

**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 Applications Covering the Site

Approved Applications

<u>Application No.</u>	<u>Zoning</u> (at the time of approval)	<u>Development/Use</u>	<u>Date of Consideration</u>	<u>Approval Conditions</u>
A/YL-PS/26	“U”	Temporary Container Trailer, Lorry and Private Car Park for a Period of 12 Months	6.3.1998	(1) to (5)
A/YL-PS/55	“U”	Temporary Container Vehicle, Lorry and Private Car Park for a Period of 2 Years	13.8.1999	(1), (2), (5) & (6)
A/YL-PS/206	“U”	Temporary Container Vehicle and Lorry Park for a Period of 3 Years	28.3.2008 (TPAB)	(2), (4), (7) to (12)
A/YL-PS/344	“CDA”	Renewal of Planning Approval for Temporary Container Vehicle and Lorry Park for a Period of 3 Years	18.3.2011	(5), (7), (12) to (20)
A/YL-PS/439	“CDA”	Renewal of Planning Approval for Temporary Container Vehicle and Lorry Park for a Period of 3 Years	21.3.2014	(5), (7), (9), (12) to (17), (21) to (24)
A/YL-PS/514	“CDA”	Temporary Logistics Centre for a Period of 3 Years	13.5.2016	(5), (9), (12), (14), (16), (17), (22) to (24)

Approval Conditions

- (1) Submission and implementation of landscape proposal
- (2) Provision of flood mitigation measures and drainage facilities
- (3) Provision of proper vehicular access
- (4) Provision and/or maintenance of paving
- (5) Reinstatement clause
- (6) Submission of revised car parking layout
- (7) No workshop activity
- (8) Preservation of existing trees
- (9) Provision and/or maintenance of boundary fencing
- (10) Submission of Drainage Impact Assessment
- (11) Provision of fire extinguishers
- (12) Revocation clause
- (13) No vehicle without valid license allowed to be parked/stored on site
- (14) Restriction on operation hours
- (15) No storage of dangerous goods
- (16) Maintenance of drainage facilities
- (17) Submission of condition record of existing drainage facilities
- (18) Implementation of reinstatement planting
- (19) Maintenance of fire services installations (FSI) and equipment
- (20) Submission of valid certificates for FSI and equipment
- (21) Only goods vehicles and container vehicles are allowed to be parked on site
- (22) No vehicle queuing back to public road or reversing onto/from public road
- (23) Submission and implementation of tree preservation proposal
- (24) Submission and implementation of FSI proposal

Rejected Applications

<u>Application No.</u>	<u>Zoning</u> (at the time of approval)	<u>Development/Use</u>	<u>Date of Consideration</u>	<u>Rejection Reasons</u>
A/YL-PS/126	“U”	Temporary Container Trailer, Lorry and Car Park for a Period of 3 Years	13.12.2002	(1) & (2)
A/YL-PS/196	“U”	Temporary Public Vehicle Park for Private Car, Light Goods Vehicle, Lorry and Container Trailers for a Period of 3 Years	15.10.2004	(1) to (3)

Rejection Reasons

- (1) Not compatible with residential uses found within the Site as well as those immediately adjacent to the Site
- (2) Insufficient information to demonstrate no adverse environmental and/or visual and/or drainage and/or landscaping impacts on the surrounding areas
- (3) Not in line with Town Planning Board Guidelines No. 13C. Approval of application would set an undesirable precedent for similar application in the area.

**Similar Applications within the same “CDA” zone
on the approved Ping Shan OZP No. S/YL-PS/18**

Approved Applications

<u>Application No.</u>	<u>Zoning</u> (at the time of approval)	<u>Development/Use</u>	<u>Date of Consideration</u>	<u>Approval Conditions</u>
A/YL-PS/444	“CDA”	Proposed Temporary Logistics Centre and Ancillary Parking of Vehicles for a Period of 3 Years	9.5.2014 (revoked on 9.5.2015)	(1) to (11)
A/YL-PS/477	“CDA”	Temporary Logistics Centre and Vehicle Park (Container Tractors, Container Trailers and Lorries (Medium/Heavy Goods Vehicles)) for a Period of 3 Years	17.4.2015	(1) to (10)
A/YL-PS/556	“CDA”	Temporary Logistics Centre and Vehicle Park (Container Tractors, Container Trailers and Lorries (Medium/Heavy Goods Vehicles)) for a Period of 3 Years	6.4.2018	(1) to (6), (8) to (12)

Approval Conditions

- (1) Restriction on operation hours
- (2) No workshop activity
- (3) No vehicle without valid license allowed to be parked/stored on site
- (4) No vehicle is allowed to queue back to or reverse onto/from public road
- (5) Maintenance of existing drainage facilities
- (6) Submission of condition record of existing drainage facilities
- (7) Submission and implementation of landscape and tree preservation proposal
- (8) Submission and implementation of fire services installations proposal
- (9) Provision/maintenance of boundary fencing
- (10) Revocation clause
- (11) Reinstatement clause
- (12) Maintenance of existing trees and landscape planting

Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the applied use at the Site;
- (b) to resolve any land issues relating to the development with other owner(s) of the Site;
- (c) to note the comments of 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 prior approval of the Government. The following private lots are currently covered by Short Term Waivers (STWs), details of which are listed below:

Lot No. in D.D. 122	STW No.	Permitted Use
120	STW 4813	Temporary Logistics Centre
121, 249 RP & 250 RP	STW 4814	
122 & 247	STW 4812	
246 RP	STW 4811	
248 S.A	STW 4815	
248 S.B	STW 4816	
248 RP	STW 4817	
254 RP	STW 4818	

The Site is accessible from Ha Mei San Tsuen Road via government land (GL) and private land. His office does not provide maintenance work for GL involved and does not guarantee any right-of-way over the GL to the Site. The STW holder(s) will need to apply to his office for modification of the STW conditions where appropriate. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. 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 application will be approved. If such application 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.

- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that as there is no record of approval by the Building Authority for the existing structures at the Site, he 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 House) are erected on leased land without the approval of the BD, they are unauthorised 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 site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorised Person (AP) 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. 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 B(P)R at the building plan submission stage;

- (e) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) that the Site is connected to the public road network via a section of a local access which is not managed by TD. The land status of the local access road and private lot(s) should be clarified with the LandsD by applicant. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (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/drains. HyD shall not be responsible for the maintenance of any access connecting the Site and Ha Mei San Tsuen Road;
- (g) to note the comments of the Chief Engineer/Railway Development 2-2 (CE/RD 2-2), HyD that the Site falls within the protection boundary of the West Rail Line. With reference to the procedures in PNAP APP-24, MTR Corporation Limited (MTRCL) should be consulted with respect to operation, maintenance, safety and future construction of the existing railway network;
- (h) to note the comments of the MTRCL that the Site falls within the West Rail Protection Boundary, all works shall comply with the requirements as stated in the Environment, Transport and Works Bureau Technical Circular (Works) No. 33/2003 or PNAP APP-24 whichever is applicable for MTR protection. For any works that involve lifting appliances adopted on site, they shall be positioned as far as possible away from the West Rail tracks/structures. MTR's prior agreement on the locations of these lifting appliances before their operations on site shall be sought;
- (i) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposal, 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 FSI to be installed should be clearly marked on the layout plans. However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (j) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that apart from the peripheral surface channels and catchpits, the condition of the existing 1350mm dia. pipe and the associated catchpits/manholes (i.e. ED3, ED4, ED5, ED6, CPA and CPB) shall also be well maintained;
- (k) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that approval of the s.16 application by TPB does not imply the approval of tree works (such as felling/transplanting or pruning) and/or requirements under lease. Tree works applications should be submitted direct to DLO for approval; and
- (l) to follow the "Code of Practice on Handling the Environmental Aspects of Temporary Uses

and Open Storage Sites” issued by the Environmental Protection Department to minimise the potential environmental nuisance on the surrounding areas.