

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

1. *On 27.3.2020, 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. 13F) were promulgated, which set out the following criteria for New Development Areas:*
 - (a) *The planning for various NDAs (including potential development areas) in the New Territories has been in progress and the land use proposals for some of these areas have been incorporated as appropriate into relevant statutory town plans. The NDAs will be implemented by phases. While it is envisaged that the existing open storage and port back-up uses in these areas will be gradually phased out, sympathetic consideration may be given to applications for continued operation of these uses during the interim period before the sites are required for NDA development.*
 - (b) *For existing open storage and port back-up uses with previous planning approval(s) and/or permitted under the previous OZPs, sympathetic consideration may be given to the application (irrespective of whether the application is submitted by the applicant of previous approval or a different applicant) until the concerned site is required for implementation of NDA development, provided that the relevant approval conditions, if any, have been complied with. Technical assessments, where appropriate, should be submitted to demonstrate that the continued operation of the current uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas and the concerns of the departments and local residents, if any, can be addressed through the implementation of the approval conditions.*
 - (c) *In view of the impending implementation of NDAs, new open storage and port back-up uses are generally not encouraged to infiltrate into the NDAs. There is a general presumption against such uses at greenfield areas and/or at sites with land use compatibility issue, e.g. in close proximity to existing residential dwellings which may be subject to environmental nuisances caused by the open storage and port back-up uses. Applications will normally be rejected unless under exceptional circumstances.*
 - (d) *Any approved temporary use and development should not jeopardize the long-term planned development on the respective site/the surrounding area under the NDA and the applicant should be advised that the site would be required by the government at any time during the planning approval period for implementation of government projects.*

Previous s.16 Applications covering the Site

Approved Applications

	<u>Application No.</u>	<u>Zoning(s) and OZP at the time of consideration</u>	<u>Applied Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1.	A/YL-HT/7	“U” on draft Ha Tsuen OZP No. S/YL-HT/1	Temporary open storage of containers (3 years)	29.11.1996 by TPB (revoked on 29.9.1997)	1, 2, 3, 4, 5, 6, 7
2.	A/YL-HT/297	“U” on draft Ha Tsuen OZP No. S/YL-HT/4	Proposed temporary open storage of new/used private cars, light goods vehicles prior to sale and vehicle parts (3 years)	25.4.2003	1, 4, 6, 7, 8, 9, 10, 11
3.	A/YL-HT/302	“U” on draft Ha Tsuen OZP No. S/YL-HT/4	Proposed temporary open storage of new/used private cars, light goods vehicles prior to sale and vehicle parts (3 years)	30.5.2003	1, 4, 6, 7, 8, 9, 10, 11, 12
4.	A/YL-HT/477	“U” on draft Ha Tsuen OZP No. S/YL-HT/8	Proposed temporary open storage of new/used vehicles (private cars, light and medium goods vehicles) with ancillary workshops and storage (3 years)	9.3.2007 (revoked on 9.6.2008)	1, 4, 6, 7, 8, 9, 10, 14
5.	A/YL-HT/507	“U” on draft Ha Tsuen OZP No. S/YL-HT/8	Temporary open storage of new/used vehicles (private cars, light, medium and heavy goods vehicles, container vehicles and trailers) with ancillary workshops and storage (3 years)	12.10.2007 (revoked on 12.10.2008)	1, 4, 6, 7, 8, 10, 13, 14
6.	A/YL-HT/539	“U” on draft Ha Tsuen OZP No. S/YL-HT/9	Temporary public vehicle park (private cars, goods vehicles, container vehicles and trailers) (3 years)	9.5.2008 (revoked on 5.12.2008)	1, 4, 7, 8, 10, 11, 13, 14
7.	A/YL-HT/570	“U” on draft Ha Tsuen OZP No. S/YL-HT/9	Temporary public vehicle park (private cars, goods vehicles, container vehicles and trailers) (3 years)	10.10.2008 (revoked on 5.12.2008)	1, 4, 7, 8, 10, 11, 13, 14
8.	A/YL-HT/632	“U” on approved Ha Tsuen OZP No. S/YL-HT/10	Proposed temporary open storage of containers (1 year)	9.10.2009 (1 year)	1, 4, 7, 8, 11, 15, 16, 17
9.	A/YL-HT/662	“U” on approved Ha Tsuen OZP No. S/YL-HT/10	Proposed temporary open storage of left-hand-drive vehicles, construction materials and heavy machinery with workshops and scrap metal area (1 years)	7.5.2010 (revoked on 15.9.2010)	1, 4, 7, 8, 9, 11, 15, 17, 18, 19, 20
10.	A/YL-HT/733	“U” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary recycling centre and open storage area for recycled plastics, paper and scrap metal, new private cars, light, medium and heavy goods vehicles (1 years)	20.5.2011	1, 7, 8, 12, 14, 18, 21, 22

	<u>Application No.</u>	<u>Zoning(s) and OZP at the time of consideration</u>	<u>Applied Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
11.	A/YL-HT/811	“U” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary recycling centre and open storage area of recycled plastics, paper, scrap metal, electric wastes and new private cars, light, medium and heavy goods vehicles and construction materials with ancillary workshops (1 years)	9.11.2012	1, 7, 8, 14, 15, 18, 21, 22
12.	A/YL-HT/829	“U” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Precast Building Fabrication Workshop (3 years)	25.10.2013 (revoked on 25.11.2015)	1, 3, 4, 6, 7, 8, 11, 14, 24
13.	A/YL-HT/1053	“U” on approved Ha Tsuen OZP No. S/YL-HT/10	Proposed Temporary Open Storage of Private Car, Tires and Construction Material with Ancillary Site Office (3 years)	11.11.2016 (revoked on 11.10.2018)	1, 6, 7, 8, 11, 14, 22, 24
14.	A/HSK/113	“R(A)3” and “O” on approved Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/2	Proposed Temporary Open Storage of Recyclable Material (Metal) (3 years)	21.12.2018 (revoked on 21.12.2019)	4, 7, 8, 10, 11, 14, 15, 25

Approval Conditions:

- 1 The submission and/or implementation of landscaping/tree preservation proposals.
- 2 The provision of sewage treatment and disposal facilities.
- 3 The submission of Noise Impact Assessment and provision of noise mitigation measures.
- 4 The submission of Drainage Impact Assessment/drainage proposals and/or implementation of drainage proposals and/or provision of drainage facilities and/or the maintenance of implemented drainage facilities.
- 5 The submission of Traffic Impact Assessment and implementation of traffic improvement measures.
- 6 Reinstatement clause.
- 7 Revocation clauses.
- 8 No night-time operation/no operation on Sundays or public holidays.
- 9 No storage or parking of container vehicles or heavy goods vehicles.
- 10 No car/vehicle dismantling and/or repairing and/or workshop activity.
- 11 The provision/maintenance of fencing.
- 12 The stacking height of the materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence.
- 13 The setting back of the eastern boundary of the site to avoid encroachment upon the proposed resumption area of the project of ‘Yuen Long and Kam Tin Sewerage and Sewage Disposal’ as when required.
- 14 The provision of a 9-litre water type/3kg dry power fire extinguisher or the submission and implementation of fire service installations (FSIs) proposal or the provision of FSIs.
- 15 No storage/stacking of materials within 1m/5m of any trees/the periphery of the site.
- 16 The stacking height of containers stored should not exceed 8 units.
- 17 No vehicle is allowed to access the site through the existing ingress/egress at the southwestern boundary.
- 18 No cutting, welding and major dismantling work.
- 19 No vehicle was allowed to be parked/stored at the vehicle holding area from 8:00 p.m. to 8:00 a.m.
- 20 Only vehicles of weight less than 5.5 tonnes is allowed to be stored at the site.
- 21 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.
- 22 Maintenance and the submission of a condition record of the existing drainage facilities.
- 23 Submission/implementation of environmental mitigation measures.
- 24 No vehicle is allowed to queue back to public road or reverse onto/from the public road.
- 25 All existing trees and landscape plants on the site shall be maintained at all times.

Rejected Applications

	<u>Application No.</u>	<u>Zoning(s) and OZP at the time of consideration</u>	<u>Applied Use(s)/ Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Reason(s) for Rejection</u>
1.	A/YL-HT/2	“U” on draft Ha Tsuen OZP No. S/YL-HT/1	Temporary open storage of containers (3 years)	24.11.1995 by TPB (29.10.1996 dismissed by TPAB)	1, 2, 3
2.	A/YL-HT/91	“U” on draft Ha Tsuen OZP No. S/YL-HT/2	Proposed temporary container trailer/tractor park (3 years)	13.8.1999	3, 4, 5
3.	A/YL-HT/161	“U” on draft Ha Tsuen OZP No. S/YL-HT/4	Temporary container trailer and tractor park (3 years)	25.8.2000	3, 4, 5, 6
4.	A/YL-HT/171	“U” on draft Ha Tsuen OZP No. S/YL-HT/4	Proposed temporary open storage of construction materials (3 years)	24.11.2000	4, 6, 7
5.	A/YL-HT/188	“U” on draft Ha Tsuen OZP No. S/YL-HT/4	Temporary Flea Market (3 years)	26.2.2001	3, 4, 6
6.	A/YL-HT/211	“U” on draft Ha Tsuen OZP No. S/YL-HT/4	Proposed temporary open storage of construction machinery with repair workshop (3 years)	17.8.2001	6
7.	A/YL-HT/233	“U” on draft Ha Tsuen OZP No. S/YL-HT/4	Proposed temporary recycling materials (including construction materials) handling yard (3 years)	11.1.2002	4, 6

Main Reason(s) for Rejection:

1. Not in line with the planning intention of the “U” zone on the OZP which is to safeguard the proposed railway alignment as suggested by the Railway Development Study as well as proposing appropriate forms of development alongside. There is insufficient information to demonstrate that the proposed development will not cause significant impacts on the environment and is compatible with rural characteristics of the area.
2. The turning movement of long container vehicles in and out of the depot in either direction of Ping Ha Road will interpret traffic flow of the road and will also pose road safety hazards both to drivers and road users.
3. The approval of the application, even on a temporary basis, will set an undesirable precedent for similar applications. The cumulative impact of approving such similar applications would result in a general degradation of the environment in the area.
4. There is insufficient information in the submission to demonstrate that the proposed development would not result in noise nuisance to the residents in the high-rise buildings in Tin Shui Wai.
5. There is insufficient information in the submission to demonstrate that the proposed vehicular access for the proposed development is acceptable.
6. There is insufficient information in the submission to demonstrate that the development would not have adverse drainage, traffic, environmental and/or landscape impacts on the surrounding areas.
7. The environmental condition of the area adjacent to the application site is already deteriorating. The approval of the application would result in further degradation of the environment in the area.

**Appendix IV of RNTPC
Paper No. A/HSK/210**

**Similar Applications within the Same “R(A)3” 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

<u>Application No.</u>	<u>Zoning(s) and OZP at the time of consideration</u>	<u>Applied Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
1. A/YL-HT/666	“U” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary open storage of construction machinery and recycling materials and car park (with ancillary workshops and offices) (3 years)	19.3.2010 (3 years) (revoked on 19.7.2017)	1, 2, 3, 4, 5, 7, 8
2. A/YL-HT/716	“U” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary open storage of construction machinery and materials, recycling materials, Scrap metal and used electrical appliances with ancillary packaging activities (3 years)	17.1.2011 (3 years) (revoked on 15.1.2013)	1, 2, 3, 4, 5, 6, 9, 12
3. A/YL-HT/827	“U” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary open storage of construction machinery and materials, and scrap metal with ancillary packaging activities (3 years)	11.1.2013	1, 2, 3, 4, 5, 6, 9, 10, 12
4. A/YL-HT/993	“U” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary open storage of construction machinery and materials, and scrap metal with ancillary packaging activities (3 years)	8.1.2016	1, 2, 3, 4, 5, 6, 9, 10, 11, 12
5. A/HSK/122	“R(A)3”, “G/IC”, “R(A)4”, “O” and ‘Road’ on approved Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/2	Temporary Open Storage of Construction Machinery and Materials, Scrap Metal and Used Electrical/Electronic Appliances and Parts with Ancillary Packaging Activities (3 years)	1.2.2019	1-5, 10, 12, 13
6. A/HSK/165	“R(A)3”, “O” and ‘Road’ on approved Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/2	Temporary Open Storage of Vehicle with Site Office, Storage of Vehicle Parts, Vehicle Inspection and Repairing Workshop (3 years)	19.7.2019	2, 3, 4, 5, 10,

Approval Condition(s):

- 1 The submission and/or the implementation of landscaping and/or tree preservation proposals or the replacement of dead trees/or the implementation of accepted landscaping and/or tree preservation proposals/ the maintenance of all existing trees and landscape plants on the site.
- 2 Revocation clauses.
- 3 No night-time operation/no operation on Sundays or public holidays.
- 4 The maintenance of the drainage facilities, and the submission of the condition record of the existing drainage facilities.

- 5 The provision of fire extinguisher(s) and/or the submission and implementation of FSIs proposals or the provision of FSIs.
- 6 No handling (including loading, unloading and storage) of electrical/electronic appliances/components, including CRTs, CRT computer monitors/television sets and CRT equipment.
- 7 No container trailer/tractor was allowed to access the site.
- 8 No medium or heavy vehicle (i.e. over 5.5 tonnes) as defined in the Road Traffic Ordinance, or container trailer/tractor was allowed to be parked on-site.
- 9 No cutting, dismantling (dismantling of electrical/electronic appliances in particular), melting, cleansing, repairing and workshop activity, other than ancillary packaging activities under application.
- 10 No vehicle queuing was allowed back to public road or no vehicle reversing into/from the public road.
- 11 The implementation of the run-in/out proposal.
- 12 The provision of fencing on the site/existing fencing on the site should be maintained.
- 13 No storage or stacking of materials within 1m of any tree at all times.

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 commencing the development on-site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site (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 of 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 private Lot No. 1824 S.C in D.D. 125 is covered by a Short Term Waiver (STW) No. 4879 for the purposes of "Temporary Open Storage Of Private Car, Tires and Construction Material with Ancillary Site Office". The STW holder will need to apply to his office for modification of the STW conditions where appropriate and lot owner(s) of the lot(s) without STW will need to apply to his office for permitting the structures to be erected or to 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. 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;
- (e) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department (ACT/NW of TD) that sufficient manoeuvring spaces shall be provided within the Site. No vehicles are allowed to queue back to public roads or reverse onto/from public roads. 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 subject site;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW of HyD) that adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to the nearby public road/drains. HyD shall not be responsible for the maintenance of any access connecting the Site and Ping Ha Road;
- (g) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize any potential environmental nuisance;
- (h) 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 applicant should consult DLO/YL and seek consent from the relevant owners for any works to be carried out outside of his lot boundary before commencement of the drainage works;

- (i) to note comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposed structures, FSIs are anticipated to be required. Therefore, the applicant is advised to 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 are to be installed should be clearly marked on the layout plans. Attached good practice guidelines for open storage should be adhered to (**Appendix V**). Additionally, the applicant shall provide the fire extinguisher(s) and submit a valid fire certificate (FS251). The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings 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 Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that before any new building works (including containers/open sheds as temporary buildings, demolition and land filling) 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 (UBW) under the Building Ordinance (BO). 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 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 access in accordance with Regulations 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, its permitted development intensity shall be determined under B(P)R at the building plan submission stage; and
- (k) to note the comments of Project Manager (New Territories West), Civil Engineering and Development Department (PM/NTW, CEDD) that the Site falls within the boundary of Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA, formerly known as HSK NDA). According to the Planning and Engineering Study (P&E Study) for the HSK/HT NDA and the latest plan, to ensure timely and orderly implementation, the development of HSK/HT 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 in the latest programme of the HSK/HT NDA. While the detailed implementation programme for the project is still being formulated, it is envisaged that clearance of the Site will not be arranged before 2024.