

**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 Applications covering the Application Site**

**Approved Applications**

	<b><u>Application No.</u></b>	<b><u>Proposed Use/Development</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Approval Condition(s)</u></b>
1.	A/YL-HT/541	Temporary Public Vehicle Park (Private Cars and Container Vehicles) (3 Years)	23.5.2008 (3 Years) (revoked on 23.7.2009)	1, 2, 3, 4, 5, 6, 7, 8, 9
2.	A/YL-HT/591	Temporary Public Vehicle Park (Private Cars and Container Vehicles) (3 Years)	23.1.2009 (3 Years) (revoked on 8.10.2010)	1, 2, 3, 4, 5, 6, 7, 8, 9, 10
3.	A/YL-HT/726	Temporary Public Vehicle Park for Private Cars and Goods Vehicles under 24 tonnes (Excluding Container Vehicles) and Warehouse (3 Years)	15.4.2011 (3 Years)	1, 3, 4, 5, 6, 7, 10, 11
4.	A/YL-HT/870	Temporary Public Vehicle Park for Private Car and Goods Vehicle not exceeding 24 tonnes and Warehouse (3 Years)	3.1.2014 (3 Years)	1, 3, 4, 5, 6, 7, 11, 12, 13, 14
5.	A/YL-HT/985	Temporary Warehouse for Storage (3 Years)	4.12.2015 (3 Years) (revoked on 4.1.2018)	1, 4, 5, 6, 7, 11, 12, 15, 16

**Approval Conditions:**

- 1 No night-time operation and/or no operation on Sundays and public holidays.
- 2 No vehicle dismantling, repairing or workshop activities are permitted.
- 3 No vehicle without valid licenses issued under the Traffic Regulations is allowed to be parked/stored.
- 4 The implementation of the accepted landscape proposals. The submission and/or implementation of landscaping and/or tree preservation proposals
- 5 The submission of drainage proposals and provision of drainage facilities and/or submission of a condition record of the existing drainage facilities.
- 6 Reinstatement clause.
- 7 Revocation clauses.
- 8 The submission and implementation of run-in proposals.
- 9 The provision of paving/fencing.
- 10 The construction of an intercept channel at the entrance to prevent run-off flowing out from the site to the nearby public roads and drains through the access point.
- 11 The submission and implementation of the fire service installations proposal.
- 12 No workshop activity and open storage use.
- 13 A notice should be posted at a prominent location of the site to indicate that no heavy goods vehicle (i.e. exceeding 24 tonnes) including container trailers/tractors.
- 14 The existing drainage facilities shall be maintained at all times.
- 15 Only private cars and goods vehicles with valid licence issued under the Road Traffic Ordinance, and not exceeding 24 tonnes as defined in the Road Traffic Ordinance is allowed to be parked or stored on the application site.
- 16 No vehicle is allowed to queue back to or reverse onto/from the public road.

**Similar applications within the subject "R(A)3" zone on the Draft Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/1**

**Approved Applications**

	<b><u>Application No.</u></b>	<b><u>Applied 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/587	Temporary Public Vehicle Park for Private Cars, Light and Heavy Goods Vehicles and Container Tractors/Trailers (3 years)	19.12.2008 (3 years) (revoked on 16.7.2009)	1, 2, 3, 4, 5, 7, 8, 10, 16, 17, 18
2.	A/YL-HT/650	Temporary Public Vehicle Park for Private Cars, Light and Heavy Goods Vehicles and Container Tractors/Trailers with Ancillary Freight Forwarding Facility and Vehicle Repair Workshop (3 years)	6.11.2009 (1 year) (revoked on 15.10.2010)	1, 2, 4, 5, 7, 8, 16, 18
3.	A/YL-HT/697	Renewal of Planning Approval for "Temporary Public Vehicle Park for Private Cars, Light and Heavy Goods Vehicles and Container Tractors/Trailers with Ancillary Freight Forwarding Facility and Vehicle Repair Workshop" (1 year)	15.10.2010 (1 year) (revoked on 7.10.2011)	1, 2, 3, 4, 7, 8, 18
4.	A/YL-HT/762	Proposed Temporary Vehicle Park for Private Cars, Light and Heavy Goods Vehicles and Container Tractors/Trailers with Ancillary Freight Forwarding Facility, Vehicle Repair Workshop and Open Storage of Scrap Metal (3 years)	20.1.2012 (1 year)	1, 2, 3, 4, 7, 8, 18, 20, 21
5.	A/YL-HT/830	Temporary Vehicle Park for Private Cars, Light and Heavy Goods Vehicles and Container Tractors/Trailers with Ancillary Freight Forwarding Facility, Vehicle Repair Workshop and Open Storage of Scrap Metal (3 years)	11.1.2013 (3 years)	1, 2, 3, 4, 7, 8, 14, 18, 21, 22

**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, and/or the existing trees on the site should be maintained.
- 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.
- 5 The provision of paving, and/or fencing, and/or screening planting.
- 6 The stacking height of the containers/materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence/2.5m.
- 7 Revocation clauses.
- 8 No night-time operation and/or no operation on Sundays and public holidays.
- 9 The maintenance of the drainage facilities.
- 10 No cutting, dismantling, repairing, and/or melting, and/or compaction, and/or unpacking, and/or re-packing, and/or vehicle repair, and/or container repair, cleansing or workshop activity.
- 11 The provision of fire extinguisher(s) and/or the submission of a valid fire certificate (FS251).
- 12 The stacking height of containers stored should not exceed 7/8 units.
- 13 No material is allowed to be stored/dumped and no vehicle is allowed to be parked within 1m of the fencing.

- 14 No vehicle queuing is allowed back to public road or vehicle reversing onto/from the public road is allowed.
- 15 The setting back of the site boundary to avoid encroaching upon the public works project limit.
- 16 The submission and implementation of run-in/run-out proposal(s).
- 17 No loading/unloading of goods was allowed on the Site.
- 18 No vehicle without valid licence/registration was allowed to be parked on the Site.
- 19 The construction of an interception channel at the entrance to prevent surface water running from the site to the nearby public roads and drains through the run-in/out.
- 20 No paint-spraying activity was allowed on the Site.
- 21 No material/vehicle was allowed to be stored/parked within 1m of any tree on the Site.
- 22 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.

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 commencing the development on-site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (c) the Site should be kept in a clean and tidy condition at all time;
- (d) to note that the Site might be resumed at any time during the planning approval period for implementation of government projects;
- (e) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that The Site comprises an Old Schedule Agricultural Lot 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 land (PL) of Lot No. 3323 S.B ss.1 in D.D. 129 is covered by Short Term Waiver (STW) No. 3921 to permit structures for the purpose of “Temporary Public Vehicle Park for Private Car and Goods Vehicle not exceeding 24 tonnes and Warehouse”. The Site is accessible to Ping Ha Road through Government Land only. Her office provides no maintenance work for the GL involved and does not guarantee any right-of-way. The Site does not fall within Shek Kong Airfield Height Restriction Area. The STW holder will need to apply to her office for modification of the STW conditions if there is any irregularity on Site. Such application will be considered by Lands Department acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application 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 Lands Department;
- (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. 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 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;
- (i) to note that approval of the S.16 application by the Town Planning Board

does not imply approval of the tree works such as pruning, transplanting and/or felling. Application for tree works should be submitted directly to DLO for approval. Useful information on general tree maintenance is available for reference in 護養樹木的簡易圖解

([http://www.greening.gov.hk/filemanager/content/pdf/tree\\_care/Pictorial\\_Guide\\_for\\_Tree\\_Maintenance.pdf](http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf)) and the Handbook of Tree Management (Chinese Version:

[https://www.greening.gov.hk/tc/tree\\_care/Handbook\\_on\\_Tree\\_Management.html](https://www.greening.gov.hk/tc/tree_care/Handbook_on_Tree_Management.html)) published by the GLTM Section, DEVB;

- (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 House) are erected on leased land without approval of the BD, they are unauthorized building works (UBW) under the Building Ordinance (BO) and should not be designated for any proposed use under this 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 the Site, prior approval and consent of the BD should be obtained, otherwise they are Unauthorized Building Works (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 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 Building (Planning) Regulations at the building plan submission stage;
- (k) 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 is advised to 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. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap 123), detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;
- (l) to note the comments of the Project Manager (New Territories West), Civil Engineering and Development Department (PM/NTW, CEDD) that the Site falls within the boundary of the Hung Shui Kiu New Development Area (HSK NDA). According to the Planning and Engineering Study (P&E Study) for the HSK NDA, 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 stage. While the 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; and

- (m) to note the comments of Director of Electrical and Mechanical Services (DEMS) that in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the mentioned application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the concerned site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.