

**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 s.16 Applications covering the Application Site

Approved Applications

	<u>Application No.</u>	<u>Zoning(s) and OZP at the time of consideration</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1.	A/YL-HT/23	“U” on draft HT OZP No. S/YL-HT/1	Proposed open storage of containers (3 Years)	20.12.1996 (3 Years)	1, 2, 3, 4, 5, 6
2.	A/YL-HT/124	“U” on draft HT OZP No. S/YL-HT/3	Temporary open storage of containers (3 Years)	14.1.2000 (3 Years) (revoked on 14.10.2000)	1, 3, 4, 6, 7
3.	A/YL-HT/209	“U” on draft HT OZP No. S/YL-HT/3	Temporary open storage of containers (3 Years)	3.8.2001 (3 Years)	4, 6, 7, 8, 9
4.	A/YL-HT/347	“U” on approved HT OZP No. S/YL-HT/4	Temporary open storage of containers (3 Years)	30.7.2004 (3 Years)	1, 4, 7, 8, 9
5.	A/YL-HT/499	“U” on approved HT OZP No. S/YL-HT/8	Temporary Open Storage of Containers (3 Years)	27.7.2007 (3 Years)	6, 7, 8, 9, 10, 11, 12
6.	A/YL-HT/686	“U” on approved HT OZP No. S/YL-HT/10	Temporary Open Storage of Containers (3 Years)	16.7.2010 (3 Years)	1, 6, 7, 8, 9, 12
7.	A/YL-HT/857	“U” on approved HT OZP No. S/YL-HT/10	Temporary Open Storage of Containers (3 Years)	19.7.2013 (3 Years)	1, 7, 8, 9, 12, 13
8.	A/YL-HT/1033	“U” on approved HT OZP No. S/YL-HT/10	Renewal of Planning Approval for Temporary Open Storage of Containers (3 Years)	15.7.2016 (3 Years)	4, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16

Approval Conditions:

1. The submission and the implementation of landscaping and/or tree preservation proposals or the replacement of dead trees on the site.
2. The provision of sewage treatment and disposal facilities.
3. No repairing or other industrial activities should be carried out within the application site.
4. The submission of drainage impact assessment or drainage proposals and the provision of drainage facilities and/or flood mitigation measures.
5. The submission of traffic impact assessment and/or the implementation of traffic improvement measures including vehicular access arrangement, junction improvement and provision of parking and loading/unloading spaces and queuing area.
6. Reinstatement clause.
7. Revocation clauses.
8. The stacking height of the materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence.
9. No night-time operation/no operation on Sundays or public holidays.
10. The submission and/or provision of vehicular access/run-in/out proposals, and/or ingress/egress arrangement, and/or car-parking, and/or loading and unloading spaces.

11. The maintenance of the existing trees/landscape planting.
12. The maintenance of the drainage facilities, and the submission of the condition record of the existing drainage facilities.
13. The provision of fire extinguisher(s) and the submission of a valid fire certificate (FS 251) or submission/implementation of the fire service installations proposal.
14. The stacking height of containers stored on the site shall not exceed 7 units.
15. No material is allowed to be stored/dumped within 1m of any tree.
16. No vehicle is allowed to queue back or reverse onto/from the public road.

**Similar s.16 Applications within the same "O" Zone
on the approved Hung Shui Kiu and Ha Tsuen Outline Zoning Plan
since the Promulgation of TPB PG-No. 13E on 17.10.2008**

Approved Applications

No.	Application No.	Zoning(s) and OZP at the time of consideration	Proposed Use(s)/Development(s)	Date of Consideration (RNTPC/TPB)	Approval Condition(s)
1.	A/YL-HT/610	"U" on approved HT OZP No. S/YL-HT/10	Temporary Open Storage of Containers, Container Repair Workshop and Logistics Yard (3 years)	8.5.2009 (3 years)	1 to 7
2.	A/YL-HT/834	"U" on approved HT OZP No. S/YL-HT/10	Temporary Open Storage of Containers, Container Repair Workshop and Logistics Yard (3 years)	8.2.2013 (3 years)	1, 6 to 14
3.	A/YL-HT/1065	"U" on approved HT OZP No. S/YL-HT/10	Temporary Open Storage of Containers, Container Repair Workshop and Logistics Yard (3 years)	17.2.2017 (3 years)	1 to 3, 6, 7, 8, 11- 16

Approval Condition(s):

1. No night-time operation/no operation on Sundays or public holidays
2. No stacking of containers within 5m from the periphery of the site
3. The stacking height of containers stored on the site should not exceed 7/8 units.
4. The existing trees on the site should be maintained.
5. The implementation of the flood mitigation measures proposed in the Drainage Impact Assessment.
6. The provision of fire extinguisher(s) or the submission and implementation of FSIs proposals or the provision of FSIs.
7. Revocation clauses.
8. The submission and/or the implementation of landscaping and/or tree preservation proposals or the replacement of dead trees.
9. The provision of sewage treatment and disposal facilities.
10. The submission of noise impact assessment/environmental mitigation measures proposals and/or the provision of noise/environmental mitigation measures.
11. The submission of a condition record of the existing drainage facilities or drainage impact assessment or drainage proposal, and the provision of drainage facilities and/or flood mitigation measures, or implementation of drainage proposal.
12. No vehicle was allowed to be parked within one metre of any tree.
13. No vehicle queuing was allowed back to public road or no vehicle reversing onto/from the public road was allowed.
14. The existing drainage facilities on-site should be maintained.
15. The existing boundary fence on the site shall be maintained.
16. Reinstatement clause.

消防處發出之露天貯存用地良好作業指引
Good Practice Guidelines for Open Storage issued by the Director of Fire Services

		消防車輛 內部通道 Internal Access for Fire Appliances	地段界線 (淨闊度) Lot Boundaries (Clear Width)	貯存物品 地點與 臨時構築物 之間的距離 Distance between Storage Cluster and Temporary Structure	貯存物品 地點的大小 Cluster Size	貯存高度 Storage Height
1.	露天貯存貨櫃 Open Storage of Containers		2 米 2m	4.5 米 4.5m		
2.	露天貯存非易燃物品 或有限數量的易燃物品 Open Storage of Non-Combustibles or Limited Combustibles	4.5 米 4.5m	2 米 2m	4.5 米 4.5m		
3.	露天貯存易燃物品 Open Storage of Combustibles	4.5 米 4.5m	2 米 2m	4.5 米 4.5m	40 米乘 40 米 40m x 40m	3 米 3m

備註：露天貯存用地／回收場內不得吸煙或使用明火。

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;
- (b) to note that the Site might be resumed at any time during the planning approval period for implementation of government projects;
- (c) to note the comments of the District Lands Officer/Yuen Long (DLO/YL, LandsD) 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 Site is accessible from Tin Ha Road through private lots. His office does not guarantee any right-of-way to the Site. The lot owner(s) of the lot 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. No construction of New Territories Exempted Building(s) will be considered or allowed. Application(s) for any of the above 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.
- (d) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) that sufficient manoeuvring spaces shall be provided within the Site. The local track leading to the Site is not under TD's purview. The applicant is advised to obtain consent of the owner/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 the access arrangement should be approved by the Transport Department. Adequate drainage measures should be provided at the Site access to prevent surface water flowing from the Site onto nearby public roads/drains. Highways Department shall not be responsible for the maintenance of any access connecting the Site and Tin Ha Road;
- (f) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (g) to note the comments of the Director of Fire Services (DFS) that in consideration of the design/nature of the structure, 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 him 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 are to be installed should be clearly marked on the layout plans. Attached good practice guidelines for open storage should be adhered to **Appendix V**. The applicant is reminded that if the proposed structure(s) is required to comply with the Building Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and

- (h) to note the comments of the Project Manager (New Territories West), Civil Engineering and Development Department (PM/NTW, CEDD) that the Site falls within the boundary of Hung Shui Kiu New Development Area (HSK NDA). According to the Planning and Engineering Study (P&E Study) for the HSK NDA, to ensure timely and orderly implementation, the development of HSK NDA and relevant site formation and infrastructure works would be implemented in five stages, viz. Advance Works and Stage 1 to Stage 4. The concerned lot(s) falls within a site under Stage 3 Works stage. While the detailed implementation programme for the project is still being formulated, based on the P&E Study, it is envisaged that clearance of the Site in question will not be arranged before the first population intake of the HSK NDA expected in 2024.