

**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

Rejected Application

	<u>Application No.</u>	<u>Zoning(s) and OZP at the time of consideration</u>	<u>Proposed Use/Development</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejected Reasons</u>
1.	A/YL-HT/165	“REC” on approved Ha Tsuen OZP No. S/YL-HT/4	Proposed Temporary Open Storage of Containers (3 Years)	22.9.2000	1 to 4

Rejected Reasons:

1. The proposed development is not compatible with the rural character of the adjacent areas to the immediate south of the site which are zoned "Conservation Area" and "Green Belt."
2. There is insufficient information in the submission to demonstrate that the development would not have adverse traffic impact on the road network in the Ha Tsuen area and that proper vehicular access could be provided for the development.
3. There is insufficient information in the submission to demonstrate that the development would not have adverse environmental impact on the surrounding area.
4. There is insufficient information in the submission to demonstrate that the development would not have adverse drainage impact on the surrounding areas.

**Similar Applications within the same “OU(LF)” and “OU(STW)” Zones on the approved
Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/2
Since the Promulgation of TPB PG-No. 13E on 17.10.2008**

Approved Applications

	Application No.	Zoning(s) and OZP at the time of consideration	Applied Use(s)/ Development(s)	Date of Consideration (RNTPC/TPB)	Approval Condition(s)
1.	A/YL-HT/575	“OS” on draft Ha Tsuen OZP No. S/YL-HT/9	Temporary Logistics Centre and Open Storage of Containers (3 years)	24.10.2008 (3 years) (revoked on 24.10.2009)	1, 2, 3, 4, 5, 6, 9, 10, 11, 12
2.	A/YL-HT/638	“OS” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Containers, Logistics Centre and Ancillary Workshop (3 years)	4.9.2009 (3 years)	1, 2, 3, 4, 5, 6, 9, 10
3.	A/HSK/19	“OU(STW)” and ‘Road’ on draft Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/1	Temporary Logistics Centre (3 years)	27.10.2017 (3 years)	1, 3, 4, 5, 6, 7, 8, 9, 11

Approval Condition(s):

- 1 No night time/ Sunday and public holiday operation.
- 2 The stacking height of materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence
- 3 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 and/or to maintain all the existing plants.
- 4 The submission of drainage impact assessment/ drainage proposal/ condition record of existing drainage facilities and/or the provision of drainage facilities and/or flood mitigation measures/ implementation of drainage proposal or to maintain 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/ submission and implementation of water supply for firefighting/ the submission of the FS251 certificate.
- 6 Revocation clause.
- 7 Reinstatement clause.
- 8 No vehicle is allowed to queue back to public road or reverse onto/from the public road at any time.
- 9 The provision of fencing/ to maintain the existing fencing on the site.
- 10 The stacking height of containers stored on the site should not exceed 8 units.
- 11 No repairing/workshop activity.
- 12 No stacking of containers within 5m from the peripheral fencing of the site.

Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the development on the Site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (c) to note that the Site may 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, 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 lot owner(s) of the lot without Short Term Waiver (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. The Site is accessible from Ha Tsuen Road through Government land (GL) and private lots. His office provides no maintenance works to the GL involved and does not guarantee any right-of-way over the GL to the Site;
- (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 shall obtain consent of the owners/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, Highways Department (CHE/NTW, HyD) that adequate drainage measures should be provided at the Site access 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 Ha Tsuen Road;
- (g) 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;
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) on the submitted drainage proposal:
 - (i) Peripheral surface channels shall be provided along the Site boundary to collect the surface runoff accrued on the Site and to intercept the overland flow from the adjacent lands.
 - (ii) Please indicate clearly the full alignment of the discharge path from the Site all the way down to the ultimate discharge point (e.g. a well-established stream course/public drainage system). The relevant connection details should be provided for comment. In the case that local village drains are involved, DO/YL should be consulted.

- (iii) Further to (ii) above, since there is no record of the said discharge path, please provide evidence (e.g. site photos) to demonstrate its presence and existing condition.
- (iv) The cover levels and invert levels of the proposed u-channels, catchpits/sand traps should be shown on the drainage plan.
- (v) Cross sections showing the existing and proposed ground levels of the captioned site with respect to the adjacent areas should be given.
- (vi) Sand trap or provision alike should be provided before the collected runoff is discharged to the public drainage facilities.
- (vii) Standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit/sand trap.
- (viii) The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.
- (ix) The applicant should consult DLO/YL and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works.
- (i) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that the approval of the application by the Board does not imply approval of the tree works such as pruning, transplanting and/ or felling under lease. Applicant should approach relevant authority/Government department(s) direct to obtain the necessary approval on tree works;
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that if the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of the BD, they are UBW under the Buildings Ordinance (BO) and should not be designated for any approved 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 BA should be obtained, otherwise they are UBWs. 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 (B(P)R) 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 B(P)R at the building plan submission stage;
- (k) to note the comments of the Director of Fire Services (D of FS) that the applicant should submit relevant layout plans incorporated with the proposed fire service installations (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. 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;

- (l) to note the comments of the Director of Agriculture, Fisheries and Conservation (DAFC) that the Site is in vicinity of the Deep Bay Link Constructed Wetland to the west and hence the applicant should adopt appropriate measures to avoid causing disturbance or pollution to the wetland during construction and operation. For the trees proposed to be planted along the western boundary, the applicant should plant native species instead of exotic species in order to match with the adjacent wetland. These trees should also be properly maintained so that they could serve as screening for the adjacent wetland; and
- (m) 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 concerned lot(s) falls within a site under Advance Works and Stage 3 Works stages. 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.