

**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.

**Appendix III of RNTPC
Paper No. A/HSK/157**

Previous s.16 Applications covering the Application Site

Approved Application

	<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 Condition(s)</u>
1.	A/YL-HT/20	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of New Private Vehicles (12 months)	17.1.1997 (on review)	3, 10
2.	A/YL-HT/49	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of New Private Vehicles (12 months)	5.6.1998	1, 2, 3
3.	A/YL-HT/1032	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Containers (3 Years)	15.7.2016	1, 2, 3, 4, 5, 6, 7, 8, 9

Approval Conditions:

- 1 The submission and implementation of landscaping or/and tree preservation proposals and/or provision of replacement planting.
- 2 The submission of Drainage Impact Assessment (DIA)/drainage proposals and/or provision of drainage facilities/implementation of the drainage facilities proposed, and/or submission of a condition record of the existing drainage facilities.
- 3 Reinstatement clause.
- 4 The maintenance of the drainage facilities.
- 5 The provision of paving, and/or fencing, and/or screening planting.
- 6 Revocation clauses.
- 7 The submission and implementation of run-in/run-out proposal(s),
- 8 No vehicle queuing is allowed back to public road or vehicle reversing onto/from the public road is allowed.
- 9 No stacking of containers within 5m of the periphery of the site is allowed.
- 10 Limitations on operation hours.

Rejected Application

<u>Application No.</u>	<u>Zoning(s) and OZP at the time of consideration</u>	<u>Proposed Use/Development</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Reason(s) for Rejection</u>
A/DPA/YL-HT /16	"Unspecified" on Ha Tsuen DPA No. DPA/YL-HT/1	Proposed Open Storage of New Vehicles	16.4.1993	1, 2, 3, 4, 5

Reasons for Rejection:

- 1 There is insufficient information in the submission to demonstrate that the development would not have adverse drainage impact on the surrounding areas.
- 2 The development is considered not compatible with the surrounding area.
- 3 The development is not in line with the planning intention for the area which is primarily to preserve the existing agricultural land and to conserve the landscape features of the area in an attempt to maintain the rural and agricultural characteristics of the area.
- 4 No information has been provided in the submission to demonstrate that the development will have no adverse impact on the already overloaded local road network
- 5 No information has been provided in the submission to demonstrate that the development will not cause adverse drainage impact on the area and no landscape proposal have been proposed in the submission to reduce the visual impact of the development to the surrounding areas.

**Similar s.16 Applications within the same “R(B)2”, “C(5)”, “O”, “G/IC” and “OU(SPS)” Zones
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/542	“CDA” on approved HT OZP No. S/YL-HT/9	Temporary Open Storage of Containers with Ancillary Office (3 Years)	23.5.2008 (3 years) 21.11.2008 (revoked)	1, 2, 3, 4, 7, 8, 9, 12, 16, 17, 21, 22
2.	A/YL-HT/612	“CDA” on approved HT OZP No. S/YL-HT/10	Temporary Open Storage of Containers (3 years)	8.5.2009 (3 years)	1, 3, 4, 8, 9, 12, 17, 18
3.	A/YL-HT/622	“CDA” on approved HT OZP No. S/YL-HT/10	Temporary Open Storage of Containers with Ancillary Office (3 years)	19.6.2009 (3 years)	1, 3, 4, 7, 8, 9, 12, 15, 17, 19
4.	A/YL-HT/785	“CDA” on approved HT OZP No. S/YL-HT/10	Temporary Open Storage of Containers for a Period (3 years)	18.5.2012 (3 years) 18.8.2014 (revoked)	1, 3, 4, 7, 8, 9, 12, 15, 17
5.	A/YL-HT/790	“CDA” on approved HT OZP No. S/YL-HT/10	Renewal of Planning Approval for Temporary "Open Storage of Containers with Ancillary Office" (3 years)	15.6.2019 (3 years) 19.9.2014 (revoked)	1, 3, 4, 8, 9, 12, 13, 15, 17, 19
6.	A/YL-HT/810	“C” and “CDA” on approved HT OZP No. S/YL-HT/10 and “approved No. S/YL-LFS/7	Temporary Open Storage of Containers and Cargo Handling (3 years)	5.4.2013	1, 2, 4, 7, 8, 13, 14, 15, 16, 17, 19, 20
7.	A/YL-HT/887	“C/R” and “CDA” on approved HT OZP No. S/YL-HT/10 and “approved No. S/YL-LFS/7	Renewal of Planning Approval for "Temporary Open Storage of Containers and Cargo Handling" (3 years)	4.4.2014 (3 years) 5.7.2014 (revoked)	1, 2, 4, 7, 8, 9, 12, 14, 16, 17, 19, 20
8.	A/YL-HT/1031	“CDA” on approved HT OZP No. S/YL-HT/10	Temporary Open Storage of Containers (3 years)	15.7.2016	1, 2, 3, 4, 7, 8, 9, 12, 15, 16, 17, 19

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. No cutting, dismantling, cleansing, repairing, compaction, unpacking, re-packing, vehicle repair, container repair and workshop activity was allowed on the site.
4. The stacking height of containers stored on the site should not exceed 7/8 units.
5. The existing trees on the site should be maintained.
6. The implementation of the flood mitigation measures proposed in the Drainage Impact Assessment.

7. The provision of fire extinguisher(s) or the submission and implementation of FSIs proposals or the provision of FSIs.
8. Revocation clauses.
9. The submission and/or the implementation of landscaping and/or tree preservation proposals or the replacement of dead trees.
10. The provision of sewage treatment and disposal facilities.
11. The submission of noise impact assessment/environmental mitigation measures proposals and/or the provision of noise/environmental mitigation measures.
12. 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.
13. No vehicle was allowed to be parked within one metre of any tree.
14. No vehicle queuing was allowed back to public road or no vehicle reversing onto/from the public road was allowed.
15. The existing drainage facilities on-site should be maintained.
16. The existing boundary fence on the site shall be maintained.
17. Reinstatement clause.
18. The demolition of the existing shelter at the southern part of the site.
19. The submission and/or implementation of a run-in/out proposals.
20. The stacking height of containers/materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence.
21. The setting back of the site boundary from the project limit of PWP Item No. 235DS "Fung Kong Tsuen Drainage Improvement".
22. The existing trees on-site should be maintained.

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, 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 prior approval of the Government. The private lots which are covered by Short Term Waivers (STW) are listed below:

<i>Lot(s) No(s) in D.D.128</i>	<i>STW No.</i>	<i>Purposes</i>
2420 RP	2980	Office Ancillary to Storage of Containers
2387 RP, 2410 RP & 2422 RP	4751	Temporary Open Storage of Containers

The owner(s) of lots without STW will need to apply to his office to permit the structures to be erected or regularize any irregularity on site, if any. Also, the applicant has to either exclude the remaining Government land (GL) from the Site or apply for a formal approval prior to the actual occupation of the remaining GL. 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 Lau Fau Shan Road through GL and private land. His office provides no maintenance works to the GL involved and does not guarantee any right-of-way.

- (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. No vehicle is allowed to queue back to public road or reverse onto/from the public road;
- (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 Lau Fau Shan Road;
- (f) 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 Buildings Department (BD), they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the captioned application. Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the application site, the prior approval and consent of the BD should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized 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 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;

- (g) 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;
- (h) 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;
- (i) 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. The applicant should adhere to Good Practice for Open Storage for Open Storage Sites' at Appendix V. The applicant is advised to submit a valid fire certificate (FS251) to his Department for approval. 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
- (j) 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 4 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.