

**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 1,000m<sup>2</sup> for open storage uses and 2,000m<sup>2</sup> 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**

	<b><u>Application No.</u></b>	<b><u>Zoning(s) and OZP at the time of consideration</u></b>	<b><u>Applied Use(s)/ Development(s)</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Approval Condition(s)</u></b>
1.	A/YL-HT/74	“O” on approved Ha Tsuen OZP No. S/YL-HT/1	Proposed Temporary Public Car/Cycle/Coach Park (2 Years)	12.3.1999	1, 2, 3, 5, 15
2.	A/YL-HT/164	“O” and “V” on approved Ha Tsuen OZP No. S/HSK/4	Temporary Vehicle Repair Workshop (3 Years)	22.9.2000 (revoked on 22.3.2001)	1, 2, 4, 5, 6
3.	A/YL-HT/229	“O” on approved Ha Tsuen OZP No. S/HSK/4	Temporary Vehicle Repair Workshop (3 Years)	21.12.2001 (3 Years) (revoked on 21.3.2002)	2, 3, 4, 5, 14
4.	A/YL-HT/245	“O” on approved Ha Tsuen OZP No. S/HSK/4	Temporary Lorry and Coach Park (3 Years)	26.4.2002 (3 Years)	1, 2, 3, 4, 5
5.	A/YL-HT/267	“O” on approved Ha Tsuen OZP No. S/HSK/4	Temporary Vehicle Repair Workshop (3 Years)	13.9.2002 (3 Years)	2, 3, 4, 5
6.	A/YL-HT/406	“O” on approved Ha Tsuen OZP No. S/HSK/4	Temporary Lorry and Coach Park (3 Years)	29.7.2005 (3 Years)	4, 5, 7, 8, 9, 10, 11, 12
7.	A/YL-HT/419	“O” on draft Ha Tsuen OZP No. S/HSK/4	Temporary Vehicle Repair Workshop (3 Years)	12.8.2005 (3 Years)	4, 5, 7, 10
8.	A/YL-HT/574	“O” on draft Ha Tsuen OZP No. S/HSK/4	Temporary Open Storage of Scrap Metals (3 Years)	24.10.2008 (3 Years) (revoked on 24.4.2009)	2, 3, 4, 5, 8, 9, 10, 13, 14, 15
9.	A/YL-HT/601	“O” and “V” on approved Ha Tsuen OZP No. S/HSK/10	Temporary Open Storage of Vehicle Parts and Tyre Repair with Ancillary Workshop (3 Years)	27.3.2009 (revoked on 27.9.2009)	1, 2, 3, 4, 5, 7, 9, 11, 13
10.	A/YL-HT/602	“O” on approved Ha Tsuen OZP No. S/HSK/10	Temporary Open Storage of Scrap Metals and Trailers (3 Years)	13.3.2009 (3 Years)	1, 2, 4, 6, 7, 10, 11, 13
11.	A/YL-HT/849	“O” on approved Ha Tsuen OZP No. S/HSK/10	Temporary Open Storage of Building Materials, Trailers, Scrap Motor Vehicles and Scrap Small Speed Boats, Scrap Metals, Construction Machinery, Scrap Car Components and Ancillary Workshop (3 Years)	24.5.2013 (approved for 1 year)	1, 2, 4, 5, 7, 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/TPB)</u>	<u>Approval Condition(s)</u>
12.	A/YL-HT/919	"O" on approved Ha Tsuen OZP No. S/HSK/10	Temporary Open Storage of Construction Materials, Tractors, Trailers, Scrap Motor Vehicles and Scrap Small Speedboats, Scrap Metals, Cargo Compartments, Construction Machinery, and Scrap Car Components with Ancillary Workshop and 5 Heavy Goods Vehicle Loading/Unloading Bays (3 Years)	14.11.2014 (approved for 1 year)	1, 2, 3, 4, 5, 7, 8, 10, 11, 12, 13

Approval Conditions:

1. The submission and implementation of landscaping or/and tree preservation proposals and/or provision of replacement planting.
2. The submission of DIA/drainage proposals and/or provision of drainage facilities, and/or submission of a condition record of the existing drainage facilities.
3. The provision of paving, and/or fencing, and/or screening planting.
4. Revocation clauses.
5. Reinstatement clause.
6. The setting back of the boundary of the site from the existing footpath.
7. No night-time operation and/or no operation on Sundays and public holidays.
8. No vehicle queuing is allowed back to public road or no vehicle reversing onto/from the public road is allowed.
9. The stacking height of materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence.
10. The maintenance of the drainage facilities.
11. The submission and implementation of run-in/run-out proposal(s).
12. The provision of a 9-litres water type/3kg dry powder fire extinguisher.
13. The submission and/or implementation of fire service installations (FSIs) proposals and/or the provision of FSIs.
14. The submission and implementation of noise mitigation measures proposals.
15. No vehicle without a valid licence issued under the Traffic Regulation is allowed to be parked.
16. The construction of an interception channel at the entrance to prevent run-off flowing out from the site to the nearby public roads and drains through the access point

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)</u>	<u>Reason(s) For Rejection</u>
1.	A/YL-HT/212	"O" on approved Ha Tsuen OZP No. S/HSK/4	Temporary Vehicle Repair Workshop (3 Years)	7.9.2001	1

	<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>Reason(s) For Rejection</u>
2.	A/YL-HT/750	“O” and “V” on approved Ha Tsuen OZP No. S/HSK/10	Proposed Temporary Open Storage of Scrap Metals and Trailers (3 Years)	23.9.2011	1, 2, 3, 4

Reason(s) for Rejection:

1. The proposed development is not in line with the planning intention of the “O” zone, which is for the provision of outdoor open-air public space of active and/or passive recreational uses serving the needs of local residents as well as the general public. The proposed development is not in line with and will frustrate the planning intention of the “V” zone, which is to designate both existing recognized villages and areas of land considered suitable for village expansion respectively. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis.
2. The proposed development is not in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that there are adverse departmental comments on the environmental aspect and the development would generate adverse environmental impacts to the surrounding areas.
3. The proposed development is not compatible with the adjoining small house developments under construction.
4. The approval of the application would set an undesirable precedent for similar applications within the “V” zone. The cumulative impact of approving such applications would result in a general degradation of the environment of the area.

**Similar s.16 Applications within the subject “O” and “G/IC” Zones  
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**

	<b><u>Application No.</u></b>	<b><u>Zoning(s) and OZP at the time of consideration</u></b>	<b><u>Proposed Use(s)/ Development(s)</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Approval Conditions</u></b>
1.	A/YL-HT/585	“O” on draft Ha Tsuen OZP No. S/YL-HT/9	Temporary Open Storage of Scrap Metals (Renewal of Planning Approval under Application No. A/YL-HT/463) (3 Years)	19.12.2008 (3 Years) (revoked on 19.12.2009)	2, 3, 4, 5, 6, 10, 13, 14, 15, 16, 17, 18, 19
2.	A/YL-HT/586	“O” on draft Ha Tsuen OZP No. S/YL-HT/9	Temporary Open Storage of Scrap Metal with Ancillary Workshop (3 Years)	19.12.2008 (3 Years)	2, 4, 5, 6, 10, 12, 14, 17
3.	A/YL-HT/691	“O” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Scrap Metals with Two Loading/Unloading Spaces (3 Years)	27.8.2010 (3 Years) (revoked on 2.8.2011)	1, 2, 3, 5, 6, 10, 11, 12, 14, 16, 19
4.	A/YL-HT/1001	“O” and “OS” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Parking of Coaches/Buses, Private Cars and Open Storage of Parts, Tyres with Ancillary Workshop and 2 Lorry Loading/Unloading Spaces (3 Years)	22.1.2016	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 13, 15
5.	A/YL-HT/1011	“O” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Vehicles (Coaches/Buses), Parts, Tyres and Parking of Coaches/Buses, Private Cars (3 Years)	18.3.2016	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 13, 15

**Approval Conditions:**

1. The submission and implementation of landscaping or/and tree preservation proposals and/or provision of replacement planting.
2. The submission of DIA/drainage proposals and/or provision of drainage facilities, and/or submission of a condition record of the existing drainage facilities on-site.
3. The provision/implementation of fire services installations.
4. The provision of paving, and/or fencing, and/or screening planting.
5. Revocation clause.
6. Reinstatement clause.
7. No vehicle is allowed to queue back to or reverse onto/from the public road.
8. No operation for parking of coaches/buses and car between 8:00 p.m. to 8:00 a.m. on Sundays and public holidays.
9. No operation for open storage of vehicle (coaches/buses), parts, tyres uses on Sundays and public holidays.
10. No night-time operation and/or no operation on Sundays and public holidays.
11. No material is allowed to be stored/dumped within 1m of any tree on the site.
12. The stacking height of materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence.

13. The maintenance of the drainage facilities.
14. The submission and implementation of run-in/run-out proposal(s).
15. The provision of a 9-litres water type/3kg dry powder fire extinguisher for the site office.
16. No cutting, dismantling, cleansing, repairing and workshop activity.
17. The maintenance of the landscape planting/all the existing trees.
18. No storage of electronic waste, used electrical appliances, and plastic waste.
19. No handling (including loading, unloading and storage) of electronic waste and plastic waste.

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 commencing the development on-site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site (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. The Site is accessible from Hung Chi Road through Government land (GL). His office does not guarantee any right-of-way to the Site. The lot owner(s) of lot(s) without Short Term Waiver (STW) will need to apply to his office for permitting the structures to be erected or regularize any irregularities on site, if any. No construction of New Territories Exempted Building(s) will be considered or allowed. Application(s) of any of the above will be considered by the LandsD acting in the capacity as 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.
- (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. 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;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that the 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 Ping Ha Road;
- (g) 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 Director of Environmental Protection to minimise any potential environmental nuisance;
- (h) the development should neither obstruct overland flow nor adversely affect existing stream course, natural streams, village drains, ditches and the adjacent areas. The applicant should consult DLO/YL and seek consent from the relevant owners for any works to be carried out outside his lot boundary before commencement of the drainage works.

- (i) 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, demolition 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;
- (j) to note the comments of the Director of Fire Services (D of FS) that relevant layout plans incorporated with the proposed fire service installations (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; and the applicant should adhere to "Good Practice Guidelines for Open Storage" at **Appendix V**. The applicant is advised to submit a valid fire certificate (FS251) to his department for approval. 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;
- (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 New Development Area (HSK NDA). According to the Planning and Engineering Study (P&E Study) for the HSK NDA and the latest plan, 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 majority of the Site falls within an area designated as 'Road' on the approved HSK and HT OZP No. S/HSK/2 which is currently to be formed under HSK NDA Advance Works Phase 2 Works. The construction of HSK NDA Advance Works Phase 2 Works will commence in 2020 tentatively based on the current planning which is under review and subject to funding approval, and the land resumption process will take place in 2020 tentatively; and
- (l) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that approval of the planning application by the Board does not imply approval of the tree works such as pruning, transplanting and/or felling under lease. The applicant is reminded to approach relevant authority / government department(s) direct to obtain the necessary approval on tree works. If replacement for existing tree is required, the applicant may wish to consider other tree species with small mature size in lieu of *Ficus microcarpa* which has the characteristics of vigorous root system and large tree canopy in mature size.