

**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 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/130	“CDA” on draft Ha Tsuen OZP No. S/YL-HT/3	Temporary Open Storage of Containers (3 Years)	18.2.2000 (revoked on 18.8.2001)	1, 2, 3, 4, 7, 8
2.	A/YL-HT/150	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/4	Temporary Container Repair Workshop (3 Years)	2.6.2000 (revoked on 2.6.2001)	2, 3, 5
3.	A/YL-HT/180	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/4	Temporary Canteen (3 Years)	22.12.2000 (up to 18.2.2003 to tie in with the approval under A/YL-HT/130)	-
4.	A/YL-HT/304	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/4	Temporary Open Storage of Containers, Repair Workshop and Staff Canteen (3 Years)	30.5.2003	1, 2, 6
5.	A/YL-HT/438	“CDA” on draft Ha Tsuen OZP No. S/YL-HT/7	Renewal of Planning Approval for “Temporary Open Storage of Containers, Repair Workshop and Staff Canteen” (3 Years)	28.4.2006	3, 4, 6, 9, 10
6.	A/YL-HT/604	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Renewal of Planning Approval for “Temporary Open Storage of Containers, Repair Workshop and Staff Canteen” (3 Years)	17.4.2009	2, 3, 4, 6, 7, 9, 10, 11
7.	A/YL-HT/799	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Containers, Repair Workshop and Staff Canteen (3 Years)	20.7.2012	1, 2, 3, 6, 7, 10, 11, 12, 13
8.	A/YL-HT/905	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Containers, Repair Workshop and Staff Canteen (3 Years)	8.8.2014	1, 2, 3, 6, 7, 10, 11, 12, 13, 14
9.	A/YL-HT/1025	“CDA” on approved Ha	Temporary Open Storage of Containers, Repair	10.6.2016	1, 2, 3, 4, 6, 7, 10, 11, 12, 13,

<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>
	Tsuen OZP No. S/YL-HT/10	Workshop and Staff Canteen (3 Years)		14, 15

Approval Conditions

- 1 The submission and implementation of tree preservation and/or landscaping proposals
- 2 The submission of drainage proposals and/or provision of drainage facilities and/or submission of condition record of the existing facilities
- 3 Reinstatement clause
- 4 The provision and/or maintenance of paving, and/or fencing, and/or screening planting
- 5 The provision of internal circulation area, set back of the ingress/egress point and internal queuing area
- 6 Revocation clauses
- 7 No night-time operation and/or no operation on Sundays and public holidays
- 8 The submission and provision of noise mitigation measures
- 9 The maintenance of the existing landscape planting
- 10 The maintenance of the existing drainage facilities
- 11 The submission/implementation of FSIs proposals and/or provision of FSIs, with or without sprinkler system
- 12 The stacking height of containers stored within the site should not exceed 8 units
- 13 No material was allowed to be stored/dumped within 1m of any tree on the site
- 14 No vehicle queuing is allowed back to public road or no vehicle reversing onto/from the public road is allowed
- 15 The provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251)

**Similar s.16 Applications within the same “C(4)” 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

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/597	“CDA” on approved HT OZP No. S/YL-HT/10	Temporary Open Storage of Construction Materials, Construction Machinery and Scrap Metals and Container Vehicle Park with Ancillary Repair Workshop (3 Years)	27.3.2009 (3 years) 27.3.2010 (revoked)	1-8
2.	A/YL-HT/598	“CDA” on approved HT OZP No. S/YL-HT/10	Proposed Temporary Open Storage of Construction Materials, Construction Machinery and Scrap Metals and Container Vehicle Park with Ancillary Repair Workshop (3 Years)	27.3.2009 (3 years) 27.3.2010 (revoked)	1-8,10
3.	A/YL-HT/605	“CDA” on approved HT OZP No. S/YL-HT/10	Renewal of Planning Approval for Temporary Open Storage of Containers with Ancillary Repair Workshop under Application No. A/YL-HT/437 (3 Years)	17.4.2009 (3 years) 17.4.2011 (revoked)	1-9,11

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. Only container vehicles with valid licence/registration were allowed to be parked on the site
4. The provision of fire extinguisher(s) or the submission and implementation of FSIs proposals or the provision of FSIs.
5. Revocation clauses.
6. The submission and/or the implementation of landscaping and/or tree preservation proposals or the replacement of dead trees.
7. 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.
8. Reinstatement clause.
9. The submission and/or implementation of a run-in/out proposals.
10. The provision of fencing.
11. The maintenance of existing drainage facilities.

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 continuing 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;
- (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 the prior approval of the Government. Government Land (G.L.) of about 65m² within the Site is held under Short Term Tenancy (STT) No. 2799 for the purpose of “Temporary Open Storage of Containers, repair workshop and staff canteen”. No permission is given for occupation of GL (about 35m²) in area (subject to verification) included in the Site. Attention is drawn to the fact that the act of occupation of GL without Government’s prior approval is not allowed. With the implementation of the tightened arrangements for handling regularization applications, LandsD will no longer accept application for regularization of new or extension of unlawful occupation of GL or erection of new structures which is found commenced on or after 28 March 2017. The private lots which are covered by Short Term Waivers (STW) are listed below:

Lot(s) No(s) in D.D.128	STW No.	Purposes
3200 RP	3128	Storage, canteen and ancillary use
3207	1963	Storage and repair of container boxes
3144	4129	Temporary vehicle service centre
3201 RP	4171	Temporary open storage of containers, repair workshop and staff canteen
3206 RP	4172	

The STW holder(s) will need to apply to his office for modification of the STW conditions where appropriate. Also, the applicant has to either exclude the GL from the Site or apply for a formal approval prior to the actual occupation of the 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. 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 space shall be provided within the Site. No vehicles are allowed to queue back to public roads or reverse onto/from public roads;
- (f) 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. HyD shall not be responsible for the maintenance of any access connecting the Site and Fung Kong Tsuen Road;

- (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 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 granted by the Building Authority (BA) for the existing structures at the Site. If the existing structures (not being a New Territories Exempted Houses) are erected on leased land without 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, demolition and land filling) are to be carried out on the Site, prior approval and consent of the BA should be obtained, otherwise they are UBW. An Authorized Person (AP) 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) 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; 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 Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA, formerly known as HSK NDA). According to the Planning and Engineering Study (P&E Study) for the HSK/HT NDA and the latest plan, to ensure timely and orderly implementation, the development of HSK/HT 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 Works in the latest programme of the HSK/HT NDA. While the detailed implementation programme for the project is still being formulated, it is envisaged that clearance of the Site in question will not be arranged before the first population intake of the HSK/HT NDA expected in 2024.