

**Relevant extract of the 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 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 (irrespective of whether the application is submitted by the applicant of previous approval or a different applicant). Sympathetic consideration may be given if genuine efforts have been demonstrated in compliance with approval conditions of the previous planning applications and relevant technical assessments/proposals have been included in the fresh applications, if required, 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 (irrespective of whether the application is submitted by the applicant of previous approval or a different applicant), and subject to no adverse departmental comments and local objections, sympathetic consideration may be given if genuine efforts have been demonstrated in compliance with approval conditions of the previous planning applications and relevant technical assessments/proposals have been included in the fresh applications, if required, 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 summarised as follows:
  - (a) the use of sites of less than 1,000 m<sup>2</sup> each for open storage uses and 2,000 m<sup>2</sup> each for port back-

up uses in rural areas is generally not encouraged, other than sites located in major road 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, minimising 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, 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.

**Similar s.16 Applications for Parking of Vehicles or Temporary Open Storage Use  
within “REC” Zone on the Lau Fau Shan and Tsim Bei Tsui OZP  
since 17.10.2008**

**Approved Applications**

	<b><u>Application No.</u></b>	<b><u>Proposed Use(s)/ Development(s)</u></b>	<b><u>Zoning(s)</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Approval Conditions</u></b>
1	A/YL-LFS/186	Temporary Open Storage of Construction Materials (Plastic and Scrap Metal) (3 Years)	R(E), REC	19.12.2008 (12 months)  (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)	R(E), REC	12.11.2010 (12 months)  (revoked on 25.10.2011)	1, 3-8, 10- 14, 16-17, 20-22
3	A/YL-LFS/225	Renewal of Planning Approval under Application No. A/YL-LFS/183 for Temporary Open Storage of Marble with Ancillary Workshop (3 Years)	REC	7.10.2011	1, 3-7, 10- 11, 13-14, 16-17, 20-21
4	A/YL-LFS/232	Temporary Open Storage of Marble and Construction Materials with Ancillary Minor Workshop (3 Years)	R(E), REC	20.1.2012 (12 months)	1, 3-7, 10, 11, 13, 14, 16-18
5	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)	R(E), REC	19.4.2013 (12 months)	1, 3-7, 10, 11, 13, 14, 16-18
6	A/YL-LFS/255	Temporary Open Storage (Marbles, Construction Material, Aluminum cans and frames, Small-scale Machinery, cars and lorries for export, mini raising platforms and ancillary workshop and loading/unloading spaces) (3 Years)	R(E), REC	13.12.2013 (12 months)	1-7, 10(*), 11, 13, 14, 16, 17, 19

\* The condition was reviewed under Section 17 of the Town Planning Ordinance and was rejected by the Board on 20.6.2014.

7	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	1-8, 14, 16, 17
8	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)	R(E), REC	27.3.2015 (12 months)	2-7, 10-17
9	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)	R(E), REC	19.2.2016	1, 3-7, 9-11, 13-17
10	A/YL-LFS/293	Renewal of Planning Approval under Application No. A/YL-LFS/260 for Temporary Open Storage of Marbles, Construction Materials, Aluminum Cans, Small-scale Machinery with Ancillary Workshop and 2 Loading and Unloading Spaces for Goods Vehicles (3 Years)	REC	7.4.2017	1, 3-8, 13, 14, 16, 17
11	A/YL-LFS/336	Temporary Open Storage of Construction Materials, Aluminum Pipes/Frames, Elevating Platforms, Small-scale Machinery with Ancillary Workshop and 2 Loading and Unloading Spaces for Goods Vehicles (3 Years)	REC	12.4.2019	3, 5-8, 12-14, 17, 25

**Approval Conditions**

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 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 were allowed to be stored within 1m of any tree on the site.
24. The submission and implementation of run-in proposal.
25. No painting and paint spraying activities is allowed on the site.

**Rejected Applications**

	<b><u>Application No.</u></b>	<b><u>Proposed Use(s)/ Development(s)</u></b>	<b><u>Zoning(s)</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Rejected Reasons</u></b>
1	A/YL-LFS/187	Temporary Open Storage of Marble with Ancillary Workshop (3 Years)	REC	9.1.2009	1, 7
2	A/YL-LFS/218	Public Vehicle Park (Excluding Container Vehicle)	REC	30.9.2011 (on review)	3, 4
3	A/YL-LFS/229	Temporary Open Storage of Marble and Construction Materials with Ancillary Minor Workshop (3 Years)	R(E), REC	2.12.2011	5
4	A/YL-LFS/230	Proposed Temporary Open Storage of Scrap Metal, Scrap Plastic and Used Motorcycles (3 Years)	REC	16.12.2011	2, 6, 8
5	A/YL-LFS/236	Proposed Temporary Open Storage of Second-hand Motorcycle (3 Years)	REC	20.7.2012	2, 6, 8
6	A/YL-LFS/326	Proposed Temporary Open Storage of Construction Machinery (3 Years)	REC	21.9.2018	6, 8, 9
7	A/YL-LFS/329	Temporary Open Storage of Construction Materials (3 Years)	R(E), REC	2.11.2018	6, 8, 9

**Rejected Reasons**

1. The development was not in line with the planning intention of the "Recreation" zone which was primarily for recreational developments for the use of the general public. There was no strong justification in the submission to merit for a departure from such planning intention, even on a temporary basis.
2. The development was not compatible with the nearby residential dwellings.
3. The applicant failed to demonstrate that the adverse traffic, environmental, landscape and drainage impacts could be adequately addressed.
4. The approval of the application would set an undesirable precedent for similar applications within the "Recreation" zone. The cumulative impact of approving such applications would overload the capacity of Deep Bay Road.
5. The applicant failed to demonstrate that the development would not generate environmental nuisance on the residential dwellings in the vicinity and along the access road and that the approval conditions imposed by the Town Planning Board could be complied with.
6. The proposed development was not in line with the planning intention of the "Recreation" zone, which was primarily for recreational developments for the use of the general public. There was no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis.

7. The development was not in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that there was no previous planning approval granted for the northern part of the site and there were adverse departmental comments. There was insufficient information in the submission to demonstrate that the development would not have adverse environmental impacts on the surrounding areas.
8. The proposed development was not in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that no previous approval had been granted for the site, there were adverse departmental comments on the environmental, traffic and landscape aspects and the proposed development would have adverse environmental, traffic and landscape impacts on the surrounding areas.
9. 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.

**Advisory clauses**

- (a) prior planning permission should have been obtained before commencing the applied use at the application site (the 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 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 Site is accessible from Deep Bay Road through private lots and Government land (GL). He provides no maintenance works for the GL involved and does not guarantee any right-of-way to the Site. The Site does not fall within Shek Kong Airfield Height Restriction Area. The lot owners will need to apply to his 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. Applications 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 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 LandsD;
- (c) to note the comments of Antiquities and Monuments Office (AMO) that the applicant is required to inform AMO immediately if antiquities or supposed antiquities are discovered within the Site for the applied use;
- (d) to note the comments of the Director of Agriculture, Fisheries and Conservation (DAFC) that the applicants shall adopt appropriate measures to avoid causing disturbance or pollution to the adjacent “Green Belt” zone;
- (e) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) that all building/site formation works must be submitted to Buildings Department for approval as required under the provisions of the Buildings Ordinance (BO);
- (f) to note the comments of the Director of Environmental Protection (DEP) that the applicant is advised 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’ (COP);
- (g) to note the comments of the Director of Fire Services (D of FS) that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed fire service installations (FSIs) to be installed should be clearly marked on the layout plans. If the proposed structure(s) is required to comply with the BO, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans
- (h) 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 the nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting the Site and Deep Bay Road; and

- (i) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that approval of the application does not imply approval of the trees works such as pruning, transplanting and/or felling under lease. The applicant shall approach relevant authority/government department(s) direct to obtain necessary approval on tree works.