

**Relevant extract of the Town Planning Board Guidelines for
Application for Open Storage and Port Back-up Uses
(TPB PG-No. 13F)**

1. On 27.3.2020, 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. 13F) 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 (irrespective of whether the application is submitted by the applicant of previous approval or a different applicant). Sympathetic consideration may be given if genuine efforts have been demonstrated in compliance with approval conditions of the previous planning applications and relevant technical assessments/proposals have been included in the fresh applications, if required, 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 (irrespective of whether the application is submitted by the applicant of previous approval or a different applicant), and subject to no adverse departmental comments and local objections, sympathetic consideration may be given if genuine efforts have been demonstrated in compliance with approval conditions of the previous planning applications and relevant technical assessments/proposals have been included in the fresh applications, if required, 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 summarised as follows:
 - (a) the use of sites of less than 1,000 m² each for open storage uses and 2,000 m² each for port back-

up uses in rural areas is generally not encouraged, other than sites located in major road 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, minimising 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, 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>Applied Use(s)/Development(s)</u>	<u>Zoning(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1	A/YL-LFS/35	Temporary Open Storage of Container and Ancillary Visitor Parking/ Trailer Parking/ Trailer parking/ Equipment Storage/ Office for a Period of 12 Months	CDA	27.11.1998	2, 3, 7, 8
2	A/YL-LFS/47	Temporary Open Storage of Containers and Ancillary Visitor Parking, Trailer Parking, Equipment Storage, Office for a period of 12 Months	CDA	14.1.2000	2, 3, 6, 7, 8
3	A/YL-LFS/61	Temporary Open Storage of Containers, Construction Materials & Machinery with Ancillary Visitor & Trailer Parking, Equipment Storage and Office for a Period of 3 Years	R(E), GB & V	22.12.2000 (revoked on 22.6.2001)	1, 2, 3, 6, 7, 8
4	A/YL-LFS/126	Temporary Open Storage of Containers and Construction Materials with Ancillary Visitor/Trailer Parking and Office for a Period of 3 Years	R(E)	18.2.2005 (revoked on 18.8.2005)	1, 2, 3, 6, 7, 9, 10
5	A/YL-LFS/138	Temporary Open Storage of Containers and Construction Materials with Ancillary Visitor/Trailer Parking and Office for a Period of 3 Years (Minor Amendment to the Approved Scheme of A/YL-LFS/126)	R(E)	29.7.2005	1, 2, 4, 5, 6, 7, 9, 10
6	A/YL-LFS/171	Renewal of Planning Approval for Temporary Open Storage of Containers and Construction Materials with Ancillary Visitor/Trailer Parking and Office under Application A/YL-LFS/138 for a Period of 3 Years	R(E)	22.2.2008 (1 Year up to 18.2.2009)	1, 2, 6, 7, 8, 9, 10, 11, 13, 15
7	A/YL-LFS/188	Renewal of Planning Approval for Temporary Open Storage of Containers and Construction Materials with Ancillary Visitor/Trailer Parking and Office under Application No. A/YL-LFS/171 for a Period of 1 Year	R(E)	23.1.2009 (revoked on 2.10.2009)	1, 6, 7, 9, 10, 11, 12, 13, 15, 18
8	A/YL-LFS/197	Temporary Open Storage of Containers with Ancillary Office and Ancillary Container Repair Workshop for a Period of 3 Years	R(E)	23.7.2010 by TPB (1 Year up to 18.12.2010)	2, 8, 9, 12, 13, 6, 7, 14, 15, 19, 20, 21
9	A/YL-LFS/213	Temporary Open Storage of Containers with Ancillary Container Repair Workshop for a Period of 3 Years	R(E)	12.8.2011 by TPB (3 Years up to 23.12.2013)	1, 6, 7, 9, 13, 15, 18, 19, 20, 21, 22
10	A/YL-LFS/267	Proposed Temporary Logistics Centre with Ancillary Office and Parking of Vehicle for a Period of 3 Years	R(E)	14.11.2014 (revoked on 13.4.2017)	2, 8, 9, 12, 13, 15, 23

11	A/YL-LFS/297	Temporary Logistics Centre with Ancillary Office and Parking of Vehicle for a Period of 3 Years	R(E)	26.5.2017 (revoked on 26.10.2019)	2, 8, 9, 12, 13, 15, 23
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Approval Conditions

1. The stacking height of the materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence.
2. The submission and implementation of landscaping and/or tree preservation proposals.
3. The submission of drainage proposals and provision of drainage facilities or implementation of the accepted drainage proposal.
4. The implementation of the accepted noise mitigation measures as identified in the Environmental Assessment.
5. The implementation of flood mitigation measures and provision of stormwater drainage facilities as identified in the Drainage Impact Assessment.
6. Revocation clauses.
7. Reinstatement clause.
8. The provision of paving/fencing/boundary wall.
9. No night time operation and/or no operation on Sundays and public holidays.
10. The implementation of the submitted layout plan for the proposed development.
11. The stacking height of containers stored at any other location within the site should not exceed 4 units.
12. No dismantling, repairing, melting, cleansing, recycling, cutting and workshop activity.
13. Maintenance of the drainage facilities and the submission of a condition record of the existing drainage facilities.
14. No 14, /freight-forwarding operation.
15. The submission of fire services installations (FSIs) proposals and provision of FSIs.
16. The provision of a 9-litre water type/3kg dry powder fire extinguisher in the container-converted site office.
17. The submission and implementation of run-in/run-out proposals.
18. Maintenance of landscape plantings.
19. No material is allowed to be stored/dumped within 1m of any tree.
20. The stacking height of containers stored within 5m to 10m of the northern periphery of the site should not exceed 3 units, and the stacking height of containers stored at any other location within the site should not exceed 7 units.
21. Restriction of vehicle speed within the site to 15kph.
22. Other than ancillary container repair workshop, no recycling, cleansing, dismantling, repairing or other workshop activity.
23. No vehicle queuing back to public road and reverse onto/from the public road is allowed at any time.

Rejected Application

<u>Application No.</u>	<u>Applied Use(s)/Development(s)</u>	<u>Zoning</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejection Reason</u>
A/YL-LFS/108	Temporary Open Storage of Containers, Construction Materials and Machinery with Ancillary Visitor Parking, Trailer Parking, Equipment Storage and Office for a Period of 3 Years	R(E)	14.11.2003 (upon review)	1

Rejection Reason

1. There was insufficient information in the submission to demonstrate that the development would not have adverse environmental and drainage impacts on the surrounding area.

**Similar s.16 Applications within the subject “R(E)” zone
on the Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan**

Approved Applications

	<u>Application No.</u>	<u>Use/Development</u>	<u>Date of Consideration (TPB)</u>	<u>Approval Conditions</u>
1	A/YL-LFS/276	Proposed Temporary Logistic Centre, Open Storage of Construction Machinery and Material, Brand-new Trailer with Ancillary Canteen and Trailer Park for a Period of 3 Years	7.8.2015 (revoked on 7.11.2016)	1 to 13
2	A/YL-LFS/290	Proposed Temporary Logistics Centre with Ancillary Canteen and Site Office for a Period of 3 Years	26.8.2016 (revoked on 26.1.2019)	1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14
3	A/YL-LFS/334	Temporary Logistics Centre with Ancillary Canteen and Site Office for a Period of 3 Years	22.2.2019	1, 2, 3, 5, 6, 8, 9, 11, 12, 15

Approval Conditions

- (1) No night-time operation/no operation on Sundays and public holidays.
- (2) The stacking height of materials stored within 5m of the periphery of the site should not exceed the height of 2.5m of the boundary fence.
- (3) No recycling, cleansing, dismantling, assembling, repairing or other workshop activities.
- (4) No structure shall be erected over the Waterworks Reserve and such area shall not be used for storage purposes at all times.
- (5) No vehicle queuing back to public road and reverse onto/from the public road.
- (6) The existing/implemented drainage facilities on the site shall be maintained at all times during the planning approval period.
- (7) Maintenance of drainage facilities on site or/and submission of a condition record of the existing drainage facilities.
- (8) Provision of fencing.
- (9) Submission and/or implementation of landscaping and/or tree preservation proposals.
- (10) Provision of the fire extinguisher(s) and the submission of a valid fire certificate.
- (11) Submission of and/or implementation of fire service installations proposals.
- (12) Revocation clauses.
- (13) Reinstatement clauses.
- (14) Provision of fire service installations.
- (15) Submission and/or implementation of drainage proposals.

Advisory clauses

- (a) prior planning permission should have been obtained before continuing the development on the site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) shorter compliance periods are imposed in order to 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 may not be given to any further application;
- (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. Portion of Government Land (GL) of about 4,090 m² within the Site is held under Short Term Tenancy (STT) No. 2877 for the purpose of “Temporary Logistics Centre with Ancillary Office and Parking of Vehicle”. No permission has been given for occupation of GL (about 86m²) in area (subject to verification) included in the Site. The act of occupation of GL without Government’s prior approval is not allowed. With the implementation of the tightened arrangements for handling regularization applications, LandsD will no longer accept application for regularization of new or extension of unlawful occupation of GL or erection of new structures which is found commenced on or after 28 March 2017. The private lots (PL) which are covered by Short Term Waiver (STWs) in the Site are listed below:

STWs No.	Lots No. in D.D. 129	Purpose
4240	2305	Temporary Logistics Centre With Ancillary Office and Parking of Vehicle
4241	1710	
4242	1711, 1713, 1715, 2278, 2286, 2291 & 2311	
4243	1712, 1714, 2294 & 2295	
4244	2276 S.A	
4245	2277 S.A	
4246	2279 S.A	
4247	2279 S.B	
4248	2285 & 2287	
4249	2288	
4250	2289, 2292 & 2310	
4251	2296	
4252	2302	
4253	2306	
4254	2312	
4255	2313	
4256	2314 S.A	
4257	2277 S.B	

4311	2344 S.A	Temporary Open Storage of Metal Ware, Construction Machinery and Material, Brand-new Trailer with Ancillary Canteen and Trailer Park
4312	2344 S.B	
4765	2349	Temporary Logistics Centre, Open Storage of Construction Machinery and Material, Brand-new Trailer with Ancillary Canteen and Trailer Park
4766	2351	
4767	2352	
4768	2353	
4944	1709	Warehouse for General Storage (excluding dangerous goods), Workshops for Metal and Wooden Products and Ancillary Use
4945	1715 & 1719	

The Site is accessible from Lau Fau Shan Road through GL and PL. LandsD provides no maintenance work for the GL involved and does not guarantee any right-of-way to the Site. The STT/STW holder(s) will need to apply to his office for modification of the STT/STW conditions where appropriate. The owner(s) of lot without STW will need to apply to his office to permit the structures to be erected or regularize any irregularity on site, if any. Also, 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. Besides, given the applied 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 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 the application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fees, as may be imposed by LandsD;

- (e) to follow the relevant mitigation measures and requirements in the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department;
- (f) to note the comments of the Commissioner for Transport (C for T) that sufficient manoeuvring spaces shall be provided within the Site. The local track leading to the Site is not under Transport Department'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 flowing from the Site to the nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting the Site and Lau Fau Shan Road;
- (h) to note the comments of the Director of Agriculture, Fisheries and Conservation (DAFC)

that public complaint on suspected unauthorized tree felling, as well as unauthorized occupation of GL, noise and traffic nuisance at Lots 2344S.A, 2364 and 2365 in D.D. 129 and adjoining GL was received in January 2018. In view of the above, the applicant is advised to ensure that the trees and vegetation on GL within and adjacent to the Site would not be affected;

- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that if the existing structures (not being a New Territories Exempted Houses) are erected on leased land without the approval of the Building Authority (BA), they are unauthorized building works (UBW) under the Building 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 BD to effect their removal in accordance with the prevailing 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, demolition and land filling) are to be carried out on the Site, prior approval and consent of the Building Authority should be obtained, otherwise they are UBW. An Authorized Person should be appointed as the co-ordinator 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. The Site does not abut on a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;
- (j) to note the Comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) that in the revised Geotechnical Planning Review Report (GPRR) and revised pages of the GPRR, the Consultants propose to carry out further study on the stability of Feature Nos. 2SW-C/C110 and 2SW-C/C112. The applicant is reminded to submit necessary slope remedial/site formation works to BD for approval as required under the BO;
- (k) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the required condition record should include coloured photos showing the current condition of the drainage facilities and a layout plan indicating the locations of the photos taken. The submitted photos should cover all internal surface channels, catch pits, sand traps, manholes, terminal catch pits/manholes and the downstream discharge path as indicated on the submitted drainage proposal; and
- (l) to note the comments of the Director of Fire Services (D of FS) that the installation/maintenance/modification/repair work of fire service installation shall be undertaken by a Registered Fire Service Installation Contractor (RFSIC). After completion of the installation/maintenance/modification/repair work, the RFSIC shall issue to the person on whose instruction the work was undertaken a certificate (FS 251) and forward a copy of the certificate to D of FS. If the proposed structure(s) is required to comply with the BO, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.