

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 1,000m² for open storage uses and 2,000m² 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 Applications covering the Application Site

Approved Applications

	Application No.	Zoning(s) and OZP at the time of consideration	Proposed Use(s)/Development(s)	Date of Consideration (RNTPC/TPB)	Approval Conditions
1.	A/YL-HT/7	“U” on draft Ha Tsuen OZP No. S/YL-HT/1	Proposed temporary open storage of containers (3 years)	29.11.1996 by TPB (revoked on 29.9.1997)	1, 2, 3, 4, 5, 6, 7
2.	A/YL-HT/128	“U” on draft Ha Tsuen OZP No. S/YL-HT/1	Proposed temporary open storage of construction machinery and materials (3 years)	28.1.2000 (revoked on 28.4.2001)	1, 3, 4, 6, 7, 8, 9, 11
3.	A/YL-HT/216	“U” on draft Ha Tsuen OZP No. S/YL-HT/4	Proposed temporary open storage of construction machinery and materials (3 years)	1.2.2002 by TPB	3, 4, 6, 7, 8, 10, 11
4.	A/YL-HT/380	“U” on draft Ha Tsuen OZP No. S/YL-HT/5	Temporary open storage of construction machinery and materials (3 years)	18.3.2005	6, 7, 11, 12, 13, 14, 15
5.	A/YL-HT/534	“U” on draft Ha Tsuen OZP No. S/YL-HT/9	Temporary open storage of construction machinery and materials (3 years)	7.3.2008	6, 7, 11, 12, 13, 14, 15
6.	A/YL-HT/716	“U” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary open storage of construction machinery and materials, recycling materials and scrap metals and used electrical appliances with ancillary packaging activities (3 years)	15.4.2011 (revoked on 15.1.2013)	1, 7, 9, 11, 13, 14, 17, 18, 19
7.	A/YL-HT/827	“U” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary open storage of construction machinery and materials, and scrap metal with ancillary packaging activities (3 years)	11.1.2013	1, 7, 9, 11, 13, 14, 15, 18, 22
8.	A/YL-HT/993	“U” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary open storage of construction machinery and materials, recycling materials and scrap metal with ancillary packaging activities (3 years)	8.1.2016	1, 6, 7, 8, 11, 12, 13, 14, 15, 18, 22

Approval Condition(s):

- 1 The submission and implementation of landscaping and/or tree preservation proposals or the replacement of dead trees.
- 2 The provision of sewage treatment and disposal facilities.
- 3 The submission of noise impact assessment/environmental mitigation measures proposals and/or the provision of noise/environmental mitigation measures.
- 4 The submission of DIA/drainage proposals and the provision of drainage facilities and/or flood mitigation measures.

- 5 The submission of traffic impact assessment and/or the implementation of traffic improvement measures including vehicular access arrangement, junction improvement and provision of parking and loading/unloading spaces and queuing area.
- 6 Reinstatement clause.
- 7 Revocation clauses.
- 8 The submission and/or provision of vehicular access/run-in proposals, and/or ingress/egress arrangement, and/or car-parking, and/or loading and unloading spaces.
- 9 The provision of fencing and/or paving.
- 10 The setting back of the site boundary to avoid encroachment onto the project limit of public works/Government land.
- 11 No night-time operation/no operation on Sundays or public holidays.
- 12 The maintenance of the existing trees/landscape planting/fencing.
- 13 The maintenance and the submission of the condition record of the existing drainage facilities.
- 14 The provision of fire extinguisher(s)/the submission and implementation of FSIs proposals/provision of FSIs.
- 15 No cutting, dismantling, cleansing, repairing, container repair, vehicle repair, compaction, concrete crushing, recycling and workshop activity.
- 16 No open storage of electronic computer boards, computer components or TV sets.
- 17 No cutting, dismantling, cleansing, repairing, compaction, recycling, and/or workshop activity, including container repair and vehicle repair.
- 18 No handling (including loading, unloading and storage) of cathode-ray tubes (CRT), CRT computer monitors/television sets and CRT equipment.
- 19 Handling (including loading, unloading and storage) of electrical/electronic appliances on the site must be carried out within concrete-paved covered structures, and the construction of covered structure(s) at the site for the handling of electrical/electronic appliances.
- 20 No open storage of materials other than scrap metal.
- 21 the provision of a 9-litre water type/3kg dry powder fire extinguisher in each of the container-converted site offices
- 22 No vehicle is allowed to queue back to public road or reverse onto/from the public road.

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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 land (PL) of Lots Nos. 1970 and ~~1975~~**1975RP** in D.D. 125 is currently covered by Short Term Waiver (STW) No. 4167 and STW No. 4169 respectively both to permit structures for the purpose of “Temporary Open Storage of Construction Machinery and Materials, and Scrap Metal with Ancillary Packaging Activities”. PL of Lots Nos. 1978 and 1979 in D.D. 125 is currently covered by STW No. 3335 and STW No. 3336 respectively both to permit structures for the purpose of “Ancillary Use to Open Storage of Construction Materials and Machineries”.

The site is accessible to Ping Ha Road through through both private lots and GL. His Office provides no maintenance works for the GL involved and does not guarantee any right-of-way over the GL to the site. The STW holders will need to apply to his Office for modification of the STW conditions if there are 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 LandsD;

- (d) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) that sufficient manoeuvring space 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 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 and 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 Open Storage and Temporary Uses’ issued by the Environmental Protection Department;
- (g) 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) 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) under the Buildings Ordinance (BO). An Authorized Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the BO. 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. 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;

- (h) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposal, 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. 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;
- (i) 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 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; and
- (j) to note the comments of the Director of Agriculture, Fisheries and Conservation (DAFC) that the applicant is advised to adopt good site practices and implement water pollution control measures as necessary to avoid affecting the nearby watercourse.