

**Town Planning Board Guidelines for  
Application for Open Storage and Port Back-up Uses**  
**(TPB PG-No.13F)**

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 New Development Areas (NDAs):

- (a) The planning for various NDAs (including potential development areas) in the New Territories has been in progress and the land use proposals for some of these areas have been incorporated as appropriate into relevant statutory town plans. The NDAs will be implemented by phases. While it is envisaged that the existing open storage and port back-up uses in these areas will be gradually phased out, sympathetic consideration may be given to applications for continued operation of these uses during the interim period before the sites are required for NDA development.
- (b) For existing open storage and port back-up uses with previous planning approval(s) and/or permitted under the previous Outline Zoning Plans, sympathetic consideration may be given to the application (irrespective of whether the application is submitted by the applicant of previous approval or a different applicant) until the concerned site is required for implementation of NDA development, provided that the relevant approval conditions, if any, have been complied with. Technical assessments, where appropriate, should be submitted to demonstrate that the continued operation of the current uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas and the concerns of the departments and local residents, if any, can be addressed through the implementation of the approval conditions.
- (c) In view of the impending implementation of NDAs, new open storage and port back-up uses are generally not encouraged to infiltrate into the NDAs. There is a general presumption against such uses at greenfield areas and/or at sites with land use compatibility issue, e.g. in close proximity to existing residential dwellings which may be subject to environmental nuisances caused by the open storage and port back-up uses. Applications will normally be rejected unless under exceptional circumstances.
- (d) Any approved temporary use and development should not jeopardize the long-term planned development on the respective site/the surrounding area under the NDA and the applicant should be advised that the site would be required by the government at any time during the planning approval period for implementation of government projects.

**Relevant extracts of the Town Planning Board Guidelines No. 34C for  
“Renewal of Planning Approval and Extension of Time for Compliance with Planning  
Conditions for Temporary Use or Development”  
(TPB PG-No. 34C)**

1. The criteria for assessing applications for renewal of planning approval include:
  - (a) whether there has been any material change in planning circumstance since the previous temporary approval was granted (such as a change in the planning policy/land-use zoning for the area) or a change in the land uses of the surrounding areas;
  - (b) whether there are any adverse planning implications arising from the renewal of the planning approval (such as pre-emption of planned permanent development);
  - (c) whether the planning conditions under previous approval have been complied with to the satisfaction of relevant Government departments within the specified time limits;
  - (d) whether the approval period sought is reasonable; and
  - (e) any other relevant considerations.
  
2. Under normal circumstances, the approval period for renewal should not be longer than the original validity period of the temporary approval. In general, the Board is unlikely to grant an approval period exceeding three years unless there are strong justifications and the period is allowed for under the relevant statutory plans. Depending on the circumstances of each case, the Board could determine the appropriate approval period, which may be shorter than the time under request.

**Previous Applications Covering the Application Site**

**Approved Applications**

	<b><u>Application No.</u></b>	<b><u>Proposed Uses</u></b>	<b><u>Date of Consideration (RNTPC)</u></b>	<b><u>Approval Condition(s)</u></b>
1	A/YL-TYST/118	Temporary storage of construction materials for a period of 3 years	27.10.2000	(1), (2), (3), (4),
2	A/YL-TYST/503	Temporary open storage of metal goods with transfer warehouse for a period of 3 years	10.12.2010	(1), (4), (5), (6), (7), (8), (9), (10), (11)
3	A/YL-TYST/647	Renewal of planning approval for temporary “open storage of metal goods with transfer warehouse” for a period of 3 years	25.10.2013 [revoked on 21.1.2014]	(1), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13)
4	A/YL-TYST/672	Temporary open storage of metal goods with ancillary warehouse for a period of 3 years	4.4.2014	(1), (4), (5), (6) (7), (8), (9), (10), (11), (12), (13)
5	A/YL-TYST/828	Renewal of planning approval for temporary “open storage of metal goods with ancillary warehouse” for a period of 3 years	3.3.2017 [revoked on 5.7.2017]	(3), (4), (5), (6), (7), (8), (9), (10), (12), (14), (15)
6	A/YL-TYST/860	Temporary open storage of metal goods with ancillary warehouse for a period of 3 years	24.11.2017	(4), (5), (6), (7), (8), (9), (10), (12), (13), (14), (15), (16)

**Approval Conditions**

- (1) Submission and implementation of landscape and/or tree preservation proposal.
- (2) Paving and fencing of the site.
- (3) Provision of drainage facilities.
- (4) Reinstatement of the site to an amenity area upon expiry of the planning permission.
- (5) Submission and/or implementation of fire service installations proposal and/or provision of fire extinguisher(s) with valid fire certificate (FS 251).
- (6) Revocation of planning approval if any of the conditions is not complied with by the specified date/at any time during the approval period.
- (7) No night-time operation during specific time limit is allowed on the site.
- (8) No operation is allowed on Sundays and public holidays.
- (9) No medium or heavy goods vehicles over 5.5 tonnes are allowed to be used, parked/stored on the site.
- (10) No dismantling, repairing, cleaning, paint-spraying or other workshop activities should be carried out on the application site.
- (11) No used electrical appliances, televisions, computer monitors, computer/electronic parts or any other types of electronic waste were allowed to be stored on the application site.
- (12) No queuing and reverse movement of vehicle are allowed on public road.

- (13) Maintenance of existing/implemented drainage facilities on the site and/or submission of a record of existing drainage facilities.
- (14) The existing landscape planting and/or trees on the site shall be maintained at all times.
- (15) No handling/storage/loading/unloading of used electrical appliances/construction material/scrap metal is allowed on site/outside the concrete-paved covered structure(s)/shall be carried out within enclosed structure(s) on site.
- (16) No storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste is allowed on the Site.

**Rejected Applications**

	<b><u>Application No.</u></b>	<b><u>Proposed Uses</u></b>	<b><u>Date of Consideration (RNTPC)</u></b>	<b><u>Rejection Reason(s)</u></b>
1	A/YL-TYST/34#	Temporary open storage of construction materials for a period of 12 months	5.6.1998	(1), (2), (4), (5), (6)
2	A/YL-TYST/48#	Temporary open storage of construction materials and small-scale machinery for a period of 12 months	25.9.1998	(1), (3), (4), (5), (6)

Remarks:

# The site was zoned “Green Belt” (“GB”) on the draft Tong Yan San Tsuen OZP No. /YL-TYST/1.

**Rejection Reasons**

- (1) Not in line with the planning intention of the “GB” zone.
- (2) Not compatible with the surrounding rural land uses with mainly agricultural land, domestic/farm structures and the well vegetated hill-slopes to the immediate south.
- (3) Not comply with the Town Planning Board Guideline for Application for Open Storage and Port Back-up Uses in that it is not compatible with the surrounding area which is rural in character and the well-vegetated hill-slopes to the immediate south.
- (4) No/insufficient information in the submission to demonstrate that the vehicular access arrangement for the site is satisfactory.
- (5) No/insufficient information in the submission to demonstrate that the development would not cause adverse drainage impact on the surrounding areas.
- (6) Approval of the application would set undesirable precedent for other similar applications within the “GB” zone, which would result in a general degradation of the environment of the area.

**Similar Applications within the subject “OU(STW)” zone  
on the Tong Yan San Tsuen OZP since 2015**

**Approved Applications**

	<b><u>Application No.</u></b>	<b><u>Proposed Use(s)/Development(s)</u></b>	<b><u>Date of Consideration (RNTPC)</u></b>	<b><u>Approval Condition(s)</u></b>
1	A/YL-TYST/756	Temporary Open Storage and Warehouse for Storage of Construction Material with Ancillary Site Office for a Period of 3 Years	18.12.2015 [revoked on 18.6.2016]	(1), (3), (4), (5), (6), (7), (10), (12), (13), (14), (17), (20)
2	A/YL-TYST/790	Temporary Open Storage of Construction Material and Recyclable Material with Ancillary Workshop and Office for a Period of 3 Years	10.6.2016	(1), (4), (5), (6), (7), (10), (12), (13), (14), (16), (17), (18)
3	A/YL-TYST/849	Temporary Open Storage of Construction Machinery and Containers with Ancillary Dismantling, Cleansing, Repairing and Workshop Activities for a Period of 3 Years	8.9.2017	(4), (5), (7), (10), (11), (12), (17), (18), (20),
4	A/YL-TYST/964	Renewal of Planning Approval for Temporary Open Storage of Construction Material and Recyclable Material with Ancillary Workshop and Office for a Period of 3 Years	31.5.2019	(4), (5), (7), (9), (10), (11), (12), (13), (16), (17), (18)

**Approval Conditions**

- (1) Submission and/or implementation of landscape and/or tree preservation proposals.
- (2) Paving and fencing of the application site.
- (3) Submission and/or implementation of drainage proposals and/or provision of drainage facilities.
- (4) Submission and/or implementation of water supplies for firefighting/fire service installations/emergency vehicular access proposal(s)/provision of a 9-litre water type/3kg dry powder fire extinguisher.
- (5) Revocation of planning approval for non-compliance with conditions by a specified date/at any time during the approval period.
- (6) Reinstatement of the application site upon expiry of planning permission.
- (7) No night-time operation during specific time limit is allowed on the site.
- (8) Submission and implementation of run-in/out proposal.
- (9) No repairing/dismantling/breaking/fixing/maintenance/cleansing/paint-spraying/workshop activities, except in specified locations (if applicable), are allowed on the site.
- (10) No operation is allowed on Sundays and public holidays.
- (11) The landscape planting and/or trees should be maintained at all times.
- (12) No vehicles over 5.5 tonnes/heavy goods vehicles (i.e. over 24 tonnes)/container tractor/trailer are allowed to be used, parked/stored on the site.

- (13) No plastic waste/electronic waste/used batteries/used electrical appliances/televisions/computer monitors/computer parts/electronic parts (including cathode-ray tubes) are allowed to be stored/processed on the site.
- (14) No grinding/polishing/cutting/repairing/dismantling/workshop activities are allowed in the open area or outside the specified structure of the site.
- (15) Posting of a notice at a prominent location of the site to indicate that no medium or heavy goods vehicle including container trailer/tractor is allowed to be parked/stored on the site.
- (16) Maintenance of existing/implemented drainage facilities/submission of a record of the existing drainage facilities.
- (17) No vehicle queuing and no reverse movement of vehicles on public road.
- (18) Maintenance of existing boundary fence within the application site.
- (19) Implementation of accepted fire service installations proposal.
- (20) Provision of boundary fence.
- (21) Submission of record photos of existing trees.
- (22) The stacking height of materials stored within the site should not exceed the height of the boundary fence.
- (23) No vehicle is allowed to enter/exit the site during specific time limit.
- (24) No ancillary maintenance work shall be carried out in open area.
- (25) Maintenance of existing trees within the site.

**Advisory clauses**

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site (the Site);
- (b) the Site should be kept in a clean and tidy condition at all times;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department that the Site comprises government land (GL) and 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. No permission is given for occupation of GL (about 53 m<sup>2</sup> subject to verification) included in the Site. Any occupation of GL without Government's prior approval is not allowed. Lots 1945 (Portion) and 1954 (Portion), 773 and 776, and 1944 in D.D. 117 are currently covered by Short Term Waivers (STWs) No. 3731, 3962 and 4002 to permit the structures erected thereon for the purposes of "Open Storage and Warehouse for Storage of Construction Material with Ancillary Site Office", "Temporary Open Storage of Construction Material and Recyclable Material (including Metal and Plastic) with Ancillary Office" and "Temporary Open Storage for Metal Goods with Ancillary Warehouse" respectively. The STW holder(s) will need to apply to her office for modification of the STW conditions where appropriate and the lot owner(s) of the lot(s) without STW will need to apply to her 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. Furthermore, you shall 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 her department acting in the capacity as 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 rent or fee, as may be imposed by her department;
- (d) to note the comments of the Commissioner for Transport that the land status of the access road/path/track leading to the Site from Kung Um Road should be checked with the lands authority. The management and maintenance responsibilities of the access road/path/track should be clarified and consulted with the relevant management and maintenance authorities accordingly. Sufficient space should be provided within the Site for manoeuvring of vehicles. No parking of vehicles on public road is allowed;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains. His department shall not be responsible for the maintenance of any access connecting the Site and Kung Um Road;
- (f) to note the comments of the Director of Environmental Protection that the relevant mitigation measures and requirements in the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department should be followed to minimise any potential environmental nuisances on the surrounding areas;

- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of the BD (not being a New Territories Exempted House), they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application. Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, the prior approval and consent of the BD should be obtained, otherwise they are Unauthorised Building Works (UBW). 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 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; and
- (h) to note the comments of the Project Manager (West), Civil Engineering and Development Department that the Site falls within the boundary of Yuen Long South (YLS) development - Stage 2 Phase 2. The land resumption and clearance programme of the project is subject to Executive Council's authorisation on land resumption and Finance Committee's funding approval of the project. Land clearance operation is tentatively targeted to commence in 2024. As such, extension of the planning permission may not be supported in future. No substantial works should be carried out on the Site in view of the planned YLS development - Stage 2 Phase 2.