

**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 Application Covering the Application Site

Approved Applications

	<u>Application No.</u>	<u>Proposed Use/Development</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1.	A/YL-HT/7	Proposed Temporary Open Storage of Containers (3 Years)	29.11.1996 by TPB (3 Years) (revoked on 29.9.1997)	1 to 6
2.	A/YL-HT/982	Temporary Open Storage of Vehicles (Private Car, Light Goods Vehicle, Container Vehicle and Container Trailer) (3 Years)	4.12.2015 (3 Years)	1, 4, 6 to 13

Approval Conditions:

1. The submission and/or the implementation of landscaping and/or tree preservation proposals or the replacement of dead trees.
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 measures.
4. 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.
5. The submission of traffic impact assessment 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. No night time operation/ no operation on Sundays and public holidays.
9. No cutting, dismantling, repairing, melting, compaction, unpacking, re-packing, cleansing and other workshop activity.
10. No vehicle is allowed to queue back to or reverse onto/from the public road.
11. No material is allowed to be stored/dumped or vehicles parked within 1m of any tree on the site.
12. The provision of fencing on the site.
13. The submission/implementation of FSIs proposal/ the provision of fire extinguishers.

**Similar Applications within the same “R(A)4”, “GIC” and “O” Zones
on the approved Hung Shui Kui and Ha Tsuen OZP No. S/HSK/2
since the Promulgation of TPB PG-No. 13E on 17.10.2008**

Approved Applications

	<u>Application No.</u>	<u>Applied Use(s)/Development(s)</u>	<u>Zoning</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
1.	A/YL-HT/589	Proposed Temporary Open Storage of Vehicle Parts and Construction Materials (3 Years)	“U” zone on the draft HT OZP No. S/YL-HT/9	9.1.2009 (3 Years)	1 to 6
2.	A/YL-HT/801	Temporary Open Storage of Vehicles Parts, Container Trailers, Marble, Construction Materials and Machinery, and Small-Scale Ancillary Container Trailer Repair Workshop with 8 Loading/Unloading Spaces (3 Years)	“U” zone on the approved HT OZP No. S/YL-HT/10	21.9.2012 (3 Years)	1 to 4, 6
3.	A/YL-HT/1026	Proposed Temporary Open Storage of Construction Materials, Container Vehicles and Container Trailers (3 Years)	“U” zone on the approved HT OZP No. S/YL-HT/10	10.6.2016 (3 Years)	1-4, 6-10

Approval Condition(s):

- 1 No night-time operation/no operation on Sundays or public holidays.
- 2 The submission and/or the implementation of landscaping and/or tree preservation proposals or the replacement of dead trees.
- 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 The provision of fire extinguisher(s) and/or the submission and implementation of FSIs proposals or the provision of FSIs.
- 5 No public vehicle park was allowed on the site.
- 6 Revocation clauses.
- 7 Reinstatement clause.
- 8 No cutting, dismantling, cleansing, repairing, compaction, recycling, and/or workshop activity.
- 9 No vehicle is allowed to queue back to or reverse onto/from the public road.
- 10 The provision of fencing on the site.

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.

tpbpd

寄件者:
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收件者: tpbpd
主旨: A/HSK/126 DD 125 Ha Tsuen

A/HSK/126

Lots 1922 RP (Part), 1923 (Part), 1925 (Part), 1926 (Part), 1928 (Part), 1929 (Part), 1930 (Part),
1931 RP (Part), 1932 (Part) and 1933 (Part) in D.D.125, Ha Tsuen

Site area : 4,150m²

Zoning: "Res (Group A) 4", "GIC" and "Open Space "

Applied Use : Vehicle Parking – no data on numbers

Dear TPB Members,

Another roll over application of existing brownfield use.

This system is at the heart of the Hong Kong land use conundrum.

The only way to trigger the long overdue development of new towns is to terminate this cycle that allows government departments and site owners to procrastinate on the long overdue PERMANENT development in line with the OZP, planning intention and the glossy brochures that are published at regular intervals.

TPB is the gate keeper and should use its powers to give the players a kick in the seat to get the ball rolling.

Mary Mulvihill

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;
- (c) to note that the Site might be resumed at any time during the planning approval period for implementation of government projects;
- (d) to note the comments of the District Lands Officer/Yuen Long of the Lands Department (DLO/YL, LandsD) that the Site comprises Old Scheduled Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government. The private land of Lot No. 1933 in D.D.125 is covered by Short Term Waiver (STW) No. 2782 which permits structures for the purpose of ancillary use to temporary vehicles workshop, parking of tractors/trailers & lorries with ancillary storage. The Site is accessible to 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 right-of-way over the GL to the Site. 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;
- (e) 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 local track leading to the Site is not under TD's purview. The applicant is advised to obtain consent of the owner/managing departments of the local track for using it as the vehicular access to the Site;
- (f) to note the comments of the Chief Highway Engineer/New Territories West of Highways Department (CHE/NTW, HyD) that the proposed access arrangement of the Site from Ping Ha Road should be commented and approved by the TD. 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 the Ping Ha Road;
- (g) to follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Environmental Protection Department to minimize any potential environmental nuisance;
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the applicant should maintain the existing drainage

facilities and submit condition record of the existing drainage facilities to the satisfaction of his Division;

- (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 that approval of the application under the application does not imply approval of tree works such as felling, transplanting or pruning under lease. The applicant shall approach relevant authority/government department(s) direct to obtain the necessary approval for any proposed tree preservation or removal scheme involving trees within or outside the Site.
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Building Department (CBS/NTW, BD) that there is no record of approval by the Building Authority (BA) for the existing structures at the Site. 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 (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed 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 comments of the Director of Fire Services (D of FS) that the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations (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 and the applicant should adhere to the 'Good Practice for Open Storage for Open Storage Sites' at **Appendix V**. The applicant is reminded that if the proposed structure(s) is required to comply with the Building Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
- (l) 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 concerned lot(s) 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.