

**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 1,000m² for open storage uses and 2,000m² 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.

**Similar Applications for Various Open Storage Uses within the Same “AGR” and “R(D)”
Zones, or Straddling Partly within the Adjoining “V” zone
on the Pat Heung Outline Zoning Plan**

Approved Applications

| | <u>Application No.</u> | <u>Proposed Use(s)</u> | <u>Date of Consideration (RNTPC/TPB)</u> | <u>Approval Condition (s)</u> |
|----|-------------------------------|---|---|--|
| 1. | A/YL-PH/589 [@] | Temporary open storage of vehicles, vehicle parts and construction materials (electric generators) for a period of 3 years | 7.8.2009 | (1), (2), (3), (4), (5), (6), (7), (8) |
| 2. | A/YL-PH/597 [#] | Proposed Temporary Open Storage of Construction Materials and Machinery for a Period of 3 Years | 23.10.2009 | (1), (2), (3), (4), (5), (6), (7), (8) |
| 3. | A/YL-PH/610 [@] | Renewal of Planning Approval for “Temporary Open Storage of Construction Materials and Machinery” use for a Period of 3 Years | 27.8.2010 (Revoked on 14.9.2011) | (1), (2), (3), (4), (5), (6), (7), (8) |
| 4. | A/YL-PH/613 [@] | Temporary Open Storage of Construction Materials and Vehicle Parts for a Period of 3 Years | 24.9.2010 (Revoked on 24.9.2011) | (1), (2), (3), (4), (5), (6), (7), (8), (9) |
| 5. | A/YL-PH/627 [#] | Temporary Open Storage of Construction Materials, Machinery (Electricity Generator), Vehicle Parts, Temporary Transit Shipment Particles and Containers for Storage of Plastic Barriers for a Period of 3 Years | 21.10.2011 (Revoked on 21.9.2013) | (1), (2), (3), (4), (5), (6), (7), (8), (10), (11) |
| 6. | A/YL-PH/641 [@] | Temporary Open Storage of Construction Materials and Vehicle Parts for a Period of 3 Years | 6.7.2012 | (1), (2), (3), (4), (5), (6), (7), (8), (9), (10) |

| | <u>Application No.</u> | <u>Proposed Use(s)</u> | <u>Date of Consideration (RNTPC/TPB)</u> | <u>Approval Condition (s)</u> |
|-----|-------------------------------|---|---|--|
| 7. | A/YL-PH/655 [#] | Temporary Open Storage of Construction Materials, Machinery and Second-Hand Vehicles for a Period of 3 Years | 21.12.2012 (Revoked on 21.6.2013) | (1), (2), (3), (4), (5), (6), (7), (8), (10) |
| 8. | A/YL-PH/656 [@] | Temporary Open Storage of Construction Machinery and Second Hand Vehicles for a Period of 3 Years | 21.12.2012 (Revoked on 21.3.2013) | (1), (2), (3), (4), (5), (6), (7), (8), (10), (12) |
| 9. | A/YL-PH/660 [@] | Temporary open storage of vehicles, vehicle parts and construction materials for a period of 3 years | 3.5.2013 (revoked on 3.11.2015) | (1), (2), (3), (4), (5), (6), (7), (8), (10) |
| 10. | A/YL-PH/677 [#] | Temporary open storage of construction materials, machinery and second-hand vehicles for a period of 3 years | 8.11.2013 (Revoked on 20.12.2013) | (1), (2), (3), (4), (5), (6), (7), (8), (10) |
| 11. | A/YL-PH/685 [#] | Temporary open storage of construction materials, machinery (electricity generator), vehicle parts, temporary transit shipment particles and containers for storage of plastic barriers for a period of 3 years | 4.4.2014 | (1), (2), (3), (4), (5), (6), (7), (8), (10) |
| 12. | A/YL-PH/699 [#] | Temporary open storage of construction materials, machinery and second-hand vehicles for a period of 3 years | 26.9.2014 | (1), (2), (3), (4), (5), (6), (7), (8), (10) |
| 13. | A/YL-PH/710 [@] | Temporary open storage of construction machinery and second hand vehicles for a period of 3 years | 27.3.2015 | (1), (2), (3), (4), (5), (6), (7), (8), (12) |
| 14. | A/YL-PH/716 [@] | Temporary Open Storage of Construction Materials and Vehicle Parts for a Period of 3 Years | 19.6.2015 | (1), (2), (3), (4), (5), (6), (7), (9), (10) |
| 15. | A/YL-PH/729 [@] | Temporary open storage (vehicles, vehicle parts and construction materials) for a period of 3 Years | 10.6.2016 | (1), (2), (4), (5), (6), (7), (8), (10), (13) |
| 16. | A/YL-PH/741 [#] | Renewal of Planning Approval for Temporary Open Storage of Construction Materials, Machinery (Electricity Generator), Vehicle | 3.3.2017 | (1), (2), (3), (4), (5), (6), (7), (8), (10), (13) |

| | <u>Application No.</u> | <u>Proposed Use(s)</u> | <u>Date of Consideration (RNTPC/TPB)</u> | <u>Approval Condition (s)</u> |
|-----|--------------------------|---|--|---|
| | | Parts, Temporary Transit Shipment Particles and Containers for Storage of Plastic Barriers for a Period of 3 Years | | |
| 17. | A/YL-PH/765 [#] | Temporary Open Storage of Construction Materials, Machinery, Second-Hand Vehicles and Vehicle Parts with Ancillary Office for a Period of 3 Years | 6.4.2018 | (1), (2), (3), (4), (5), (6), (7), (8), (10), (13) |
| 18. | A/YL-PH/776 [@] | Renewal of Planning Approval for Temporary “Open Storage of Construction Material and Vehicle Parts” for a Period of 3 Years | 20.4.2018 | (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (12), (13) |
| 19. | A/YL-PH/789 [@] | Temporary Open Storage of Construction Materials and Machineries for a Period of 3 Years | 21.9.2018 (Revoked on 21.3.2019) | (1), (2), (3), (4), (5), (6), (7), (8), (10), (12), (13) |
| 20. | A/YL-PH/810 [@] | Temporary Open Storage of Construction Materials and Machineries for a Period of 3 Years | 20.9.2019 | (1), (2), (3), (5), (6), (7), (10), (12), (13) |
| 21. | A/YL-PH/814 [@] | Temporary Open Storage of Vehicles, Vehicle Parts and Construction Materials for a Period of 3 Years | 16.8.2019 | (1), (2), (3), (5), (6), (7), (10), (13) |

Remarks:

Application straddles partly within the same “AGR” and “R(D)” zones on the OZP.

@ Application falls entirely within the same “R(D)” zone on the OZP.

Approval conditions

- (1) Restriction on operation hours/time
- (2) No repairing, maintenance, dismantling and workshop activities were allowed on the Site at any time during the planning approval period
- (3) Restriction on the types of vehicle allowed for the operation of the Site at any time during the planning approval period
- (4) Submission and implementation of landscaping and/or tree preservation proposal / The landscape planting on the Site should be maintained
- (5) Submission and implementation of drainage proposal / The drainage facilities on the Site should be maintained / Submission of records of existing drainage facilities
- (6) Submission and implementation of fire service installations proposal
- (7) Revocation of the planning approval if any of the planning conditions is not complied with by the specified dated or during the planning approval period

- (8) Reinstatement of the Site to an amenity area or to the original state
- (9) The stacking height of construction materials stored within 5 metres of the periphery of the Site should not exceed the height of the boundary fence of the Site
- (10) Provision of fire extinguisher(s)
- (11) No storage of used electrical appliances or any other types of electronic waste was allowed on the open area of the Site
- (12) The fencing on the Site should be maintained
- (13) No vehicle is allowed to queue back to or reverse onto / from the public road during the planning approval period

Rejected Applications

| | <u>Application No.</u> | <u>Proposed Use(s)</u> | <u>Date of Consideration (RNTPC/TPB)</u> | <u>Rejection Reason(s)</u> |
|----|-------------------------------|--|---|-----------------------------------|
| 1. | A/YL-PH/585 [#] | Temporary Open Storage of Tires for a Period of 3 Years | 24.7.2009 | (1), (3) |
| 2. | A/YL-PH/587 [@] | Temporary Open Storage of Recyclable Office Equipment for a Period of 3 years | 21.8.2009 | (1), (2), (3), (4) |
| 3. | A/YL-PH/591 ^{&} | Temporary Open Storage of Vehicles (including Private Cars and Light Goods Vehicles) for a Period of 3 years | 21.8.2009 | (1), (2), (3), (4) |
| 4. | A/YL-PH/624 [@] | Temporary Open Storage of Recyclable Office Equipment with Ancillary Workshop for a Period of 3 Years | 18.11.2011 | (1), (2), (3), (4) |
| 5. | A/YL-PH/625 ^{&} | Proposed Temporary Open Storage of Used Cars for Recycling with Ancillary Workshop for a Period of 3 Years | 18.11.2011 | (1), (2), (3), (4) |
| 6. | A/YL-PH/629 ^{&} | Proposed Temporary Open Storage of Used Cars and Vehicle Parts for Recycling for a Period of 3 Years | 6.12.2011 | (1), (2), (3), (4) |
| 7. | A/YL-PH/634 [@] | Temporary Open Storage of Used Car Parts for Recycling for a Period of 3 Years | 10.2.2012 | (1), (2), (3) |
| 8. | A/YL-PH/636 [#] | Proposed Temporary Open Storage of Construction Materials for a Period of 3 Years | 24.2.2012 | (1), (2), (3) |

Remarks:

Application straddles partly within the same “AGR” and “R(D)” zones on the OZP.

- @ Application straddled partly within the subject "AGR" and the adjoining "V" zones on the OZP.
- & Application falls within the same "AGR" zone on the OZP.

Main Rejection Reasons

- (1) The development did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No.13E) in that there was no previous planning approval granted to the site and/or there were adverse departmental comment and/or local objection against the application.
- (2) The proposed development was not in line with the planning intention of the "AGR"/"V" zones.
- (3) There were residential dwellings in the vicinity of the Site. The proposed development would generate adverse impacts to the surrounding areas. No technical assessments had been conducted to address the potential issues / to demonstrate that the proposed development would not generate any adverse impacts on the surrounding areas.
- (4) Approval of the application would set an undesirable precedent for other similar applications.

**Appendix IV of RNTPC
Paper No. A/YL-PH/821**

Good Practice Guidelines for Open Storage Sites

| | | Internal access for fire appliances | Lot boundaries (clear width) | Distance between storage cluster and temporary structure | Cluster size | Storage height |
|----|--|-------------------------------------|------------------------------|--|--------------|----------------|
| 1. | Open Storage of Containers | | 2m | 4.5m | | |
| 2. | Open Storage of non-combustibles or limited combustibles | 4.5m | 2m | 4.5m | | |
| 3. | Open Storage of combustibles | 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) resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (b) note DLO/YL, LandsD's comments that the Site comprises Old Scheduled Agricultural Lots held under the Block Government Lease which contain the restriction that no structures are allowed to be erected without the prior approval of the Government. No permission has been given for occupation of Government land (about 45.16m² subject to verification) included in the Site. Any occupation of Government land without Government's prior approval is not allowed. With the implementation of the tightened arrangements for handling regularisation applications, his department will no longer accept application for regularisation of new or extension of unlawful occupation of Government land or erection of new structures which is found commenced on or after 28.3.2017. The Site falls within Shek Kong Airfield Height Restriction Area (SKAHRA). The height of the proposed structure shall not exceed the relevant airfield height limit within SKAHRA. The lot owner(s) will need to apply to his office to permit the structure(s) to be erected or regularize any irregularities on site. 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 Government land portion from the Site or apply for a direct grant Short Term Tenancy (STT) for use of the Site. Applications for any of the above will be considered by his department acting in the capacity as 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 his department;
- (c) note C for T's comments that the Site is connected to the public road network via a local access road which is not managed by his department. The land status of that local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of that local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) note CHE/NTW, HyD's comments that adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads or exclusive road drains. His department is not / shall not be responsible for the maintenance of any access connecting the Site and Kam Tin Road;

- (e) adopt 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 DEP to minimise any potential impact;
- (f) note D of FS’s comments that in consideration of the design / nature of the proposal, fire service installations (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. Besides, the good practice guidelines for open storage in **Appendix IV** of this RNTPC Paper should be adhered to. To address the approval condition on provision of fire extinguisher, the applicant should submit a valid fire certificate (FS 251) to his department for approval. 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
- (g) note CBS/NTW, BD’s comments that before any new buildings works (including containers / open sheds as temporary buildings, demolition and land filling) are to be carried out on the Site, prior approval and consent of the Building Authority should be obtained, otherwise they are unauthorized building works (UBW) under the BO. An Authorized 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 Regulation 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. The Site does not abut on a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at building plan submission stage.