

**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)</u>	<u>Approval Condition(s)</u>
1.	A/YL-HT/563	Temporary Warehouse (Storage of Paper) (3 years)	5.9.2008 (3 years)	1, 2, 3, 4, 5, 6, 7, 8, 9
2.	A/YL-HT/758	Temporary Warehouse (Storage of Paper) (3 years)	16.12.2011 (3 years)	1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 13
3.	A/YL-HT/962	Temporary Logistic Centre and Warehouse (Storage of Paper) (3 years)	3.7.2015 (3 years)	1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, 14

Approval Conditions

- 1 No night-time operation and/or no operation on Sundays and public holidays
- 2 No cutting, dismantling, repairing, melting, cleansing or workshop activities shall be permitted at the site
- 3 The submission and implementation of landscape and/or tree preservation proposal
- 4 The submission and implementation of fire service installations proposal
- 5 The submission of DIA/drainage proposal
- 6 The implementation and maintenance of flood mitigation measures/provision of stormwater drainage facilities
- 7 Submission and provision of run-in/out proposal
- 8 Revocation clause
- 9 The reinstatement of the application site upon the expiry of the planning permission
- 10 No material is allowed to be stored/dumped and no vehicle is allowed to parked within 1m of any tree on the site
- 11 The maintenance of implemented drainage facilities
- 12 The submission of condition record of the existing drainage facilities
- 13 The provision of fencing of the site
- 14 No vehicle is allowed to queue back to public road or reverse onto/from public road

**Similar s.16 Applications within the subject "R(A)3" and "G/IC" 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>Date of Consideration (RNTPC)</u>	<u>Approval Condition(s)</u>
1.	A/YL-HT/564	Temporary warehouse of electronic parts, paper products and non-flammable materials and ancillary tyre repair workshop (3 years)	7.11.2008 (3 years) (revoked on 7.2.2009)	1, 2, 3, 4, 7, 8, 10, 11
2.	A/YL-HT/584	Temporary open storage of construction materials and construction machinery, and logistics vehicles back-up centre (3 years)	19.12.2008 (3 years)	2, 3, 4, 5, 6, 7, 8, 9, 10, 16, 17, 18
3.	A/YL-HT/607	Temporary warehouse of electronic parts, paper products and non-flammable materials and ancillary tyre repair workshop (3 years)	8.5.2009 (3 years) (revoked on 8.4.2012)	1, 2, 3, 4, 7, 8, 10, 11, 17
4.	A/YL-HT/663	Temporary open storage of containers and logistics vehicles back-up centre with loading/unloading spaces (3 years)	5.3.2010 (3 years)	1, 2, 3, 4, 7, 8, 13, 14
5.	A/YL-HT/685	Temporary open storage of converted containers, used containers, construction materials, construction machinery, logistics vehicles back-up centre and recycling of metal with ancillary repair workshop (3 years)	10.9.2010 (3 years) (revoked on 10.6.2011)	1, 2, 3, 4, 5, 6, 7, 8, 10, 13, 14
6.	A/YL-HT/795	Proposed temporary logistic centre and ancillary parking of vehicles (3 years)	6.7.2012 (3 years)	1, 2, 3, 4, 7, 8, 10, 11, 14
7.	A/YL-HT/797	Temporary open storage of converted containers, construction materials and construction machinery, logistics vehicles back-up centre, sales of metals and warehouse (3 years)	20.7.2012 (1 year) (revoked on 21.9.2012)	1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13
8.	A/YL-HT/808	Temporary logistics centre and ancillary tyre repair workshop (3 years)	19.4.2013 (1 year)	1, 2, 3, 4, 8, 10, 11, 14, 15, 17
9.	A/YL-HT/866	Temporary logistics centre and ancillary parking of vehicles (3 years)	17.1.2014 (3 years)	1, 2, 3, 4, 7, 8, 10, 11, 14, 15
10.	A/YL-HT/896	Temporary shop for construction machinery parts with workshops and warehouse, Logistic centre and logistic vehicles back-up centre and ancillary site office, guard room, and staff canteen (3 years)	23.5.2014 (3 years) (revoked on 23.2.2015)	1, 2, 3, 4, 7, 8,10,11, 12, 14, 15, 16
11.	A/YL-HT/898	Temporary logistics centre and ancillary tyre repair workshop (3 years)	23.5.2014 (3 years) (revoked on 23.11.2014)	1, 3, 4, 7, 8, 10, 11, 15, 17

	<u>Application No.</u>	<u>Applied use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Condition(s)</u>
12.	A/YL-HT/957	Temporary shop for construction machinery parts with workshops and warehouse, Logistic centre and logistic vehicles back-up centre and ancillary site office, guard room, and staff canteen (3 years)	19.6.2015 (3 years)	1, 2, 3, 4, 7, 8, 10, 11, 14, 15, 16
13.	A/YL-HT/958	Temporary logistic centre and ancillary tyre repair workshop (3 years)	3.7.2015 (3 years)	1, 2, 3, 4, 7, 8, 10, 11, 15, 17
14.	A/YL-HT/985	Temporary warehouse for storage (3 years)	4.12.2015 (3 years) (revoked on 4.1.2018)	1, 2, 3, 4, 7, 8, 10, 15, 19, 20
15.	A/YL-HT/990	Temporary logistic centre and open storage of construction material and scrap metal with ancillary site office (3 years)	8.1.2016 (3 years) (revoked on 8.1.2017)	1, 2, 3, 4, 7, 8, 10, 12, 15, 22
16.	A/YL-HT/1043	Proposed temporary logistics centre (3 years)	14.9.2016 (3 years)	1, 2, 3, 4, 7, 8, 10, 15
17.	A/YL-HT/1072	Temporary logistics centre and ancillary parking of vehicle (3 years)	17.3.2017 (3 years) (revoked on 17.9.2017)	1, 2, 3, 4, 7, 8, 10, 15
18.	A/YL-HT/1078	Temporary logistics centre with ancillary site office (3 years)	14.7.2018 (3 years)	1, 2, 3, 4, 7, 8, 10, 15
19.	A/HSK/40	Temporary logistics centre and ancillary parking of vehicle (3 years)	26.1.2018 (3 years)	1, 2, 3, 4, 7, 8, 10, 15, 19
20.	A/HSK/47	Temporary open storage of scrap metal and logistics centre (3 years)	9.2.2018 (3 years)	2, 3, 4, 7, 8, 9, 10, 12, 15, 19
21.	A/HSK/68	Renewal of Planning Approval for temporary "logistic centre and ancillary type repair workshop" (3 years)	15.6.2018 (3 years)	2, 3, 4, 7, 8, 9, 10, 11, 15
22.	A/HSK/69	Renewal of Planning Approval for temporary "shop for construction machinery parts with ancillary workshop, logistics warehouse and logistics vehicles back-up centre, office, guard room, and staff canteen" (3 years)	15.6.2018 (3 years)	2, 3, 4, 7, 8, 9, 10, 11, 15, 22

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.
- 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 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 or workshop activity.
- 12 The provision of fire extinguisher(s) and/or the submission of a valid fire certificate (FS251).
- 13 The stacking height of containers stored should not exceed 7/8 units.
- 14 No material is allowed to be stored/dumped and no vehicle is allowed to be parked within 1m of the fencing.
- 15 No vehicle queuing is allowed back to public road or vehicle reversing onto/from the public road is allowed.
- 16 The setting back of the site boundary to avoid encroaching upon the public works project limit.
- 17 The submission and implementation of run-in/run-out proposal(s).
- 18 No stacking/open storage of containers.
- 19 No workshop activity /and open storage use is allowed.
- 20 Only private cars and goods vehicles with valid licence issued under the Road Traffic Ordinance, and not exceeding 24 tonnes as defined in the Road Traffic Ordinance, is allowed to be parked or stored on the application site.
- 21 No vehicle/tyre repairing, compacting and dismantling or other workshop activities, is allowed.
- 22 No material/vehicle is allowed to be stored/parked within 1m of any tree .

Rejected Application

	<u>Application No.</u>	<u>Applied Use(s)/Development(s)</u>	<u>Date of Consideration</u>	<u>Reason(s)</u>
			<u>(RNTPC/TPB)</u>	<u>For Rejection</u>
1.	A/YL-HT/832	Temporary open storage of container offices, used containers, tools, construction materials, construction machinery, sales of metals with ancillary workshops and logistics vehicles back-up centre (3 years)	8.2.2013 (review was rejected on 26.7.2013)	1, 2

Reason(s) for Rejection:

- 1 The development would have adverse environmental impacts on the surrounding areas, and there was no information submitted to demonstrate that the adverse environmental impacts could be mitigated.
- 2 Previous planning permissions granted to the applicant under Applications No. A/YL-HT/685 and 797 were revoked due to non-compliance with approval conditions. Approval of the application with repeated non-compliances would set an undesirable precedent for other similar planning applications for temporary uses which were also subject to the requirement to comply with the approval conditions, thus nullifying statutory planning control.

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) 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. Two portions of the Government Land (GL) (about 580m²) of the Site is covered by Short Term Tenancy (STT) No. 1989 for the purpose of "Storage and Repair of Container Boxes". No permission is given for occupation of the remaining GL ("the remaining GL") with an area of about 355m² (subject to verification) included in the Site. The act of occupation of remaining GL without Government's prior approval is not allowed. The private lots of the following lots are covered by Short Term Waivers (STWs) as below table:

Lot No(s). in D.D. 125	STW	Purpose
797 RP	2211	Vehicle Repair Workshop (Excluding Paint-Spraying)
799	2213	
800	4581	Temporary Logistics Centre and Warehouse (Storage of Paper)
801	4582	
Lot No(s). in D.D. 129	STW	Purpose
3301, 3323 S.A, 3324 S.A, 3324 S.B, 3325 & 3326	4582	Temporary Logistics Centre and Warehouse (Storage of Paper)
3299 RP	4583	
3300	4584	
3302	4585	
3303 RP	4586	
3304 RP	4587	
3305 RP	4588	
3315 RP	4589	
3316	4590	
3317	4591	

The Site is accessible from Ping Ha Road through GL. His Office provides no maintenance work for the GL involved and does not guarantee any right-of-way. The lot owners will need to apply to his office to permit the structures to be erected or regularize any irregularity on site. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. The applicant has to either exclude the remaining GL from the Site or apply for a formal

approval prior to the actual occupation of the remaining GL. Furthermore, the STW/STT holders will need to apply to his office for modification of the STW/STT conditions where appropriate. Applications for any of the above 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 applications will be approved. If such applications are 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 spaces shall be provided within 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 running from the Site to the nearby public roads and drains. HyD does not and will not maintain 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 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; and

- (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 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 and 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.