

**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 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/7	“U” on the then draft Ha Tsuen OZP No. S/YL-HT/1	Temporary open storage of containers (3 years)	29.11.1996 by TPB (3 years) (revoked on 29.9.1997)	1, 2, 3, 4, 5, 6, 7
2.	A/YL-HT/297	“U” on the then draft Ha Tsuen OZP No. S/YL-HT/4	Proposed temporary open storage of new/used private cars, light goods vehicles prior to sale and vehicle parts (3 years)	25.4.2003 (3 years)	1, 4, 6, 7, 8, 9, 10, 11
3.	A/YL-HT/302	“U” on the then draft Ha Tsuen OZP No. S/YL-HT/4	Proposed temporary open storage of new/used private cars, light goods vehicles prior to sale and vehicle parts (3 years)	30.5.2003 (3 years)	1, 4, 6, 7, 8, 9, 10, 11, 12
4.	A/YL-HT/477	“U” on the then draft Ha Tsuen OZP No. S/YL-HT/8	Proposed temporary open storage of new/used vehicles (private cars, light and medium goods vehicles) with ancillary workshops and storage (3 years)	9.3.2007 (3 years) (revoked on 9.6.2008)	1, 4, 6, 7, 8, 9, 10, 14
5.	A/YL-HT/507	“U” on the then draft Ha Tsuen OZP No. S/YL-HT/8	Temporary open storage of new/used vehicles (private cars, light, medium and heavy goods vehicles, container vehicles and trailers) with ancillary workshops and storage (3 years)	12.10.2007 (3 years) (revoked on 12.10.2008)	1, 4, 6, 7, 8, 10, 13, 14
6.	A/YL-HT/539	“U” on the then draft Ha Tsuen OZP No. S/YL-HT/9	Temporary public vehicle park (private cars, goods vehicles, container vehicles and trailers) (3 years)	9.5.2008 (3 years) (revoked on 5.12.2008)	1, 4, 7, 8, 10, 11, 13, 14
7.	A/YL-HT/570	“U” on the then draft Ha Tsuen OZP No. S/YL-HT/9	Temporary public vehicle park (private cars, goods vehicles, container vehicles and trailers) (3 years)	10.10.2008 (3 years) (revoked on 5.12.2008)	1, 4, 7, 8, 10, 11, 13, 14
8.	A/YL-HT/632	“U” on the then approved Ha Tsuen OZP No. S/YL-HT/10	Proposed temporary open storage of containers (1 year)	9.10.2009 (1 year)	1, 4, 7, 8, 11, 15, 16, 17
9.	A/YL-HT/662	“U” on the then approved Ha Tsuen OZP No. S/YL-HT/10	Proposed temporary open storage of left-hand-drive vehicles, construction materials and heavy machinery with workshops and scrap metal area (3 years)	7.5.2010 (1 year) (revoked on 15.9.2010)	1, 4, 7, 8, 9, 11, 15, 17, 18, 19, 20

	<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 (R/NTPC/TPB)</u>	<u>Approval Condition(s)</u>
10.	A/YL-HT/733	“U” on the then approved Ha Tsuen OZP No. S/YL-HT/10	Temporary recycling centre and open storage area for recycled plastics, paper and scrap metal, new private cars, light, medium and heavy goods vehicles (3 years)	20.5.2011 (1 year)	1, 7, 8, 12, 14, 18, 21, 22
11.	A/YL-HT/811	“U” on the then approved Ha Tsuen OZP No. S/YL-HT/10	Temporary recycling centre and open storage area of recycled plastics, paper, scrap metal, electric wastes and new private cars, light, medium and heavy goods vehicles and construction materials with ancillary workshops (3 years)	9.11.2012 (1 year)	1, 7, 8, 14, 15, 18, 21, 22
12.	A/YL-HT/829	“U” on the then approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Precast Building Fabrication Workshop (3 years)	25.10.2013 (3 years) (revoked on 25.11.2015)	1, 3, 4, 6, 7, 8, 11, 14, 24
13.	A/YL-HT/1053	“U” on the then approved Ha Tsuen OZP No. S/YL-HT/10	Proposed Temporary Open Storage of Private Car, Tires and Construction Material with Ancillary Site Office (3 years)	11.11.2016 (3 years) (revoked on 11.10.2018)	1, 6, 7, 8, 11, 14, 22, 24
14.	A/HSK/113	“R(A)3” and “O” on approved Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/2	Proposed Temporary Open Storage of Recyclable Material (Metal) (3 years)	21.12.2018 (3 years) (revoked on 21.12.2019)	4, 7, 8, 10, 11, 14, 15, 25
15.	A/HSK/210	“R(A)3” and “O” on approved Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/2	Proposed Temporary Open Storage of Vehicles and Construction Materials (3 years)	26.5.2020 (3 years)	4, 7, 8, 14, 25

Approval Conditions:

- 1 The submission and/or implementation of landscaping/tree preservation proposals.
- 2 The provision of sewage treatment and disposal facilities.
- 3 The submission of Noise Impact Assessment and provision of noise mitigation measures.
- 4 The submission of Drainage Impact Assessment/drainage proposals and/or implementation of drainage proposals and/or provision of drainage facilities and/or the maintenance of implemented drainage facilities.
- 5 The submission of Traffic Impact Assessment and implementation of traffic improvement measures.
- 6 Reinstatement clause.
- 7 Revocation clauses.
- 8 No night-time operation/no operation on Sundays or public holidays.
- 9 No storage or parking of container vehicles or heavy goods vehicles.
- 10 No car/vehicle dismantling and/or repairing and/or workshop activity.
- 11 The provision/maintenance of fencing.
- 12 The stacking height of the materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence.
- 13 The setting back of the eastern boundary of the site to avoid encroachment upon the proposed resumption area of the project of ‘Yuen Long and Kam Tin Sewerage and Sewage Disposal’.

- 14 The provision of a 9-litre water type/3kg dry power fire extinguisher and/or the submission of a valid fire certificate (FS251) and/or the submission and implementation of fire service installations (FSIs) proposal or the provision of FSIs.
- 15 No storage/stacking of materials within 1m/5m of any trees/the periphery of the site.
- 16 The stacking height of containers stored should not exceed 8 units.
- 17 No vehicle is allowed to access the site through the existing ingress/egress at the southwestern boundary.
- 18 No cutting, welding and major dismantling work.
- 19 No vehicle was allowed to be parked/stored at the vehicle holding area from 8:00 p.m. to 8:00 a.m.
- 20 Only vehicles of weight less than 5.5 tonnes is allowed to be stored at the site.
- 21 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.
- 22 Maintenance and the submission of a condition record of the existing drainage facilities.
- 23 Submission/implementation of environmental mitigation measures.
- 24 No vehicle is allowed to queue back to public road or reverse onto/from the public road.
- 25 All existing trees and landscape plants on the site shall be maintained at all times.

Rejected 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>Reason(s) for Rejection</u>
1.	A/YL-HT/2	"U" on the then draft Ha Tsuen OZP No. S/YL-HT/1	Temporary open storage of containers (3 years)	24.11.1995 by TPB (29.10.1996 dismissed by TPAB)	1, 2, 3
2.	A/YL-HT/91	"U" on the then draft Ha Tsuen OZP No. S/YL-HT/2	Proposed temporary container trailer/tractor park (3 years)	13.8.1999	3, 4, 5
3.	A/YL-HT/161	"U" on the then draft Ha Tsuen OZP No. S/YL-HT/4	Temporary container trailer and tractor park (3 years)	25.8.2000	3, 4, 5, 6
4.	A/YL-HT/171	"U" on the then draft Ha Tsuen OZP No. S/YL-HT/4	Proposed temporary open storage of construction materials (3 years)	24.11.2000	4, 6, 7
5.	A/YL-HT/188	"U" on the then draft Ha Tsuen OZP No. S/YL-HT/4	Temporary Flea Market (3 years)	26.2.2001	3, 4, 6
6.	A/YL-HT/211	"U" on the then draft Ha Tsuen OZP No. S/YL-HT/4	Proposed temporary open storage of construction machinery with repair workshop (3 years)	17.8.2001	6
7.	A/YL-HT/233	"U" on the then draft Ha Tsuen OZP No. S/YL-HT/4	Proposed temporary recycling materials (including construction materials) handling yard (3 years)	11.1.2002	4, 6

Main Reason(s) for Rejection:

1. Not in line with the planning intention of the "U" zone on the OZP which is to safeguard the proposed railway alignment as suggested by the Railway Development Study as well as proposing appropriate forms of development alongside. There is insufficient information to demonstrate that the proposed development will not cause significant impacts on the environment and is compatible with rural characteristics of the area.

2. The turning movement of long container vehicles in and out of the depot in either direction of Ping Ha Road will interpret traffic flow of the road and will also pose road safety hazards both to drivers and road users.
3. The approval of the application, even on a temporary basis, will set an undesirable precedent for similar applications. The cumulative impact of approving such similar applications would result in a general degradation of the environment in the area.
4. There is insufficient information in the submission to demonstrate that the proposed development would not result in noise nuisance to the residents in the high-rise buildings in Tin Shui Wai.
5. There is insufficient information in the submission to demonstrate that the proposed vehicular access for the proposed development is acceptable.
6. There is insufficient information in the submission to demonstrate that the development would not have adverse drainage, traffic, environmental and/or landscape impacts on the surrounding areas.
7. The environmental condition of the area adjacent to the application site is already deteriorating. The approval of the application would result in further degradation of the environment in the area.

Similar Applications within the same “R(A)3” Zone

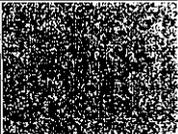
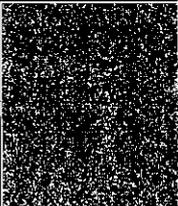
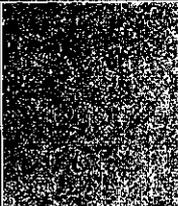
Approved Applications

	<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/HSK/187	“R(A)3” & “O” on the approved Hung Shiu Kiu and Ha Tsuen OZP No. S/HSK/2	Proposed Temporary Open Storage of Containers with Ancillary Logistics Uses, Vehicle Repair Workshop, Container Repair Workshop and Parking of Tractors (3 years)	18.10.2019 (3 years)	1, 3, 4, 5, 6, 7, 9, 10
2.	A/HSK/218	“O” & “R(A)3” on the approved Hung Shiu Kiu and Ha Tsuen OZP No. S/HSK/2	Temporary Open Storage of Construction Materials (3 years)	29.5.2020 (3 years) (revoked on 21.8.2020)	1, 2, 3, 4, 5, 6, 7, 8
3	A/HSK/277	“R(A)3” on the approved Hung Shiu Kiu and Ha Tsuen OZP No. S/HSK/2	Temporary Open Storage of Infrequently Used Construction Materials (18 months)	8.1.2021 (18 months)	1, 3, 4, 5, 6 7, 8

Approval Conditions:

- 1 No night-time operation/no operation on Sundays or public holidays.
- 2 No workshop activities on site.
- 3 The maintenance of existing trees and landscape plants and/or fencing.
- 4 The submission and/or the implementation of the drainage proposal and the maintenance of implemented drainage facilities.
- 5 The provision of fire extinguisher(s) and/or the submission of valid fire certificate (FS251).
- 6 The submission and/or the implementation of the fire service installations proposal.
- 7 Revocation clause.
- 8 No vehicle queuing was allowed back to public road or no vehicle reversing into/from the public road.
- 9 The stacking height of containers stored within 5m of the periphery of the site shall not exceed the height of the boundary fence.
- 10 The stacking height of containers stored on the site shall not exceed 8 units.

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 Lot No. 1824 S.C in D.D. 125 is covered by a Short Term Waiver (STW) No. 4879 for the purposes of "Temporary Open Storage Of Private Car, Tires and Construction Material with Ancillary Site Office". 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 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. 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 Commissioner for Transport (C for T) that sufficient manoeuvring spaces shall be provided within the Site. Local track leading to the Site is not under Transport Department (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 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 note the comments of the Director of Environmental Protection (DEP) that the applicant is advised to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' ('COP') to minimize the possible environmental impacts on the nearby sensitive receivers;
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) 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 and seek consent from the relevant owners for any works to be carried out outside of his lot boundary before commencement of the drainage works;

- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that before any new building works (including containers/open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on the Site, prior approval and consent of Building Authority should be obtained, otherwise they are unauthorized building works (UBW) under the Building Ordinance (BO). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by Building Department (BD) to effect their removal in accordance with the prevailing 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. 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. 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. Any temporary shelters or converted containers for office, storage, washroom or other uses are considered as temporary buildings are subject to the control of Part VII of the B(P)R. Detailed checking under the BO will be carried out at building plan submission stage;
- (i) 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 for his 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. Attached good practice guidelines for open storage should be adhered to (**Appendix V of the RNTPC Paper**). To address the approval condition on provision of fire extinguisher(s), the applicant is advised to submit a valid fire certificate (FS 251) to his department for approval. 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). 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 lot(s) concerned falls within the Site under Remaining Phase development 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 Remaining Phase development will commence in 2030.