

**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 Applications

Approved Applications

Application No.	Uses/Developments	Date of Consideration	Approval Conditions
A/YL-SK/71	Temporary Open Storage of Building Materials for a Period of 12 Months	5.2.1999	A7 to A9
A/YL-SK/239	Temporary Logistics Centre for a Period of 3 Years	17.8.2018	A1 to A8
A/YL-SK/246	Proposed Temporary Logistics Centre for a Period of 3 Years	22.3.2019	A1 to A8

Approval Conditions

- A1 Restriction on operation hours.
- A2 No medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, are allowed to be parked/stored on or enter/exit the Site at any time.
- A3 No dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the Site at any time.
- A4 No vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period.
- A5 Revocation of planning approval for non-compliance with conditions by a specified date or during the planning approval period
- A6 The submission and/or implementation of the fire service installations proposal.
- A7 The submission and/or implementation and/or maintenance of the drainage proposal / provision of drainage facilities.
- A8 Reinstatement of the application site upon expiry of planning permission
- A9 Submission and implementation of landscaping proposals, including a tree preservation scheme.

**Similar s.16 Applications for
Temporary Logistics Centre and Workshop for a Period of 3 Years
Within the same “I(D)” Zone on the
Approved Shek Kong Outline Zoning Plan No. S/YL-SK/9**

Approved Applications

Application No.	Uses/Developments	Date of Consideration	Approval Conditions
A/YL-SK/268	Temporary Logistics Centre for a Period of 3 Years	15.11.2019	A1 to A10
A/YL-SK/275	Proposed Temporary Logistics Centre for a Period of 3 Years	26.5.2020	A1 to A10

Approval Conditions

- A1 No operation between 8:00 p.m. to 8:00 a.m. is allowed.
- A2 No operation on Sundays and public holidays is allowed.
- A3 No medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site at any time.
- A4 No dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the Site at any time.
- A5 No vehicle is allowed to queue back to or reverse onto/from public road at any time.
- A6 The submission of drainage proposal.
- A7 The implementation of drainage proposal.
- A8 The implemented drainage facilities on the Site shall be maintained at all times.
- A9 The submission of fire service installations proposal.
- A10 The provision of fire service installations proposal.

Advisory Clauses

- (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that:
 - (i) 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; and
 - (ii) the lot owner(s) will need to apply to DLO/YL, LandsD to permit the structures 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. Applications for any of the above will be considered by LandsD acting in the capacity as 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 LandsD.

- (b) to note the comments of the Commissioner for Transport (C for T) that:
 - (i) the Site is connected to the public road network via a section of a local access road which is not managed by his department. The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.

- (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that:
 - (i) HyD shall not be responsible for the maintenance for any access connecting the Site and Kam Tin Road; and
 - (ii) adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

- (d) to note the comments of the Director of Environmental Protection (DEP) to following the relevant mitigation measures and requirements in the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by his department to minimize any potential environmental nuisances.

- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) on the submitted drainage proposal that:
 - (i) from para. 2.1, the site will be formed to a higher level. In this case, please furnish a plan with cross sections showing the existing overland flow of adjacent area before

and after the development. Please be reminded to provide intercepting drains with adequate size to collect additional runoff from outside the site if the development changes the overland flow pattern of area outside the application site;

- (ii) please show catchpits provided on plan with indication of their cover levels and invert levels.
 - (iii) please show the location of the cutting point for Section A-A and B-B. Besides for Section B-B, the overland flow direction from low level to high level appears not sensible. Please review and check whether such overland flow should be collected by the peripheral drain for the subject development;
 - (iv) connection details of the two DN1000 pipe at the discharge point at DD should be provided;
 - (v) from the plan view, the flow is from B2 to B3, but from sectional views, the cross sectional area of B3 is much smaller than B2. Please review; and
 - (vi) the two parcel of lands, especially lot 595, are at the immediate lower side of a hill in which large amount of overland flow can pass through the application site. Please clarify how to intercept such overland flow from the hill side.
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
- (i) if the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of the Building Authority (BA), they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application;
 - (ii) 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;
 - (iii) 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 coordinator for the proposed building works in accordance with the BO;
 - (iv) the two sites shall be considered as two separate sites and 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 respectively; and
 - (v) the two sites do not abut on a specified street of not less than 4.5m wide, and its permitted development intensity of each individual site shall be determined under

Regulation 19(3) of the Building (Planning) Regulations at the building plan submission stage.

- (g) to note the comments of the Director of Fire Services (D of FS) that:
- (i) in consideration of the design/nature of the proposal, fire service installations are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations to his department for approval;
 - (ii) the applicant is reminded that if the proposed structure(s) is required to comply with the BO, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
 - (iii) his comments on the submitted Fire Service Installations Proposal that (i) since there is a significant separation between Site A and B, two separated sets of FSI systems shall be provided to the two sites respectively, e.g. two separated modified hose reel systems, including water tanks and fixed fire pumps, shall be provided to the two sites respectively; (ii) The size of water tank for Automatic Sprinkler System on the FS notes shall tally with that indicated on plan; (iii) The aggregate area of openable windows of the compartment exceeding 6.25% of the floor area of that compartment shall be shown to justify the non-provision of static or dynamic smoke extraction system; and (iv) the compartment volume of structure 1 & 2 and the storage configuration shall also be provided.

