

**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 Covering the Site

Approved Applications

No.	Application No.	Proposed Use(s)/Development(s)	Date of Consideration by RNTPC / TPB	Approval Conditions
1	A/YL-PH/18	Open Storage of Construction Machineries	15.9.1995	(1), (2), (3), (4), (5), (6)
2	A/YL-PH/21	Open Storage of Vehicles and Construction Machinery	20.10.1995	(1), (2), (4)
3	A/YL-PH/42	Open Storage of Vehicles	24.5.1996	(1), (2), (4), (7), (8)

Approval Conditions

- (1) Provision of vehicular access / on-site loading / unloading / car parking / circulation spaces
- (2) Provision of drainage facilities
- (3) Provision of sewerage and wastewater treatment facilities
- (4) Submission / implementation of landscaping proposal / provision of landscape treatment
- (5) Provision of boundary fencing
- (6) The permission shall cease to have effect unless the development is commenced or permission is renewed
- (7) No paint spraying allowed
- (8) Paving of the site to minimize fugitive dust impact

Similar Applications within “OS” Zone on the Pat Heung Outline Zoning Plan

Approved Application for Container Vehicle Repair Yard

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Conditions</u>
1	A/YL-PH/845	Proposed Temporary Container Vehicle Repair Yard and Warehouse for a Period of 3 Years	10.7.2020	(1), (2), (3), (4), (5), (6)

- (1) Restriction on operation time
- (2) No vehicle is allowed to queue back to or reverse onto / from public road
- (3) Submission / implementation of run-in/out proposal
- (4) Submission / implementation of revised drainage proposal / maintenance of implemented drainage facilities
- (5) Submission / implementation of fire service installations proposal
- (6) Revocation of planning permission if any condition is not complied with during the planning approval period / by the specified date

Approved Application for Shop and Services

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Conditions</u>
1	A/YL-PH/797	Proposed Temporary Shop and Services (Vehicle Parts) for a Period of 3 Years	21.12.2018	(1), (2), (3), (4), (5), (6), (7)
2	A/YL-PH/847	Proposed Temporary Shop and Services (Vehicle Parts) with Ancillary Storage and Office for a Period of 5 Years	1.9.2020	(3), (5), (6), (7)

- (1) Restriction on operation time
- (2) Restriction on vehicle type
- (3) No vehicle is allowed to queue back to or reverse onto / from public road
- (4) Maintenance of existing trees
- (5) Submission / implementation of drainage proposal / maintenance of implemented drainage facilities
- (6) Submission / implementation of fire service installations proposal
- (7) Revocation of planning permission if any condition is not complied with during the planning approval period / by the specified date

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

1. Please indicate clearly the full alignment of the discharge part from the Site all the way down to the ultimate discharge point (e.g. a well-established stream course / public drainage system).
2. Further to (1), since there is no record of the said discharge path, please provide site photos to demonstrate its presence and existing conditions.
3. The cover levels are invert levels of the proposed u-channels, catchpits / sand traps should be shown on the drainage plan.
4. Cross sections showing the existing and proposed ground levels of the Site with respect to adjacent areas should be given.
5. Please furnish a plan showing the overland flow pattern for areas abutting and that within the Site before and after the development. Please clarify whether there is any formation level change due to the development.
6. Please demonstrate how the existing flow paths as well as the run-off falling onto and passing through the Site could be intercepted and disposed of via proper discharge points. The drainage proposal should also demonstrate the existing drainage system to which the proposed connection will be made has the spare capacity to cater for the additional discharge 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 the 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. Applications 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 C for T's comments 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 (TD). 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) note CHE/NTW, HyD's comments that HyD shall not be responsible for the maintenance of any access connecting the Site and Fan Kam Road. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (d) 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;
- (e) note CE/MN, DSD's comments on the submitted drainage proposal: (i) please indicate clearly the full alignment of the discharge part from the Site all the way down to the ultimate discharge point (e.g. a well-established stream course / public drainage system); (ii) further to (i), since there is no record of the said discharge path, please provide site photos to demonstrate its presence and existing conditions; (iii) the cover levels are invert levels of the proposed u-channels, catchpits / sand traps should be shown on the drainage plan; (iv) cross sections showing the existing and proposed ground levels of the Site with respect to adjacent areas should be given; (v) please furnish a plan showing the overland flow pattern for areas abutting and that within the Site before and after the development. Please clarify whether there is any formation level change due to the development; (vi) please demonstrate how the existing flow paths as well as the run-off falling onto and passing through the Site could be intercepted and disposed of via proper discharge points. The drainage proposal should also demonstrate the existing drainage system to which the

proposed connection will be made has the spare capacity to cater for the additional discharge 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.; and (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 the lot boundary before commencement of the drainage works;

- (f) 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
- (g) note CBS/NTW, BD's comments that if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BA, they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application. 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. Before any new building works (including containers/ open sheds as temporary buildings, demolition and land filling etc.) 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. Any temporary shelters or converted containers for office, storage, washroom or other uses are considered as temporary buildings and are subject to the control of Part VII of the B(P)R. Detailed checking under the BO will be carried out at building plan submission stage.