

**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>Proposed Use(s)*/ Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
1.	A/YL-HT/536	Temporary Open Storage of Marble and Construction Materials (3 years)	28.3.2008 (3 years) (revoked on 28.6.2008)	1, 2, 3, 4, 5, 6, 7, 8
2.	A/YL-HT/583	Temporary Open Storage of Marble and Construction Materials (3 years)	5.12.2008 (3 years) (revoked on 5.3.2009)	1, 2, 3, 4, 5, 6, 7, 8
3.	A/YL-HT/672	Temporary Open Storage of Construction Materials (3 years)	7.5.2010 (3 years)	1, 2, 3, 4, 5, 6, 7, 8, 9
4.	A/YL-HT/861	Temporary Open Storage of Construction Materials (3 years)	6.9.2013 (3 years)	1, 2, 3, 4, 5, 7, 8, 9, 10, 11

Approval Conditions:

- 1 No night-time operation is permitted at the site and no operation on Sundays and public holidays.
- 2 No dismantling, repairing, cleansing, and/or cutting, and/or melting and workshop activities shall be permitted at the site.
- 3 The stacking height of the materials stored within 5 m of the periphery of the site should not exceed the height of the boundary fence.
- 4 The submission and implementation of tree preservation and landscaping proposals.
- 5 The submission of drainage proposals and provision of drainage facilities/the submission of a condition record and maintain of the existing drainage facilities.
- 6 The provision of fencing.
- 7 Revocation clause.
- 8 Reinstatement of the application site upon expiry of the planning permission.
- 9 No ground excavation works, including that for landscape planting and drainage facilities, should be carried out on-site without prior written consent from the Antiquities and Monuments Office of the Leisure and Cultural Services Department.
- 10 No vehicle is allowed to queue back to public road or reverse onto/from the public road.
- 11 The submission and implementation of Fire Service Installations proposals/ provision of fire extinguisher(s).

Rejected Applications

	<u>Application No.</u>	<u>Proposed Use(s)*/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Main Reasons for Rejection</u>
1.	A/YL-HT/620	Temporary Open Storage of Marble and Construction Materials (3 years)	5.6.2009	1
2.	A/YL-HT/649	Temporary Open Storage of Marble (3 years)	6.11.2009	1, 2

Main Reason(s) for Rejection:

- 1 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 there were adverse departmental comments and no assessment had been included in the submission to demonstrate that the development would not have adverse landscape, nature conservation and environmental impacts on the surrounding areas.
- 2 Approval of the application with repeated non-compliances would set an undesirable precedent for other similar planning permissions for temporary uses which were also subject to the requirement to comply with the approval conditions, thus nullifying statutory planning control.

**Similar Applications within the subject "O" zone
on the Draft Hung Shui Kiu and Ha Tsuen Outline Zoning Plan No. S/HSK/1
since the Promulgation of TPB PG-No. 13E on 17.10.2008**

Approved Applications

	<u>Application No.</u>	<u>Applied use(s)/Development(s)</u>	<u>Zoning</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
1.	A/YL-HT/618	Temporary open storage of construction machinery, construction materials, scrap metal and scrap plastic (3 years)	CDA	5.6.2009 (3 years)	2, 3, 4, 5, 6, 8, 9, 11, 14, 15, 16, 17
2.	A/YL-HT/787	Proposed temporary open storage of construction machinery, construction material and marble (3 years)	CDA	18.5.2012 (3 years)	2, 3, 4, 7, 8, 9, 11, 12, 13
3.	A/YL-HT/954	Temporary Open Storage of Construction Machinery, Construction Material and Marble (3 years)	CDA	22.5.2015 (3 years) (revoked on 22.11.2015)	1, 2, 3, 4, 5, 7, 8, 10, 11, 18

Approval Conditions

- 1 The submission and/or implementation of landscaping and/or tree preservation proposals, and/or provision of replacement planting and/or the replacement of dead trees.
- 2 The submission of DIA/drainage proposals and/or provision of drainage facilities/implementation of the drainage facilities proposed, and/or submission of a condition record of the existing drainage facilities.
- 3 Reinstatement clause.
- 4 The submission/implementation of FSIs proposals and/or provision of FSIs, with or without sprinkler system, provision of the extinguisher(s) and submission of a valid fire certificate (FS251).
- 5 The provision/ maintained of paving, and/or fencing, and/or screening planting.
- 6 The stacking height of the containers/materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence/2.5m.
- 7 Revocation clauses.
- 8 No night-time operation and/or no operation on Sundays and public holidays.
- 9 The maintenance of the landscape planting/existing trees/vegetation.
- 10 The maintenance of the drainage facilities.
- 11 No cutting, dismantling, repairing, and/or melting, and/or compaction, and/or unpacking, and/or re-packing, and/or vehicle repair, and/or container repair, cleansing and workshop activity.
- 12 The submission and implementation of run-in/run-out proposal(s).
- 13 The provision of a 9-litres water type/3kg dry powder fire extinguisher for the site office.
- 14 No container vehicle including container trailer and tractor is allowed to be parked/stored.
- 15 No material is allowed to be stored/dumped and/or no vehicle is allowed to be parked within 1m of any tree.
- 16 No ground excavation work shall be carried out on-site without prior written consent from the Antiquities and Monuments Office of the Leisure and Cultural Services Department.
- 17 No handling, loading/unloading and storage of electrical appliances and/or computer/electronic wastes and/or used car batteries.
- 18 No vehicle queuing is allowed back to public road or no 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 Site;
- (b) the Site should be kept in a clean and tidy condition at all time;
- (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 an Old Schedule Agricultural Lot 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 falls within “Tung Tau Tsuen Site of Archaeological Interest” (AM90-0426). The Site is accessible to Ping Ha Road through private lots and Government Land (GL). Her office provides no maintenance work for the GL involved and does not guarantee any right-of-way. The Site does not fall within Shek Kong Airfield Height Restriction Area. The lot owner(s) will need to apply to her office to permit the structures to be erected or regularize any irregularities on Site. Such application will be considered by the Lands Department acting in the capacity of the landlord 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;
- (e) 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;
- (f) 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. 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;
- (g) 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;
- (h) 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 is advised to 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 is reminded that 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 or referral from relevant licensing authority;

- (i) 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 the 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 lot(s) concerned 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
- (j) to note the comments of the Director of Leisure and Cultural Services (DLCS) that to conduct an Archaeological Impact Assessment (AIA) at the applicant's own expense to assess the archaeological value of the area and implement necessary mitigation measures to the satisfaction of the Executive Secretary of the AMO in the event that ground excavation works at the site are considered necessary. The AIA and necessary mitigation measures shall be conducted by a qualified archaeologist with a licence issued under Section 13 of the Antiquities and Monuments Ordinance (Cap. 53). 部分東頭村具考古研究價值的地點在申請範圍內。在規劃許可有效期內，申請人事先需要獲康樂及文化事務署轄下古物古蹟辦事處的書面同意，才可於申請地點進行地面挖土工程，包括為栽種植物以美化環境及敷設排水設施而進行的工程。申請人並且需要按古物古蹟辦事處的要求，於有需要時先進行合適的緩解措施，方可進行地面挖土工程。