

**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 1,000 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.

Previous s.16 Application covering the Application Site

Approved Application

	<u>Application No.</u>	<u>Zoning(s) and OZP at the time of consideration</u>	<u>Applied Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1.	A/YL-HT/603	“REC” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Logistics Centre and Open Storage of Containers (3 Years)	5.3.2010	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13
2	A/YL-HT/757	“REC” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Logistics Centre and Open Storage of Containers with Ancillary Container Repair Workshop (3 Years)	2.12.2011	1, 2, 3, 5, 7, 10, 12, 13, 14, 15
3	A/YL-HT/988	“REC” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Logistics Centre and Open Storage of Containers (3Years)	4.12.2015 (revoked on 12.4.2016)	1, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 15, 16
4	A/YL-HT/1048	“REC” on approved Ha Tsuen OZP No. S/YL-HT/10	Proposed Temporary Warehouse and Logistics Centre (3Years)	14.10.2016 (revoked on 14.3.2019)	1, 3, 6, 7, 10, 11, 13, 15, 16, 17

Approval condition(s)

- 1 The submission and implementation of landscaping and/or tree preservation proposals.
- 2 The submission of drainage proposals and provision of drainage facilities.
- 3 No night-time operation/no operation on Sundays and public holidays.
- 4 No cutting, dismantling, repairing, melting, cleansing and workshop activity.
- 5 The stacking height of materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence.
- 6 The provision/maintenance of fencing.
- 7 No left turn of container vehicles into Ha Tsuen Road upon leaving the site.
- 8 No structure should be erected on the site.
- 9 Removal of all existing structures on-site.
- 10 Reinstatement clause.
- 11 The submission and provision of fire extinguishers, FSIs, with or without sprinkler system.
- 12 Condition on commencement of development.
- 13 Revocation clause.
- 14 The stacking height of containers stored should not exceed 7/8 units.
- 15 No vehicle is allowed to queue back or reverse onto/from the public road.
- 16 Maintenance of existing drainage facilities and submission of drainage record
- 17 Erection of a ‘Turn Right’ traffic sign at the junction of the access road with Ha Tsuen Road

Rejected 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>Reasons for Rejection</u>
1.	A/YL-HT/191	“REC” on draft Ha Tsuen OZP No. S/YL-HT/4	Proposed temporary open storage of containers (3 years)	23.11.2001 by TPB	3, 4, 5, 6, 7
2.	A/YL-HT/343	“REC” on draft Ha Tsuen OZP No. S/YL-HT/4	Temporary open storage of scrap metal, construction machinery and materials (3 years)	25.6.2004	3, 4, 5
3.	A/YL HT/359	“REC” on draft Ha Tsuen OZP No. S/YL-HT/5	Temporary open storage of construction materials (3 years)	11.3.2005 by TPB	1, 2
4.	A/YL HT/408	“REC” on draft Ha Tsuen OZP No. S/YL-HT/5	Temporary open storage of construction materials and machineries (3 years)	16.12.2005 by TPB	1, 2

Reasons for Rejection:

1. the development is not in line with the TPB Guidelines for Application for Open Storage and Port Back-up Uses in that there are adverse departmental comments and there is insufficient information in the submission to demonstrate that the development would not have adverse environmental, traffic, landscape, visual and/or drainage impacts on the surrounding areas.
2. approval of the application would result in degradation of the rural/natural environment.
3. the development is not in line with the planning intention of the “REC” zone.
4. the development is not compatible with the rural character in its surrounding areas/of the “GB” zone.
5. no/insufficient information in the submission to demonstrate that the development would not have adverse traffic, landscape, visual, environmental and/or drainage impacts on the surrounding areas.
6. approval of the application would set an undesirable precedent for similar applications to proliferate into the rural character of area. The cumulative effect of approving such similar applications would spoil the rural character.
7. no/insufficient information in the submission to demonstrate that a proper vehicular access would be provided to the development.

**Similar applications within the same “OU (PBU&SWU)” zone and
area shown as ‘Road’ on the approved Hung Shui Kiu and Ha Tsuen OZP
since the promulgation of TPB PG-No. 13E on 17.10.2008**

Approved Applications

	<u>Application No.</u>	<u>Zoning(s) and OZP at the time of consideration</u>	<u>Applied Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
1.	A/YL-HT/743	REC on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Containers and Logistics Yard (3 years)	5.8.2011 (3 years)	1, 2, 3, 4, 7, 9, 11, 14, 15, 24, 25
2.	A/YL-HT/906	REC on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Containers with Ancillary Logistics Uses, Container Repairing Workshop, Site Offices and General Storage Use (3 years)	22.8.2014 (3 years) (revoked on 22.7.2016)	1, 2, 3, 4, 7, 9, 11, 14, 15, 16, 17, 22, 23
3.	A/YL-HT/932	REC on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Logistics Centre with Ancillary Open Storage of Recyclable Materials (3 years)	16.1.2015 (3 years)	1, 2, 3, 4, 7, 9, 11, 15, 16, 17, 22
4.	A/HSK/17	OU(PBSWU) and Road on draft Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/1	Temporary Warehouse (Furniture Storage) (3 years)	13.10.2017 (3 years)	1, 2, 3, 4, 7, 9, 11, 12
5.	A/HSK/110	OU(PBSWU), OU(POFEFTS) and Road on draft Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/1	Proposed Temporary Open Storage of Construction Materials (3 years)	6.7.2018 (3 years)	1, 3, 4, 7, 9, 11, 17, 19

Approval Condition(s):

- 1 the submission and implementation of landscaping or/and tree preservation proposals.
- 2 the submission of DIA/drainage proposals and provision of drainage facilities as proposed or the implementation of the accepted drainage proposals and/or submission of a condition record of existing drainage facilities.
- 3 reinstatement clause.
- 4 the provision of fencing and/or paving.
- 5 the stacking height of the materials stored within 5m of the periphery of the application site should not exceed the height of the boundary fence/2.5m.
- 6 the stacking height of containers stored on the site shall not exceed 8 units, with a stepped height profile along the western periphery of the site.
- 7 revocation clauses.
- 8 the submission and implementation of maintenance schedule for the screen planting.
- 9 the submission and/or implementation of FSIs proposals and/or provision of FSIs and/or the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS 251).
- 10 no stacking of containers within the “REC” portion of the site and/or within the queuing area for container vehicles.
- 11 no night-time operation and/or no operation on Sundays and public holidays.

- 12 the maintenance of the drainage/landscape facilities/trees/paving and fencing.
- 13 the parking space for container trailers should serve as a buffer area and no container should be stored on that part of the site.
- 14 no stacking of containers/storage of materials within 5m/6m from the peripheral fencing of the site and/or the stacking height of containers stored on the site should not exceed 7/8 units.
- 15 no left turn of container vehicles into Ha Tsuen Road upon leaving the site.
- 16 the erection of a 'Turn Right' traffic sign at the junction of the access road with Ha Tsuen Road.
- 17 no cutting, dismantling, cleansing, repairing, compacting, vehicle repair and workshop activity.
- 18 no ground excavation work should be carried out on-site without prior written consent from the Antiquities and Monuments Office of the Leisure and Cultural Services Department.
- 19 no material is allowed to be stored/dumped and/or no vehicle is allowed to be parked within 1m of any tree.
- 20 the formation of the private access road at the junction with Ha Tsuen Road to appropriate levels with acceptable crossfalls for the safe movement of container vehicles.
- 21 no vehicle exceeding 24 tonnes as defined in the Road Traffic Ordinance, including heavy goods vehicle, container trailer and tractor is allowed to enter, park or operate at the site.
- 22 no vehicle queuing back to public road and vehicle reversing onto/from the public road is allowed.
- 23 provision of waterworks reserve and no structure shall be erected over the reserve and shall not be used for storage of car parking purpose
- 24 a fixed row of 3 units container stack along the northern boundary of the site
- 25 no stacking of containers within the queuing area for container vehicles

Rejected 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>Reasons for Rejection</u>
1.	A/YL-HT/647	REC on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Containers and Logistics Centre (3 years)	23.10.2009 (3 years)	1, 2

Reasons for Rejection:

1. the development was not in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that there were adverse departmental comments, and the development would have adverse environmental and landscape impacts on the surrounding areas.
2. approval of the application would encourage the proliferation of similar developments within this part of the "Recreation" zone resulting in a general degradation of the environment of the area.

Advisory clauses

- (a) prior planning permission should have been obtained before continuing the development on-site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site (the Site);
- (c) to note that the Site might be resumed at any time during the planning approval period for implementation of government projects;
- (d) shorter compliance period is imposed in order to monitor the progress of compliance with approval conditions. Should the applicant fail to comply with any of the approval conditions again resulting in the revocation of planning permission, sympathetic consideration may not be given to any further applications;
- (e) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site comprises Old Scheduled Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government. The Government Land (GL) (about 212m² subject to verification) is covered by Short Term Tenancy No. 3075 (STT3075) for the purposes of Temporary Warehouse and Logistics Centre. The private lots which are covered by Short Term Waivers (STWs) are listed below:

Lot No(s). in D.D. 125	STW	Purposes
494	3970	Temporary Logistics Centre and Open Storage of Containers with Ancillary Containers Repair Workshop
485 S.A, 487 & 488	4295	Temporary Logistics Centre with Ancillary Open Storage of Recyclable Materials
485 S.B ss.2	4296	
491	4688	Temporary Warehouse and Logistics Centre
492	4689	
493	4690	

The lot owner(s) of the lot(s) without Short Term Waiver (STW) will need to apply to his office for permitting the structures to be erected or to regularize any irregularities on site, if any. The STW/STT holders will need to apply to his office for modification of the STW/STT conditions where appropriate. 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. The Site is accessible from Ha Tsuen Road through GL and private lot. His office does not guarantee any right-of-way over the GL to the Site;

- (f) 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 shall obtain consent of the owners/managing departments of the

local track for using it as the vehicular access to the Site;

- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that drainage measures should be provided at the Site 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 Tsuen Road;
- (h) to follow the relevant mitigation measures and requirements in the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department;
- (i) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the required condition record should include colour 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 pits, sand traps, manholes, terminal catch pits/manholes and the downstream discharge path as indicated on the submitted drainage proposal;
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Building 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 BD, 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 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. Before any new building works (including containers/open sheds as temporary buildings and land filling) are to be carried out on application site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorized Person should be appointed as the coordinator for the proposed building 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) Regulation (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;
- (k) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposal, FSIs are anticipated to be required. 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 and good practice guidelines for open storage should be adhered to. The applicant is reminded that if the proposed structure(s) is required to comply with the BO (Cap. 123), detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;
- (l) to note the comments of the Director of Agriculture, Fisheries and Conservation (DAFC) that the applicant is advised to adopt good site practices to minimize disturbance or pollution to the wooded areas in the adjacent "Green Belt" zone during operation; and

- (m) 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 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 lot(s) concerned falls within a site under Stage 1 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.