

**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>Applied Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
1.	A/YL-HT/658	“REC” zone on approved HT OZP No. S/YL-HT/10	Temporary Open Storage of Containers and Container Repairing Area (3 Years)	11.6.2010	1-12
2.	A/YL-HT/855	“REC” zone on approved HT OZP No. S/YL-HT/10	Temporary Open Storage of Containers and Container Repairing Area (3 Years)	6.9.2013	1, 2, 3, 5, 6, 8, 9, 11, 12, 13, 14, 15
3.	A/YL-HT/1042	“REC” zone on approved HT OZP No. S/YL-HT/10	Renewal of Planning Approval for Temporary Open Storage of Containers and Container Repairing Area (3 Years)	26.8.2016	2, 3, 4, 5, 6, 8, 9, 11, 12, 13, 14, 15

Approval Condition(s):

- 1 the submission and implementation of landscaping or/and tree preservation proposals.
- 2 the submission of DIA/drainage proposals/condition record of the existing drainage facilities and provision of drainage facilities as proposed or the implementation of the accepted drainage proposals and maintenance of the existing drainage facilities.
- 3 reinstatement clause.
- 4 the provision/maintenance of fencing and/or paving.
- 5 no stacking of containers within 6m from the boundary of the site
- 6 the stacking height of containers stored on the site shall not exceed 8 units
- 7 a fixed row of 5-unit high container stack along the western boundary of the site should be maintained
- 8 revocation clauses.
- 9 The provision of the fire extinguisher and the submission of a valid fire certificate (FS 251) and/or the submission and/or implementation of FSIs proposals and/or provision of FSIs.
- 10 no stacking of containers within the queuing area for container vehicles.
- 11 no night-time operation and/or no operation on Sundays and public holidays.
- 12 no left turn of container vehicles into Ha Tsuen Road upon leaving the site.
- 13 existing trees and the landscape planting on the site shall be maintained.
- 14 no vehicle is allowed to queue back to public road or reverse onto/from the public road
- 15 the maintenance of the 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>Reasons for Rejection</u>
1.	A/YL-HT/224	“REC” zone on approved HT OZP No. S/YL-HT/4	Temporary open storage of containers and construction materials with vehicle holding area (3 years)	22.3.2002 (TPB)	1, 2, 4, 5

2.	A/YL-HT/269	“REC” zone on approved HT OZP No. S/YL-HT/4	Temporary open storage of construction materials and machinery with ancillary office (3 years)	13.9.2002	1, 2
3.	A/YL-HT/408	“REC” zone on draft HT OZP No. S/YL-HT/6	Temporary open storage of construction materials and machineries (3 years)	16.12.2005 (TPB)	3, 7
4.	A/YL-HT/487	“REC” zone on draft HT OZP No. S/YL-HT/6	Temporary Open Storage of Containers (3 Years)	11.4.2008 (TPB)	3, 6, 7

Reasons for Rejection:

1. there is 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.
2. the development is not in line with the planning intention of the “REC” zone which is to designate areas for developments restricted to recreational uses. No strong justification has been given in the submission for a departure from such planning intention.
3. the development is not in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses in that there are adverse comments from Government departments 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.
4. there is insufficient information in the submission to demonstrate that the proposed development would not have adverse traffic impact on the road network in the Ha Tsuen area and that a proper vehicular access would be provided to the proposed development.
5. the development is not compatible with the rural character of the “GB” areas to its west and north.
6. the development was not in line with the planning intention of the “REC” zone, which was intended primarily for recreational developments for the use of the general public. No strong justification had been given in the submission for a departure from such planning intention, even on a temporary basis.
7. approval of the application would result in degradation of the rural or natural environment.

Similar s.16 applications within the same “OU(PBU&SWU)”, “OU(LF)” and “OU(PFS)” zones on the approved Hung Shui Kiu and Ha Tsuen (HSK&HT) 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/TPB)</u>	<u>Approval Condition(s)</u>
1.	A/YL-HT/606	“REC” on approved Ha Tsuen OZP No. S/YL-HT/10	Renewal of Planning Approval for Temporary “Open Storage of Construction Materials and Warehouse with Ancillary Workshop under Application No. A/YL-HT/442 (3 Years)	17.4.2009 (3 Years) (revoked on 17.3.2012)	1, 10, 11, 12, 13, 14, 15, 16
2.	A/YL-HT/778	“REC” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Construction Materials and Warehouse with Ancillary Workshop (3 Years)	30.3.2012 (3 Years)	1, 6, 8, 10, 11, 12, 13, 14, 17, 18
3.	A/YL-HT/841	“REC” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Construction Materials and Equipment (3 Years)	19.7.2013 (3 Years) (revoked on 19.4.2014)	1, 6, 7, 8, 9, 10, 11, 19
4.	A/YL-HT/940	“REC” on approved Ha Tsuen OZP No. S/YL-HT/10	Renewal of Planning Approval for “Temporary Open Storage of Construction Materials and Warehouse with Ancillary Workshop” (3 Years)	27.3.2015 (3 Years)	1, 6, 8, 9, 10, 11, 12, 13, 14, 17, 18, 20
5.	A/YL-HT/964	“REC” on approved Ha Tsuen OZP No. S/YL-HT/10	Proposed Temporary Open Storage of Construction Materials and Equipments (3 Years)	7.8.2015 (3 Years) (revoked on 18.9.2015)	1, 6, 7, 8, 9, 10, 11, 13, 18, 19, 20
6.	A/YL-HT/1008	“REC” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Construction Materials and Equipment (3 Years)	4.3.2016 (3 Years) (revoked on 4.9.2017)	1, 6, 7, 8, 9, 10, 11, 13, 18, 19, 20
7.	A/YL-HT/1056	“REC” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Construction Materials and Equipment (3 Years)	25.11.2016 (3 Years) (revoked on 25.8.2017)	1, 6, 7, 8, 9, 10, 11, 13, 18, 20
8.	A/HSK/14	“OU(PBU&SWU)” and ‘Road’ on draft HSK&HT OZP No. S/HSK/1	Proposed Temporary Open Storage of Construction Materials and Warehouse (3 Years)	22.9.2017 (3 Years) (revoked on 22.6.2018)	1, 6, 7, 8, 9, 10, 11
9.	A/HSK/57	“OU(PBU&SWU)” and ‘Road’ on draft HSK&HT OZP No. S/HSK/1	Proposed Temporary Warehouse and Open Storage of Construction Materials (3 Years)	6.4.2018 (3 Years) (revoked on 6.10.2018)	1, 6, 7, 8, 9, 10, 11
10.	A/HSK/75	“O”, “OU(POFEFTS)”, “OU(PBU&SWU)” on draft HSK&HT OZP No. S/HSK/1	Proposed Temporary Open Storage of Construction Materials (3 Years)	6.7.2018 (3 Years) (revoked on 6.1.2019)	1, 2, 6, 7, 8, 9, 10, 11, 17, 20

	<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>
11.	A/HSK/90	“OU(PBU&SWU)” and ‘Road’ on draft HSK&HT OZP No. S/HSK/1	Proposed Temporary Warehouse and Open Storage of Construction Materials (3 Years)	7.9.2018 (3 Years)	1, 6, 7, 8, 9, 10, 11
12.	A/HSK/103	“OU(LF)”, “OU(PBU&SWU)” and ‘Road’ on draft HSK&HT OZP No. S/HSK/1	Proposed Temporary Open Storage and Warehouse (Building Materials, Construction Equipment and Recycling Materials) with Ancillary Workshop and Site Offices (3 Years)	2.11.2018 (3 Years)	1, 3, 4, 6, 7, 8, 9, 10, 11, 18, 20

Approval Condition(s):

- 1 No night-time operation and/or no operation on Saturdays/Sundays and public holidays.
- 2 No cutting, dismantling, cleaning, repairing, compacting, vehicle repair workshop activity, other than container repairing activities is allowed.
- 3 No left turn of container vehicles into Ha Tsuen Road upon leaving the site.
- 4 The erection and/or maintenance of a ‘Turn Right’ traffic sign at the junction of the access road with Ha Tsuen Road.
- 5 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.
- 6 The submission and/or implementation of tree preservation and/or landscaping proposals.
- 7 The submission and/or implementation of DIA/drainage proposals/drainage facilities proposed and/or provision of drainage facilities as proposed or the implementation of the accepted drainage proposals.
- 8 The submission and/or implementation of FSIs proposals and/or provision of FSIs.
- 9 The provision/maintenance of fencing.
- 10 Revocation clauses.
- 11 Reinstatement clause.
- 12 The stacking height of the materials/containers stored within 5m of the periphery of the application site should not exceed the height of the boundary fence.
- 13 The maintenance of the existing/implemented drainage facilities, and/or landscape planting, and/or existing trees.
- 14 The submission of the condition record of the existing drainage facilities.
- 15 The removal of the dumped wastes around the trees.
- 16 The submission and implementation of water supply for fire fighting and FSIs proposals, including fire hydrant and sprinkler systems.
- 17 No material is allowed to be stored/dumped within 1m of any tree on the site.
- 18 The provision of the fire extinguisher(s) and the submission of a valid fire certificate (FS 251).
- 19 No cutting, and/or dismantling, and/or repairing, and/or melting, and/or compacting, and/or unpacking, and/or re-packing, and/or vehicle repair, and/or container repair, and/or cleansing, and/or workshop activity.
- 20 No vehicle is allowed to queue back to public road or reverse onto/from the public road during the planning approval period.

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.

Appendix VII of RNPTC
Paper No. A/HSK/174

Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the development on-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;
- (d) 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 GL (about 1,092m² subject to verification) is covered by Short Term Tenancy No. 2551 (~~STT2251~~STT2551) for the purposes of “Temporary Open Storage of Containers and Container Repairing Area”. The private lots which are covered by Short Term Waivers (STWs) are listed below:

Lot No(s). in D.D.125	STW No.	Purposes
406	4074	Temporary Open Storage of Containers and Container Repairing Area
428	4075	
430	4076	
447	4077	
457	4078	
407	4230	
468 S.A, 472 and 488	4295	Temporary Logistics Centre with Ancillary Open Storage of Recyclable Materials
468 S.B	4296	

The lot owner(s) of the lot(s) without STW will need to apply to his office for permitting the structures to be erected or to regularize any irregularities on the 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 to Ha Tsuen Road through GL and private lots. His office does not guarantee any right-of-way to the Site;

- (e) 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. 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;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that the accesses connecting the Site and Ha Tsuen Road are not and will not be maintained by HyD. Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/ drains;

- (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 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;
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that there is no record of approval by the Building Authority for the structures existing 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 building works (UBW) 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 BA 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, 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 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;
- (j) 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 and the applicant should adhere to "Good Practice Guidelines for Open Storage at **Appendix V**. 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
- (k) 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 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 Stages 1, 2 and 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.