

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.

**Appendix III of RNTPC
Paper No. A/HSK/45**

Previous s.16 Applications covering the Application Site

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Zoning</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Conditions</u>
1.	A/YL-HT/81	Temporary Open Storage of Containers (1 year)	REC	14.5.1999 (1 year)	1, 2, 3, 4, 7
2.	A/YL-HT/154	Temporary Open Storage of Containers (3 years)	REC	6.6.2000 (3 years) (revoked on 16.3.2001)	1, 2, 3, 4, 6, 7
3.	A/YL-HT/244	Temporary Open Storage of Containers with Ancillary Office (3 years)	REC	26.4.2002 (3 years)	2, 3, 4, 5, 6, 7
4.	A/YL-HT/390	Temporary Open Storage of Containers with Ancillary Office (3 years)	REC	13.5.2005 (3 years)	1, 3, 6, 7, 8
5.	A/YL-HT/540	Renewal of Planning Approval for Temporary Open Storage of Containers with Ancillary Office under Application No. A/YL-HT/390 (3 years)	OS, REC	9.5.2008 (3 years) (revoked on 9.11.2008)	1, 4, 7, 8, 9, 10, 11
6.	A/YL-HT/621	Temporary Open Storage of Containers with Ancillary Office (3 years)	OS, REC	19.6.2009 (3 years)	1, 3, 4, 6, 8, 9, 10, 12, 13, 14, 15
7.	A/YL-HT/791	Renewal of Planning Approval for Temporary Open Storage of Containers with Ancillary Office under Application No. A/YL-HT/621 (3 years)	OS, REC	15.6.2012 (3 years) (revoked on 19.3.2014)	1, 2, 3, 4, 6, 8, 9, 10, 12, 13, 14, 15, 16
8.	A/YL-HT/900	Temporary Open Storage of Construction Machinery and Construction Material and Ancillary Site Office (3 years)	REC	13.6.2014 (3 years) (revoked on 13.6.2015)	1, 2, 3, 4, 6, 8, 9, 10, 12, 13, 14, 17
9.	A/YL-HT/924	Temporary Open Storage of Construction Machinery and Construction Material and Ancillary Site Office (3 Years)	OS, REC	28.11.2014 (3 years)	1, 2, 4, 7, 8, 9, 11, 12, 14, 17

Approval Conditions:

- 1 the submission and implementation of landscaping or/and tree preservation proposals.
- 2 the submission of drainage proposals and provision of drainage facilities as proposed or the implementation of the accepted drainage proposals.
- 3 reinstatement clause.
- 4 the provision of paving or/and fencing.
- 5 the submission and implementation of maintenance schedule for the screen planting.
- 6 revocation clauses.

- 7 the stacking height of the materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence.
- 8 the maintenance of the drainage/landscape facilities/paving/fencing.
- 9 no night-time operation and no operation on Sundays and public holidays.
- 10 the submission of a condition record of the existing drainage facilities.
- 11 the provision of fire extinguisher(s).
- 12 the submission and/or implementation of FSIs proposals and/or provision of FSIs.
- 13 no stacking of containers/storage of materials within 5m/6m from the peripheral fencing of the site and/or the stacking height of containers stored on the site should not exceed 7/8 units, with/without a stepped height profile.
- 14 no cutting, dismantling, cleansing, repairing and workshop activity, except ancillary container repair/minor ancillary tyre-repair.
- 15 no structure shall be erected on the site, and/or the removal of all existing structures on-site.
- 16 no material, including container, was allowed to be stored/dumped within 1m of any tree.
- 17 no vehicle exceeding 24 tonnes is allowed to enter the site and no vehicle queuing back to public road.

Rejected Applications

	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Zoning</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Reasons for Rejection</u>
1.	A/DPA/YL-HT/37	Container Storage Depot	Unspecified Use	18.3.1994	1, 2, 3, 4, 5
2.	A/YL-HT/524	Temporary Open Storage of Containers (3 years)	REC	18.1.2008	5, 6, 7
3.	A/YL-HT/552	Temporary Open Storage of Containers (3 years)	OS, REC	20.6.2008	5, 6, 10
4.	A/YL-HT/576	Temporary Open Storage of Containers with Ancillary Office (3 years)	OS, REC, V	21.11.2008	5, 8, 9
5.	A/YL-HT/634	Temporary Open Storage of Containers with Ancillary Office (3 years)	OS, REC, V	24.7.2009 (review was rejected on 26.3.2010)	5, 6, 8

Reasons for Rejection:

1. the development is not in line with the planning intention for the area, which is primarily to encourage the comprehensive improvement and retention of the existing residential communities through physical upgrading and local environmental improvement.
2. the vehicular traffic generated from the development has aggravated the congestion at Tin Ha Road and the local road network.
3. the vehicular access road leading from Tin Ha Road to San Wai Sewage Treatment Plant is sub-standard for container traffic which will not only interrupt traffic flow on Tin Ha Road but also pose road safety hazards to both the drivers and other road users.
4. no information on noise impact assessment and proposals on mitigation measures has been provided

in the submission to demonstrate that the development will not have adverse noise impact on the nearby residential settlements.

5. the development is not in line with the TPB Guidelines for Application for Open Storage and Port Back-up Uses in that there are adverse departmental comments and there is insufficient information in the submission to demonstrate that the proposed development would not have adverse environmental, traffic and/or drainage impacts and/or visual on the surrounding areas.
6. the development is incompatible with the nearby village settlements.
7. the development is not in line with the planning intention of the "REC" zone.
8. the applied use at the north-eastern portion of the site was not compatible with the nearby village settlements, in particular the residential dwellings to the east and the cluster of village type developments to the north.
9. the extension of the container yard further to the north-east was not in line with the planning intention of the "V" zone which was to designate both existing recognized villages and areas of land considered suitable for village expansion. The approval of the application would frustrate the planning intention of the "V" zone. No strong justification had been given in the submission for a departure from such planning intention, even on a temporary basis.
10. the extension of the container yard further to the north was not in line with the planning intention of the "Recreation" zone which was primarily for recreational developments for the use of the general public. No strong justification had been given in the submission for a departure from such planning intention, even on a temporary basis

**Similar applications within the subject “OU(LF)” and “O” zones
on the Draft Hung Shui Kiu and Ha Tsuen Outline Zoning Plan No. S/HSK/1
since the Promulgation of TPB PG-No. 13E on 17.10.2008**

Approved Applications

	<u>Application No.</u>	<u>Applied Use(s)/Development(s)</u>	<u>Zoning</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Condition(s)</u>
1.	A/YL-HT/643	Temporary Open Storage of Containers with Ancillary Container Repairing Workshop (3 years)	“OS” on draft Ha Tsuen OZP No. S/YL-HT/10	18.9.2009 (3 years) (revoked on 18.2.2012)	1, 2, 7, 9, 11
2.	A/YL-HT/659	Temporary Open Storage of Containers with Workshops and Logistics Centre (3 years)	“OS”, “REC” on draft Ha Tsuen OZP No. S/YL-HT/10	29.1.2010 (3 years)	2, 3, 5, 6, 7, 8, 9, 11, 14
3.	A/YL-HT/840	Temporary Open Storage of Containers with Ancillary Workshops and Logistics Centre (3 years)	“OS”, “REC” on draft Ha Tsuen OZP No. S/YL-HT/10	3.5.2013 (3 years)	1, 3, 6, 7, 9, 10, 11, 12, 13
4.	A/YL-HT/984	Proposed Temporary Warehouse for Storage of Construction Material and Open Storage of Construction Material with Ancillary Site Office (3 years)	“REC”, “OS” on draft Ha Tsuen OZP No. S/YL-HT/10	4.3.2016 (3 years)	1, 2, 4, 7, 9, 15, 16, 17

Approval Condition(s):

- 1 The submission and implementation of landscaping or/and tree preservation proposals.
- 2 The submission of DIA/drainage proposals and provision of drainage facilities as proposed or the implementation of the accepted drainage proposals.
- 3 Reinstatement clause.
- 4 The provision of fencing and/or paving.
- 5 The stacking height of the materials stored within 5m of the periphery of the application site should not exceed the height of the boundary fence/2.5m.
- 6 Revocation clauses.
- 7 The submission and/or implementation of FSIs proposals and/or provision of FSIs.
- 8 No stacking of containers within the “REC” portion of the site and/or within the queuing area for container vehicles.
- 9 No night-time operation and/or no operation on Sundays and public holidays.
- 10 The maintenance of the drainage/landscape facilities/trees/paving and fencing.
- 11 No stacking of containers/storage of materials within 5m/6m from the peripheral fencing of the site and/or the stacking height of containers stored on the site should not exceed 7/8 units.
- 12 The submission of the condition record of the existing drainage facilities.
- 13 The provision of a 9-litres water type/3kg dry powder fire extinguisher in the site office.
- 14 Replacement of dead trees and maintenance of all existing vegetation.
- 15 No cutting, dismantling, cleansing, repairing and workshop activity, except minor ancillary container repairs.
- 16 No vehicle is allowed to queue back to public road or reverse onto/from the public road.
- 17 the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251).

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) 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 Site;
- (c) the Site should be kept in a clean and tidy condition at all time;
- (d) to note that the Site might be resumed at any time during the planning approval period for implementation of government projects;
- (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 Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government. The private land of Lot Nos. 1143 RP, 1153, 1154 RP and 1155 all in D.D. 125 are currently covered by Short Term Waivers (STW) Nos. 4356, 4357, 4358 and 4359 respectively all to permit structures for the purpose of "Temporary Open Storage of Construction Machinery and Construction Material and Ancillary Site Office". The Site is accessible to Ha Tsuen Road through a local track on both private lots and Government Land (GL). Her 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 STW holders will need to apply to her office for modification of the STW conditions if there are any irregularities on Site and the lot owner(s) of the lots without STW will need to apply to her office for permit the structures to be erected or regularize any irregularities on Site. Such application(s) will be considered by Lands Department 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 the Lands Department;
- (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. No vehicle is allowed to queue back to public roads or reverse onto/from the public roads. The local track leading to the Site is not under Transport Department (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 the access arrangement should be commented by TD. 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 Ha Tsuen Road;

- (h) to follow the relevant mitigation measures and requirements in the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Environmental Protection Department;
- (i) 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 BD, they are unauthorized building works (UBW) under the Building Ordinance (BO) and should not be designated for any proposed use under this application. 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. Before any new building works (including containers/open sheds as temporary buildings and land filling) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are Unauthorized Building Works (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 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 Building (Planning) Regulations at the building plan submission stage;
- (j) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the structures, 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 him 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 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 safety requirements will be formulated upon receipt of formal submission of general building plans; and
- (k) to note the comments of the Project Manager (New Territories West), Civil Engineering and Development Department (PM/NTW, CEDD) that the Site falls within the boundary of the Hung Shui Kiu New Development Area (HSK NDA). According to the Planning and Engineering Study (P&E Study) for the HSK NDA, to ensure timely and orderly implementation, the development of HSK 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 Works stage. While the detailed implementation programme for the project is still being formulated, based on the P&E Study, it is envisaged that clearance of the Site in question will not be arranged before the first population intake of the HSK NDA expected in 2024.