

**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(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/61	Temporary Container Trailer Park and ancillary trailer inspection services (1 Year)	26.2.1999 (1 Year)	1, 2, 3, 4
2	A/YL-HT/140	Temporary Container Trailer Park with ancillary trailer inspection centre (3 Years)	31.3.2000 (3 Years)	2, 3, 4, 7
3	A/YL-HT/196	Amendment to approved scheme: Temporary Container Trailer Park with ancillary trailer inspection centre (3 Years)	24.8.2001 by TPB (up to 31.3.2003 to tie in with the previous scheme under A/YL-HT/140)	1, 2, 3, 7
4	A/YL-HT/292	Temporary Container Trailer Park with trailer inspection Service (3 Years)	4.4.2003 (3 Years)	1, 2, 3, 4, 5, 6, 7
5	A/YL-HT/432	Renewal of Temporary Container Trailer Park with trailer inspection Service (3 Years)	17.3.2006 (3 Years)	3, 5, 6, 7, 8, 9, 10, 11
6	A/YL-HT/593	Renewal of Planning Approval for Temporary Container Trailer Park with Ancillary Trailer Inspection Service under Application No. A/YL-HT/432 (3 Years)	27.2.2009 (revoked on 16.7.2009) (3 Years)	2, 3, 5, 6, 7, 8, 9, 10, 12, 13
7	A/YL-HT/651	Temporary Vehicle Park for Private Cars, Light and Heavy Goods Vehicles and Container Trailers and Tractors with Ancillary Workshop (3 Years)	6.11.2009 (1 Year)	3, 13, 6, 7, 9, 10
8	A/YL-HT/699	Temporary Vehicle Park for Private Cars, Light and Heavy Goods Vehicles and Container Trailers and Tractors with Ancillary Workshop (3 Years)	29.10.2010 (3 Years)	1, 3, 6, 7, 10, 13
9	A/YL-HT/865	Renewal of Planning Approval for Temporary Vehicle Park for Private Cars, Light and Heavy Goods Vehicles, and Container Trailers and Tractors with Ancillary Vehicle Parts Assembly (3 Years)	25.10.2013 (3 Years)	1, 3, 6, 7, 10, 13
10	A/YL-HT/1060	Temporary Vehicle Park for Private Cars, Light and Heavy Goods Vehicles and Container Trailers and Tractors with Ancillary Vehicle Parts Assembly (3 Years)	23.12.2016 (revoked on 27.6.2017) (3 Years)	1, 3, 6, 7, 10, 13, 14

**Approval Conditions**

- 1 the submission and implementation of tree preservation and landscaping proposal
- 2 the submission and provision of drainage facilities
- 3 reinstatement clause
- 4 the provision of fencing and/or paving
- 5 no vehicle assembling/dismantling, repairing or workshop activity
- 6 no night-time operation
- 7 revocation clause
- 8 only container trailer is allowed to be parked
- 9 the maintenance of all existing landscape planting
- 10 the submission of a condition record and the maintenance of all existing drainage facilities
- 11 the submission and implementation of run-in proposals
- 12 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
- 13 the submission of FSIs proposals and provision of FSIs
- 14 no vehicle is allowed to queue back to public road or reverse onto/from the public road

**Rejected Applications**

	<b><u>Application No.</u></b>	<b><u>Proposed Use(s)/Development(s)</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Main Reasons for Rejection</u></b>
1	A/YL-HT/33	Container Trailer/Tractor Park (1 Year)	3.10.1997	1, 2
2	A/YL-HT/40	Container Trailer Park (1 Year)	26.6.1998 by TPB	1, 2

**Main Reason(s) for Rejection:**

- 1 There is insufficient information in the submission to demonstrate that the proposed development would not have adverse traffic and/or environmental and/or drainage impact on the surrounding areas
- 2 The proposed development is not compatible with the village settlement of the adjacent area to the immediate west of the site which is zoned "V"

**Advisory clauses**

- (a) prior planning permission should have been obtained before commencing the development on-site;
- (b) 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. No permission is given for occupation of Government Land (GL) (about 230m<sup>2</sup> subject to verification) included in the Site. The act of occupation of GL without Government's prior approval is not allowed. The Site is accessible from Kai Pak Ling Road through GL. His office provides no maintenance works to the GL involved and does not guarantee any right-of-way over the GL to the Site. The lot owner(s) will need to apply to his office to permit the structures to be erected or regularize any irregularities on site. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Furthermore, the applicant has to either exclude the GL from the Site or apply for a formal approval prior to the actual occupation of the GL. Application(s) for any of the above will be considered by the LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such applications 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;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that his office does not and will not maintain any access connecting the Site and Fung Kong Tsuen Road. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (g) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimize any potential environmental nuisance;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that if the existing structures 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 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 application 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 UBW and consent of the BD should be obtained, otherwise they are UBW. An Authorized 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 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 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 are 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 service requirements will be formulated upon receipt of formal submission of general building plans; and
- (j) to note comments of the Project Manager (New Territories West), Civil Engineering and Development Department (PM/NTW, CEDD) that the Site falls within the boundary of 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 Site falls within a site under Stage 1 Work stage, being an area designated for "Rural Residential – Zone 4" on the Revised Recommended Outline Development Plan (RODP) of HSK NDA intended for the construction of village resite houses. The current target is to have the first population intake by 2025 for village resite arrangement in HSK NDA.