

**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(s)/ Development(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Conditions</u>
1.	A/YL-HT/99	“CDA” on draft Ha Tsuen OZP No. S/YL-HT/3	Temporary Open Storage of Containers (1 Year)	10.9.1999	1, 2, 3, 4, 5
2.	A/YL-HT/166	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/4	Temporary Open Storage of Containers (3 Years)	22.9.2000 (revoked on 22.3.2002)	1, 2, 3, 4, 5, 6
3.	A/YL-HT/268	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/4	Temporary Open Storage of Containers (3 Years)	13.9.2002	1, 2, 3, 4, 5, 6
4.	A/YL-HT/690	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Containers, Plastic, Construction Materials, Scrap Metal, Scrap Plastic, Used Paper Products with Ancillary Logistics Yard and Container Repair Workshop (3 Years)	14.1.2011 (revoked on 14.2.2013)	2, 3, 5, 6, 7, 8, 9, 10, 11
5.	A/YL-HT/934	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Proposed Temporary Logistics Centre with Ancillary Office and Parking of Vehicle (3 Years)	6.2.2015 (revoked on 6.5.2016)	2, 3, 4, 5, 6, 7, 11, 12, 13, 14, 15
6.	A/HSK/7	“G/IC”, “R(B)2”, “O” & ‘Road’ on draft Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/1	Temporary Logistics Centre (3 Years)	25.8.2017	2, 3, 4, 5, 6, 7, 11, 13, 14, 16

Approval Conditions:

- 1 The stacking height of the materials stored within 5 metres of the periphery of the site should not exceed the height of the boundary fence.
- 2 The submission and/or implementation of landscaping and/or tree preservation proposals.
- 3 The submission and/or implementation of DIA /drainage proposals, and/or provision of drainage facilities, and/or implementation of the drainage/flood mitigation measures proposed.
- 4 The provision and/or maintenance of paving and/or fencing.
- 5 Reinstatement clause.
- 6 Revocation clauses.
- 7 No night-time operation and/or no operation on Saturdays/Sundays and public holidays.
- 8 No stacking of containers within 5 metres of the periphery of the site.
- 9 The stacking height of containers stored at any other location within the site should not exceed 7 units.
- 10 No handling (including loading, unloading, dismantling and storage) of electrical/electronic appliances, computers/computer parts, cathode-ray tubes (CRT), CRT computer monitors/television sets and CRT equipment.
- 11 The submission and/or implementation of FSIs proposals, and/or provision of FSIs.
- 12 No recycling, repairing, cleaning and dismantling or any other workshop activity.

- 13 No vehicle is allowed to queue back to or reverse onto/from the public road at any times.
- 14 The maintenance of the implemented drainage facilities.
- 15 The submission and/or implementation of run-in/out proposal.
- 16 No cutting, dismantling, cleansing, repairing, compaction, tyre repair, vehicle repair, container repair and workshop activity.

**Similar applications within the same “G/IC”, “R(B)2” and “O” zones
on the draft Hung Shui Kiu and Ha Tsuen Outline Zoning Plan
since the promulgation of TPB PG-N0. 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/1017	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Logistics Centre with Ancillary Site Office (3 Years)	13.5.2016	1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12
2.	A/YL-HT/1058	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Proposed Temporary Logistics Centre (3 Years)	9.12.2016	1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12
3.	A/HSK/5	“O”, “G/IC”, “V” and “R(B)2” on draft Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/1	Temporary Logistics Centre (3 Years)	11.8.2017	1, 2, 3, 5, 6, 8, 9, 11, 12

Approval Condition(s):

- 1 No night-time operation and/or no operation on Saturdays/Sundays and public holidays.
- 2 No cutting, and/or dismantling, and/or repairing, and/or melting, and/or compaction, and/or unpacking, and/or re-packing, and/or vehicle repair, and/or container repair, and/or cleansing and/or no paint-spraying and/or crushing and/or workshop activity and/or grinding activity.
- 3 The submission and/or implementation of DIA/drainage proposals and/or provision of drainage facilities as proposed and/or the implementation of the accepted drainage proposals.
- 4 The submission and/or implementation of landscaping or/and tree preservation proposals.
- 5 Revocation clauses.
- 6 Reinstatement clause.
- 7 The maintenance of the existing/implemented drainage, and/or landscape facilities, and/or existing trees.
- 8 The submission of the condition record of the existing drainage facilities.
- 9 The submission and/or implementation of FSIs proposals and/or provision of FSIs.
- 10 The submission and/or implementation of run-in/out proposal
- 11 No vehicle is allowed to queue back to public road or reverse onto/from the public road during the planning approval period.
- 12 The provision of fencing and/or paving and/or screening planting.

Advisory Clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application 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 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. Two portions of the GL (about 575m²) of the site is covered by Short Term Tenancy (STT) No. 3148 for the purpose of “Temporary Logistics Centre with Ancillary Office and Parking of Vehicle”. No permission is given for occupation of GL of about 25m² in area (subject to verification) included in the site. The act of occupation of remaining GL without Government’s prior approval is not allowed. The private land (PL) of the following lots are covered by Short Term Waivers (STWs) as below table:

STW	Lot No. (in D.D. 129)	Purpose
4826	2988 & 2996	Temporary Logistics Centre with Ancillary Office and Parking of Vehicle
4827	2989 RP	
4828	2991 RP	
4829	2992 RP	
4830	2993 & 2995	
4831	2994	
4832	2997	
4833	2998 & 3078	
4834	2999	
4835	3000 RP	
4836	3073 S.A, 3073 RP & 3084	
4837	3079	
4838	3080	
4839	3081 & 3083	
4840	3082 S.A	
4841	3082 S.B	
4842	3085	
4843	3086	
4844	3098 S.E	
4845	3098 S.F	

The Site is accessible to Lau Fau Shan Road through PL only. His office does not guarantee any right-of-way. The lot owners will need to apply to his Office to permit the structures to be erected or regularize any irregularity on site. Besides, the applicant has to either exclude the remaining GL from the site or apply for a formal approval prior to the actual occupation of the remaining GL. Furthermore, the STW/STT holders will need to apply to his Office for modification of the STW/STT conditions if there is any irregularity on site. Such applications 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 applications will be approved. If such applications are 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;

- (d) 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. 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;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that the access arrangement should be commented by TD. Adequate drainage measures should be provided at the site access to prevent surface water flowing from the site to nearby public roads and drains. HyD shall not be responsible for the maintenance of any access connecting the site and Lau Fau Shan Road;
- (f) to follow the relevant mitigation measures and requirements in the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Environmental Protection Department;
- (g) 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 House) 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) 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 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;
- (h) to note the comments of the Director of Fire Services (D of FS) that in formulating the FSIs proposal for the site, 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 BO (Cap. 123), detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;
- (i) 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 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 concerned lot(s) falls within a site under Stage 4 Works stages. 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;

- (j) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that for provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (k) to note the comments of the Director of Agriculture, Fisheries and Conservation (DAFC) that the applicant is advised to adopt good site practices and implement water pollution control measures as necessary to avoid affecting the nearby watercourse; and
- (l) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the proposed peripheral surface U-channel shall be extended to enclose the site at north side to intercept the overland flow. The connection details including the invert level at the discharge point to the existing nullah to the south of the site should be submitted for reference. For any drainage works outside the site boundary, the applicant should obtain the consent of DLO/other lot owners on the proposed works before commencement of the works.