

**Relevant extract of the Town Planning Board Guidelines for
Application for Open Storage and Port Back-up Uses
(TPB PG-No. 13F)**

1. On 27.3.2020, 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. 13F) 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 (irrespective of whether the application is submitted by the applicant of previous approval or a different applicant). Sympathetic consideration may be given if genuine efforts have been demonstrated in compliance with approval conditions of the previous planning applications and relevant technical assessments/proposals have been included in the fresh applications, if required, 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 (irrespective of whether the application is submitted by the applicant of previous approval or a different applicant), and subject to no adverse departmental comments and local objections, sympathetic consideration may be given if genuine efforts have been demonstrated in compliance with approval conditions of the previous planning applications and relevant technical assessments/proposals have been included in the fresh applications, if required, 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) the use of sites of less than 1,000 m² each for open storage uses and 2,000 m² each for port back-up uses in rural areas, is generally not encouraged, 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

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Condition(s)</u>
1	A/YL-TYST/194	Temporary Open Storage of Building/Recycling Materials and Construction Machinery for a Period of 3 Years	21.3.2003	(1), (3), (4), (5), (7), (8), (9)
2	A/YL-TYST/309	Temporary Open Storage of Building/Recycling Materials and Construction Machinery with Ancillary Packaging Activities for a Period of 3 Years	7.4.2006	(1), (5), (6), (8), (9), (14), (15)
3	A/YL-TYST/427	Temporary Open Storage of Building/Recycling Materials and Construction Machinery with Ancillary Packaging Activities for a Period of 3 Years	8.5.2009	(1), (4), (5), (7), (8), (9), (15)
4	A/YL-TYST/556	Proposed Temporary Open Storage of Building Materials, Construction Machinery, Recycling Materials (Metal, Plastic and Paper) and Used Electrical/Electronic Appliances and Parts with Ancillary Packaging Activities for a Period of 3 Years	2.12.2011	(1), (2), (3), (4), (5), (6), (7), (8), (9)
5	A/YL-TYST/703	Temporary Open Storage of Building Materials, Construction Machinery, Recycling Materials (Metal, Plastic and Paper) and Used Electrical/Electronic Appliances and Parts with Ancillary Workshop Activities for a Period of 3 Years	12.12.2014 [revoked on 12.4.2017]	(1), (2), (3), (4), (6), (7), (8), (9), (10), (11), (12), (13)
6	A/YL-TYST/847	Temporary Open Storage of Building Materials, Construction Machinery, Recycling Materials (Metal, Plastic and Paper) and Used Electrical/Electronic Appliances and Parts with Ancillary Workshop Activities for a Period of 3 Years	11.8.2017	(1), (2), (3), (6), (7), (8), (9), (10), (11), (12), (13), (14)

Approval Conditions

- (1) No (night-time) operation during specific time limit and no operation on Sundays and public holidays.

- (2) No storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste is allowed outside the concrete-paved covered structures on the application site.
- (3) No dismantling/repairing/cleansing/other workshop activities (except ancillary packaging activities) shall be carried out on the site.
- (4) Submission and/or implementation of tree preservation and landscape proposals.
- (5) Submission and/or implementation of drainage proposal/drainage impact assessment.
- (6) Provision of fire extinguishers.
- (7) Submission and/or implementation of fire service installations proposal.
- (8) Revocation of planning approval if conditions not complied with by a given date/at any time during the approval period.
- (9) Reinstatement of the application site upon expiry of planning permission.
- (10) No queuing and reverse movement of vehicle are allowed on public road at any time during the planning approval period.
- (11) Provision/maintenance of boundary fence on the site.
- (12) The existing drainage facilities on the site shall be maintained at all times during the planning approval period.
- (13) The submission of records of the existing drainage facilities on the site.
- (14) The existing trees/landscape plantings on the site shall be maintained at all times during the planning approval period.
- (15) No cleansing and melting of plastic waste and/or workshop activities are allowed to be carried out on the site (except within specific structures).

Rejected Application

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Rejection Reason(s)</u>
1	A/YL-TYST/297	Temporary Open Storage of Building/Recycling Materials (Except Electronic Waste) and Construction Machinery for a Period of 3 Years	29.7.2005	(1), (2)

Rejection Reason(s)

- (1) The development did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses in that no previous approval had been granted at the site, it was considered not compatible with the residential structures along the access road to the site and there were adverse departmental comments on the application.
- (2) There was insufficient information in the submission to demonstrate that the development would not generate adverse environmental and drainage impacts on the surrounding areas.

**Similar Applications in or straddling the Subject “U” Zone
on the Tong Yan San Tsuen OZP since 2015**

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
1	A/YL-TYST/708	Temporary Open Storage of Building Materials and Construction Machinery for a Period of 3 Years	6.2.2015	(1), (2), (3), (5), (6), (7), (9), (16), (13), (17), (19),
2	A/YL-TYST/727	Temporary Open Storage of Construction Machinery and Material for a Period of 3 Years	22.5.2015 [revoked on 22.2.2016]	(1), (2), (3), (5), (6), (7), (9), (12), (17), (19)
3	A/YL-TYST/726	Temporary Open Storage of Building/Recycling Materials, Construction Machinery and Used Electrical/Electronic Appliances and Parts with Ancillary Packaging Activities for a Period of 3 Years	8.5.2015	(3), (5), (6), (7), (9), (16), (17), (19), (25)
4	A/YL-TYST/739	Temporary Open Storage and Storage of Used Private Vehicles for a Period of 3 Years	3.7.2015	(1), (5), (6), (7), (9), (16), (12), (3), (17), (19),
5	A/YL-TYST/751	Temporary Open Storage and Warehouse for Storage of Furniture, Exhibition Materials, Construction Materials/ Machinery and Household Detergent for a Period of 3 Years	4.9.2015	(4), (5), (6), (7), (9), (10), (12), (13), (16), (17), (21)
6	A/YL-TYST/766	Temporary Open Storage of Construction Materials with Ancillary Facilities (including Site Office, Staff Restroom and Workshop) for a Period of 3 Years	4.12.2015 [revoked on 4.12.2015]	(1), (2), (4), (5), (6), (7), (8), (9), (10), (16), (17), (20)
7	A/YL-TYST/777	Renewal of Planning Approval for Temporary "Open Storage of Construction Machinery" for a Period of 3 Years	5.2.2016 (up to 1.3.2019)	(1), (4), (5), (6), (7), (9), (10), (16), (17), (19)
8	A/YL-TYST/779	Temporary Warehouse and Open Storage of Exhibition Materials and Construction Materials with Ancillary Office for a Period of 3 Years	19.2.2016	(1), (4), (5), (6), (7), (8), (9), (10), (12), (16), (17), (18)
9	A/YL-TYST/783	Temporary Open Storage of Construction Materials, Equipment and Machinery for a Period of 3 Years	18.3.2016	(1), (2), (3), (5), (6), (7), (9), (12), (16), (17), (19)

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
10	A/YL-TYST/781	Temporary Warehouse and Open Storage of Homeware for a Period of 3 Years	18.3.2016	(1), (4), (5), (6), (7), (9), (10), (12), (13), (16), (17), (18)
11	A/YL-TYST/802	Proposed Temporary Rural Workshop and Open Storage of Building Materials for a Period of 3 Years	26.8.2016 [revoked on 26.2.2017]	(2), (3), (5), (6), (7), (13), (16), (17), (19), (25), (30)
12	A/YL-TYST/827	Temporary Open Storage of Construction Machinery and Materials, Recycling Materials and Used Electrical Appliances with Ancillary Workshop for a Period of 3 Years	17.2.2017	(3), (5), (6), (7), (8), (9), (13), (16), (17), (18), (19), (25),
13	A/YL-TYST/833	Temporary Warehouse and Open Storage of Exhibition Materials for a Period of 3 Years	28.4.2017	(1), (4), (5), (6), (8), (10), (11), (13), (19), (20), (22), (28)
14	A/YL-TYST/825	Temporary Open Storage of Construction Material with Ancillary Office for a Period of 3 Years	9.6.2017 [revoked on 21.7.2017]	(1), (3), (4), (5), (6), (7), (10), (16), (17), (19), (20), (23)
15	A/YL-TYST/842	Temporary Open Storage of Construction Materials, Equipments and Machinery and Container Site Offices with Ancillary Repair Activities for a Period of 3 Years	23.6.2017	(1), (3), (6), (7), (9), (12), (17), (18), (19), (22)
16	A/YL-TYST/896	Proposed Temporary Open Storage of Building/Recycling Materials, Construction Machinery, Used Electrical/Electronic Appliances and Parts with Ancillary Workshop Activities for a Period of 3 Years	15.6.2018	(3), (5), (6), (7), (9), (14), (16), (17), (19), (25)
17	A/YL-TYST/904	Temporary Open Storage and Warehouse for Storage of Furniture, Exhibition Materials, Construction Materials/Machinery and Household Detergent for a Period of 3 Years	3.8.2018	(4), (5), (6), (7), (9), (10), (11), (12), (13), (16), (17),
18	A/YL-TYST/898	Temporary Open Storage of Construction Material with Ancillary Office for a Period of 3 Years	18.1.2019	(1), (3), (4), (5), (7), (10), (12), (16), (17)
19	A/YL-TYST/936	Temporary Open Storage of Recycling Materials with Ancillary Workshop for a Period of 3 Years	18.1.2019	(3), (4), (5), (7), (9), (10), (12), (13), (17),
20	A/YL-TYST/944	Renewal of Planning Approval for Temporary "Open Storage of Construction Machinery" for a Period of 3 Years	22.2.2019	(5), (7), (9), (12), (16), (17), (25)

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
21	A/YL-TYST/945	Temporary Warehouse and Open Storage of Homeware for a Period of 3 Years	8.3.2019	(4), (5), (7), (9), (10), (12), (13), (16), (17), (18), (25)
22	A/YL-TYST/947	Temporary Warehouse and Open Storage of Exhibition Materials and Construction Materials with Ancillary Office for a Period of 3 Years	22.3.2019	(4), (5), (7), (9), (10), (12), (16), (17), (18), (25)
23	A/YL-TYST/953	Temporary Open Storage of Construction Materials, Equipment and Machinery for a Period of 3 Years	12.4.2019	(3), (5), (7), (12), (16), (17), (18), (19), (25), (31)
24	A/YL-TYST/955	Temporary Open Storage of Construction Material with Ancillary Site Office for a Period of 3 Years	12.4.2019	(4), (5), (7), (9), (10), (12), (13), (16), (17), (20), (25)
25	A/YL-TYST/1012	Renewal of Planning Approval for Temporary Warehouse and Open Storage of Exhibition Materials for a Period of 3 Years	24.4.2020	(3), (5), (7), (9), (10), (12), (16), (17), (18), (19), (25)
26	A/YL-TYST/1003	Temporary Open Storage of Construction Machinery and Materials, Recycling Materials and Used Electrical Appliances with Ancillary Workshop for a Period of 3 Years	26.05.2020	(3), (5), (7), (9), (12), (13), (16), (19), (17), (18), (21)
27	A/YL-TYST/1024	Temporary Logistics Centre and Open Storage of Building/Recycling Materials, Construction Machinery, Used Electrical/Electronic Appliances and Parts with Ancillary Workshop Activities for a Period of 3 Years	10.7.2020	(3), (5), (7), (10), (13), (16), (17), (18), (19), (25), (28),

Approval Conditions

- (1) Submission and/or implementation of landscape and/or tree preservation proposals.
- (2) Paving and fencing of the application site.
- (3) Submission and/or implementation of drainage proposals and/or provision of drainage facilities.
- (4) Submission and/or implementation of water supplies for firefighting/fire service installations/emergency vehicular access proposal(s)/provision of a 9-litre water type/3kg dry powder fire extinguisher/fire extinguisher(s) with valid fire certificate (FS 251).
- (5) Revocation of planning approval for non-compliance with conditions by a specified date/at any time during the approval period.
- (6) Reinstatement of the application site upon expiry of planning permission.
- (7) No night-time operation during specific time limit is allowed on the site.
- (8) Submission and implementation of run-in/out proposal.
- (9) No repairing/dismantling/breaking/fixing/maintenance/cleansing/paint-spraying/spraying/workshop activities are allowed on the site.
- (10) No operation is allowed on Sundays and public holidays.
- (11) The landscape planting and/or trees should be maintained at all times.

- (12) No vehicles over 5.5 tonnes/heavy goods vehicles (i.e. over 24 tonnes)/container tractor/trailer are allowed to be used, parked/stored on the site.
- (13) No plastic waste/electronic waste/used batteries/used electrical appliances/televisions/computer monitors/computer parts/electronic parts (including cathode-ray tubes) are allowed to be stored/processed on the site.
- (14) No grinding/polishing/cutting/repairing/dismantling/workshop activities are allowed in the open area or outside the specified structure of the site.
- (15) Posting of a notice at a prominent location of the site to indicate that no medium or heavy goods vehicle including container trailer/tractor is allowed to be parked/stored on the site.
- (16) Maintenance of existing/implemented drainage facilities/submission of a record of the existing drainage facilities.
- (17) No vehicle queuing and no reverse movement of vehicles on public road.
- (18) Maintenance of existing boundary fence within the application site.
- (19) Submission/implementation of accepted fire service installations proposal.
- (20) Provision of boundary fence.
- (21) Submission of record photos of existing trees/landscaping.
- (22) The stacking height of materials stored within the site should not exceed the height of the boundary fence/restriction on stacking height.
- (23) No vehicle is allowed to enter/exit the site during specific time limit.
- (24) No ancillary maintenance work shall be carried out in open area.
- (25) Maintenance of existing trees within the site.
- (26) No repairing/dismantling/cleansing/cleaning/spraying/paint-spraying/recycling/assembling/other workshop activities, except those proposed to be exempted by the applicant, are allowed on the site.
- (27) Submission of drainage impact assessment/drainage study and provision of flood mitigation measures and drainage facilities.
- (28) Free public access to the existing footpath within the Site, as proposed by the applicant, shall be allowed at all times during the planning approval period
- (29) Replacement planting of landscape planting on the site.
- (30) No workshop activities, except within enclosed structures No. 1 and 2, are allowed on the site.
- (31) Maintenance of existing fire service installations on the site

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 applied use at the application site (the 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 times;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department 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. Within the Site, Lots 425RP (Part), 428, 442, 478 and 481, 426RP, 477 and 480, 427, 476, 479, 492 and 2157, 429, 440, 441, 443, 475 S.B and 484 in D.D. 119 are currently covered by Short Term Waivers (STWs) No. 4343 to 4350 respectively to permit structures erected thereon for the purpose of “Temporary Open Storage of Building Materials, Construction Machinery, Recycling Materials (Metal, Plastic and Paper) and Used Electrical/Electronic Appliances and Parts with Ancillary Workshop”. Lots 445 and 475 S.A in D.D 119 are currently covered by STWs No. 4613 and 4625 respectively to permit structures erected thereon for the purposes of “Temporary Open Storage of Building/Recycling Materials, Construction Machinery and Used Electrical/Electronic Appliances and Parts with Ancillary Packaging Activities”. The STW holder(s) will need to apply to her office for modification of the STW conditions where appropriate and the lot owner(s) of the lot(s) without STW will need to apply to her office to permit the structures to be erected or regularise any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. Applications for any of the above will be considered by her 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 rent or fee, as may be imposed by her department;
- (e) to note the comments of the Commissioner for Transport that the land status of the access road/path/track leading to the Site from Kung Um Road shall be checked with the lands authority. The management and maintenance responsibilities of the access road/path/track should be clarified and consulted with the relevant management and maintenance authorities accordingly. Sufficient space within the Site should be provided for manoeuvring of vehicles. No parking of vehicles on public road are allowed;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department 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. His department shall not be responsible for the maintenance of any access connecting the Site and Kung Um Road;
- (g) to note the comments of the Director of Environmental Protection that the relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department should be followed to minimise any potential environmental nuisances on the surrounding areas;
- (h) to note the comments of the Director of Fire Services that in consideration of the

design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Relevant layout plans incorporated with the proposed FSIs should be submitted 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 also be clearly marked on the layout plans. The good practice guidelines for open storage (**Appendix V** of this RNTPC Paper) should be adhered to. If the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of the Building Authority (BA), they are unauthorised building works (UBW) under the 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 BD to effect their removal in accordance with the prevailing 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, demolition 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 Authorised Person 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 (B(P)R) respectively. The Site does not abut on a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and
- (j) to note the comments of the Project Manager (West), Civil Engineering and Development Department that based on the preliminary project boundary of the proposed Yuen Long South (YLS) Development, the Site falls within the boundary of the proposed YLS Development – Stage 3. The YLS Development would provide land to meet the medium to long term housing needs of Hong Kong and the detailed implementation programme with phasing and packaging of works for YLS Development – Stage 3 is being formulated.