

**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 Application Site

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/43	“GB” on draft HT OZP No. S/YL-HT/1	Temporary Open Storage of Containers (12 Months)	3.4.1998 (12 Months)	1, 2, 3
2.	A/YL-HT/80	“GB” on draft HT OZP No. S/YL-HT/1	Temporary Open Storage of Containers (12 Months)	30.4.1999 (12 Months)	1, 2, 3, 4, 5
3.	A/YL-HT/136	“GB” and “CDA” on draft HT OZP No. S/YL-HT/3	Temporary Open Storage of Containers (3 Years)	17.3.2000 (3 Years)	1, 2, 3, 4, 7
4.	A/YL-HT/289	“GB” and “CDA” on approved HT OZP No. S/YL-HT/4	Temporary Open Storage of Containers (3 Years)	7.3.2003 (3 Years)	3, 4, 6, 7
5.	A/YL-HT/430	“GB” and “CDA” on draft HT OZP No. S/YL-HT/7	Renewal of Planning Approval for Temporary Open Storage of Containers (3 Years)	3.3.2006 (3 Years)	1, 2, 6, 8
6.	A/YL-HT/595	“GB” and “CDA” on approved HT OZP No. S/YL-HT/10	Temporary Open Storage of Containers (3 Years)	13.3.2009 (3 Years) (revoked on 13.4.2011)	1, 3, 4, 5, 6, 7, 9, 10, 11, 12
7.	A/YL-HT/665	“GB” and “CDA” on approved HT OZP No. S/YL-HT/10	Temporary Open Storage of Containers with Ancillary Logistics Uses, Vehicle Repair Workshop, Container Repair Workshop and Parking of Tractors (3 Years)	23.4.2010 (3 Years)	1, 2, 3, 4, 5, 6, 7, 12
8.	A/YL-HT/826	“GB” and “CDA” on approved HT OZP No. S/YL-HT/10	Temporary Open Storage of Containers with Ancillary Logistics Uses, Vehicle Repair Workshop, Container Repair Workshop and Parking of Tractors (3 Years)	21.12.2012 (3 Years)	1,2, 3, 4, 5, 6, 7, 9, 12, 13, 14
9.	A/YL-HT/1000	“GB” and “CDA” on approved HT OZP No. S/YL-HT/10	Temporary Open Storage of Containers with Ancillary Logistics Uses, Vehicle Repair Workshop, Container Repair Workshop and Parking of Tractors (3 Years)	22.1.2016 (3 Years)	1, 2, 3, 5, 6, 7, 9, 11, 12, 13, 14
10.	A/HSK/146	“R(A)2”, “G/IC” and “OU(POFEFTS)” on approved HSK and HT OZP No. S/HSK/2	Temporary Open Storage of Containers with Ancillary Logistics Uses, Vehicle Repair Workshop, Container Repair Workshop and Parking of Tractors (3 Years)	3.5.2019 (3 Years)	5, 6, 7, 9, 11, 12, 14, 15

Approval Conditions:

- 1 The submission and implementation of landscaping and/or tree preservation proposals.
- 2 The submission and implementation of drainage facilities.
- 3 Reinstatement clause.
- 4 The provision of fencing and/or paving of the site.

- 5 The stacking height of the materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence.
- 6 No night-time operation is permitted at the site and/or no operation on Sundays and public holidays.
- 7 Revocation clause.
- 8 No workshop activity shall be permitted at the site.
- 9 The stacking height of containers stored on the site should not exceed 8 units.
- 10 No cutting, dismantling, cleansing, repairing and workshop activity, including container repair and vehicle repair, is allowed on the site.
- 11 Maintenance and the submission of a condition record of the existing drainage facilities.
- 12 The provision of the fire extinguisher(s) and the submission of a valid fire certificate (FS 251) and/or submission of FSIs proposals and the implementation/provision of FSIs proposal.
- 13 No material is allowed to be stored/dumped within 1m of any tree on the site.
- 14 No vehicle is allowed to queue back to public road or no vehicle reversing into/from the public road is allowed.
- 15 The existing trees and landscape plants/fencing on the site shall be maintained at all times.

**Similar Applications within the same “R(A)2” and “G/IC” Zones on
the approved HSK and HT OZP No. S/HSK/2**

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/616	“CDA” on approved HT OZP No. S/YL-HT/10	Temporary Open Storage of Containers, Container Vehicle Park and Logistics Yard (3 Years)	5.6.2009 (3 Years) (revoked on 13.4.2010)	1, 2, 3, 4, 6, 7, 8, 11, 17, 19
2.	A/YL-HT/645	“CDA” on approved HT OZP No. S/YL-HT/10	Proposed Temporary Open Storage of Containers and Logistics Centre (3 Years)	9.10.2009 (3 Years)	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 17, 18
3.	A/YL-HT/731	“CDA” and “GB” on approved HT OZP No. S/YL-HT/10	Temporary Open Storage of Construction Materials and Containers with Container Vehicle Park, Logistics Yard and Ancillary Workshop (Including Compaction and Packing Workshop) (3 Years)	20.5.2011 (3 Years)	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 17, 18
4.	A/YL-HT/781	“CDA” and “GB” on approved HT OZP No. S/YL-HT/10	Temporary Logistic Centre and Warehouse, Recycling Centre and Open Storage of Recycled Plastics, Paper and Containers (with Ancillary Container and Container Machinery Repair Workshop) (3 Years)	18.5.2012 (3 Years)	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 16, 17
5.	A/YL-HT/814	“CDA” on approved HT OZP No. S/YL-HT/10	Temporary Open Storage of Containers and Logistics Centre with Ancillary Open Storage of Recyclable Materials (3 Years)	7.12.2012 (3 Years)	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 16, 17
6.	A/YL-HT/831	“CDA” on approved HT OZP No. S/YL-HT/10	Proposed Temporary Open Storage of Containers and Container Tractors Park (3 Years)	16.8.2013 (3 Years)	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 16, 17
7.	A/YL-HT/904	“CDA” and “GB” on approved HT OZP No. S/YL-HT/10	Temporary Open Storage of Construction Materials, Container with Container Vehicle Park, Logistics Yard with Ancillary Workshop (Including Compacting and Unpacking Workshop) (3 Years)	8.8.2014 (3 Years)	1, 2, 3, 4, 5, 6, 7, 8, 10, 15, 18, 20
8.	A/YL-HT/981	“REC” on approved HT OZP No. S/YL-HT/10	Temporary Open Storage of Containers, Construction Materials and New Vehicles with Site Offices (3 Years)	22.1.2016 (3 Years) (revoked on 22.4.2017)	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15
9.	A/YL-HT/997	“CDA” on approved HT OZP No. S/YL-HT/10	Temporary Open Storage of Containers and Logistics Centre with Ancillary Open Storage of Recyclable Materials (3 Years)	8.1.2016 (3 Years) (revoked on 8.6.2018)	1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 16

	<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>
10.	A/YL-HT/1052	“CDA” on approved HT OZP No. S/YL-HT/10	Temporary Open Storage of Containers and Parking of Container Tractor with Ancillary Container Repair Workshop (3 Years)	9.12.2016 (3 Years) (revoked on 9.12.2017)	1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 16
11.	A/HSK/4	“OU(LF)”, “OU(PBU&SWU)”, “OU(SPS)” and “G/IC” on draft HSK and HT OZP No. S/HSK/1	Temporary Open Storage of Containers and Construction Materials with Site Offices (3 Years)	13.10.2017 (3 Years)	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15
12.	A/HSK/9	“G/IC”, “R(A)2”, “O” and “OU(POFEFTS)” on draft HSK and HT OZP No. S/HSK/1	Temporary Warehouse, Open Storage of Construction Materials, Container with Container Vehicles Park, Container Tractors Park and Logistics Yard with Ancillary Workshop (Including Compacting and Unpacking Workshop) (3 Years)	10.11.2017 (3 Years)	1, 2, 3, 4, 5, 6, 7, 8, 10, 15, 16, 20
13.	A/HSK/81	“O” and “R(A)3” on draft HSK and HT OZP No. S/HSK/1	Temporary Vehicle Repair Workshop with Ancillary Vehicle Parking (3 Years)	20.7.2018 (3 Years)	2, 3, 4, 5, 7, 8, 9, 10, 15

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 Reinstatement clause.
- 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 The provision/ maintained of paving, and/or fencing, and/or screening planting.
- 6 The stacking height of containers stored on the Site shall not exceed 7/8 units
- 7 Revocation clauses.
- 8 No night-time operation and/or no operation on Sundays and public holidays.
- 9 The maintenance of the landscape planting/existing trees/vegetation.
- 10 The maintenance of the drainage facilities.
- 11 No cutting, dismantling, repairing, and/or melting, and/or compaction, and/or unpacking, and/or re-packing, and/or tyre repair, and/or vehicle repair, and/or container repair, and/or cleansing, and/or workshop activity/no handling/storage of recyclable materials is allowed on the site.
- 12 No medium/heavy goods vehicle exceeding 5.5/24 tonnes is allowed for the operation of the site
- 13 No left turn of container vehicles.
- 14 The erection of a ‘Turn Right’ traffic sign at the junction.
- 15 No vehicle is allowed to queue back to or reverse onto/from the public road.
- 16 No handling (including loading, unloading and storage) of electrical/ electronic appliances/components, including cathode-ray tubes (CRT), CRT computer monitors/television sets and CRT equipment.
- 17 The stacking height of containers stored within 5m of the periphery of the site should not exceed the height of the boundary fence/ no stacking of containers within 5m of the periphery of the site.
- 18 No material is allowed to be stored/dumped within 1m of any tree.
- 19 The submission and implementation of run-in/out proposal.
- 20 No handling/storage of recyclable materials is allowed on the site.

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) 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. The private lots which are covered by Short Term Waivers (STWs) are listed below:

Lot No(s). in D.D.125	STW No.	Purposes
133	3925	Temporary Logistics Centre
263, 264, 271 and 273	4087	Open Storage of Containers with Ancillary Logistics Uses, Vehicle Repair Workshops, Container Repair Workshop and Parking of Tractors
166	4091	
260 S.A	4093	
261 (Now divided into 261 S.A and 261 RP)	4094	
272	4095	
137	4109	Temporary Open Storage of Construction Materials, Container with Container Vehicle Park, Logistics Yard with Ancillary Workshop (Including Compaction and Unpacking Workshop)
136	4113	Temporary Logistics Centre and Warehouse
258	5036	
257	5043	

The STW holders will need to apply to his office for modification of the STW conditions where appropriate and the lot owner(s) of the lot(s) without STW will need to apply to this 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 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;

- (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 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;

- (f) 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 Environmental Protection Department to minimize any potential environmental nuisances;
- (g) 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;
- (h) 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 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 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 (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;
- (i) 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 good practice guidelines for open storage attached at Appendix V of the RNTPC Paper should be adhered to. 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; and
- (j) 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 2 and Stage 3 Works 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.