

**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 Application**

	<b><u>Application No.</u></b>	<b><u>Proposed Uses</u></b>	<b><u>Zoning</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Approval Conditions</u></b>
1.	A/YL-LFS/57	Proposed Temporary Open Storage of Marble with Ancillary Workshop (3 Years)	REC	11.8.2000  (revoked on 11.8.2001)	1, 2, 19, 20
2.	A/YL-LFS/78	Temporary Open Storage of Marble with Ancillary Workshop (3 Years)	REC	25.1.2002	2, 19, 20
3.	A/YL-LFS/125	Temporary Open Storage of Marble with Ancillary Workshop (3 Years)	REC	18.2.2005	3, 4, 19, 20
4.	A/YL-LFS/183	Temporary Open Storage of Marble with Ancillary Workshop (3 Years)	REC	10.10.2008	3, 4, 5, 6, 7, 8, 9, 10, 19, 20
5.	A/YL-LFS/225	Renewal of Planning Approval under Application No. A/YL-LFS/183 for Temporary Open Storage of Marble with Ancillary Workshop (3 Years)	REC	7.10.2011	1, 3, 5, 6, 7, 8, 9, 11, 12, 19, 20
6.	A/YL-LFS/260	Temporary Open Storage of Marbles, Construction Materials, Aluminium Cans, Small-scale Machinery with Ancillary Workshop and 2 Loading and Unloading Spaces for Goods Vehicles (3 Years)	REC	25.4.2014	1, 2, 6, 9, 11, 13, 14, 15, 16, 19, 20
7.	A/YL-LFS/293	Renewal of Planning Approval under Application No. A/YL-LFS/260 for Temporary Open Storage of Marbles, Construction Materials, Aluminium Cans, Small-scale Machinery with Ancillary Workshop and 2 Loading and Unloading Spaces for Goods Vehicles (3 Years)	REC	7.4.2017	1, 3, 6, 8, 9, 11, 13, 14, 15, 17, 18, 19, 20

**Approval Conditions**

1. The submission and/or implementation of landscaping and/or tree preservation proposal.
2. The submission and/or provision of drainage facilities.
3. Maintenance of the drainage facilities.
4. Maintenance of the landscape planting/existing trees on site.
5. No night-time operation from 7:00 p.m. to 7:00 a.m. was allowed on the site.
6. No operation on Sundays and public holidays.
7. No heavy vehicle exceeding 5.5 tonnes, including heavy goods vehicle and container trailer was allowed for the operation of the site.
8. The submission of a condition record of the existing drainage facilities.
9. The submission and the implementation of the fire service installations proposal.
10. The submission and the implementation of the run-in proposal.
11. No vehicle over 10m long was allowed to enter, park or operate at the site.

12. No vehicle repair workshop was allowed on the site.
13. No night-time operation from 8:30 p.m. to 7:00 a.m. was allowed on the site.
14. No vehicle exceeding 24 tonnes, including container vehicle/trailer/tractor, is allowed to enter, park or operate at the site.
15. The provision of fire extinguisher(s).
16. The provision of fencing of the site.
17. No vehicle is allowed to queue back to public road or reverse onto/from the public road.
18. Maintenance of the existing fencing on the site.
19. Revocation clauses.
20. Reinstatement clause.

### **Rejected Applications**

	<b><u>Application No.</u></b>	<b><u>Proposed Uses</u></b>	<b><u>Zoning</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Rejection Reasons</u></b>
1.	A/YL-LFS/187	Temporary Open Storage of Marble with Ancillary Workshop (3 Years)	REC	9.1.2009	1, 2

### **Rejection Reasons**

1. The development was not in line with the planning intention of the "Recreation" zone which was primarily for recreational developments for the use of the general public.
2. The development was not in line with the TPB PG-No. 13E for Application for Open Storage and Port Back-up Uses in that there was no previous planning approval granted for the northern part of the site and there were adverse departmental comments. There was insufficient information in the submission to demonstrate that the development would not have adverse environmental impacts on the surrounding areas.

**Similar s.16 Applications for Temporary Open Storage Uses  
within the “REC” Zone on the Lau Fau Shan and Tsim Bei Tsui OZP  
since the Promulgation of TPB PG-No. 13E on 17.10.2008**

**Approved Applications**

	<b><u>Application No.</u></b>	<b><u>Proposed Use</u></b>	<b><u>Zoning</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Approval Conditions</u></b>
1	A/YL-LFS/186	Temporary Open Storage of Construction Materials (Plastic and Scrap Metal) (3 Years)	R(E), REC	19.12.2008 (12 months)  (revoked on 19.5.2009)	3, 4, 7, 8, 10-15, 23, 24
2	A/YL-LFS/211	Temporary Open Storage of Marble and Construction Materials (3 Years)	R(E), REC	12.11.2010 (12 months)  (revoked on 25.10.2011)	1, 3-8, 10-14, 16-17, 20-22
3	A/YL-LFS/232	Temporary Open Storage of Marble and Construction Materials with Ancillary Minor Workshop (3 Years)	R(E), REC	20.1.2012 (12 months)	1, 3-7, 10-11, 13-14, 16-17, 20-21
4	A/YL-LFS/250	Temporary Open Storage of Marble, Construction Material, Small-scale Construction Machinery and Tools, Construction/Road Safety Goods and Components with 4 Loading/Unloading Spaces (3 Years)	R(E), REC	19.4.2013 (12 months)	1, 3-7, 10, 11, 13, 14, 16-18
5	A/YL-LFS/255	Temporary Open Storage (Marbles, Construction Material, Aluminium cans and frames, Small-scale Machinery, cars and lorries for export, mini raising platforms and ancillary workshop and unloading/unloading spaces) (3 Years)	R(E), REC	13.12.2013 (12 months)	1-7, 10(*), 11, 13, 14, 16, 17, 19
6	A/YL-LFS/272	Temporary Open Storage (Marbles, Construction Materials, Aluminum Cans and Cylinders/Frames, Small-scale Machinery, Parking for Car, Lorries and Motorcycles, Mini Elevating Platforms and 4 Loading/Unloading Spaces) (3 Years)	R(E), REC	27.3.2015 (12 months)	2-7, 10-17

\* The condition was reviewed under Section 17 of the Town Planning Ordinance and was being rejected by the Board on 20.6.2014.

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Zoning</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
7	A/YL-LFS/283	Temporary Open Storage (Marbles, Construction Materials, Aluminum Cans and Cylinders/Frames, Small-scale Machinery, Parking for Car, Lorries and Motorcycles, Mini Elevating Platforms and 4 Loading/Unloading Spaces) (3 Years)	R(E), REC	19.2.2016	1, 3-7, 9-11, 13-17

**Approval Conditions**

1. The submission and implementation of landscaping and tree preservation proposals.
2. The submission and implementation of drainage facilities proposals.
3. Revocation clauses.
4. Reinstatement clause.
5. The provision of fire extinguisher(s) and/or the submission of a valid fire certificate (FS 251).
6. The submission and implementation of fire service installations.
7. No night-time operation/no operation on Sundays and public holidays.
8. The provision of fencing of the site.
9. Maintenance of existing fencing on the site at all times during the planning approval period.
10. No cutting, dismantling, cleansing, melting, repairing, compaction and workshop activity.
11. The stacking height of the materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence.
12. Maintenance of existing trees on-site in good condition at all times during the planning approval period.
13. Maintenance of drainage facilities on site and/or submission of a condition record of the existing drainage facilities.
14. No vehicle exceeding 24 tonnes as defined in the Road Traffic Ordinance, including heavy goods vehicle is allowed to enter, park or operate at the site at any time
15. No materials are allowed to be stored within 3m from the boundary of the site.
16. No vehicle over 10m long, including container vehicle/trailer/tractor as defined in the Road Traffic Ordinance, was allowed to enter, exit, park or operate at the site at any time during the planning approval period
17. No vehicle queuing was allowed back to public road or vehicle reversing onto/from the public road was allowed at all times
18. The removal of the excessive structures on the site
19. No toilet facility is allowed on site anytime.
20. No open storage of recyclable materials was allowed on the site.
21. No handling (including dismantling, loading, unloading and storage) of electrical/electronic appliances, computers/computer parts/wastes, cathode-ray tubes (CRT), CRT computer monitors/television sets/equipment was allowed on the site.
22. The replacement of dead trees and the clearance of climbers on the site.
23. no materials was allowed to be stored within 1m of any tree on the site.
24. The submission and implementation of run-in proposal.

**Rejected Applications**

	<b><u>Application No.</u></b>	<b><u>Proposed Uses</u></b>	<b><u>Zoning</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Rejection Reasons</u></b>
1	A/YL-LFS/182	Temporary Open Storage of Construction Machinery and Material (3 Years)	R(E), REC	19.9.2008	1, 2, 3, 4
2	A/YL-LFS/229	Temporary Open Storage of Marble and Construction Materials with Ancillary Minor Workshop (3 Years)	R(E), REC	2.12.2011	5
3	A/YL-LFS/230	Proposed Temporary Open Storage of Scrap Metal, Scrap Plastic and Used Motorcycles (3 Years)	REC	16.12.2011	2, 6, 7
4	A/YL-LFS/236	Proposed Temporary Open Storage of Second-hand Motorcycle (3 Years)	REC	20.7.2012	2, 6, 7
5	A/YL-LFS/326	Proposed Temporary Open Storage of Construction Machinery (3 Years)	REC	21.9.2018	6, 7, 8
6	A/YL-LFS/329	Temporary Open Storage of Construction Materials (3 Years)	R(E), REC	2.11.2018	6, 7, 8

**Rejection Reasons**

1. The development was not in line with the planning intention of the "Residential (Group E)" and "Recreation" ("REC") zones which was primarily for phasing out of existing industrial uses through redevelopment for residential use on application to the Town Planning Board (TPB), and for recreational developments for the use of the general public respectively. There was no strong justification in the submission to merit for a departure from such planning intention, even on a temporary basis.
2. The development was not compatible with the nearby residential dwellings.
3. The development was not in line with the TPB Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13D) in that there was no previous planning approval granted for the site and there were adverse departmental comments from concerned Government departments on the environmental aspect against the application. There was also insufficient information in the submission to demonstrate that the development would not have adverse environmental impacts on the surrounding areas.
4. No previous planning approval had been given for this part of the "REC" zone. The approval of the application would set an undesirable precedent and encourage other similar applications for similar development within this part of the "REC" zone. The cumulative effect of approving such applications would result in general degradation of the environment of the area.
5. The applicant failed to demonstrate that the development would not generate environmental nuisance on the residential dwellings in the vicinity and along the access road and that the approval conditions imposed by the Town Planning Board could be complied with.
6. The proposed development was not in line with the planning intention of the "Recreation" zone, which was primarily for recreational developments for the use of the general public. There was no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis.
7. The proposed development was not in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that no previous approval

had been granted for the site, there were adverse departmental comments on the environmental, traffic and landscape aspects and the proposed development would had adverse environmental, traffic and landscape impacts on the surrounding areas.

8. Approval of the application, even on a temporary basis, would set an undesirable precedent for applications for other developments within the “REC” zone, the cumulative effect of which will result in a general degradation of the environment.



**Good Practice Guidelines for Open Storage Sites**

		Internal Access for Fire Appliances	Lot Boundaries (Clear Width)	Distance between Storage Cluster and Temporary Structure	Cluster Size	Storage Height
1.	Open Storage of Containers		2m	4.5m		
2.	Open Storage of Non-Combustibles or Limited Combustibles	4.5m	2m	4.5m		
3.	Open Storage of Combustibles	4.5m	2m	4.5m	40m x 40m	3m

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 the Site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (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 Lot No. 2227 in D.D. 129 is covered by Short Term Waiver (STW) No. 2576 to permit structures for the purpose of “Open Storage of Marble with Ancillary Workshop”. The Site is accessible from Deep Bay Road through PL. Her office 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 LandsD acting in the capacity of the landlord 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 LandsD. 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;
- (d) to note the comments of the Commissioner for Transport (C for T) that sufficient manoeuvring spaces shall be provided within the Site. The 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 the nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting the Site and Deep Bay Road;
- (f) to note the comments of the Director of Environmental Protection (DEP) that the applicant is advised to follow the relevant mitigation measures and requirements in the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" (COP) issued by the Environmental Protection Department;
- (g) to note the comments of the Director of Fire Services (D of FS) that 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 FSI to be installed should be clearly marked on the layout plans. The “Good Practice Guidelines for Open Storage Sites” issued by his department should be adhered to. 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;

- (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 the 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 subject 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 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 the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that the applicant is reminded the approval of the application does not imply approval of the tree works (such as felling/transplanting or pruning) and/or requirements under lease. Tree works applications should be submitted direct to LandsD for approval; and
- (j) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that no Food and Environmental Hygiene Department's (FEHD) facilities will be affected and such work and operation shall not cause any environmental nuisance, pest infestation and obstruction to the surrounding. For any waste generated from the work / operation, the applicant should arrange its disposal properly at her own expenses. Proper licence / permit issued by FEHD is required if there is any catering service / activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public.