

**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 Applications covering the Application Site

Approved Applications

	Application No.	Zoning(s) and OZP at the time of consideration	Proposed Use(s)/ Development(s)	Date of Consideration (RNTPC/TPB)	Approval Condition(s)
1	A/YL-HT/48	“CDA” on draft Ha Tsuen OZP No. S/YL-HT/1	Temporary Open Storage of Construction Materials and Machinery (1 year)	5.6.1998	1, 2, 3 and 4
2	A/YL-HT/372	“CDA” on draft Ha Tsuen OZP No. S/YL-HT/5	Temporary Open Storage of Used Paper Products (3 years)	18.2.2005	1, 2, 3, 5, 6 and 7
3	A/YL-HT/529	“CDA” and “R(D)5” on approved Ha Tsuen OZP No. S/YL-HT/8	Renewal Of Planning Approval For Temporary Open Storage of Used Paper Product under Application No. A/YL-HT/372 (3 years)	1.2.2008 (revoked on 1.5.2009)	1, 2, 3, 4, 5, 6, 7, 8 and 9
4	A/YL-HT/642	“CDA” and “R(D)5” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Used Paper Product and Ancillary Packaging Workshop (3 years)	18.9.2009	1, 2, 3, 4, 5, 6 and 10
5	A/YL-HT/807	“CDA” and “R(D)5” on approved Ha Tsuen OZP No. S/YL-HT/10	Renewal of Planning Approval for Temporary “Open Storage of Used Paper Product with Ancillary Packaging Workshop” (3 years)	10.8.2012	1, 2, 3, 4, 5, 6 and 10
6	A/YL-HT/986	“CDA” and “R(D)5” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Used Paper Product with Ancillary Packaging Workshop (3 years)	4.12.2015 (revoked on 4.9.2016)	1, 2, 3, 4, 5, 6, 7, 10 and 11
7	A/YL-HT/1070	“CDA” and “R(D)5” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Construction Material and Metal Ware (3 years)	17.3.2017 (revoked on 17.6.2019)	1, 2, 3, 4, 5, 6, 7, 10 and 11

Approval Conditions:

- 1 The submission and implementation of landscaping and/or tree preservation proposal, and/or provision of replacement planting and/or the replacement of dead trees/maintenance of existing trees.
- 2 The submission DIA/drainage proposals and provision of drainage facilities or flood mitigation measures and stormwater drainage facilities, and/or submission of a condition record of the existing drainage facilities, and/or the maintenance of the drainage facilities.
- 3 The provision of fire extinguisher/ submission and implementation of fire services installations.
- 4 Revocation clause.
- 5 Reinstatement clause.
- 6 No night-time operation and no operation on Sundays and public holidays.
- 7 The provision of paving, and/or fencing, and/or screening planting.
- 8 No container repairing or workshop activity.
- 9 No loading/unloading of goods.
- 10 No vehicle (i.e. exceeding 24 tonnes), including container trailer/tractor, is allowed to enter/exit or to be parked/stored on the site.
- 11 No vehicle is allowed to queue back to or reverse onto/from the public road.

Rejected Application

	Application No.	<u>Zoning(s) and OZP at the time of consideration</u>	Proposed Use/ Development	Date of Consideration (RNTPC/TPB)	Reason for Rejection
1	A/YL-HT/206	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/4	Temporary Open Storage of Construction Machinery and Repair Workshop (3 years)	20.7.2001	1

Reason for Rejection:

- 1 There was insufficient information in the submission to demonstrate that the proposed development would not have adverse environmental and drainage impacts on the surrounding areas.

**Similar s.16 Applications
within the same “G/IC” zone on the Approved Hung Shui Kiu and Ha Tsuen (HSK and HT)
Outline Zoning Plan (OZP) No. S/HSK/2 and
“R(D)” zone on the Approved Ha Tsuen Fringe (HTF) OZP No. S/YL-HTF/12
since the Promulgation of TPG PG-No. 13E on 17.10.2008**

Approved Applications

	Application No.	Zoning(s) and OZP at the time of consideration	Applied Uses(s)/ Development(s)	Date of Consideration (RNTPC/TPB)	Approval Conditions(s)
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 (revoked 19.12.2011)	3, 4, 6, 7, 8, 9, 12 and 13
2	A/YL-HT/668	“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	1, 3, 4, 5, 8, 9, 13, 14 and 17
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	1, 3, 4, 5, 7, 8, 9, 13, 15, 16, 17 and 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 (revoked on 5.6.2012)	1, 3, 4, 5, 7, 8, 9, 13, 15, 16, 17 and 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	1, 3, 4, 5, 8, 9 and 13
6	A/YL-HT/788	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Scrap Metal and Plastic (3 years)	18.5.2012	1, 2, 3, 4, 5, 7, 8, 9, 13, 15, 16, 17 and 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	1, 2, 3, 4, 5, 7, 8, 9, 13, 14 and 15
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	1, 3, 4, 7, 8, 9, 14 and 16
9	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	1, 3, 4, 5, 7, 8, 9, 13 and 15
10	A/YL-HT/952	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Scrap Metal and Plastic (3 years)	22.5.2015	1, 2, 5, 7, 8, 9, 13, 14, 15, 16 and 19
11	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	1, 3, 4, 5, 7, 8, 9, 13, 14, 15, 16 and 17

12	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	1, 3, 4, 5, 7, 8, 9, 13, 14 and 17
13	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	1, 3, 4, 5, 7, 8, 9, 12, 13, 14 and 15
14	A/HSK/77	“R(D)”, “G/IC” and ‘Road’ on approved HSK and HT OZP No. S/HSK/2	Temporary Open Storage of Scrap Metal and Plastic (3 years)	6.7.2018	1, 2, 3, 4, 5, 8, 9, 13, 14, 15, 16 and 19
15	A/HSK/150	“G/IC” and ‘Road’ on approved HSK and HT OZP No. S/HSK/2	Temporary Open Storage of Metal Ware (3 years)	31.5.2019	5, 7, 8, 9, 12, 13, 14 and 15
16	A/HSK/159	“G/IC” and ‘Road’ on approved HSK and HT OZP No. S/HSK/2	Temporary Open Storage of Construction Machinery and Material (3 years)	19.7.2019	3, 5, 8, 9, 13, 14, 15 and 16

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.

Good Practice Guidelines for Open Storage Sites

		Internal Access for Fire Appliances	Lot Boundaries (Clear Width)	Distance between Storage Cluster and Temporary Structure	Cluster Size	Storage Height
1.	Open Storage of Containers		2m	4.5m		
2.	Open Storage of Non-Combustibles or Limited Combustibles	4.5m	2m	4.5m		
3.	Open Storage of Combustibles	4.5m	2m	4.5m	40m x 40m	3m

Remarks: Smoking and naked flame activities shall not be allowed within the open storage / recycling site.

Advisory Clauses

- (a) 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) shorter compliance period is imposed in order to monitor the progress of compliance with approval conditions. Should the applicant fail to comply with any of the approval conditions again resulting in the revocation of planning permission, sympathetic consideration may not be given to any further applications;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site comprises Old Scheduled 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:

Lot(s) No(s) in D.D.128	STW No.	Purposes
48 S.A and 49	3331	Storage of Used Paper Products and Ancillary Workshop
48 S.B	3332	

The STW/STT holders will need to apply to his office for modification of the STW/STT conditions where appropriate. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Buildings(s) will be considered or allowed. Application(s) for any of the above will be considered by 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 LandsD.

- (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. No vehicle is allowed to queue back to public road or reverse onto/from the public road. 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 the access arrangement should be approved by the Transport Department. Adequate drainage measures should be provided at the site access to prevent surface water running from the Site onto nearby public roads/drains. Highways Department shall not be responsible for the maintenance of any access connecting the Site and Fung Kong Tsuen Road;
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that there is not record of approval by the Building

Authority (BA) for the structures existing at the Site. If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the Buildings Department (BD), they are unauthorised building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the captioned application. 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 Unauthorised Building Works (UBW). An Authorised 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;

- (h) 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 minimise any potential environmental nuisance;
- (i) to note the comments of the Director of Fire Services (DFS) that in consideration of the design/nature of the structure, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to 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 are to be installed should be clearly marked on the layout plans. The applicant should adhere to Good Practice for Open Storage for Open Storage Sites'. The applicant is reminded that if the proposed structure(s) is required to comply with the Building Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (j) to note the comments of the Chief Engineer / Mainland North, Drainage Services Department (CE/MN, DSD) that the development should neither obstruct overland flow nor adversely affect existing stream course, natural streams, village drains, ditches and the adjacent areas. The peripheral surface channels should be constructed at adequate level such that surface runoff can be effectively intercepted. The applicant should consult DLO/YL and seek consent from the relevant owners for any works to be carried out outside the lot boundary before commencement of the drainage works; and
- (k) to note the comments of the Project Manager (West), Civil Engineering and Development Department (PM/W, CEDD) that the Site falls within the boundary of 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 Work 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 will not be arranged before the first population intake of the HSK NDA expected in 2024.