

**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/ Development</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
1.	A/YL-HT/172	“CDA” on Approved Ha Tsuen OZP No. S/YL-HT/4	Temporary Public Vehicle Park (Private Cars, Lorries and Coaches) (3 years)	23.3.2001 by TPB (3 years)	1, 2, 3, 4, 5, 6
2.	A/YL-HT/382	“CDA” on Draft Ha Tsuen OZP No. S/YL-HT/5	Temporary Public Vehicle Park (Private Cars, Lorries and Coaches) (3 years)	18.3.2005 (3 years)	2, 4, 5, 6, 7, 8
3.	A/YL-HT/581	“CDA” on Draft Ha Tsuen OZP No. S/YL-HT/9	Temporary Public Vehicle Park (Private Cars, Lorries and Coaches) (3 Years)	7.11.2008 (3 years) (revoked on 7.5.2009)	1, 2, 3, 4, 6, 8, 9, 10, 11, 12, 13
4.	A/YL-HT/630	“CDA” on Approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Public Car Park (3 Years)	24.7.2009 (3 years) (revoked on 24.10.2009)	1, 2, 3, 4, 6, 13
5.	A/YL-HT/696	“CDA” on Approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Public Car Park (3 Years)	24.9.2010 (3 years)	1, 2, 3, 4, 5, 6, 8, 10, 13, 14
6.	A/YL-HT/867	“CDA” on Approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Public Car Park (3 Years)	8.11.2013 (3 years) (revoked on 8.5.2014)	1, 2, 3, 4, 5, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18
7.	A/YL-HT/902	“CDA” on Approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Vehicle Service Centre (3 Years)	27.6.2014 (3 years)	1, 2, 3, 4, 8, 9, 10, 11, 14, 18, 19
8.	A/YL-HT/938	“CDA” on Approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Vehicle Service Centre (3 Years)	13.3.2015 (3 years)	1, 2, 3, 8, 9, 10, 11, 14, 18, 19

Approval Conditions:

- 1 The submission and implementation of landscaping or/and tree preservation proposals and/or provision of replacement planting.
- 2 Revocation clause.
- 3 The submission of (DIA) drainage proposals and/or provision of drainage facilities, and/or submission of a condition record of the existing drainage facilities.
- 4 Reinstatement clause.
- 5 No vehicle without valid licenses issued under the Traffic Regulations is allowed to be parked/store on the site.
- 6 No container vehicle including container trailer and tractor is allowed to be parked/stored.
- 7 The maintenance of the landscape planting.
- 8 The maintenance of the drainage facilities.
- 9 The provision of fencing.
- 10 No night-time operation and/or no operation on Sundays and public holidays.

- 11 The submission and implementation of run-in/run-out proposal(s).
- 12 The construction of an intercept channel at the entrance to prevent surface water running from the site to the nearby public roads and drains through the run-in/out.
- 13 No open storage of materials.
- 14 The submission and implementation of fire service installations
- 15 No parking of container vehicles, including container trailers and tractors, as defined in the Road Traffic Ordinance.
- 16 A notice should be posted at a prominent location of the site to indicate that no parking of container vehicles, including container trailers and tractors, as defined in the Road Traffic Ordinance, is allowed to be sold/parked/stored on the application site.
- 17 No cutting, dismantling, melting, cleansing, repairing or other workshop activity.
- 18 No vehicle is allowed to queue back to public road or reverse onto/from the public road.
- 19 No vehicle spraying activities.

**Similar Applications within the subject “O” Zone
on the Draft Hung Shui Kiu and Ha Tsuen OZP**

Approved Applications

	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/914	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary open storage of vehicle with site office, storage of vehicle parts, vehicle inspection and repairing workshop (3 years)	12.9.2014 (revoked on 12.8.2016)	1, 7, 8, 9, 10, 11, 12, 13, 14, 15
2.	A/YL-HT/1046	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary open storage of vehicle with site office, storage of vehicle parts, vehicle inspection and repairing workshop (3 years)	30.9.2016	1, 6, 7, 8, 9, 10, 11, 13, 15

Approval Condition(s):

- 1 No night-time operation/no operation on Sundays or public holidays.
- 2 No heavy vehicle exceeding 24 tonnes as defined in the Road Traffic Ordinance, including container vehicle/trailer/tractor was allowed to enter, park or operate at the site.
- 3 No vehicle over 10m long was allowed to enter, park or operate at the site.
- 4 The stacking height of materials stored at the site should not exceed 5m.
- 5 The submission of drainage impact assessment or drainage proposal, and the provision of drainage facilities and/or flood mitigation measures, or implementation of drainage proposal.
- 6 The submission and/or the implementation of landscaping and/or tree preservation proposals or the replacement of dead trees/or the implementation of accepted landscaping and/or tree preservation proposals.
- 7 The provision of fire extinguisher(s) and/or the submission and implementation of FSI proposals or the provision of FSIs.
- 8 The provision of fencing.
- 9 Revocation clauses.
- 10 Reinstatement clause.
- 11 No vehicle queuing is allowed back to public road or no vehicle reversing into/from the public road is allowed.
- 12 no cutting, dismantling, cleansing, repairing and workshop activity is allowed on the site.
- 13 The maintenance of existing/implemented drainage facilities and/or the submission of the condition record of the existing drainage facilities.
- 14 The maintenance of existing trees.
- 15 The submission and implementation of run-in/run-out proposal(s)

Advisory clauses

- (a) to note that the Site might be resumed at any time during the planning approval period for implementation of government projects;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprises an Old Schedule Agricultural Lot 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. A portion of the GL (about 81m²) in the site is covered by a Short Term Tenancy (STT) No. 2794 for the purpose of “Temporary Vehicle Service Centre”. No permission is given for occupation of the remaining GL (“the remaining GL”) (about 829m² subject to verification) included in the site. Attention is drawn to the fact that the act of occupation of the remaining GL without Government’s prior approval is not allowed. The private land of Lot No. 826 S.B RP in D.D. 125 is covered by Short Term Waiver (STW) No. 3951 to permit structures for the purpose of “Temporary Vehicle Service Centre”. The site is accessible to Ping Ha Road through a local road on GL. His office provides no maintenance works to the GL involved and does not guarantee any right-of-way. The STT/STW holders will need to apply to his Office for modification of the STT/STW conditions if there are any irregularities on site. The applicant has either to exclude the remaining GL from the site or apply for a formal approval prior to the actual occupation of the remaining GL. Such application(s) 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 LandsD;
- (c) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department (TD) that sufficient manoeuvring spaces shall be provided within the site;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the access arrangement should be commented by TD. Adequate drainage measures should be provided at the site to prevent surface water flowing from the site to the nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting the Site and Ping Ha Road;
- (e) to follow the relevant mitigation measures and requirements in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites”;

- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that 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 approved 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 and land filling) are to be carried out on the site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorized Person 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 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 Building (Planning) Regulations at the building plan submission stage;
- (g) to note comments of the Director of Fire Services (D of FS) that the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department 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. 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
- (h) 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 fall within a site under Stage 4 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.