

**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>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Conditions</u>
1	A/YL-HT/133	Temporary open storage of used appliances, motor cycles and bicycles with ancillary office, parking and storage facilities (1 year)	3.3.2000 (1 year) (revoked on 30.9.2000)	1, 2, 3, 4
2	A/YL-HT/329	Temporary open storage of marble (3 years)	30.1.2004 (3 years)	1, 2, 3, 4, 5
3	A/YL-HT/472	Renewal of planning approval for temporary open storage of marble (3 years)	19.1.2007 (2 years)	3, 4, 6, 7, 8, 9
4	A/YL-HT/588	Renewal of planning approval for temporary open storage of marble (2 years)	9.1.2009 (2 years)	3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14
5	A/YL-HT/711	Proposed temporary open storage of recyclable materials (including metal, paper and plastic goods) (2 years)	28.1.2011 (2 years)	1, 3, 4, 5, 7, 8, 10, 11, 12, 14
6	A/YL-HT/833	Temporary open storage of private car and ancillary inspection centre (3 years)	25.1.2013 (3 years)	1, 3, 4, 5, 7, 8, 12, 14, 15, 16
7	A/YL-HT/999	Temporary open storage of private car and ancillary inspection centre (3 years)	22.1.2016 (3 years)	2, 3, 4, 5, 7, 12, 14, 15, 16

Approval Conditions:

- 1 The submission and implementation of landscaping proposals.
- 2 The submission of DIA/drainage proposals and/or provision of drainage facilities.
- 3 Reinstatement clause.
- 4 Revocation clauses.
- 5 No night time operation and/or no operation on Sundays and public holidays.
- 6 The maintenance of the landscape planting/existing trees.
- 7 The maintenance and/or submission of a condition record of the existing drainage facilities.
- 8 The submission and implementation of run-in/run-out proposal(s).
- 9 The provision of a 9-litres water type/3kg dry powder fire extinguisher for the site office.
- 10 The stacking height of materials stored should not exceed the height of the boundary fence.
- 11 No goods vehicle exceeding 5 tonnes is allowed for the operation of the site.
- 12 No cutting, dismantling, cleansing, repairing and workshop activity.
- 13 The construction of an intercept channel at the entrance to prevent run-off flowing out from the site to the nearby public roads and drains through the access point.
- 14 The submission of and implementation FSIs proposals.
- 15 Only private car is allowed to park on the site.
- 16 No vehicle queuing is allowed back to public road or no vehicle reversing into/from the public road is allowed.

Rejected Applications

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Reason(s) for Rejection</u>
1	A/YL-HT/246	Temporary container trailer/tractor park (3 years)	10.5.2002	1, 2
2	A/YL-HT/409	Proposed temporary open storage of used plastic ware (3 years)	29.7.2005	1, 2, 3

Reason(s) for Rejection:

1. The proposal is not in line with the planning intention of the “CDA” and “V” zones.
2. There is insufficient information in the submission to demonstrate that the development would not have adverse drainage and environmental impacts on the surrounding areas.
3. The development is not in line with the Town Planning Board Guidelines No. 13C for Application for Open Storage and Port Back-up Uses in that there are adverse departmental comments.

**Similar s.16 Applications within the same “V” and “O” Zones
on the approved Hung Shui Kiu and Ha Tsuen Outline Zoning Plan
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>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
1.	A/YL-HT/687	Temporary logistics centre, container vehicle park, open storage of containers and construction materials with ancillary vehicle repair workshop (3 years)	13.8.2010 (3 years) (revoked on 13.2.2011)	1, 2, 3, 4, 5, 6, 7, 8, 9, 10

Approval Conditions

- 1 The submission and/or implementation of landscaping and/or tree preservation proposals, and/or provision of replacement planting and/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 stacking height of the containers/materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence/2.5m.
- 6 Revocation clauses.
- 7 No night-time operation and/or no operation on Sundays and public holidays.
- 8 The maintenance of the drainage facilities.
- 9 The stacking height of containers stored should not exceed 7/8 units.
- 10 No material is allowed to be stored/dumped and/or no vehicle is allowed to be parked within 1m of any tree.

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 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 (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 Government land (GL) (about 45.5m²) is covered by Short Term Tenancy No. 2181 (STT2181) for the purposes of Temporary Open Storage of Marble. The private lots which are covered by Short Term Waivers (STWs) are listed below:

Lot No(s). (in D.D.129)	STW No.	Purposes
2420 RP	2980	Office Ancillary to Storage of Containers
2443 RP	3311	Temporary Open Storage of Marble & Ancillary Office
2442	4362	Temporary Open Storage of Private Car and Ancillary Inspection Centre
2422 RP	4751	Temporary Open Storage of Containers

The Site is accessible from Lau Fau Shan Road through GL. 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 Site does not fall within Shek Kong Airfield Height Restriction Area. According to his record, no Small House application was received/under processing at the Site and in the vicinity (about 30m). The STW holders 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 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 Lands Department (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 follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (f) to note the comments of the Assistant Commissioner for Transport/New Territories,

Transport Department (AC for T/NT) that sufficient manoeuvring spaces shall be provided within the Site. No vehicle is allowed to queue back to public road or reverse onto/from public road;

- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that the access arrangement to the Site from Lau Fau Shan Road should be approved by the Transport Department. Adequate drainage measures should be provided at the Site access to prevent surface water flowing from the Site onto nearby public roads/drains. Highways Department shall not be responsible for the maintenance of any access connecting the Site and Lau Fau Shan Road;
- (h) to note the comments of the Director of Fire Services (DFS) that in consideration of the design/nature of the structure, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to him 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**. To address this additional approval condition, the applicant is advised to submit a valid fire certificate (FS251) to his department for approval. 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;
- (i) to note the comment of 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;
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings 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 House) are erected on leased land without approval of the BD, they are unauthorized building works (UBW) under the Building Ordinance (BO) and should not be designated for any proposed use under this 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 Unauthorized Building Works (UBW). An Authorized Person (AP) 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; and

- (k) 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 4 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.