

Relevant Extracts of Town Planning Board Guidelines on
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: considered suitable for open storage and port-backup uses. 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: within these areas, “existing” and approved open storage and port back-up uses are to be contained and further proliferation of such uses is not acceptable. 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 (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, 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 fresh applications relevant technical assessments/proposals (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 summarized as follows:
 - (a) The use of sites less than 1,000m² for open storage uses and 2,000m² for port back-up uses in rural areas, is generally not encouraged, 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 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 Application Covering the Site

Approved Application

No.	Application No.	Proposed Use(s)/Development(s)	Date of Consideration by RNTPC / TPB	Approval Conditions
1	A/YL-PH/238	Open Storage of Vehicles Parts and Vehicles Prior to Sale	13.11.1998	(1), (2), (3)

Approval Conditions

- (1) Submission / implementation of landscaping proposals
- (2) Provision of drainage facilities
- (3) Provision of corrugated steel sheet fencing

**Detailed comments on the submitted drainage proposal
by Chief Engineer / Mainland North, Drainage Services Department**

1. According to the fall direction of the cover, the southern side should also have a gutter to properly collect the runoff for conveyance to discharge point. Please review.
2. Please clarify the size of the gutter and downpipe.
3. Cross sections showing the existing and proposed ground level of the Site with respect to the adjacent areas should be given.
4. Please furnish a plan showing the overland flow pattern for the abutting areas and that within the Site before and after the development. Please clarify whether there is any formation level change due to the proposed development.
5. Please furnish details regarding the catchpit and outlet connection.
6. It is noted that an existing 750mm channel lays within the subject lots. Please furnish photos showing the existing condition of the channel. Besides, please justify with calculation that the existing 750mm drainage channel has adequate spare capacity to accommodate the runoff from the proposed development.
7. Where walls or hoarding are erected and laid along the Site's boundary, adequate opening should be provided to intercept the existing overland flow passing through the Site.
8. The proposed development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas etc.
9. The applicant should consult DLO/YL of LandsD and seek consent from the relevant owners for any drainage works to be carried out outside their lot boundary before commencement of the drainage works.



Advisory Clauses

- (a) note DLO/YL, LandsD's comments that the Site comprises Old Scheduled Agricultural Lot 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 lot owner(s) will need to apply to his office to permit the structure(s) to be erected or regularize any irregularities 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. Application(s) for any of the above will be considered by LandsD 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 rent or fee, as may be imposed by the LandsD;
- (b) note CHE/NTW, HyD's comments that the applicant should provide the run-in/out at Fan Kam Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (c) 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" issued by DEP;
- (d) note CE/MN, DSD's comments on the submitted drainage proposal: (i) according to the fall direction of the cover, the southern side should also have a gutter to properly collect the runoff for conveyance to discharge point. Please review; (ii) please clarify the size of the gutter and downpipe; (iii) cross sections showing the existing and proposed ground level of the Site with respect to the adjacent areas should be given; (iv) please furnish a plan showing the overland flow pattern for the abutting areas and that within the Site before and after the development, and clarify whether there is any formation level change due to the proposed development; (v) please furnish details regarding the catchpit and outlet connection; (vi) it is noted that an existing 750mm channel lays within the subject lots. The applicant should furnish photos showing the existing condition of the channel, and justify with calculation that the existing 750mm drainage channel has adequate spare capacity to accommodate the runoff from the proposed development; (vii) where walls or hoarding are erected and laid along the Site's boundary, adequate opening should be provided to intercept the existing overland flow passing through the Site; (viii) the proposed development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas etc.; (ix) the applicant should consult DLO/YL of LandsD and seek consent from the relevant

owners for any drainage works to be carried out outside their lot boundary before commencement of the drainage works;

- (e) note D of FS's comments 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. 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
- (f) note CBS/NTW, BD's comments that if structures (not being a New Territories Exempted House) are erected on leased land without the approval of the Building Authority (BA), they are unauthorized building works (UBW) under the BO and should not be designated for any proposed use under the application. If UBW are erected on leased land, enforcement action may be taken by the 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. Before any new building 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 BA should be obtained, otherwise they are UBW. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with 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. 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 the building plan submission stage.