

**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 S.16 Applications  
for Temporary Open Storage Uses within the same “AGR” Zone  
on the Approved Shek Kong Outline Zoning Plan No. S/YL-SK/9**

**Rejected Applications**

	<b>Application No.</b>	<b>Uses/Developments</b>	<b>Date of Consideration</b>	<b>Rejection Reasons</b>
(1)	A/YL-SK/48	Temporary Open Storage of Scaffolding Equipment for a Period of 12 Months	8.8.1997  27.3.1998 <i>(on review)</i>	(1), (2), (3), (4)
(2)	A/YL-SK/49	Temporary Open Storage of Steel Scaffolding Equipment for a Period of 12 Months	8.8.1997	(1), (2), (3), (4)
(3)	A/YL-SK/50	Temporary Open Storage of Construction Machinery and Materials for a Period of 12 Months	22.8.1997  9.1.1998 <i>(on review)</i>	(1), (2), (3), (4)
(4)	A/YL-SK/51	Temporary Open Storage of Construction Machinery and Materials for a Period of 12 Months	22.8.1997  9.1.1998 <i>(on review)</i>	(1), (2), (3), (4)
(5)	A/YL-SK/52	Temporary Open Storage of Construction Machinery and Materials for a Period of 12 months	5.9.1997  9.1.1998 <i>(on review)</i>	(1), (2), (3), (4)
(6)	A/YL-SK/118	Temporary Open Storage of Vehicles and Vehicle Parts for a Period of 3 Years	21.11.2003	(1), (2), (4), (5)
(7)	A/YL-SK/124	Temporary Open Storage of Construction Materials for a Period of 3 Years	14.5.2004	(1), (2), (4), (5)
(8)	A/YL-SK/163	Temporary Open Storage of Vehicles (Buses, Minibuses, Private Cars and Goods Vans) for a Period of 3 Years	15.4.2011  26.8.2011 <i>(on review)</i>	(1), (4), (5)

### **Rejection Reasons**

- (1) The development is not in line with the planning intention of “AGR” zone. There is no strong justification to merit a departure from the planning intention even on a temporary basis.
- (2) There is insufficient information in the submission to demonstrate that the development will not have adverse environmental and/or drainage impacts on the surrounding area.
- (3) The development is incompatible with the well-wooded hill slope zoned “Conservation Area” (“CA”) located to its south.
- (4) The approval of the application will set an undesirable precedent for other similar applications, and the cumulative effect of which will further degrade the environment of the area.
- (5) the development did not comply with the Town Planning Board Guidelines No. 13 for “Application for Open Storage and Port Back-up Uses” in that it was not compatible with the rural character in the vicinity.

**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 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; and
  - (ii) the lot owner(s) will need to apply to DLO/YL of 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 the Site is connected to the public road network via a section of a local access road which is not managed by Transport Department. The land status of the local access road should be checked with the Lands Department. 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 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 follow 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 Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
  - (i) before any new building works (including containers/open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on Site, prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are unauthorised building works (UBW) under the Buildings Ordinance (BO). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;

- (ii) for UBW 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;
- (iii) 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 respectively; and
- (iv) 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 Building (Planning) Regulations at the building plan submission stage.
- (f) 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. In formulating the proposal, the applicant is advised to make reference to the following requirements:
- the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy;
  - the location of where the proposed fire service installations to be installed should be clearly marked on the layout plans;
  - the following good practice guidelines for open storage should be adhered to; and

	<b>Internal access for fire appliances</b>	<b>Lot boundaries (clear width)</b>	<b>Distance between storage cluster and temporary structure</b>	<b>Cluster size</b>	<b>Storage height</b>
(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.*

- (ii) the applicant is reminded that if the applied 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.

