

**Relevant extracts of the 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 favorably 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.

**Similar Applications within the subject “AGR” Zone on the Tai Tong OZP
since the Promulgation of TPB PG-No. 13E**

Rejected Applications

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejection Reason(s)</u>
1	A/YL-TT/234	Proposed Temporary Warehouse (Construction Machinery and Materials) and Open Storage of Construction Machinery and Materials for a Period of 3 Years	6.3.2009 (on review)	(1), (2), (3), (4), (5)
2	A/YL-TT/256	Temporary Open Storage of Iron Sheets, Iron Bars and Wooden Frames for a Period of 3 Years	5.3.2010	(1), (2), (3), (4), (5)
3	A/YL-TT/292	Proposed Temporary Open Storage of Construction Materials for a Period of 3 Years	18.11.2011	(1), (2), (3), (4), (5)
4	A/YL-TT/323	Temporary Open Storage of Construction Materials with Ancillary Office and Workshop for a Period of 3 Years	07.03.2014	(1), (2), (3), (4), (5)
5	A/YL-TT/336	Temporary Open Storage of Construction Material for a Period of 3 Years	23.01.2015 (on review)	(1), (2), (4), (5)
6	A/YL-TT/339	Temporary Open Storage of Construction Materials with Ancillary Office for a Period of 3 Years	12.12.2014	(1), (2), (4), (5)
7	A/YL-TT/346	Temporary Open Storage of Construction Materials with Ancillary Office for a Period of 3 Years	26.06.2015 (on review)	(1), (2), (4), (5)
8	A/YL-TT/348	Temporary Open Storage of Construction Materials and Miscellaneous Items for a Period of 3 Years	26.06.2015 (on review)	(1), (2), (4), (5)

Main Reasons for Rejection

- (1) The development is not in line with the planning intention(s).
- (2) No/insufficient information to demonstrate that the development would not generate adverse environmental, landscape and/or drainage impacts on the surrounding areas.
- (3) “OS” zones are designated on the Tai Tong OZP to cater for the use under application. There is insufficient information in the submission to demonstrate why suitable sites within the “OS” zone on the OZP cannot be made available for the development.
- (4) Approval of the application would set an undesirable precedent for other similar applications.
- (5) The application does not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses.

Advisory clauses

- (a) to note the District Lands Officer/Yuen Long, Lands Department's comments that the Site comprises an Old Schedule Agricultural Lot held under Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. The Site is accessible to Tai Shu Ha Road West via government land (GL) and private land. Her office does not provide maintenance work for GL involved and does not guarantee any right-of-way over the GL to the Site. The lot owner(s) will need to apply to her office to permit the structures to be erected or regularize any irregularities on site. Such application(s) will be considered by her department acting in the capacity as 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 her department;
- (b) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that it is understood from the application that there is and will be no vehicular access to/from the Site;
- (c) to follow the relevant mitigation measures and requirements in the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department;
- (d) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that approval of the tree preservation and landscape proposal does not imply approval of tree works such as pruning, transplanting and/or felling under lease. Application for tree works should be submitted direct to DLO for approval. Useful information on general tree maintenance is available for reference in 護養樹木的簡易圖解 (http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf) and the Handbook of Tree Management (Chinese Version: https://www.greening.gov.hk/tc/tree_care/Handbook_on_Tree_Management.html) published by the Greening, Landscape and Tree Management Section, Development Bureau; and
- (e) to note the Chief Engineer/Construction, Water Supplies Department's comments that for provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services with the private lots to his department's standards.