

**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

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/TPB)</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

Reasons for Rejection:

1. the development was not in line with the planning intention of the "Green Belt" ("GB") zone, which was to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl, as well as to provide passive recreational outlets. 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 in that the development involved extensive clearance of existing natural vegetation, affected the existing natural landscape, and adversely affected drainage and aggravated flooding in the area
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
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 subject “O”, “OU(P&OFEFTS)” and
“OU(PBU&SWU)” 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>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/590	Temporary open storage of containers and logistics yard (3 years)	“CDA” and “GB” on approved Ha Tsuen OZP No. S/YL-HT/10	23.1.2009 (3 years)	1, 2, 3, 4, 5, 6, 7, 8, 9, 12
2.	A/YL-HT/781	Temporary logistic centre and warehouse, recycling centre and open storage of recycled plastics, paper and containers (with ancillary container and container machinery repair workshop) (3 years)	“CDA” and “GB” on approved Ha Tsuen OZP No. S/YL-HT/10	18.5.2012 (3 years)	1, 2, 3, 4, 7, 8, 10, 11, 12
3.	A/YL-HT/826	Temporary open storage of containers with ancillary logistics uses, vehicle repair workshop, container repair workshop and parking of tractors (3 years)	“CDA” and “GB” on approved Ha Tsuen OZP No. S/YL-HT/10	21.12.2012 (3 years)	1, 2, 3, 4, 7, 8, 10, 11, 12, 13, 14
4.	A/YL-HT/831	Proposed temporary open storage of containers and container tractors park (3 years)	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	16.8.2013 (3 years)	1, 2, 3, 4, 6, 7, 8, 10, 14, 15, 16
5.	A/YL-HT/904	Temporary open storage of construction materials, container with container vehicle park, logistics yard with ancillary workshop (including compacting and unpacking workshop) (3 years)	“CDA” and “GB” on approved Ha Tsuen OZP No. S/YL-HT/10	8.8.2014 (3 years)	1, 2, 3, 4, 6, 7, 8, 10, 13, 14, 17
6.	A/HSK/9	Temporary warehouse, open storage of construction materials, container with container vehicles park, container tractors park and logistics yard with ancillary workshop (including compacting and unpacking workshop) (3 years)	“G/IC”, “R(A)2”, “O”, “OU(POFEFTS)” and ‘Road’ on draft HSK and HT OZP No. S/HSK/1	10.11.2017 (3 years)	1, 2, 3, 4, 7, 8, 10, 11, 14, 15, 17
7.	A/HSK/14	Proposed temporary open storage of construction materials and warehouse (3 years)	“OU(PBSWU)”, ‘Road’ on draft HSK and HT OZP No. S/HSK/1	22.9.2017 (3 years)	1, 2, 3, 4, 7, 8, 14

	<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>
8.	A/HSK/57	Proposed temporary warehouse and open storage of construction materials (3 years)	“OU(PBSWU)”, ‘Road’ on draft HSK and HT OZP No. S/HSK/1	6.4.2018 (3 years)	1, 2, 3, 4, 7, 8, 13, 14

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 and/or provision of fire extinguisher(s).
- 5 The provision 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 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.
- 10 The stacking height of containers stored should not exceed 7/8 units.
- 11 No stacking of containers within 5m of the periphery of the site.
- 12 No material was allowed to be stored/dumped within 1m of any tree.
- 13 No vehicle queuing was allowed back to public road or no vehicle reversing into/from the public road.
- 14 The provision of fencing of the site/the existing fencing on the site shall be maintained.
- 15 No handling (including loading, unloading and storage) of electrical/ electronic appliances/components, including cathode-ray tubes (CRT), CRT computer monitors/television sets and CRT equipment.
- 16 No cutting, dismantling, cleansing, repairing, compaction, unpacking, re-packing, vehicle repair and workshop activity, other than minor ancillary container repairs.
- 17 No handling/storage of recyclable materials is allowed on the site.
- 18 No material is allowed to be stored/dumped within 1m of any tree on the 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) to resolve any land issues relating to the development with the concerned owner(s) of the application 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 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 lots which are covered by Short Term Waivers (STWs) are listed below:

Lots Nos. (All in D.D. 125)	STW	Purpose
168	4087	Temporary Open Storage of Containers with Ancillary Logistics Uses, Vehicle Repair Workshop, Container Repair Workshop and Parking of Tractors
169	4089	
171	4116	Temporary Open Storage of Construction Materials, Container with Container Vehicle Park, Logistics Yard with Ancillary Workshop (Including Compacting and Unpacking Workshop)
172	4108	
173	4118	
175	4122	
176	4123	

The Site is accessible to Ping Ha Road through both private lots and Government Land (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 STW holders 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 lot without STW will need to apply to his office for permit the structures to be erected or regularize any irregularities on site. Such application(s) will be considered by the LandsD acting in the capacity of 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 be imposed by the LandsD;

- (e) 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. No vehicles are allowed to queue back to public roads or reverse onto/from public roads. 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 adequate drainage measures should be provided at the site access to prevent surface water flowing from the site to nearby public roads and 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 Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that the applicant is advised 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. With reference to the aforementioned TN, a wider planting area (3m) should be provided for double row tree planting. Other precautions measures such as kerbs and bollards should be proposed to prevent damage to the trees. There shall be no storage or stacking of materials within 1m of any tree. 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;
- (i) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that since the Site area is large, the applicant is required to carried out Drainage Impact Assessment (DIA) and to provide and maintain the flood mitigation measures proposed in the DIA to the satisfaction of his Division. The applicant should refer to DSD publications – “Technical note to prepare Drainage Submission (Nov 2001) and Advise Note No. 1 – Application of the Drainage Impact Assessment Process to Private Sector Projects (Sep 2010) which are free to downloaded from DSD’s website www.dsd.gov.hk. The existing overland flow and the flow of existing drainage facilities/watercourses in the vicinity shall not be obstructed before the implementation of proposed flood mitigation measures as recommended in the DIA;
- (j) to note the comments of the Director of Agriculture, Fisheries and Conservation (DAFC) that the applicant is advised to ensure that the proposed development would not affect the nearby marsh/seasonally wet grassland to the northwest of the Site;
- (k) 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. Good practice guidelines for open storage issued by D of FS should be adhered to (**Appendix V**). The applicant is advised to submit a valid fire certificate (FS 251) to his Department for approval. 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;
- (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 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 and 3 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

- (m) 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 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. They 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.