

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

**Previous Applications covering the Application Site**

**Approved Applications**

	<b><u>Application No.</u></b>	<b><u>Zoning(s) and OZP at the time of consideration</u></b>	<b><u>Proposed use/ Development</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Approval Condition(s)</u></b>
1.	A/YL-HT/160	“CDA” on draft Ha Tsuen OZP No. S/YL-HT/4	Temporary open storage of construction materials with ancillary workshop (3 years)	25.8.2000 (3 years) (revoked on 25.8.2001)	1, 2, 3, 4
2.	A/YL-HT/181	“CDA” on draft Ha Tsuen OZP No. S/YL-HT/4	Temporary open storage of construction materials (3 years)	22.12.2000 (3 years) (revoked on 22.12.2001)	1, 2, 3, 4
3.	A/YL-HT/265	“CDA” on draft Ha Tsuen OZP No. S/YL-HT/4	Temporary open storage of construction materials with ancillary workshop (3 years)	23.8.2002 (3 years)	1, 2, 3, 4
4.	A/YL-HT/266	“CDA” on draft Ha Tsuen OZP No. S/YL-HT/4	Temporary open storage of construction materials with ancillary office (3 years)	23.8.2002 (3 years)	1, 2, 3, 4
5.	A/YL-HT/401	“CDA” on draft Ha Tsuen OZP No. S/YL-HT/6	Temporary open storage of construction materials with ancillary workshop (3 years)	29.7.2005 (3 years)	2, 4, 6, 7, 8, 9
6.	A/YL-HT/402	“CDA” on draft Ha Tsuen OZP No. S/YL-HT/6	Temporary open storage of construction materials (3 years)	29.7.2005 (3 years)	2, 4, 5, 6, 7, 8
7.	A/YL-HT/572	“CDA” on draft Ha Tsuen OZP No. S/YL-HT/9	Temporary open storage of construction materials with ancillary workshop (3 years)	10.10.2008 (3 years)	2, 3, 4, 6, 7, 10, 11
8.	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, 2, 4, 6, 8, 11
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 (3 years)	2, 3, 4, 6, 7, 8, 9, 11, 12, 13

**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 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 No storage of compressed gas cylinders.
- 6 No night-time operation and/or no operation on Sundays and public holidays.
- 7 The maintenance of the landscape planting/existing trees.
- 8 The maintenance of the drainage facilities.

- 9 The provision of a 9-litres water type/3kg dry powder fire extinguisher and the submission of fire certificate.
- 10 No public vehicle park.
- 11 The submission and/or implementation of fire service installations (FSIs) proposals and the provision of FSIs.
- 12 The existing fencing should be maintained.
- 13 No vehicle queuing is allowed back to public road or vehicle reversing onto/from the public road is allowed.

**Similar s.16 Applications within the same “G/IC” and “O” Zones  
on the draft Hung Shui Kiu and Ha Tsuen Outline Zoning Plan  
since the promulgation of TPG PG-No. 13E on 17.10.2008**

**Approved Applications**

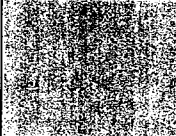
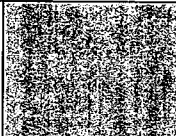
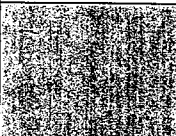
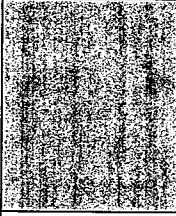
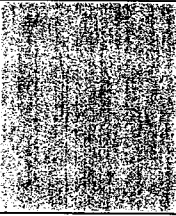
	<b><u>Application No.</u></b>	<b><u>Zoning(s) and OZP at the time of consideration</u></b>	<b><u>Applied Uses(s)/ Development(s)</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Approval Conditions(s)</u></b>
1	A/YL-HT/642	“CDA” & “R(D)” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Used Paper Product and Ancillary Packaging Workshop (3 Years)	18.9.2009 (3 years)	3, 4, 5, 12, 13, 16, 17, 32
2	A/YL-HT/670	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Construction Machinery and Material (3 years)	23.4.2010 (3 years)	1, 3, 4, 5, 12, 13, 17, 18, 30
3	A/YL-HT/727	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Container and Recyclable Material with Ancillary Workshop and Ancillary Freight Forwarding Facility, Tyre Repair Workshop, Warehouse and Canteen (3 years)	6.5.2011 (3 years) (revoked on 6.6.2013)	1, 3, 4, 5, 7, 12, 13, 17, 21, 26, 28, 29
4	A/YL-HT/842	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Construction Machinery and Materials (3 Years)	5.3.2013 (3 years)	1, 2, 3, 4, 5, 12, 13, 17, 18, 19, 22,
5	A/YL-HT/897	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Proposed Temporary Open Storage of Container with Ancillary Workshop, Warehouse with Ancillary Freight Forwarding Facility, Open Storage of Recyclable Material, and Ancillary Tyre Repair Workshop and Canteen (3 years)	9.5.2014 (3 years) (revoked on 9.6.2016)	1, 3, 4, 5, 7, 8, 10, 12, 13, 17, 21, 22, 31
6	A/YL-HT/1021	“CDA” on approved Ha Tsuen OZP No. S/YL-HT/10	Temporary Open Storage of Construction Machinery and Materials (3 Years)	13.5.2016 (3 years)	1, 3, 4, 5, 12, 13, 17, 18, 19, 22
7	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, 12, 13, 17, 19, 32

**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 The permission shall cease to have effect on dd.mm.yyyy unless prior to the said date either the development hereby permitted is commenced or this permission is renewed.
- 7 The provision/maintenance of paving, and/or fencing, and/or screening planting.
- 8 The stacking height of the materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence/2.5m.
- 9 The setting back of the site boundary to avoid encroaching upon the public works project limit.
- 10 The provision of internal circulation and queuing area, set back of the ingress/egress point.
- 11 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.
- 12 Revocation clause.
- 13 No night-time operation and/or no operation on Sundays and public holidays.
- 14 The submission and provision of noise mitigation measures.
- 15 Traffic generated from the development should gain access through Tin Ying Road, Tin Wah Road and Fung Kong Tsuen Road.
- 16 The maintenance of the landscape planting/existing trees/vegetation.
- 17 The maintenance of the drainage facilities.
- 18 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.
- 19 No vehicle queuing was allowed back to public road or vehicle reversing onto/from the public road.
- 20 No cutting, dismantling, cleansing, repairing, compaction, unpacking, re-packing, vehicle repair and workshop activity, other than tyre repair/minor ancillary container repairs.
- 21 The submission and implementation of run-in/run-out proposal(s).
- 22 The provision of dry powder fire extinguisher and/or submission of a valid fire certificate.
- 23 No storage of compressed gas cylinders.
- 24 The provision of sewerage facilities.
- 25 No medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes) is allowed for the operation of the site.
- 26 The stacking height of the materials/goods stored shall not exceed the height of the boundary fence/2.5m/5m.
- 27 The site shall not be used for the purpose of a general godown for storage of anything for reward.
- 28 No handling (including loading, unloading and storage) of hazardous electronic wastes (including computer monitors and cathode-ray tubes (CRT)), and storage of television sets and CRT.
- 29 The stacking height of containers stored should not exceed 7/8 units.
- 30 No material is allowed to be stored/dumped within 1m of any tree.
- 31 No handling, loading/unloading and storage of electrical appliances and/or computer wastes, including refrigerators and air conditioners and/or used car batteries.
- 32 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) 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 private land of Lot No. 38 in D.D. 128 is currently covered by Short Term Waivers (STW) No. 4153 to permit structures for the purpose of “Temporary Open Storage of Container with Ancillary Workshop, Warehouse with Ancillary Freight Forwarding Facility, Open Storage of Recyclable Material and Ancillary Tyre Repair Workshop and Canteen”. The private land of Lot No. 34RP in D.D. 128 is currently covered by STW No. 4461 to permit structures for the purpose of “Temporary Open Storage of Construction Materials with Ancillary Workshop”. The private land of Lot Nos. 35, 36, 37 and 41 all in D.D. 128 is currently covered by STW No. 4462 to permit structures for the purpose of “Temporary Open Storage of Construction Materials with Ancillary Workshop”. The site is accessible to Kai Pak Ling Road through a local track on both private lots and Government Land (GL). His Office provides no maintenance work for the GL involved and does not guarantee any right-of-way. Should planning approval be given to the subject planning application, the STW holders will need to apply to his Office for modification of the STW conditions if there are any irregularities on site and the lot owner(s) of the lots without STW will need to apply to his Office for permit the structures to be erected or regularise any irregularities on site. Such application(s) will 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 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 Lands Department;
- (d) 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;
- (e) 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 to prevent surface water running from the site to the nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting the site and Ping Ha Road;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Building Department (CBS/NTW, BD) that as there is no record of approval by the Building Authority (BA) for the existing structures at the Site, Buildings Department (BD) is not in a position to offer comments on their suitability for the use proposed in the application. If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BD, they are unauthorized building works (UBWs) under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. 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. Before any new building works (including 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 UBW. An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with 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 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 Building (Planning) Regulations at the building plan submission stage;

- (g) 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 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 to be installed should be clearly marked on the layout plans. Good practice guidelines for open storage should be adhered to. 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;
- (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 Director of Agriculture, Fisheries and Conservation (DAFC) that the applicant should adopt good site practices and implement necessary control measures to avoid causing water pollution to the nearby watercourse;
- (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 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 concerned lot(s) 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; and
- (k) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that for provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards.