

**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 Condition(s)</u>
1.	A/YL-HT/480	Temporary logistics centre and warehouse (3 years)	23.3.2007 (3 years) (revoked on 23.12.2008)	1, 2, 3, 4, 5, 6
2.	A/YL-HT/569	Temporary logistics centre and warehouse (3 years)	7.11.2008 (3 years)	1, 2, 4, 5, 6, 7, 9
3.	A/YL-HT/761	Temporary logistics centre and warehouse (3 years)	24.2.2012 (3 years)	1, 2, 4, 5, 6, 7
4.	A/YL-HT/935	Temporary open storage of containers, logistics centre and warehouse (3 years)	27.2.2015 (3 years) (revoked on 27.5.2016)	1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12
5.	A/YL-HT/994	Temporary logistics centre and warehouse (3 years)	8.1.2016 (3 years)	1, 2, 4, 5, 6, 7, 8, 10, 11, 12, 13

Approval Conditions:

- 1 No night-time operation and/or no operation on Sundays and public holidays.
- 2 The submission and implementation of landscaping and tree preservation proposals.
- 3 The submission and implementation of drainage proposal.
- 4 The submission and implementation of FSIs.
- 5 Revocation clauses.
- 6 Reinstatement clause.
- 7 The submission of a condition record and maintenance of the existing drainage facilities.
- 8 Provision of fire extinguishers.
- 9 The provision of fencing.
- 10 No vehicle is allowed to queue back to or reverse onto/from the public road Maintenance of existing fencing.
- 11 No cutting, cleansing, melting, dismantling or other workshop activity.
- 12 Stacking height of containers stored on the site should not exceed 8 units.
- 13 The maintenance of existing fencing.

**Similar s.16 Applications within the subject "R(A)" Zone
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>Zoning (s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
1.	A/YL-HT/616	Temporary Open Storage of Containers, Container Vehicle Park and Logistics Yard for a Period of 3 Years	CDA	5.6.2009 (3 Years) (revoked on 13.4.2010)	1, 2, 3, 7, 8, 10, 11, 12, 14, 16, 17
2.	A/YL-HT/645	Proposed Temporary Open Storage of Containers and Logistics Centre for a Period of 3 Years	CDA	9.10.2009 (3 Years)	1, 2, 7, 10, 11, 12, 16, 17
3.	A/YL-HT/814	Temporary Open Storage of Containers and Logistics Centre with Ancillary Open Storage of Recyclable Materials for a Period of 3 Years	CDA	7.12.2012 (3 Years)	1, 2, 3, 5, 7, 8, 10, 11, 12, 15, 16, 17
4.	A/YL-HT/997	Temporary Open Storage of Containers and Logistics Centre with Ancillary Open Storage of Recyclable Materials for a Period of 3 Years	CDA	8.1.2016 (3 Years) (revoked on 8.6.2018)	1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 15, 16, 17, 18,
5.	A/HSK/47	Temporary Open Storage of Scrap Metal and Logistics Centre for a Period of 3 Years	R(A)3, MRDJ	9.2.2018 (3 Years)	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12
6.	A/HSK/94	Temporary Logistics Centre and Warehouse for a Period of 3 Years	R(A)3, G/IC, MRDJ	21.9.2018 (3 Years)	1, 2, 3, 4, 5, 6, 7, 8, 11,12,13
7.	A/HSK/99	Temporary Logistics Centre with Storage of Recyclable Materials (Plastic, Metal and Paper) for a Period of 3 Years	R(A)2, R(A)3, MRDJ	19.10.2018 (3 Years)	1, 2, 3, 4, 5, 7, 8, 10, 12

Approval Conditions

- 1 No night-time operation and/or no operation on Sundays and public holidays.
- 2 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.
- 3 The provision/maintenance of paving, and/or fencing, and/or screening planting.
- 4 No vehicle queuing is allowed back to public road or vehicle reversing onto/from the public road.
- 5 The maintenance of the existing drainage facilities.
- 6 The maintenance of the landscape planting/existing trees/vegetation.
- 7 The submission of DIA/drainage proposals and/or provision of drainage facilities/implementation of the drainage facilities/mitigations proposed, and/or submission of a condition record of the existing drainage facilities.
- 8 The submission/implementation of FSIs proposals and/or provision of FSIs, with or without sprinkler system.
- 9 The provision of fire extinguisher(s) and/or the submission of a valid fire certificate (FS251).
- 10 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.
- 11 Reinstatement clause.

- 12 Revocation clauses.
- 13 No material is allowed to be stored/dumped and no vehicle is allowed to be parked within 1m of any tree on the site.
- 14 The submission and implementation of run-in/run-out proposal(s).
- 15 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
- 16 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.
- 17 The stacking height of containers stored should not exceed 7/8 units.
- 18 No open storage of electronic waste.

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

Lot No(s). in D.D. 125	STW	Purposes
69, 73 and 80	4017	Temporary Logistics Yard, Open storage of Containers, Container Vehicle Park with Ancillary Workshop (For Works Including Compacting and Dismantling, and Repairing of Tyre) and Canteen
90	4594	Temporary Open Storage of Containers and Logistics Centre

The Site is accessible to Ha Tsuen 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 Site does not fall within any 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;

- (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. No vehicle is allowed to queue back to public road or reverse onto/from public road. 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;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that drainage measures should be provided at the Site to prevent surface water flowing from the Site to nearby public roads/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 Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department;
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Building Department (CBS/NTW, BD) that before any new building works (including containers/open sheds as temporary buildings) are to be carried out on 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 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. 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) Regulation 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) Regulation at the building plan submission stage;
- (h) 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 and good practice guidelines for open storage should be adhered to. 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
- (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 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.