

**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 Application

	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
1.	A/YL-HT/682	Temporary open storage of construction machinery, trucks, goods compartments, of dump trucks and ancillary workshop (3 years)	25.6.2010	1 to 8
2.	A/YL-HT/787	Temporary open storage of construction machinery, construction materials and marble (3 years)	18.5.2012	1 to 4, 6, 9-11
3.	A/YL-HT/954	Temporary open storage of construction machinery, construction materials and marble (3 years)	22.5.2015 (revoked on 22.11.2015)	1, 3 to 6, 9 to 14

Approval conditions:

- 1 No night-time operation/ No operation on Sundays and public holidays.
- 2 Reinstatement Clause.
- 3 Revocation clauses.
- 4 The submission and/or implementation of tree preservation and landscape proposals, and/or provision of replacement planning and/or the replacement of dead trees.
- 5 The submission of drainage proposals/DIA/ record of drainage facilities and provision of drainage facilities as proposed.
- 6 No cutting, dismantling, repairing, and/or melting, and/or compaction, and/or unpacking, and/or re-packing, and /or vehicle repair, and/or container repair, cleansing and workshop activity.
- 7 The stacking height of containers stored on the site should not exceed 7/8 units.
- 8 The demolition of the existing shelter at the southern part of the site/all existing structures on-site.
- 9 The submission and implementation of FSIs proposals/ provision of fire extinguishers.
- 10 The maintenance of existing drainage facilities on site.
- 11 The maintenance of existing trees.
- 12 The maintenance of existing fencing.
- 13 No material is allowed to be stored/dumped within 1m of any tree.
- 14 No vehicle is allowed queue back to public road or reverse onto/from the public road.

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/334	Temporary open storage of containers (3 years)	20.8.2004	1 to 2
2.	A/YL-HT/388	Temporary open storage of containers (3 years)	19.8.2005	1 to 2

Reasons for Rejection:

1. There is insufficient information in the submission to demonstrate that the development would not have adverse traffic and/or environmental and/or drainage impact and/or landscape on the surrounding area.
2. The development is not in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-Up Uses in that there were adverse comments from Government departments and there was insufficient information/ no assessment in the submission to demonstrate that the development would not have adverse environmental and/or traffic drainage and/or nature conservation impacts on the surrounding areas.

**Similar Applications within the same “R(A)2” and “O” Zones on the approved Hung Shui Kiu
and Ha Tsuen OZP No. S/HSK/2
(Since 17.10.2008)**

Approved Applications

	Application No.	Applied Use(s)/Development(s)	Date of Consideration (RNTPC/TPB)	Approval Condition(s)
1.	A/YL-HT/583	Temporary Open Storage of Marble and Construction Materials (3 years)	5.12.2008 (3 years) (revoked on 5.3.2009)	1, 2, 3, 5, 6, 7, 8, 11
2.	A/YL-HT/618	Temporary Open Storage of Construction Machinery, Construction Materials, Scrap Metal and Scrap Plastic (3 years)	5.6.2009 (3 years)	2, 3, 4, 5, 6, 8, 9, 11, 15, 17, 18, 19
3.	A/YL-HT/637	Temporary Open Storage of Construction Machinery with Ancillary Workshop (3 years)	21.8.2009 (3 years)	1, 2, 3, 4, 8
4.	A/YL-HT/672	Proposed Temporary Open Storage of Construction Materials (3 years)	7.5.2010 (3 years)	1, 2, 3, 5, 6, 7, 8, 11, 18
5.	A/YL-HT/731	Temporary Open Storage of Construction Materials and Containers with Container Vehicle Park, Logistics Yard and Ancillary Workshop (Including Compaction and Unpacking Workshop) (3 years)	20.5.2011 (3 years)	1, 2, 3, 4, 6, 7, 8, 16, 18
6.	A/YL-HT/861	Proposed Temporary Open Storage of Construction Materials (3 years)	6.9.2013 (3 years)	1, 2, 3, 4, 6, 7, 8, 10, 13
7.	A/YL-HT/904	Temporary Open Storage of Construction Materials and Containers with Container Vehicle Park, Logistics Yard and Ancillary Workshop (Including Compaction and Unpacking Workshop) (3 years)	8.8.2014 (3 years)	1, 2, 3, 5, 6, 7, 8, 12, 14, 15, 16
8.	A/YL-HT/981	Temporary Open Storage of Containers, Construction Materials and New Vehicles with Site Offices (3 years)	22.1.2016 (3 years) (revoked on 22.4.2017)	1, 2, 3, 4, 5, 7, 8, 10, 11, 12, 15, 20, 21, 22
9.	A/HSK/4	Temporary Open Storage of Containers and Construction Materials with Site Offices (3 years)	13.10.2017 (3 years)	1, 2, 3, 4, 5, 7, 8, 10, 11, 12, 15, 20, 21, 22
10.	A/HSK/9	Temporary Warehouse, Open Storage of Construction Materials, Container with Container Vehicles Park, Container Tractors Park and Logistics Yard with Ancillary Workshop (Including Compacting and Unpacking Workshop) (3 years)	10.11.2017 (3 years)	1, 2, 3, 4, 5, 7, 8, 10, 12, 14, 15, 22, 23
11.	A/HSK/66	Proposed Temporary Open Storage of Construction Materials and Logistics Centre (3 years)	18.5.2018 (3 years)	2, 3, 4, 6, 7, 8, 9, 11, 12, 17, 22, 24

Approval Condition(s):

- 1 The submission and/or the implementation of landscaping and/or tree preservation proposals or the replacement of dead trees.
- 2 The submission of DIA/drainage proposals and/or provision of drainage facilities/implementation of the drainage facilities proposed, and/or submission of a condition record of the existing drainage facilities.
- 3 Reinstatement clause.
- 4 The submission/implementation of FSIs proposals and/or provision of FSIs, with or without sprinkler system.
- 5 The provision of paving, and/or fencing, and/or screening planting..
- 6 The stacking height of the materials stored within 5m of the periphery of the Site should not exceed the height of the boundary fence.
- 7 Revocation clauses.
- 8 No night-time operation/no operation on Sundays or public holidays.
- 9 The maintenance of the existing trees/landscape planting/vegetation.
- 10 The maintenance of the drainage facilities.
- 11 No cutting, and/or dismantling, and/or repairing, and/or melting, and/or compaction, and/or unpacking, and/or re-packing, and/or vehicle repair, and/or container repair, and/or cleansing and/or no paint-spraying and/or crushing and/or workshop activity and/or grinding activity.
- 12 The provision of fire extinguisher(s) and/or the submission of a valid fire certificate (FS251).
- 13 No medium/heavy goods vehicle exceeding 5.5 tonnes is allowed for the operation of the Site.
- 14 No handling (including loading, unloading and storage) of hazardous electronic wastes (including computer monitors and cathode-ray tubes (CRT)), and storage of television sets and CRT.
- 15 The stacking height of containers stored should not exceed 7/8 units.
- 16 No material is allowed to be stored/dumped and/or no vehicle is allowed to be parked within 1m/5m of any tree.
- 17 No ground excavation work shall be carried out on-site without prior written consent from the Antiquities and Monuments Office of the Leisure and Cultural Services Department.
- 18 No handling, loading/unloading and storage of electrical appliances and/or computer/electronic wastes and/or used car batteries.
- 19 Setting back of the boundary of the Site from the "V" zone by 50m.
- 20 No left turn of container vehicles into Ha Tsuen Road eastbound, upon leaving the Site is allowed at any time during the planning approval period.
- 21 The erection of a 'Turn Right' traffic sign at the junction of the access road with Ha Tsuen Road at all times during the planning approval period.
- 22 No vehicle is allowed to queue back to or reverse onto/from the public road.
- 23 No handling/storage of recyclable materials is allowed on the Site.
- 24 The existing fencing on the Site shall be maintained at all times during the approval period.

Rejected Application

	Application No.	Applied Use(s)/Development(s)	Date of Consideration (RNTPC/TPB)	Main Reason(s) for Rejection
1.	A/YL-HT/620	Temporary Open Storage of Marble and Construction Materials (3 years)	5.6.2009	1

Reasons for Rejection:

- 1 The development is not in line with the TPB PG-No. 13E in that there were adverse comments from Government departments and there was insufficient information/no assessment in the submission to demonstrate that the development would not have adverse environmental and/or traffic and/or drainage and/or nature conservation impacts on the surrounding areas.

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) 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, 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 private lots which are covered by Short Term Waivers (STWs) are listed below:

Lot No(s). in D.D. 125	STW No.	Purposes
132	3924	Temporary Logistics Centre
133	3925	

The site is accessible from Ping Ha Road through both 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 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 regularise any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Buildings(s) will be considered or allowed. Application(s) for any of the above will be considered by 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 LandsD;

- (d) 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. The applicant shall obtain consent of the owners/managing departments of the local track for using the local track as vehicular access to the site;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains. HyD shall not be responsible for the maintenance of any access connecting the Site and Ping Ha Road;
- (f) 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;
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, 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) under the Buildings Ordinance (BO). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected

on leased land, enforcement action may be taken by the BA 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. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulation 5 and 41D of the Building (Planning) Regulations respectively. If the Site does not abut on a specified street of not less than 4.5 m wide, its permitted development intensity shall be determined under Regulation 19(3) of the Building (Planning) Regulation at the building plan submission stage;

- (h) to note the comments of the Director of Fire Services (D of FS) that relevant layout plans incorporated with the proposed fire service installations (FSIs) should be submitted 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; and the applicant should adhere to the 'Good Practice for Open Storage Sites' at **Appendix V**. The applicant is advised to submit a valid fire certificate (FS251) 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;
- (i) 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, via. Advance Works and Stage 1 to Stage 4. The lots concerned fall within a site under Stages 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 will not be arranged before the first population intake of the HSK NDA expected in 2024; and
- (j) to note the comments of the Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) that approval of the application does not imply approval of the tree works such as pruning, transplanting and/or felling. The applicant is reminded to approach relevant authority/government department(s) direct to obtain the necessary approval on tree works. 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:
- 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:
http://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：
[http://www.greening.gov.hk/filemanager/content/pdf/tree_care/
PictorialGuideForTreeMaintenanceToReduceTreeRisk\(eng\).pdf](http://www.greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk(eng).pdf)