

**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/645 | Proposed temporary open storage of containers and logistics centre (3 Years) | 9.10.2009 (3 years) | 1, 2, 6, 7, 8, 9, 10, 11, 13 |
| 2. A/YL-HT/720 | Proposed temporary logistics centre (3 Years) | 18.3.2011 (3 years) | 1, 3, 6, 7, 9, 10, 11 |
| 3. A/YL-HT/814 | Proposed temporary open storage of containers and logistics centre with ancillary open storage of recyclable materials (3 Years) | 7.12.2012 (3 years) | 1, 2, 6, 7, 8, 9, 10, 11, 13, 14 |
| 4. A/YL-HT/891 | Proposed temporary logistics centre (3 Years) | 21.3.2014 (3 years) | 1, 3, 4, 5, 6, 7, 8, 9, 10, 12 |
| 5. A/YL-HT/997 | Temporary open storage of containers and logistics centre with ancillary open storage of recyclable materials (3 Years) | 8.1.2016 (3 years) (revoked on 8.6.2018) | 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 14, 15 |
| 6. A/HSK/1 | Temporary storage of recyclable materials (including metal and plastic) (3 Years) | 11.8.2017 (3 years) | 1, 3, 4, 5, 6, 7, 8, 12, 16 |

Approval Conditions:

- 1 No night-time operation and/or no operation on Sundays and public holidays.
- 2 The stacking height of containers stored on the site should not exceed 8 units and/or within 5m of the periphery of the Site.
- 3 No cutting, cleansing, dismantling, repairing, and/or melting, and/or compaction, and/or unpacking, and/or re-packing, and/or vehicle repair, and/or container repair, and workshop activity.
- 4 Maintenance of the drainage facilities at all times.
- 5 Submission of a condition record of existing drainage facilities.
- 6 The submission and/or implementation of FSIs proposals and/or provision of FSIs and or the provision of fire extinguisher(s).
- 7 The submission and/or implementation of landscape and/or tree preservation proposal.
- 8 The provision/maintenance of fencing.
- 9 Revocation clauses.
- 10 Reinstatement clause.
- 11 The submission and/or implementation of DIA/drainage proposals and/or provision of drainage facilities, and/or implementation of the drainage facilities proposed or submission of a condition record of existing drainage facilities and maintenance of the drainage facilities at all times.
- 12 No vehicle queuing is allowed back to public road or no vehicle reversing onto/from the public road at any time.
- 13 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.
- 14 No handling (including loading, unloading and storage) of cathode-ray tubes (CRT), CRT computer monitors/television sets and CRT equipment.
- 15 No open storage of electronic waste.
- 16 No storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste.

**Similar s.16 Applications within areas covered by the same "R(A)2" and "R(A)3" 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/TPB)</u> | <u>Approval Condition(s)</u> |
|-----|-------------------------------|--|---|---|
| 1. | A/YL-HT/569 | Temporary logistic centre and warehouse (3 years) | 7.11.2008 (3 years) | 1, 2, 3, 4, 5, 7, 8, 10 |
| 2. | A/YL-HT/761 | Temporary logistics centre and warehouse (3 years) | 24.2.2012 (3 years) | 1, 2, 3, 4, 7, 8, 10, 11, 21, 26, 27 |
| 3. | A/YL-HT/839 | Proposed temporary logistics centre and ancillary parking of vehicle (3 years) | 5.4.2013 (3 years) | 1, 2, 3, 4, 5, 7, 8, 13, 17, 28 |
| 4. | A/YL-HT/873 | Proposed temporary logistics centre and ancillary parking of vehicle (3 years) | 22.11.2013 (3 years) | 1, 2, 3, 4, 5, 7, 8, 11, 23, 28 |
| 5. | A/YL-HT/935 | Temporary open storage of containers, logistics centre and warehouse (3 years) | 27.2.2015 (3 years) (revoked on 27.5.2016) | 1, 2, 3, 4, 5, 7, 8, 11, 20, 28 |
| 6. | A/YL-HT/939 | Temporary logistics centre and ancillary parking of vehicle (3 years) | 27.3.2015 (3 years) (revoked on 27.9.2015) | 1, 2, 3, 4, 5, 7, 8, 28, 29 |
| 7. | A/YL-HT/960 | Temporary logistics centre and ancillary parking of vehicle (3 years) | 3.7.2015 (3 years) | 1, 2, 3, 4, 5, 7, 8, 28, 29 |
| 8. | A/YL-HT/994 | Temporary open storage of containers and logistics centre (3 years) | 8.1.2016 (3 years) | 1, 2, 3, 4, 8, 11, 20, 28 |
| 9. | A/YL-HT/1014 | Temporary logistics centre (3 years) | 22.4.2016 (3 years) (revoked on 22.5.2018) | 1, 2, 3, 4, 5, 7, 8, 11, 14, 20, 28 |
| 10. | A/HSK/85 | Temporary logistics centre and ancillary parking of vehicle (3 years) | 3.8.2018 (3 years) | 2, 3, 4, 5, 7, 8, 9, 10, 28, 29 |
| 11. | A/HSK/86 | Temporary logistics centre (3 years) | 3.8.2018 (3 years) | 1, 2, 3, 4, 5, 7, 8, 28, 29 |

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 No vehicle dismantling/assembling/repair workshop and/or storage of recyclable materials.
- 13 No cutting, dismantling, cleansing, repairing, compaction, unpacking, re-packing, vehicle repair and workshop activity, other than tyre repair/minor ancillary container repairs.
- 14 The submission and implementation of run-in/run-out proposal(s).
- 15 The provision of a 9-litres water type/3kg dry powder fire extinguisher for the site office.
- 16 No medium/heavy goods vehicle exceeding 5.5 tonnes is allowed for the operation of the site.
- 17 The stacking height of the materials/goods stored shall not exceed the height of the boundary fence/2.5m/5m.
- 18 No handling (including loading, unloading and storage) of hazardous electronic wastes (including computer monitors and cathode-ray tubes (CRT)), and storage of television sets and CRT.
- 19 No container vehicle including container trailer and tractor is allowed to be parked/stored.
- 20 The stacking height of containers stored should not exceed 7/8 units.
- 21 No material is allowed to be stored/dumped and/or no vehicle is allowed to be parked within 1m of any tree.
- 22 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.
- 23 No stacking of containers within 5m of the periphery of the site.
- 24 No handling, loading/unloading and storage of electrical appliances and/or computer/electronic wastes and/or used car batteries.
- 25 No handling (including loading, unloading, dismantling and storage) of electrical/electronic appliances, computers/computer parts, CRT, CRT computer monitors/television sets and CRT equipment is allowed.
- 26 No material is allowed to be stored/dumped and no vehicle is allowed to be parked within 5m of the fencing.
- 27 No wood, cement and combustibles is allowed to be stored.
- 28 No vehicle queuing is allowed back to public road or no vehicle reversing onto/from the public road is allowed
- 29 No workshop activity is allowed.

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 that the permission granted was to the use of the Site as applied for. Such permission should not be construed as an acceptance or condonation by the Committee of any unauthorized building works (UBWs) on the Site. Any existing building structures which are regarded as UBWs under the Buildings Ordinance may be subject to enforcement action by the Building Authority (BA);
- (e) 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 Government Land (GL) (about 400m²) in the Site is covered by Short Term Tenancy (STT) No. 2846 for the purpose of “Temporary Open Storage of Containers and Logistics Centre with Ancillary Open Storage of Recyclable Materials”. The Site is accessible from Ping Ha Road through GL and private lot(s). His Office provides no maintenance works to the GL involved and does not guarantee any right-of-way over the GL to the Site. The private lots which are covered by Short Term Waivers (STWs) are listed below:

| Lot No(s). in D.D. 125 | STW | Purpose | |
|-------------------------------|------------|--|---|
| 93 RP | 3040 | Ancillary Use to Open Storage | |
| 95 | 3886 | Temporary Logistics Centre and Ancillary Parking of Vehicle | |
| 116 | 3922 | Temporary Logistics Centre | |
| 117 | 3923 | | |
| 132 | 3924 | | |
| 133 | 3925 | | |
| 94 & 103 | 4097 | | Temporary Logistic Centre & Ancillary Parking of Vehicle |
| 121 & 130 | 4098 | Temporary Open Storage of Containers and Logistics Centre with Ancillary Open Storage of Recyclable Materials | |
| 100 | 4099 | | |
| 101 | 4100 | | |
| 104 | 4101 | | |
| 119 | 4102 | | |
| 118 | 4103 | | |
| 120 | 4104 | | |
| 131 | 4105 | | |
| 106 & 107 | 4531 | | Temporary Logistics Centre & Ancillary Parking of Vehicle |
| 90 | 4594 | | Temporary Open Storage Container & Logistic Centre of Vehicle |

The Site does not fall within Shek Kong Airfield Height Restriction Area. The STT/STW

holders will need to apply to his Office for modification of the STT/STW conditions where appropriate and the lot owner(s) of the lot(s) without STW will need to apply to his office for permitting the structures to be erected or regularize any irregularities 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. Application(s) 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 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;

- (f) 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;
- (g) 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/drains. HyD shall not be responsible for the maintenance of any access connecting the Site and Ping Ha Road;
- (h) 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;
- (i) 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;
- (j) to note the comments of the Director of Fire Services (D of FS) that relevant layout plans incorporated with the proposed FSIs should be submitted 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

- (k) 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 concerned lot(s) 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.