

**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 Application covering the Application Site

Approved Application

	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Condition(s)</u>
1.	A/YL-HT/1066	Temporary Open Storage of Recyclable Materials (including Metal and Plastic) (3 years)	3.3.2017 (3 years) (Revoked on 3.3.2018)	1, 2, 3, 4, 5, 6, 7, 8, 9, 10

Approval Conditions

- 1 The submission and implementation of landscaping proposals/maintenance of existing trees
- 2 The submission of DIA/drainage proposals and/or provision/ or maintain and submission of a condition record of drainage facilities
- 3 The provision of paving and fencing to the site
- 4 The submission and implementation of fire service installations proposal
- 5 The reinstatement of the application site upon the expiry of the planning permission
- 6 Revocation clause
- 7 No night-time operation and/or no operation on Sundays and public holidays
- 8 No cutting, dismantling, cleansing, compacting or other workshop activity is allowed on the site
- 9 No vehicle queuing was allowed back to public road or vehicle reversing onto/from the public road was allowed at all times during the planning approval period
- 10 No goods vehicles exceeding 5.5 tonnes, including medium goods vehicles, heavy goods vehicles, container tractor/trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, are allowed to enter/ exit or to be parked/stored on the site

**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-N0. 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/981	Temporary Open Storage of Containers, Construction Materials and New Vehicles with Site Offices (3 years)	REC	22.1.2016 (revoked on 22.4.2017)	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13
2.	A/HSK/4	Temporary Open Storage of Containers and Construction Materials with Site Offices (3 years)	OU(LF), OU(PBSWU), G/IC, OU(SPS), Road	13.10.2017	1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14

Approval Condition(s):

- 1 no night-time operation and/or no operation on Sundays and public holidays/ no operation on specific day and time.
- 2 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.
- 3 other than container repairs as applied for, no vehicle dismantling, repairing or workshop activity.
- 4 no left turn of containers vehicles into Ha Tsuen Road upon leaving the Site.
- 5 the erection of a ‘Turn Right’ traffic sign at the junction of the access road with Ha Tsuen Road.
- 6 the submission and implementation of landscape or/and tree preservation proposals.
- 7 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.
- 8 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).
- 9 the provision of fencing and/or paving.
- 10 revocation clauses.
- 11 reinstatement clause.
- 12 the maintenance of the drainage/FSIs/landscape facilities/existing trees or vegetation/paving and fencing.
- 13 no vehicle queuing back to public road and vehicle reversing onto/from the public road is allowed.
- 14 No cutting, dismantling, cleaning, repairing, compacting, vehicle repair workshop activity, other than container repairing activities, is allowed on Site

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) 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 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) the Site should be kept in a clean and tidy condition at all time;
- (e) to note that the Site might be resumed at any time during the planning approval period for implementation of government projects;
- (f) to note that the erection of fence walls and external mesh fences on private land are building works subject to the control under the Buildings Ordinance (BO). The applicant should obtain the Building Authority's prior approval of plans and consent for commencement of works or, if such works fall within the scope of the Minor Works Control System, the applicant should ensure compliance with the simplified requirements under the Building (Minor Works) Regulation;
- (g) 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 is given for occupation of Government Land (GL) (about 38m² subject to verification) included in the Site. The act of occupation of GL without Government's prior approval is not allowed. 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 over the GL to the Site. The Site does not fall within Shek Kong Airfield Height Restriction Area. The lots owners will need to apply to his office to permit the structures to be erected or regularize any irregularities on site. Furthermore, the applicant has to apply for a formal approval prior to the actual occupation of the GL portion. Such application(s) will be considered by the 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 the LandsD;
- (h) 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. Local track leading to the Site is not under Transport Department's (TD) 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;

- (i) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that 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 the nearby public roads/drains. His office shall not be responsible for the maintenance of any access connecting the Site and Fung Kong Tsuen Road, including Kai Pak Ling Road;
- (j) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize any potential environmental nuisance;
- (k) to note the comments of the Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) that approval of the S.16 application by the Town Planning Board does not imply approval of the tree works such as pruning, transplanting and /or felling. Application for tree works should be submitted direct to DLO for approval. Useful information on general tree maintenance is available for reference in 護養樹木的簡易圖解 (http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf) and the Handbook of Tree Management (Chinese Version: https://www.greening.gov.hk/tc/tree_care/Handbook_on_Tree_Management.html) published by the GLTM Section, DEVB;
- (l) 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 proposed 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 (B(P)R) respectively. If the Site does not abut on a specified street of not less than 4.5 m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;
- (m) 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. Attached good practice guidelines for open storage should be adhered to. The applicant is reminded that if the proposed structure(s) is required to comply with the BO (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and

- (n) 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 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.