

**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 Applications Covering the Application Site**

**Approved Applications**

| <b><u>Application No.</u></b> | <b><u>Zoning(s)</u></b><br>(at the time of approval) | <b><u>Development/Use</u></b>  | <b><u>Date of Consideration</u></b>  | <b><u>Approval Conditions</u></b>                       |
|-------------------------------|--|--|--------------------------------------|---|
| A/YL-PS/115                   | “V” & “R(E)2”  | Proposed Temporary Open-air Vehicle Park (Private Cars and Light Vans Only) and Ancillary Office for a Period of 3 Years   | 26.7.2002                            | (1) to (4), (6), (9), (10), (18) & (19)                 |
| A/YL-PS/159                   | “CDA”, “R(B)1” & “R(E)2”                             | Temporary Extension to an Approved Public Vehicle Park (for Private Cars and Light goods vehicles) for a Period of 3 Years                                       | 29.8.2003                            | (1) to (4), (6), (18) & (19)                            |
| A/YL-PS/212                   | “CDA”, “R(B)1”, “R(E)2” & “V”                        | Temporary Public Vehicle Park for Private Car and Light Goods Vehicle for a Period of 3 Years  | 13.5.2005<br>(Revoked on 29.9.2005)  | (1) to (3), (5), (7), (18) & (19)                       |
| A/YL-PS/239                   | “CDA”, “R(B)1” & “V”                                 | Temporary Public Vehicle Park for Private Car and Light Goods Vehicle for a Period of 3 Years  | 7.4.2006                             | (1) to (3), (5), (7), (11), (18) & (19)                 |
| A/YL-PS/292                   | “CDA”, “R(B)1” & “V”                                 | Renewal of Planning Approval for Temporary Public Vehicle Park for Private Car and Light Goods Vehicle under Application No. A/YL-PS/239 for a Period of 3 Years | 5.12.2008                            | (1) to(3), (5), (7), (8), (12), (18) & (19)             |
| A/YL-PS/356                   | “CDA”, “R(B)1”, “R(E)2” & “V”                        | Temporary Public Vehicle Park for Private Cars, Light Goods Vehicles and Light Buses for a Period of 3 Years   | 21.10.2011                           | (1) to (3), (5), (8) to (10), (12) to (14), (18) & (19) |
| A/YL-PS/458                   | “CDA”, “R(B)1”, “R(E)2” & “V”                        | Temporary Public Vehicle Park for Private Cars, Light Goods Vehicles and Light Buses for a Period of 3 Years   | 17.10.2014<br>(Revoked on 19.8.2015) | (1) to (4), (7), (8), (12), (13), (15) to (19)          |
| A/YL-PS/521                   | “CDA”, “R(B)1”, “R(E)2” & “V”                        | Temporary Public Vehicle Park (Private Cars, Light Goods Vehicles and Light Buses) for a Period of 3 Years   | 29.7.2016                            | (1) to (4), (8), (12), (13), (15) to (19)               |
| A/YL-PS/589                   | “CDA”, “R(B)1”, “R(E)2” & “V”                        | Temporary Public Vehicle Park for Private Car and Light Goods Vehicle for a Period of 3 Years  | 19.7.2019                            | (1) to (3), (12), (13), (15) to (18)                    |

### Approval Conditions

- (1) No vehicles without valid licence issued under Road Traffic Ordinance are allowed to be parked/stored
- (2) Only private cars and/or light goods vehicles and/or light buses are allowed
- (3) No night time operation
- (4) Submission and/or implementation of landscape proposal/tree preservation proposal
- (5) Maintenance of existing landscape planting/vegetation
- (6) Submission and/or implementation of drainage proposal
- (7) Maintenance of existing drainage facilities
- (8) Submission of condition record of existing drainage facilities
- (9) Provision of boundary/periphery fencing and/or paving
- (10) Provision of vehicular access /Submission and/or implementation of run-in/out proposal
- (11) Provision of fire extinguishers
- (12) Submission and/or provision/implementation of FSIs proposal
- (13) Posting site notice that no medium/heavy goods vehicles are allowed
- (14) No excavation of land
- (15) No workshop activity is allowed
- (16) No queue back to or reverse onto/from public road
- (17) Maintenance of existing fencing
- (18) Revocation clauses
- (19) Reinstatement clause

## **Detailed Comments of Concerned Government Departments**

Comments from the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) Peripheral surface channels shall be provided along the site boundary to collect the surface runoff accrued on the application site and to intercept the overland flow from the adjacent lands. Surface channel should also be provided at the western boundary of the Site.
- (b) Please indicate clearly the full alignment of the discharge path from the Site all the way down to the ultimate discharge point (e.g. a well-established stream course/public drainage system). The flow path at the downstream of the existing manhole should be shown on the drainage proposal.
- (c) The existing manhole, to which the applicant proposed to discharge the stormwater from the subject site was not maintained by his office. The applicant should identify the owner of the existing drainage facilities and obtain consent from the owner prior to commencement of the proposed works. In the case that it is a local village drains, DO/YL should be consulted.
- (d) Further to (c) above, since there is no record of the said existing manhole and discharge path, please provide site photos to demonstrate its presence and existing condition.
- (e) The gradients and the sizes of the existing ditch and proposed U-channels should be shown on the drainage plan.
- (f) The proposal should indicate how the runoff (the flow direction) within the Site would be discharged to the proposed u-channel.
- (g) The cover levels and invert levels of the proposed u-channels, catchpits/sand traps should be shown on the drainage plan.
- (h) Cross sections showing the existing and proposed ground levels of the Site with respect to the adjacent areas should be given.
- (i) Sand trap or provision alike should be provided before the collected runoff is discharged to the public drainage facilities.
- (j) Standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit/sand trap.
- (k) Where walls or hoarding are erected are laid along the site boundary, adequate opening should be provided to intercept the existing overland flow passing through the Site.
- (l) The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.
- (m) The applicant should consult DLO/YL and seek consent from the relevant owners for any drainage works to be carried out outside the lot boundary before commencement of the drainage works.

**Good Practice Guidelines for Open Storage Sites**  
**Issued by the Fire Services Department**

|    |   | <b>Internal access for fire appliances</b> | <b>Lot boundaries (clear width)</b> | <b>Distance between storage cluster and temporary structure</b> | <b>Cluster size</b> | <b>Storage size</b> |
|----|---|--|-------------------------------------|---|---------------------|---------------------|
| 1. | <b>Open storage of containers</b>                               |  | 2m                                  | 4.5m  |                     |                     |
| 2. | <b>Open storage of non-combustibles or limited combustibles</b> | 4.5m                                       | 2m                                  | 4.5m  |                     |                     |
| 3. | <b>Open storage of combustibles</b>                             | 4.5m                                       | 2m                                  | 4.5m  | 40m x 40m           | 3m                  |

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 the Site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) on site access arrangement;
- (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 Site is accessible from Ping Hing Lane via government land (GL) and private land. His office does not provide maintenance work for GL involved and does not guarantee any right-of-way over the GL to the Site. The lot owner(s) will need to apply to his office to permit the structures to be erected or regularise any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularisation 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 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;
- (d) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) that sufficient manoeuvring space 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 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;
- (f) to follow the relevant mitigation measures and requirements in the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" (COP);
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that
  - (i) Peripheral surface channels shall be provided along the site boundary to collect the surface runoff accrued on the application site and to intercept the overland flow from the adjacent lands. Surface channel should also be provided at the western boundary of the Site.
  - (ii) Please indicate clearly the full alignment of the discharge path from the Site all the way down to the ultimate discharge point (e.g. a well-established stream course/public drainage system). The flow path at the downstream of the existing manhole should be shown on the drainage proposal.

- (iii) The existing manhole, to which the applicant proposed to discharge the stormwater from the subject site was not maintained by his office. The applicant should identify the owner of the existing drainage facilities and obtain consent from the owner prior to commencement of the proposed works. In the case that it is a local village drains, DO/YL should be consulted.
  - (iv) Further to (iii) above, since there is no record of the said existing manhole and discharge path, please provide site photos to demonstrate its presence and existing condition.
  - (v) The gradients and the sizes of the existing ditch and proposed U-channels should be shown on the drainage plan.
  - (vi) The proposal should indicate how the runoff (the flow direction) within the Site would be discharged to the proposed u-channel.
  - (vii) The cover levels and invert levels of the proposed u-channels, catchpits/sand traps should be shown on the drainage plan.
  - (viii) Cross sections showing the existing and proposed ground levels of the Site with respect to the adjacent areas should be given.
  - (ix) Sand trap or provision alike should be provided before the collected runoff is discharged to the public drainage facilities.
  - (x) Standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit/sand trap.
  - (xi) Where walls or hoarding are erected are laid along the site boundary, adequate opening should be provided to intercept the existing overland flow passing through the Site.
  - (xii) The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.
  - (xiii) The applicant should consult DLO/YL and seek consent from the relevant owners for any drainage works to be carried out outside the lot boundary before commencement of the drainage works.
- (h) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposal, 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 FSI 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 Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
- (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 containers/open sheds as temporary buildings, demolition and land filling)



are to be carried out on application site, prior approval and consent of the Building Authority should be obtained, otherwise they are unauthorised building works (UBW) under the 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 BD to effect their removal in accordance with the prevailing 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; and 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.