

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 1,000 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.

Previous s.16 Applications covering the Application Site

Approved Applications

| | <u>Application No.</u> | <u>Applied Use(s)/Development(s)</u> | <u>Date of Consideration (RNTPC/TPB)</u> | <u>Approval Conditions</u> |
|-----|-------------------------------|---|--|-----------------------------------|
| 1. | A/YL-HT/7 | Temporary Open Storage of Containers (3 years) | 29.11.1996 by TPB (3 years) (revoked on 29.9.1997) | 1, 2, 3, 4, 5, 6, 7 |
| 2. | A/YL-HT/46 | Temporary Open Storage of Containers (3 years) | 20.11.1998 by TPB (3 years) (revoked on 20.5.1999) | 1, 3, 4, 6, 7 |
| 3. | A/YL-HT/222 | Temporary Open Storage of Containers (3 years) | 1.2.2002 by TPB (3 years) | 3, 4, 6, 7, 9, 11 |
| 4. | A/YL-HT/348 | Temporary Open Storage of Construction Machinery and Materials with Ancillary Workshop (3 years) | 13.8.2004 (3 years) | 1, 4, 7, 8 |
| 5. | A/YL-HT/354 | Temporary Open Storage of Construction Materials (3 years) | 24.9.2004 (3 years) | 1, 4, 7, 8 |
| 6. | A/YL-HT/355 | Temporary Open Storage of Construction Materials with Ancillary Workshop (3 years) | 24.9.2004 (3 years) | 1, 4, 7, 8 |
| 7. | A/YL-HT/379 | Temporary Open Storage of Containers (3 years) | 18.3.2005 (3 years) | 1, 6, 7, 8, 9, 11,12 |
| 8. | A/YL-HT/509 | Temporary Open Storage of Construction Machinery and Materials with Ancillary Workshop (3 years) | 2.11.2007 (3 years) (revoked on 2.1.2010) | 1, 6, 7, 8, 9, 10, 11, 12 |
| 9. | A/YL-HT/510 | Temporary Open Storage of Construction Materials with Ancillary Workshop (3 years) | 2.11.2007 (3 years) | 1, 6, 7, 8, 9, 10, 11, 12 |
| 10. | A/YL-HT/512 | Temporary Open Storage of Construction Materials (3 years) | 12.10.2007 (3 years) (revoked on 12.4.2008) | 1, 6, 7, 8, 9, 10, 11, 12 |
| 11. | A/YL-HT/532 | Renewal of Planning Approval of Temporary Open Storage of Containers under Application No. A/YL-HT/379 (3 years) | 7.3.2008 (3 years) | 1, 7, 9, 11, 12, 15, 16, 17 |
| 12. | A/YL-HT/609 | Temporary Recyclable Collection Centre (Including Plastics, Paper and Metals) (3 years) | 17.4.2009 (3 years) | 1, 7, 9, 12, 17 |
| 13. | A/YL-HT/666 | Temporary Open Storage of Construction Machinery and Recycling Materials and Car Park (with ancillary workshops and offices) (3 years) | 19.3.2010 (3 years) (revoked on 19.7.2012) | 1, 7, 8, 9, 12, 14 |
| 14. | A/YL-HT/706 | Temporary Recyclable Collection Centre (Including Plastics, Paper and Metals) (3 years) | 23.12.2010 (3 years) | 1, 7, 9, 12, 14, 17, 18 |
| 15. | A/YL-HT/717 | Renewal of Planning Approval for Temporary Open Storage of Containers under Application No. A/YL-HT/532 (3 years) | 18.3.2011 (3 years) | 1, 7, 9, 11, 12, 17, 18 |

| | | | | |
|-----|-------------|--|--|---------------------------|
| 16. | A/YL-HT/860 | Temporary Workshop for Repair of Metalwares with Ancillary Storeroom and Office (3 years) | 27.9.2013 (3 years) (revoked on 27.6.2014) | 1, 7, 9, 12, 17 |
| 17. | A/YL-HT/862 | Temporary Open Storage of Construction Machinery (with Ancillary Offices) (3 years) | 3.1.2014 (1 year) (revoked on 3.8.2014) | 1, 7, 9, 10 12, 17, 19 |
| 18. | A/YL-HT/961 | Temporary Storage of Construction Materials and Containers, Logistics Centre and Ancillary Workshop (3 years) | 4.9.2015 (3 years) | 1, 4, 6, 7, 9, 17, 19 |

Approval Condition(s):

- 1 The submission and the implementation of landscaping and/or tree preservation proposals or the replacement of dead trees on the site.
- 2 The provision of sewage treatment and disposal facilities.
- 3 The submission of noise impact assessment/environmental mitigation measures proposals and/or the provision of noise/environmental mitigation measure.
- 4 The submission of DIA/drainage proposals and the provision of drainage facilities and/or flood mitigation measures.
- 5 The submission of TIA and/or the implementation of traffic improvement measures including vehicular access arrangement, junction improvement and provision of parking and loading/unloading spaces and queuing area.
- 6 Reinstatement clause.
- 7 Revocation clauses.
- 8 The provision of a 9-litres water type/3kg dry power fire extinguisher or the submission and implementation of FSIs.
- 9 No night-time operation/no operation on Sundays or public holidays;
- 10 No heavy vehicle (i.e. over 24 tonnes), including container trailer and tractor, is allowed for the operation of the site.
- 11 The stacking height of construction machineries/materials stored on site shall not exceed 2/5m;
- 12 Maintenance of the existing drainage facilities and submission of a condition record.
- 13 No medium or heavy vehicle (i.e. over 5.5 tonnes) as defined in the Road Traffic Ordinance, or container trailer/tractor is allowed to be parked on-site.
- 14 No container trailer/tractor is allowed to access the site.
- 15 No cutting, dismantling, cleansing, repairing and workshop activity was allowed on the site at any time during the planning approval period.
- 16 The stacking height of containers stored at any other location within the site, as proposed by the applicant, should not exceed 8 units at any time during the planning approval period.
- 17 The provision of fire extinguisher(s)/the submission of fire service installations proposals from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB.
- 18 No handling (including loading, unloading, storage and dismantling) of electrical/electronic appliances, as proposed by the applicant, during the planning approval period.
- 19 No vehicle queuing is allowed back to public road or vehicle reversing onto/from the public road is allowed at any time during the planning approval period.

Rejected Applications

| | <u>Application No.</u> | <u>Proposed Use(s)/Development(s)</u> | <u>Date of Consideration (RNTPC/TPB)</u> | <u>Reasons for Rejection</u> |
|----|-------------------------------|---|---|-------------------------------------|
| 1. | A/YL-HT/22 | Temporary Open Storage Of Containers with Repair Workshop (3 Years) | 6.12.1996 (RNTPC) | 2, 3, 4 |
| 2. | A/YL-HT/188 | Temporary Flea Market (5 years) | 16.2.2001 (RNTPC) | 2, 4, 5, 6, 7 |
| 3. | A/YL-HT/223 | Temporary Open Storage of Construction Machinery and Materials (3 Years) | 16.11.2001 (RNTPC) | 1 |

Reason(s) for Rejection:

- 1 Insufficient information in the submission to demonstrate that the proposed development would not have adverse traffic, drainage and environmental impacts on the surrounding areas.
- 2 Insufficient information in the submission to demonstrate that the subject development will not aggravate the traffic condition.
- 3 No information in the submission to demonstrate that the subject development will not pose road safety hazard to the road users.
- 4 The approval of the application will set an undesirable precedent for similar applications.
- 5 The development of a flea market is incompatible with the adjoining container yard which would pose safety problem to visitors of the flea market.
- 6 Insufficient information in the submission to demonstrate that appropriate access arrangement and carparking layout would be provided for the development of a flea market;
- 7 Insufficient information in the submission to demonstrate that the proposed development would not have adverse drainage impact on the surrounding areas.

**Similar Applications within areas covered by the same “G/IC”, “O”, “R(A)3” and “R(A)4”
zones on the approved HSK and HT OZP
since the promulgation of TPB PG-No. 13E on 17.10.2008**

Approved Applications

| | Application No. | Applied Use(s)/Development(s) | Zoning | Date of Consideration (RNTPC/TPB) | Approval Condition(s) |
|----|------------------------|--|-------------------------|---|---------------------------------------|
| 1. | A/YL-HT/773 | Proposed Temporary Logistic Centre (3 years) | U | 30.3.2012 (3 years) (revoked on 28.6.2014) | 1, 3, 4, 5, 8, 12, 21, 22 |
| 2. | A/YL-HT/818 | Temporary Storage of Recycling Materials (Household Materials, Electronic Parts and Goods) with Ancillary Workshops, Offices and Storerooms (3 years) | U | 7.12.2012 (3 years) (revoked on 7.2.2014) | 1, 4, 5, 7, 8, 10, 11, 15, 23, 24, 25 |
| 3. | A/YL-HT/922 | Temporary Logistics Centre (3 years) | U | 28.11.2014 (3 years) | 1, 2, 3, 4, 7, 8, 11, 12, 21 |
| 4. | A/YL-HT/928 | Temporary Logistics Centre and Warehouse for Storage of Metal with Ancillary Workshop (3 years) | U | 6.2.2015 (3 years) | 1, 2, 3, 4, 5, 7, 8, 11, 15 |
| 5. | A/YL-HT/937 | Temporary Storage of Construction Machinery, Vehicles Assembling, Recycling of Used Electrical Appliances with Ancillary Workshop and Office (3 years) | U | 27.3.2015 (3 years) | 1, 2, 4, 5, 7, 8, 10, 11, 23, 25 |
| 6. | A/YL-HT/978 | Proposed Temporary Logistics Centre (3 years) | U | 23.10.2015 (3 years) (revoked on 23.10.2016) | 1, 2, 3, 4, 5, 7, 8, 11 |
| 7. | A/YL-HT/993 | Temporary Open Storage of Construction Machinery and Materials, and Scrap Metal with Ancillary Packaging Activities (3 years) | U | 8.1.2016 (3 years) | 1, 2, 4, 5, 6, 7, 8, 10, 11, 16, 21 |
| 8. | A/YL-HT/1047 | Proposed Temporary Open Storage of Construction Material with Ancillary Site Office (3 years) | U | 30.9.2016 (3 years) (revoked on 30.3.2018) | 1, 2, 3, 4, 5, 6, 7, 8, 11 |
| 9. | A/HSK/11 | Temporary Logistics Centre (3 years) | G/IC, R(A)3, O and Road | 25.8.2017 (3 years) | 1, 2, 4, 5, 7, 8, 10, 11, 21 |

Approval Condition(s):

- 1 The submission and/or the implementation of landscaping and/or tree preservation proposals or the replacement of dead trees/or the implementation of accepted landscaping and/or tree preservation proposals.
- 2 no vehicle is allowed to queue back to public road or reverse onto/from the public road at any time
- 3 The submission of drainage impact assessment or drainage proposal, and the provision of

- drainage facilities and/or flood mitigation measures, or implementation of drainage proposal.
- 4 Reinstatement clause.
 - 5 Revocation clauses.
 - 6 The submission and/or provision of vehicular access/run-in/out proposals, and/or ingress/egress arrangement, and/or car-parking, and/or loading and unloading spaces.
 - 7 The provision/maintenance of fencing and/or paving.
 - 8 No night-time operation/no operation on Sundays or public holidays.
 - 9 The maintenance of the existing trees/landscape planting.
 - 10 The maintenance of the drainage facilities, and the submission of the condition record of the existing drainage facilities.
 - 11 The provision of fire extinguisher(s) and/or the submission and implementation of FSIs proposals or the provision of FSIs.
 - 12 No heavy vehicle (i.e. over 24 tonnes), including container trailer and tractor, is allowed for the operation of the site.
 - 13 No open storage of electronic/computer boards, computer components or TV sets/no handling (including loading, unloading and storage) of electrical/electronic/computer wastes/appliances.
 - 14 No public vehicle park is allowed on the site.
 - 15 No vehicle/material is allowed to be parked/stored within 1m of any tree.
 - 16 No handling (including loading, unloading and storage) of electrical/electronic appliances/components, including CRTs, CRT computer monitors/television sets and CRT equipment.
 - 17 No stacking of materials within 5m of the periphery of the site.
 - 18 The stacking height of the materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence.
 - 19 The stacking height of containers stored should not exceed 7/8 units.
 - 20 The submission and/or the implementation of a revised layout plan.
 - 21 No cutting, dismantling, cleansing, repairing, compaction, recycling, and/or workshop activity, including container repair and vehicle repair.
 - 22 The demolition of the existing structure on-site.
 - 23 No dismantling of electrical/electronic equipment.
 - 24 No handling (including loading, unloading and storage) of cathode-ray tubes (CRT), CRT computer monitors/television sets and CRT equipment was allowed on the site.
 - 25 Handling (including loading, unloading and storage) of electrical/electronic equipment, electronic parts and goods on the site must be carried out within concrete-paved area with covered structures.

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 application site (the Site);
- (c) the planning permission is given to the development/uses under application. It does not condone any other development/use which currently exists on the Site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/use not covered by the permission;
- (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 the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. The Site is accessible from Ping Ha Road through Government Land (GL) and private lot(s). His Office provides no maintenance works to the GL involved and does not guarantee any right-of-way over the GL to the Site. The private lots which are covered by Short Term Waivers (STWs) are listed below:

| Lot No(s). in D.D. 125 | STW | Purposes |
|-------------------------------|------------|---|
| 1827 S.B | 3062 | A water tank ancillary to open storage of containers |
| 1828, 1843 and 1844 | 4056 | Temporary logistics centre and warehouse for storage of metal with ancillary workshop |
| 1831 | 4363 | Temporary logistics centre |
| 1807, 1826, 1827 S.A and 1837 | 4646 | Temporary storage of construction materials and containers, logistics centre and ancillary workshop |
| 1836 and 1838 | 4647 | |
| 1808 RP | 4822 | Temporary open storage of construction material with ancillary site office |

The Site does not fall within Shek Kong Airfield Height Restriction Area. The STW holders will need to apply to his office for modification of the STW conditions where appropriate and the lot owner(s) of the lot(s) without STW will need to apply to his office for permitting the structures to be erected or to regularize any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Application(s) for any of the above will be considered by the LandsD 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 LandsD;

- (f) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) that sufficient manoeuvring space shall be

provided within the Site. The local track leading to the Site is not under 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 adequate drainage measures should be provided at the Site access to prevent surface water running from the Site to the nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting the Site and Ping Ha Road;
- (h) to follow the relevant mitigation measures and requirements in the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' 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, PlanD) that the applicant is reminded of the importance of tree monitoring and general tree care. Useful information on general tree risk management is available for reference in 私人物業樹木護養資料 (Chinese Version: https://www.greening.gov.hk/tc/tree_care/info_private.html) and the Handbook of Tree Management (Chinese Version: https://www.greening.gov.hk/tc/tree_care/Handbook_on_Tree_Management.html) published by the GLTM Section, DEVB;
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Building Department (CBS/NTW, BD) that as there is no record of approval by the Building Authority (BA) for the existing structures at the Site, Buildings Department (BD) is not in a position to offer comments on their suitability for the use proposed in the application. If the existing structures (not being a New Territories Exempted Houses) are erected on leased land without approval of the BD, they are unauthorized building works (UBWs) under the Buildings Ordinance (BO) and should not be designated for any approved use under the 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 UBW. An Authorized Person 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;
- (k) to note the comments of the Director of Fire Services (D of FS) that the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department 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

- (1) 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 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.