

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

**2.6 Other Considerations**

- (a) Notwithstanding the above locational and site planning criteria, each application will be assessed on individual merits, taking due account of the nature and scale of the proposed use and local circumstances. 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, the Board may refuse to grant permission, or impose a shorter compliance period for the approval conditions, notwithstanding other criteria set out in this Guidelines are complied with.
- (b) Having considered that the open storage and port back-up uses have a role to play in Hong Kong's economy and provide considerable employment opportunities, and the operators/uses affected by resumption and clearance operations of the Government to make way for developments may face difficulties in finding a replacement site, sympathetic consideration could be given to such type of applications, except those involving land in Category 4 area (only minor encroachment may be allowed), if the following criteria are met:
  - (i) policy support is given by the relevant bureau(x) to the application for relocation of the affected uses/operations to the concerned sites; and
  - (ii) no adverse departmental comments and local objections, or the concerns could be addressed by approval conditions.

**3. Applications in New Development Areas (NDAs)**

- 3.1 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. For applications in NDAs with new/amended OZPs gazetted, the assessment criteria set out in the following paragraphs, instead of those in paragraph 2.1 above, should be adopted.
- 3.2 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.

- 3.3 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.
- 3.4 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.
- 3.5 The above paragraphs are applicable to areas covered by the Kwu Tung North/Fanling North NDA and Hung Shui Kiu/Ha Tsuen NDA, as well as future NDAs upon the gazetting of the relevant new/amended OZPs for such areas.

**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/Development</u></b>	<b><u>Date of Consideration</u></b>	<b><u>Approval Conditions</u></b>
1	A/YL-HT/74	“O” on the then draft Ha Tsuen OZP No. S/YL-HT/1	Proposed Temporary Public Cars/Cycle/Coach Park for a Period of 2 Years	12.3.1999	(1) to (3), (5), (15)
2	A/YL-HT/164	“O” and “V” on the then approved Ha Tsuen OZP No. S/YL-HT/4	Temporary Vehicle Repair Workshop for a Period of 3 Years	22.9.2000 (revoked on 22.3.2001)	(1), (2), (4) to (6)
3	A/YL-HT/229	“O” on the then approved Ha Tsuen OZP No. S/YL-HT/4	Temporary Vehicle Repair Workshop for a Period of 3 Years	21.12.2001 (revoked on 21.3.2002)	(2) to (5), (14)
4	A/YL-HT/245	“O” on the then approved Ha Tsuen OZP No. S/YL-HT/4	Temporary Lorry and Coach Park for a Period of 3 Years	26.4.2002	(1) to (5)
5	A/YL-HT/267	“O” on the then approved Ha Tsuen OZP No. S/YL-HT/4	Temporary Vehicle Repair Workshop for a Period of 3 Years	13.9.2002	(2) to (5)
6	A/YL-HT/406	“O” on the then approved Ha Tsuen OZP No. S/YL-HT/6	Temporary Lorry and Coach Park for a Period of 3 Years	29.7.2005	(4), (5), (7) to (12)
7	A/YL-HT/419	“O” on the then approved Ha Tsuen OZP No. S/YL-HT/6	Temporary Vehicle Repair Workshop for a Period of 3 Years	12.8.2005	(4), (5), (7), (10)
8	A/YL-HT/574	“O” on the then draft Ha Tsuen OZP No. S/YL-HT/9	Temporary Open Storage of Scrap Metals for a Period of 3 Years	24.10.2008 (revoked on 24.4.2009)	(2) to (5), (8) to (10), (13) to (15)
9	A/YL-HT/601	“O” and “V” on the then approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Vehicle Parts and Tyre Repair with Ancillary Workshop for a Period of 3 Years	27.3.2009 (revoked on 27.9.2009)	(1) to (5), (7), (9), (11), (13)
10	A/YL-HT/602	“O” on the then approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Scrap Metals and Trailers for a Period of 3 Years	13.3.2009	(1), (2), (4), (6), (7), (10), (11), (13)

11	A/YL-HT/849	“O” on the then approved Ha Tsuen OZP No. S/YL-HT/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 for a Period of 3 Years	24.5.2013 (approved for 1 year)	(1), (2), (4), (5), (7), (11) to (13)
12	A/YL-HT/919	“O” on the then approved Ha Tsuen OZP No. S/YL-HT/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 for a Period of 3 Years	14.11.2014 (approved for 1 year)	(1) to (8), (10) to (13)
13	A/HSK/180	“O”, “G/IC” and area shown as ‘Road’ on the approved Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/2	Temporary Open Storage of Vehicle Parts and Ancillary Vehicle Repair Workshop for a Period of 3 Years	20.9.2019 (approved for 1 year) (revoked on 20.6.2020)	(1) to (4), (7), (10), (13), (16)

#### Approval Conditions

- (1) Submission and implementation of landscape and/or tree preservation proposal and/or provision of replacement planting
- (2) Submission of DIA/ drainage proposals and/ or provision of drainage facilities, and /or submission of a condition record of the existing drainage facilities
- (3) Provision of paving, and/or fencing, and/or screening planting
- (4) Revocation clause
- (5) Reinstatement clause
- (6) Set 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 queuing back or reversing onto/from the public road or no vehicle reversing onto/from the public road is allowed
- (9) No stacking height of materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence
- (10) Maintenance of drainage facilities on the site
- (11) Submission and implementation of run-in/out proposal(s)
- (12) Provision of a 9-litres water type/3 kg dry powder fire extinguisher
- (13) Submission and implementation/Provision of fire service installations proposals
- (14) Submission and implementation of noise mitigation measures proposals

- (15) No vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked on site
- (16) Provision of fire extinguisher and the submission of a valid fire certificate (FS251)

### **Rejected Applications**

	<b><u>Application No.</u></b>	<b><u>Zoning(s) and OZP at the time of consideration</u></b>	<b><u>Use/Development</u></b>	<b><u>Date of Consideration</u></b>	<b><u>Rejection Reasons</u></b>
1	A/YL-HT/212	“O” on the then approved Ha Tsuen OZP No. S/YL-HT/4	Temporary Vehicle Repair Workshop for a Period of 3 Years	7.9.2001	(1)
2	A/YL-HT/750	“O” and ‘V’ on the then approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Scrap Metals and Trailers for a Period of 3 Years	23.9.2011	(1) to (4)

### **Rejection Reasons**

- (1) Not in line with the planning intention for the area
- (2) Not comply with the then Town Planning Board Guidelines No. 13E
- (3) Not compatible with the surrounding land uses
- (4) Undesirable precedent for similar uses

Good Practice Guidelines  
for open storage sites

		Internal access for fire appliances	Lot boundaries (Clear width)	Distance between storage cluster and temporary structure	Cluster size	Storage height
1.	Open Storage of Containers		2m	4.5m		
2.	Open Storage of non-combustibles or limited combustibles	4.5m	2m	4.5m		
3.	Open Storage of combustibles	4.5m	2m	4.5m	40m x 40m	3m

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 issue 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) to note that should the applicant fail to comply with any of the approval conditions again resulting in revocation of planning permission, sympathetic consideration would not be given to any further applications;
- (e) to note the comments of 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 STW will need to apply to his office for permitting the structures to be erected or to regularise any irregularities on site, if any. The STW holders will need to apply to his office modification of the STW conditions where appropriate. 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 the LandsD.
- (f) 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 the approval of the Building Authority (BA), they are unauthorised building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the captioned 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 site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorised Person (AP) should be appointed as the co-ordinator 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 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. Detailed checking under the BO will be carried out at building plan submission stage;

- (g) to follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise potential environmental nuisance to the surrounding area;
- (h) to note the comments of the Commissioner for Transport (C for T) 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;
- (i) 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 to nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting the Site and Shek Po East Road;
- (j) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the applicant is reminded that 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 of LandsD and seek consent from the relevant owners for any works to be carried out outside his lot boundary before commencement of the drainage works;
- (k) to note the comments of the Director of Fire Services (D of FS) that relevant layout plans incorporated with the proposed fire services installations (FSIs) should be submitted to him for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and provision of FSIs shall be provided in form of F.S. Notes. Good practice guidelines for open storage (**Appendix IV** of this RNTPC paper) should be adhered to. To comply with the approval condition on the provision of fire extinguisher(s), a valid fire certificate (FS 251) should be submitted to his department for approval. If the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
- (l) 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 the Hung Shui Kiu/ Ha Tsuen New Development Area (HSK/HT NDA). According to the Planning and Engineering Study for the HSK/HT NDA, to ensure timely and orderly implementation, the development of HSK/HT NDA and relevant site formation and infrastructure works would be implemented in three phases, viz. First Phase development, Second Phase development and Remaining Phase development. The lots concerned fall within a site under Second Phase development in the latest programme of HSK/HT NDA. While the detailed implementation programme for the project is still being formulated, it is envisaged that the site formation and engineering infrastructure works for the Second Phase development will commence in 2024. In this regard, relevant sites should be returned to the Government by 31.12.2023