

**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 1,000m<sup>2</sup> for open storage uses and 2,000m<sup>2</sup> 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.

**Similar Applications for Temporary Open Storage Use  
within the Same “Green Belt” Zone  
on the Approved Kwu Tung South Outline Zoning Plan No. S/NE-KTS/16**

**Rejected Applications**

<b>Application No.</b>	<b>Uses/Developments</b>	<b>Date of Consideration</b>	<b>Rejection Reasons</b>
A/NE-KTS/56	Temporary Open Storage of Containers for a period of 12 Months	24.1.1997	R1 to R4
A/NE-KTS/84	Temporary Open Storage and Warehouse of Building Materials for a period of 12 months	23.4.1999 (on review)	R1, R2, R3 & R5
A/NE-KTS/93	Temporary Open Storage of Steel Scaffolding for a period of 12 Months	20.8.1999 (on review)	R1, R2, R4 & R5
A/NE-KTS/278	Temporary Machinery Repair Workshop and Open Storage of Construction Materials for a Period of 3 Years	10.7.2009	R1, R4, R5 & R6
A/NE-KTS/331	Temporary Open Storage of Building Materials, Construction Equipment and Machinery for a Period of 3 Years	21.12.2012	R1, R2, R4, R5 & R6
A/NE-KTS/365	Temporary Open Storage of Construction Materials for a Period of 3 Years	25.4.2014	R1, R2, R4, R6 & R7
A/NE-KTS/416	Temporary Open Storage of Construction Machinery for a Period of 3 Years	22.1.2016	R1, R4, R6 & R7

**Reasons for Rejection**

- R1 Not in line with the planning intention of the “Green Belt” (“GB”) and/or “Village Type Development” (“V”) zones
- R2 Not compatible with the surrounding land uses
- R3 Posing potential hazards to the pedestrians
- R4 Setting an undesirable precedent

- R5 No information to demonstrate no adverse traffic, environmental, landscape and/or ecological impacts
- R6 Not comply with 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)
- R7 Not comply with the Town Planning Board Guidelines for Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 10)

**Advisory Clauses**

- (a) prior planning permission should have been obtained before commencing the development on the application site.
- (b) to note the comments of the District Lands Officer/North, Lands Department as follows:
  - (i) the subject lots are Old Schedule Lots held under the Block Government lease (demised for agriculture use) without any guaranteed right of access. The applicant should make its own arrangement for acquiring access, and there is no guarantee that any adjoining Government land will be allowed for the vehicular access of the proposed use;
  - (ii) some of the existing structures on the Site are covered by Modification of Tenancy (MOT). Nevertheless, the existing use and dimensions of the MOT structures concerned may not be acceptable under the MOT conditions;
  - (iii) apart from the MOT structures, the other existing structures on the Site were erected without approval from his office. The aforesaid structures are not acceptable under the Leases concerned. His office reserves the right to take enforcement actions against the aforesaid structures;
  - (iv) if the applicant wishes to demolish the MOT structures concerned to make way for the proposed development, applications for cancellation of the MOT would not be entertained unless it is raised by the MOT holder concerned;
  - (v) if land/pond filling works would be performed on the Site, the applicant should take precautionary measures to restrict the scale of land/pond filling activity so as to ensure no private lot(s)/Government land adjacent to the Site would be disturbed. Besides, the applicant should also comply with all the land/pond filling requirements imposed by relevant Government departments(s), if any; and
  - (vi) the owners of the lots concerned shall apply to his office for a Short Term Waiver (STW) covering all the actual occupation area. 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 the STW is approved, its commencement date 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 waiver fee and administrative fees as considered appropriate by his office.
- (c) to follow the environmental mitigation measures as set out in the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection (DEP) in order to minimize any possible

environmental nuisances as advised by DEP.

(d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) as follows:

- (i) before any new building works are to be carried out on the Site, prior approval and consent of the Building Authority (BA) should be obtained unless they are exempted building works or commenced under the simplified requirement under the Minor Works Control System. Otherwise, they are Unauthorized Buildings Works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO);
- (ii) 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;
- (iii) the Site shall be provided with means of obtaining access thereto from a street under the Building (Planning) Regulation 5 and emergency vehicular access shall be provided under the Building (Planning) Regulation 41D;
- (iv) if the Site is not abutting on a specified street having a width not less than 4.5m, the development intensity shall be determined by the Building Authority under the Building (Planning) Regulation 19(3) at building plan submission stage; and
- (v) formal submission under the BO is required for any proposed new works, including any temporary structures. Detailed comments under BO will be provided at the building plan submission stage.

(e) to note the comments of the Director of Fire Services as follows:

- (i) if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
- (ii) for layout plans to be submitted to his department:

the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of where the proposed fire service installations to be installed should be clearly marked on the layout plans. Attached good practice guidelines for open storage should be adhere to.