

**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	Temporary Public Vehicle Park for Medium Goods Vehicle, Heavy Goods Vehicle and Container Trailer with Ancillary Site Office (3 Years)	2.1.2015	1, 2, 3, 4, 5, 6, 7, 8

Approval Conditions:

- 1 Reinstatement clause.
- 2 The submission and/or implementation of landscaping / tree preservation proposals.
- 3 The provision of fencing / paving to 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

**Similar Applications within the subject “R(A)3” Zone
on the draft 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/616	“CDA” on draft Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Containers, Container Vehicle Park and Logistics Yard (3 Years)	5.6.2009 (revoked on 13.4.2010)	1, 2, 3, 5, 7, 12, 16, 19, 25, 26, 27
2.	A/YL-HT/689	“CDA” on draft Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Containers, Container Vehicle Park and Logistics Yard with Ancillary Workshop (Tyre Repairing, Compacting and Unpacking) (3 Years)	28.1.2011 (revoked on 28.4.2013)	1, 2, 3, 5, 7, 16, 17, 22, 23, 24, 25
3.	A/YL-HT/871	“CDA” on draft Ha Tsuen OZP No. S/YL-HT/10	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 (3 Years)	17.1.2014 (3 Years)	1, 2, 3, 4, 5, 7, 13, 14, 16, 18, 19, 20, 21
4.	A/YL-HT/946	“CDA” on draft Ha Tsuen OZP No. S/YL-HT/10	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 (3 Years)	27.3.2015 (3 Years)	1, 2, 3, 4, 5, 7, 13, 16, 18, 19, 20, 21

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.
- 6 The stacking height of the materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence/2.5m.
- 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 hazardous electronic wastes (including computer monitors and cathode-ray tubes (CRT)), and storage of television sets and CRT.
- 10 No medium/heavy goods vehicle exceeding 5.5 tonnes is allowed for the operation of the site.

- 11 Vehicle workshop activities, including paint-spraying, should only be carried out within covered areas of the site.
- 12 No cutting, dismantling, cleansing, repairing, and workshop activity is allowed.
- 13 No vehicle queuing is allowed to queue back to public road or vehicle reversing onto/from the public road is allowed.
- 14 Provision of fire extinguishers and submission of a valid fire certificate.
- 15 No cutting, dismantling, cleansing, repairing, and workshop activity is allowed except within designated areas.
- 16 Submission and implementation of run-in/run-out
- 17 Provision of fencing
- 18 No workshop activities other than tyre repairing, compacting and dismantling is allowed
- 19 No storage of container within 5m of the periphery of the site
- 20 The stacking height of containers stored within the site should not exceed eight units
- 21 The existing fencing on site should be maintained
- 22 No paint-spraying, cutting, dismantling, crushing, cleansing and grinding activity
- 23 Noise barrier in the form of a fixed row of 2-unit high container stack along the northern boundary of the site
- 24 The stacking height of containers stored within 2.5m to 10m of the northern periphery of the site should not exceed 3 units, and the stacking height of containers stored at any other location within the site should not exceed 8 units
- 25 The implementation of the drainage/flood mitigation measures for the development identified in the accepted Drainage Impact Assessment
- 26 The stacking height of containers stored on the site at any other location should not exceed 7 units
- 27 The submission of a Drainage Impact Assessment

Advisory clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application 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 has been given for occupation of Government Land (GL) of about 50m² in area (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. The private land of Lot No. 774 S.B RP in D.D. 125 is covered by Short Term Waiver (STW) No. 4354 to permit structures for the purpose of "Temporary Public Vehicle Park for Medium Goods Vehicle, Heavy Goods Vehicle and Container Trailer with Ancillary Site Office". The site is accessible to Ping Ha Road through a local track on both private lots and GL. His office provides no maintenance works to GL involved and does not guarantee any right-of-way. The STW holder will need to apply to his office for modification of the STW conditions if there are any irregularities on site and the lot owner(s) of the lots without STW will need to apply to his office to permit the structures to be erected or regularize any irregularities on site. Furthermore, the applicant has either to exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application(s) will be considered by LandsD acting in the capacity as 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 imposed by LandsD;
- (d) 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. 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 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;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Building 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 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;

- (g) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, 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. 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;
- (h) to follow the relevant mitigation measures and requirements in the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Environmental Protection Department;
- (i) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that the existing water mains will be affected. A waterworks reserve within 1.5m from the centreline of the water mains shall be provided to WSD. No structure shall be erected over the waterworks reserve and such area shall not be used for storage or car parking purpose. The Water Authority and his officers and contractors, and their workman shall have free access at all times to the area with necessary plant and vehicles for the purpose of construction, inspection, operation, maintenance and repair works. All other services across, through or under the waterworks reserve are required to seek authorization from the Water Authority. No trees or shrubs with penetrating roots may be planted within the waterworks reserve or in the vicinity of the water main. The developer shall bear the cost of any necessary diversion works affected by the proposed development. 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;
- (j) 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 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 concerned lot(s) 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; and

- (k) to note the comments of the Director of Electrical and Mechanical Services (DEMS) that in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with the planning, designing, organizing and supervising any activity near the underground cable or overhead line under the mentioned application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the concerned site. The applicant should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.