

**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 Application covering the Application Site

Approved Applications

	<u>Application No.</u>	<u>Zoning(s) and OZP at the time of consideration</u>	<u>Applied use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
1.	A/YL-HT/35	"CDA" on draft HT OZP No. S/YL-HT/1	Temporary open storage of containers (1 year)	24.10.1997	1, 2, 3
2.	A/YL-HT/39	"CDA" on draft HT OZP No. S/YL-HT/1	Temporary open storage of containers (1 year)	6.2.1998	1, 3
3.	A/YL-HT/95	"CDA" on draft HT OZP No. S/YL-HT/3	Temporary open storage of construction machinery and materials with maintenance workshops (1 year)	27.8.1999	1, 2, 3, 4
4.	A/YL-HT/100	"CDA" on draft HT OZP No. S/YL-HT/3	Temporary open storage of construction materials and container trailer repair workshop with parking of trailers (1 year)	10.9.1999	1, 2, 3, 4
5.	A/YL-HT/135	"CDA" on draft HT OZP No. S/YL-HT/3	Temporary open storage of marble with ancillary parking facilities (3 years)	3.3.2000 (revoked on 3.3.2001)	1, 2, 3, 4, 5
6.	A/YL-HT/175	"CDA" on approved HT OZP No. S/YL-HT/4	Temporary open storage of timber (3 years)	8.12.2000	1, 2, 3, 4, 5, 6
7.	A/YL-HT/176	"CDA" on approved HT OZP No. S/YL-HT/4	Temporary open storage of construction materials and container trailer repair workshop with parking of trailer (3 years)	24.11.2000	1, 2, 3, 5
8.	A/YL-HT/177	"CDA" on approved HT OZP No. S/YL-HT/4	Temporary open storage of construction machinery with maintenance workshop (3 years)	8.12.2000	1, 2, 3, 5
9.	A/YL-HT/249	"CDA" on approved HT OZP No. S/YL-HT/4	Temporary open storage of marble and a lorry park space (3 years)	10.5.2002	1, 2, 3, 5
10.	A/YL-HT/256	"CDA" on approved HT OZP No. S/YL-HT/4	Temporary open storage of construction machinery with maintenance workshop (minor amendment to the A/YL-HT/177) (3 years)	24.6.2002 (up to 8.12.2003)	2, 3, 4
11.	A/YL-HT/287	"CDA" on approved HT OZP No. S/YL-HT/4	Temporary open storage of used air conditioners & metal wares (3 years)	7.3.2003	3
12.	A/YL-HT/340	"CDA" on approved HT OZP No. S/YL-HT/4	Temporary open storage of used electrical appliances and metal parts (3 years)	14.5.2004 (3 Years)	3, 5, 7, 8

	<u>Application No.</u>	<u>Zoning(s) and OZP at the time of consideration</u>	<u>Applied use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
13.	A/YL-HT/363	"CDA" on approved HT OZP No. S/YL-HT/4	Temporary open storage of construction materials, container vehicle park with ancillary repair workshop (3 years)	19.11.2004	1, 3, 5, 8, 9
14.	A/YL-HT/365	"CDA" on approved HT OZP No. S/YL-HT/4	Temporary open storage of construction machinery and construction materials with ancillary repair workshop (3 years)	3.12.2004 (3 years) (revoked on 3.12.2005)	1, 2, 3, 5, 10
15.	A/YL-HT/437	"CDA" on draft HT OZP No. S/YL-HT/7	Temporary open storage of construction machinery and construction materials with ancillary repair workshop (3 years)	28.4.2006	1, 2, 3, 5, 9, 10, 11
16.	A/YL-HT/489	"CDA" on draft HT OZP No. S/YL-HT/8	Temporary open storage of used electrical appliances and metal wares (3 years)	13.7.2007	1, 3, 4, 5, 9, 11, 12, 13, 14
17.	A/YL-HT/513	"CDA" on draft HT OZP No. S/YL-HT/8	Temporary open storage of construction materials, container vehicle park with ancillary repair workshop (3 years)	2.11.2007 (revoked on 2.2.2009)	1, 3, 5, 6, 8, 9, 11,
18.	A/YL-HT/597	"CDA" on approved HT OZP No. S/YL-HT/10	Temporary open storage of construction materials, construction machinery and scrap metals and container vehicle park with ancillary repair workshop (3 years)	27.3.2009 (revoked on 27.3.2010)	1, 2, 3, 5, 6, 9, 11,
19.	A/YL-HT/605	"CDA" on approved HT OZP No. S/YL-HT/10	Renewal of planning approval for temporary open storage of construction machinery and construction materials with ancillary repair workshop under Application No. A/YL-HT/437 (3 years)	17.4.2009 (revoked on 17.4.2011)	1, 2, 3, 6, 9, 10, 5, 11
20.	A/YL-HT/735	"CDA" on approved HT OZP No. S/YL-HT/10	Temporary open storage of construction materials (3 years)	22.7.2011 (revoked on 22.4.2013)	1, 3, 4, 5, 8, 12, 13, 21
21.	A/YL-HT/737	"CDA" on approved HT OZP No. S/YL-HT/10	Temporary container vehicle park (3 years)	22.7.2011	1, 2, 3, 5, 9, 11, 16
22.	A/YL-HT/959	"CDA" on approved HT OZP No. S/YL-HT/10	Temporary logistics centre (3 years)	18.9.2015 (revoked on 18.3.2016)	1, 2, 3, 5, 6, 9, 11, 17, 18,
23.	A/YL-HT/1049	"CDA" on approved HT OZP No. S/YL-HT/10	Temporary warehouse and logistics centre (3 years)	14.10.2016 (revoked on 28.2.2019)	1, 2, 3, 4, 5, 9, 10, 11, 17, 18

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 provision of paving, and/or fencing, and/or screening planting.
- 5 Revocation clause.
- 6 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.
- 7 The maintenance of the landscape planting/existing trees/vegetation.
- 8 The maintenance of the drainage facilities.
- 9 The submission/implementation of FSIs proposals and/or provision of FSIs.
- 10 The submission/implementation of a run-in/run-out proposal for the site.
- 11 No night-time operation and/or no operation on Sundays and public holidays.
- 12 No storage of television and Cathode Ray Tube (CRT) should be operated on the site
- 13 No cutting, dismantling, melting, cleansing and workshop activities should be carried out on the site
- 14 The setting back of the site from the works limit of the Project Item No. 7811TH "Ping Ha Road Improvement - Remaining Works (Ha Tsuen Section)"
- 15 No vehicle without valid licence issues under the Traffic Regulations was allowed to be parked/stored on the site.
- 16 Only container vehicles with valid licence/registration were allowed to be parked on the site
- 17 No workshop activity is allowed on the site at any time
- 18 No vehicle is allowed to queue back to public road or reverse onto/from the public road at all times

Rejected Application

	<u>Application No.</u>	<u>Zoning(s) and OZP at the time of consideration</u>	<u>Applied Use(s)/ Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Reason(s) For Rejection</u>
1.	A/YL-HT/693	"CDA" on approved HT OZP No. S/YL-HT/10	Temporary open storage of metals and construction materials with vehicle repair workshop (3 years)	24.9.2010	1

Reason(s) for Rejection:

- 1 The development would be subject to fire risks and/or would have adverse drainage, and/or landscape, and/or nature conservation and/or environmental impacts on the surrounding areas, and the submitted information cannot demonstrate that the fire risks and/or adverse drainage, and/or landscape, and/or nature conservation and/or impacts could be mitigated.

**Similar s.16 Applications within the subject “C(4)” and “G/IC” 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>Zoning(s) and OZP at the time of consideration</u>	<u>Applied use/Development</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Condition(s)</u>
1.	A/YL-HT/881	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary warehouse for storage of machinery, spare parts and construction material with ancillary office and parking of vehicle (3 years)	21.2.2014 (3 Years) (revoked on 21.11.2014)	1, 2, 3, 4, 5, 6, 7, 11, 12
2.	A/YL-HT/916	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary warehouse for storage of machinery, spare parts and construction material with ancillary office and parking of vehicle (3 years)	26.9.2014 (3 Years) (revoked on 26.3.2016)	1, 3, 5, 6, 7, 8, 9, 11, 12
3.	A/YL-HT/971	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary warehouse for storage of machinery, spare parts and construction material with ancillary office and parking of vehicle (3 years)	4.9.2015 (3 Years) (revoked on 4.12.2017)	1, 3, 4, 5, 6, 7, 8, 11, 12
4.	A/HSK/43	“G/IC”, “O” & ‘Road’ on draft Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/1	Temporary logistics centre with ancillary office and parking of vehicle(3 Years)	9.2.2018	1, 3, 5, 6, 7, 9, 10, 11, 12, 13
5.	A/HSK/63	“R(A)3”, “G/IC” & ‘Road’ on draft Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/1	Temporary logistics yard, open storage of containers, container vehicle park with ancillary workshop and canteen (3 Years)	4.5.2018	1, 3, 5, 6, 7, 9, 10, 11, 12, 14, 15, 16

Approval Conditions

- 1 No night-time operation and/or no operation on Sundays and public holidays.
- 2 No cutting, dismantling, cleansing, repairing, compaction, unpacking, re-packing, vehicle repair and workshop activity, other than tyre repair/minor ancillary container repairs.
- 3 No vehicle queuing back to or reverse onto/from the public road is allowed.
- 4 The implementation and maintenance of the proposed drainage facilities.
- 5 The submission and implementation of landscape and tree preservation proposal, or maintenance of landscape planting.
- 6 The submission and implementation of fire service installations proposal and/or provision of fire extinguisher(s) and submission of valid fire certificate.
- 7 The provision/maintenance of fencing.
- 8 No workshop activity, as proposed by the applicant, is allowed on the site at any time during the planning approval period.

- 9 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.
- 10 The maintenance of the drainage facilities.
- 11 Revocation clause
- 12 Reinstatement clause
- 13 No recycling, repairing, cleaning, dismantling and workshop activity.
- 14 No workshop activities other than tyre repairing, compacting and dismantling is allowed.
- 15 No storage of container within 5m of the periphery of the site
- 16 The stacking height of containers stored within the site shall not exceed eight units

Advisory Clauses

- (a) prior planning permission should have been obtained before continuing 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 might be resumed at any time during the planning approval period for implementation of government projects;
- (d) shorter compliance period is imposed in order to monitor the progress of compliance with approval conditions. Should the applicant fail to comply with any of the approval conditions again resulting in the revocation of planning permission, sympathetic consideration may not be given to any further applications;
- (e) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site comprises a New Grant Agricultural Lot and 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 GL of the Site (about 2,190m²) is covered by Short Term Tenancy (STT) No. 2651 for the purpose of "Container Vehicle Park". The private lots which are covered by Short Term Waivers (STWs) in the Site are listed below:

Lot No(s). in D.D.125	STW No.	Purposes
80	4017	Temporary Logistics Centre with Warehouse, Temporary Logistics Yard, Open Storage of Containers, Container Vehicle Park with Ancillary Workshop (for works including compacting and dismantling, repairing of tyre) and Canteen
3239	4029	Temporary Warehouse and Logistics Centre
3240	4030	
3286	4020	
3253	4716	
3268, 3270, 3274, 3275, 3277, 3278	4717	
3269, 3271	4718	
3272	4719	
3273	4720	
3276	4721	
3285	4722	
3289 S.BRP, 3290, 3291	4723	
3292 S.BRP	2186	Vehicle Repair Workshop
3251 S.A	1497	Private Residential

The STT/STW holder(s) will need to apply to his office for modification of the STT/STW conditions where appropriate. The owner(s) of the lot without STW will need to apply to his office to permit the structures to be erected or to regularize any irregularity 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 Ping Ha Road through GL and private lots. His Office provides no maintenance works to the GL involved and does not guarantee right-of-way to the Site;

- (f) 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;
- (g) 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/drain;
- (h) 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;
- (i) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the required condition record submission should include coloured photos showing the current condition of the drainage facilities and a layout plan indicating the locations of the photos taken. The submitted photos should cover all internal surface channels, catch pits, sand traps, manholes, terminal catch pits/manholes and the downstream discharge path as indicated on the submitted drainage proposal;
- (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 for the structures existing 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 under the BO and should not be designated for any approved use under the captioned application. 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 Site under the BO. Before any new building works (including containers/open sheds as temporary buildings, demolition and land filling) are to be carried out on the application site, the prior approval and consent of the BD should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the co-ordinator 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 in consideration of the design/nature of the structures, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant should 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 to be installed should be clearly marked on the layout plans. If the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123) or relevant licensing requirements, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans or referral from relevant licensing authority; and

- (1) 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 the 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 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.