A/YL-HT/573	“CDA” on the then Approved Ha Tsuen OZP No. S/YL-HT/9	Temporary open storage of mobile toilets with ancillary parking of lorry (3 Years)	10.10.2008 (3 Years)	1,2,3,4,10,11,12,13,14
6.	A/YL-HT/752	“CDA” on the then Approved Ha Tsuen OZP No. S/YL-HT/10	Renewal of Planning Approval for Temporary Open Storage of Mobile Toilets with Ancillary Parking of Lorry (3 Years)	23.9.2011 (3 Years) (revoked on 10.1.2014)	1,2,3,4,10,11,12,13,14
7.	A/YL-HT/885	“CDA” on the then Approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Scrap Metal (3 Years)	7.2.2014 (3 Years) (revoked on 7.2.2015)	1,2,3,4,5,6,8,9,11,12
8.	A/YL-HT/933	“CDA” on the then Approved Ha Tsuen OZP No. S/YL-HT/10	Proposed Temporary Open Storage of Scrap Metal (3 Years)	6.2.2015 (3 Years)	1,3,5,6,7,8,9,11
9.	A/HSK/47	“R(A)3” and ‘Road’ on the draft Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/1	Temporary Open Storage of Scrap Metal and Logistics Centre (3 Years)	9.2.2018 (3 Years)	3,4,5,6,7,8,9,10,11,12

Approval Conditions

- 1 The submission and/or implementation of the landscape proposal.
- 2 The submission and/or implementation of the drainage proposal.
- 3 No night-time operation and/or no operation on Sundays and public holidays.
- 4 No cutting, dismantling, cleansing, repairing, compaction, unpacking, re-packing, vehicle repair and workshop activity, other than tyre repair/minor ancillary container repairs.
- 5 The provision of fencing and/or maintenance of existing fencing.
- 6 No vehicle queuing is allowed back to public road or vehicle reversing onto/from the public road is allowed.

- 7 Maintenance of existing drainage facilities and/or submission of condition record of existing drainage facilities.
- 8 The submission and/or implementation of the fire service installations proposal.
- 9 The provision of fire extinguisher(s) and/or submission of a valid fire certificate (FS 251).
- 10 The maintenance of landscape planting and/or existing trees.
- 11 Revocation clause.
- 12 Reinstatement clause.
- 13 No public vehicle park was allowed on the site.
- 14 The setting back of the site from the works limit of Contract No. CV/2006/01 "Ping Ha Road Improvement Works.
- 15 The submission and/or implementation of the run-in proposal.
- 16 The provision of flood mitigation measures and stormwater drainage facilities.

Similar Applications Within the Same “R(A)3” Zone

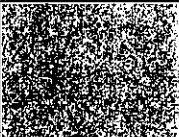
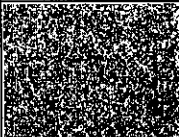
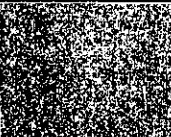
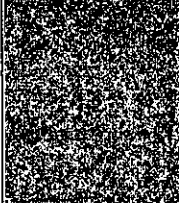
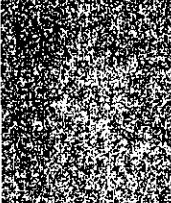
Approved Applications

	<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/85	“R(A)2” and ‘Road’ on the draft Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/1	Temporary Logistics Centre and Ancillary Parking of Vehicle (3 years)	03.08.2018	1,2,3,4,6,7,9,10
2.	A/HSK/86	“R(A)3” and ‘Road’ on the draft Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/1	Temporary Logistics Centre (3 years)	03.08.2018	1,2,3,5,6,7,8,9,10
3.	A/HSK/99	“R(A)3”, “R(A)2” and ‘Road’ on the draft Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/1	Temporary Logistics Centre with Storage of Recyclable Materials (Plastic, Metal and Paper) (3 years)	19.10.2018	1,3,5,6,7,8,9,11
4.	A/HSK/219	“R(A)3” and ‘Road’ on the approved Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/2	Renewal of Planning Approval for Temporary Logistics Centre with Ancillary Site Office (3 years)	12.06.2020	1,3,4,5,9

Approval Conditions:

- 1 No night-time operation and no operation on Sundays and public holidays.
- 2 No workshop activity is allowed on the site.
- 3 No vehicle is allowed queue back to or reverse onto/from the public road.
- 4 The maintenance of existing landscape planting and/ tree.
- 5 The maintenance and/or submission of condition record of existing drainage facilities.
- 6 The provision and/or maintenance of fencing.
- 7 The submission and/or implementation of fire service installations proposals.
- 8 The submission and/or implementation of tree preservation and landscape proposals.
- 9 Revocation clauses.
- 10 Reinstatement clauses.
- 11 No cutting, dismantling, cleansing, repairing, compaction, tyre repair, vehicle repair, container repair and workshop activity, as proposed by the applicant, is allowed on the site.
- 12 The maintenance of existing fire service installations.

消防處發出之露天貯存用地良好作業指引
Good Practice Guidelines for Open Storage issued by the Director of Fire Services

		消防車輛 內部通道 Internal Access for Fire Appliances	地段界線 (淨闊度) Lot Boundaries (Clear Width)	貯存物品 地點與 臨時構築物 之間的距離 Distance between Storage Cluster and Temporary Structure	貯存物品 地點的大小 Cluster Size	貯存高度 Storage Height
1.	露天貯存貨櫃 Open Storage of Containers		2 米 2m	4.5 米 4.5m		
2.	露天貯存非易燃物品 或有限數量的易燃物品 Open Storage of Non-Combustibles or Limited Combustibles	4.5 米 4.5m	2 米 2m	4.5 米 4.5m		
3.	露天貯存易燃物品 Open Storage of Combustibles	4.5 米 4.5m	2 米 2m	4.5 米 4.5m	40 米乘 40 米 40m x 40m	3 米 3m

備註：露天貯存用地／回收場內不得吸煙或使用明火。

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

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 Lot (OSAL) and Government Land (GL). The OSAL is 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 GL in the Site is about 141m² and it is covered by a Short Term Tenancy (STT) No. 2818 for the purposes of open storage of scrap metal. The private lots which are covered by Short Term Waivers (STWs) are listed below:

Lot No(s). in D.D.125	STW No.	Purposes
798 S.A RP	3112	Vehicle repair workshop (excluding paint-spraying)
799 (Portion)	2213	Vehicle repair workshop (excluding paint-spraying)
800	4581	Temporary logistic centre and warehouse (storage of paper)
804 RP	4003	Temporary open storage for metal materials

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. 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 Commissioner for Transport (C for T) that sufficient manoeuvring spaces shall be provided within 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 note the comments of the Director of Environmental Protection (DEP) that the applicant is advised to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' ('COP') to minimize the possible environmental impacts on the nearby sensitive receivers;
- (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 House) 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 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, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage. Any temporary shelters or converted containers for office, storage, washroom or other uses are considered as temporary buildings are subject to the control of Part VII of the B(P)R;
- (i) to note the 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. Attached good practice guidelines for open storage should be adhered to **Appendix V**. To address the approval condition on provision of fire extinguisher(s), the applicant is advised to submit a valid fire certificate (FS 251) to his department for approval. 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; and
- (j) 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 site under 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 for the Remaining Phase development will commence in 2030.