

**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 Application covering the Application Site**

**Approved Application**

	<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 Condition(s)</u></b>
1.	A/YL-HT/1026	“U” on approved Ha Tsuen OZP No. S/YL-HT/10	Proposed Temporary Open Storage of Construction Materials, Container Vehicles and Container Trailers (3 Years)	10.6.2016	1, 2, 3, 4, 5, 6, 7, 8, 9, 10

**Approval Conditions:**

- 1 The submission and implementation of landscaping or/and tree preservation proposals and/or provision of replacement planting.
- 2 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.
- 3 Reinstatement clause.
- 4 The maintenance of the drainage facilities.
- 5 Revocation clauses.
- 6 The submission and implementation of run-in/run-out proposal(s),
- 7 No vehicle queuing is allowed back to public road or vehicle reversing onto/from the public road is allowed.
- 8 No night time/ Sunday and public holiday operation.
- 9 The provision of fire extinguisher(s) or the submission and implementation of FSIs proposals or the provision of FSIs.
- 10 No cutting, dismantling, repairing, melting, compaction, unpacking, re-packing, cleansing or other workshop activity is allowed at any time on the site.

**Similar Applications within the same “O” and “R(A)4” Zones on the approved Ha Tsuen OZP  
(Since the Promulgation of TPB PG-No. 13E on 17.10.2008)**

**Approved Applications**

	<b>Application No.</b>	<b>Zoning(s) and OZP at the time of consideration</b>	<b>Applied Use(s)/Development(s)</b>	<b>Date of Consideration (RNTPC/TPB)</b>	<b>Approval Condition(s)</b>
1.	A/YL-HT/589	“U” on draft Ha Tsuen OZP No. S/YL-HT/9	Proposed Temporary Open Storage of Vehicle Parts and Construction Materials (3 years)	9.1.2009	1, 3, 5, 6, 7, 8
2.	A/YL-HT/700	“U” on approved Ha Tsuen OZP No. S/YL-HT/10	Proposed temporary open storage of construction materials and construction machinery (3 years)	26.11.2010	1, 3, 4, 7, 8
3.	A/YL-HT/872	“U” on approved Ha Tsuen OZP No. S/YL-HT/10	Renewal of Planning Approval for “Temporary Open Storage of Construction Materials and Construction Machinery” (3 years)	22.11.2013 (revoked on 27.5.2014)	1, 3, 4, 7, 8
4.	A/YL-HT/910	“U” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Construction Materials and Construction Machinery (3 years)	22.8.2014	1, 2, 3, 4, 7, 8

**Approval Condition(s):**

- 1 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.
- 2 no vehicle is allowed to queue back to public road or reverse onto/from the public road at any time
- 3 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.
- 4 Revocation clauses.
- 5 The submission and/or provision of vehicular access/run-in/out proposals, and/or ingress/egress arrangement, and/or car-parking, and/or loading and unloading spaces.
- 6 No night-time operation/no operation on Sundays or public holidays.
- 7 No public vehicle park is allowed on the site.
- 8 Only vehicles of weight less than 5.5 tonnes is allowed to be stored at the site.

**Rejected Application**

	<b>Application No.</b>	<b>Zoning(s) and OZP at the time of consideration</b>	<b>Applied Use(s)/Development(s)</b>	<b>Date of Consideration (RNTPC/TPB)</b>	<b>Reason(s) for Rejection</b>
1.	A/YL-HT/648	“U” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary open storage of metal ware and machinery with ancillary office and parking facilities (3 years)	23.10.2009	1, 2

**Reasons for Rejection:**

- 1 The development would be subject to fire risks and/or would have adverse drainage impacts on the surrounding areas, and the submitted information cannot demonstrate that the fire risks and/or adverse drainage impacts could be mitigated.
- 2 The application involves previously revoked planning permissions due to non-compliance with the approval conditions. Approval of the application with repeated non-compliances would set an undesirable precedent for other similar planning permissions for temporary uses which are also subject to the requirement to comply with the approval conditions, thus nullifying statutory planning control.

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 continuing the development on the Site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of 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 prior approval of the Government. The lot owner(s) of the lot(s) without Short Term Waiver (STW) will need to apply to his office for permitting the structures to be erected or to regularize 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. No construction of New Territories Exempted Building(s) will be considered or allowed. Application(s) 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 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. The Site is accessible from Ping Ha Road through GL and private lots. His office does not guarantee any right-of-way to the Site;
- (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. 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 is advised to obtain consent of the owner/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 adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site and Ping Ha Road. HyD shall not be responsible for the maintenance of any access connecting the Site and Ping Ha Road;
- (g) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) on the submitted drainage proposal that :
  - (1) Peripheral surface channels shall be provided along the site boundary to collect the surface runoff accrued on the Site and to intercept the overland flow from the adjacent lands.
  - (2) Please indicate clearly the full alignment of the discharge path from the Site all the way down to the ultimate discharge point (e.g.) a well-established stream course/public drainage system).
  - (3) The existing watercourse to which the applicant proposed to discharge the stormwater

from the Site was not maintained by this office. The applicant should identify the owner of the existing drainage facilities and obtain consent from the owner prior to commencement of the proposed works. In the case that it is a local village drains, Do/YL should be consulted.

- (4) Further to (ii) above, since there is no record of the said discharge path, please provide evidence (e.g. site photos) to demonstrate its presence and existing condition.
  - (5) The gradients and the sizes of the proposed u-channels should be shown on the drainage plan
  - (6) The cover levels and invert levels of the proposed u-channels, catchpits/sand traps should be shown on the drainage plan.
  - (7) Cross sections showing the existing and proposed ground levels of the captioned site with respect to the adjacent areas should be given.
  - (8) Sand trap or provision alike should be provided before the collected runoff is discharged to the public drainage facilities.
  - (9) Standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit/sand trap.
  - (10) Where walls or hoarding are erected are laid along the site boundary, adequate opening should be provided to intercept the existing overland flow passing through the site.
  - (11) The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.
  - (12) The applicant should consult DLO/YL and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works;
- (i) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the required condition record submission 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;
  - (j) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the structures, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant should 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 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**. 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 or referral from relevant licensing authority; and
  - (k) 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 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 lot(s) concerned falls within a site under Stage 3 Works in the latest programme of HSK NDA. While 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.