

**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 1,000m<sup>2</sup> for open storage uses and 2,000m<sup>2</sup> 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/40**

**Previous s.16 Applications covering the Application Site**

**Approved Applications**

	<b><u>Application No.</u></b>	<b><u>Proposed Use(s)/Development(s)</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Approval Condition(s)</u></b>
1.	A/YL-HT/151	Temporary vehicle park for private cars, lorries and container trailers (3 years)	16.6.2000	1, 2, 3, 4, 5
2.	A/YL-HT/291	Temporary vehicle park for private cars, heavy and light goods vehicles and container trailers (3 years)	21.3.2003	1, 4, 5, 6, 7
3.	A/YL-HT/311	Temporary Vehicle Park for Private Cars, Light and Heavy Goods Vehicles & Container Trailers (3 Years)	25.7.2003 (Revoked on 25.10.2003)	1, 2, 3, 4, 6, 9
4.	A/YL-HT/431	Temporary public vehicle park for private cars, light goods vehicles, heavy goods vehicles and container trailers (Renewal of planning approval under Application No. A/YL-HT/291) (3 years)	17.3.2006	1, 4, 5, 7, 8, 9, 10, 11
5.	A/YL-HT/594	Temporary public vehicle park for private cars, light goods vehicles, heavy goods vehicles and container trailers (Renewal of planning approval under Application No. A/YL-HT/431) (3 years)	13.3.2009	2, 3, 4, 6, 8, 9, 12, 13, 14, 15
6.	A/YL-HT/701	Temporary Public Vehicle Park for Private Cars, Light Goods Vehicles, Heavy Goods Vehicles and Container Tractors/Trailers (3 Years)	16.11.2010 (Revoked on 26.8.2011)	1, 2, 3, 4, 6, 9, 12, 14
7.	A/YL-HT/795	Proposed Temporary Logistic Centre and Ancillary Parking of Vehicles (3 Years)	6.7.2012	1, 2, 4, 8, 9, 12, 14, 16, 17
8.	A/YL-HT/866	Proposed Temporary Logistic Centre and Ancillary Parking of Vehicles (3 Years)	17.1.2014	1, 2, 4, 6, 8, 9, 12, 14, 16, 17, 18
9.	A/YL-HT/1072	Temporary Logistic Centre and Ancillary Parking of Vehicles (3 Years)	17.3.2017 (Revoked on 17.9.2017)	1, 9, 12, 13, 14, 16, 17, 18, 19, 20

**Approval Conditions**

- 1 The submission and implementation of landscaping and/or tree preservation proposals and/or provision of replacement planting.
- 2 Revocation clauses.
- 3 The provision of paving, and/or fencing, and/or screening planting.
- 4 Reinstatement clause.

- 5 The submission of a revised site layout plan incorporating the drainage works reserve, and the provision of flood mitigation measures as well as stormwater drainage facilities.
- 6 No vehicle without valid licenses issued under the Traffic Regulations is allowed to be parked.
- 7 The setting back of the site boundary to avoid encroaching upon the public works project limit.
- 8 The submission and implementation of run-in/run-out proposal(s).
- 9 The submission of DIA/drainage proposals and/or provision of drainage facilities, and/or submission of a condition record of the existing drainage facilities.
- 10 The site shall not be used for the purpose of a general godown for storage of anything for reward.
- 11 Only container trailers, and/or private cars, and/or light goods vehicles, and/or heavy goods vehicles are allowed to be parked.
- 12 No night-time operation and/or no operation on Sundays and public holidays.
- 13 Maintenance of the existing trees/drainage facilities.
- 14 The submission/implementation of FSIs proposals and/or provision of FSIs.
- 15 The construction of an intercept channel at the entrance to prevent surface water running from the site to the nearby public roads and drains through the run-in/out.
- 16 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 or workshop activity.
- 17 No storage of material within 1m to trees.
- 18 No vehicle is allowed to queue back to public road or vehicle reversing onto/from the public road.
- 19 The existing boundary fencing on the Site shall be maintained at all times.
- 20 The submission/implementation of a run in/out proposal.

**Similar s.16 Applications within the subject "G/IC" Zone  
on the draft Hung Shui Kiu and Ha Tsuen Outline Zoning Plan  
since the Promulgation of TPB PG-No. 13E on 17.10.2008**

**Approved Applications**

	<b><u>Application No.</u></b>	<b><u>Applied use(s)/Development(s)</u></b>	<b><u>Date of Consideration (RNTPC)</u></b>	<b><u>Approval Condition(s)</u></b>
1.	A/YL-HT/808	Temporary logistics centre and ancillary tyre repair workshop (3 years)	19.4.2013 (1 year)	1, 2, 3, 4, 8, 10, 11, 14, 15, 17
2.	A/YL-HT/898	Temporary logistics centre and ancillary tyre repair workshop (3 years)	23.5.2014  (Revoked on 23.11.2014)	1, 3, 4, 7, 8, 10, 11, 15, 17
3.	A/YL-HT/958	Temporary Logistics Centre and Ancillary Tyre Repair Workshop (3 years)	3.7.2015	1, 2, 3, 4, 7, 8, 10, 11, 17
4.	A/YL-HT/962	Temporary Logistics Centre and Warehouse (Storage of Paper) (3 years)	3.7.2015	1, 2, 3, 4, 5, 7, 8, 10, 11, 14, 17
5.	A/YL-HT/1043	Temporary Logistic Centre (3 Years)	14.9.2016	1, 2, 3, 4, 5, 7, 8, 15, 17

**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.
- 5 The provision/maintenance of paving, and/or fencing, and/or screening planting.
- 6 The stacking height of the containers/materials stored within 5m of the periphery of the site 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 maintenance of the landscape planting/existing trees/vegetation.
- 10 The maintenance of the drainage facilities.
- 11 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 or workshop activity.
- 12 The provision of fire extinguisher(s) and/or the submission of a valid fire certificate (FS251).
- 13 The stacking height of containers stored should not exceed 7/8 units.
- 14 No material is allowed to be stored/dumped and no vehicle is allowed to be parked within 1m of the fencing.
- 15 No vehicle queuing is allowed back to public road or vehicle reversing onto/from the public road is allowed.
- 16 The setting back of the site boundary to avoid encroaching upon the public works project limit.
- 17 The submission and implementation of run-in/run-out proposal(s).

**Advisory Clauses**

- (a) prior planning permission should have been obtained before continuing the development on-site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (c) shorter compliance periods are imposed in order to closely 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 would not be given to any further application;
- (d) to note that the Site might be resumed at any time during the planning approval period for implementation of government projects;
- (e) 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. A portion of the Government Land (GL) with an area of about 216m<sup>2</sup> of the Site is covered by a Short Term Tenancy (STT) No. 2829 for the purpose of "Temporary Logistics Centre and Ancillary Parking of Vehicles". No permission has been given for occupation of the remaining GL with an area of about 13m<sup>2</sup> (subject to verification) included in the Site. Attention is drawn to the fact that the act of occupation of the remaining GL without Government's prior approval is not allowed. The private land of the following lots are covered by Short Term Wavier (STW) as below table:

<b>Lot No. (in D.D. 129)</b>	<b>STW No.</b>	<b>Purpose</b>
3150 RP	4060	Temporary Logistic Centre and Ancillary Parking of Vehicles
3162 RP	4061	
3163 RP	4062	
3164	4063	
3165	4064	
3166	4065	
3167 S.A	4066	
3168	4067	
3177	4068	
3179 & 3183	4069	
3180	4070	
3181 S.A	4071	
3181 RP	4072	
3188 RP	4073	
3169	3054	Ancillary Use to Storage
3184	4378	Temporary Shop for Construction

3178 & 3187 RP	4379	Machinery Parts with Warehouse and Workshop, Logistics Warehouse and Logistics Vehicle back-up Centre, and Ancillary Site Office, Guard Room, and Staff Canteen
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The Site is accessible to Lau Fau Shan Road through GL only. Her office provides no maintenance work for the GL involved and does not guarantee any right-of-way. The Site does not fall within Shek Kong Airfield Height Restriction Area. The lot owners will need to apply to her office to permit the structures to be erected or regularize any irregularity on Site. Besides, the applicant has to either exclude the remaining GL from the Site or apply for a formal approval prior to the actual occupation of the remaining GL. Furthermore, the STW/STT holders will need to apply to her office for modification of the STW/STT conditions if there is any irregularity on the Site. Such applications would be considered by the Lands Department acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such applications will be approved. If such applications are 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 Lands Department;

- (f) 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;
- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that the access arrangement should be commented by TD. Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting the Site and Ping Ha Road;
- (h) to follow the relevant mitigation measures and requirements in the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Environmental Protection Department;
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that before any new building works (including site formation, containers/open sheds as temporary buildings and 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 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;

- (j) 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 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 to be installed should be clearly marked on the layout plans. 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;
  
- (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 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 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. Furthermore, a site immediately to the east of the Site has been included for forthcoming investigation on the implementation of site formation works under Agreement No. CE 66/2017 (CE). It is noted from the application that no additional drains are proposed, with the existing drainage discharge to the east of the Site maintained. Should there be any new drainage works or other works proposed at the eastern boundary or to the east of the Site, the applicant should seek comment from his office.