

**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 Application

	Application No.	Zoning(s) and OZP at the time of consideration	Proposed Use(s)/Development(s)	Date of Consideration (RNTPC)	Approval Condition(s)
1.	A/YL-HT/54	“CDA” on draft Ha Tsuen OZP No. S/YL-HT/1	Proposed Temporary Open Storage of Containers with Ancillary Office and Parking (1 Year)	14.8.1998	1, 4, 7, 10, 11
2.	A/YL-HT/123	“CDA” on draft Ha Tsuen OZP No. S/YL-HT/3	Temporary Open Storage of Container with Ancillary Office and Parking (1 Year)	17.12.1999	1, 4, 7, 11, 12
3.	A/YL-HT/185	“CDA” on draft Ha Tsuen OZP No. S/YL-HT/4	Temporary Open Storage of Containers, And Ancillary Office, Parking Of Vehicles And Maintenance Workshop (3 Years)	12.1.2001 (revoked on 12.4.2001)	1, 3, 4, 7, 8, 9, 12, 13, 14
4.	A/YL-HT/235	“CDA” on draft Ha Tsuen OZP No. S/YL-HT/4	Temporary Open Storage of Containers, and Ancillary Office, Parking of Vehicles and Maintenance Workshop (3 Years)	8.2.2002	1, 3, 4, 8, 9, 12, 13, 14
5.	A/YL-HT/273	“CDA” on draft Ha Tsuen OZP No. S/YL-HT/4	Temporary Open Storage of Containers, and Ancillary Office, Parking of Vehicles and Maintenance Workshop (3 Years)	12.10.2002 by DPO (up to 8.2.2005 to tie in with A/YL-HT/235)	4, 7, 8, 9, 12, 13
6.	A/YL-HT/383	“CDA” on draft Ha Tsuen OZP No. S/YL-HT/5	Temporary Open Storage of Containers with Ancillary Office, Parking of Vehicles and Maintenance Workshop (3 Years)	18.3.2005	2, 4, 5, 6, 8, 12, 13
7.	A/YL-HT/383-1	“CDA” on draft Ha Tsuen OZP No. S/YL-HT/5	Minor Amendment to the Site Area/Boundary of Approved Planning Application No. A/YL-HT/383 for Inclusion of Additional Land at Lots 3035RP (Part), 3041RP, 3042RP(Part), 3043(Part), 3044(Part), 3045RP, 3046RP(Part), 3047RP and 3051(Part) for Temporary Open Storage of Containers and Ancillary Office, Parking of Vehicles and Maintenance Workshop	11.11.2005 (up to 18.3.2005 to tie in with A/YL-HT/383)	2, 3, 4, 6, 8, 12, 13, 15
8.	A/YL-HT/533	“CDA” on draft Ha Tsuen OZP No. S/YL-HT/9	Temporary Open Storage of Containers and Ancillary Office, Parking of Vehicles and Maintenance Workshop (3 Years)	7.3.2008	3, 4, 5, 6, 8, 12, 13, 15, 16

	Application No.	Zoning(s) and OZP at the time of consideration	Proposed Use(s)/Development(s)	Date of Consideration (RNTPC)	Approval Condition(s)
9.	A/YL-HT/727	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Containers and Recyclable Materials with Ancillary Workshop and Ancillary Freight Forwarding Facility, Tyre Repair Workshop, Warehouse and Canteen (3 Years)	6.5.2011 (revoked on 6.6.2013)	1, 3, 4, 7, 8, 12, 13, 15, 16, 17, 18
10	A/YL-HT/897	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Container with Ancillary Workshop, Warehouse with Ancillary Freight Forwarding Facility, Open Storage of Recyclable Material, and Ancillary Tyre Repair Workshop and Canteen (3 Years)	9.5.2014 (revoked on 9.6.2016)	1, 3, 4, 5, 7, 8, 12, 15, 16, 17, 18, 19
11	A/YL-HT/934	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Logistics Centre with Ancillary Office and Parking of Vehicle (3 years)	6.2.2015 (revoked on 17.8.2016)	1, 3, 4, 5, 7, 12, 13, 17, 18, 19, 20
12	A/YL-HT/1058	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Logistics Centre (3 years)	9.12.2016	1, 3, 4, 5, 7, 12, 13, 17, 18, 19, 20

Approval Conditions:

- 1 The submission and implementation of landscaping or/and tree preservation proposals and/or provision of replacement planting.
- 2 The provision of a 9-litres water type/3kg dry powder fire extinguisher for the site office.
- 3 The submission of Drainage Impact Assessment (DIA)/drainage proposals and/or provision of drainage facilities/implementation of the drainage facilities proposed, and/or submission of a condition record of the existing drainage facilities.
- 4 Reinstatement clause.
- 5 The maintenance of the drainage facilities.
- 6 The maintenance of the landscape planting.
- 7 The provision of paving, and/or fencing, and/or screening planting.
- 8 The stacking height of the materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence.
- 9 The setting back of the site boundary to avoid encroaching upon the public works project limit.
- 10 The provision of internal circulation area, set back of the ingress/egress point and internal queuing area.
- 11 The submission of a revised site layout plan incorporating the drainage works reserve, and the provision of flood mitigation measures as well as stormwater drainage facilities.
- 12 Revocation clauses.
- 13 No night-time operation and/or no operation on Sundays and public holidays.
- 14 The submission and provision of noise mitigation measures.
- 15 No handling (including loading, unloading, and storage) of waste materials and used electrical/electronic appliances including television, computer monitors and cathode-ray tubes is permitted.
- 16 The stacking height of containers stored should not exceed 7 units.
- 17 The submission of FSIs proposals and the provision of FSIs/implementation of FSIs proposals.
- 18 The submission and implementation of run-in/run-out proposal(s).

- 19 No vehicle queuing is allowed back to public road or vehicle reversing onto/from the public road is allowed.
- 20 No recycling, repairing, cleaning and dismantling or any other workshop activity is allowed.

Rejected Application

	Application No.	Zoning(s) and OZP at the time of consideration	Proposed Use/Development	Date of Consideration (RNTPC/TPB)	Reason(s) for Rejection
1.	A/YL-HT/12	“CDA” on draft Ha Tsuen OZP No. S/YL-HT/1	Temporary Open Storage of Container with Repairing Area (1 Year)	26.4.1996	1, 2, 3, 4

Reasons for Rejection:

- 1 There is insufficient information in the submission to demonstrate that the development would not have adverse drainage impact on the surrounding areas.
- 2 Approval of this application would set an undesirable precedent for similar applications in the area, which would have adverse cumulative impact on the traffic of the area and pose hazard to the road safety.
- 3 The development is not in line with the planning intention of the “CDA” zone. There is no strong justification in the submission to merit a departure.
- 4 As Lau Fau Shan Road is narrow and not up to current standard to cater for any long vehicles, the turning movement of container vehicles in and out of the depot in either direction of Lau Fau Shan Road would interrupt the traffic flow and pose serious road safety hazard to the motorists and road users due to its proximity to a bus stop.

Similar s.16 Applications within areas covered by the same “R(B)1”, “R(B)2” & “O” Zones and ‘Road’ area 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

	Application No.	Applied use(s)/ Development(s)	Zoning	Date of Consideration (RNTPC/TPB)	Approval Condition(s)
1.	A/YL-HT/1016	Temporary logistic centre with ancillary site office (3 years)	CDA on approved OZP No. S/YL-HT/10	22.4.2016 (3 years) (Revoke on 22.10.2016)	1, 2, 3, 4, 5, 6, 7, 9, 10, 11
2.	A/YL-HT/1017	Temporary logistic centre with ancillary site office (3 years)	CDA on approved OZP No. S/YL-HT/10	13.5.2016 (3 years)	1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 14
3.	A/YL-HT/1061	Temporary warehouse and logistics centre (3 years)	CDA on approved OZP No. S/YL-HT/10	23.12.2016 (3 years)	1, 2, 3, 4, 5, 6, 7, 9, 11, 15
4.	A/YL-HT/1062	Proposed Temporary logistics centre (3 years)	CDA on approved OZP No. S/YL-HT/10	13.1.2017 (3 years)	1, 2, 3, 4, 5, 6, 7, 9, 10, 11
5.	A/HSK/5	Temporary logistic centre (3 years)	O, V, R(B)2 & G/IC on draft OZP No. S/HSK/1	11.8.2017 (3 years)	1, 2, 3, 4, 5, 6, 7, 9, 10, 11
6.	A/HSK/7	Temporary logistics centre (3 years)	O, R(B)2, G/IC & Road on draft OZP No. S/HSK/1	25.8.2017 (3 years) (Revoke on 25.5.2018)	1, 2, 3, 4, 5, 6, 7, 9, 11, 12
7.	A/HSK/50	Temporary logistics centre (3 years)	O & R(B)2 on draft OZP No. S/HSK/1	2.3.2018 (3 years)	1, 2, 3, 4, 5, 6, 7, 9, 11, 13
8.	A/HSK/59	Temporary logistics centre (3 years)	O, R(B)2, G/IC & Road on draft OZP No. S/HSK/1	20.4.2018 (3 years)	1, 2, 3, 4, 5, 6, 7, 9, 11, 12

Approval Conditions

- 1 The submission and/or implementation of landscaping and/or tree preservation proposals, and/or provision of replacement planting and/or the replacement of dead trees.
- 2 The submission of DIA/drainage proposals and/or provision of drainage facilities/implementation of the drainage facilities proposed, and/or submission of a condition record of the existing drainage facilities.
- 3 The provision/ maintained of paving, and/or fencing, and/or screening planting.
- 4 The submission/implementation of FSIs proposals and/or provision of FSIs, with or without sprinkler system, provision of the extinguisher(s) and submission of a valid fire certificate (FS251).
- 5 No night-time operation and/or no operation on Sundays and public holidays.
- 6 Revocation clauses.
- 7 Reinstatement clause.
- 8 The maintenance of the landscape planting/existing trees/vegetation.
- 9 The maintenance of the drainage facilities.
- 10 No repairing, recycling, cleaning, dismantling works and workshop activity.
- 11 No vehicle queuing is allowed back to public road or no vehicle reversing onto/from the public road is allowed.

- 12 No cutting, dismantling, cleansing, repairing, compaction, tyre repair, vehicle repair, container repair and workshop activity.
- 13 No workshop activity.
- 14 The submission and implementation of run-in/run-out proposal(s).
- 15 No handling (including loading, unloading, storage and dismantling) of electrical/electronic appliances including cathode-ray tube (CRT), CRT computer monitor/television and CRT equipment.

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 planning permission is given to the development/use under application. It does not condone any other development/use which currently exists on the site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/use not covered by the permission;
- (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. Two portions of GL of the site are covered by the following Short Term Tenancy (STT):

STT No. 2850 for the purpose of “Temporary Open Storage of Container with Ancillary Workshop, Warehouse with Ancillary Freight Forwarding Facility, Open Storage of Recyclable Materials, Tyre Repair Workshop and Ancillary Canteen”; and STT No. 3148 for the purpose of ‘Temporary Logistics Centre with Ancillary Office and Parking of Vehicle’.

No permission is given for occupation of the remaining GL (“the remaining GL”) with an area of about 83m² (subject to verification) included in the Site. Attention is drawn to the fact that the act of occupation of remaining GL without Government’s prior approval is not allowed. The private land of the following lots are covered by Short Term Waivers (STWs) as below table:

STW No.	Lot No. in D.D. 129	Purpose
4147	3010RP	Temporary Open Storage of Container with Ancillary Workshop, Warehouse with Ancillary Freight Forwarding Facility, Open Storage of Recyclable Material, and Ancillary Tyre Repair Workshop and Canteen
4833	2998 & 3078	Temporary Logistics Centre with Ancillary Office and Parking of Vehicle
4834	2999	
4835	3000RP	
4836	3073 S.A, 3073RP & 3084	
4907	3035RP	Temporary Logistic Centre

The site is accessible from Lau Fau Shan Road through GL. His office provides no maintenance work for 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 where appropriate. 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 regularizing any irregularities on site. 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. 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. Applications 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 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 the LandsD;

- (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;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that if the proposed run-in is agreed by TD, the applicant should construct a run-in/out at Lau Fau Shan Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. Adequate drainage measures should be provided at the site access to prevent surface water running from the Site to the nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting the Site and Lau Fau Shan Road;
- (g) 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;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Building Department (CBS/NTW, BD) that as there is no record of approval by the Building Authority (BA) for the existing structures at the Site, Buildings Department (BD) is not in a position to offer comments on their suitability for the use proposed in the application. 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 (UBWs) 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 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;
- (i) to note the comments of the Director of Fire Services (D of FS) that relevant layout plans incorporated with the proposed FSIs should be submitted 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 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;

- (j) 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 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 concerned lot(s) falls 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; and
- (k) to note the comments of the Director of Agriculture, Fisheries and Conservation (DAFC) that the applicant should adopt good site practices and implement water pollution control measures as necessary to avoid affecting the nearby watercourse.