

**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 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 s.16 Applications covering the Application Site

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Condition(s)</u>
1	A/YL-TYST/360	Proposed temporary warehouse for storage of plastic and metal ware for a period of 3 years	24.8.2007 Approved for 2 years [revoked on 23.6.2009]	(1), (2), (3), (4), (5), (6), (9), (10), (14), (15), (21), (22)
2	A/YL-TYST/452	Proposed temporary warehouse for storage of plastic and metal ware for a period of 3 years	18.9.2009 [revoked on 9.4.2010]	(1), (2), (4), (5), (6), (15), (17), (18), (19), (21), (22)
3	A/YL-TYST/494	Proposed temporary storage of plastic and metal ware for a period of 1 years	15.10.2010	(1), (2), (4), (5), (6), (11), (15), (19), (21), (22)
4	A/YL-TYST/559	Temporary storage of metal ware and construction material for a period of 3 years	16.12.2011	(1), (2), (4), (5), (6), (13), (15), (18), (19), (21), (22)
5	A/YL-TYST/711	Temporary storage of metal ware and construction material for a period of 3 years	6.2.2015	(1), (2), (5), (6), (7), (8), (9), (11), (12), (15), (16), (20), (21), (22)
6	A/YL-TYST/877	Temporary open storage of construction materials and metal ware for a period of 3 years	2.3.2018	(1), (2), (3), (5), (6), (7), (8), (13), (14), (15), (16), (17), (18), (19), (21)

Approval Conditions

- (1) No night-time operation between 7:00 p.m. and 7:00 a.m. is allowed
- (2) No operation on Sundays and public holidays is allowed
- (3) No container tractors, trailers or containers are allowed to be stored/parked on the site
- (4) No storage at the open area of the site
- (5) No repairing/ cleaning/ dismantling and workshop activities are allowed to be carried out on the site
- (6) No medium or heavy goods vehicles over 5.5 tonnes (including container tractor/ trailer) are allowed for the operation of the site
- (7) No parking, queuing and reverse movement of vehicles on public road are allowed
- (8) The stacking height of the materials stored within 5m of the periphery of the site should not exceed the height of the boundary
- (9) No Provision of periphery fencing for the site
- (10) Implementation of accepted landscape proposal
- (11) Submission and implementation of tree preservation and landscape proposals
- (12) Submission and implementation of drainage proposal
- (13) Submission of a record of the existing drainage facilities on the site

- (14) Implementation of accepted drainage proposal
- (15) Submission and implementation of fire service installations proposal
- (16) Provision of fire extinguisher(s)
- (17) Maintenance of the existing boundary fence on the site
- (18) Maintenance of the existing landscape planting on the site
- (19) Maintenance of the existing drainage facilities on the site
- (20) Maintenance of the implemented drainage facilities on the site
- (21) Revocation of planning approval if any of the conditions is not complied with by the specified date/ at any time during the approval period
- (22) Reinstatement of the site to an amenity area upon expiry of the planning permission

Rejected Applications

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Rejection Reasons(s)</u>
1	A/YL-TYST/221	Proposed open storage of construction materials, metal and machinery and parking of empty oil trackers and container tractors and trailers with repair workshop	10.10.2003	(1), (2)
2	A/YL-TYST/229	Temporary container tractor/trailer, empty oil tanker and trailer park for a period of 3 years	13.2.2004	(1), (2)
3	A/YL-TYST/244	Temporary open storage of used computers and air-conditions for a period of 3 years	17.7.2004	(1), (2)
4	A/YL-TYST/274	Temporary open storage of used air-conditions for a period of 3 years	28.1.2005	(1), (2)

Rejection Reasons

- (1) Incompliance with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses in that the development is incompatible with the village houses of Tin Lung Tsuen located to its southwest and/or there are adverse departmental comments on the application.
- (2) No/insufficient information in the submission to demonstrate that the proposed development would not generate adverse environmental, traffic, drainage and/or visual impacts on the surrounding areas.

**Similar Applications in this Part of the “O” Zone
on the Tong Yan San Tsuen OZP since 2015**

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Condition(s)</u>
1	A/YL-TYST/734	Temporary Open Storage of Construction Machinery and Materials and Vehicle Repair Workshop for a Period of 3 Years	5.6.2015	(4), (5), (6), (8), (9), (13), (14), (17), (20), (28)
2	A/YL-TYST/744	Temporary Open Storage of Construction Machinery, Construction Material, Metal Ware, Vehicle Spare Parts and Ancillary Site Office for a Period of 3 Years	17.7.2015 approved for 1 year	(1), (4), (5), (6), (9), (10), (14), (17), (19), (20), (26), (28), (34)
3	A/YL-TYST/757	Temporary Open Storage of Building and Recycling Materials, Construction Machinery and Used Electrical/Electronic Appliances with Ancillary Packaging Activities for a Period of 3 Years	23.10.2015	(4), (5), (6), (9), (13), (14), (20), (23), (25), (28)
4	A/YL-TYST/775	Temporary Open Storage of Construction Machinery and Construction Materials with Ancillary Office and Repair Workshop for a Period of 3 Years	22.1.2016	(1), (4), (5), (6), (7), (9), (14), (16), (17), (20), (28), (43)
5	A/YL-TYST/787	Temporary Open Storage of Construction Machinery with Ancillary Site Office for a Period of 3 Years	22.4.2016	(1), (4), (5), (6), (7), (9), (10), (14), (16), (17), (20), (28)
6	A/YL-TYST/791	Temporary Open Storage of Construction Machinery for a Period of 3 Years	10.6.2016	(1), (4), (5), (6), (7), (9), (10), (14), (16), (17), (20), (28)
7	A/YL-TYST/792	Renewal of Planning Approval for Temporary “Open Storage of Construction Machinery, Construction Material, Metal Ware and Vehicle Spare Parts and Ancillary Site Office” for a Period of 1 Year	10.6.2016 [revoked on 18.4.2017]	(1), (4), (5), (6), (9), (10), (14), (17), (19), (20), (26), (28), (34)
8	A/YL-TYST/830	Temporary Vehicle Repair Workshop and Open Storage of Scrap Metal, Construction Machinery and Building/Recycling Materials with Ancillary Packaging Activities for a Period of 3 Years	17.3.2017	(4), (5), (6), (9), (12), (13), (14), (20), (24), (25), (28), (40), (41)

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Condition(s)</u>
9	A/YL-TYST/840	Temporary Open Storage of Construction Machinery and Construction Material with Ancillary Repair Workshop and Office for a Period of 3 Years	23.6.2017	(1), (5), (6), (9), (16), (17), (20)
10	A/YL-TYST/848#	Temporary Open Storage of Construction Machinery, Construction Material, Metal Ware and Vehicle Spare Parts and Ancillary Site Office for a Period of 3 Years	11.8.2017	(1), (4), (5), (6), (9), (10), (14), (17), (19), (20), (26), (28), (34)
11	A/YL-TYST/880	Temporary Container Tractor/Trailer Park and Open Storage of Construction Machinery with Ancillary Office	16.3.2018	(4), (5), (6), (9), (13), (14), (20), (28), (39)
12	A/YL-TYST/888	Temporary Open Storage of Construction Machinery and Materials and Vehicle Repair Workshop for a Period of 3 Years	20.4.2018	(4), (5), (6), (8), (9), (13), (14), (17), (20), (28)
13	A/YL-TYST/925	Temporary Open Storage of Building and Recycling Materials, Construction Machinery and Used Electrical/Electronic Appliances with Ancillary Packaging Activities for a Period of 3 Years	16.11.2018	(4), (6), (7), (9), (10), (13), (14), (20), (25), (28),
14	A/YL-TYST/952	Renewal of Planning Approval for Temporary “Open Storage of Construction Machinery with Ancillary Site Office” for a Period of 3 Years	22.3.2019	(4), (6), (9), (13), (14), (17), (20), (25), (28), (34)
15	A/YL-TYST/957	Temporary Warehouse for Storage of Exhibition Materials and Construction Materials and Open Storage of Construction Machinery and Construction Materials with Ancillary Office and Repair Workshop for a Period of 3 Years	3.5.2019 [revoked on 3.5.2020]	(4), (6), (9), (13), (14), (17), (20), (25), (28), (34), (52)
16	A/YL-TYST/962	Temporary Open Storage and Warehouse for Storage of Exhibition Materials for a Period of 3 Years	31.5.2019	(4), (6), (9), (10), (13), (14), (17), (20), (28), (34)
17	A/YL-TYST/963	Renewal of Planning Approval for Temporary Open Storage of Construction Machinery for a Period of 3 Years	31.5.2019	(4), (6), (9), (10), (13), (14), (17), (20), (26), (28), (34)
18	A/YL-TYST/1008	Temporary Vehicle Repair Workshop and Open Storage of Scrap Metal, Construction Machinery and Building/Recycling Materials with Ancillary Workshop and Packaging Activities for a Period of 3 Years	12.6.2020	(2), (4), (6), (9), (10), (13), (14), (18), (24), (25), (26), (28), (34)

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Condition(s)</u>
19	A/YL-TYST/1016	Renewal of Planning Approval for Temporary Open Storage of Construction Machinery and Construction Material with Ancillary Repair Workshop and Office for a Period of 3 Years	12.6.2020	(4), (6), (9), (13), (14), (16), (26), (28), (34)
20	A/YL-TYST/1023	Renewal of Planning Approval for Temporary Open Storage of Construction Machinery, Construction Material, Metal Ware and Vehicle Spare Parts and Ancillary Site Office for a Period of 3 Years	26.6.2020	(4), (9), (13), (14), (16), (17), (26), (28), (34), (43), (51)
21	A/YL-TYST/1005	Temporary Open Storage of Construction Machinery, Construction Materials and Ancillary Office and Repair Workshop for a Period of 3 Years	1.9.2020	(4), (9), (10), (13), (14), (16), (17), (21), (26), (28), (34), (43), (51)

Approval Condition(s):

- (1) Submission and/or implementation of (revised/accepted) landscape/tree preservation proposals.
- (2) Submission and/or implementation of (revised/accepted) drainage proposal and/or provision of drainage facilities.
- (3) Submission of drainage impact assessment/drainage study and provision of flood mitigation measures and drainage facilities.
- (4) Revocation of planning approval if conditions not complied with by a given date/at any time during the approval period.
- (5) Reinstatement of the site to an amenity area upon expiry of planning permission.
- (6) Submission of proposals and/or provision of fire service installations/fire extinguisher/street fire hydrant or water tank.
- (7) Paving and/or fencing of the site.
- (8) No paint spraying activities should be carried out on the application site.
- (9) No (night-time) operation during specific time limit and/or no operation on Sundays and public holidays.
- (10) No workshop/cleaning/dismantling/repairing/paint-spraying/cutting/grinding/polishing/burning/melting activities are allowed to be carried out on the site.
- (11) Restriction on stacking height.
- (12) Submission and/or implementation (provision) of run-in/out proposal.
- (13) Maintenance of (existing) trees and/or landscape planting on the site.
- (14) Maintenance of (implemented /existing) drainage facilities and/or natural streamcourse on the site.
- (15) Replacement planting of landscaping trees on the site.
- (16) No used electrical appliances/televisions/computer monitors/computer parts or any other types of electronic waste are allowed to be stored/handled on the site.
- (17) No medium and/or heavy vehicles or container vehicles/only light goods vehicles are allowed to enter/exit, to be stored/parked or for the operation of the site.
- (18) No washing/cutting/compacting/melting of plastic waste/plastic bottle activities.
- (19) No open storage/workshop activities within "V" zone/buffer area during the planning approval period.
- (20) Submission of a record of the existing drainage facilities implemented on the site.
- (21) No container tractors, trailers or containers are allowed to enter/exit or to be stored/parked on the site.
- (22) Relocation of the household currently residing at the site.
- (23) No dismantling/other workshop activities, except ancillary repairing/ maintenance/ packaging/ compressing/ loading or unloading, as proposed by the applicant, are allowed on the site.

- (24) Allow free public access to the existing footpath within the site.
- (25) No storage or handling of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste is allowed outside the concrete-paved covered structures on the site.
- (26) No storage or handling of electronic and computer wastes (including cathode-ray tubes) is allowed on the site.
- (27) Submission of as-planted landscape plan.
- (28) No parking / vehicle queuing and no reverse movement of vehicles on public road(s) is allowed.
- (29) Workshop activities to be carried out within Compartments No. 2 and 3 only during the planning approval period.
- (30) No open storage are allowed within 20m from the western boundary of the site adjoining the "V" zone and landscape treatment would be provided for that area during the approval period.
- (31) No workshop activities are allowed in Compartments No. 1 and 3 of the application site, as proposed by the applicant, at all time during the planning approval period.
- (32) No dismantling, repairing, cleansing, paint spraying or other workshop activities, except packaging and classification of recycled materials, should be carried out in Compartment No. 2, as proposed by the applicant, at any time during the planning approval period.
- (33) No workshop activities are allowed, except in Compartments No. 1, 2 and 7 of the application site, as proposed by the applicant, at all time during the planning approval period.
- (34) Provision/maintenance of (existing) boundary fence.
- (35) No ancillary maintenance work to be carried out in open area.
- (36) Submission of record photos of existing trees/landscaping on site.
- (37) No repairing, cleaning, dismantling or other workshop activities, except vehicle repairing activities within Compartment C, as proposed by the applicant, shall be carried out on the site at any time during the planning approval.
- (38) Implementation of dust suppression measures for sand and gravels stored at the site, as proposed by the applicant, at all times.
- (39) No vehicle dismantling, vehicle repairing or other workshop activities, as proposed by the applicant, shall be carried out on the site at any time.
- (40) No container and container trailer repairing activities are allowed at the site.
- (41) No paint-spraying, except within Structures No. 2 and/or 6, shall be carried out on the site.
- (42) No loading/unloading activities are allowed at Structures No. 1 and 2 on the site.
- (43) No workshop activities (except in Structure No. 1) are allowed.
- (44) No dismantling, cleansing, repairing, paint spraying or other workshop activities, except ancillary packing and classification of the recyclable materials activities at Structure No. 2 of the site, are allowed.
- (45) No workshop activities, except within enclosed structures No. 1 and 2, are allowed on the site.
- (46) No dismantling or other workshop activities of used electrical/electronic appliances and parts is allowed on the site.
- (47) No dismantling, sorting, packaging or other workshop activities is allowed outside the concrete-paved covered structures on the site.
- (48) No dismantling, repairing, cleansing or other workshop activities, except ancillary parking and consolidate activities is allowed in Structure 2 or 4
- (49) No dismantling, repairing and cleansing activities, except ancillary workshop and packaging activities are allowed on the site.
- (50) No temporary structure is allowed to be erected on the site.
- (51) Maintenance of existing fire service installations on 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 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. Within the Site, Lot No. 2813 in D.D. 120 is covered by Short Term Waivers (STWs) No. 3949 and 4321 to permit structures erected thereon for the purposes of “Temporary Warehouse for Storage of Construction Machinery and Construction Materials with Ancillary Site Office” and “Temporary Open Storage of Construction Material and Metal Ware” respectively. Lot No. 2814 in D.D. 120 is covered by STWs No. 3950 and 4322 to permit structures erected thereon for the purposes of “Temporary Warehouse for Storage of Construction Machinery and Construction Materials with Ancillary Site Office” and “Temporary Open Storage of Construction Material and Metal Ware” respectively. Lots No. 2815 RP and 2816 RP in D.D. 120 are covered by STWs No. 4749 and 4323 to permit structures erected thereon for the purposes of “Temporary Open Storage of Construction Machinery” and “Temporary Open Storage of Construction Material and Metal Ware” respectively. The STW holder(s) will need to apply to her office for modification of the STW conditions where appropriate. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. Applications for any of the above will be considered by her 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 her department;
- (d) to note the comments of the Commissioner of Transport that the land status of the access road/path/track leading to the Site from Kung Um Road shall be checked with the lands authority. The management and maintenance responsibilities of the access road/path/track shall be clarified 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 are allowed;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department shall not be responsible for the maintenance of any access connecting the Site and Kung Um Road. Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains;
- (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 environmental nuisance 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 BD (not being New Territories Exempted Houses), they are unauthorised under the Building Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including containers and open sheds as temporary buildings)

are to be carried out on the Site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are unauthorised building works (UBW). An Authorised 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 BA 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 4.5 m wide, its permitted development intensity shall be determined under Regulation 19(3) of 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 1 (the project). To meet the target first population intake under the project by Q4 of 2028, land clearance is planned to commence in mid 2022 subject to Executive Council's authorisation on land resumption and Finance Committee's funding approval of the project by Q4 2021 and Q1 2022 respectively. The programme of land resumption would follow the project programme notwithstanding the validity period of the planning permission to be granted. The Site might be subject to land resumption for the implementation of the YLS Development – Stage 1 which might take place at any time before the expiry of the temporary planning permission. No substantial works shall be carried out at the Site in view of the planned YLS Development – Stage 1. His department will give sufficient notice to relevant department(s) for early resumption of the Site if his department's works commence early.