

**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 Site

Approved Applications

	<u>Application No.</u>	<u>Applied Use(s)/Development(s)</u>	<u>Date of Consideration</u>	<u>Approval</u>
			<u>(RNTPC/TPB)</u>	<u>Conditions</u>
1.	A/YL-HT/7	Temporary open storage of containers (3 years)	29.11.1996 by TPB (revoked on 29.9.1997)	1, 2, 3, 4, 5, 6, 7
2.	A/YL-HT/297	Proposed temporary open storage of new/used private cars, light goods vehicles prior to sale and vehicle parts (3 years)	25.4.2003	1, 4, 6, 7, 8, 9, 10, 11
3.	A/YL-HT/302	Proposed temporary open storage of new/used private cars, light goods vehicles prior to sale and vehicle parts (3 years)	30.5.2003	1, 4, 6, 7, 8, 9, 10, 11, 12
4.	A/YL-HT/477	Proposed temporary open storage of new/used vehicles (private cars, light and medium goods vehicles) with ancillary workshops and storage (3 years)	9.3.2007 (revoked on 9.6.2008)	1, 4, 6, 7, 8, 9, 10, 14
5.	A/YL-HT/507	Temporary open storage of new/used vehicles (private cars, light, medium and heavy goods vehicles, container vehicles and trailers) with ancillary workshops and storage (3 years)	12.10.2007 (revoked on 12.10.2008)	1, 4, 6, 7, 8, 10, 13, 14
6.	A/YL-HT/539	Temporary public vehicle park (private cars, goods vehicles, container vehicles and trailers) (3 years)	9.5.2008 (revoked on 5.12.2008)	1, 4, 7, 8, 10, 11, 13, 14
7.	A/YL-HT/570	Temporary public vehicle park (private cars, goods vehicles, container vehicles and trailers) (3 years)	10.10.2008 (revoked on 5.12.2008)	1, 4, 7, 8, 10, 11, 13, 14
8.	A/YL-HT/632	Proposed temporary open storage of containers (1 year)	9.10.2009 (1 year)	1, 4, 7, 8, 11, 15, 16, 17
9.	A/YL-HT/662	Proposed temporary open storage of left-hand-drive vehicles, construction materials and heavy machinery with workshops and scrap metal area (1 years)	7.5.2010 (revoked on 15.9.2010)	1, 4, 7, 8, 9, 11, 15, 17, 18, 19, 20
10.	A/YL-HT/733	Temporary recycling centre and open storage area for recycled plastics, paper and scrap metal, new private cars, light, medium and heavy goods vehicles (1 years)	20.5.2011	1, 7, 8, 12, 14, 18, 21, 22

	<u>Application No.</u>	<u>Applied Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
11.	A/YL-HT/811	Temporary recycling centre and open storage area of recycled plastics, paper, scrap metal, electric wastes and new private cars, light, medium and heavy goods vehicles and construction materials with ancillary workshops (1 years)	9.11.2012	1, 7, 8, 14, 15, 18, 21, 22
12.	A/YL-HT/829	Temporary Precast Building Fabrication Workshop (3 years)	25.10.2013 (revoked on 25.11.2015)	1, 3, 4, 6, 7, 8, 11, 14, 24
13.	A/YL-HT/1053	Proposed Temporary Open Storage of Private Car, Tires and Construction Material with Ancillary Site Office (3 years)	11.11.2016 (revoked on 11.10.2018)	1, 6, 7, 8, 11, 14, 22, 24

Approval Conditions:

- 1 The submission and/or implementation of landscaping/tree preservation proposals.
- 2 The provision of sewage treatment and disposal facilities.
- 3 The submission of Noise Impact Assessment and provision of noise mitigation measures.
- 4 The submission of Drainage Impact Assessment/drainage proposals and/or implementation of drainage proposals and/or provision of drainage facilities.
- 5 The submission of Traffic Impact Assessment and implementation of traffic improvement measures.
- 6 Reinstatement clause.
- 7 Revocation clauses.
- 8 No night-time operation/no operation on Sundays or public holidays.
- 9 No storage or parking of container vehicles or heavy goods vehicles.
- 10 No car/vehicle dismantling and/or repairing and/or workshop activity.
- 11 The provision of fencing.
- 12 The stacking height of the materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence.
- 13 The setting back of the eastern boundary of the site to avoid encroachment upon the proposed resumption area of the project of 'Yuen Long and Kam Tin Sewerage and Sewage Disposal' of PWP Item No. 235DS as when required.
- 14 The provision of a 9-litre water type/3kg dry power fire extinguisher or the submission and implementation of fire service installations (FSIs) proposal or the provision of FSIs.
- 15 No stacking of materials within 5m of the periphery of the site.
- 16 The stacking height of containers stored should not exceed 8 units.
- 17 No vehicle is allowed to access the site through the existing ingress/egress at the southwestern boundary.
- 18 No cutting, welding and major dismantling work.
- 19 No vehicle was allowed to be parked/stored at the vehicle holding area from 8:00 p.m. to 8:00 a.m.
- 20 Only vehicles of weight less than 5.5 tonnes is allowed to be stored at the site.
- 21 No handling (including loading, unloading and storage) of electrical/electronic appliances/components, including cathode-ray tubes (CRT), CRT computer monitors/television sets and CRT equipment.
- 22 Maintenance and the submission of a condition record of the existing drainage facilities.
- 23 Submission/implementation of environmental mitigation measures.
- 24 No vehicle is allowed to queue back to public road or reverse onto/from the public road.

Rejected Applications

	<u>Application No.</u>	<u>Applied Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Main Reason(s) for Rejection</u>
1.	A/YL-HT/2	Temporary open storage of containers (3 years)	24.11.1995 by TPB (29.10.1996 dismissed by TPAB)	1, 2, 3
2.	A/YL-HT/91	Proposed temporary container trailer/tractor park (3 years)	13.8.1999	3, 4, 5
3.	A/YL-HT/161	Temporary container trailer and tractor park (3 years)	25.8.2000	3, 4, 5, 6
4.	A/YL-HT/171	Proposed temporary open storage of construction materials (3 years)	24.11.2000	4, 6, 7
5.	A/YL-HT/188	Temporary Flea Market (3 years)	26.2.2001	3, 4, 6
6.	A/YL-HT/211	Proposed temporary open storage of construction machinery with repair workshop (3 years)	17.8.2001	6
7.	A/YL-HT/233	Proposed temporary recycling materials (including construction materials) handling yard (3 years)	11.1.2002	4, 6

Main Reason(s) for Rejection:

1. The proposed development is not in line with the planning intention of the "U" zone on the OZP which is to safeguard the proposed railway alignment as suggested by the Railway Development Study as well as proposing appropriate forms of development alongside. There is insufficient information in the submission to demonstrate that the proposed development will not cause significant impacts on the environment and is compatible with the rural characteristics of the area.
2. The turning movement of long container vehicles in and out of the depot in either direction of Ping Ha Road will interpret traffic flow of the road and will also pose road safety hazards both to drivers themselves and other road users.
3. The approval of the application, even on a temporary basis, will set an undesirable precedent for similar applications. The cumulative impact of approving such similar applications would result in a general degradation of the environment in the area.
4. There is insufficient information in the submission to demonstrate that the proposed development would not result in noise nuisance to the residents in the high-rise buildings in Tin Shui Wai.
5. There is insufficient information in the submission to demonstrate that the proposed vehicular access for the proposed development is acceptable.
6. There is insufficient information in the submission to demonstrate that the development would not have adverse drainage, traffic, environmental and/or landscape impacts on the surrounding areas.
7. The environmental condition of the area adjacent to the application site is already deteriorating. The approval of the application would result in further degradation of the environment in the area.

**Similar Applications within the same “R(A)3” and “Open Space” Zones on the approved Hung Shui Kiu and Ha Tsuen OZP
(Since 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/666	Temporary open storage of construction machinery and recycling materials and car park (with ancillary workshops and offices) (3 years)	“U” zone on the approved Ha Tsuen Outline Zoning Plan (OZP) No. S/YL-HT/10	19.3.2010 (3 years) (Revoked on 19.7.2017)	1, 2, 3, 4, 5, 7, 8
2.	A/YL-HT/716	Temporary open storage of construction machinery and materials, recycling materials, scrap metal and used electrical appliances with ancillary packaging activities (3 years)	“U” zone on the approved Ha Tsuen Outline Zoning Plan (OZP) No. S/YL-HT/10	17.1.2011 (3 years) (Revoked on 15.1.2013)	1, 2, 3, 4, 5, 6, 9, 12
3.	A/YL-HT/827	Temporary open storage of construction machinery and materials, and scrap metal with ancillary packaging activities (3 years)	“U” zone on the approved Ha Tsuen Outline Zoning Plan (OZP) No. S/YL-HT/10	11.1.2013	1, 2, 3, 4, 5, 6, 9, 10, 12
4.	A/YL-HT/993	Temporary open storage of construction machinery and materials, and scrap metal with ancillary packaging activities (3 years)	“U” zone on the approved Ha Tsuen Outline Zoning Plan (OZP) No. S/YL-HT/10	8.1.2016	1, 2, 3, 4, 5, 6, 9, 10, 11, 12

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 Revocation clauses.
- 3 No night-time operation/no operation on Sundays or public holidays.
- 4 The maintenance of the drainage facilities, and the submission of the condition record of the existing drainage facilities.
- 5 The provision of fire extinguisher(s) and/or the submission and implementation of FSIs proposals or the provision of FSIs.
- 6 No handling (including loading, unloading and storage) of electrical/electronic appliances/components, including CRTs, CRT computer monitors/television sets and CRT equipment.
- 7 No container trailer/tractor was allowed to access the site
- 8 No medium or heavy vehicle (i.e. over 5.5 tonnes) as defined in the Road Traffic Ordinance, or container trailer/tractor was allowed to be parked on-site
- 9 No cutting, dismantling (dismantling of electrical/electronic appliances in particular), melting, cleansing, repairing and workshop activity, other than ancillary packaging activities under application,
- 10 No vehicle queuing was allowed back to public road or no vehicle reversing into/from the public

road

- 11 The implementation of the run-in/out proposal.
- 12 The provision of fencing on the site/existing fencing on the site should be maintained.

Detailed Departmental Comments

Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

The Applicant is reminded of the importance of undertaking proper tree care for existing trees within the site. Useful information published by the GLTM Section, DEVB on general tree maintenance and tree risk management is available for reference in the following links:

(i) 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

(ii) 樹木管理手冊:

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

(iii) 樹木風險評估及管理安排:

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

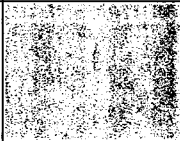

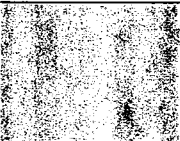
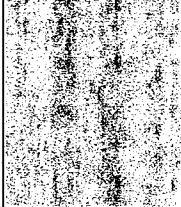
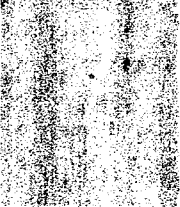
(iv) 護養樹木 保障安全:

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

(v) 減低樹木風險的樹木護養簡易圖解:

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

就規劃申請/覆核提出意見 Making Comment on Planning Application / Review

參考編號

Reference Number:

181112-173142-19886

提交限期

Deadline for submission:

30/11/2018

提交日期及時間

Date and time of submission:

12/11/2018 17:31:42

有關的規劃申請編號

The application no. to which the comment relates:

A/HSK/113

「提意見人」姓名/名稱

Name of person making this comment:

先生 Mr. Eric Ling

意見詳情

Details of the Comment :

The said site is very close to residency. The previous business operations in that site had created great disturbance (mostly by noise) to residents nearby. I hope certain restrictions on the operations of business will be added to the application to protect the interest of residents there.

Advisory clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) to note that the site might be resumed at any time during the planning approval period for implementation of government projects;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL of 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 to Ping Ha Road through a local track on both private lot and Government Land (GL). His office provides no maintenance works to the GL involved and do not guarantee right-of-way. Should planning approval be given to the subject planning application, the STW holder will need to apply to his office for modification of the STW conditions where appropriate and 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 regularized 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;
- (d) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize any potential environmental nuisance;
- (e) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department (ACT/NW of TD) that sufficient manoeuvring spaces shall be provided within the site. The local track leading to the site is not under TD's purview. Its land status should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW of HyD) that adequate drainage measures should be provided at the site access to prevent surface water flowing from the site to the nearby public road/drains. HyD shall not be responsible for the maintenance of any access connecting the site and Ping Ha Road;
- (g) to note comments of the Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/ UD&L of Pland) that the applicant is advised that approval of the s.16 application by the Board does not imply approval of the tree works such as pruning, transplanting and/or felling. Application for tree works should be submitted direct to DLO for approval. There should be no storage or stacking of materials within 1 m of

any tree. The Applicant is reminded of the importance of undertaking proper tree care for existing trees within the site. Useful information published by the GLTM Section, DEVB on general tree maintenance and tree risk management is available for reference in the following links:

(i) 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

(ii) 樹 木 管 理 手 冊 :
https://www.greening.gov.hk/tc/tree_care/Handbook_on_Tree_Management.html

(iii) 樹木風險評估及管理安排:
https://www.greening.gov.hk/tc/tree_care/tra_arrangements.html

(iv) 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

(v) 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)

- (h) to note comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposed structures, FSIs are anticipated to be required. Therefore, 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 are to be installed should be clearly marked on the layout plans. Attached good practice guidelines for open storage should be adhered to (**Appendix V**). Additionally, the applicant shall provide the fire extinguisher(s) and submit a valid fire certificate (FS251). The applicant is reminded that 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;
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that before any new building works (including containers/open sheds as temporary buildings) 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). 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 acceptance of any existing building works or UBW on the site under the Building Ordinance (BO). The site shall be provided with means of obtaining access thereto from a street and emergency access in accordance with Regulations and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5m, its permitted development intensity shall be determined under B(P)R at the building plan submission stage; and
- (j) to note the comments of 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 4 Works stage. While the detailed implementation programme for the project is still being not formulated, based on the P&E Study, it is envisaged that clearance of the Site will not be arranged before the first population intake of the HSK NDA expected in 2024.