

**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>
A/YL-HT/50	"G/IC" on draft Ha Tsuen OZP No. S/YL-HT/1	Temporary Open Storage of Construction Materials and Machinery (12 months)	19.6.1998 (12 months)	2, 6, 8
A/YL-HT/92	"G/IC" and "REC" on draft Ha Tsuen OZP No. S/YL-HT/2	Temporary Open Storage of Metal Ware (3 years)	13.8.1999 (3 years)	1, 2, 3, 4, 5, 6, 7

Approval Conditions

- 1 No night-time operation and/or no operation on Sundays and public holidays
- 2 Reinstatement clause
- 3 Revocation clause
- 4 The submission of DIA/drainage proposals and/or provision of drainage facilities and/or existing drainage record.
- 5 The provision of paving, and/or fencing, and/or screening planting
- 6 The submission and/or implementation of landscaping and/or tree preservation proposals, and/or provision of replacement planting and/or the replacement of dead trees
- 7 No cutting, dismantling, repairing, and/or melting, and/or compaction, and/or unpacking, and/or re-packing, and/or vehicle repair, and/or container repair, cleansing and workshop activity
- 8 The provision of flood mitigation and drainage facilities.

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>Reason(s) for Rejection</u>
A/YL-HT/200	"G/IC" and "REC" on approved Ha Tsuen OZP No. S/YL-HT/4	Temporary Open Storage of Used Air Conditioners with Ancillary Workshop (3 years)	15.6.2001 (Rejected on Review on 12.10.2001)	1
A/YL-HT/415	"REC" on draft Ha Tsuen OZP No. S/YL-HT/6	Temporary Open Storage of Recycling Materials (3 years)	29.7.2005	1 to 3
A/YL-HT/428	"REC" on draft Ha Tsuen OZP No. S/YL-HT/6	Temporary Open Storage of Recyclable Card Boards, Compressed Plastic Bottles, Steel Wires and Wooden Panels (3 years)	13.1.2006 (Rejected on Review on 13.10.2006) (Dismissed on Appeal on 29.10.2007)	1 to 3

Reason(s) for Rejection:

- 1 There is insufficient information in the submission to demonstrate that the development would not have adverse traffic, environmental, drainage impact and/or landscape impact on the surrounding areas.
- 2 The development was not in line with the planning intention.
- 3 Adverse comments from Government departments.

**Similar s.16 Applications within the same “OU(PBU&SWU)” and “OU(RTS)” zones on the
Approved Hung Shui Kiu and Ha Tsuen Outline Zoning Plan
since the Promulgation of TPG PG-No. 13E on 17.10.2008**

Approved Application

	<u>Application No.</u>	<u>Zoning(s) and OZP at the time of consideration</u>	<u>Applied Uses(s)/ Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions(s)</u>
1	A/YL-HT/992	“G/IC” on approved Ha Tsuen OZP No. S/YL-HT/10	Proposed Temporary Warehouse for Storage of Vehicles and Open Storage of Vehicles (3 Years)	8.1.2016 (3 Years) (revoked on 8.4.2017)	1 to 11

Approval Conditions

- 1 The submission and/or implementation of landscaping and/or tree preservation proposals, and/or provision of replacement planting and/or the replacement of dead trees.
- 2 The submission of DIA/drainage proposals and/or provision of drainage facilities, and/or submission of a condition record of the existing drainage facilities.
- 3 Reinstatement clause.
- 4 The submission and provision of FSIs, with or without sprinkler system.
- 5 The provision/maintenance of paving, and/or fencing, and/or screening planting.
- 6 Revocation clause.
- 7 No night-time operation and/or no operation on Sundays and public holidays.
- 8 No cutting, dismantling, repairing, and/or melting, and/or compaction, and/or unpacking, and/or re-packing, and/or vehicle repair, and/or container repair, cleansing and workshop activity.
- 9 No vehicle is allowed to queue back to or reverse onto/from the public road.
- 10 The provision of dry powder fire extinguisher and/or submission of a valid fire certificate.
- 11 No vehicle shall make use of Ha Tsuen Road, except the portion connecting to Kong Sham Western Highway from the site in accessing/leaving the site

Drainage Services Department's detailed comments on the submitted drainage proposal

- (i) The "open drain", to which the applicant proposed to discharge the stormwater from the subject site was not maintained by this office. The applicant should identify the owner of the existing drainage facilities and obtain consent from the owner prior to commencement of the proposed works. In the case that it is a local village drains, DO/YL should be consulted.
- (ii) Further to (i) above, since there is no record of the said discharge path, please provide evidence (e.g. site photos) to demonstrate its presence and existing condition.
- (iii) The cover levels and invert levels of the proposed u-channels, catchpits/sand traps should be shown on the drainage plan.
- (iv) Cross sections showing the existing and proposed ground levels of the captioned site with respect to the adjacent areas should be given.
- (v) Sand trap or provision alike should be provided before the collected runoff is discharged to the public drainage facilities.
- (vi) Standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit/sand trap.
- (vii) Where walls or hoarding are erected along the site boundary, adequate opening should be provided to intercept the existing overland flow passing through the site.
- (viii) The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.
- (ix) The applicant should consult DLO/YL and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works

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) prior planning permission should have been obtained before commencing the development on the Site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (c) to note that the Site might be resumed at any time during the planning approval period for implementation of government projects;
- (a) 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 lot owner(s) of the lot(s) without STW will need to apply to his office to permit the structures to be erected or regularize any irregularity 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;
 - the Site is accessible from Ha Tsuen Road through GL and private lots. His Office provides no maintenance works to the GL involved and does not guarantee any right-of-way over the GL to the Site; and
 - the Site does not fall within Shek Kong Airfield Height Restriction Area.
- (b) 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;
- (c) 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/drain;
- (d) 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;
- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings

Department (CBS/NTW, BD) that there is no record of approval the Building Authority (BA) for the existing structures at the Site. 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. For UBW erected on leased land, enforcement action may be taken by 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 application site under the BO. Before any new building works (including containers/open sheds as temporary buildings, demolition and land filling) 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. 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;

- (f) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the structures, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant should 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 to be installed should be clearly marked on the layout plans. If the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123) or relevant licensing requirements, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
- (g) 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 majority of the Site falls within the area zoned 'Road' on the approved HSK and HT OZP which is to be formed under HSK NDA Stage 1 Works stage. The construction of HSK NDA Stage 1 Works will commence in 2021 tentatively based on the current planning and subject to funding approval, and the land resumption process will take place in the first half of 2020 tentatively. The applicant should be reminded that the Site may be resumed at any time during the proposed approval period for implementation of Government projects.
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) on the submitted drainage proposal that :
 - (i) The "open drain", to which the applicant proposed to discharge the stormwater from the subject site was not maintained by this office. The applicant should identify the owner of the existing drainage facilities and obtain consent from the owner prior to commencement of the proposed works. In the case that it is a

local village drains, DO/YL should be consulted.

- (ii) Further to (i) above, since there is no record of the said discharge path, please provide evidence (e.g. site photos) to demonstrate its presence and existing condition.
- (iii) The cover levels and invert levels of the proposed u-channels, catchpits/sand traps should be shown on the drainage plan.
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- (viii) The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.
- (ix) The applicant should consult DLO/YL and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works