

**Relevant Extract of Town Planning Board Guidelines for
Application for Open Storage and Port Back-up Uses
(TPB PG-No.13E)**

1. On 17.10.2008, 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. 13E) were promulgated by the Town Planning Board, which set out the following criteria for the various categories of area:
 - (a) Category 1 areas: favourable consideration will normally be given to applications within these areas, subject to no major adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions. Technical assessments should be submitted if the proposed uses may cause significant environmental and traffic concerns;
 - (b) Category 2 areas: planning permission could be granted on a temporary basis up to a maximum period of 3 years, subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions. Technical assessments, where appropriate, should be submitted to demonstrate that the proposed uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas;
 - (c) Category 3 areas: within these areas, "existing" and approved open storage and port back-up uses are to be contained and further proliferation of such uses is not acceptable. Applications would normally not be favourably considered unless the applications are on sites with previous planning approvals. Sympathetic consideration may be given if the applicants have demonstrated genuine efforts in compliance with approval conditions of the previous planning applications and included in the fresh applications relevant technical assessments/proposals to demonstrate that the proposed uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. Planning permission could be granted on a temporary basis up to a maximum period of 3 years, subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions; and
 - (d) Category 4 areas: applications would normally be rejected except under exceptional circumstances. For applications on sites with previous planning approvals, and subject to no adverse departmental comments and local objections, sympathetic consideration may be given if the applicants have demonstrated genuine efforts in compliance with approval conditions of the previous planning applications and included in the applications relevant technical assessments/proposals to demonstrate that the proposed uses would not generate

adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. The intention is however to encourage the phasing out of such non-conforming uses as early as possible. A maximum period of 2 years may be allowed upon renewal of planning permission for an applicant to identify suitable sites for relocation. No further renewal of approval will be given unless under very exceptional circumstances and each application for renewal of approval will be assessed on its individual merits.

2. In assessing applications for open storage and port back-up uses, the other major relevant assessment criteria are also summarized as follows:
 - (a) there will be a general presumption against development on sites of less than 1,000 m² for open storage uses and 2,000 m² for port back-up uses in rural areas, other than sites located in major corridors, industrial/godown/workshop areas, quarrying activities or where it is demonstrated that optimum use is made of the site. This is to prevent the further proliferation of small sites in rural areas, minimizing sprawl over countryside areas and reducing travel trips;
 - (b) port back-up sites and those types of open storage uses generating adverse noise, air pollution and visual intrusion and frequent heavy vehicle traffic should not be located adjacent to sensitive receivers such as residential dwellings, hospitals, schools and other community facilities;
 - (c) port back-up uses are major generators of traffic, with container trailer/tractor parks generating the highest traffic per unit area. In general, port back-up sites should have good access to the strategic road network, or be accessed by means of purpose built roads;
 - (d) adequate screening of the sites through landscaping and/or fencing should be provided where sites are located adjacent to public roads or are visible from surrounding residential areas;
 - (e) there is a general presumption against conversion of agricultural land and fish ponds to other uses on an ad hoc basis, particularly in flood prone areas or sites which would obstruct natural drainage channels and overland flow; and
 - (f) for applications involving sites with previous planning approvals, should there be no evidence to demonstrate that the applicants have made any genuine effort to comply with the approval conditions of the previous planning applications, planning permission may be refused, or a shorter compliance period for the approval conditions may be imposed, notwithstanding other criteria set out in the Guidelines are complied with.

**Relevant Extract of Town Planning Board Guidelines for
Application for Developments within Deep Bay Area under Section 16 of the
Town Planning Ordinance
(TPB PG-No. 12C)**

On 16.5.2014, the Town Planning Board Guidelines for Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance (TPB PG-No. 12C) were promulgated by the Town Planning Board, which set out the following criteria for the Wetland Buffer Area (WBA):

- (a) the intention of the WBA is to protect the ecological integrity of the fish ponds and wetland within the Wetland Conservation Area (WCA) and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds;
- (b) within the WBA, for development or redevelopment which requires planning permission, an ecological impact assessment (EcoIA) would need to be submitted. Some local and minor uses (including temporary uses) are however exempted from the requirement of EcoIA;
- (c) applications for new open storage within the WBA, whether temporary or permanent would normally not be allowed in view of the adverse disturbances of such activities on birds, in particular for such uses involving filling of contiguous ponds. However, open storage or container back-up uses located close to the Lok Ma Chau crossing and without involving pond filling might be sympathetically considered by the Board in view of the genuine need to facilitate cross-boundary movements of goods in the area.



**Similar s.16 Applications within the Same “V” Zone
of the Approved San Tin Outline Zoning Plan No. S/YL-MP/6**

Rejected Applications

<u>No.</u>	<u>Application No.</u>	<u>Development/Use</u>	<u>Date of Consideration</u>	<u>Major Reasons for Rejection</u>
1	A/YL-MP/3	Open Storage of Left-Hand-Drive Vehicles (temporary for one year)	17.11.1995	(1), (2), (3), (4) & (5)
2	A/YL-MP/54	Temporary Open Storage of Timber and Plywood for 12 Months	16.7.1999	(1), (2), (5) & (6)
3	A/YL-MP/76	Temporary Open Storage of Scrap Metal for a Period of 12 Months	8.9.2000 (Reviewed and rejected on 5.1.2001)	(1), (2), (5) & (6)
4	A/YL-MP/82	Temporary Warehouse and Open Storage of Building and Metal Materials for a Period of 3 Years	2.2.2001	(1), (2), (4), (5) & (6)
5	A/YL-MP/112	Proposed Temporary Carpark for New Left-hand Drive Vehicles Prior to Sale for a Period of 3 Years	8.11.2002 (Review rejected on 28.2.2003)	(1), (2), (4) & (5)

Reasons for Rejection:

- (1) Not in line with the planning intention of the “Village Type Development” and/or “Open Space” zone.
- (2) Not compatible with surrounding land uses.
- (3) Insufficient information in submission to show vehicular access arrangement to the proposed development and to address conflict between pedestrians and other road users.
- (4) No / insufficient information to demonstrate the proposed development will not cause adverse environmental / landscape / visual and drainage impact on surrounding areas
- (5) Setting an undesirable precedent for similar applications leading to general degradation of the area / environment / ecology.

- (6) Development does not comply with the revised Town Planning Board Guidelines for “Applications for Developments within Deep Bay Area”; insufficient information in the submission to demonstrate that the development would not have adverse disturbance impact on the ecological integrity and ecological value of the fish ponds within the Deep Bay Area.

**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.

Recommended Advisory Clauses

- (a) to resolve any land issues relating to the temporary use with the concerned owner(s) of the Site
- (b) prior planning permission should have been obtained before commencing the proposed use at the Site;
- (c) to note DLO/YL, LandsD's comments 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. No permission is given for occupation of Government land (GL) of about 405m² in area (subject to verification) included in the Site. Your attention is drawn to the fact that the act of occupation of GL without Government's prior approval is not allowed. The Site is accessible to Castle Peak Road – Mai Po through both GL and private land. This office provides no maintenance work for the GL involved and does not guarantee any right-of-way. The Site does not fall within Shek Kong Airfield Height Restriction Area. The lot owners will need to apply to his office to permit the structures to be erected or regularize any irregularity on site. Besides, 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. Such application 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 will be approved. If such application 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;
- (d) to note C for T's comments that the applicant should indicate the clear width of ingress and egress point as well as the access road within the Site. The Site is connected to the public road network via a section of local road which is not managed by Transport Department. The land status of the local access road should be clarified with LandsD by the applicant. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note CHE/NTW, HyD's comments that HyD is not and shall not be responsible for the maintenance of any existing vehicular access connecting the Site and any public road under HyD's maintenance. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.
- (f) to note CE/RD 2-2, RDO, HyD's comments that the subject site falls within the gazetted railway schemes of heavy rail systems. Although the programme and the alignment of the railway schemes are still under review, those areas within the gazetted area may be required to be vacated at the time during railway construction. The applicant shall be reminded of the above when planning its land use application;
- (g) to note D of FS's comments 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 the Fire Services Department (FSD) for approval. The applicant should also be advised that (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; (ii) the location of where the proposed FSI to be installed should be clearly

marked on the layout plans, and (iii) the 'Good practice guideline for open storage' should be adhered to. The applicant is advised to submit a valid fire certificate (FS 251) to FSD for approval. 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;

- (h) to note CBS/NTW, BD's comments that before any new building works (including containers and open sheds as temporary buildings) are to be carried out on the Site, prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the Building Ordinance (BO). For UBW erected on leased land, enforcement action may be taken by the BA 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. 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 CE/MN, DSD's comments that the applicant shall submit a drainage submission to demonstrate how he will collect, convey and discharge rain water falling onto or flowing to his site. A clear drainage plan showing full details of the existing drains and proposed drains (e.g. cover & invert levels of pipes/catchpits/outfalls and ground levels justifying waterflow etc.) with supporting design calculations should be included. Should additional drainage works be required, the applicant is reminded that approval of the drainage proposal must be sought prior to the implementation of drainage works on site. After completion of the required drainage works, the applicant shall provide DSD a set of record photographs showing the completed drainage works with corresponding photograph locations marked clearly on the approved drainage plan for reference. DSD will inspect the completed drainage works jointly with the applicant with reference to the set of photographs. The applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas. No public sewerage maintained by CE/MN, DSD is currently available for connection. For sewage disposal and treatment, agreement from DEP shall be obtained. The applicant is reminded that the proposed drainage works as well as the site boundary should not cause encroachment upon areas outside his jurisdiction. The applicant should consult DLO/YL, LandsD regarding all the proposed drainage works outside the site boundary in order to ensure the unobstructed discharge from the Site in future. All the proposed drainage facilities should be constructed and maintained by the applicant at his own cost. The applicant should ensure and keep all drainage facilities on site under proper maintenance during occupancy of the Site;
- (j) to note CTP/UD&L, PlanD's comments that groups of *Leucaena leucocephala* (銀合歡) are found along the site boundary. *Leucaena leucocephala* is an invasive, exotic small tree that grows vigorously and forms dense thickets that prevent natural succession of native species. Its brittle branches and poorly developed root system also makes the tree susceptible to fall under strong wind. As such, the applicant should remove all *Leucaena* within the site and provide compensatory tree planting;

- (k) to note DFEH's comments that if any Food and Environmental Health Department (FEHD)'s facility is affected by the development, FEHD's prior consent must be obtained. Reprovisioning of the affected facilities by the project proponent up to the satisfaction of FEHD may be required. Besides, the project proponent should provide sufficient amount of additional recurrent cost or management and maintenance of the reprovisioned facilities to FEHD. If the proposal involves any commercial/trading activities, no environmental nuisance should be generated to the surroundings. Also, for any waste generated from the commercial/trading activities, the applicant should handle on their own at their expenses;
- (l) to note DEMS's comments that in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organising and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the "Code of Practice on Working near Electricity Supply Lines" established under the Regulation when carrying out works in the vicinity of the electricity supply lines; and
- (m) the applicant is reminded to make reference to the "Code of Practice on handling the Environmental Aspects of Temporary Uses and Open Storage Sites".

