

**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 Site

Approved Applications

<u>No.</u>	<u>Application No.</u>	<u>Development/Use</u>	<u>Zoning</u>	<u>Date of Consideration</u>	<u>Approval Conditions</u>
1.	A/DPA/YL-PS/30	Temporary Use of Open Storage of New Vehicles	Unspecified Use ("U")	21.10.1994 (Approved for 3 Years)	4, 5, 6, 7, 9, 10, 13, 14 and 16
2.	A/YL-PS/14	Temporary Open Storage of New Vehicles for a Period of 12 Months	REC	3.10.1997	6, 9, 10, 13, 14 and 16
3.	A/YL-PS/40	Temporary Open Storage of New Vehicles for a Period of 12 Months	REC	16.10.1998	9, 10, 13 and 16
4.	A/YL-PS/76	Temporary Open Storage of New Vehicles for a Period of 3 Years	REC and V	19.5.2000 (Revoked on 19.8.2001)	9, 10, 15 and 16
5.	A/YL-PS/185	Temporary Warehouse and Open Storage of Plastics and Hardware Materials for a Period of 3 Years	REC	25.6.2004 (Revoked on 25.9.2004)	1, 9, 10, 12, 14, 15, 16 and 20
6.	A/YL-PS/203	Temporary Warehouse and Open Storage of Plastic and Hardware Materials for a Period of 3 Years	REC	28.1.2005	1, 2, 9, 10, 11, 12, 14, 15, 16 and 20
7.	A/YL-PS/276	Renewal of Planning Approval for Temporary Warehouse and Open Storage of Plastic and Hardware Materials for a Period of 3 Years	REC	14.12.2007	1, 2, 3, 9, 10, 11, 15, 16 and 17
8.	A/YL-PS/333	Renewal of Planning Approval for Temporary Warehouse and Open Storage of Plastic and Hardware Materials for a Period of 3 Years	REC	10.12.2010	1, 2, 3, 9, 10, 11, 15, 16 and 17
9.	A/YL-PS/423	Renewal of Planning Approval for Temporary Warehouse and Open Storage of Plastic and Hardware Materials for a Period of 3 Years	REC	13.12.2013	1, 2, 3, 8, 9, 10, 11, 15, 16, 17 and 19
10.	A/YL-PS/529	Renewal of Planning Approval for Temporary Warehouse and Open Storage of Plastic and Hardware Materials for a Period of 3 Years	REC	23.12.2016	1, 2, 3, 8, 9, 10, 11, 15, 16, 17, 18 and 19

Approval Conditions

- (1) No night-time operation.
- (2) No recycling activities of plastic or other waste materials.
- (3) No vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on site.
- (4) Submission of traffic impact assessment.
- (5) Carrying out of proposed works in the vicinity of existing waterworks installations.
- (6) Setting back of the site from existing waterworks or water main.
- (7) Setting back of the site to avoid encroachment onto the proposed work limit to Ha Mei San Tsuen for Village Flood Protection Phase IV.
- (8) Submission and implementation of tree preservation proposal.
- (9) Submission and implementation of landscaping proposal/ provision of replacement landscape planting /Existing trees or landscape planting within the site boundary should be maintained.
- (10) Existing or implemented drainage facilities should be maintained/ submission of drainage record/ provision of drainage facilities.
- (11) Submission and implementation of fire service installations/ provision of fire service installations.
- (12) Provision of peripheral fencing/Maintain existing fencing.
- (13) Implementation of noise mitigation measures.
- (14) Provision of vehicular access/ submission and implementation of vehicular access proposals..
- (15) Revocation clauses.
- (16) Reinstatement clause.
- (17) No operation on Sundays and public holidays.
- (18) No vehicle is allowed to queue back to or reverse onto/from public road.
- (19) Provision of fire extinguisher(s) together with a valid fire certificate (FS 251).
- (20) The paving of the site.

Rejected Application

<u>No.</u>	<u>Application No.</u>	<u>Development/Use</u>	<u>Zoning</u>	<u>Date of Consideration</u>	<u>Reasons for Rejection</u>
1	A/DPA/YL-PS/3	Open Storage of Vehicles	“U”	13.5.1994 (Upon review)	1-5

Reasons for Rejection:

- (1) Not in line with planning intention.
- (2) Not compatible with surrounding land uses.
- (3) Impact of stormwater discharge on the existing stormwater drain along Tin Tze Road has not been adequately addressed.
- (4) Information on the existing access road such as land status, road surface condition and footpath provision are incomplete and the applicant have not demonstrated that the number of vehicles received/despached in future will be maintained at the present level.

- (5) Visual and noise impacts caused by proposed development have not been adequately addressed.

**Similar s.16 Applications within the same “REC” Zone
on the approved Ping Shan OZP since 17.10.2008**

Approved Applications

<u>No.</u>	<u>Application No.</u>	<u>Proposed Use</u>	<u>Zoning</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Conditions</u>
1.	A/YL-PS/346	Proposed Temporary Open Storage of Construction Materials for a Period of 3 Years	REC	3.6.2011	1 to 4, 8, 11 to 14, 16, 19 to 21
2.	A/YL-PS/352	Proposed Temporary Open Storage of Construction Materials for a Period of 3 Years	REC	2.9.2011	1 to 6, 8, 9, 11 to 13
3.	A/YL-PS/360	Temporary Open Storage of Building Materials and Machinery for a Period of 3 Years	REC	16.12.2011	1 to 5, 8, 9, 10, 12 to 14
4.	A/YL-PS/446	Renewal of Planning Approval for Temporary "Open Storage of Construction Materials" for a Period of 3 Years	REC	23.5.2014	1, 2, 4, 6, 8 to 15, 18 to 21
5.	A/YL-PS/457	Open Storage of Construction Materials and Construction Equipment for a Period of 3 Years	REC	17.10.2014	1, 2, 4 to 6, 8, 10, 11, 12 to 16
6.	A/YL-PS/461	Renewal of Planning Approval for Temporary Open Storage of Building Materials and Machinery for a Period of 3 Years	REC	12.12.2014	1 to 5, 8, 10 to 16
7.	A/YL-PS/538	Renewal of Planning Approval for Temporary "Open Storage of Construction Materials" for a Period of 3 Years	REC	26.5.2017	1, 2, 4, 8, 10 to 21
8.	A/YL-PS/545	Renewal of Planning Approval for Temporary Open Storage of Construction Materials and Construction Equipment for a Period of 3 Years	REC	13.10.2017	1, 2, 4, 5, 8, 10 to 17
9.	A/YL-PS/548	Renewal of Planning Approval for Temporary Open Storage of Building Materials and Machinery for a Period of 3 Years	REC	8.12.2017	1 to 6, 8, 9, 10 to 15
10.	A/YL-PS/602	Temporary Open Storage of Construction Material (Metal) for a Period of 3 Years	REC	29.5.2020	1, 2, 5, 7, 8, 10-12, 15, 16 and 20
11.	A/YL-PS/603	Renewal of Planning Approval for Temporary Open Storage of Construction Materials for a Period of 3 Years	REC	29.5.2019	1, 2, 4, 7, 8, 10-12, 15, 16 and 18-21
12.	A/YL-PS/612	Renewal of Planning Approval for Temporary Open Storage of Construction Materials and Construction Equipment for a Period of 3 Years	REC	9.10.2020	1, 2, 4, 5, 7, 8, 10 to 12, 14 to 17
13.	A/YL-PS/616	Renewal of Planning Approval for Temporary Open Storage of Building Materials and Machinery for a Period of 3 Years	REC	6.11.2020	1 to 5, 7, 8, 10 to 12, 14 to 17

Approval Conditions

1. No night-time operation.
2. No operation on Sundays and public holidays.
3. No handling/storage (including loading, unloading, storage, open storage, repairing and dismantling) of electrical appliances, including computer parts and television sets.
4. No vehicle washing, vehicle repairing, cutting, dismantling or other workshop activities.
5. No heavy goods vehicle exceeding 24 tonnes, including container vehicles, container tractors and trailers, as defined under the Road Traffic Ordinance, and coaches was allowed to be parked/operated on the site.
6. Provision of peripheral/boundary fencing of the site
7. Submission and/or implementation of drainage proposal/ condition record of the existing drainage facilities.
8. Maintenance of existing/implemented drainage facilities
9. Submission and implementation of landscape and/or tree preservation proposal.
10. Provision of fire extinguishers.
11. Submission and implementation of fire service installations.
12. Revocation clauses.
13. Reinstatement clause.
14. Submission of condition record of the existing drainage facilities.
15. No vehicle is allowed to queue back to or reverse onto/from public road.
16. Maintenance of existing trees/ landscape planting.
17. Maintenance of (existing) boundary fence.
18. No vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored.
19. Only light goods vehicles (not exceeding 5.5 tonnes) as defined in the Road Traffic Ordinance and its subsidiary regulations are allowed to be parked/entered.
20. Delivery route to and from the site via Tin Wah Road shall be adhered to.
21. Provision of a waterworks reserve within 1.5m from the centreline of the affected water mains within the site.
22. No medium or heavy goods vehicles exceeding 5.5 tonnes as defined in the Road Traffic Ordinance, buses exceeding 16 seats, container vehicles, container tractors and trailers were allowed to be parked on the site.
23. The paving of the site.

Rejected Application

<u>No.</u>	<u>Application No.</u>	<u>Proposed Use</u>	<u>Zoning</u>	<u>Date of Consideration (RNTPC)</u>	<u>Rejecting Reasons</u>
1.	A/YL-PS/383	Temporary Open Storage of Construction machinery and Materials and Ancillary Site Office for a Period of	REC	20.7.2012	1 and 2

<u>No.</u>	<u>Application No.</u>	<u>Proposed Use</u>	<u>Zoning</u>	<u>Date of Consideration (RNTPC)</u>	<u>Rejecting Reasons</u>
		3 Years			
2.	A/YL-PS/398	Proposed Temporary Open Storage of Construction Materials (Concrete Precast Product) and Construction Machinery for a Period of 3 Years	REC	23.11.2012	1 to 4
3.	A/YL-PS/441	Temporary Open Storage of Construction machinery and Materials and Ancillary Site Office for a Period of 3 Years	REC	25.4.2014	1, 2, 4 and 5

Reasons for Rejection:

1. Not in line with planning intention. No strong planning justification had been given for a departure from the planning intention, even on a temporary basis.
2. Not comply with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No.13E).
3. Failed to demonstrate no adverse landscape and traffic impacts.
4. Not compatible with surrounding area.
5. Failed to demonstrate no adverse landscape and drainage impacts.

Advisory clauses

- (a) prior planning permission should have been obtained before commencing the development on the Site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site (the Site);
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site comprises Old Schedule Agricultural Lots which are 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 lot 232 S.A (Part) in D.D. 126 is covered by a Short Term Waiver (STW) No. 2755 for the purposes of storage of plastic materials while lots 206 and 231 in D.D. 126 are covered by STW No. 4055 for the temporary open storage of construction materials and construction equipment. The STW holders will need to apply to his office for modification of the STW conditions where appropriate. The lot owners of the lots without STW will need to apply to his office for permitting the structures to be erected or to regularize any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Application(s) of 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 such application(s) is/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 LandsD;
- (d) to note the comments of the Director of Environmental Protection (DEP) that the applicant should follow the “Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses” issued by the Environmental Protection Department to minimize the potential environmental nuisance to the surrounding areas;
- (e) to note the comments of the Commissioner for Transport (C for T) that the Site is connected to Tin Tsz Road via a section of a local access which is not managed by Transport Department (TD). The applicant should clarify with LandsD regarding the land status of the local access road. Moreover, the management and maintenance responsibilities of the local access road should be clarified with relevant lands and maintenance authorities accordingly. The applicant should arrange vehicular access at the private lot(s) to the Site by himself if necessary, and should seek the relevant land owner(s) on the right of using the vehicular access. The applicant should demonstrate sufficient space at the Site for vehicular maneuvering. The applicant should also provide estimated trip generation and attraction rates;
- (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 Tin Wah Road;
- (g) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that existing water mains will be affected and the cost of any necessary diversion shall be borne by the applicant. The Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains and in close vicinity of the Site;

- (h) to note the comments of the Director of Fire Services (D of FS) that the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The applicant is advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans. The “Good Practice Guidelines for Open Storage Sites” issued by his department at **Appendix VII** should be adhered to. 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;
- (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 House) are erected on leased land without the approval of the Building Authority (BA), they are unauthorized 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 prevailing 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, demolition and land filling, etc.) are to be carried out on the Site, prior approval and consent of the BA 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 (B(P)R) respectively. 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. Any temporary shelters or converted containers for office, storage, washroom or other uses are considered as temporary buildings are subject to the control of Part VII of the Building (Planning) Regulations. Detailed checking under the BO will be carried out at building plan submission stage; and
- (j) to note the comments of Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) on the followings:
 - i. With reference to the site inspection on 4.11.2020, it is noted that a number of trees along the eastern periphery and at the middle portion of the Site have poor health and/or structural problems. Suitable remedial measures such as pruning, removal of invasive climbers should be carried out to improve the conditions of the concerned trees.
 - ii. Two (2) dead trees are observed at southwestern boundary and in the middle portion of the Site respectively. The applicant is advised to cut the remaining tree stumps down to root collar level to avoid development of fungus.
 - iii. The applicant is reminded to maintain proper and regular housekeeping for the planting area. There should be no piling of building materials, objects or debris on the planting area. Weeding of planting areas should be carried out in regular basis for health growth of the plants.
 - iv. The applicant should note that that approval of the S.16 application by the TPB does not imply approval of the tree works such as pruning, transplanting and/or felling under lease. Applicant is reminded to approach relevant authority / government department(s) direct to obtain the necessary approval on tree works.

v. The applicant is reminded to the importance of undertaking proper tree care for existing trees within the Site. Useful information published by the GLTM Section, DEVB on general tree maintenance and tree risk management is available for reference in the following links:

- 護養樹木的簡易圖解

https://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf

- 護養樹木保障安全

https://www.greening.gov.hk/filemanager/content/pdf/tree_care/Chinese_Leaflet_Big_font_size_v1_2012_03_29.pdf

- 減低樹木風險的樹木護養簡易圖解

[https://www.greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk\(eng\).pdf](https://www.greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk(eng).pdf)

Good Practice Guidelines for Open Storage Sites

		Internal Access for Fire Appliances	Lot Boundaries (Clear Width)	Distance between Storage Cluster and Temporary Structure	Cluster Size	Storage Height
1.	Open Storage of Containers		2m	4.5m		
2.	Open Storage of Non- Combustibles or Limited Combustibles	4.5m	2m	4.5m		
3.	Open Storage of Combustibles	4.5m	2m	4.5m	40m x 40m	3m

Remarks: Smoking and naked flame activities shall not be allowed within the open storage / recycling site.