

Relevant Extracts of 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.

Previous Applications

Approved Applications

Application No.	Uses/Developments	Date of Consideration	Approval Conditions
A/DPA/NE-KTN/18	Warehouse and Workshop for Manufacturing of Rattan Products	23.7.1993	A1 to A5
A/NE-KTN/47	Lorry and Container Trailer Park for a temporary period of 12 months	2.5.1997	A3, A6 & A7
A/NE-KTN/56	Temporary Lorry and Container Trailer Park for a Period of 1 year	17.7.1998	A3, A6, A8 & A9
A/NE-KTN/67	Temporary Lorry and Container Trailer Park for 3 Years	8.10.1999 (revoked on 8.1.2001)	A8, A10 & A11
A/NE-KTN/82	Temporary Lorry and Container Trailer Park for 3 Years	21.9.2001	A3, A9 & A11
A/NE-KTN/91	Temporary Lorry and Container Trailer Park for 3 Years	3.7.2002	A9
A/NE-KTN/111	Temporary Lorry and Container Trailer Park with Ancillary Vehicle Repair Workshop for a Period of 3 Years	5.11.2004	A9, A11 to A14
A/NE-KTN/133	Temporary Lorry and Container Trailer Park for a Period of 3 Years	8.5.2009 (revoked on 8.11.2009)	A8, A11, A12, A14 to A16
A/NE-KTN/149	Temporary Lorry and Container Trailer Parking with Ancillary Vehicle Repair Workshop for a Period of 3 Years	6.12.2011	A8, A11, A12, A14 to A18, A20
A/KTN/18	Temporary Coach and Container Trailer Parking with Ancillary Vehicle Repair Workshop for a Period of 3 Years	18.9.2015	A8, A11, A12, A14 to A18
A/KTN/45	Proposed Temporary Warehouse for Storage of Electronic Goods for a Period of 3 Years	6.7.2018 (revoked on 6.1.2020)	A8, A11, A14 to A19, A21

Approval Conditions

- A1 Provision of vehicular access, parking and loading/unloading facilities
- A2 Provision of sewage treatment and disposal facilities
- A3 Submission of drainage proposals and/or provision of drainage facilities

- A4 Submission and implementation of landscape proposals and perimeter visual screen
- A5 Commencement clause
- A6 Provision of vehicular ingress/egress point
- A7 Provision of landscaping screening around the application site
- A8 Submission and/or implementation of tree preservation and landscape proposals
- A9 Reinstatement clause
- A10 Provision of peripheral fencing
- A11 Revocation clause
- A12 Vehicular access, parking and loading/unloading arrangement should be maintained
- A13 Landscape planting on the application site should be maintained
- A14 Drainage facilities on the application site should be maintained
- A15 Submission / implementation of proposals for fire services installations and water supplies for fire fighting
- A16 Submission of conditional records of the existing drainage facilities on site
- A17 No night-time operation between 6:00 p.m. and 9:00 a.m.
- A18 No operation on Sundays and public holidays
- A19 No workshop and open storage uses
- A20 Restriction of the number of parking spaces
- A21 The paving of the vehicular access area of the site

Similar Application

Approved Application

Application No.	Uses/Developments	Date of Consideration	Approval Conditions
A/KTN/44	Temporary Coach, Container Tractor and Trailer Park for a Period of 3 Years	18.1.2018 (revoked on 15.12.2018)	A1 to A7

Approval Conditions

- A1 No night-time operation between 6:00 p.m. and 9:00 a.m.
- A2 No operation on Sundays and public holidays
- A3 Existing trees on the application site should be maintained
- A4 The paving of the vehicular access area of the site
- A5 Submission / implementation of proposals for fire services installations and water supplies for fire fighting
- A6 Submission / implementation of drainage proposals
- A7 Revocation clause

Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the applied use at the Site;
- (b) to note the comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD) as follows:
 - (i) the Site comprises Lots 879 S.A RP, 879 S.B RP (Part) and 880 S.C RP (Part) in D.D. 92 and the adjoining Government land. The lots are Old Schedule agricultural lots held under Block Government Lease. The applicant should make its own arrangement, and there is no guarantee that any adjoining Government land will be allowed for the vehicular access of the proposed use;
 - (ii) application Lots 879 S.A RP and 879 S.B RP in D.D. 92 are covered by a valid Short Term Waiver (STW) No. 1413 for the purpose of a lorry and container trailer park. The total roof-over area of the existing structures within the STW concerned exceeds the permitted one;
 - (iii) the Site includes a valid Short Term Tenancy (STT) No. 1271 for the purpose of a lorry and container trailer park. The total roof-over area of the existing structures within the STT concerned exceeds the permitted one;
 - (iv) the development schedule indicates a toilet will be erected on the Site. The applicant should note that any proposed septic tank and soakage pit system should meet current health requirements, and has to apply for Certificate of Exemption (Drainage Works) from his office in advance;
 - (v) the existing structures on application Lot 880 S.C RP in D.D. 92 were erected without approval from his office, and are not acceptable under the Lease concerned. His office reserves the right to take necessary lease enforcement actions;
 - (vi) if the planning application is approved, the owner of Lot 880 S.C RP in D.D. 92 shall apply to his office for a STW to cover the existing structures erected on the lot concerned. The waiver fee would be backdated to the first date of occupation and appropriate terms will apply, if approved. The application for STW will be considered by Government in its landlord's capacity and there is no guarantee that they will be approved. If it is approved, its commencement dates would be backdated to the first date of occupation and it will be subject to such terms and conditions to be imposed including payment of rental and administrative fees as considered appropriate by his office;

- (vii) the tenant of STT No.1271 should apply to his office for regularization of the total roofed-over area of the existing structures erected on STT area concerned; and
- (viii) the waiveree of STW No. 1413 should apply to his office for regularization of the total roofed-over area of the existing structures erected on STW area concerned;
- (c) to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” (CoP) issued by the Director of Environmental Protection;
- (d) to note the comments of the Commissioner for Transport that the applicant should check with the lands authority regarding the land status of the local access road leading to the Site from the Castle Peak Road – Kwu Tung. The management and maintenance responsibilities of the access should also be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that any tree treatment works shall be approved by the relevant tree authority as necessary prior to the commencement of works;
- (f) to note the comments of the Director of Fire Services that with regard to the Fire Services Installations (FSIs) proposal, the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy and the location of where the proposed FSIs to be installed should be clearly marked on the layout plans; detailed fire service requirements will be formulated upon receipt of formal submission of general building plans if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123); and
- (g) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that for provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD’s standards.