

**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” (“U”)	21.10.1994 (Approved for 3 Years)	1-9, 16
2	A/YL-PS/14	Temporary Open Storage of New Vehicles for a Period of 12 Months	“REC”	3.10.1997	2, 3, 5, 8, 9, 16
3	A/YL-PS/40	Temporary Open Storage of New Vehicles for a Period of 12 Months	“REC”	16.10.1998	3, 8, 9, 16
4	A/YL-PS/49	Golf Driving Range	“REC”	26.3.1999 (Approved for 3 Years)	5, 8-10, 16
5	A/YL-PS/295	Temporary War Game Centre for a Period of 3 Years	“REC”, “V”	13.2.2009	5, 7-10, 13, 15, 16
6	A/YL-PS/369	Temporary War Game Centre for a Period of 3 Years	“REC”, “V”	24.2.2012	5, 7, 8, 10-13, 15, 16
7	A/YL-PS/470	Renewal of Planning Approval for Temporary War Game Centre for a Period of 3 Years	“REC”, “V”	6.2.2015 (Revoked on 16.6.2017)	5, 7, 8, 10-16
8	A/YL-PS/544	Temporary War Game Centre for a Period of 3 Years	“REC”, “V”	22.9.2017	7, 8, 9-16

Approval Conditions

- (1) Submission of traffic impact assessment
- (2) Provision of vehicular access to the site
- (3) Provision of noise mitigation measures
- (4) Carrying out of proposed works in the vicinity of existing waterworks installations
- (5) Provision of a water works reserve from the affected water mains
- (6) Setting back of the site to avoid encroachment onto the proposed work limit of roadworks to Ha Mei San Tsuen for Village Flood Protection Phase IV
- (7) No night time operation
- (8) Submission and implementation of landscape/tree planting/preservation proposal
- (9) Submission and implementation of drainage proposal
- (10) Submission and implementation of fire service installations proposal
- (11) Submission of drainage record
- (12) Maintain existing drainage facilities
- (13) Provision/maintenance of peripheral fencing
- (14) No vehicle is allowed to queue back to or reverse onto/from public road
- (15) Revocation Clause
- (16) Reinstatement Clause.

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
2	A/YL-PS/247	Temporary Holiday Camp Development with Ancillary Facilities for a Period of 3 Years	“REC”, “Conservation Area” (“CA”) and “V”	17.11.2006	1, 6, 7

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.
- (6) No information was submitted to demonstrate that the proposed development would not generate adverse drainage, sewerage, environmental, traffic and landscape impacts on the surrounding areas.
- (7) Setting an undesirable precedent.

**Similar s.16 Applications within the same “REC” and “V” Zones
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/405	Temporary Open Storage of New Vehicles (Cars, Taxis, Light Goods Vehicles and Light Buses Only) for a Period of 3 Years	“REC”, and “V”	15.3.2013	1, 3, 4, 6, 8, 9, 15, 17, 18
2	A/YL-PS/436	Proposed Temporary Open Storage of New Vehicles (Privates Cars and light Goods Vehicles Only) for a Period of 3 Years	“REC”	25.4.2014	1-3, 5, 7, 10-14, 16- 18
3	A/YL-PS/511	Renewal of Planning Approval for Temporary Open Storage of New Vehicles (Private Cars, Taxis, Light Goods Vehicles and Light Buses Only) for a Period of 3 Years	“REC”, and “V”	5.2.2016	1, 2, 4, 6-9, 11-14, 17, 18
4	A/YL-PS/537	Temporary Open Storage of New Vehicles (Private Cars and Light Goods Vehicles) for a Period of 3 Years	“REC”	12.5.2017	1-3, 5, 7-9, 11, 12, 14, 17, 18
5	A/YL-PS/579	Renewal of Planning Approval for Temporary Open Storage of New Vehicles (Private Cars, Taxis, Light Goods Vehicles and Light Buses Only) for a Period of 3 Years	“REC”, and “V”	22.2.2019	1, 2, 4, 6-9, 11-13, 15, 17, 18

Approval Conditions

- (1) No night-time operation.
- (2) No operation on Sundays and public holidays.
- (3) No repair, car washing or other workshop activities.
- (4) No medium or heavy goods vehicles exceeding 5.5 tonnes, buses exceeding 16 seats, container vehicles, container tractors and trailers to be parked.
- (5) Only private cars and light goods vehicles not exceeding 5.5 tonnes to be parked.
- (6) Adhere to delivery route to and from the site via Tin Wah Road.
- (7) No vehicle is allowed to queue back to or reverse onto/from public road.
- (8) Maintain existing drainage facilities.
- (9) Submission of condition record of the existing drainage facilities.
- (10) Submission and implementation of drainage proposal.
- (11) Provision/maintenance of peripheral fencing.
- (12) Submission and implementation of fire service installations proposals.
- (13) Provision of fire extinguisher(s).
- (14) Submission and implementation tree preservation proposal.
- (15) Maintain existing trees.

- (16) Paving of the site.
- (17) Revocation clause.
- (18) Reinstatement clause.

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/365	Proposed temporary Open Storage of New Vehicles (Private Cars and Medium Goods Vehicles) (under 12 tonnes) For a Period of 3 Years	“REC”	30.3.2012	1 to 4

Reasons for Rejection:

- (1) Not in line with planning intention.
- (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 environmental, landscape and drainage impacts.
- (4) Setting an undesirable precedent.

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) to resolve any land issues relating to the development with the concerned owner(s) of the application site (the Site);
- (b) to note the comments of the 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. The private land of Lots 320, 321, 323 RP all in D.D.126 is currently covered by Short Term Waivers (STW) Nos. 3645, 3646 and 3647 respectively all to permit structures for the purpose of “Temporary War Game Centre”. The private land of Lots 285 and 286 both in D.D.126 is currently covered by STW No. 3648 to permit structures for the purpose of “Temporary War Game Centre”. The STW holders will need to apply to his office for modification of the STW conditions where appropriate. The lot owner(s) of the lot(s) 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;
- (c) 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 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 unauthorized building works (UBW) under the Buildings Ordinance (BO). An Authorized Person should be appointed as the coordinator for the proposed 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. Detailed checking under BO will be carried out at building plan submission stage;
- (d) to note the comments of the Commissioner for Transport that the Site is connected to Tin Wah Road/Tin Tsz Road via a section of a local access which is not managed by Transport Department (TD). The land status of the local access road should be clarified with LandsD by the applicant. 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 the 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. Sufficient manoeuvring spaces shall be provided within 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 Tin Wah Road/Tin Tsz Road;

- (f) to note the comments of the Director of Environmental Protection (DEP) that the applicant is advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by DEP to minimize potential environmental nuisance to the surrounding area;
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the applicant is reminded that the required condition record should include coloured photos showing the current condition of the drainage facilities and a layout plan indicating the locations of the photos taken. The submitted photos should cover all internal surface channels, catch puts, sand traps, manholes, terminal catch pits/manholes and the downstream discharge path as indicated on the submitted drainage proposal;
- (h) to note the comments of Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that the applicant should refer to the guidelines promulgated by the Development Bureau on tree management to undertake proper and regular tree maintenance work. Wheel stops or concrete barriers at a minimum distance of 1m from the planting areas should be installed to protect the trees from damage by vehicles. If replacement for existing tree is required, the applicant may wish to consider other tree species with small mature size in lieu of *Ficus microcarpa* which has the characteristics of vigorous root system and large tree canopy in mature size; and
- (i) 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 V** 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.