

**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 Application Site

Approved Applications

<u>No.</u>	<u>Application No.</u>	<u>Use/Development</u>	<u>Date of Consideration</u>	<u>Approval Conditions</u>
1	A/YL-PS/26	Temporary Container Trailer, Lorry and Private Car Park for a Period of 12 Months	6.3.1998	(7), (11), (12), (16) & (18)
2	A/YL-PS/55	Temporary Container Trailer, Lorry and Car Park for 2 Years	13.8.1999	(8), (11), (12) & (18)
3	A/YL-PS/71	Temporary Open Storage of Construction Materials for a Period of 3 Years	18.2.2000 [Revoked on 18.5.2001]	(9), (11), (12), (17) & (18)
4	A/YL-PS/207	Temporary Container Vehicle Park and Ancillary Repairing Activities for a Period of 3 Years	28.3.2008 (TPAB)	(5), (11), (12), (15), (16) & (17)
5	A/YL-PS/345	Proposed Temporary Container Vehicle and Lorry Park with Container Trailers for a Period of 3 Years	18.3.2011	(1), (3), (5), (10), (11), (13), (14), (15), (16), (17) & (18)
6	A/YL-PS/438	Renewal of Planning Approval for Temporary Container Vehicle and Lorry Park with Container Trailers for a Period of 3 Years	7.3.2014 [Revoked on 18.3.2015]	(1), (3), (4), (5), (10), (11), (13), (14), (15), (16), (17) & (18)
7	A/YL-PS/444	Proposed Temporary Logistic Centre and Ancillary Parking of Vehicle for a Period of 3 Years	9.5.2014 [Revoked on 9.5.2015]	(1), (2), (3), (5), (6), (11), (13), (14), (15), (16), (17) & (18)
8	A/YL-PS/477	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), (2), (3), (5), (6), (11), (13), (14), (15), (16) & (17)

Approval Conditions

- (1) No night time operation.
- (2) No operation on Sundays and public holidays.
- (3) No parking/storage of vehicles without valid licences issued under the Road Traffic Ordinance.
- (4) Only goods vehicles and container vehicles (including container trailers) are allowed to enter/be parked.
- (5) No vehicle washing/repairing/dismantling/paint spraying and other workshop uses/activities.
- (6) No vehicle is allowed to queue back to or reverse onto/from public road.
- (7) Provision of proper vehicular access.
- (8) Submission of a revised car parking layout.
- (9) Setback of the north-eastern corner of the application site.
- (10) No storage/parking of inflammable goods, fuel, or vehicle for conveying dangerous goods.
- (11) Submission and/or implementation of compensatory planting or tree preservation and/or landscape proposal.
- (12) Provision of flood mitigation measures or drainage facilities.
- (13) Maintenance of existing drainage facilities.
- (14) Submission of condition record of existing drainage facilities.
- (15) Submission and/or implementation of fire services installations proposal or provision of fire service installations proposed.
- (16) Provision of (hard) paving and/or boundary/peripheral fencing.
- (17) Revocation clause(s).
- (18) Reinstatement clause.

Rejected Application

<u>No.</u>	<u>Application No.</u>	<u>Use/Development</u>	<u>Date of Consideration</u>	<u>Rejection Reasons</u>
1	A/YL-PS/126	Temporary Container Trailer, Lorry & Car Park for a Period of 3 Years	13.12.2002	(1) & (2)

Reasons for Rejection

- (1) The development was not compatible with the residential uses found within the site as well as those immediately adjacent to the site.
- (2) There was insufficient information to demonstrate that there would not be adverse environmental, visual and drainage impacts on the surrounding areas.

**Similar Applications within the Same “CDA” Zone
on the draft Ping Shan OZP No. S/YL-PS/17**

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/344	“CDA”	Renewal of Planning Approval for Temporary Container Vehicle and Lorry Park for a Period of 3 Years	18.3.2011 (up to 18.3.2014)	(1), (3), (5), (7), (8), (9), (10), (12), (13), (15) & (16)
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 (up to 28.3.2017)	(1), (3), (4), (5), (6), (7), (8), (9), (10), (11), (14), (15) & (16)
A/YL-PS/514	“CDA”	Proposed Temporary Logistics Centre for a Period of 3 Years	13.5.2016	(1), (2), (6), (8), (9), (10), (11), (14), (15) & (16)

Approval Conditions

- (1) No night time operation.
- (2) No operation on Sundays and public holidays.
- (3) No parking/storage of vehicles without valid licences issued under the Road Traffic Ordinance.
- (4) Only goods vehicles and container vehicles (including container trailers) are allowed to enter/be parked.
- (5) No vehicle washing/repairing/dismantling/paint spraying and other workshop uses/activities.
- (6) No vehicle is allowed to queue back to or reverse onto/from public road.
- (7) No storage/parking of inflammable goods, fuel, or vehicle for conveying dangerous goods.
- (8) Submission and/or implementation of reinstatement planting or tree preservation and/or landscape proposal.
- (9) Maintenance of existing drainage facilities.
- (10) Submission of condition record of existing drainage facilities.
- (11) Submission and/or implementation of fire services installations proposal or provision of fire service installations proposed.
- (12) Maintenance of existing fire service installations and equipment.
- (13) Submission of valid certificates for the fire service installations and equipment.
- (14) Provision of boundary fencing.
- (15) Revocation clauses.
- (16) Reinstatement clause.

Advisory Clauses

- (a) to resolve any land issue relating to the development with the concerned owner(s) of the Site;
- (b) 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 the prior approval of the Government. Lot Nos. 105 RP & 113, 111 and 115 in D.D. 122 are covered by Short Term Waiver (STW) Nos. 3926, 3927 and 3929 respectively to permit structures erected thereon for the purpose of “Temporary Logistics Centre and Vehicle Park (Container Tractors, Container Trailers and Lorries (Medium/Heavy Goods Vehicle))”. Lot Nos. 112 & 114 in D.D. 122 are covered by STW No. 3928 to permit structures erected thereon for the purpose of “Logistics Centre and Ancillary Parking Vehicles”. Lot No. 120 in D.D. 122 is covered by STW No. 4813 to permit structures erected thereon for the purpose of “Temporary Logistics Centre”. The government land (GL) within the Site is covered by the Short Term Tenancy (STT) No. 2936 for the purpose of “Temporary Logistics Centre and Vehicle Park (Container Tractors, Container Trailers and Lorries (Medium/Heavy Goods Vehicle))”. The Site is accessible to Yung Yuen Road via GL and private land. His office does not provide maintenance work for GL involved and does not guarantee any right-of-way to the Site. The STW/STT holder(s) will need to apply to his office for modification of the STW/STT conditions if there is any irregularities on Site and the lot owner(s) of the lot(s) without STW will need to apply to his office for permit the structures to be erected or regularize any irregularities on Site. Such application(s) 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(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 the LandsD. The Site is within West Rail Protection Boundary;
- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that before any new building works (including containers/open sheds as temporary buildings) are to be carried out on Site, prior approval and consent of the BD should be obtained, otherwise they are unauthorized building works (UBW) under the Buildings Ordinance (BO). An Authorized Person (AP) 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 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. 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;
- (d) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) that the applicant is reminded that sufficient space within the Site should be provided for manoeuvring of vehicles. The local track leading to the Site is not under TD’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;

- (e) 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;
- (f) to note the comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department (CE/RD2-2/RDO, HyD) that as the Site falls within the route protection boundary of the West Rail, the applicant should consult MTRCL on full details of the proposal and comply with their requirements with respect to the future construction, operation, maintenance and safety of the West Rail;
- (g) to follow the the relevant mitigation measures and requirements in the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites”;
- (h) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that the water mains in the vicinity of the Site cannot provide the standard pedestal hydrant;
- (i) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposal, fire service installations (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 FSIs to be installed should be clearly marked on the layout plans. 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; and
- (j) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that the applicant is advised that the approval of the landscape proposal under s.16 application does not imply approval of tree works such as pruning, transplanting and felling under lease. Tree works applications should be submitted direct to DLO for approval. In compliance with the “Technical Note on the Submission and Implementation of Landscape Proposals for Compliance with Conditions for Approved Applications for Open Storage and Port Back-up Uses” the applicant should leave adequate spacing between the fence, temporary structures and trees to promote a more sustainable growing environment for the trees. A minimum distance of 600mm between the fence and the tree planting should be provided. The applicant is also advised that there should be a minimum soil provision 1m (W) x 1m (L) x 1.2 m (D) for each tree. Precautions measures such as bollards and/or kerbs should be proposed to prevent damage to the trees. The applicant shall be reminded of the importance of general tree care as well as proper tree maintenance. 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 GLTM Section, DEVB.