

**Town Planning Board Guidelines for
Application for Open Storage and Port Back-up Uses
(TPB PG-No.13F)**

1. On 27.3.2020, 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. 13F) were promulgated, which set out the following criteria for New Development Areas:
 - (a) The planning for various NDAs (including potential development areas) in the New Territories has been in progress and the land use proposals for some of these areas have been incorporated as appropriate into relevant statutory town plans. The NDAs will be implemented by phases. While it is envisaged that the existing open storage and port back-up uses in these areas will be gradually phased out, sympathetic consideration may be given to applications for continued operation of these uses during the interim period before the sites are required for NDA development.
 - (b) For existing open storage and port back-up uses with previous planning approval(s) and/or permitted under the previous OZPs, sympathetic consideration may be given to the application (irrespective of whether the application is submitted by the applicant of previous approval or a different applicant) until the concerned site is required for implementation of NDA development, provided that the relevant approval conditions, if any, have been complied with. Technical assessments, where appropriate, should be submitted to demonstrate that the continued operation of the current uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas and the concerns of the departments and local residents, if any, can be addressed through the implementation of the approval conditions.
 - (c) In view of the impending implementation of NDAs, new open storage and port back-up uses are generally not encouraged to infiltrate into the NDAs. There is a general presumption against such uses at greenfield areas and/or at sites with land use compatibility issue, e.g. in close proximity to existing residential dwellings which may be subject to environmental nuisances caused by the open storage and port back-up uses. Applications will normally be rejected unless under exceptional circumstances.
 - (d) Any approved temporary use and development should not jeopardize the long-term planned development on the respective site/the surrounding area under the NDA and the applicant should be advised that the site would be required by the government at any time during the planning approval period for implementation of government projects.

Previous s.16 Applications covering the Site

Approved Applications

	Application No.	Zoning(s) and OZP at the time of consideration	Applied Use(s)/Development(s)	Date of Consideration (RNTPC/TPB)	Approval Condition(s)
1.	A/YL-HT/7	"U" on draft Ha Tsuen OZP No. S/YL-HT/1	Temporary Open Storage of Containers (3 years)	29.11.1996 (on review) (revoked on 29.9.1997)	1, 2, 3, 4, 5, 6, 7
2.	A/YL-HT/345	"U" on draft Ha Tsuen OZP No. S/YL-HT/4	Temporary Open Storage of Construction Materials with Ancillary Workshop (3 years)	17.7.2004 (3 years)	1, 4, 6
3.	A/YL-HT/511	"U" on draft Ha Tsuen OZP No. S/YL-HT/8	Temporary Open Storage of Construction Materials with Ancillary Workshop (3 years)	12.10.2007 (3 years) (revoked on 12.4.2008)	1, 4, 6, 7, 8, 10
4.	A/YL-HT/608	"U" on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Recyclable Collection Centre (Including Plastics, Paper and Metals) with Ancillary Workshop (3 years)	17.4.2009	1, 6, 8, 9, 10
5.	A/YL-HT/706	"U" on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Recyclable Collection Centre (Including Plastics, Paper and Metals) with Ancillary Workshop (3 years)	23.12.2010	1, 6, 8, 9, 10, 11, 12
6.	A/YL-HT/965	"U" on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Recyclable Collection Centre (Including Plastics, Paper and Metals) with Ancillary Workshop and Site Offices (3 years)	7.8.2015 (revoked on 7.9.2017)	1, 6, 8, 9, 10, 11, 12, 13, 14
7.	A/YL-HT/1071	"U" on approved Ha Tsuen OZP No. S/YL-HT/10	Proposed Temporary Recyclable Collection Centre (Including Plastics, Paper, Metals and Used Batteries with Electronic Appliances) with Ancillary Workshop and Site Offices (3 years)	17.3.2017 (revoked on 17.8.2019)	1, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15

Approval Condition(s):

- 1 The submission and/or the implementation of landscaping and/or tree preservation proposals or the replacement of dead trees.
- 2 The provision of sewage treatment and disposal facilities.
- 3 The submission of noise impact assessment and the provision of noise mitigation measures.
- 4 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 or the submission of a condition record and the maintenance of the existing drainage facilities.
- 5 The submission of traffic impact assessment and the implementation of traffic improvement measures including vehicular access arrangement, junction improvement and provision of parking and loading/unloading spaces and queuing area.
- 6 Revocation clauses.
- 7 Reinstatement clause.

- 8 No night-time operation/no operation on Sundays or public holidays.
- 9 Existing drainage facilities should be maintained at all times and submission of a condition record of the existing drainage facilities.
- 10 The provision of a 9-litres water type/3kg dry power fire extinguisher or the submission and implementation of a fire service installations proposal.
- 11 No handling (including loading, unloading, storage and dismantling) of electrical/electronic appliances.
- 12 No heavy vehicle (i.e. over 24 tonnes), including container trailer and tractor, is allowed for the operation of/parked/stored on the site or to enter/exit.
- 13 No handling (including loading, unloading and storage) of cathode-ray tubes (CRT), CRT computer monitors/television sets and CRT equipment.
- 14 No vehicle is allowed to queue back to public road or reverse onto/from the public road.
- 15 The provision of fencing/ maintenance of existing boundary fencing.

Rejected Application

	Application No.	Zoning(s) and OZP at the time of consideration	Proposed Use(s)/Development(s)	Date of Consideration (RNTPC/TPB)	Reason for Rejection
1	A/YL-HT/223	"U" on draft Ha Tsuen OZP No. S/YL-HT/4	Temporary Open Storage of Construction Machinery and Materials (3 Years)	16.11.2001	1

Reason for Rejection:

- 1 Insufficient information in the submission to demonstrate that the proposed development would not have adverse traffic, drainage and environmental impacts on the surrounding areas.

**Similar Applications within the same “R(A)3” Zone on the
Approved Hung Shui Kiu and Ha Tsuen Outline Zoning Plan since 17.10.2008**

Approved Applications

	Application No.	Zoning(s) and OZP at the time of consideration	Applied Use(s)/Development(s)	Date of Consideration (RNTPC/TPB)	Approval Condition(s)
1.	A/YL-HT/609	“U” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Recyclable Collection Centre (Including Plastics, Paper and Metals) (3 Years)	17.4.2009	1, 2, 3, 4, 5
2.	A/YL-HT/626	“U” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Recycling Materials (Plastic, Paper and Metal) with Ancillary Workshop (3 Years)	7.8.2009 (revoked on 16.4.2010)	1, 3, 4, 5, 6, 7, 8, 9
3.	A/YL-HT/683	“U” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Recyclable Materials (Plastic, Paper and Metal) with Ancillary Workshop and Recycling of Used Electrical Appliances (3 Years)	16.7.2010 (1 Year) (revoked on 16.1.2011)	1, 2, 3, 4, 5, 6
4.	A/YL-HT/703	“U” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Recyclable Materials (Plastic, Paper and Metal) with Ancillary Workshop and Recycling of Used Electrical Appliances (3 Years)	10.12.2010 (revoked on 10.6.2011)	1, 2, 3, 4, 5, 11, 12, 13
5.	A/YL-HT/844	“U” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Recyclable Materials (Plastic, Paper and Metal) with Ancillary Workshop (3 Years)	25.10.2013 (1 Year)	1, 2, 3, 4, 5, 6, 14
6.	A/YL-HT/921	“U” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Recyclable Materials (Plastic, Paper and Metal) with Ancillary Workshop (3 Years)	14.11.2014	1, 2, 3, 4, 5, 6, 10, 15, 16
7.	A/HSK/30	“R(A)3”, “R(A)4”, “G/IC” and ‘Road’ on approved Hung Shiu Kiu and Ha Tsuen OZP No. S/HSK/2	Temporary Open Storage of Recyclable Materials (Plastic, Paper and Metal) with Ancillary Workshop (3 Years)	22.12.2017	1, 3, 4, 5, 7, 10, 14, 16

Approval Condition(s):

- 1 No night-time operation/no operation on Sundays or public holidays.
- 2 The submission and/or implementation of landscape and/or tree preservation proposals.
- 3 The provision of fire extinguisher(s) and/or the submission and implementation of FSIs proposals or the provision of FSIs.
- 4 Revocation clauses.
- 5 The maintenance of the drainage facilities, and the submission of the condition record of the existing drainage facilities.

- 6 No handling (including loading, unloading and storage) of electrical/electronic appliances/ computer wastes.
- 7 The maintenance of the existing trees/landscape planting.
- 8 The replacement of dead trees on the site.
- 9 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.
- 10 The provision of fencing and/or paving/ the maintenance of existing fencing.
- 11 No handling (including loading, unloading and storage) of cathode-ray tubes (CRT), CRT computer monitors/television sets and CRT equipment.
- 12 No dismantling of electrical/electronic appliances.
- 13 Handling (including loading, unloading and storage) of electrical/electronic appliances/ computer wastes on the site must be carried out within concrete-paved covered structures, and the construction of covered structure(s) and/ or the construction of covered structure(s) at the site for the handling of electrical/electronic appliances.
- 14 No vehicle queuing is allowed back to public road or no vehicle reversing onto/from the public road.
- 15 The submission of noise impact assessment/environmental mitigation measures proposals and/or the provision of noise/environmental mitigation measures.
- 16 Reinstatement clause.

Advisory Clauses

- (a) prior planning permission should have been obtained before continuing the development on-site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to note that the Site might be resumed at any time during the planning approval period for implementation of government projects;
- (d) shorter compliance period is imposed in order to monitor the progress of compliance with approval conditions. Should the applicant fail to comply with any of the approval conditions again resulting in the revocation of planning permission, sympathetic consideration may not be given to any further applications;
- (e) 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 private lots which are covered by Short Term Waivers (STWs) are listed below:

Lot No(s). in D.D.125	STW No.	Purposes
1845	3616	Temporary Recyclable Collection Centre (Including Plastics, Paper and Metals) with Ancillary Workshop and Site Offices
1846	4454	
1846	4057	Temporary Logistics Centre and Warehouse for Storage of Metal with Ancillary Workshop
1842	4164	Temporary Open Storage of Construction Machinery and Materials, and Scrap Metal with Ancillary Packaging Activities
1844	5005	Temporary Logistics Centre and Warehouse for Storage of Metal with Ancillary Workshop and Temporary Storage of Construction Materials and Containers, Logistics Centre and Ancillary Workshop

The STW holders will need to apply to his office for modification of the STW conditions where appropriate. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. Application(s) for any of the above 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 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;

- (f) 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. 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;
- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that the access arrangement of the Site 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/drains. HyD shall not be responsible for the maintenance of any access connecting the Site and Ping Ha Road;

- (h) 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 to minimize possible dust and noise problems, in particular the following:
- (i) Dusty operations including cutting, grinding, polishing, loading, unloading or transfer of dusty construction materials, etc, are not permitted at the open area of the subject site as these activities, unless to be carried out in purposely-built enclosures and appropriate dust suppression measures are provided, would have potential environmental impacts on the present and future occupants in the surrounding area.
 - (ii) If storage materials would generate dust to the surrounding environment, they should be kept inside enclosures. Otherwise, appropriate dust suppression measures such as water spraying, tarpaulin covering, etc. should be taken to mitigate the dust impact.
 - (iii) Noise generating activities should be located away as far as possible from any noise sensitive receivers. In addition, the following measures should be adopted as far as practicable in order to minimise the noise nuisance -
 - the erection of 2.5m solid boundary wall; and
 - prohibition of any noisy operations during sensitive hours;
- (i) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the required condition record 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 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 Building Authority (BA), they are unauthorized building works (UBW) 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 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 BD 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 (B(P)R) 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 B(P)R at the building plan submission stage;

- (k) to note comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to D of FS 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 BO (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (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 does not imply approval of tree works such as felling, transplanting or pruning under the lease. The applicant should approach relevant authority/government direct to obtain the necessary approval for any proposed tree preservation or removal scheme involving trees within or outside the Site; and
- (m) 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 Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA). According to the Planning and Engineering Study for the HSK/HT NDA and the latest plan, to ensure timely and orderly implementation, the development of HSK/HT 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 4 in the latest programme of the HSK/HT NDA. While the detailed implementation programme for the project is still being formulated, it is envisaged that clearance of the Site will not be arranged before 2024.