

**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 Applications covering the 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 Conditions</u>
1.	A/YL-HT/7	“U” on draft Ha Tsuen OZP No. S/YL-HT/1	Temporary open storage of containers (3 years)	29.11.1996 by TPB (revoked on 29.9.1997)	1, 2, 3, 4, 5, 6, 7
2.	A/YL-HT/46	“U” on draft Ha Tsuen OZP No. S/YL-HT/1	Temporary open storage of containers (3 years)	20.11.1998 by TPB (revoked on 20.5.1999)	1, 3, 4, 6, 7
3.	A/YL-HT/222	“U” on draft Ha Tsuen OZP No. S/YL-HT/4	Proposed temporary open storage of containers (3 years)	1.2.2002 by TPB	4, 6, 7, 8, 10, 15
4.	A/YL-HT/379	“U” on draft Ha Tsuen OZP No. S/YL-HT/5	Temporary open storage of containers (3 years)	18.3.2005	6, 7, 8, 10, 11, 15, 16
5.	A/YL-HT/532	“U” on draft Ha Tsuen OZP No. S/YL-HT/9	Renewal of planning approval for temporary open storage of containers (3 years)	7.3.2008	7, 8, 10, 11, 12, 14, 15, 16
6.	A/YL-HT/717	“U” on approved Ha Tsuen OZP No. S/YL-HT/10	Renewal of planning approval for temporary open storage of containers (3 years)	18.3.2011	1, 7, 8, 10, 11, 13, 14, 15
7.	A/YL-HT/829	“U” on approved Ha Tsuen OZP No. S/YL-HT/10	Proposed temporary precast building fabrication workshop with ancillary open storage, warehouse and office (3 years)	25.10.2013 (revoked on 25.11.2015)	4, 7, 8, 9, 11, 18, 19
8.	A/YL-HT/1047	“U” on approved Ha Tsuen OZP No. S/YL-HT/10	Proposed temporary open storage of construction material with ancillary site office (3 years)	30.9.2016	1, 4, 8, 9, 11, 18, 20
9.	A/HSK/37	“G/IC”, “O” and ‘Road’ on draft HSK&HT OZP No. S/HSK/1	Proposed Temporary Warehouse (Furniture) and Ancillary Office (3 years)	12.1.2018 (revoked on 12.7.2018)	1, 4, 6, 7, 8, 9, 11, 15, 18

Approval Conditions:

- 1 The submission and/or implementation of landscaping/tree preservation proposals.
- 2 The provision of sewage treatment and disposal facilities.
- 3 The submission of Noise Impact Assessment and provision of noise mitigation measures.
- 4 The submission of Drainage Impact Assessment/drainage proposals and/or implementation of drainage proposals and/or provision of drainage facilities.
- 5 The submission of Traffic Impact Assessment and implementation of traffic improvement measures.
- 6 Reinstatement clause.
- 7 Revocation clauses.
- 8 No night-time operation/no operation on Sundays or public holidays.
- 9 The provision/maintenance of fencing.
- 10 The stacking height of the materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence.

- 11 The provision of a 9-litre water type/3kg dry power fire extinguisher or the submission and implementation of fire service installations (FSIs) proposal or the provision of FSIs.
- 12 No stacking of materials within 5m of the periphery of the site.
- 13 The stacking height of containers stored should not exceed 8 units.
- 14 No cutting, welding and major dismantling work.
- 15 Maintenance and the submission of a condition record of the existing drainage facilities.
- 16 Maintenance and the existing landscape planting.
- 17 Submission/implementation of environmental mitigation measures.
- 18 No vehicle is allowed to queue back to public road or reverse onto/from the public road at any time.
- 19 The provision of noise mitigation measures.
- 20 The submission and/or implementation of run-in/out proposals.

Rejected 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)</u>	<u>Reasons for Rejection</u>
1	A/YL-HT/22	"U" on draft Ha Tsuen OZP No. S/YL-HT/1	Temporary open storage of containers with repair workshop (3 years)	6.12.1996	1-3
2	A/YL-HT/188	"U" on draft Ha Tsuen OZP No. S/YL-HT/4	Temporary Flea Market (5 years)	16.2.2001	4-8

Reasons for Rejection

- 1 There is insufficient information in the submission to demonstrate that the subject development will not aggravate the traffic condition along Ping Ha Road.
- 2 There is no information in the submission to demonstrate that the subject development will not pose road safety hazard to the road users since Ping Ha Road is a sub-standard narrow road which is not designed for vehicles use.
- 3 The approval of the application will set an undesirable precedent for similar applications.
- 4 The development of a flea market is incompatible with the adjoining container yard which would pose safety problem to visitors of the flea market.
- 5 There is insufficient information in the submission to demonstrate that the development of a flea market would not aggravate the traffic condition along Ping Ha Road and would not pose adverse traffic safety impact on pedestrians in the surrounding areas.
- 6 There is insufficient information in the submission to demonstrate that appropriate access arrangement and carparking layout would be provided for the development of a flea market.
- 7 There is insufficient information in the submission to demonstrate that the proposed development would not have adverse drainage impact on the surrounding areas.
- 8 The approval of the application would set an undesirable precedent for similar applications in the area, which would have cumulative adverse traffic and safety impacts and create nuisance to the nearby areas.

**Similar Applications within the same “G/IC”, “O” and “R(A)3” zones
on the approved HSK and HT OZP
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(s)/ Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
1.	A/YL-HT/632	“U” on approved Ha Tsuen OZP No. S/YL-HT/10	Proposed Temporary Open Storage of Containers (3 years)	9.10.2009 (3 years)	1, 3, 5, 7, 8, 17, 19, 23
2.	A/YL-HT/715	“U” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Containers (3 years)	18.3.2011 (3 years) (revoked on 18.12.2012)	1, 3, 5, 8, 11, 18, 19,
3.	A/YL-HT/773	“U” on approved Ha Tsuen OZP No. S/YL-HT/10	Proposed Temporary Logistic Centre (3 years)	30.3.2012 (3 years) (revoked on 28.6.2014)	1, 3, 4, 5, 8, 12, 21, 22
4.	A/YL-HT/922	“U” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Logistics Centre (3 years)	28.11.2014 (3 years)	1, 2, 3, 4, 7, 8, 11, 12, 21
5.	A/YL-HT/928	“U” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Logistics Centre and Warehouse for Storage of Metal with Ancillary Workshop (3 years)	6.2.2015 (3 years)	1, 2, 3, 4, 5, 7, 8, 11, 15
6.	A/YL-HT/961	“U” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Storage of Construction Materials and Containers, Logistics Centre and Ancillary Workshop (3 years)	4.9.2015 (3 years)	1, 2, 3, 4, 5, 7, 8, 10, 11
7.	A/YL-HT/978	“U” on approved Ha Tsuen OZP No. S/YL-HT/10	Proposed Temporary Logistics Centre (3 years)	23.10.2015 (3 years) (revoked on 23.10.2016)	1, 2, 3, 4, 5, 7, 8, 11
8.	A/HSK/11	“G/IC”, “R(A)3”, “O” & ‘Road’ on draft HSK&HT OZP No. S/HSK/1	Temporary Logistics Centre (3 years)	25.8.2017 (3 years)	1, 2, 4, 5, 7, 8, 10, 11, 21
9.	A/HSK/105	“G/IC”, “R(A)3” “R(A)4” & “O” and ‘Road’ on draft HSK&HT OZP No. S/HSK/1	Temporary Storage of Construction Materials and Containers, Logistics Centre and Ancillary Workshop (3 years)	16.11.2018 (3 years)	2, 5, 7, 8, 9, 10, 11

Approval Condition(s):

- 1 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.
- 2 no vehicle is allowed to queue back to public road or reverse onto/from the public road at any time.
- 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 Reinstatement clause.

- 5 Revocation clauses.
- 6 The submission and/or implementation of vehicular access/run-in/out proposal.
- 7 The provision/maintenance of fencing and/or paving.
- 8 No night-time operation/no operation on Sundays or public holidays.
- 9 The maintenance of the existing trees/landscape planting.
- 10 The maintenance of the drainage facilities, and the submission of the condition record of the existing drainage facilities.
- 11 The provision of fire extinguisher(s) and/or the submission and implementation of FSIs proposals or the provision of FSIs.
- 12 No heavy vehicle (i.e. over 24 tonnes), including container trailer and tractor, is allowed for the operation of the site.
- 13 No cutting, dismantling, repairing, melting, compaction, unpacking, re-packing, cleansing or other workshop activity is allowed.
- 14 No vehicle/tyre repairing, compacting and dismantling or other workshop activities is allowed.
- 15 No vehicle/material is allowed to be parked/stored within 1m of any tree.
- 16 No handling (including loading, unloading and storage) of electrical/electronic appliances/components, including CRTs, CRT computer monitors/television sets and CRT equipment.
- 17 No stacking of materials within 5m of the periphery of the site.
- 18 The submission and implementation of a revised layout plan.
- 19 The stacking height of containers stored should not exceed 7/8 units.
- 20 The stacking height of the materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence.
- 21 No cutting, dismantling, cleansing, repairing, compaction, recycling, and/or workshop activity, including container repair and vehicle repair.
- 22 The demolition of the existing structure on-site.
- 23 No vehicle was allowed to access the site through the existing ingress/egress at the southwestern boundary.

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 commencing the development on-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 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. No permission is given for occupation of GL (about 280m² subject to verification) included in the Site. Attention is drawn to the fact that the act of occupation of GL without Government's prior approval is not allowed. With the implementation of the tightened arrangements for handling regularization applications, LandsD will no longer accept application for regularization of new or extension of unlawful occupation of GL or erection of new structures which is found commenced on or after 28 March 2017. The private lots No. 1808RP and 1809 in D.D. 125 are covered by Short Term Waiver No. 4822 for the purposes of Temporary Open Storage of Construction Material With Ancillary Site Office. 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. The applicant has to either exclude the GL from the Site or apply for a formal approval prior to the actual occupation of the GL. 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. His office does not guarantee any right-of-way over the GL to the Site;
- (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 the public road;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that HyD shall not be responsible for the maintenance of any access connecting the Site and Ping Ha Road. Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains;
- (f) 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;
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:
 - (i) please demonstrate that there would be adequate measures provided to avoid the site from being eroded and to ensure capacity of the adjoining watercourse at eastern side would not be adversely affected by the proposed development;

- (ii) please justify the use of 600 u-channel by calculation;
 - (iii) please show the overland drainage pattern with direction of flow of areas surrounding the application site. That is, how the existing flow paths as well as the run-off falling onto and passing through the site could be intercepted and disposed of via proper discharge points. The drainage proposal should also demonstrate the existing drainage system to which the proposed connection will be made has the spare capacity to cater for the additional discharge from the proposed development;
 - (iv) cross sections showing the existing and proposed ground levels of the captioned site with respect to the adjacent areas should be given;
 - (v) where walls or hoarding are erected along the site boundary, adequate opening should be provided to intercept the existing overland flow passing through the site;
 - (vi) catchpits with desilting facility should be provided at point with direction change. Besides, the cover levels and invert levels of the proposed u-channels, catchpits/sand traps should be shown on the drainage plan;
 - (vii) the development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.; and
 - (viii) 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;
- (h) 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 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 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, demolition 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 (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. The Site does not abut on a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;
- (i) 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. The applicant should adhere to "Good Practice Guidelines for Open Storage" at **Appendix V**. 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; and

- (j) to note the comments of the Project Manager (West), Civil Engineering and Development Department (PM/W, CEDD) that the Site falls within the boundary of Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA, formerly known as HSK NDA). According to the Planning and Engineering Study (P&E Study) for the HSK/HT NDA and the latest plan, to ensure timely and orderly implementation, the development of HSK/HT 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 and Stage 4 Works in the latest programme of the HSK/HT NDA. 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/HT NDA expected in 2024.