

**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 1,000 m² for open storage uses and 2,000 m² 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 and OZP at the time of consideration</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
1	A/YL-HT/612	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Containers (3 Years)	8.5.2009	1, 2, 5, 7, 8, 10, 19, 20
2	A/YL-HT/785	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Containers (3 Years)	18.5.2012 (revoked on 18.8.2014)	1, 2, 5, 7, 8, 10, 17, 19, 21
3	A/YL-HT/953	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Logistics Centre (3 Years)	22.5.2015 (revoked on 22.11.2016)	1, 2, 5, 8, 9, 13, 17, 22

Approval Condition(s):

- 1 No night-time operation and/or no operation on Sundays and public holidays.
- 2 The submission and/or the implementation of tree preservation and landscape proposals
- 3 The provision of sewage treatment and disposal facilities
- 4 The submission of noise impact assessment and the provision of noise mitigation measures
- 5 The submission of drainage impact assessment or drainage proposals and/or the provision of drainage facilities and/or submission of condition record of existing drainage facilities
- 6 The submission of traffic impact assessment and the implementation of traffic improvement measures including vehicular access arrangement, junction improvement and provision of parking and loading/unloading spaces and queuing area
- 7 Reinstatement clause
- 8 Revocation clause
- 9 The provision and/or maintenance of fencing and/or paving
- 10 The stacking height of containers stored on the site should not exceed 7 units
- 11 The stacking height of the construction machineries/materials stored within 5m of the periphery of the site and/or should not exceed the height of the boundary fence and/or should not exceed 2m of the site
- 12 The provision of a 9-litres water type/3kg dry power fire extinguisher or the submission and implementation of fire service installations proposal
- 13 No workshop activity is allowed on the site
- 14 The maintenance of the landscape planting/existing trees
- 15 The submission and/or implementation of run-in proposals and/or the provision of vehicular run-in
- 16 The maintenance of existing/implemented drainage facilities
- 17 The submission and/or implementation of fire service installations (FSIs) proposal
- 18 No container trailer/tractor was allowed to access the site
- 19 No cutting, dismantling, melting, cleansing, compaction, repairing and workshop activity was allowed on the site
- 20 The demolition of the existing structure on-site
- 21 The provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251)
- 22 No vehicle queuing is allowed back to public road or no vehicle reversing onto/from the public road is allowed at any time

**Similar s.16 Applications within the same “R(B)2” and “O” Zones
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>Applied use(s)/ Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
1.	A/YL-HT/687	“CDA” & “C/R” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Logistics Centre, Container Vehicle Park, Open Storage of Containers and Construction Materials with Ancillary Vehicle Repair Workshop (3 Years)	13.8.2010 (revoked on 13.2.2011)	1, 3, 4, 6, 7, 8, 9, 10, 18, 19
2.	A/YL-HT/690	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Containers, Plastic, Construction Materials, Scrap Metal, Scrap Plastic, Used Paper Products with Ancillary Logistics Yard and Container Repair Workshop (3 Years)	14.1.2011 (revoked on 14.2.2013)	1, 3, 4, 5, 6, 8, 9, 10, 20
3.	A/HSK/5	“R(B)2”, “O” & “V” on draft Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/1	Temporary Logistics Centre (3 Years)	11.8.2017	1, 2, 6, 8, 9, 10, 12, 17, 18

Approval Conditions:

- 1 No night-time operation and/or no operation on Sundays and public holidays.
- 2 No cutting, and/or dismantling, and/or repairing, and/or melting, and/or compaction, and/or unpacking, and/or re-packing, and/or vehicle repair, and/or container repair, and/or cleansing, and/or no paint-spraying, and/or crushing, and/or workshop activity, and/or grinding activity.
- 3 The stacking height of the containers / materials stored within 5 m of the periphery of the site, and/or should not exceed the height of the boundary fence / 2.5 m.
- 4 The stacking height of containers stored should not exceed 7 / 8 units, and/or the stacking height of containers stored within 2.5m to 10m of the northern periphery of the site should not exceed 3 units.
- 5 The submission and/or implementation of DIA / drainage proposals, and/or provision of drainage facilities / flood mitigation measures, and/or implementation of the drainage facilities proposed.
- 6 The submission and/or implementation of landscaping and/or tree preservation proposals.
- 7 The submission and/or implementation of run-in/run-out proposal(s).
- 8 The submission and/or provision and/or implementation of FSIs proposals, with or without sprinkler system.
- 9 Revocation clauses.
- 10 Reinstatement clause.
- 11 The maintenance of noise barrier in the form of a fixed row of 2-unit high container stack along the northern boundary of the site.
- 12 The provision of fencing
- 13 The maintenance of the existing trees
- 14 The provision of fire extinguisher(s) and/or the submission of a valid fire certificate (FS251).
- 15 No workshop activities other than tyre repairing, compacting and dismantling.
- 16 The maintenance of existing fencing.
- 17 No vehicle queuing is allowed back to public road or vehicle reversing onto/from the public road.
- 18 The maintenance of the existing / implemented drainage facilities, and/or submission of a condition record of the existing drainage facilities.

- 19 No material is allowed to be stored / dumped within 1 m of any tree.
- 20 No storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste.
- 21 No handling/storage of recyclable materials.
- 22 No workshop activities.

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;
- (c) shorter compliance periods are imposed in order to closely 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 would not be given to any further application;
- (d) to note that the site might be resumed at any time during the planning approval period for implementation of government projects;
- (e) 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 private land (PL) of the following lots are covered by Short Term Waiver (STW) as below table:

STW	Lot No. (in D.D. 129)	Purpose
2982	2427	Office Ancillary to Storage of Containers
4262	2430	Temporary Logistics Centre
4263	2431	
4264	2432	
4265	2433 & 2436	
4266	2434	
4267	2435 & 2978	
4268	2437 & 2439	
4269	2438 S.B	
4270	2977 S.A	
4271	2977 S.B	
4272	2979	
4273	2980	

The site is accessible to Lau Fau Shan Road through both Government land (GL) and PL. His Office provides no maintenance work for the GL involved and does not guarantee any right-of-way. The STW holders will need to apply to his Office for modification of the STW conditions if there is any irregularity on Site. Besides, the lot owners of the lots without STW will need to apply to his Office for permitting the structures to be erected or regularise any irregularity on Site. Such application will be considered by the Lands Department acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application 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 Lands Department;

- (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. 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;
- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that the access arrangement should be commented by TD. The details of the proposed vehicular access arrangement connecting to Lau Fau Shan Road should be marked on the drawing for perusal of TD and HyD. Adequate drainage measures should be provided at the site 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 Lau Fau Shan Road;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Building Department (CBS/NTW, BD) that as there is no record of approval by the Building Authority (BA) for the existing structures at the Site, Buildings Department (BD) is not in a position to offer comments on their suitability for the use proposed in the application. 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 (UBWs) 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;
- (i) 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;
- (j) 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;

- (k) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that for provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and

- (l) 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 4 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.