

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 Application

<u>Application No.</u>	<u>Proposed Developments</u>	<u>Date of Consideration</u>	<u>Approval Conditions</u>
A/NE-TKL/389	Temporary Open Storage of Metal Products and Materials and Storage of Metal and Hardware Products with Ancillary Workshop for a Period of 3 Years	11.1.2013	A1 - A9
A/NE-TKL/534	Renewal of Planning Permission for Temporary Open Storage of Metal Products and Materials and Storage of Metal and Hardware Products with Ancillary Workshop for a Period of 3 Years	18.12.2015	A1 – A5, A7 – A11

Approved Conditions

- A1 No night time operation between 6:00 p.m. and 8:00 a.m. should be allowed
- A2 No operation on Sundays and statutory holidays should be allowed
- A3 No medium and heavy goods vehicle exceeding 5.5 tonnes as defined in the Road Traffic Ordinance was allowed for the operation of the application site
- A4 The peripheral fencing and paving of the site should be maintained
- A5 The submission and the implementation of tree preservation and landscape proposal
- A6 The submission and the implementation of drainage proposal
- A7 The provision of fire extinguisher(s)
- A8 The submission and the implementation of proposal for water supplies for fire fighting and fire service installations
- A9 Revocation clause
- A10 The existing drainage facilities implemented under application no. A/NE-TKL/389 on the site should be maintained
- A11 The submission of a condition record of the existing drainage facilities

**Similar S.16 Applications for Proposed Open Storage or Warehouse
within/partly within the “Road” in the vicinity of the application site
in the Ping Che & Ta Kwu Ling Area**

Approved Applications

<u>Application No.</u>	<u>Uses/Developments</u>	<u>Date of Consideration</u>	<u>Approval Conditions</u>
A/NE-TKL/343 ¹	Proposed Temporary Warehouse for Storage of Metalware and Vehicle Parts/ Accessories for a Period of 3 Years	24.9.2010	A1, A4 - A12
A/NE-TKL/363 ²	Proposed Temporary Warehouse for Storage of Furniture for a Period of 3 Years	8.7.2011 (Revoked on 8.4.2013)	A4 - A14
A/NE-TKL/371 ³	Temporary Warehouse (for Storage of Tools and Machinery Related to the Engineering Works of Overhead Cables) and Dog Kennel for a Period of 3 Years	16.12.2011 (Revoked on 16.9.2012)	A1, A4, A6, A10 - A12, A15
A/NE-TKL/417 ³	Temporary Warehouse (for Storage of Tools Related to the Engineering Works of Overhead Cables) and Dog Kennel for a Period of 3 Years	1.3.2013	A4, A6, A10 - A12, A15 - A18
A/NE-TKL/453 ²	Temporary Warehouse for Storage of Furniture for a Period of 3 Years	22.11.2013	A2 - A6, A11 - A13, A18 & A19
A/NE-TKL/476 ¹	Temporary Warehouse for Storage of Cables with Ancillary Workshop for a Period of 3 Years	11.7.2014	A4, A6, A8, A10 - A13, A19 - A21
A/NE-TKL/516 ²	Temporary Cold Store (Storage of Vegetables, Fruits and Foods) for a Period of 3 Years	4.9.2015 (Revoked on 4.6.2017)	A4, A6, A11, A12, A19, A22 - A26
A/NE-TKL/517 ¹	Temporary Warehouse (Storage of Cables) with Ancillary Workshop for a Period of 3 Years	4.9.2015 (Revoked on 4.12.2017)	A4, A6, A11 - A13, A19, A20, A24 - A26
A/NE-TKL/535 ³	Renewal of Planning Approval for Temporary Warehouse (for Storage of Tools Related to the Engineering Works of Overhead Cables) and Dog Kennel for a Period of 3 Years	22.1.2016	A4, A6, A11, A12, A15 - A18, A25 & A26
A/NE-TKL/577 ¹	Temporary Warehouse (Storage of Spare Parts and Used Electrical Goods) with Ancillary Workshop for a Period of 3 Years	2.11.2018	A2 - A4, A11 - A13, A20 & A21

Remarks

- *¹: The application nos. A/NE-TKL/343, A/NE-TKL/476, A/NE-TKL/517 and A/NE-TKL/577 involve the same site
- *²: The application nos. A/NE-TKL/363, A/NE-TKL/453 and A/NE-TKL/516 involve the same site
- *³: The application nos. A/NE-TKL/371, A/NE-TKL/417 and A/NE-TKL/535 involve the same site

Approval Conditions

- A1 The submission and the implementation of landscaping proposals.
- A2 The submission of drainage proposals
- A3 The provision of the drainage facilities
- A4 Revocation clause
- A5 No operation between 6:00 p.m. and 9:00 a.m. on weekdays and between 1:00 p.m. and 9:00 a.m. on Saturdays was allowed
- A6 No operation on Sundays and public holidays was allowed
- A7 No medium and heavy goods vehicles exceeding 5.5 tonnes, including container vehicles, as defined in the Road Traffic Ordinance, were allowed to enter the application site
- A8 The submission of a layout plan showing the parking, loading/unloading and manoeuvring spaces arrangement within the application site
- A9 The provision of parking, loading/unloading and manoeuvring spaces arrangement within the application site
- A10 The submission and the implementation of drainage proposals
- A11 The submission of proposals for water supplies for firefighting and fire service installations
- A12 The provision of water supplies for firefighting and fire service installations
- A13 The peripheral fencing should be maintained
- A14 The implementation of the accepted landscape proposals
- A15 No operation between 6:00 p.m. and 8:00 a.m. from Mondays to Saturdays was allowed
- A16 No dismantling and workshop activities was allowed

- A17 No medium and heavy goods vehicles exceeding 5.5 tonnes, including container vehicle, as defined in the Road Traffic Ordinance was allowed for the operation of the application site
- A18 The submission and the implementation of tree preservation and landscape proposals
- A19 No medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, is allowed to be parked/stored on or enter/exit the site
- A20 No operation between 5:30 p.m. and 8:30 a.m. from Mondays to Saturdays was allowed
- A21 The maintenance of all existing trees within the site in good condition
- A22 No operation between 6:00 p.m. and 9:00 a.m. from Mondays to Saturdays was allowed
- A23 The boundary fence on the site shall be maintained
- A24 The existing trees and landscape plantings on site shall be maintained
- A25 The existing drainage facilities on site shall be maintained
- A26 The submission of a record of the existing drainage facilities

Rejected Application

<u>Application No.</u>	<u>Uses/ Development</u>	<u>Date of Consideration</u>	<u>Rejection Reasons</u>
A/NE-TKL/419	Temporary Storage of Electrical Appliances and Metalware for a Period of 3 Years	11.1.2013	R1

Rejection Condition

- R1 The development was not in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that there were adverse departmental comments on the application and the applicant had failed to demonstrate that the development would not generate adverse environmental and traffic impacts on the surrounding area.

Recommended Advisory Clauses

- (a) to resolve any land issue relating to the development with other concerned owner(s) of the Site;
- (b) to note the comments of the District Lands Officer/North, Lands Department on the following:
 - (i) the Sites comprises a private lot and the adjoining Government land. The lot is an Old Schedule lot held under the Block Government Lease (demised for agriculture use) without any guarantee of right of vehicular access;
 - (ii) it is noted that the existing structures on the application lot were erected without approval from his office, and that some Government Land adjoining the application lot is occupied without approval from his office. The aforesaid structures and unauthorised occupation of Government Land are not acceptable. His office reserves the right to take lease enforcement and land control actions against the irregularities; and
 - (iii) the owners of the lot concerned shall apply to his office for a Short Term Waiver (STW) and a Short Term Tenancy (STT) to cover all the actual occupation area. The applications for STW/STT will be considered by Government in its landlord's capacity and there is no guarantee that they will be approved. If the STW/STT are approved, their commencement date would be backdated to the first date of occupation and they will be subject to such terms and conditions to be imposed including payment of waiver fee/rent and administrative fees as considered appropriate by his office.
- (c) to note the comments of the Director of Fire Service on the following:
 - (i) to address the approval condition on the provision of fire extinguisher(s), the applicant should submit certificate(s) under Regulation 9(1) of the Fire Service (Installations and Equipment) Regulations (Chapter 95B) to his department for compliance of condition;
 - (ii) if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) are erected within the Site, fire service installations (FSIs) will need to be installed. In such circumstances, except where building plan is circulated to the Centralized Processing System of the Buildings Department, the applicant is required to send the relevant layout plans to his department (Address: Planning Group, 9/F, No. 1 Hong Chong Road, Fire Services Headquarters Building, Kowloon) incorporated with the proposed FSIs for approval. In doing so, the applicant should note that:
 - (a) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (b) the locations of the proposed FSIs and the access for emergency vehicles should be clearly marked on the layout plans; and
 - (iii) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans. The applicant will need to subsequently provide such FSIs according to the approved proposal.

- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department as follows:
- (i) if the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of the Buildings Department (BD), they are unauthorised building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application;
 - (ii) before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, the prior approval and consent of BD should be obtained, otherwise they are UBW. An Authorised Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the BO;
 - (iii) 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;
 - (iv) the temporary converted containers for site office/storage are considered as temporary buildings subject to control under the Building (Planning) Regulations (B(P)Rs) 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 B(P)Rs respectively;
 - (vi) if the Site does not abut 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)Rs at the building plan submission stage; and
 - (vii) detailed comments under the BO will be provided at the building plan submission stage;
- (e) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department as follows:
- (i) it is advised that the approval of the Landscape Proposal does not imply approval of tree works such as pruning, transplanting and felling under lease. Tree removal applications should be submitted direct to DLO for approval;
 - (ii) according to her site record dated 21.11.2018, it is noted 1 existing tree location on the southern portion of the Site has not been indicated in the Site Plan and some miscellaneous objects were found in the tree planting areas to the eastern and southern portion of the Site; and
 - (iii) useful information published by the Greening, Landscape and Tree Management Section, Development Bureau on general tree maintenance and tree risk management is available for reference in the following links:
 - Pictorial Guide for Tree Maintenance (護養樹木的簡易圖解):
http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf

- Handbook on Tree Management (樹木管理手冊):
https://www.greening.gov.hk/tc/tree_care/Handbook_on_Tree_Management.html
- Tree Risk Assessment and Management Arrangement (樹木風險評估及管理安排):
https://www.greening.gov.hk/tc/tree_care/tra_arrangements.html
- Minimising Tree Risk (護養樹木 保障安全):
http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Chinese_Leaflet_Big_font_size_v1_2012_03_29.pdf
- Pictorial Guide for Tree Maintenance to Reduce Tree Risk (減低樹木風險的樹木護養簡易圖解):
[http://www.greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk\(eng\).pdf](http://www.greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk(eng).pdf)

- (f) to note the comments of the Chief Engineer/Construction, Water Supplies Department that no structure shall be erected over the Waterworks Reserve.
- (g) to note the comments from Director of Environmental Protection, Environmental Protection Department as follows:
- (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’ (CoP) issued by the Director of Environmental Protection in order to minimize any possible environmental nuisances;
 - (ii) there is no available public sewer connection. The applicant should be reminded of S(1) of Notes to Annex I in CoP that ‘In case of unavailability of public sewer, a septic tank and soakaway (STS) pit should be provided’. The toilet on Site should be connected to STS and comply with requirements of ProPECC PN 5/93 Sections 8 & 9, and drainage serving the covered workshop should be connected to STS via petrol interceptor to comply with ProPECC PN 5/93 Section 7(vii), 8 and 9. The applicant is reminded that the design, construction, operation and maintenance of STS should follow ProPECC PN 5/93 and be certified by Authorised Person; and
 - (iii) the applicant should be reminded of his obligation to comply with all environmental protection / pollution control ordinances, in particular Water Pollution Control Ordinance and Waste Disposal Ordinance, and to follow relevant measures given in the CoP, such as provision of drainage channels and oil interceptions, storage of materials that may leak out oil or chemical waste on non-slip heavy duty membrane and be properly covered by water proofing sheet, and prohibition of any noisy operations during sensitive hours (i.e. 11pm to 7am) etc.
- (h) to note the comments from Chief Engineer/Mainland North, Drainage Services Department as follows:
- (i) the site is in an area where no public sewer connection is available;
 - (ii) surface channel with grating covers should be provided along the site boundary;
 - (iii) the cover levels of proposed channels should be flush with the existing adjoining ground level;

- (iv) a catchpit with covers should be provided where there is a change of direction of the channel/drain, The details of the catchpit with covers shall be provided;
- (v) catchpits with sand trap shall be provided at the outlets of the proposed drainage system. The details of the catchpit with covers shall be provided;
- (vi) the applicant should check and ensure that the existing drainage channel downstream to which the proposed connection will be made have adequate capacity and satisfactory condition to cater for the additional discharge from the captioned lot. He should also ensure that the flow from this site will not overload the existing drainage system;
- (vii) the applicant is reminded that where walls are erected or kerbs are laid along the boundary of the same, peripheral channels should be provided on both sides of the walls or kerbs, and/or adequate openings should be provided at the walls/kerbs to allow existing overland flow passing through the Site to be intercepted by the drainage system of the Site with details to be agreed by DSD, unless justified not necessary;
- (viii) if the existing drainage facilities to which the applicant proposed to discharge the storm water from the subject site not maintained by this office, the applicant should identify the owners of the existing drainage facilities to which the proposed connection will be made and obtain consent from the owners prior to commencement of proposed works;
- (ix) the applicant is reminded that all existing flow paths as well as the run-off falling onto and passing through the site should be intercepted and disposed of via proper discharge points. The applicant shall also ensure that no works, including any site formation works, shall be carried out as may adversely interfere with the free flow condition of the existing drain, channels and watercourses on or in the vicinity of the subject site any time during or after the works;
- (x) the proposed drainage works, whether within or outside the lot boundary, should be constructed and maintained by the applicant and rectify the system if it is found to be inadequate or ineffective during operation at his/her own expense;
- (xi) for works to be undertaken outside the lot boundary, the applicant should obtain prior consent and agreement from DLO/N and/or relevant private lot owners;
- (xii) the applicant should make good all the adjacent affected areas upon the completion of the drainage works;
- (xiii) the applicant shall allow all time free access for he Government and its agent to conduct site inspection on his completed drainage works;
- (xiv) the applicant and the successive lot owners shall allow connections from the adjacent lots to the completed drainage woks on Government Land when so required; and
- (xv) photos should be submitted clearly showing the current conditions of the areas and the flow path around the site and the proposed/ existing drainage from the discharge point(s) within the site to the downstream existing water courses.