

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 Application

	<u>Application No.</u>	<u>Zoning(s) and OZP at the time of consideration</u>	<u>Proposed use/ Development</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
1.	A/HSK/14	“OU(PBU & SWU)” and ‘Road’ on draft Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/1	Temporary open storage of construction materials and warehouse (3 years)	22.9.2017 (3 years)	1, 2, 3, 4, 5, 7, 8, 9, 10

Approval Conditions:

- 1 The submission and implementation of landscaping and/or tree preservation proposals and/or provision of replacement planting.
- 2 Revocation clauses.
- 3 The submission of DIA/drainage proposals and/or provision of drainage facilities, and/or submission of a condition record of the existing drainage facilities.
- 4 Reinstatement clause.
- 5 No night-time operation and/or no operation on Sundays and public holidays.
- 6 The maintenance of the landscape planting/existing trees.
- 7 The maintenance of the drainage facilities.
- 8 The provision of fire extinguisher and the submission of fire certificate.
- 9 The submission and/or implementation of fire service installations (FSIs) proposals and the provision of FSIs.
- 10 The provision of fencing.

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)</u>	<u>Reason(s) For Rejection</u>
1.	A/YL-HT/623	“GB” and “CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Containers (1 Year)	23.10.2009	1, 2, 3, 4

Reason(s) for Rejection:

- 1 the development was not in line with the planning intention of the "Green Belt" ("GB") zone. There was no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis;
- 2 the development was not in line with the Town Planning Board Guidelines No. 10 for Application for Development within the Green Belt zone;
- 3 the development was not in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that no previous approval for open storage use had been granted for the site, there were adverse departmental comments on the environmental aspect and there were adverse environmental impacts on the surrounding areas; and
- 4 approval of the application would set an undesirable precedent for unauthorized filling of land in the "GB" zone, the cumulative effect of which would result in a general degradation of the environment of the area.

**Similar applications within the same “OU (PBU & SWU)” zone and
area shown as ‘Road’ on the draft Hung Shui Kiu and Ha Tsuen 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/606	REC on the approved Ha Tsuen OZP No. S/YL-HT/10	Renewal of planning approval for temporary open storage of construction materials and warehouse with ancillary workshop (3 years)	17.4.2009 (revoked on 17.3.2012)	3, 5, 7, 11, 12, 16, 26, 27
2.	A/YL-HT/778	OS, REC on the approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Construction Materials and Warehouse with Ancillary Workshop (3 years)	30.3.2012	1, 3, 5, 7, 11, 12, 16, 30
3.	A/YL-HT/841	REC on the approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Construction Materials and Equipment (3 years)	19.7.2013 (revoked on 19.4.2014)	1, 2, 3, 4, 7, 9, 11, 28
4.	A/YL-HT/932	REC on the approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Logistics Centre with Ancillary Open Storage of Recyclable Materials (3 years)	16.1.2015	1, 2, 3, 7, 9, 11, 12, 21, 22, 28, 33
5.	A/YL-HT/940	REC on the approved Ha Tsuen OZP No. S/YL-HT/10	Renewal of Planning Approval for Temporary Open Storage of Construction Materials and Warehouse with Ancillary Workshop (3 years)	27.3.2015	1, 2, 3, 7, 9, 11, 12, 14, 30, 33
6.	A/YL-HT/964	REC on the approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Construction Materials and Equipments (3 years)	7.8.2015 (revoked on 18.9.2015)	1, 2, 3, 7, 9, 11, 12, 28, 33,
7.	A/YL-HT/1008	REC on the approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Construction Materials and Equipment (3 years)	4.3.2016	1, 2, 3, 4, 7, 9, 11, 28, 33
8.	A/YL-HT/1056	REC on the approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Construction Materials and Equipment (3 years)	25.11.2016	1, 2, 3, 4, 7, 9, 11, 12,
9.	A/HSK/4	OU(PBU & SWU), OU(LF), OU(SPS) and Road on draft Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/1	Temporary Open storage of Containers and Construction Materials with Site Offices (3 years)	13.10.2017	1, 2, 3, 4, 7, 9, 11, 12, 14, 21, 22, 28, 33
10.	A/HSK/17	OU(PBU & SWU) and Road on draft Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/1	Temporary Warehouse (Furniture Storage) (3 years)	13.10.2017	1, 2, 3, 4, 7, 9, 11, 12

Approval Condition(s):

- 1 the submission and implementation of landscaping or/and tree preservation proposals.
- 2 the submission of DIA/drainage proposals and provision of drainage facilities as proposed or the implementation of the accepted drainage proposals and/or submission of a condition record of existing drainage facilities.
- 3 reinstatement clause.
- 4 the provision of fencing and/or paving.
- 5 the stacking height of the materials stored within 5m of the periphery of the application site should not exceed the height of the boundary fence/2.5m.
- 6 the stacking height of containers stored on the site shall not exceed 8 units, with a stepped height profile along the western periphery of the site.
- 7 revocation clauses.
- 8 the submission and implementation of maintenance schedule for the screen planting.
- 9 the submission and/or implementation of FSIs proposals and/or provision of FSIs and/or the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS 251).
- 10 no stacking of containers within the "REC" portion of the site and/or within the queuing area for container vehicles.
- 11 no night-time operation and/or no operation on Sundays and public holidays.
- 12 the maintenance of the drainage/landscape facilities/trees/paving and fencing.
- 13 the parking space for container trailers should serve as a buffer area and no container should be stored on that part of the site.
- 14 no stacking of containers/storage of materials within 5m/6m from the peripheral fencing of the site and/or the stacking height of containers stored on the site should not exceed 7/8 units.
- 15 no workshop activity including container repairing and cleaning.
- 16 the submission of the condition record of the existing drainage facilities.
- 17 no structure shall be erected on the site, and/or the removal of all existing structures on-site.
- 18 the provision of a 9-litres water type/3kg dry powder fire extinguisher in the site office.
- 19 a fixed row of 3-unit/5-unit high container stack along the northern and western edges and/or a fixed row of 2-unit high container stack along the southern and eastern edges of the site shall be maintained.
- 20 no dismantling of electrical/electronic appliances.
- 21 no left turn of container vehicles into Ha Tsuen Road upon leaving the site.
- 22 the erection of a 'Turn Right' traffic sign at the junction of the access road with Ha Tsuen Road.
- 23 no handling (including loading, unloading and storage) of cathode-ray tubes (CRT), CRT computer monitors/television sets and CRT equipment. Handling (including loading, unloading and storage) of other electrical/electronic appliances on the site must be carried out within concrete-paved covered structures.
- 24 the maintenance of FSIs.
- 25 replacement of dead trees and maintenance of all existing vegetation.
- 26 the submission and implementation of water supply for fire fighting and FSIs proposals, including fire hydrant and sprinkler systems.
- 27 the removal of the dumped wastes around the trees.
- 28 no cutting, dismantling, cleansing, repairing and workshop activity, except minor ancillary container repairs.
- 29 no ground excavation work should be carried out on-site without prior written consent from the Antiquities and Monuments Office of the Leisure and Cultural Services Department.
- 30 no material is allowed to be stored/dumped and/or no vehicle is allowed to be parked within 1m of any tree.
- 31 the formation of the private access road at the junction with Ha Tsuen Road to appropriate levels with acceptable crossfalls for the safe movement of container vehicles.
- 32 no vehicle exceeding 24 tonnes as defined in the Road Traffic Ordinance, including heavy goods vehicle, container trailer and tractor is allowed to enter, park or operate at the site.
- 33 no vehicle queuing back to public road and vehicle reversing onto/from the public road is allowed.

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) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) to note that the Site may 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. The Site is accessible to Kai Pak Ling Road through a local track on both private lots and GL. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way. The lot owner(s) will need to apply to his office to permit the structures to be erected or regularize any irregularities on site. Such application(s) will be considered by LandsD acting in the capacity of the landlord 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;
- (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. 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 the local track as vehicular access to the site;
- (e) 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/drains. HyD shall not be responsible for the maintenance of any access connecting the site and Ping Ha Road;
- (f) 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;
- (g) 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 House) are erected on leased land without approval of the BD, they are 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 BA should be obtained, otherwise they are UBWs. 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 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;

- (h) to note the comments of the Director of Fire Services (D of FS) that the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations (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 are to be installed should be clearly marked on the layout plans. Good Practice Guidelines for Open Storage should be adhered to. The applicant should submit a valid fire certificate (FS251) to his department for approval and 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;
- (i) 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;
- (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 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 2 Works stages. 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 Agriculture, Fisheries and Conservation (DAFC) that the proposed development should not affect the nearby wooded area zoned "GB" to the west of the site and the pond to be southeast of the site.