

**Town Planning Board Guidelines for
Application for Open Storage and Port Back-up Uses
(TPB PG-No.13F)**

On 27.3.2020, 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. 13F) were promulgated, which set out the following criteria for New Development Areas (NDAs):

- (a) The planning for various NDAs (including potential development areas) in the New Territories has been in progress and the land use proposals for some of these areas have been incorporated as appropriate into relevant statutory town plans. The NDAs will be implemented by phases. While it is envisaged that the existing open storage and port back-up uses in these areas will be gradually phased out, sympathetic consideration may be given to applications for continued operation of these uses during the interim period before the sites are required for NDA development.
- (b) For existing open storage and port back-up uses with previous planning approval(s) and/or permitted under the previous Outline Zoning Plans, sympathetic consideration may be given to the application (irrespective of whether the application is submitted by the applicant of previous approval or a different applicant) until the concerned site is required for implementation of NDA development, provided that the relevant approval conditions, if any, have been complied with. Technical assessments, where appropriate, should be submitted to demonstrate that the continued operation of the current uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas and the concerns of the departments and local residents, if any, can be addressed through the implementation of the approval conditions.
- (c) In view of the impending implementation of NDAs, new open storage and port back-up uses are generally not encouraged to infiltrate into the NDAs. There is a general presumption against such uses at greenfield areas and/or at sites with land use compatibility issue, e.g. in close proximity to existing residential dwellings which may be subject to environmental nuisances caused by the open storage and port back-up uses. Applications will normally be rejected unless under exceptional circumstances.
- (d) Any approved temporary use and development should not jeopardize the long-term planned development on the respective site/the surrounding area under the NDA and the applicant should be advised that the site would be required by the government at any time during the planning approval period for implementation of government projects.

**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/TPB)</u>	<u>Approval Condition(s)</u>
1.	A/YL-PS/460	“Undetermined” on approved Ping Shan OZP No. S/YL-PS/14	Temporary Open Storage of Construction Materials and Construction Equipment for a Period of 3 Years	14.11.2014	(1) to (13)
2.	A/HSK/21	“Commercial (1)” and area shown as ‘Road’ on draft Hung Shiu Kiu and Ha Tsuen OZP No. S/HSK/1	Renewal of Planning Approval for Temporary Open Storage of Construction Materials and Construction Equipment for a Period of 3 Years	10.11.2017	(1) to (7), (9), (11) to (14)

Approval Conditions:

- (1) No night-time operation
- (2) No operation on Sundays and public holidays
- (3) No cutting, dismantling or other workshop activities
- (4) Only medium goods vehicles not exceeding 24 tonnes allowed to enter/be parked on the Site
- (5) No vehicle is allowed to queue back to or reverse onto/from public road
- (6) Provision of fire extinguisher(s) and submission of a valid fire certificate
- (7) Submission and implementation of fire service installations proposal
- (8) Submission and implementation of drainage proposal
- (9) Maintenance of implemented drainage facilities
- (10) Submission and/or implementation of landscape and tree preservation proposal
- (11) Provision of boundary fencing
- (12) Revocation clause
- (13) Reinstatement Clause
- (14) Submission of a condition record of existing drainage facilities

Rejected Application

<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>Rejection Reason(s)</u>
A/ DPA/YL-PS/12	“Unspecified Use” on Ping Shan DPA Plan No. DPA/YL-PS/1	Open Storage of Containers	18.3.1994	(1) to (7)

Rejection Reasons

- (1) Not in line with the planning intention
- (2) Not compatible with the surrounding land uses including residential and village developments
- (3) No information on vehicular access arrangement and traffic impact
- (4) No information on noise impact assessment and mitigation measures
- (5) No information on sewage treatment and disposal facilities
- (6) No information on drainage impact assessment
- (7) No landscape proposal

**Similar Application within the Same “C(1)” Zone*
on the Approved Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/2**

Approved Application

<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Conditions</u>
A/HSK/96	Renewal of Planning Approval for Temporary Open Storage of Construction Materials and Machineries and Storage of Tools and Parts with Ancillary Site Office for a Period of 3 Years	8.11.2018	(1) to (13)

Approval Conditions

1. No night time operation
2. No operation on Sundays and public holidays
3. No dismantling/repairing or other workshop activities
4. No vehicle is allowed to queue back to or reverse onto/from public road
5. Provision of a waterworks reserve
6. Maintenance of existing vegetation/trees
7. Provision of peripheral fencing
8. Maintenance of existing drainage facilities
9. Submission of condition record of existing drainage facilities
10. Provision of fire extinguisher(s)
11. Submission and implementation fire service installations proposal
12. Revocation Clause
13. Reinstatement clause.

* Since the site has been rezoned under the HSK/HT OZP currently in force.

Good Practice Guidelines for Open Storage Sites

		Internal Access for Fire Appliances	Lot Boundaries (Clear Width)	Distance between Storage Cluster and Temporary Structure	Cluster Size	Storage Height
1.	Open Storage of Containers		2m	4.5m		
2.	Open Storage of Non-Combustibles or Limited Combustibles	4.5m	2m	4.5m		
3.	Open Storage of Combustibles	4.5m	2m	4.5m	40m x 40m	3m

Remarks: Smoking and naked flame activities shall not be allowed within the open storage / recycling site.

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就規劃申請/覆核提出意見 Making Comment on Planning Application / Review

參考編號

Reference Number:

200918-165126-88041

提交限期

Deadline for submission:

03/10/2020

提交日期及時間

Date and time of submission:

18/09/2020 16:51:26

有關的規劃申請編號

The application no. to which the comment relates:

A/HSK/251

「提意見人」姓名/名稱

Name of person making this comment:

先生 Mr. Lam Ka Hing

意見詳情

Details of the Comment :

反對，設臨時露天存放建築材料及建築器材將會增加附近車輛出入流量，影響村民出入安全及生活質數。

Advisory Clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s) of 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 (DLO/YL, LandsD) that the Site comprises an Old Schedule Agricultural Lots (OSALs) 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. The lot owner(s) of the lot(s) will need to apply to his office for permitting the structures to be erected or regularise any irregularities 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. Application(s) for any of the above will be considered by 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.
- (d) to note the comments of the Commissioner for Transport, Transport Department (C for T, TD) that sufficient manoeuvring spaces shall be provided within the Site;
- (e) 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/drains. HyD shall not be responsible for the maintenance of any access connecting the Site and Yick Yuen Road;
- (f) to follow the relevant mitigation measures and requirements in the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department;
- (g) 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.
- (h) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that existing water mains will be affected. A waterworks reserve within 1.5m from the center line of the water main shall be provided to WSD. No structure shall be built or materials stored within the waterworks reserve. Free access shall be made available at all times for staff of WSD and their contractor to carry out construction, inspection, operation, maintenance and repair works. No trees or shrubs with penetrating roots may be planted within the waterworks reserve or in the vicinity of the existing water main. Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the Site;
- (i) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposal, 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. Good practice guidelines for open storage (**Appendix VI** of this RNTPC paper) should be adhered to. To address the approval condition on provision of fire extinguisher(s), the applicant is advised to submit a valid fire certificate (FS 251) to his department for approval. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings 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 (West), Civil Engineering and Development Department (PM/W, CEDD) that the Site falls within the boundary of the Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT 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 Works to Stage 4 Works. The Site falls within Stage 2 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.