

**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>Zoning(s) and OZP at the time of consideration</u></b>	<b><u>Proposed Use(s)/ Development(s)</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Approval Conditions</u></b>
1.	A/YL-HT/599	“REC” and “OS” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary open storage of containers and container repairing area (3 Years)	27.3.2009	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14
2.	A/YL-HT/771	“REC” and “OS” on approved Ha Tsuen OZP No. S/YL-HT/10	Renewal of Planning Approval for Temporary open storage of containers and container repairing area (3 Years)	16.3.2012	1, 2, 5, 6, 7, 8, 9, 10, 12, 13, 15, 17, 18
3.	A/YL-HT/947	“REC” and “OS” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary open storage of containers and container repairing area (3 Years)	27.3.2015	2, 5, 6, 7, 8, 9, 12, 13, 16, 17, 18, 19, 20, 21, 22

**Approval Conditions:**

- 1 the submission and implementation of landscaping or/and tree preservation proposals.
- 2 reinstatement clause.
- 3 the provision of fencing and/or paving.
- 4 the submission of a DIA or/and provision of drainage facilities or/and the implementation of the flood mitigation proposed in the DIA.
- 5 revocation clauses.
- 6 the submission and implementation of FSIs proposals.
- 7 no night-time operation and/or no operation on Sundays and public holidays.
- 8 no stacking of containers/storage of materials within 5m/6m from the peripheral fencing of the site and/or the stacking height of containers stored on the site should not exceed 7/8 units, with/without a stepped height profile.
- 9 other than container repairs as applied for and minor ancillary tyre-repair workshop, no vehicle dismantling, repairing or workshop activity is allowed.
- 10 a fixed row of 3-unit/5-unit high container stack along the northern and western edges and/or a fixed row of 2-unit high container stack along the southern and eastern edges of the site shall be maintained during the planning approval period.
- 11 no cutting, dismantling, cleansing, repairing and workshop activity, except ancillary container repair.
- 12 no left turn of container vehicles into Ha Tsuen Road upon leaving the site.
- 13 the erection of a ‘Turn Right’ traffic sign at the junction of the access road with Ha Tsuen Road.
- 14 the formation of the private access road at the junction with Ha Tsuen Road to appropriate levels with acceptable crossfalls for the safe movement of container vehicles.
- 15 no material is allowed to be stored/dumped within 1m of any tree during the planning approval period.
- 16 no vehicle queuing is allowed back to public road or vehicle reversing onto/from the public road is allowed.
- 17 existing drainage facilities should be maintained.
- 18 submission of a condition record of the existing drainage facilities.
- 19 existing trees on site should be maintained.
- 20 no material is allowed to be stored/dumped within 1m of any tree.
- 21 existing fencing should be maintained.
- 22 provision of fire extinguisher(s) with valid fire certificate (FS 251).

**Rejected Applications**

	<b><u>Application No.</u></b>	<b><u>Zoning(s) and OZP at the time of consideration</u></b>	<b><u>Applied Use(s)/Development(s)</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Reason(s) for Rejection</u></b>
1.	A/YL-HT/224	“REC” on draft Ha Tsuen OZP No. S/YL-HT/4	Temporary open storage of containers and construction materials with vehicle holding area (3 years)	22.3.2002	1, 2, 4, 5
2.	A/YL-HT/250	“REC” on draft Ha Tsuen OZP No. S/YL-HT/4	Temporary open storage of containers, construction materials and machinery with ancillary office (3 years)	14.6.2002	1, 2, 4, 5, 6
3.	A/YL-HT/269	“REC” on draft Ha Tsuen OZP No. S/YL-HT/4	Temporary open storage of construction materials and machinery with ancillary office (3 years)	13.9.2002	1, 2
4.	A/YL-HT/276	“REC” on draft Ha Tsuen OZP No. S/YL-HT/4	Temporary open storage of construction materials and machinery with ancillary office (3 years)	3.1.2003	1, 2
5.	A/YL-HT/279	“REC” on draft Ha Tsuen OZP No. S/YL-HT/4	Temporary open storage of containers with ancillary office (3 years)	2.5.2003	1, 2, 6
6.	A/YL-HT/296	“REC” on draft Ha Tsuen OZP No. S/YL-HT/4	Temporary open storage of construction materials and machinery with ancillary office (3 years)	22.8.2003	1, 2, 6
7.	A/YL-HT/325	“REC” on draft Ha Tsuen OZP No. S/YL-HT/4	Temporary open storage of containers (empty) with ancillary office (3 years)	23.4.2004	1, 2
8.	A/YL-HT/330	“REC” on draft Ha Tsuen OZP No. S/YL-HT/4	Temporary open storage of construction materials and machinery with ancillary office (3 years)	21.5.2004	1, 2, 6
9.	A/YL-HT/358	“REC” on draft Ha Tsuen OZP No. S/YL-HT/5	Temporary open storage of containers (3 years)	4.2.2005	3
10.	A/YL-HT/364	“REC” on draft Ha Tsuen OZP No. S/YL-HT/5	Temporary open storage of construction machinery with ancillary office (3 years)	11.3.2005	3
11.	A/YL-HT/487	“REC” on draft Ha Tsuen OZP No. S/YL-HT/8	Temporary open storage of containers (3 Years)	11.4.2008	2, 3, 7

Reasons for Rejection:

1. there is no/insufficient information in the submission to demonstrate that the development would not have adverse traffic, landscape, visual, environmental and/or drainage impacts on the surrounding areas.
2. the development is not in line with the planning intention of the "REC" zone which is intended primarily for recreational developments for the use of the general public/to designate areas for developments restricted to recreational uses. No strong justification has been given in the submission for a departure from such planning intention.
3. the development is not in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses in that there are adverse comments from Government departments and there is insufficient information in the submission to demonstrate that the development would not have adverse environmental, traffic, landscape, visual and/or drainage impacts on the surrounding areas.
4. there is insufficient information in the submission to demonstrate that the development would not have adverse traffic impact on the road network in the Ha Tsuen area and that a proper vehicular access would be provided to the development.
5. the development is not compatible with the rural character of the "GB" areas to its west and north.
6. approval of the application would set an undesirable precedent for similar applications in the adjoining area, the cumulative effect of approving these similar applications would result in degradation of the rural environment of the "REC" and adjoining "GB" zones.
7. approval of the application would result in degradation of the rural or natural environment.

**Similar applications within the same “OU(PBU & SWU)” and “OU(LF)” zones and  
‘Road’ on the draft Hung Shui Kiu and Ha Tsuen Outline Zoning Plan  
since the promulgation of TPB PG-No. 13E on 17.10.2008**

**Approved Applications**

<b><u>Application No.</u></b>	<b><u>Zoning(s) and OZP at the time of consideration</u></b>	<b><u>Proposed Use(s)/ Development(s)</u></b>	<b><u>Date of Consideration (RNTPC)</u></b>	<b><u>Approval Condition(s)</u></b>
1. A/YL-HT/658	“REC” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Containers and Container Repairing Area (3 years)	11.6.2010 (3 years)	1, 2, 3, 7, 9, 10, 11, 14, 19, 21
2. A/YL-HT/836	“OS” and “REC” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Containers with Ancillary Logistics Uses, Site Office and Container Repairing Workshop (3 years)	2.8.2013 (3 years) (revoked on 2.5.2014)	1, 2, 3, 7, 9, 11, 14, 18, 21, 22, 25
3. A/YL-HT/855	“REC” on approved Ha Tsuen OZP No. S/YL-HT/10	Renewal of Planning Approval for Temporary Open Storage of Containers and Container Repairing Area (3 years)	6.9.2013 (3 years)	1, 2, 3, 7, 9, 10, 11, 12, 14, 16, 18, 21, 26
4. A/YL-HT/906	“REC” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Containers with Ancillary Logistics Uses, Container Repairing Workshop, Site Offices and General Storage Use (3 years)	22.8.2014 (3 years) (revoked on 22.7.2016)	1, 2, 4, 6, 7, 11, 24, 25, 26, 27
5. A/YL-HT/969	“OS” and “REC” on approved Ha Tsuen OZP No. S/YL-HT/10	Proposed Temporary Open Storage of Containers with Ancillary Logistics Uses and Site Office (3 years)	4.9.2015 (3 years)	1, 3, 7, 9, 11, 12, 14, 16, 18, 21, 22, 25, 26
6. A/YL-HT/981	“REC” on approved Ha Tsuen OZP No. S/YL-HT/10	Proposed 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, 6, 7, 9, 11, 12, 18, 21, 22, 25, 26
7. A/YL-HT/1042	“REC” on approved Ha Tsuen OZP No. S/YL-HT/10	Renewal of Planning Approval for Temporary Open Storage of Containers and Container Repairing Area (3 years)	26.8.2016 (3 years)	3, 7, 9, 11, 12, 14, 16, 21, 26

**Approval Condition(s):**

- 1 The submission and implementation of landscaping or/and tree preservation proposals.
- 2 The submission of DIA/drainage proposals and provision of drainage facilities as proposed or the implementation of the accepted drainage proposals.
- 3 Reinstatement clause.
- 4 The provision of fencing and/or paving.
- 5 The stacking height of the materials stored within 5m of the periphery of the application site should not exceed the height of the boundary fence/2.5m.

- 6 The stacking height of containers stored on the site shall not exceed 7/8 units, with a stepped height profile along the western periphery of the site.
- 7 Revocation clauses.
- 8 The submission and implementation of maintenance schedule for the screen planting.
- 9 The submission and/or implementation of FSIs proposals and/or provision of FSIs.
- 10 No stacking of containers within the "REC" portion of the site and/or within the queuing area for container vehicles.
- 11 No night-time operation and/or no operation on Sundays and public holidays.
- 12 The maintenance of the drainage/landscape facilities/trees/paving and fencing.
- 13 The parking space for container trailers should serve as a buffer area and no container should be stored on that part of the site.
- 14 No stacking of containers/storage of materials within 5m/6m from the peripheral fencing of the site and/or the stacking height of containers stored on the site should not exceed 7/8 units.
- 15 No workshop activity including container repairing and cleaning.
- 16 The submission of the condition record of the existing drainage facilities.
- 17 No structure shall be erected on the site, and/or the removal of all existing structures on-site.
- 18 The provision of fire extinguisher and the submission of a valid fire certificate.
- 19 A fixed row of 3-unit/5-unit high container stack along the northern and western edges and/or a fixed row of 2-unit high container stack along the southern and eastern edges of the site shall be maintained.
- 20 No dismantling of electrical/electronic appliances.
- 21 No left turn of container vehicles into Ha Tsuen Road upon leaving the site.
- 22 The erection of a 'Turn Right' traffic sign at the junction of the access road with Ha Tsuen Road.
- 23 The maintenance of FSIs.
- 24 The submission and implementation of water supply for fire fighting and FSIs proposals, including fire hydrant and sprinkler systems.
- 25 No cutting, dismantling, cleansing, repairing, compacting, vehicle repair and workshop activity, except minor ancillary container repairs.
- 26 No vehicle is allowed to queue back to public road or reverse onto/from the public road.
- 27 Provision of a 3-m wide waterworks reserve within 1.5m from the centreline of the water main.

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 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) 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 Government Land (GL) in the Site is covered by Short Term Tenancy (STT) No. 2838 for the purpose of “Temporary Open Storage of Containers and Container Repairing Area”. The private lots which are covered by Short Term Waivers (STW) are listed below:

<b>Lot Nos. (in D.D. 125)</b>	<b>STW</b>	<b>Purpose</b>
406 & 429	4074	Temporary Open Storage of Containers and Container Repairing Area
428 & 431	4075	
430	4076	
447	4077	
457	4078	

The Site is accessible to Ha Tsuen Road through private lots and GL. His office provides no maintenance works to the GL involved and does not guarantee any right-of-way. The STT/STW holders will need to apply to his office for modification of the STT/STW conditions if there are any irregularities on site and the lot owner(s) of the lots without STW will need to apply to his office for permit the structures to be erected or regularize any irregularities on Site. Such application(s) 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;

- (e) 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;
- (f) 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 and drains. HyD shall not be responsible for the maintenance of any access connecting the site and Ha Tsuen Road;
- (g) 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;

- (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 BD, 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 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 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 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;
- (i) to note the 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 his department 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. Good practice guidelines for open storage issued by D of FS should be adhered to (**Appendix V**). The applicant is reminded that if the proposed structure(s) is required to comply with the BO (Cap. 123), detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;
- (j) 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 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 concerned lot(s) falls within a site under Stage 1, 2 and 3 Works stages. 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;
- (k) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that the existing water mains will be affected. A Waterworks Reserve within 1.5 metres from the centreline of the water mains shown on the attached plan (**Plan A-2**) shall be provided to WSD. No structure shall be built or materials stored within this Waterworks Reserve. Free access shall be made available at all times for staff of the DWS or their contractor to carry out construction, inspection, operation, maintenance and repair works. No trees or shrubs with penetrating roots may be planted within the Waterworks Reserve or in the vicinity of the water mains. Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the site; and

- (1) to note the comments of the 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.