

**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.

**Appendix III of RNTPC
Paper No. A/HSK/150**

Previous s.16 Applications covering the Application Site

Approved Applications

No	<u>Application No.</u>	<u>Zoning(s) and OZP at the time of consideration</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1.	A/YL-HT/53	“CDA” on draft Ha Tsuen OZP No. S/YL-HT/1	Temporary open storage of construction materials and machinery (1 year)	31.7.1998 (1 years)	2, 4, 5, 6
2.	A/YL-HT/57	“CDA” on draft Ha Tsuen OZP No. S/YL-HT/1	Temporary open storage and manufacturing of pre-made partition walls (1 year)	28.8.1998 (1 years)	2, 4, 6
3.	A/YL-HT/169	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/4	Temporary open storage of marble (3 years)	10.11.2000 (3 years) (revoked on 10.8.2001)	2, 3, 4, 6
4.	A/YL-HT/277	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/4	Proposed temporary open storage of construction materials with ancillary office (3 years)	3.1.2003 (3 years)	2, 3, 4, 6
5.	A/YL-HT/318	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/4	Temporary open storage of containers for repairing and workshop (3 years)	24.10.2003 (3 years)	2, 3, 6, 7, 8,
6.	A/YL-HT/485	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/8	Temporary open storage of Metal Ware (3 years)	25.5.2007 (3 years)	1, 2, 3, 4, 5, 6, 8, 9
7.	A/YL-HT/668	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary open storage of Metal Ware (3 years)	9.4.2010 (3 years)	1, 2, 3, 4, 5, 6, 9
8.	A/YL-HT/851	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary open storage of Metal Ware (3 years)	24.5.2013 (3 years)	1, 2, 3, 4, 5, 9, 10, 11, 12
9.	A/YL-HT/1023	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary open storage of Metal Ware (3 years)	13.5.2016 (3 years)	1, 2, 3, 4, 5, 9, 10, 11, 12

Approval Conditions

- 1 No night-time operation and/or no operation on Sundays and public holidays
- 2 Reinstatement clause
- 3 Revocation clause
- 4 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
- 5 The submission of FSIs proposals and/or the provision of FSIs/fire extinguishers
- 6 The submission of DIA/drainage proposals and/or provision of drainage facilities/flood mitigation measures

- 7 The maintenance of the landscape planting/existing trees/vegetation
- 8 The provision of paving, and/or fencing, and/or screening planting
- 9 No cutting, dismantling, repairing, and/or melting, and/or compaction, and/or unpacking, and/or re-packing, and/or vehicle repair, and/or container repair, cleansing and workshop activity
- 10 No material to be stored/dumped within 1m of any tree
- 11 Maintenance of existing drainage facilities and submission of drainage record
- 12 No vehicle is allowed to queue back to or reverse onto/from the public road

Similar s.16 Applications within the same "G/IC" zone on the Approved
Hung Shui Kiu and Ha Tsuen Outline Zoning Plan
since the Promulgation of TPG PG-No. 13E on 17.10.2008

Approved Applications

	<u>Application No.</u>	<u>Zoning(s) and OZP at the time of consideration</u>	<u>Applied Uses(s)/ Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions(s)</u>
1	A/YL-HT/627	"CDA" on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Scrap Metal and Plastic (3 Years)	19.6.2009 (3 Years) (revoked 19.12.2011)	3, 4, 6, 7, 8, 9, 12, 13
2	A/YL-HT/667	"CDA" on approved Ha Tsuen OZP No. S/YL-HT/10	Renewal of Planning Approval for Temporary "Open Storage of Metal Ware" (3 Years)	9.4.2010 (3 Years) (3 years)	1, 3, 4, 5, 8, 9, 14
3	A/YL-HT/670	"CDA" on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Constuction Machinery and Material (3 Years)	23.4.2010 (3 Years)	1, 3, 4, 5, 7, 8, 9, 13, 15, 16, 17, 19
4	A/YL-HT/671	"CDA" on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Scrap Metal, Plastic and Electronic Waste (Excluding Cathode Ray Tubes) (3 Years)	23.4.2010 (3 Years) (revoked on 5.6.2012)	1, 3, 4, 5, 7, 8, 9, 13, 15, 16, 17, 19
5	A/YL-HT/754	"CDA" on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Construction Materials with Ancillary Workshop (3 Years)	7.10.2011 (3 Years)	1, 3, 4, 5, 8, 9, 13
6	A/YL-HT/788	"CDA" on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage pf Scrap Metal and Plastic (3 Years)	18.5.2012 (3 Years)	1, 2, 3, 4, 5, 7, 8, 9, 13, 15, 16, 17, 19
7	A/YL-HT/842	"CDA" on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Construction Machinery and Material (3 Years)	3.5.2013 (3 Years)	1, 2, 3, 4, 5, 7, 8, 9, 13, 14, 15
8	A/YL-HT/846	"CDA" on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Metal Ware (3 Years)	24.5.2013 (3 Years)	1, 3, 4, 7, 8, 9, 14, 16
9	A/YL-HT/952	"CDA" on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage pf Scrap Metal and Plastic (3 Years)	22.5.2015 (3 Years)	1, 2, 5, 7, 8, 9, 13, 14, 15, 16, 19
10	A/YL-HT/944	"CDA" on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Construction Materials with Ancillary Workshop (3 Years)	27.3.2015 (3 Years)	1, 3, 4, 5, 7, 8, 9, 13, 15

11	A/YL-HT/1020	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Renewal of Planning Approval for Temporary “Open Storage of Metal Ware” (3 Years)	13.5.2016 (3 Years)	1, 3, 4, 5, 8, 9, 17, 10 11, 16
12	A/YL-HT/1021	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Construction Machinery and Material (3 Years)	13.5.2016 (3 Years)	1, 3, 4, 5, 7, 8, 9, 13, 14, 15, 16, 17
13	A/YL-HT/1070	“CDA” and “R(D)” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Construction Material and Metal Ware (3 Years)	17.3.2017 (3 Years)	1, 3, 4, 5, 7, 8, 9, 13, 15, 18
14	A/HSK/52	“O” and “G/IC” on approved HSK and HT OZP No. S/HSK/2	Temporary Open Storage of Construction Materials with Ancillary Workshop (3 Years)	16.3.2018 (3 Years)	1, 3, 4, 5, 7, 8, 9, 12, 13, 14, 15
15	A/HSK/77	“R(D)”, “G/IC”, ‘Road’ on approved HSK and HT OZP No. S/HSK/2	Temporary Open Storage of Scrap Metal and Plastic (3 Years)	6.7.2018 (3 Years)	1, 2, 3, 4, 5, 8, 9, 13, 14, 15, 16, 19

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 vehicular access proposal and/or provision of vehicular access arrangement (or alternative vehicular entrance to the site) as well as parking and loading/unloading spaces.
- 3 The submission of DIA/drainage proposals and/or provision of drainage facilities, and/or submission of a condition record of the existing drainage facilities.
- 4 Reinstatement clause.
- 5 The submission and provision of FSIs, with or without sprinkler system.
- 6 No handling (including loading, unloading and storage) of electronic and computer wastes, as proposed by the applicant.
- 7 The provision/maintenance of paving, and/or fencing, and/or screening planting.
- 8 Revocation clause.
- 9 No night-time operation and/or no operation on Sundays and public holidays.
- 10 The submission and provision of noise mitigation measures.
- 11 Traffic generated from the development should gain access through Tin Ying Road, Tin Wah Road and Fung Kong Tsuen Road.
- 12 The maintenance of the landscape planting/existing trees/vegetation.
- 13 The maintenance of the drainage facilities.
- 14 No cutting, dismantling, repairing, and/or melting, and/or compaction, and/or unpacking, and/or re-packing, and/or vehicle repair, and/or container repair, cleansing and workshop activity.
- 15 No vehicle is allowed to queue back to or reverse onto/from the public road.
- 16 The provision of dry powder fire extinguisher and/or submission of a valid fire certificate.
- 17 No material is allowed to be stored/dumped within 1m of any tree.
- 18 No handling (including loading, unloading and storage) of electrical/electronic appliances/components, including cathode-ray tubes (CRT), CRT computer monitors/television sets and CRT equipment.
- 19 No heavy vehicle (i.e. over 24 tonnes), including container trailer and tractor is allowed to enter/exit or to be parked/stored for the operation of the site.

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) prior planning permission should have been obtained before continuing the development on the Site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (c) to note that the Site might be resumed at any time during the planning approval period for implementation of government projects;
- (d) 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 prior approval of the Government. The private lots which are covered by Short Term Waivers (STW) are listed below:

<i>Lot(s) No(s) in D.D.128</i>	<i>STW No.</i>	<i>Purposes</i>
51	3101	Office Ancillary to Open Storage of Used Air Conditioner & Metal Wares
49	3331	Storage of Used Paper Products & Ancillary Workshop
37 and 41	4462	Temporary Open Storage of Construction Materials with Ancillary Workshop

The lot owner(s) of the lot(s) without STW will need to apply to LandsD to permit the structures to be erected or regularize any irregularity on site, if any. The STW holders will need to apply to his office for modification of the STW conditions where appropriate. 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. The Site is accessible from Kai Pai Ling Road through government land (GL) and private lots. His office provides no maintenance works to the GL involved and does not guarantee any right-of-way over the GL to the Site.

- (e) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) that sufficient manoeuvring spaces 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;
- (f) 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/drain;

- (g) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the application site, the prior approval and consent of the BD should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO. 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 Director of Fire Services (D of FS) that in consideration of the design/nature of the structures, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant should submit relevant layout plans incorporated with the proposed FSIs to him 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 and the applicant should adhere to "Good Practice Guidelines for Open Storage" at **Appendix V**. If the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123) or relevant licensing requirements, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
- (j) 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 the Hung Shui Kiu New Development Area (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 lot(s) concerned falls within a site under Stage 4 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. The access to the Site is passing through the existing Fung Kong Tsuen Road, Kai Pak Ling Road and a local track. Under HSK NDA Stage 1 Works, part of Fung Kong Tsuen Road along this access would be widened with the remaining section of the access unaffected. As the programme of Stage 1 Works is still being formulated, the access arrangement to the Site may have to be re-considered during its operation.