

**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 1,000m² for open storage uses and 2,000m² 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 Application covering the Application Site

Rejected Application

	Application No.	Zoning(s) and OZP at the time of consideration	Applied Use(s)/ Development(s)	Date of Consideration (RNTPC/TPB)	Reason(s) for Rejection
1.	A/YL-HT/949	“GB” and “REC” on approved Ha Tsuen OZP No. S/YL-HT/10	Proposed Filling of Pond (by 1m) for Permitted Agricultural Use	3.7.2015 (review on 30.10.2015)	1, 2

Reasons for Rejection:

1. the applicant fails to demonstrate that the proposed development would not have adverse ecological and landscape impacts on the surrounding areas
2. the approval of the application will set an undesirable precedent for similar applications within the "Green Belt" zone. The cumulative effect of approving such similar applications would result in general degradation of the environment of the area

**Similar Applications within the subject “G/IC” and “O” zones
on the approved Hung Shui Kiu and Ha Tsuen Outline Zoning Plan
since the promulgation of TPB PG-No. 13E on 17.10.2008**

Approved Applications

	Application No.	Zoning	Applied use(s)/ Development(s)	Date of Consideration (RNTPC/TPB)	Approval Condition(s)
1.	A/YL-HT/617	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Scrap Metal and Scrap Plastic (3 years)	5.6.2009 (3 years)	2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 15, 16
2.	A/YL-HT/672	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Construction Materials (3 years)	7.5.2010 (3 years)	1, 2, 3, 5, 6, 7, 8, 15, 16
3.	A/YL-HT/861	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Construction Materials (3 years)	6.9.2013 (3 years)	1, 2, 3, 4, 5, 6, 7, 8, 12, 13, 15, 16
4.	A/YL-HT/1066	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Recyclable Materials (including Metal and Plastic) (3 years)	3.3.2017 (3 years) (revoked on 3.3.2018)	1, 2, 3, 4, 5, 7, 8, 10, 12, 13, 15
5.	A/HSK/71	“O” & ‘Road’ on draft HSK and HT OZP No. S/HSK/1	Temporary Open Storage of Recyclable Materials (including Metal and Plastic) (3 years)	15.6.2018 (3 years)	1, 2, 3, 4, 7, 8, 10, 12, 13, 14, 15
6.	A/HSK/89	“G/IC” & ‘Road’ on draft HSK and HT OZP No. S/HSK/1	Proposed Pond Filling for Temporary Open Storage of Construction Materials and Recyclable Materials Collection Centre (3 years)	17.8.2018 (3 years)	1, 2, 3, 4, 5, 7, 8, 12, 13, 17, 18

Approval Conditions

- 1 The submission and/or implementation of landscaping and/or tree preservation proposals, and/or provision of replacement planting and/or the replacement of dead trees.
- 2 The submission of DIA/drainage proposals and/or provision of drainage facilities/implementation of the drainage facilities proposed, and/or submission of a condition record of the existing drainage facilities.
- 3 Reinstatement clause.
- 4 The submission/implementation of FSIs proposals and/or provision of FSIs, with or without sprinkler system and/or provision of fire extinguisher(s).
- 5 The provision of paving, and/or fencing, and/or screening planting.
- 6 The stacking height of the materials stored on the site/within 5m from the periphery should not exceed the height of the boundary fence/2.5m.
- 7 Revocation clauses.
- 8 No night-time operation and/or no operation on Sundays and public holidays.
- 9 The existing trees on the site should be maintained.
- 10 No vehicle exceeding 5.5 tonnes, including medium goods vehicles, heavy goods vehicles, container tractor/trailers, as defined in the Road Traffic Ordinance, are allowed to enter the site.

- 11 No handling, loading/unloading and storage of electrical appliances, including refrigerators and air conditioners, was allowed on the site.
- 12 Provision of fire extinguisher(s) and submission of a valid fire certificate (FS251).
- 13 No vehicle is allowed to queue back to public road or reversing onto/from the public road was allowed.
- 14 The provision of fencing on the site /the existing fencing shall be maintained.
- 15 No cutting, dismantling, cleansing, melting, repairing, compaction, unpacking, re-packing, vehicle repair and workshop activity.
- 16 No ground excavation works, including that for landscape planting and drainage facilities, should be carried out on-site without prior written consent from the Antiquities and Monuments Office.
- 17 No part of the pond shall be filled to a depth exceeding 1.2m.
- 18 No pond/land filling on Site should be allowed until the flood mitigation measures are implemented

消防處發出之露天貯存用地良好作業指引
Good Practice Guidelines for Open Storage issued by the Director of Fire Services

		消防車輛 內部通道 Internal Access for Fire Appliances	地段界線 (淨闊度) Lot Boundaries (Clear Width)	貯存物品 地點與 臨時構築物 之間的距離 Distance between Storage Cluster and Temporary Structure	貯存物品 地點的大小 Cluster Size	貯存高度 Storage Height
1.	露天貯存貨櫃 Open Storage of Containers		2 米 2m	4.5 米 4.5m		
2.	露天貯存非易燃物品 或有限數量的易燃物品 Open Storage of Non-Combustibles or Limited Combustibles	4.5 米 4.5m	2 米 2m	4.5 米 4.5m		
3.	露天貯存易燃物品 Open Storage of Combustibles	4.5 米 4.5m	2 米 2m	4.5 米 4.5m	40 米乘 40 米 40m x 40m	3 米 3m

備註：露天貯存用地／回收場內不得吸煙或使用明火。

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;
- (b) to note that the site might be resumed at any time during the planning approval period for implementation of government projects;
- (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 site is accessible from Kai Pak Ling Road through Government land (GL) and private lot(s). His office provides no maintenance works to the GL involved and does not guarantee any right-of-way over the GL to the site. The lot owner(s) without Short Term Waiver (STW) will need to apply to his office for permitting the structures to be erected or regularize any irregularities on site, if any. 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. Application(s) for any of the above will be considered by the LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others, the payment of premium or fee, as may be imposed by the LandsD;
- (d) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) that sufficient manoeuvring space shall be provided within the site. The local track leading to the Site is not under 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 nearby public roads and drains. HyD shall not be responsible for the maintenance of any access connecting the site and Fung Kong Tsuen Road or Deep Bay Road;
- (f) to follow the relevant mitigation measures and requirements in the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department;
- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that the approval of the application by the Town Planning Board does not imply approval of the tree works such as pruning, transplanting and /or felling. Application for tree works should be submitted direct to DLO for approval;
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) on the submitted drainage proposal:
 - (i) The existing "natural drain" to which the applicant proposed to discharge the stormwater from the site was not maintained by his office. The applicant should identify the owner of the existing drainage facilities and obtain consent from the owner prior to commencement of the proposed works. In the case that it is a local village drains, DO/YL should be consulted.

- (ii) Further to (i) above, since there is no record of the said discharge path, please provide evidence (e.g. site photos) to demonstrate its presence and existing condition.
 - (iii) Consideration should be given to provide grating for the surface channels.
 - (iv) The cover levels and invert levels of the proposed u-channels, catchpits/sand traps should be shown on the drainage plan.
 - (v) Cross sections showing the existing and proposed ground levels of the site with respect to the adjacent areas should be given.
 - (vi) Sand trap or provision alike should be provided before the collected runoff is discharged to the public drainage facilities.
 - (vii) Standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit/sand trap.
 - (viii) Where walls or hoarding are erected are laid along the site boundary, adequate opening should be provided to intercept the existing overland flow passing through the site.
 - (ix) The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.
 - (x) The applicant should consult DLO/YL and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works;
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that adequate precautionary measures and suitable working procedures should be adopted in carrying out the above works to safeguard the stability of any building, structure, land, street or services. Any precautionary measures, which involve new building works, are subject to Regulation 19(3) of the Building (Planning) Regulation (B(P)R). When any natural, formed or man-made land has due to any cause been rendered so dangerous or liable to become so dangerous that it will collapse, or be likely to collapse, and thereby will cause, or will be likely to cause, a risk of injury to any person or damage to any property, enforcement action may be taken by the BD. Before any new building works (including containers/open sheds as temporary buildings, site formation works such as excavations on sloping land, filling) are to be carried out on the site, prior approval and consent of the BD should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the Buildings Ordinance (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 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;

- (j) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposal, fire service installations (FSIs) are required. The applicant should submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. Good practice guidelines for open storage issued by D of FS should be adhered to. The applicant should submit a valid fire certificate (FS 251) to his department for approval. The applicant is reminded that if the proposed structure(s) is required to comply with the BO (Cap. 123), detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans; and
- (k) to note the comments of the Project Manager (New Territories West), Civil Engineering and Development Department (PM/NTW, CEDD) that the site falls within the boundary of HSK NDA. According to the Planning and Engineering Study (P&E Study) for the HSK NDA, to ensure timely and orderly implementation, the development of HSK NDA and relevant site formation and infrastructure works would be implemented in five stages, viz. Advance Works and Stage 1 to Stage 4. The concerned lot(s) falls within a site under Stage 3 Works stage. While the detailed implementation programme for the project is still being formulated, based on the P&E Study, it is envisaged that clearance of the site in question will not be arranged before the first population intake of the HSK NDA expected in 2024.