

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, 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: 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 merit.

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 1,000m² for open storage uses and 2,000m² 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.

Previous S.16 Applications

Approved Applications

Application No.	Uses/ Development	Date of Consideration	Approval Conditions
A/NE-FTA/29	Container Trailer Park	5.11.1999	A1, A2, A3 & A24
A/NE-FTA/44	Minor Amendment to Approved Scheme for Container Trailer Park (Approved by DPO)	22.5.2002 (Approved by DPO)	A1, A2, A3 & A24
A/NE-FTA/80	Temporary Container Trailer Park for a Period of 3 Years	5.1.2007	A1, A4, A5, A6 & A7
A/NE-FTA/99	Temporary Container Trailer Park for a Period of 3 Years	9.4.2010 (revoked on 9.1.2011)	A7, A8, A9, A10 A11, A12 & A13
A/NE-FTA/108	Temporary Container Trailer Park for a Period of 3 Years	4.11.2011 (revoked on 4.2.2012)	A5, A6, A7, A8, A9, A11 A12, A13 & A14
A/NE-FTA/113	Temporary Goods Distribution and Storage Use for a Period of 3 Years	20.7.2012	A5, A6, A7, A8, A9, A13 A15, A16 & A22
A/NE-FTA/154	Temporary Goods Distribution and Storage Use for a Period of 3 Years	9.10.2015 (revoked on 9.1.2018)	A7, A9, A17, A18, A19, A20, A21 & A23

Approval Conditions:

- A1 The provision of drainage facilities
- A2 The provision of peripheral fencing and paving of the site
- A3 The submission and implementation of landscaping proposals

- A4 The submission of drainage proposal
- A5 The submission of tree preservation and landscaping proposals
- A6 The implementation of tree preservation and landscaping proposals
- A7 The revocation clause
- A8 No night time operation between 11:00 p.m. and 7:00 a.m. was allowed
- A9 No operation on Sundays and public holidays was allowed
- A10 The existing trees on the application site should be properly maintained
- A11 The submission of proposals for fire service installations
- A12 The provision of fire service installations
- A13 The submission and implementation of drainage proposals
- A14 No vehicle repairing activities should be carried out on the application site
- A15 No medium and heavy goods vehicles exceeding 5.5 tonnes including container trailers and tractors, as defined in the Road Traffic Ordinance, as proposed by the applicant, was allowed for the operation of the application site
- A16 The provision of fire extinguisher(s)
- A17 No operation between 11:00 p.m. and 7:00 a.m. on Mondays to Saturdays was allowed
- A18 No medium and heavy goods vehicles exceeding 5.5 tonnes, as defined in the Road Traffic Ordinance, was allowed for the operation of the site
- A19 The existing drainage facilities implemented under Application No. A/NE-FTA/113 on the site should be maintained at all times and those inadequate/ineffective facilities should be rectified
- A20 The submission of a condition record of the existing drainage facilities implemented under Application No. A/NE-FTA/113 on the site
- A21 The submission of proposals and the provision of water supplies for fire-fighting and fire service installations
- A22 The submission and implementation of the proposal for fire service installations and water supplies for fire-fighting
- A23 The existing trees and landscape plantings implemented under Application No. A/NE-FTA/113 on the site should be maintained
- A24 The commencement clause

**Similar S.16 Applications for Goods Distribution and/or Storage Use within/partly within
the “Other Specified Uses (Port Back-up Uses)” zone in the vicinity of the Site
in the Fu Tei Au and Sha Ling Area**

Approved Applications

<u>Application No.</u>	<u>Uses/ Development</u>	<u>Date of Consideration</u>	<u>Approval Conditions</u>
A/NE-FTA/86 [^]	Temporary Public Vehicle Park (including Container Vehicle) and Goods Distribution and Storage Use for a Period of 3 Years	18.7.2008 (revoked on 18.7.2010)	A1, A3, A4, A5, A7, A8, A9 & A10
A/NE-FTA/87 [*]	Temporary Public Vehicle Park (including Container Vehicle) and Goods Distribution and Storage Use for a Period of 3 Years	18.7.2008	A1, A2, A3, A4, A5, A7, A8, A9 & A10
A/NE-FTA/101 [#]	Temporary Container Vehicle, Heavy and Medium Goods Vehicle and Private Car Park, Storage and Loading/Unloading of Goods for a Period of 3 Years	29.10.2010 (revoked on 29.7.2011)	A1, A5, A9, A11, A12, A16 & A19
A/NE-FTA/104 [*]	Renewal of Planning Approval for Temporary Public Vehicle Park (including Container Vehicle) and Goods Distribution and Storage Use for a Period of 3 Years	17.6.2011	A1, A3, A4, A5, A6, A7, A9 & A16
A/NE-FTA/109 [^]	Temporary Goods Distribution and Storage Use for a Period of 3 Years	6.1.2012 (revoked on 6.7.2012)	A1, A3, A4, A5, A7, A9, A13 & A16
A/NE-FTA/112 [#]	Temporary Vehicle Park (Container Vehicle, Medium Goods Vehicle and Private Car), Storage and Loading/Unloading of Goods for a Period of 3 Years	20.1.2012 (revoked on 20.3.2014)	A1, A3, A5, A9, A14, A17 & A18
A/NE-FTA/114 [^]	Proposed Temporary Goods Distribution and Storage Use with Ancillary Parking of Vehicles for a Period of 3 Years	21.9.2012	A1, A3, A4, A5, A7, A9, A15 & A16

Remarks

^: The site of application no. A/NE-FTA/86 involves part of the site of application nos. A/NE-FTA/109 and A/NE-FTA/114

*: Application no. A/NE-FTA/87 and A/NE-FTA/104 are at the same location

#: Application no. A/NE-FTA/101 and A/NE-FTA/112 are at the same location

Approval Conditions:

- A1 The revocation clause
- A2 No interference with or damage to the 132kV overhead lines
- A3 The submission and the implementation of tree preservation and landscaping proposals
- A4 No operation between 11:00 p.m. and 7:00 a.m. was allowed
- A5 No operation on Sundays and public holidays was allowed
- A6 No vehicle repairing activities should be carried out within the site
- A7 The peripheral fencing and/or paving of the site should be maintained
- A8 The submission and the implementation of vehicular access, parking and loading/unloading proposals
- A9 The submission and the implementation of drainage proposals
- A10 The submission of design and the provision of firefighting access, water supplies for fire fighting and fire service installations
- A11 No night-time operation between 9:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed
- A12 No structure should be erected within the waterworks reserve and such area should not be used for storage purpose
- A13 Only lorries (under 3.3 tonnes) were allowed to transport goods to / from the Site
- A14 No night time operation between 7:00 p.m. and 9:00 a.m. was allowed
- A15 The provision of fire extinguisher(s)
- A16 The submission of proposals and the provision for fire service installations and/or water supplies for fire-fighting
- A17 No structure should be built or materials stored within the waterworks reserve as shown on Plan A-2 of the Paper

- A18 The submission and implementation of proposals for fire service installations and water supplies for fire-fighting
- A19 The submission and implementation of landscaping and tree maintenance proposal

Recommended Advisory Clauses

- (a) shorter compliance periods are imposed in order to closely 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 would not be given to any further application;
- (b) to note the comments of DLO/N, LandsD as follows:
 - (i) the lots under application are covered by Short Term Waiver (STW) No. 1292 for “container trailer park and ancillary office and storage” uses. The owner of the lots/waivee may erect on the STW site a structure provided that its site coverage and height shall not exceed 37.16m² and 4.8m respectively, and no building or structure may be erected on the non-building area of the STW site;
 - (ii) the existing vehicular access on site routes through a gate, STLA No. GLA-TDN 3062 and the nearby Government land. STLA No. GLA-TDN 3062 has been allocated to Water Supplies Department (WSD) for the Implementation of Construction Works of Improvement of Water Supply to Sheung Shui and Fanling and any ancillary works in connection with the project. The applicant should make his own arrangements for acquiring access. The Government shall accept no responsibility in such arrangements; and
 - (iii) the owners of the lots/waivee concerned shall apply to his office for modification of STW No. 1292 to regularize the irregularities on site. The application will be considered by Government in its landlord's capacity and there is no guarantee that it will be approved. If the application is approved, its commencement date will be backdated to the first date of existence of the irregularities and it will be subject to such terms and conditions to be imposed including payment of revised waiver fee and administrative fee as considered appropriate by his office;
- (c) to note the comments of C for T that the unnamed non-standard local track connected to Man Kam To Road is not under his office’s management. The land status of the access leading to the Site should be checked with the lands authority. The management and maintenance responsibilities of the same access should also be clarified with the relevant lands and maintenance authorities accordingly;
- (d) to note the comments of CE/MN, DSD that the Site is in an area where no public sewerage connection is available;
- (e) to note the comments of D of FS that emergency vehicular access arrangement should comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by BD, and detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (f) to note the comments of CE/C, WSD as follows:
 - (i) for provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD’s standards;

- (ii) part of the lots concerned is within the waterworks reserve of WSD's 1,200mm diameter water mains. No structure or support for any structure, except boundary fences, shall be placed or erected and no motor vehicles is allowed to park or remain for any purposes including for display within the waterworks reserve. Free access shall be made available at all times for staff of the WSD or his authorised contractor to carry out construction, inspection, operation, maintenance and repair works to the water mains within the waterworks reserve; and
 - (iii) the Site is located within the flood pumping gathering ground;
- (g) to note the comments of CBS/NTW, BD as follows:
- (i) if the existing structures (not being a New Territories Exempted House) 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 proposed use under the captioned application;
 - (ii) before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the application site, the prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
 - (iii) 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;
 - (iv) the temporary converted containers for site office / storage are considered as temporary buildings are subject to control under the Building (Planning) Regulations Pt. VII;
 - (v) 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 respectively;
 - (vi) 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 Building (Planning) Regulation at the building plan submission stage; and
 - (vii) detailed comments under the BO will be provided at the building plan submission stage;
- (h) to note the comments of DAFC that the Site is located to the north of an abandoned meander currently maintained by his department for ecological purposes under the "Main Drainage Channel for Fanling, Sheung Shui and Hinterland" project. The applicant should adopt good site practices and implement necessary environmental measures, including but not limited to provision of screen planting/hoarding and control of surface runoff to avoid disturbance to the abandoned meander; and
- (i) to follow the environmental mitigation measures as set out in the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by DEP in order to minimize any possible environmental nuisances.