

**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.

**Relevant extracts of the Town Planning Board Guidelines No. 34C for
“Renewal of Planning Approval and Extension of Time for Compliance with Planning
Conditions for Temporary Use or Development”
(TPB PG-No. 34C)**

1. The criteria for assessing applications for renewal of planning approval include:
 - (a) whether there has been any material change in planning circumstance since the previous temporary approval was granted (such as a change in the planning policy/land-use zoning for the area) or a change in the land uses of the surrounding areas;
 - (b) whether there are any adverse planning implications arising from the renewal of the planning approval (such as pre-emption of planned permanent development);
 - (c) whether the planning conditions under previous approval have been complied with to the satisfaction of relevant Government departments within the specified time limits;
 - (d) whether the approval period sought is reasonable; and
 - (e) any other relevant considerations.

2. Under normal circumstances, the approval period for renewal should not be longer than the original validity period of the temporary approval. In general, the Board is unlikely to grant an approval period exceeding three years unless there are strong justifications and the period is allowed for under the relevant statutory plans. Depending on the circumstances of each case, the Board could determine the appropriate approval period, which may be shorter than the time under request.

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>Applied use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Condition(s)</u>
1.	A/YL-HT/62	“CDA” on draft HT OZP No. S/YL-HT/1	Temporary Open Storage of Brand New Industrial Paper Rolls (12 months)	11.12.1998	1,2, 3, 4
2.	A/YL-HT/139	“CDA” on draft HT OZP No. S/YL-HT/3	Temporary Open Storage of Brand New Industrial Paper Rolls (12 months)	31.3.2000	1, 2, 4, 5
3.	A/YL-HT/257	“CDA” on approved HT OZP No. S/YL-HT/4	Temporary Open Storage of Brand New Industrial Paper Rolls (3 years)	26.7.2002	1,2,4,5
4.	A/YL-HT/411	“CDA” on draft HT OZP No. S/YL-HT/6	Temporary Container Trailer Park and Open Storage of Brand New Industrial Paper Rolls (3 years)	29.7.2005	4, 5, 6, 7, 8, 9, 10, 11, 12
5.	A/YL-HT/425	“CDA” on draft HT OZP No. S/YL-HT/6	Temporary Open Storage of Used Plastic Ware (3 years)	23.12.2005 (revoked on 23.6.2006)	1, 2, 4, 5, 6, 10, 13
6.	A/YL-HT/663	“CDA” on approved HT OZP No. S/YL-HT/10	Temporary Open Storage of Containers and Logistics Vehicles Back-Up Centre with Loading/Unloading Spaces (3 years)	5.3.2010	1, 2, 4, 5, 6, 14
7.	A/YL-HT/1043	“CDA” on approved HT OZP No. S/YL-HT/10	Proposed Temporary Logistics Centre (3 years)	14.9.2016	1, 2, 3, 4, 5, 6, 9, 10, 15

Approval Condition(s):

- 1 The submission and implementation of landscaping or/and tree preservation proposals.
- 2 The submission and implementation of drainage proposal or/and the provision of drainage facilities.
- 3 The provision of paving, fencing and screen planting.
- 4 Reinstatement clause.
- 5 Revocation clause.
- 6 No night time operation or/and on Sundays and public holidays.
- 7 The maintenance of landscape planting on the site.
- 8 The replacement of dead trees on the site.
- 9 The submission and implementation of a run-in/out proposal.
- 10 The submission and implementation of fire service installations (FSIs) proposal or/and the provision of FSIs.
- 11 No vehicle repair workshop and storage of plastic recycling materials at the site.
- 12 The maintenance of drainage facilities on the site.
- 13 No workshop activities including washing, cutting, compacting and melting of plastic ware at

the site.

- 14 The stacking height of containers stored on the site should not exceed 8 units.
- 15 No vehicle is allowed to queue back to or reverse onto/from the public road.

**Similar s.16 Applications within the subject "G/IC" 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

	<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)</u>	<u>Approval Condition(s)</u>
1.	A/YL-HT/795	"CDA" on approved HT OZP No. S/YL-HT/10	Proposed temporary logistic centre and ancillary parking of vehicles (3 years)	6.7.2012 (3 years)	1, 2, 3, 4, 7, 8, 10, 11, 14
2.	A/YL-HT/808	"CDA" on approved HT OZP No. S/YL-HT/10	Temporary logistics centre and ancillary tyre repair workshop (3 years)	19.4.2013 (1 year)	1, 2, 3, 4, 8, 10, 11, 14, 15, 17
3.	A/YL-HT/866	"CDA" on approved HT OZP No. S/YL-HT/10	Temporary logistics centre and ancillary parking of vehicles (3 years)	17.1.2014 (3 years)	1, 2, 3, 4, 7, 8, 10, 11, 14, 15
4.	A/YL-HT/898	"CDA" on approved HT OZP No. S/YL-HT/10	Temporary logistics centre and ancillary tyre repair workshop (3 years)	23.5.2014 (3 years) (revoked on 23.11.2014)	1, 3, 4, 7, 8, 10, 11, 15, 17
5.	A/YL-HT/958	"CDA" on approved HT OZP No. S/YL-HT/10	Temporary Logistic Centre and Ancillary Tyre Repair Workshop (3 Years)	3.7.2015 (3 years)	1, 2, 3, 4, 7, 8, 10, 11, 15, 17
6.	A/YL-HT/962	"CDA" on approved HT OZP No. S/YL-HT/10	Temporary Logistic Centre and Warehouse (Storage of Paper)	3.7.2015 (3 years)	1, 2, 3, 4, 5, 7, 8, 10, 11, 14, 15
7.	A/YL-HT/1072	"CDA" on approved HT OZP No. S/YL-HT/10	Temporary logistics centre and ancillary parking of vehicle (3 years)	17.3.2017 (3 years) (revoked on 17.9.2017)	1, 2, 3, 4, 7, 8, 10, 15
8.	A/HSK/40	"G/IC" and 'Road' on draft HSK&HT OZP No. S/HSK/1	Temporary logistics centre and ancillary parking of vehicle (3 years)	26.1.2018 (3 years)	1, 2, 3, 4, 7, 8, 10, 15, 19
9.	A/HSK/68	"G/IC" and 'Road' on draft HSK&HT OZP No. S/HSK/1	Renewal of Planning Approval for temporary "logistic centre and ancillary type repair workshop" (3 years)	15.6.2018 (3 years)	2, 3, 4, 7, 8, 9, 10, 11, 15
10.	A/HSK/94	"R(A)3", "G/IC" and 'Road' on draft HSK&HT OZP No. S/HSK/1	Temporary Logistic Centre and Warehouse (3 years)	21.9.2018 (3 years)	2, 3, 4, 5, 7, 8, 9, 10, 14, 15, 19

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/ implementation of the drainage facilities proposed, and/or submission of a condition record of

- the existing drainage facilities.
- 3 Reinstatement clause.
 - 4 The submission/implementation of FSIs proposals and/or provision of FSIs, with or without sprinkler system.
 - 5 The provision of paving, and/or fencing, and/or screening planting.
 - 6 The stacking height of the containers/materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence/2.5m.
 - 7 Revocation clauses.
 - 8 No night-time operation and/or no operation on Sundays and public holidays.
 - 9 The maintenance of the landscape planting/existing trees/vegetation.
 - 10 The maintenance of the drainage facilities.
 - 11 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 or workshop activity.
 - 12 The provision of fire extinguisher(s) and/or the submission of a valid fire certificate (FS251).
 - 13 The stacking height of containers stored should not exceed 7/8 units.
 - 14 No material is allowed to be stored/dumped and no vehicle is allowed to be parked within 1m of the fencing.
 - 15 No vehicle queuing is allowed back to public road or vehicle reversing onto/from the public road is allowed.
 - 16 The setting back of the site boundary to avoid encroaching upon the public works project limit.
 - 17 The submission and implementation of run-in/run-out proposal(s).
 - 18 No stacking/open storage of containers.
 - 19 No workshop activity /and open storage use is allowed.
 - 20 Only private cars and goods vehicles with valid licence issued under the Road Traffic Ordinance, and not exceeding 24 tonnes as defined in the Road Traffic Ordinance, is allowed to be parked or stored on the application site.
 - 21 No vehicle/tyre repairing, compacting and dismantling or other workshop activities, is allowed.
 - 22 No material/vehicle is allowed to be stored/parked within 1m of any tree .

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 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 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 Government land (GL) of the Site (about 1,157m²) is covered by Short Term Tenancy (STT) No. 3178 for the purpose of "Temporary Logistics Centre". The private lots which are covered by Short Term Waivers (STW) in the Site are listed below:

Lot No. in D.D. 129	STW No.	Purposes
3169	3054	Ancillary Use to Storage
3170	4373	Temporary Shop for Construction Machinery Parts with Warehouse and Workshop, Logistics Warehouse and Logistics Vehicles Back-Up Centre, and Ancillary Site Office, Guard Room and Staff Canteen
3306	3904	Temporary Logistics Centre and Ancillary Tyre Repair Workshop
3313	3905	
3167 S.A	4066	Temporary Logistics Centre and Ancillary Parking of Vehicles
3168	4067	
3177	4068	
3302	4585	Temporary Logistics Centre and Warehouse (Storage of Paper)
3305 RP	4588	
3315 RP	4589	
3167 S.B	4957	Temporary Logistics Centre
3171 RP	4958	
3314	4959	
3315 S.A	4960	

The STT/STW holder(s) will need to apply to her office for modification of the STT/STW conditions where appropriate. The owner(s) of lots without STW will need to apply to her office to permit the structures to be erected or regularise any irregularity on site, if any. Besides, given the proposed use is temporary in nature, only application for regularisation 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 her department acting in the capacity of the landlord or lessor as its sole discretion and there is no guarantee that such application(s) will be approved. If such application is approved, it would be subject to such terms and conditions, including among others, the payment of premium or fee, as may be imposed by her department. The Site is accessible from Ping Ha Road through GL and private lots. Her office provides no maintenance work for the GL involved and does not guarantee any right-of-way to the Site;

- (d) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that sufficient manoeuvring spaces shall be provided within the Site. The local track leading to the Site is not under his department'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;

- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains;
- (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 Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the required condition record submission 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 pits, 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 the Chief Building Surveyor/New Territories West, Buildings Department that there is no record of approval by the Building Authority for the existing structures at the Site. If the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of the BD, they are unauthorized under the BO and should not be designated for any approved use under the captioned 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 unauthorized building works (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, demolition and land filling) are to be carried out on the Site, the prior approval and consent of the BD should be obtained, otherwise they are 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;
- (i) to note the comments of the Director of Fire Services 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 or referral from relevant licensing authority; and
- (j) to note the comments of the Project Manager (New Territories West), Civil Engineering and Development Department that the Site falls within the boundary of the 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 lot(s) concerned falls within a site under

Stage 3 and Stage 4 Works stage in the latest programme of HSK DNA. 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.