

**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.

Previous s.16 Application covering the Site

Rejected Application

	<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>Reject Reason(s)</u>
1.	A/YL-LFS/59	“REC” zone on the approved LFS&TBT OZP No. S/YL-LFS/4	Temporary Open Storage of Marble with Ancillary Workshop for 3 years	24.11.2000	1-4

Reject Reason(s)

1. The development of an open storage of marble with ancillary workshop is not in line with the planning intention of the "Recreation" zone which is to designate areas for developments restricted to recreational uses. There is no strong justification in the submission for a departure from the planning intention even on a temporary basis.
2. The development is not compatible with the rural character of the surrounding areas comprising vegetated land.
3. Deep Bay Road has no spare capacity to allow further proliferation of open storage activities. There is no information in the submission to demonstrate that the access arrangement of the development is adequate.
4. There is no information in the submission to demonstrate that the development would not have adverse environmental and drainage impacts on the surrounding areas and the residential buildings in its vicinity.

**Similar s.16 Applications within the same “REC” Zone  
on the approved Lau Fau Shan and Tsim Bei Tsui OZP  
since the Promulgation of TPB PG-No. 13E on 17.10.2008**

**Approved Applications**

	<b><u>Application No.</u></b>	<b><u>Proposed Use</u></b>	<b><u>Zoning</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Approval Reasons</u></b>
1	A/YL-LFS/186	Temporary Open Storage of Construction Materials (Plastic and Scrap Metal) (3 Years)	REC, R(E)	19.12.2008 (3 Years) by RNTPC (revoked on 19.5.2009)	3, 4, 7, 8, 10-15, 23, 24
2	A/YL-LFS/211	Temporary Open Storage of Marble and Construction Materials (3 Years)	REC, R(E)	12.11.2010 (1 Year) by RNTPC (revoked on 25.10.2011)	1, 3-8, 10-14, 16-17, 20-22
3	A/YL-LFS/232	Proposed Temporary Open Storage of Marble and Construction Materials with Ancillary Minor Workshop (3 Years)	REC, R(E)	20.1.2012 (1 Year) by RNTPC	1, 3-7, 10-11, 13-14, 16-17, 20-21
4	A/YL-LFS/250	Temporary Open Storage of Marble, Construction Material, Small-scale Construction Machinery and Tools, Construction/Road Safety Goods and Components with 4 Loading/Unloading Spaces (3 Years)	REC, R(E)	19.4.2013 (3 Years) by RNTPC	1, 3-7, 10, 11, 13, 14, 16-18
5	A/YL-LFS/255	Temporary Open Storage (Marbles, Construction Material, Aluminium cans and frames, Small-scale Machinery, cars and lorries for export, mini raising platforms and ancillary workshop and unloading/unloading spaces) (3 Years)	REC, R(E)	13.12.2013 (3 Years) by RNTPC	1-7, 10, 11, 13, 14, 16, 17, 19
6	A/YL-LFS/260	Temporary Open Storage of Marbles, Construction Materials, Aluminium Cans, Small-scale Machinery with Ancillary Workshop and 2 Loading and Unloading Spaces for Goods Vehicles (3 Years)	REC	25.4.2014 (3 Years) by RNTPC	1-8, 14, 16, 17
7	A/YL-LFS/272	Temporary Open Storage (Marbles, Construction Materials, Aluminum Cans and Cylinders/Frames, Small-scale Machinery, Parking for Car, Lorries and Motorcycles, Mini Elevating Platforms and 4 Loading/Unloading Spaces) (3 Years)	REC, R(E)	27.3.2015 (3 Years) by RNTPC	2-7, 10-17
8	A/YL-LFS/283	Temporary Open Storage (Marbles, Construction Materials, Aluminum Cans and Cylinders/Frames, Small-scale Machinery, Parking for Car, Lorries and Motorcycles, Mini Elevating Platforms and 4 Loading/Unloading Spaces) (3 Years)	REC, R(E)	19.2.2016 (3 Years) by RNTPC	1, 3-7, 9-11, 13-17

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Zoning</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Reasons</u>
9	A/YL-LFS/293	Renewal of Planning Approval for Temporary "Open Storage of Marbles, Construction Materials, Aluminium Cans, Small-scale Machinery with Ancillary Workshop and 2 Loading and Unloading Spaces for Goods Vehicles" (3 Years)	REC	7.4.2017 (3 Years) by RNTPC	1, 3-7, 9, 13, 14, 16, 17

**Approval Condition(s)**

1. The submission and implementation of landscaping and tree preservation proposals.
2. The submission and implementation of drainage facilities proposals.
3. Revocation clauses.
4. Reinstatement clause.
5. The provision of fire extinguisher(s) and/or the submission of a valid fire certificate (FS 251).
6. The submission and implementation of fire service installations.
7. No night-time operation/no operation on Sundays and public holidays.
8. The provision of fencing of the site.
9. Maintenance of existing fencing on the site at all times during the planning approval period.
10. No cutting, dismantling, cleansing, melting, repairing, compaction and workshop activity.
11. The stacking height of the materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence.
12. Maintenance of existing trees on-site in good condition at all times during the planning approval period.
13. Maintenance of drainage facilities on site and/or submission of a condition record of the existing drainage facilities.
14. No vehicle exceeding 24 tonnes as defined in the Road Traffic Ordinance, including heavy goods vehicle is allowed to enter, park or operate at the site at any time
15. No materials are allowed to be stored within 3m from the boundary of the site.
16. No vehicle over 10m long, including container vehicle/trailer/tractor as defined in the Road Traffic Ordinance, was allowed to enter, exit, park or operate at the site at any time during the planning approval period
17. No vehicle queuing was allowed back to public road or vehicle reversing onto/from the public road was allowed at all times
18. The removal of the excessive structures on the site
19. No toilet facility is allowed on site at anytime.
20. No open storage of recyclable materials was allowed on the site.
21. No handling (including dismantling, loading, unloading and storage) of electrical/electronic appliances, computers/computer parts/wastes, cathode-ray tubes (CRT), CRT computer monitors/television sets/equipment was allowed on the site.
22. The replacement of dead trees and the clearance of climbers on the site.
23. no materials was allowed to be stored within 1m of any tree on the site.
24. The submission and implementation of run-in proposal.

## **Rejected Application**

	<b><u>Application No.</u></b>	<b><u>Proposed Use</u></b>	<b><u>Zoning</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Rejection Reasons</u></b>
1	A/YL-LFS/326	Proposed Temporary Open Storage of Construction Machinery (3 Years)	REC	21.9.2018 by RNTPC	1-3

## **Rejection Reasons**

1. The proposed development is not in line with the planning intention of the “REC” zone which is intended primarily for recreational developments for the use of the general public and encourages the development of active and/or passive recreation and tourism/eco-tourism. There is no strong planning justification to merit a departure from such planning intention, even on a temporary basis.
2. The proposed development is not in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that the applicant fails to demonstrate that the proposed development would not generate adverse environmental, landscape and traffic impacts and there is no exceptional circumstance to justify the development in the Category 3 areas.
3. Approval of the application, even on a temporary basis, would set an undesirable precedent for applications for other developments within the “REC” zone, the cumulative effect of which will result in a general degradation of the environment.

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 the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Site comprises Old Schedule Agricultural Lot 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. No permission is given for occupation of Government land (GL) of about 161m<sup>2</sup> in area (subject to verification) included in the Site. The act of occupation of GL without Government's prior approval is not allowed. The Site is accessible from Deep Bay Road through both GL and private land. 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, if any. 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. Furthermore, the applicant has to either exclude the GL from the Site or apply for a formal approval prior to the actual occupation of the GL. Applications 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 will be approved. If such application 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;
- (c) 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/drains. HyD shall not be responsible for the maintenance of any access connecting the Site and Deep Bay Road;
- (d) to follow the relevant mitigation measures and requirements in the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department;
- (e) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that the applicant is reminded to approach relevant authority / government department(s) direct to obtain the necessary approval on tree works such as felling, transplanting or pruning under lease. There are quite a lot of dieback twigs observed on the existing large mature tree which may indicate the sign of root damage. Some construction materials and debris are also found within the dripline of the tree. The Applicant is reminded of the importance of undertaking proper tree care for the existing tree. Useful information published by the GLTM Section, DEVB on general tree maintenance and tree risk management is available for reference in the following links:  
護養樹木的簡易圖解:  
[http://www.greening.gov.hk/filemanager/content/pdf/tree\\_care/Pictorial\\_Guide\\_for\\_Tree\\_Maintenance.pdf](http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf)  
樹木管理手冊:  
[https://www.greening.gov.hk/tc/tree\\_care/Handbook\\_on\\_Tree\\_Management.html](https://www.greening.gov.hk/tc/tree_care/Handbook_on_Tree_Management.html)  
樹木風險評估及管理安排:  
[https://www.greening.gov.hk/tc/tree\\_care/tra\\_arrangements.html](https://www.greening.gov.hk/tc/tree_care/tra_arrangements.html)



護養樹木 保障安全:

[http://www.greening.gov.hk/filemanager/content/pdf/tree\\_care/Chinese\\_Leaflet\\_Big\\_font\\_size\\_v1\\_2012\\_03\\_29.pdf](http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Chinese_Leaflet_Big_font_size_v1_2012_03_29.pdf)

減低樹木風險的樹木護養簡易圖解 :

[http://www.greening.gov.hk/filemanager/content/pdf/tree\\_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk\(eng\).pdf](http://www.greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideForTreeMaintenanceToReduceTreeRisk(eng).pdf)

- (f) 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 Site, prior approval and consent of the BD should be obtained, otherwise they are unauthorized building works (UBW) under the Buildings Ordinance (BO). 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 application 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 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 the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations (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. Good Practice Guidelines for Open Storage should be adhered to. The applicant should submit a valid fire certificate (FS251) to his department for approval and 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 note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the applicant is reminded 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 his lot boundary before commencement of the drainage works; and
- (i) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/Construction, 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.