

**Town Planning Board Guidelines for
Application for Open Storage and Port Back-up Uses
(TPB PG-No.13G)**

1. On 14.4.2023, 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. 13G) 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, such as container trailer/tractor park and open storage of chemical products/ dangerous goods etc., 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 or if required, 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/or 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/or 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 3 years may be allowed for an applicant to identify suitable sites for relocation. 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) port back-up sites and those types of open storage 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;
 - (b) 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;
 - (c) adequate screening of the sites through landscaping and/or fencing should be considered where sites are located adjacent to public roads or are visible from surrounding residential areas;
 - (d) there is a general presumption against conversion of active or good quality agricultural land and fish ponds to other uses on an ad hoc basis. For flood prone areas or sites which would obstruct natural drainage channels and overland flow, advice from the Drainage Services Department should be sought on this aspect if in doubt; and
 - (e) 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, 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/TPB)</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
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
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
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
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]
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
7	A/YL-TYST/1042	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	21.8.2020
8	A/YL-TYST/1227	Renewal of Planning Approval for 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	11.8.2023

Rejected Application

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC/TPB)</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) 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, not compatible with the residential structures along the access road and there were adverse departmental comments.
- (2) Insufficient information to demonstrate that the development would not generate adverse environmental and drainage impacts on the surrounding areas.

Similar Applications within/straddling the Subject “U” Zone in the past 5 years

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC)</u>
1	A/YL-TYST/1038	Temporary Open Storage and Warehouse for Storage of Furniture, Exhibition Materials, Construction Materials/Machinery and Household Detergent for a Period of 3 Years	22.1.2021
2	A/YL-TYST/1062	Temporary Open Storage of Construction Materials and Recyclable Materials with Ancillary Workshop for a Period of 3 Years	8.1.2021
3	A/YL-TYST/1105	Temporary Warehouse for Storage of Electronic Goods and Open Storage of Building Materials and Construction Machinery with Ancillary Workshop Activities for a Period of 3 Years	10.9.2021
4	A/YL-TYST/1133	Renewal of Planning Approval for Temporary Open Storage of Construction Material with Ancillary Office for a Period of 3 Years	14.1.2022
5	A/YL-TYST/1137	Renewal of Planning Approval for Temporary Warehouse and Open Storage for Storage of Homeware for a Period of 3 Years	28.1.2022
6	A/YL-TYST/1140	Renewal of Planning Approval for Temporary Warehouse and Open Storage of Exhibition Materials and Construction Materials with Ancillary Office for a Period of 3 Years	28.1.2022
7	A/YL-TYST/1142	Renewal of Planning Approval for Temporary Open Storage of Construction Material with Ancillary Site Office for a Period of 3 Years	18.2.2022
8	A/YL-TYST/1144	Renewal of Planning Approval for Temporary Open Storage of Construction Machinery for a Period of 3 Years	18.2.2022
9	A/YL-TYST/1147	Renewal of Planning Approval for Temporary Open Storage of Construction Materials, Equipments and Machinery for a Period of 3 Years	4.3.2022
10	A/YL-TYST/1213	Temporary Open Storage of Construction Machinery and Materials, Recycling Materials and Used Electrical Appliances with Ancillary Workshop for a Period of 3 Years	13.10.2023 [revoked on 13.4.2025]
11	A/YL-TYST/1217	Proposed Temporary Warehouse and Open Storage of Construction Machinery and Construction Materials for a Period of 3 Years	23.6.2023 [revoked on 23.3.2025]
12	A/YL-TYST/1230	Temporary Open Storage of Metalware for Recycling for a Period of 3 Years	25.8.2023 [revoked on 25.8.2024]
13	A/YL-TYST/1247	Renewal of Planning Approval for Temporary Open Storage of Construction Materials and Recyclable Materials with Ancillary Workshop for a Period of 3 Years	22.12.2023 [revoked on 9.7.2025]
14	A/YL-TYST/1252	Temporary Warehouse and Open Storage of Furniture, Exhibition Materials, Construction Materials/Machinery and Household Detergent for a Period of 3 Years	1.3.2024

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC)</u>
15	A/YL-TYST/1253	Temporary Warehouse and Open Storage of Exhibition Materials for a Period of 3 Years	1.3.2024
16	A/YL-TYST/1259	Proposed Temporary Warehouse and Open Storage of Recyclable Materials, Mobile Toilets and Construction Materials for a Period of 3 Years	5.4.2024 [revoked on 5.4.2025]
17	A/YL-TYST/1292	Renewal of Planning Approval for Temporary Open Storage of Construction Material with Ancillary Office for a Period of 3 Years	20.12.2024
18	A/YL-TYST/1304	Renewal of Planning Approval for Temporary Warehouse and Open Storage of Exhibition Materials and Construction Materials with Ancillary Office for a Period of 3 Years	14.3.2025 [revoked on 23.6.2025]
19	A/YL-TYST/1286	Temporary Warehouse (Excluding Dangerous Goods Godown) and Open Storage of Building Materials and Construction Machinery with Ancillary Workshop Activities for a Period of 3 Years	6.6.2025
20	A/YL-TYST/1334	Temporary Open Storage of Construction Machinery and Materials, Recycling Materials and Used Electrical Appliances with Ancillary Workshop for a Period of 3 Years	27.2.2026

Government Departments' General Comments

1. Traffic

(a) Comments of the Commissioner for Transport (C for T):

No comment on the application from traffic engineering perspective.

(b) Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

No comment from highways maintenance point of view.

2. Drainage

Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- no in-principle objection to the application; and
- should the Town Planning Board (the Board) consider that the application is acceptable from the planning point of view, approval conditions requiring the maintenance of the drainage facilities implemented under application No. A/YL-TYST/1227 and submit records of the existing drainage facilities on site to the satisfaction of the Director of Drainage Services or of the Board should be stipulated.

3. Fire Safety

Comments of the Director of Fire Services (D of FS):

No in-principle objection to the application subject to fire service installations being provided to his satisfaction.

4. Building Matters

Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- no objection under the Buildings Ordinance (BO) on the application; and
- it is noted that 32 structures are proposed in the application. Before any new building works (including containers/ open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on the Site, prior approval and consent of the Building Authority should be obtained, otherwise they are unauthorized building works under the BO. An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO.

5. Long-Term Development

(a) Comments of the Chief Engineer/Cross-Boundary Infrastructure and Development, Planning Department (CE/CID, PlanD):

- the Civil Engineering and Development Department (CEDD) and PlanD jointly commissioned the “Planning and Engineering Study for Housing Sites in Yuen Long South (YLS) – Investigation”. According to the Revised Recommended Outline Development Plan of YLS promulgated in May 2020, the Site falls an area zoned “Government”, “Other Specified Uses” annotated “Hillside River Corridor with Scenic Cycle Track”, “Residential – Zone 2 (with Commercial)”, and partly shown as ‘Road’; and
- the objective of YLS development is to transform the degraded rural land predominantly occupied by brownfield operations including open storage yards, warehouses and rural industrial uses into housing and other uses with supporting infrastructure and community facilities, and to improve the existing environment. It is noted that the application is for temporary use for a period of three years. In considering the application for temporary uses, due consideration should be given on the possible implication on land clearance which would affect the future implementation of YLS.

(b) Comments of the Project Manager (West) (PM(W)), CEDD:

No objection to the application.

6. District Officer’s Comments

Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

His office has not received any feedback from locals.

7. Other Departments

The following departments have no comment on/no objection to the application:

- Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- Director of Electrical and Mechanical Services (DEMS); and
- Commissioner of Police (C of P).

Recommended 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 Commissioner for Transport (C for T) that:
 - (i) consent of the owners/managing departments of the local track and footpath should be obtained for using it as the access to the Site; and
 - (ii) sufficient manoeuvring space shall be provided within the Site. No vehicles are allowed to queue back to public roads or reverse onto/from public roads;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that:
 - (i) his department shall not be responsible for the maintenance of any access connecting the Site and Kung Um Road; and
 - (ii) adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (e) to note the comments of the Director of Environmental Protection (DEP) that:
 - (i) 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 his department should be followed to minimise any potential environmental nuisances on the surrounding areas;
 - (ii) adequate supporting infrastructure/facilities should be provided for proper collection, treatment and disposal of waste/wastewater generated from the proposed use. If septic tank and soakaway system will be used in case of unavailability of public sewer, its design and construction shall follow the requirements of his department’s Practice Note for Professional Person (ProPECC) PN 1/23 “Drainage Plans subject to Comment by the Environmental Protection Department” including completion of percolation test and certification by Authorised Person;
 - (iii) all workshop activities should be conducted within solid structures equipped with a mechanical ventilation system, and the exhaust outlet of the mechanical ventilation system should be located as far as practicable from the nearby sensitive uses; and
 - (iv) it is the obligation of the applicant to meet the statutory requirements under relevant pollution control ordinances;
- (f) to note the comments of the Director of Fire Services (D of FS) that:
 - (i) 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;
 - (ii) the layout plans should be drawn to scale and depicted with dimensions and nature of

occupancy, and the location of proposed FSIs to be installed should be clearly marked on the layout plans; and

- (iii) if the proposed structures are 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;
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that for any change of existing ground level and associated works proposed by the applicants that could affect adjacent land and cause other impacts and/or other issues to public, please submit technical assessment(s) in other aspect(s) and seek comment from relevant departments as necessary;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
 - (i) the Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with the Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively;
 - (ii) 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 building plan submission stage;
 - (iii) if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the Building Authority, they are unauthorised building works (UBW) under the BO and should not be designated for any proposed use under the captioned application;
 - (iv) for UBW erected on leased land, enforcement action may be taken by the 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;
 - (v) any temporary shelters or converted containers for office, storage, washroom or other uses considered as temporary buildings are subject to the control of Part VII of the B(P)R; and
 - (vi) detailed checking under the BO will be carried out at building plan submission stage; and
- (i) to note the comments of the Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD) that based on the preliminary project boundary of the proposed Yuen Long South New Development Area (YLS NDA), the Site falls within the boundary of the YLS NDA – Third Phase Development. 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 NDA – Third Phase Development is being formulated.

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.