

**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 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/929	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Proposed Temporary Public Vehicle Park for Medium Goods Vehicle, Heavy Goods Vehicle and Container Trailer with Ancillary Site Office (3 Years)	2.1.2015 (3 Years)	1, 2, 3, 4, 5, 6, 7, 8, 9
2.	A/HSK/35	“R(A)3” on draft Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/1	Temporary Public Vehicle Park for Medium Goods Vehicle, Heavy Goods Vehicle and Container Trailer with Ancillary Site Office (3 Years)	12.1.2018 (3 Years)	1, 2, 3, 4, 5, 6, 7, 8, 9
3.	A/HSK/179	“R(A)3” on approved Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/2	Temporary Open Storage of Construction Machinery and Construction Materials (3 Years)	6.9.2019 (3 Years) (Revoked on 18.10.2019)	1, 2, 3, 4, 6, 9

Approval Conditions:

- 1 Reinstatement clause.
- 2 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.
- 3 The provision of fencing/ to maintain the existing fencing on the site.
- 4 No night-time operation and/or no operation on Sundays and public holidays.
- 5 The submission and/or implementation of FSIs proposals, and/or provision of FSIs.
- 6 The maintenance of the existing / implemented drainage facilities, and/or submission of a condition record of the existing drainage facilities.
- 7 No vehicle queuing is allowed back to public road or no vehicle reversing onto/from the public road is allowed at any time.
- 8 No vehicle without valid licences issue under the Traffic Regulations, is allowed on the site.
- 9 Revocation clause.

**Similar s.16 Applications within the subject “R(A)3” 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>Zoning(s) and OZP at the time of consideration</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1.	A/YL-HT/789	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open storage of Plastic and Metal and Storage of Used Electrical Appliances with Ancillary Workshop (3 Years)	18.5.2012 (3 Years)	1, 2, 3, 4, 5, 7, 9, 10, 11, 12
2.	A/YL-HT/951	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Plastic and Metal and Storage of Used Electrical Appliances with Ancillary Workshop (3 Years)	22.5.2015 (3 Years)	1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 13
3.	A/YL-HT/990	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Logistic Centre and Open Storage of Construction Material and Scrap Metal with Ancillary Site Office (3 Years)	8.1.2016 (3 Years) (revoked on 8.1.2017)	1, 2, 3, 4, 5, 6, 7, 13, 14, 15
4.	A/HSK/47	“R(A)3” and ‘Road’ on draft HSK&HT OZP No. S/HSK/1	Temporary Open Storage of Scrap Metal and Logistics Centre (3 Years)	9.2.2018 (3 Years)	2, 3, 4, 5, 6, 7, 8, 13, 16

Approval Conditions:

- 1 The submission and implementation of landscaping and/or tree preservation proposals.
- 2 Reinstatement clause.
- 3 Revocation clause.
- 4 The maintenance of the drainage facilities, and/or the submission of a condition record of the existing drainage facilities on site.
- 5 The submission and implementation of fire services installations proposals and provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251).
- 6 The provision/maintenance of fencing on site.
- 7 No night-time operation and/or no operation on Sundays and public holidays.
- 8 The maintenance of the landscape planting/existing trees/vegetation.
- 9 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.
- 10 No dismantling/dissembling of electrical/electronic appliances was allowed.
- 11 Handling (including loading, unloading and storage) of electrical/electronic appliances on the site should be carried out within concrete-paved covered structures.
- 12 The submission and/or implementation of a run-in/out proposals.
- 13 No vehicle queuing was allowed back to public road or no vehicle reversing onto/from the public road was allowed.
- 14 No vehicle/tyre repairing, compacting and dismantling or other workshop activities, as proposed by the applicant, is allowed on the site.
- 15 No material/vehicle is allowed to be stored/parked within 1m of any tree on the site.
- 16 No cutting, dismantling, cleansing, repairing, and workshop activity, as proposed by the applicant, is allowed on the 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 (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) 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 has been given for occupation of GL (about 50m² 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 new measures for handling regularization applications, LandsD will no longer accept application for regularization of unlawful occupation of GL which is found commenced on or after 28 March 2017. The private Lot No. 774 S.B RP in D.D. 125 is covered by a Short Term Waiver (STW) No. 4354 for the purposes of "Temporary Public Vehicle Park for Medium Goods Vehicle, Heavy Goods Vehicle and Container Trailer 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 Buildings(s) will be considered or allowed. Application(s) for any of the above will be considered by 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 LandsD. The Site is accessible from Ping Ha Road through GL and private lot(s). His office provides no maintenance works to GL involved and does not guarantee any right-of-way over 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 space shall be provided within the site. No vehicles are allowed to queue back to public roads or reverse onto/from public roads;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that the adequate drainage measures should be provided at the site access to prevent surface water running from the site to the nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting the site and Ping Ha 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 Director of Environmental Protection to minimise any potential environmental nuisance;

- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the required condition record 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;
- (i) 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 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 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;
- (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 in the latest programme of the HSK/HT NDA. While the detailed implementation programme for the project is still being formulated, it is envisaged that clearance of the Site will not be arranged before 2024; and
- (k) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that the existing water mains will be affected. The cost of any necessary diversion shall be borne by the developer of the proposed development. In case it is not feasible to divert the affected water mains, a waterworks reserve within 1.5m from the centre line of the water mains shall be provided to WSD. No structure shall be built or materials stored within this waterworks reserve. Free access shall be made available at all times for staff of the WSD or their contractor to carry out construction, inspection, operation, maintenance and repair works. No trees or shrubs with penetrating roots may be planted within the Waterworks reserve or in the vicinity of the water main. Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of public water mains within and in close vicinity of the Site.