

**Relevant extracts of the 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 favorably 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 1,000 m<sup>2</sup> for open storage uses and 2,000 m<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.

**Relevant extracts of the Town Planning Board Guidelines No. 34C for  
“Renewal of Planning Approval and Extension of Time for Compliance with Planning  
Conditions for Temporary Use or Development”  
(TPB PG-No. 34C)**

1. The criteria for assessing applications for renewal of planning approval include:
  - (a) whether there has been any material change in planning circumstance since the previous temporary approval was granted (such as a change in the planning policy/land-use zoning for the area) or a change in the land uses of the surrounding areas;
  - (b) whether there are any adverse planning implications arising from the renewal of the planning approval (such as pre-emption of planned permanent development);
  - (c) whether the planning conditions under previous approval have been complied with to the satisfaction of relevant Government departments within the specified time limits;
  - (d) whether the approval period sought is reasonable; and
  - (e) any other relevant considerations.
2. Under normal circumstances, the approval period for renewal should not be longer than the original validity period of the temporary approval. In general, the Board is unlikely to grant an approval period exceeding three years unless there are strong justifications and the period is allowed for under the relevant statutory plans. Depending on the circumstances of each case, the Board could determine the appropriate approval period, which may be shorter than the time under request.

**Previous Applications covering the Application Site**

**Approved Applications**

|   | <b><u>Application No.</u></b> | <b><u>Proposed Use(s)</u></b>   | <b><u>Date of Consideration<br/>(RNTPC/TPB)</u></b> | <b><u>Approval<br/>Condition(s)</u></b>                         |
|---|-------------------------------|---|---|---|
| 1 | A/YL-TYST/638                 | Temporary Open Storage of Construction Material and Recyclable Material (including Metal and Plastic) with Ancillary Office for a Period of 3 Years | 24.5.2013   | (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11)         |
| 2 | A/YL-TYST/790                 | Temporary Open Storage of Construction Material and Recyclable Material with Ancillary Workshop and Office for a Period of 3 Years                  | 10.6.2016   | (1), (2), (3), (4), (5), (8), (9), (10), (11), (12), (13), (14) |

**Approval Conditions**

- (1) No operation during specific hours (i.e. between 9:00 p.m. and 7:00 a.m.).
- (2) No operation on Sundays and public holidays.
- (3) 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.
- (4) No repairing, dismantling, maintenance, cleaning and any other workshop activities shall be carried out on the Site.
- (5) No heavy goods vehicles, including container trailer/tractor, are allowed to be parked/stored on or enter/exit the Site.
- (6) Provision of boundary fencing on the Site.
- (7) Submission and implementation of drainage proposal.
- (8) Submission and implementation of landscape proposal.
- (9) Submission and/or implementation of fire service installations proposal and/or fire extinguisher(s).
- (10) Revocation of planning approval if conditions not complied with by a given date/at any time during the approval period.
- (11) Reinstatement of the Site to an amenity area upon expiry of planning permission.
- (12) Maintenance of existing boundary fence within the Site.
- (13) No vehicle queuing and no reverse movement of vehicles on public road.
- (14) Maintenance of existing/implemented drainage facilities/submission of a record of the existing drainage facilities.

**Rejected Application**

|   | <b><u>Application No.</u></b> | <b><u>Proposed Use(s)</u></b>  | <b><u>Date of Consideration<br/>(RNTPC/TPB)</u></b> | <b><u>Rejection<br/>Reason(s)</u></b> |
|---|-------------------------------|--|---|---------------------------------------|
| 1 | A/YL-TYST/34                  | Temporary Open Storage of Construction Materials for a Period of 12 Months                           | 5.6.1998  | (1), (2), (3), (4)                    |
| 2 | A/YL-TYST/47                  | Temporary Open Storage of New Vehicles for Re-export for a Period of 12 Months                       | 25.9.1998   | (1), (3), (4), (5)                    |
| 3 | A/YL-TYST/48                  | Temporary Open Storage of Construction Materials and Small-Scale Machinery for a Period of 12 Months | 25.9.1998   | (1), (3), (4), (5)                    |
| 4 | A/YL-TYST/472                 | Temporary Open Storage of Used Electronic Parts with Ancillary Workshop for a Period of 3 Years      | 7.5.2010  | (2), (3), (5)                         |

**Rejection Reason(s):**

- (1) Not in line with the planning intention of the “GB”zone, no strong justification has been given for a departure from the planning intention, even on a temporary basis.
- (2) Not compatible with the surrounding residential/rural land uses.
- (3) No/insufficient information in the submission to demonstrate that the development would not generate adverse environmental/traffic/drainage impact.
- (4) Approval of the application would set an undesirable precedent for other similar applications within the “GB” zone, which would result in a general degradation of the environment of the area.
- (5) The development does not comply with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” in that it is not compatible with the surrounding residential/rural land uses/there is adverse departmental comment on the application.

**Similar Applications in this Part of the “U” zone on the Tong Yan San Tsuen OZP  
since the Promulgation of TPB PG-No. 13E**

**Approved Applications**

|    | <b><u>Application No.</u></b> | <b><u>Proposed Use(s)/Development(s)</u></b>   | <b><u>Date of Consideration<br/>(RNTPC/TPB)</u></b> | <b><u>Approval<br/>Condition(s)</u></b>                         |
|----|-------------------------------|--|---|---|
| 1  | A/YL-TYST/420                 | Renewal of planning approval for temporary “open storage of construction machinery” use under Application No. A/YL-TYST/314 for a period of 3 years                      | 27.3.2009   | (5), (6), (7), (9), (10), (11)                                  |
| 2  | A/YL-TYST/426                 | Temporary open storage of construction machinery and containers with ancillary dismantling, cleansing, repairing and workshop activities for a period of 3 years         | 22.5.2009<br>[revoked on 22.2.2011]                 | (1), (3), (4), (5), (6), (7), (10)                              |
| 3  | A/YL-TYST/430                 | Temporary open storage of metal parts with ancillary workshop for a period of 3 years  | 5.6.2009<br>[revoked on 28.1.2011]                  | (3), (4), (5), (6), (7), (10), (11), (12)                       |
| 4  | A/YL-TYST/443                 | Temporary warehouse and open storage of building materials and miscellaneous goods for a period of 3 years   | 21.8.2009   | (2), (3), (4), (5), (6), (7), (10), (9), (10), (11), (12), (13) |
| 5  | A/YL-TYST/476                 | Proposed temporary open storage of building materials for a period of 3 years  | 25.6.2010<br>[revoked on 25.9.2011]                 | (1), (4), (5), (6), (7), (10), (9), (10), (11), (12)            |
| 6  | A/YL-TYST/491                 | Temporary warehouse and open storage of stage equipment for a period of 3 years  | 24.9.2010   | (1), (3), (4), (5), (6), (7), (9), (10), (12)                   |
| 7  | A/YL-TYST/503                 | Temporary open storage of metal goods for a period of 3 years  | 10.12.2010  | (1), (3), (4), (5), (6), (7), (9), (10), (12), (13)             |
| 8  | A/YL-TYST/520                 | Temporary warehouse and open storage of exhibition materials for a period of 3 years   | 4.3.2011  | (1), (3), (4), (5), (6), (7), (9), (10), (12)                   |
| 9  | A/YL-TYST/526                 | Temporary warehouse and open storage of exhibition materials, garments, construction materials, vehicle parts and marble with ancillary workshop for a period of 3 years | 18.3.2011<br>[revoked on 18.4.2013]                 | (1), (3), (4), (5), (6), (7), (10), (12), (14), (15)            |
| 10 | A/YL-TYST/551                 | Temporary open storage of construction machinery and containers with ancillary dismantling, cleansing, repairing and workshop activities for a period of 3 years         | 21.10.2011  | (1), (3), (4), (5), (6), (7), (10)                              |

|    | <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>                       |
|----|-------------------------------|---|---|---|
| 11 | A/YL-TYST/561                 | Temporary open storage of construction machinery and construction materials for a period of 3 years   | 6.1.2012<br>[revoked on 17.2.2012]              | (1), (2), (3), (4), (5), (6), (7), (9), (10), (12)        |
| 12 | A/YL-TYST/581                 | Temporary open storage of construction machinery for a period of 3 years  | 30.3.2012<br>[revoked on 30.9.2012]             | (1), (4), (5), (6), (7), (9), (10), (11), (16)            |
| 13 | A/YL-TYST/582                 | Temporary Open Storage of Metal Parts with Ancillary Workshop for a period of 3 years   | 6.7.2012<br>[revoked on 6.4.2013]               | (1), (4), (5), (6), (7), (10), (11), (16)                 |
| 14 | A/YL-TYST/592                 | Temporary open storage of construction machinery and construction materials for a period of 3 years   | 1.6.2012<br>[revoked on 1.12.2012]              | (1), (2), (3), (4), (5), (6), (7), (9), (10), (12)        |
| 15 | A/YL-TYST/593                 | Proposed temporary open storage of construction materials and machinery for a period of 3 years   | 15.6.2012                                       | (1), (2), (4), (5), (6), (7), (9), (10), (11), (16)       |
| 16 | A/YL-TYST/602                 | Temporary open storage of recycled metal and open air recycling activities for a period of 3 years  | 24.8.2012<br>[revoked on 24.2.2013]             | (1), (2), (4), (5), (6), (9), (16), (17), (23)            |
| 17 | A/YL-TYST/608                 | Temporary open storage and warehouse for storage of furniture, exhibition materials, construction materials/machinery and household detergent for a period of 3 years | 21.9.2012                                       | (1), (4), (5), (7), (9), (10), (12), (13), (16)           |
| 18 | A/YL-TYST/618                 | Temporary open storage and warehouse for storage of construction materials and ancillary site office for a period of 3 years  | 23.11.2012<br>[revoked on 23.8.2014]            | (1), (2), (3), (4), (5), (7), (9), (10), (12)             |
| 19 | A/YL-TYST/630                 | Temporary warehouse and open storage of exhibition materials and construction materials with ancillary office for a period of 3 years                                 | 1.3.2013<br>approved for 1 year                 | (1), (4), (5), (6), (7), (8), (9), (10), (12), (16), (18) |
| 20 | A/YL-TYST/631                 | Temporary open storage of construction machinery for a period of 3 years  | 1.3.2013  | (1), (4), (5), (6), (8), (9)(10), (16), (19)              |
| 21 | A/YL-TYST/632                 | Temporary open storage of construction materials and meramic ware for a period of 3 years   | 15.3.2013                                       | (1), (3), (4), (5), (6), (8), (9), (10), (12), (13), (18) |
| 22 | A/YL-TYST/633                 | Temporary open storage of construction machinery and construction materials for a period of 3 years   | 5.4.2013<br>[revoked on 5.10.2013]              | (1), (3), (4), (5), (6), (7), (9), (10), (12), (13), (20) |
| 23 | A/YL-TYST/640                 | Temporary open storage of construction machinery and construction materials for a period of 3 years   | 21.6.2013<br>[revoked on 30.9.2013]             | (1), (3), (4), (5), (6), (7), (9), (10), (12), (13), (20) |

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|----|-------------------------------|--|---|--|
| 24 | A/YL-TYST/645                 | Renewal of Planning Approval for Temporary "Warehouse and Open Storage of Stage Equipment" under Application No. A/YL-TYST/491 for a Period of 3 Years                 | 6.9.2013  | (4), (5), (6), (7), (9), (10), (12), (16), (17), (21)            |
| 25 | A/YL-TYST/647                 | Renewal of Planning Approval for Temporary "Open Storage of Metal Goods with Transfer Warehouse" for a Period of 3 Years   | 25.10.2013<br>[revoked on 21.1.2014]            | (1), (4), (5), (6), (7), (9), (10), (12), (13), (16), (17)       |
| 26 | A/YL-TYST/654                 | Temporary Warehouse and Open Storage of Building Materials and Miscellaneous Goods for a Period of 3 Years   | 3.1.2014<br>[revoked on 3.7.2014]               | (1), (4), (5), (6), (7), (8), (9), (10), (12), (13), (17), (16)  |
| 27 | A/YL-TYST/663                 | Temporary warehouse for storage and open storage of exhibition materials and vehicle spare parts with ancillary office   | 7.2.2014  | (4), (5), (6), (7), (8), (9), (10), (11), (12), (16), (17), (18) |
| 28 | A/YL-TYST/666                 | Temporary Warehouse and Open Storage of Exhibition Materials for a Period of 3 Years   | 21.2.2014                                       | (1), (4), (5), (6), (7), (9), (10), (12), (16), (17), (18), (22) |
| 29 | A/YL-TYST/672                 | Temporary Open Storage of Metal Goods with Ancillary Warehouse for a Period of 3 Years   | 4.4.2014  | (1), (4), (5), (6), (7), (9), (10), (12), (13), (16), (17)       |
| 30 | A/YL-TYST/689                 | Proposed Temporary Open Storage of Construction Machinery and Construction Materials for a Period of 3 Years   | 8.8.2014  | (1), (3), (4), (5), (6), (7), (9), (10), (12), (13), (17)        |
| 31 | A/YL-TYST/697                 | Temporary Open Storage of Construction Material with Ancillary Site Office for a Period of 3 Years   | 17.10.2014                                      | (1), (3), (4), (5), (6), (7), (9), (10), (12), (13), (17)        |
| 32 | A/YL-TYST/698                 | Temporary Open Storage of Construction Machinery and Containers with Ancillary Dismantling, Cleansing, Repairing and Workshop Activities for a period of 3 years       | 31.10.2014                                      | (1), (4), (5), (6), (7), (10), (12), (16), (17)                  |
| 33 | 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)      |
| 34 | A/YL-TYST/756                 | Temporary Open Storage and Warehouse for Storage of Construction Material with Ancillary Site Office for a Period of 3 Years   | 18.12.2015<br>[revoked on 18.6.2016]            | (1), (3), (4), (5), (6), (7), (10), (12), (13), (14), (17), (20) |

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|----|-------------------------------|---|---|---|
| 35 | 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<br>[revoked on 4.12.2015]             | (1), (2), (4), (5), (6), (7), (8), (9), (10), (16), (17), (20)    |
| 36 | A/YL-TYST/777                 | Renewal of Planning Approval for Temporary "Open Storage of Construction Machinery" for a Period of 3 Years   | 5.2.2016<br>(up to 1.3.2019)                    | (1), (4), (5), (6), (7), (9), (10), (16), (17), (19)              |
| 37 | 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)   |
| 38 | 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)  |
| 39 | A/YL-TYST/825                 | Temporary Open Storage of Construction Material with Ancillary Office for a Period of 3 Years   | 9.6.2017<br>[revoked on 21.7.2017]              | (1), (3), (4), (5), (6), (7), (10), (16), (17), (19), (20), (23)  |
| 40 | A/YL-TYST/828                 | Renewal of Planning Approval for Temporary "Open Storage of Metal Goods with Ancillary Warehouse" for a Period of 3 Years   | 3.3.2017<br>[revoked on 5.7.2017]               | (4), (5), (6), (7), (9), (10), (11), (12), (13), (16), (17), (19) |
| 41 | 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) |
| 42 | A/YL-TYST/849                 | Temporary Open Storage of Construction Machinery and Containers with Ancillary Dismantling, Cleansing, Repairing and Workshop Activities for a Period of 3 Years      | 8.9.2017  | (4), (5), (7), (10), (11), (12), (17), (18), (20),                |
| 43 | A/YL-TYST/860                 | Temporary Open Storage of Metal Goods with Ancillary Warehouse for a Period of 3 Years  | 24.11.2017                                      | (4), (5), (6), (7), (9), (10), (11), (12), (13), (16), (17), (19) |
| 44 | 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),      |
| 45 | 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)                   |

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|----|-------------------------------|---|---|--|
| 46 | 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),             |
| 47 | 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)                        |
| 48 | 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) |
| 49 | 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)       |
| 50 | 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) |

#### **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.
- (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/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) Implementation of accepted fire service installations proposal.
- (20) Provision of boundary fence.
- (21) Submission of record photos of existing trees.

- (22) The stacking height of materials stored within the site should not exceed the height of the boundary fence.
- (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.

**Good Practice Guidelines for Open Storage Sites**

|    |  | Internal Access<br>for Fire<br>Appliances | Lot<br>Boundaries<br>(Clear Width) | Distance<br>between<br>Storage Cluster<br>and Temporary<br>Structure | Cluster Size | Storage<br>Height |
|----|--|---|------------------------------------|--|--------------|-------------------|
| 1. | Open Storage of<br>Containers                                  |   | 2m                                 | 4.5m   |              |                   |
| 2. | Open Storage of<br>Non-Combustibles or<br>Limited Combustibles | 4.5m                                      | 2m                                 | 4.5m   |              |                   |
| 3. | Open Storage of<br>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) to resolve any land issues relating to the development with the concerned owner(s) of the application site (the Site);
- (b) the Site should be kept in a clean and tidy condition at all times;
- (c) 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 772, 773 and 776, and 775 in D.D. 117 and Lot 1131 in D.D. 119 are currently covered by Short Term Waivers (STWs) Nos. 3961, 3962, 3963 and 3964 respectively which permit the structure(s) erected thereon for the purpose of ‘Open Storage of Construction Materials and Recyclable Material (including Metal & Plastic) with Ancillary Office’. The government land (GL) included in the Site is covered by Short Term Tenancy (STT) No. 2795 for ‘Open Storage of Construction Materials and Recyclable Material (including Metal & Plastic)’. The Site is accessible from Kung Um Road via GL and private land. Her office provides no maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the Site. The STW/STT holder(s) will need to apply to her office for modification of the STW/STT conditions if there is any irregularities on site 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. No construction of New Territories Exempted Building(s) will be considered or allowed. 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 premium or fee, as may be imposed by her department;
- (d) 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 should 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;
- (e) 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;
- (f) to note the comments of the Director of Environmental Protection 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” issued by the Environmental Protection Department to minimise any potential environmental nuisances;
- (g) to note the comments of the Director of Fire Services that the installation/maintenance/modification/repair work of fire service installations (FSIs) shall be undertaken by an Registered Fire Service Installation Contractor (RFSIC). The RFSIC shall after completion of the installation/maintenance/modification/repair work issue to the

person on whose instruction the work was undertaken a certificate (FS 251) and forward a copy of the certificate to him. The good practice guidelines for open storage (**Appendix VI** 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;

- (h) 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 the approval of the BD, they are unauthorised building works (UBW) under 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 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 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 BD 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 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. 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 B(P)R at the building plan submission stage;
- (i) to note the comments of the Chief Engineer/Construction, Water Supplies Department that existing water mains will be affected (**Plan A-2** of this RNTPC Paper). A waterworks reserve within 1.5m from the centreline of the water mains shall be provided to his department. No structure shall be built or materials stored within this waterworks reserve. Free access shall be made available at all times for his staff or 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. The Government shall not be liable for 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
- (j) to note the comments of the Project Manager (West), Civil Engineering and Development Department that the Site falls within the project boundary of the proposed Yuen Long South (YLS) Development – Stage 2. The YLS Development would provide land to meet the medium to long term housing needs of Hong Kong. Extension of the planning permission may not be supported in future when the detailed implementation programme of works in the Site under YLS Development – Stage 2 is formulated.