

**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 covering the Application Site

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1.	A/YL-LFS/28	Temporary open storage of marble (12 Months)	22.5.1998 (12 Months)	1, 2, 3
2.	A/YL-LFS/34	Temporary open storage of marble (12 Months)	13.11.1998 (12 months)	1, 2, 3
3.	A/YL-LFS/45	Temporary open storage of marble (12 Months)	5.11.1999 (12 Months)	1, 2, 3, 4
4.	A/YL-LFS/52	Temporary open storage of marble (12 Months)	31.3.2000 (12 months)	1, 2, 3, 4
5.	A/YL-LFS/67	Temporary open storage of marble (3 Years)	26.10.2001 on review (12 months)	1, 2, 4, 5, 6, 7, 8
6.	A/YL-LFS/68	Temporary open storage of marble (3 Years)	26.10.2001 on review (12 Months) (revoked on 26.4.2002)	1, 2, 4, 5, 6, 7, 8
7.	A/YL-LFS/82	Temporary open storage of marble (3 Years)	15.3.2002 (12 Months)	1, 2, 4, 5, 6, 9
8.	A/YL-LFS/96	Temp Open Storage of Marble with one loading/unloading space (3 Years)	03.01.2003 (3 Years)	2, 4, 10, 23
9.	A/YL-LFS/109	Temporary open storage of marble with canopy and two loading/unloading spaces (3 Years)	11.7.2003 (3 Years)	2, 4, 10
10.	A/YL-LFS/110	Temporary open storage of marble with a loading/unloading space and an ancillary workshop (3 Years)	11.7.2003 (3 Years)	2, 4, 10
11.	A/YL-LFS/111	Temporary open storage of marble and workshop (3 Years)	11.7.2003 (3 Years)	2, 4, 10
12.	A/YL-LFS/112	Temporary open storage of construction materials and converted container as site office (3 Years)	11.7.2003 (3 Years)	2, 4, 10
13.	A/YL-LFS/161	Temporary open storage of marble with workshop (3 Years)	24.8.2007 (2 Years)	2, 4, 10, 11, 12, 13, 14, 15
14.	A/YL-LFS/162	Temporary open storage of marble with workshop (3 Years)	24.8.2007 (2 Years)	2, 4, 10, 11, 12, 13, 14, 15
15.	A/YL-LFS/163	Temporary open storage of marble (3 Years)	14.9.2007 (2 Years)	2, 4, 10, 11, 12, 13,

	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
				15, 16
16.	A/YL-LFS/164	Temporary open storage of construction materials (3 Years)	14.9.2007 (2 Years)	2, 4, 10, 11, 12, 13, 15
17.	A/YL-LFS/206	Temporary open storage of marble with workshop (3 Years)	8.4.2011 on review (2 Years)	2, 4, 10, 11, 13, 14, 15, 17, 18
18.	A/YL-LFS/207	Temporary open storage of marble with workshop (3 Years)	8.4.2011 on review (2 Years)	2, 4, 10, 11, 13, 14, 15, 17, 18
19.	A/YL-LFS/208	Temporary open storage of marble with workshop (3 Years)	8.4.2011 on review (2 Years)	2, 4, 10, 11, 13, 14, 15, 17, 18
20.	A/YL-LFS/209	Temporary open storage of marble with workshop (3 Years)	8.4.2011 on review (2 Years)	2, 4, 10, 11, 13, 14, 15, 17, 18
21.	A/YL-LFS/257	Temporary Open Storage of Marble with Ancillary Workshop and 9 Loading and Unloading Spaces for Goods Vehicles (3 Years)	4.4.2014 (2 Years)	1, 2, 4, 6, 11, 12, 14, 15, 19, 20, 21, 22

Approval Conditions:

1. Submission and/ or implementation of landscaping proposals.
2. Reinstatement clause.
3. Provision of flood mitigation measures and/or drainage facilities.
4. Revocation clauses.
5. The stacking height of the materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence.
6. Submission and/or implementation of drainage proposals and/or provision of drainage facilities proposed.
7. Submission and implementation of environmental mitigation measures proposals.
8. Submission and provision of vehicular access arrangement to the site.
9. Only the north vehicular access point to the site is allowed.
10. Maintenance of drainage facilities and/or landscape planting on the site.
11. No night-time operation and no operation on Sundays and public holidays.
12. No vehicle exceeding 5.5 tonnes, including heavy goods vehicle and container trailer, is allowed for the operation of the site.
13. Maintenance of drainage facilities implemented and/or submission of a condition record of the existing drainage facilities.
14. Submission and/or implementation and/or provision of fire services installation proposal.
15. Submission and implementation of run-in/out proposals.
16. Provision of 9-litre water type/3kg dry powder fire extinguisher in each of the container-converted site offices.
17. No medium or heavy vehicle (i.e. over 5.5 tonnes) as defined in the Road Traffic Ordinance, or

container trailer/tractor is allowed for the operation of the site.

18. No material is allowed to be stored/dumped within 1m of any tree on the site.
19. No vehicle over 10m long is allowed to enter, park or operate at the application site.
20. No vehicle queuing is allowed back to public road or vehicle reversing onto/from the public road is allowed.
21. The provision of fire extinguisher(s).
22. The provision of fencing of the site.
23. No workshop activity was allowed to be operated at the site.

**Similar s.16 Applications for Temporary Open Storage, Workshop & Parking Uses
within the same "REC" Zone on the Lau Fau Shan and Tsim Bei Tsui OZP**

Rejected Applications

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Zoning</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejection Reasons</u>
1	A/YL-LFS/26	Temporary Open Storage of Construction Materials (12 Months)	CPA, REC	24.7.1998 by TPB	1, 2, 3, 4
2	A/YL-LFS/38	Temporary Open Storage of Construction Materials (12 Months)	REC	05.2.1999 by TPB	3, 4, 5, 6
3	A/YL-LFS/123	Temporary Open Storage of Recycling Plastic Materials and Workshop (3 Years)	REC	14.1.2005 By TPB	4, 5, 6, 7
4	A/YL-LFS/134	Temporary Plastic Recycling Workshop (3 Years)	REC	15.7.2005 By TPB	4, 5, 7

Rejection Reasons

1. The development is not in line with the planning intention of the "Coastal Protection Area" zone on the draft Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan (OZP) No. S/YL-LFS/1 which is to protect the natural coastline with a minimum amount of building development. The subject development is also not in line with the "Recreation" zone on the same OZP which is to designate the development of recreation and eco-tourism. There is no strong justification for a departure from the planning intentions even on a temporary basis.
2. The development is not compatible with the village houses and agricultural uses in the surrounding areas. No detailed mitigation measures have been proposed in the submission to address the interface problems and to mitigate the possible adverse visual and environmental impacts of the development.
3. There is insufficient information in the submission to demonstrate that the development would not have adverse environmental / landscape / traffic / drainage impacts on the surrounding areas.
4. The approval of the application would set an undesirable precedent for other similar applications, the cumulative effect of which would further degrade the environment and road condition of the nearby area.
5. The proposed development is not in line with the planning intention of the "Recreation" zone on the draft Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan which is to designate areas for developments restricted to recreational uses and encourage the development of recreation and eco-tourism. There is no strong justification for a departure from the planning intention even on a temporary basis.
6. The proposed development is not compatible with the surrounding land uses including scattered houses scattered pigsties/ chicken sheds/ warehouse (animal feed)/ village houses and /or farming activities in the vicinity.
7. The development was not in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses No. TPB PG-No.13C/ TPB PG-No.13D , in that there was no previous approval, there were local objection and/or adverse comments from Government departments and there was insufficient information in the submission to demonstrate that the development would not have adverse environmental, traffic, drainage and landscape impacts on the surrounding area.

Detailed Comments from the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, Plan D)

- (a) As the tree planting plan submitted (**Drawing A2**) only indicates the location of 44 existing trees, the treatment of the existing trees is not clarified. Moreover, it is observed that the existing tree locations on Site have deviated to that indicated on plan. Hence a revised tree preservation plan and landscape proposal should be submitted during the submission stage.
- (b) When comparing the Site photos with his site records, it appears that 7 trees are missing. The missing trees should be replaced.
- (c) It is also observed that about 7 no. existing trees are topped and in poor condition. Tree topping is considered a malpractice which may lead to the premature death of the trees. Furthermore, it is observed that rubbish and material is stacked in the planting area. The applicant is advised that there should be no stacking or storage of materials within 1m of any tree. The applicant may consider replacing the trees of poor health or consult a Certified Arborist for remedial measures to nurse the trees back to good health.
- (d) Precautionary measures to prevent damage to the trees (the large mature tree in particular) should be proposed.
- (e) Should the application be approved, the submission and implementation of a tree preservation and landscape proposal to the satisfaction of the Director of Planning or of the Town Planning Board.
- (f) He would also recommend the following advisory remarks be included in the planning permission:

“The applicant is reminded that approval of the landscape proposal under S.16 or approval condition does not imply approval of tree works such as felling/transplanting or pruning under lease. Any proposed tree preservation/removal scheme involving trees outside Site in particular, the applicant shall be reminded to approach relevant authority/government department(s) direct to obtain the necessary approval”

“The applicant is reminded of the importance of tree monitoring and maintenance to keep the landscape buffer planting including trees and shrubs. Useful information on general tree maintenance and tree risk management is available for reference in:

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)
樹木管理手冊

https://www.greening.gov.hk/tc/tree_care/Handbook_on_Tree_Management.html)

樹木風險評估及管理安排

https://www.greening.gov.hk/tc/tree_care/tra_arrangements.html)

護養樹木 保障安全

https://www.greening.gov.hk/filemanager/content/pdf/tree_care/Chinese_Leaflet_Big_font_size_v1_2012_03_29.pdf)

減低樹木風險的樹木護養簡易圖解

[https://www.greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk\(eng\).pdf](https://www.greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk(eng).pdf))

**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 commencing the development on the site;
- (b) the site should be kept in a clean and tidy condition at all times;
- (c) the applicant is advised to expedite the site search to relocate the applied uses on the site to other suitable locations;
- (d) to resolve any land issues relating to the development with the concerned owner(s) of the application site.
- (e) to note the comments of the District Lands Officer/Yuen Long that the site comprises Old Schedule Agricultural Lots held under the Block Government Lease under 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 90m² in area (subject to verification) included in the application site. The act of occupation of GL without Government's prior approval is not allowed. The private land (PL) of Lot No. 2234 in D.D. 129 is covered by Short Term Waiver (STW) No. 2481 to permit structures for the purpose of "Workshop Ancillary to Open Storage of Marble"; Lot No. 2216 in D.D. 129 is covered by STW No. 3175 to permit structures for the purpose of "Storage, Workshop and Ancillary Use"; Lot No. 2217 in D.D. 129 is covered by STW No. 3176 to permit structures for the purpose of "Storage, Workshop and Ancillary Use"; Lot No. 2069 RP in D.D. 129 is covered by STW No. 3557 to permit structures for the purpose of "Ancillary Use to Open Storage of Marble"; Lot No. 2095 in D.D. 129 is covered by STW No. 3562 to permit structures for the purpose of "Ancillary Use to Open Storage of Marble"; Lot No. 2219 RP in D.D. 129 is covered by STW No. 3944 to permit structures for the purpose of "Open Storage (Marbles, Construction Materials, Aluminum Cans and Frames, Small-scale Machinery, Cars and Lorries for Export, Mini Raising Platforms and Ancillary Workshop and Loading/Unloading Spaces". The site is accessible to Deep Bay Road through both GL and PL. His office provides no maintenance work for the GL involved and does not guarantee right-of-way. The site does not fall within Shek Kong Airfield Height Restriction Area. The lot owner will need to apply to her 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 application site or apply for a formal approval prior to the actual occupation of the GL. Furthermore, the STW holders will need to apply to this office for modification of the STW conditions if there is any irregularity on site. Such application will be considered by the Lands Department 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 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.

- (g) 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 the nearby public roads and drains. HyD shall not be responsible for the maintenance of any access connecting the application site and Deep Bay 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' (COP) issued by the Environmental Protection Department.
- (i) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, Plan D) that the applicant is advised that there should be no stacking or storage of materials within 1m of any tree. The applicant may consider replacing the trees of poor health or consult a Certified Arborist for remedial measures to nurse the trees back to good health. Precautious measures to prevent damage to the trees (the large mature tree in particular) should be proposed. When comparing the site photos with his site records, it appears that 7 trees are missing. The missing trees should be replaced. The applicant is reminded that approval of the landscape proposal under S.16 or approval condition does not imply approval of tree works such as felling/transplanting or pruning under lease. Any proposed tree preservation/removal scheme involving trees outside site in particular, the applicant shall be reminded to approach relevant authority/government department(s) direct to obtain the necessary approval. The applicant is reminded of the importance of tree monitoring and maintenance to keep the landscape buffer planting including trees and shrubs. Useful information on general tree maintenance and tree risk management is available for reference in:
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)
樹木管理手冊
(https://www.greening.gov.hk/tc/tree_care/Handbook_on_Tree_Management.html)
樹木風險評估及管理安排
(https://www.greening.gov.hk/tc/tree_care/tra_arrangements.html)
護養樹木 保障安全
(https://www.greening.gov.hk/filemanager/content/pdf/tree_care/Chinese_Leaflet_Big_font_size_v1_2012_03_29.pdf)
減低樹木風險的樹木護養簡易圖解
([https://www.greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk\(eng\).pdf](https://www.greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk(eng).pdf)) “
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that if the existing structures (not being New Territories Exempted Houses) are erected on leased land without the approval of the Buildings Department (BD), they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the subject 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 application 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 UBW. An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO. 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.

- (k) to note the comments of the Director of Fire Services (D of FS) that the applicant is advised to submit a valid fire certificate (FS 251) to his Department for approval. 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.