

**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 Application Covering the Application Site (the Site)

Rejected Application

	<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/100	Temporary Open Storage of Building/Gardening Materials and Containers for Storage for a Period of 3 Years	20.4.2001	(1) to (5)

Main Reasons for Rejection

- (1) The development is not in line with the planning intention of the "Agriculture" ("AGR") zone.
- (2) The development is not compatible with the surrounding rural land uses.
- (3) No information to demonstrate that the development would not generate adverse environmental and drainage impacts on the surrounding areas.
- (4) Two areas are zoned "Open Storage" ("OS") on the approved Tai Tong OZP No. S/YL-TT/8 to meet the demand for land for open storage use. There is no information to demonstrate why suitable sites within these "OS" zones cannot be made available for the development.
- (5) Approval of the application would set an undesirable precedent for other similar uses to proliferate into this "AGR" zone.

Similar Applications within the Subject "AGR" Zone on the Tai Tong OZP
since 17.10.2008

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)
9	A/YL-TT/428	Proposed Temporary Open Storage of Statues for a Period of 3 Years	1.6.2018	(1), (4), (5), (6)

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.
- (6) The proposed development is not compatible with the surrounding areas comprising mainly fallow agricultural land.

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.

Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the applied use at the application site (the Site);
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department that the Site comprises an Old Schedule Agricultural Lot 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 lot owner(s) should apply to her office to permit the structures to be erected or to regularise any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. Applications for any of the above will be considered by her department acting in the capacity of the landlord or lessor at her 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 rent or fee, as may be imposed by her department;
- (c) to note the comments of the Commissioner for Transport that the land status of the access road/path/track leading to the Site from Tai Shu Ha Road East shall be checked with the lands authority. The management and maintenance responsibilities of the access road/path/track shall be clarified and consulted with the relevant management and maintenance authorities accordingly. Sufficient space should be provided within the Site for manoeuvring of vehicles. No parking of vehicles on public road are allowed;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department shall not be responsible for the maintenance of any access connecting the Site and Tai Shu Ha Road East. Adequate drainage measures should be provided to prevent surface water running from the Site to nearby public roads and drains;
- (e) to note the comments of the Director of Environmental Protection that 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 should be followed to minimise any potential environmental nuisance on the surrounding area;
- (f) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. 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 also be clearly marked on the layout plans. The good practice guidelines for open storage (**Appendix V** of this RNTPC Paper) should be adhered to. If the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that 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

unauthorised building works (UBW) under the BO. An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with the 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. 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.