

**TOWN PLANNING BOARD GUIDELINES FOR APPLICATION
FOR OPEN STORAGE AND PORT BACK-UP USES
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

(Important Note :

The Guidelines are intended for general reference only.

Any enquiry on this pamphlet should be directed to the Secretariat of the Town Planning Board (15th Floor, North Point Government Offices (NPGO), 333 Java Road, Hong Kong - Tel. No. 2231 4810 or 2231 4835) or the Planning Enquiry Counters of the Planning Department (Hotline: 2231 5000) (17th Floor, NPGO and 14th Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin).

The Guidelines are subject to revision without prior notice.)

1. Scope and Application

- 1.1 The Town Planning Board (the Board) recognises that the proliferation of open storage activities in the New Territories has led to considerable degradation of the rural environment and caused serious problems related to impacts of noise and air pollution, flooding and visual intrusion as well as traffic congestion and safety. In order to prevent further uncontrolled sprawl of activities and minimise adverse environmental impacts resulting from these land uses, “Open Storage” (“OS”) and “Other Specified Uses” annotated “Port Back-up Uses” (“OU(PBU)”) zones are designated in appropriate areas on statutory town plans with a view to meeting the demand for open storage and port back-up sites and to regularising the already haphazard proliferation of such uses within these zones. The intention is to provide for the rational development of open storage of materials which cannot be accommodated in conventional godown premises.
- 1.2 In “OS”, “OU(PBU)” and “Industrial (Group D)” (“I(D)”) zones, open storage and port back-up uses are generally permitted. That said, specific open storage and port back-up uses such as container storage, storage of dangerous goods and container trailer/tractor park which may cause significant environmental nuisance, safety hazards or transport problems require planning permission from the Board. The purpose is to ensure that such open storage and port back-up uses would have no adverse environmental, drainage, traffic and other impacts on the surrounding areas.
- 1.3 Temporary open storage and port back-up uses may also be permissible on application to the Board in areas covered by rural statutory town plans but outside the designated zones in paragraph 1.2 above, except in environmentally/ecologically sensitive areas including the “Site of Special Scientific Interest” (“SSSI”), “Conservation Area” (“CA”), “Coastal Protection Area” (“CPA”), “Other Specified Uses” annotated “Comprehensive Development and Wetland Enhancement Area”

(“OU(CDWEA)”) and “Other Specified Uses” annotated “Comprehensive Development and Wetland Protection Area” (“OU(CDWPA)”) zones where such uses are prohibited. In granting permission for temporary uses, the Board would, based on individual merits of each application, determine the exact time period of permission, and such period, in any event, would not exceed 3 years.

Open Storage Uses

- 1.4 “Open Storage” uses considered here relate to activities carried out on a site for which the greater part of the site (i.e. generally assumed to be more than 50%) is uncovered and used for storage, repair or breaking other than container-related uses. Uncovered storage activities ancillary to industrial, workshop and warehousing on the same site, if not exceeding 50% of the site area, are excluded from this definition. The definition however includes temporary structures such as those found on dumping and vehicle repair sites (for example galvanised sheeting used for carports), as these do not radically differ from the appearance, nature or impact of operations carried out in open accommodation. It also includes open storage use with on-site commercial activities, e.g. display and sale of vehicles.
- 1.5 Examples of open storage activities conforming to the above definition include :
 - storage of general goods such as rattan and bamboo, logs and timber, ceramic/pottery products, processed agricultural products, used electrical appliances/scrap metal, cans/tanks, construction material, construction equipment, recyclable materials (e.g. waste paper and waste plastics), etc.
 - storage of cement/sand
 - storage of chemical products
 - storage of dangerous goods
 - storage of vehicles for stripping/breaking or repairing
 - storage of vehicles and vehicle parts for sale or disposal
 - vehicle depot

Port Back-up Uses

- 1.6 Port back-up uses are those port-related activities which are situated off-port (i.e. beyond the perimeter of the container terminals, river trade terminals and public and private cargo working areas). Such activities are essential to the operation of port activities but do not need to be located within the confines of the port. For the purpose of these guidelines, the following activities are defined as port back-up uses:
 - container storage/repair yard
 - container freight station
 - container vehicle park/container vehicle repair yard
 - freight forwarding services center
 - logistic centre

2. General Planning Criteria

The following are criteria to be used in the assessment of planning applications for open storage and port back-up uses.

2.1 Site Location

(a) Category 1 areas

Category 1 areas are areas considered suitable for open storage and port back-up uses. In general, such uses should be sited in areas zoned “OS”, “OU(PBU)”, “Industrial” or “I(D)” where there are compatible uses such as industrial uses, public utility installations, quarrying and other port back-up and open storage activities. Apart from the above zones, other suitable sites in close proximity to the existing and proposed cross boundary links in the North West New Territories are also included within this category. Generally, open storage/port back-up uses are permitted as of right under such zones. Proposed uses which may cause significant environmental and traffic concerns require planning permission from the Board in accordance with the notes of the plans. 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, such as container trailer/tractor park and open storage of chemical products/dangerous goods etc., may cause significant environmental and traffic concerns.

(b) Category 2 areas

Category 2 areas are areas mostly without clear planning intention or fixed development programme; areas to be affected by major upcoming infrastructural projects; areas within or close to clusters of open storage, port back-up or other types of brownfield sites which are regarded as “existing uses” under the Town Planning Ordinance and/or subject of previous planning approvals. In addition, the areas should not be subject to high flooding risk. 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. 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, planning permission could be granted on a temporary basis up to a maximum period of 3 years.

(c) Category 3 areas

Category 3 areas are those outside the Category 1, 2 and 4 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 falling within Category 3 areas would normally not be favourably considered unless the applications are on sites with previous planning approvals (irrespective of whether the application is submitted by the applicant of previous approval or a different applicant). In that connection, sympathetic consideration may be given if genuine efforts have been demonstrated in compliance with approval conditions of the previous planning applications and relevant technical assessments/proposals have been included in the fresh applications, if required, to demonstrate that the proposed uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. 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, planning permission could be granted on a temporary basis up to a maximum period of 3 years.

(d) Category 4 areas

Category 4 areas are areas with ponds or wetland or with extensive vegetation or close to environmentally or ecologically sensitive areas, areas which are mostly used for residential purpose or proposed for such purposes, areas near existing major village settlements or areas subject to extremely high flooding risk. Applications for open storage and port back-up uses in Category 4 areas would normally be rejected except under exceptional circumstances. For applications on sites with previous planning approvals (irrespective of whether the application is submitted by the applicant of previous approval or a different applicant), and subject to no adverse departmental comments and local objections, sympathetic consideration may be given if genuine efforts have been demonstrated in compliance with approval conditions of the previous planning applications and relevant technical assessments/proposals have been included in the fresh application, 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. Since the planning intention of Category 4 areas is to phase out the open storage and port back-up uses, 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 merits.

(e) Taking into account the demand for cross-boundary car parking facilities, applications for cross-boundary parking facilities at suitable sites in areas of close proximity to the border crossing points, such as in the San Tin area, particularly near the existing

cross-boundary link in Lok Ma Chau, may also be considered. Notwithstanding the criteria set out in paragraphs 2.1(c) and (d) above, application of such nature will be assessed on its own merits, including its nature and scale of the proposed use and the local circumstances, and subject to satisfactory demonstration that the proposed use would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas, and each case will be considered on its individual merits.

2.2 Other Site Location Considerations

- (a) Apart from the above broad location criteria, the following specific criteria are also applicable to applications for open storage and port back-up uses:
 - (i) port back-up sites and those types of open storage generating adverse noise, air pollution and visual intrusion (e.g. dump sites, vehicle repair activities, scrap metal and vehicle breaking, storage of wind blown materials such as sand and cement) and frequent heavy vehicle traffic should not be located adjacent to sensitive receivers such as residential dwellings, hospitals, schools and other community facilities; and
 - (ii) where the site has to be accessed by local roads adjoining sensitive receivers, traffic generating activities, such as container storage/repair yards, container tractor/trailer parks, and container freight stations, would not be permitted unless traffic generation to and from the site can be demonstrated to be acceptable.
- (b) The broad coverage of Category 1, 2, 3 and 4 areas is indicated on the following plans:
 - Plan 1a - North West New Territories (Northern Part)
 - Plan 1b - North West New Territories (Southern Part)
 - Plan 2a - North East New Territories (Northern Part)
 - Plan 2b - North East New Territories (Southern Part)
 - Plan 3 - South East New Territories
 - Plan 4 - South West New Territories

2.3 Site Planning

- (a) Adequate screening of sites through landscaping and/or fencing should be provided at the periphery of the site within the boundary, especially where sites are located adjacent to public roads or are visible from surrounding residential areas. The planting reduces visual intrusion of unsightly storage uses such as dumping and vehicle breaking and prevents overspill of activities beyond the curtilage of the site. In order to provide a satisfactory screening effect, adequate setback of boundary fence should be allowed for continuous landscaping along the site boundary facing public frontage. All the planting should be provided at-grade or in fixed

planters. Plants in movable containers/pots are not acceptable.

- (b) Applications should demonstrate that no adverse impacts on the amenity of surrounding sensitive receivers will result, and that adequate buffering is available between sensitive receivers and potential noise emitters such as container trailer/tractor parks and container storage/repair sites.
- (c) The use of sites of less than 2,000m² each for port back-up uses, and below 1,000m² each for open storage uses in rural areas, is generally not encouraged, other than sites located in major road 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 and concentrate activities within appropriate surroundings, thus minimising sprawl over countryside areas and reducing travel trips.
- (d) For container storage/repair sites that would cause significant visual intrusion to surrounding or adjoining residential uses in rural areas, a maximum stacking height restriction of 3 units is recommended. For safety reason, the stacking height of the materials stored within 5 metres of the periphery of the application site should not exceed the height of the boundary fence.

2.4 Transport

- (a) Port back-up uses are major generators of traffic, with container trailer/tractor parks generating the highest traffic per unit area. In general, therefore, port back-up sites should have good access to the strategic road network, or be accessed by means of purpose built roads.
- (b) Traffic Impact Assessment (TIA) should be carried out for those port back-up and open storage uses generating substantial volumes of traffic. TIA for sites served by local roads would need to demonstrate that traffic does not interfere with sensitive receivers, that traffic volumes do not exceed the capacity of the local road network, or that proposed mitigation measures such as junction improvements are practical and effective. Sites accessed by unpaved tracks should not be considered for port back-up uses.
- (c) Sites should have a clearly defined exit and entrance point, usually restricted to one unless demonstrated that separate exit/entrance points are required (usually for large port back-up uses) as detailed in a TIA. These should meet the Transport Department's requirements.
- (d) Adequate parking and queuing for operational functions and visitor parking should be provided within the curtilage of the site to avoid on-street parking and queuing. Adequate manoeuvring space should also be provided within the site for container-related and

other vehicles. To facilitate the assessment of the application, information on the type and the number of vehicles visiting the site and length of stay of vehicles within the site needs to be provided.

- (e) Adequate setbacks should be provided from public roads to allow adequate sight lines to meet Transport Department's requirements.

2.5 Environmental Planning

- (a) Applicants should take note of the requirements under the Environmental Impact Assessment Ordinance (Cap. 499). In order to determine whether the proposed development is a Designated Project as defined under the Ordinance, Schedules 2 and 3 of the Ordinance must be checked.
- (b) To minimize environmental nuisances generated by open storage and port back-up uses, such as air and noise pollution, the environmental measures recommended in the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses & Open Storage Sites" issued by Environmental Protection Department should be adopted.
- (c) Container storage/repair sites, and container trailer/tractor parks are considered major noise emitters. Efforts should be made to ensure that the noise impact caused by these activities will be minimised through screening, mounding, protection by noise tolerant buildings or structures/empty container boxes not subject to on-site activities and/or ensuring that sources of noise have no line of sight to noise sensitive uses. It may be necessary for a traffic noise impact assessment to be carried out in combination with a TIA. Where necessary, noise modeling may be required to demonstrate that noise impacts on sensitive receivers are within those recommended under the Noise Control Ordinance. Hours of operation may be specified where sites cause noise problems to sensitive receivers through traffic generation and on-site activities.
- (d) Noise Impact Assessments should be undertaken for noise generating activities such as those which involve the use of heavy machinery including manoeuvring of heavy vehicles and workshop activities.
- (e) To avoid potential land and water contamination from discharge of untreated waste and leakage of oils, fuels and other discharges (relating mostly to container storage/repair yards, container trailer/tractor parks, and dumping/breaking/repairing of motor vehicles and used electrical appliances/scrap metals), proper treatment and/or disposal of storage materials, wastes, oils and fuels should be ensured. Paving of site would help avoiding potential land and water contamination and reducing dust emissions from vehicular traffic, container handling and related operations. Technical assessment to address this aspect is required.

- (f) The water demand generated from temporary open storage and port back-up uses is presumed to be low. If water intensive uses/operations would be located at the sites, water impact assessment should be included in the planning applications to identify mitigation measures to the water supply impact arisen from the development.
- (g) There is a general presumption against conversion of agricultural land and fish ponds to other uses on an ad-hoc basis in rural areas, particularly in flood prone areas (i.e. in flood plains) or sites which would obstruct natural drainage channels and overland flow. Advice from the Drainage Services Department should be sought on this aspect if in doubt. Planning applications in such zones should include a drainage impact assessment (DIA) and include necessary flood mitigation measures where appropriate. Sites should have adequate drainage installations and proper discharge points of adequate capacity to allow adequate stormwater discharges to minimise flood risk.
- (h) Adequate on-site provision should be made for refuse/waste collection and disposal.
- (i) Reference should be made to the Dangerous Goods Ordinance and Waste Disposal Ordinance for guidelines on storage, handling and licensing procedures.
- (j) The application should demonstrate that all fire safety requirements have been met.

2.6 Other Considerations

- (a) Notwithstanding the above locational and site planning criteria, each application will be assessed on individual merits, taking due account of the nature and scale of the proposed use and local circumstances. 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, the Board may refuse to grant permission, or impose a shorter compliance period for the approval conditions, notwithstanding other criteria set out in this Guidelines are complied with.
- (b) Having considered that the open storage and port back-up uses have a role to play in Hong Kong's economy and provide considerable employment opportunities, and the operators/uses affected by resumption and clearance operations of the Government to make way for developments may face difficulties in finding a replacement site, sympathetic consideration could be given to such type of applications, except those involving land in Category 4 area (only minor encroachment may be allowed), if the following criteria are met:

- (i) policy support is given by the relevant bureau(x) to the application for relocation of the affected uses/operations to the concerned sites; and
- (ii) no adverse departmental comments and local objections, or the concerns could be addressed by approval conditions.

3. Applications in New Development Areas (NDAs)

- 3.1 The planning for various NDAs (including potential development areas) in the New Territories has been in progress and the land use proposals for some of these areas have been incorporated as appropriate into relevant statutory town plans. The NDAs will be implemented by phases. While it is envisaged that the existing open storage and port back-up uses in these areas will be gradually phased out, sympathetic consideration may be given to applications for continued operation of these uses during the interim period before the sites are required for NDA development. For applications in NDAs with new/amended OZPs gazetted, the assessment criteria set out in the following paragraphs, instead of those in paragraph 2.1 above, should be adopted.
- 3.2 For existing open storage and port back-up uses with previous planning approval(s) and/or permitted under the previous OZPs, sympathetic consideration may be given to the application (irrespective of whether the application is submitted by the applicant of previous approval or a different applicant) until the concerned site is required for implementation of NDA development, provided that the relevant approval conditions, if any, have been complied with. Technical assessments, where appropriate, should be submitted to demonstrate that the continued operation of the current uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas and the concerns of the departments and local residents, if any, can be addressed through the implementation of the approval conditions.
- 3.3 In view of the impending implementation of NDAs, new open storage and port back-up uses are generally not encouraged to infiltrate into the NDAs. There is a general presumption against such uses at greenfield areas and/or at sites with land use compatibility issue, e.g. in close proximity to existing residential dwellings which may be subject to environmental nuisances caused by the open storage and port back-up uses. Applications will normally be rejected unless under exceptional circumstances.
- 3.4 Any approved temporary use and development should not jeopardize the long-term planned development on the respective site/the surrounding area under the NDA and the applicant should be advised that the site would be required by the government at any time during the planning approval period for implementation of government projects.
- 3.5 The above paragraphs are applicable to areas covered by the Kwu Tung North/Fanling North NDA and Hung Shui Kiu/Ha Tsuen NDA, as well as

future NDAs upon the gazetting of the relevant new/amended OZPs for such areas.

4. Compliance of Approval Conditions

- 4.1 To mitigate any adverse impacts of open storage and port back-up uses on the surrounding areas, planning applications are usually approved with conditions, for example, the submission and implementation of various technical proposals. Under normal circumstances, the time allowed for submission and implementation of such technical proposals is 6 and 9 months respectively, from the date of approval of the planning application. For special cases that close monitoring is required, such as uses within Category 4 areas, a shorter compliance period may be imposed.
- 4.2 Application for extension of time for compliance with the time-limited approval conditions will be assessed on individual merits. Such extension of time will not be granted if the applicants have shown no genuine effort in compliance with the approval conditions. Depending on the circumstances of each case, the Board could determine the appropriate extension period, which may be shorter than the time under request. In any event, for applications for open storage and port back-up uses approved on a temporary basis for 3 years, the maximum period for compliance of approval conditions is normally 18 months. Beyond that, no further extension of time will be allowed and the planning approval will be revoked, unless under very exceptional circumstances.

5. Renewal of Temporary Planning Permission

For sites with temporary permissions for open storage and port back-up uses, if there is no major change in planning circumstances since the last approval of the application, the applicant will not be required to prepare new, but just the updates of, technical assessments to support the application for renewal of the planning permission, provided that the approval conditions of the previous permission have been complied with and there are no adverse departmental comments and local objections. Reference can be made to the procedures and assessment criteria under Board's Guidelines (Guidelines No. 34C or its latest version) on "Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development".

6. Guidance Notes/The Board's Guidelines

- 6.1 In conjunction with this set of Guidelines, a "Guidance Notes for Application for Permission for Temporary Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (Cap. 131)" is enclosed, and "Technical Note on the Submission and Implementation of Landscape Proposals for Compliance with Conditions for Approved Applications for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance" and other guidelines from the Drainage Services Department, Environmental Protection Department and Lands

Department have been prepared to illustrate how to comply with and to fulfill the technical requirements imposed by the relevant Government departments and to give a step-by-step guide to assist applicants in making submissions for planning applications, and submissions for compliance with approval conditions. The Board's Guidelines (Guidelines No. 34C or its latest version) on "Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development" set out the procedures and assessment criteria for such applications. All applicants are encouraged to read the Guidance Notes and Guidelines 34C in parallel with these Guidelines.

- 6.2 Apart from Plans 1a, 1b, 2a, 2b, 3 and 4 which would be available on the Board's web-site (address: <http://www.info.gov.hk/tpb/>) and at the Planning Enquiry Counters (PECs) of the Planning Department and the Secretariat of the Board, advice could be sought from the respective District Planning Office (DPO) as follows on relevant information regarding the details of the Guidelines and the categorization of land:

Tuen Mun & Yuen Long West DPO - Tel: 2158 6301

Fanling/Sheung Shui & Yuen Long East DPO - Tel: 3168 4025

Sha Tin, Tai Po & North DPO - Tel: 2158 6274

Sai Kung & Islands DPO - Tel: 2158 6177

Tsuen Wan & West Kowloon DPO - Tel: 2417 6658

- 6.3 Besides, large scale plans are also available at the PECs of the Planning Department and the Secretariat of the Board for public reference.

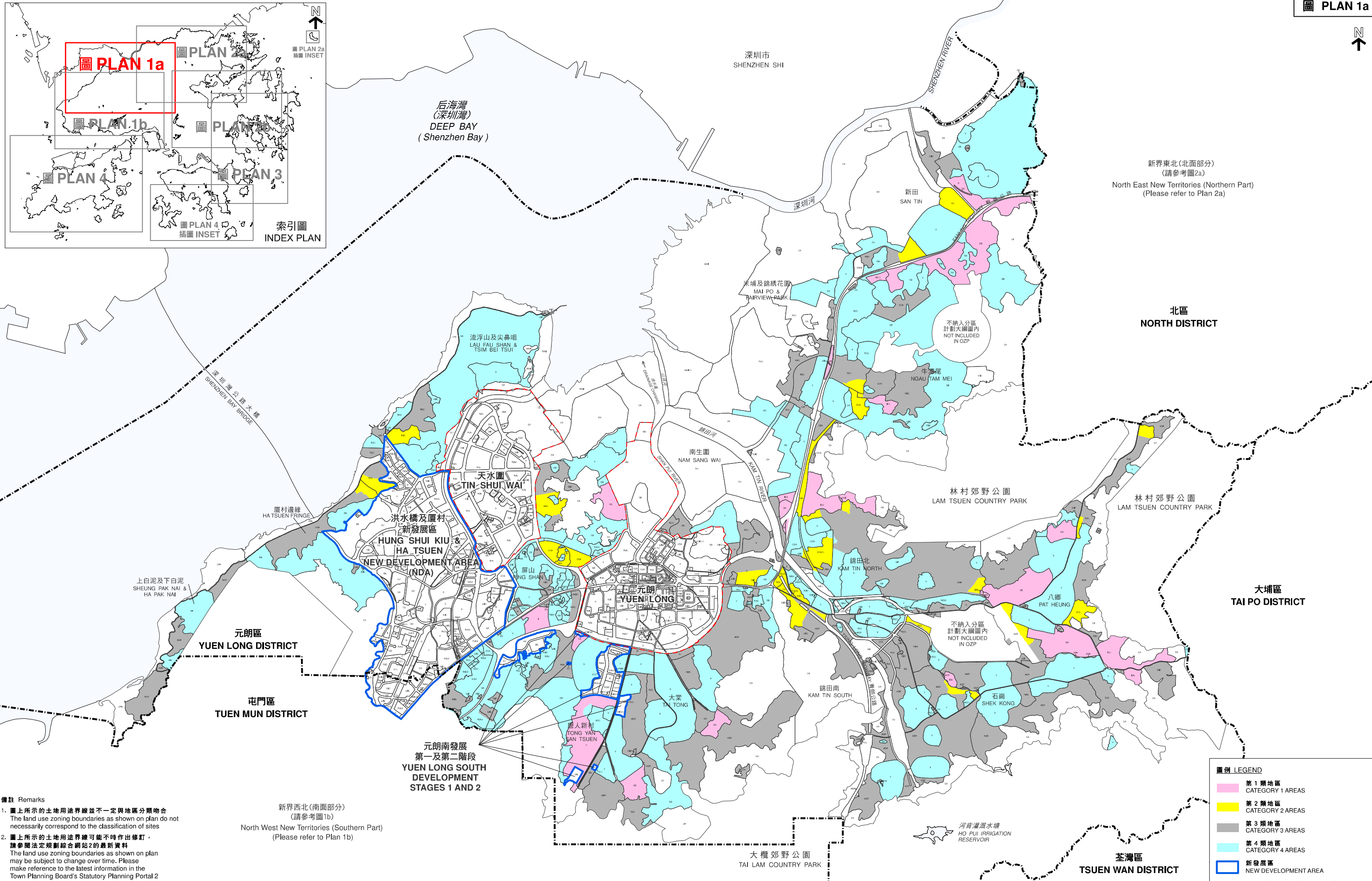
TOWN PLANNING BOARD

MARCH 2020

Note:

(i) Guidelines promulgated on 27 March 2020.

(ii) Plan 1a updated on 10 July 2020 upon gazetting of the respective Tong Yan San Tsuen and Tai Tong OZPs to reflect the NDA of the Yuen Long South Stages 1 & 2 Development.



備註 Remarks

1. 圖上所示的土地用途界線並不一定與地區分類吻合
The land use zoning boundaries as shown on plan do not necessarily correspond to the classification of sites

2. 圖上所示的土地用途界線可能不時作出修訂，請參閱法定規劃綜合網站2的最新資料
The land use zoning boundaries as shown on plan may be subject to change over time. Please make reference to the latest information in the Town Planning Board's Statutory Planning Portal 2

新界西北(南面部份)
(請參考圖1b)
North West New Territories (Southern Part)
(Please refer to Plan 1b)

城市規劃委員會規劃指引編號13F / TOWN PLANNING BOARD GUIDELINES No.13F

新界西北(北面部份)可用作露天貯物和港口後勤用途的第1、2、3和4類地區的位置
LOCATIONS OF CATEGORY 1, 2, 3 AND 4 AREAS FOR OPEN STORAGE AND PORT BACK-UP USES IN NORTH WEST NEW TERRITORIES (NORTHERN PART)

本摘要圖於2020年7月10日擬備
EXTRACT PLAN PREPARED ON 10.7.2020



規劃署
PLANNING DEPARTMENT

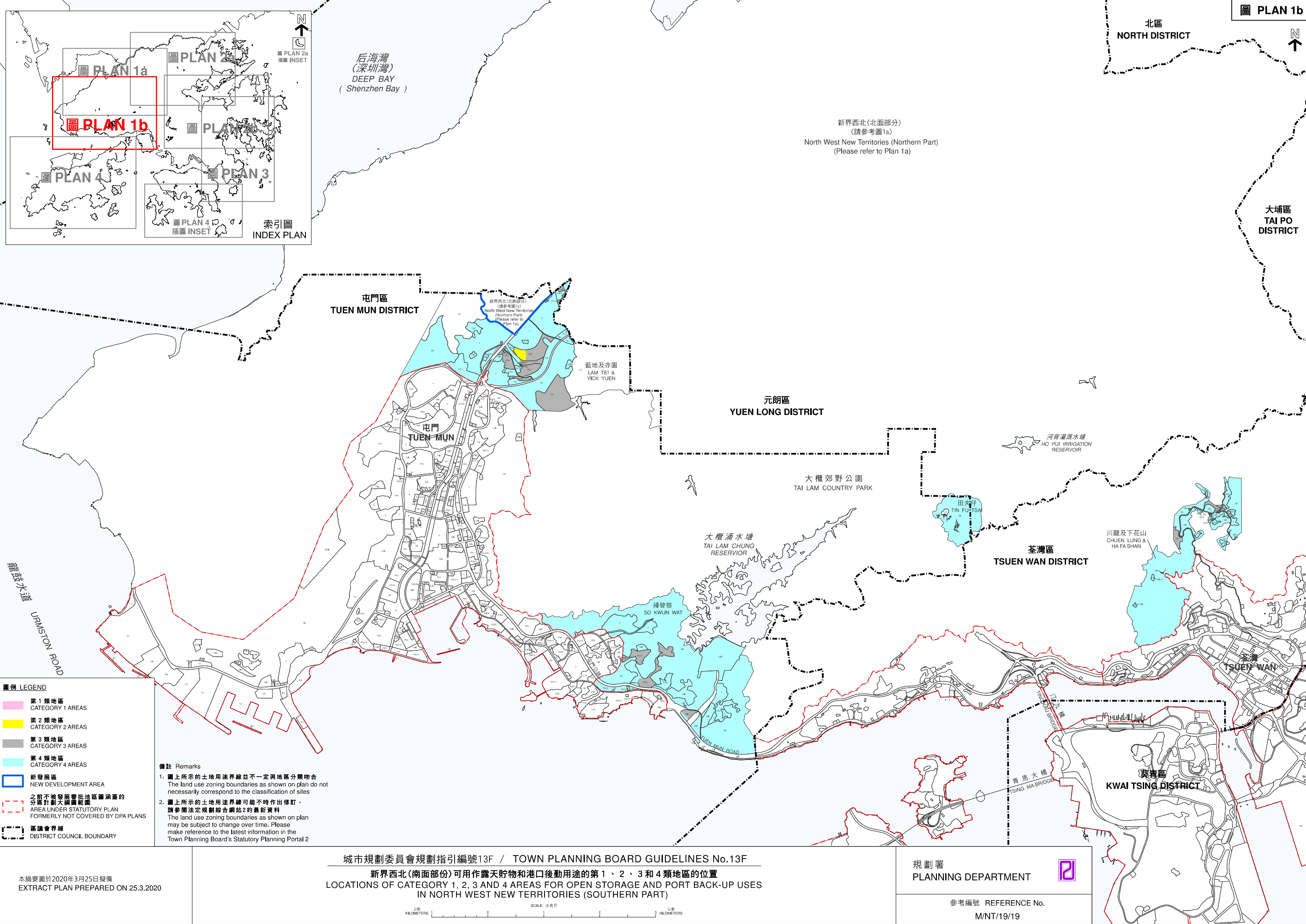


參考編號 REFERENCE No.
M/NT/20/33

圖例 LEGEND

- 第1類地區
CATEGORY 1 AREAS
- 第2類地區
CATEGORY 2 AREAS
- 第3類地區
CATEGORY 3 AREAS
- 第4類地區
CATEGORY 4 AREAS
- 新發展區
NEW DEVELOPMENT AREA
- 之前不被發展審批地區圖涵蓋的分區計劃大綱圖範圍
AREA UNDER STATUTORY PLAN FORMERLY NOT COVERED BY DPA PLANS
- 區議會界線
DISTRICT COUNCIL BOUNDARY

於2020年7月10日更新
UPDATED ON 10 JULY 2020



圖例

LEGEND

第 1 類地區

CATEGORY 1 AREAS

第 2 類地區

CATEGORY 2 AREAS

第 3 類地區

CATEGORY 3 AREAS

第 4 類地區

CATEGORY 4 AREAS

新發展區

NEW DEVELOPMENT AREA

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LOCATIONS OF CATEGORY 1, 2, 3 AND 4 AREAS FOR OPEN STORAGE AND PORT BACK-UP USES

IN NORTH WEST NEW TERRITORIES (SOUTHERN PART)



規劃署

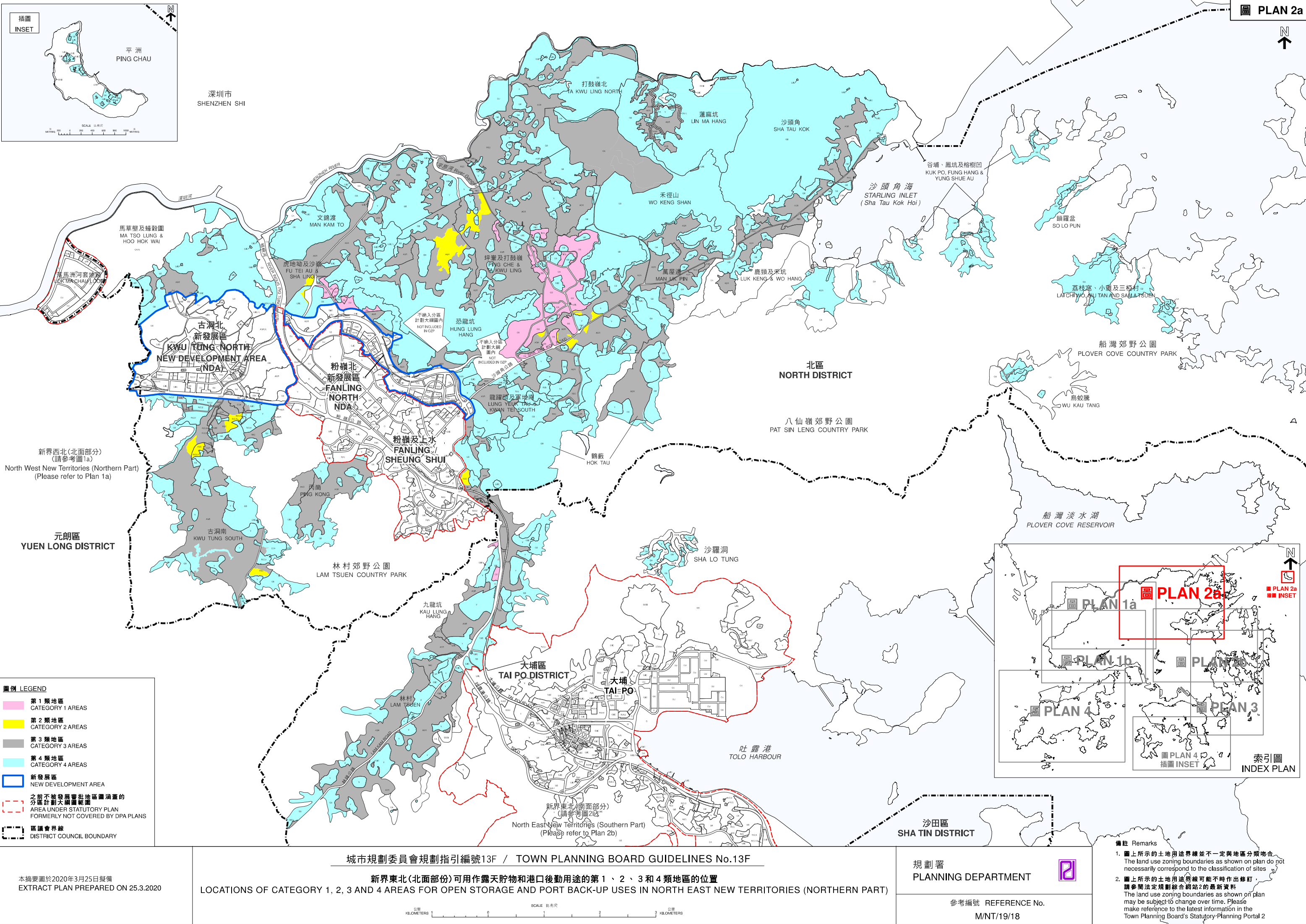
PLANNING DEPARTMENT

參考編號

REFERENCE No.

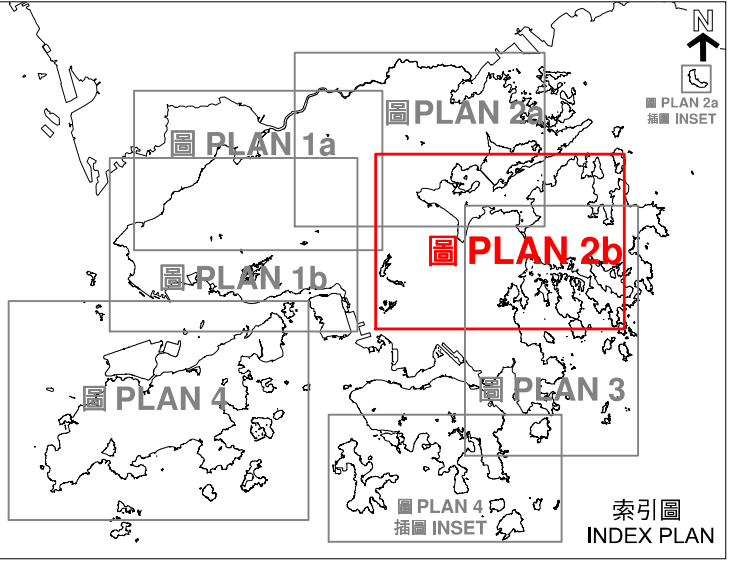
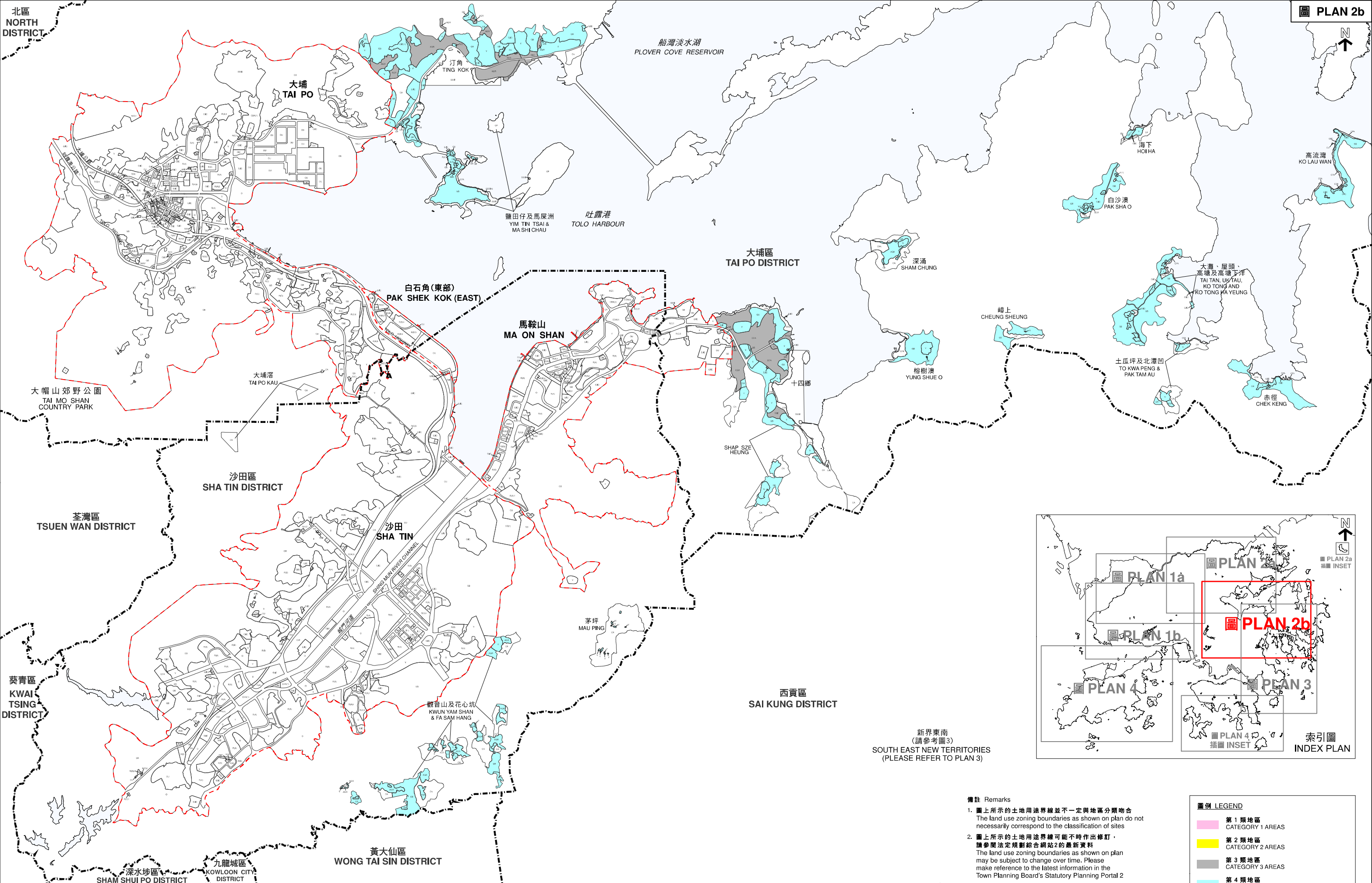
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圖例 LEGEND

- 第 1 類地區
CATEGORY 1 AREAS
- 第 2 類地區
CATEGORY 2 AREAS
- 第 3 類地區
CATEGORY 3 AREAS
- 第 4 類地區
CATEGORY 4 AREAS
- 新發展區
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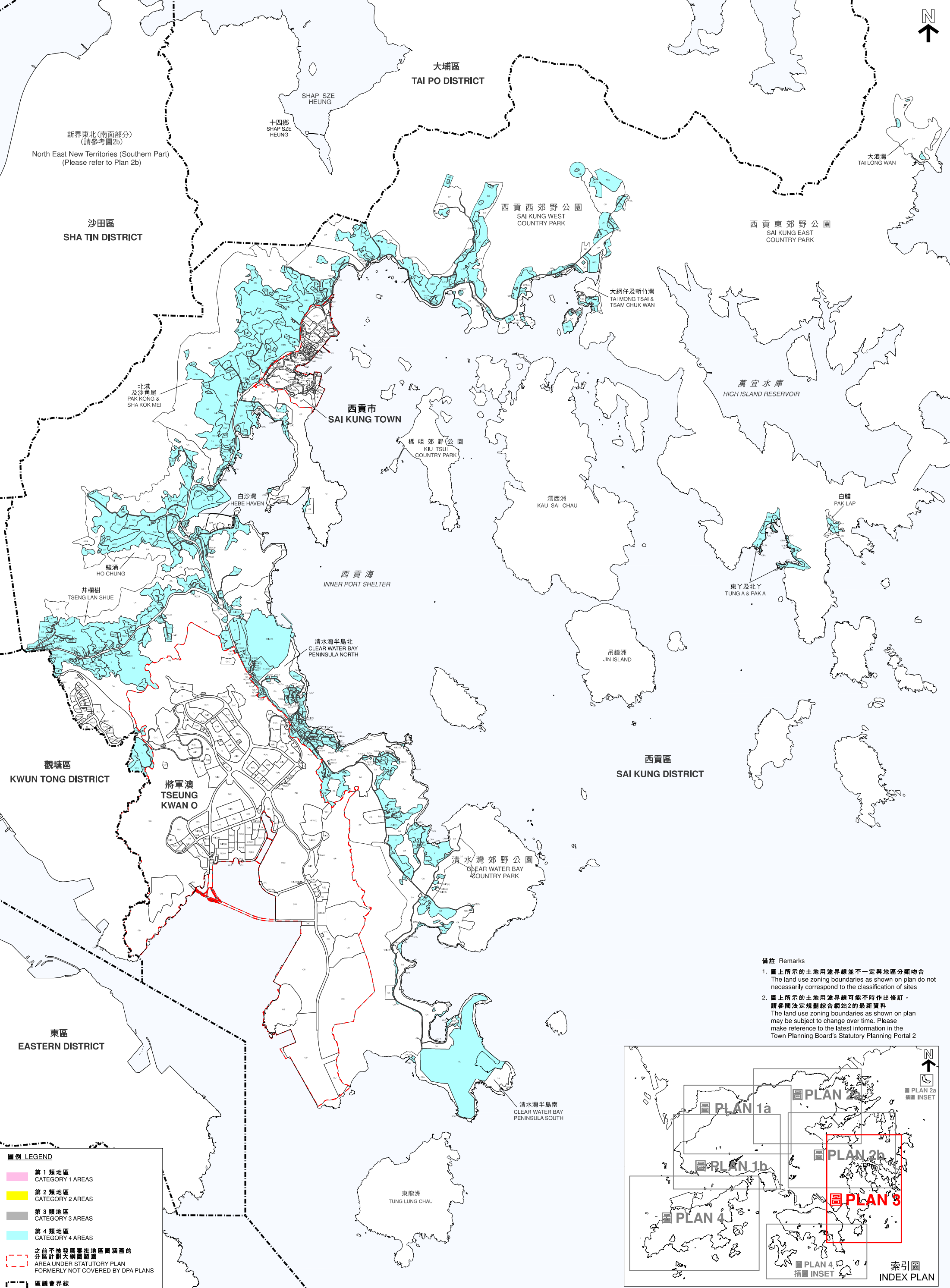
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- 第 2 類地區 CATEGORY 2 AREAS
- 第 3 類地區 CATEGORY 3 AREAS
- 第 4 類地區 CATEGORY 4 AREAS
- 之前不被發展審批地區圖涵蓋的分區計劃大綱圖範圍 AREA UNDER STATUTORY PLAN FORMERLY NOT COVERED BY DPA PLANS
- 區議會界線 DISTRICT COUNCIL BOUNDARY



圖例 LEGEND

第 1 類地區

CATEGORY 1 AREAS

第 2 類地區

CATEGORY 2 AREAS

第 3 類地區

CATEGORY 3 AREAS

第 4 類地區

CATEGORY 4 AREAS

之前不被發展審批地區圖涵蓋的分區計劃大綱圖範圍

AREA UNDER STATUTORY PLAN FORMERLY NOT COVERED BY DPA PLANS

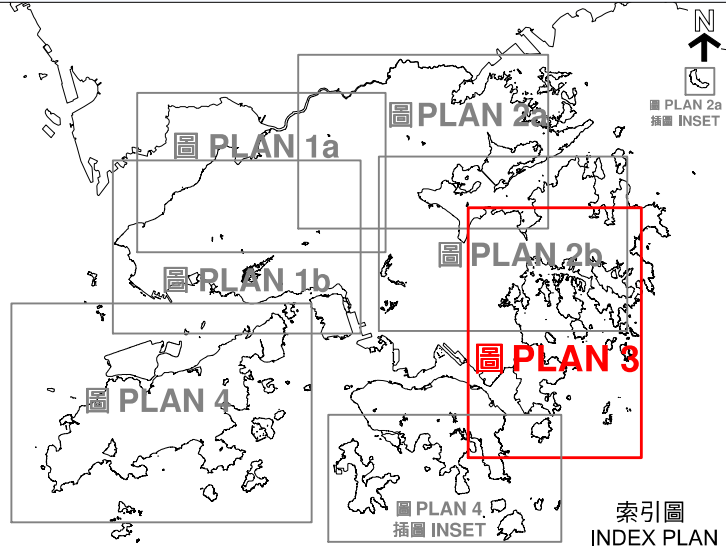
區議會界線

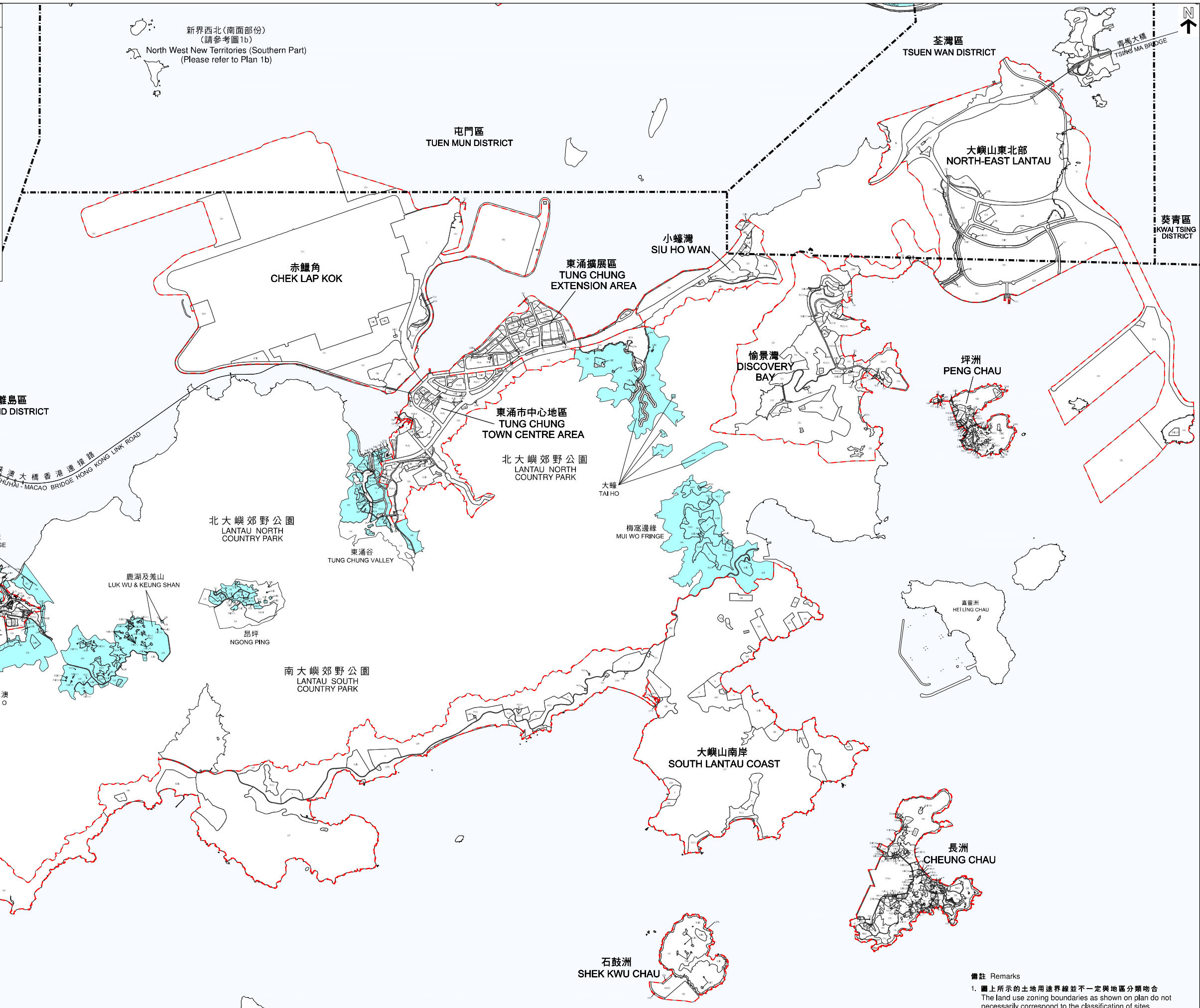
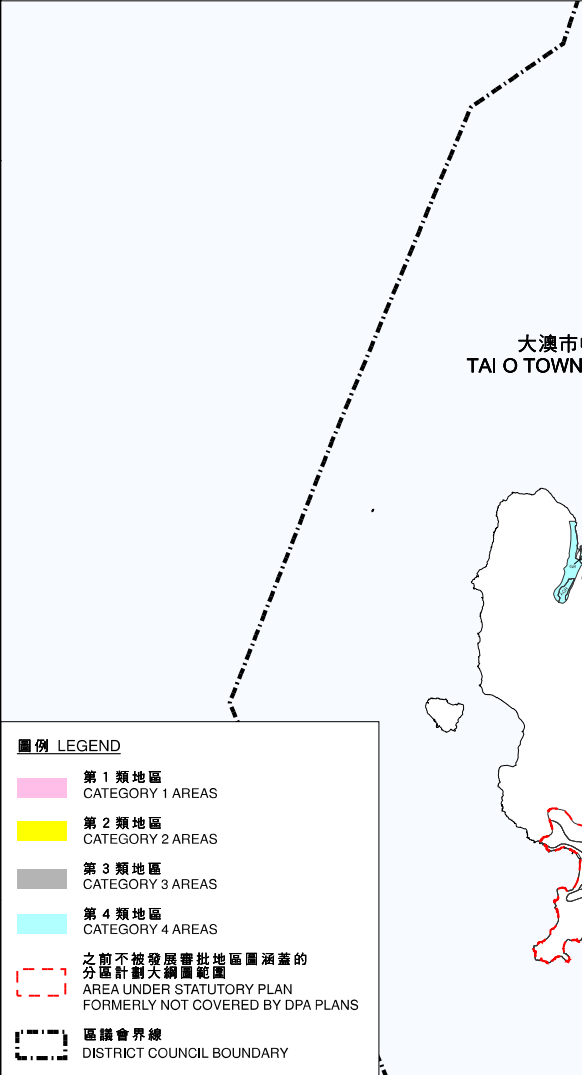
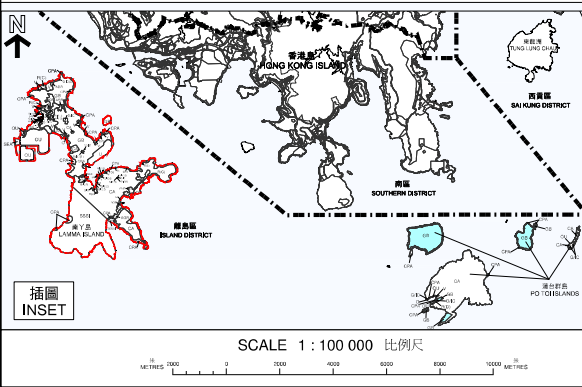
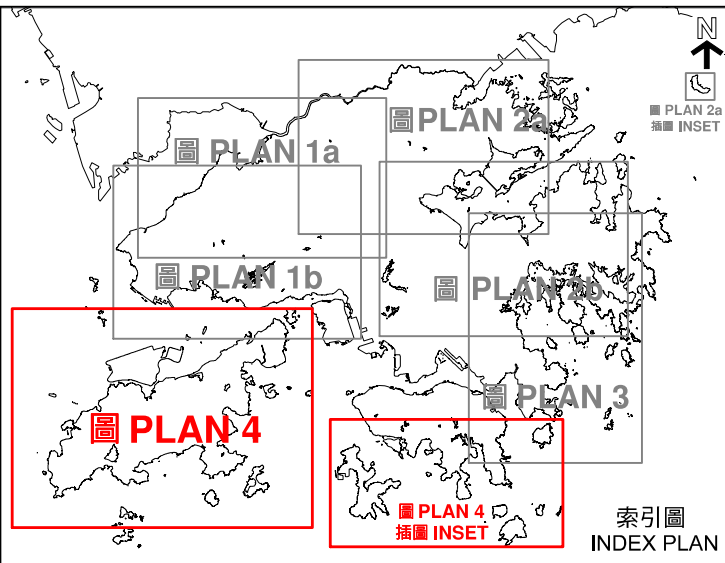
DISTRICT COUNCIL BOUNDARY

- 備註 Remarks
1. 圖上所示的土地用途界線並不一定與地區分類吻合

The land use zoning boundaries as shown on plan do not necessarily correspond to the classification of sites
2. 圖上所示的土地用途界線可能不時作出修訂，請參閱法定規劃綜合網站2的最新資料

The land use zoning boundaries as shown on plan may be subject to change over time. Please make reference to the latest information in the Town Planning Board's Statutory Planning Portal 2





本摘要圖於2020年3月25日擬備
EXTRACT PLAN PREPARED ON 25.3.2020

城市規劃委員會規劃指引編號13F / TOWN PLANNING BOARD GUIDELINES No.13F
新界西南可用作露天貯物和港口後勤用途的第1、2、3和4類地區的位置
LOCATIONS OF CATEGORY 1, 2, 3 AND 4 AREAS FOR OPEN STORAGE AND PORT BACK-UP USES IN SOUTH WEST NEW TERRITORIES

公里 1 2 3 4 公里
KILOMETERS 1 2 3 4 KILOMETERS

規劃署
PLANNING DEPARTMENT



參考編號 REFERENCE No.
M/NT/19/21

備註 Remarks
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圖 PLAN 4

**Application for Permission for Temporary Open Storage
and Port Back-up Uses under Section 16 of
the Town Planning Ordinance (Cap. 131)**

GUIDANCE NOTES

INTRODUCTION

- 1** In recent years, there has been an increasing number of planning applications for temporary open storage and port back-up uses in the rural areas to meet the demand of land for such uses. This set of Guidance Notes aims to give information and guidance on how to apply for permission for temporary open storage and port back-up uses under section 16 of the Town Planning Ordinance (the Ordinance) and how to comply with the approval conditions. Please read them carefully.
- 2** If further information or assistance is required, please contact the **Planning Enquiry Counters (PECs) of the Planning Department (17/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong (Tel: 2231 5000) and 14/F, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin, New Territories).**

WHAT TO APPLY ?

- 3** Generally speaking, in areas covered by the rural Outline Zoning Plans (OZPs), application for temporary use or development, including temporary open storage and port back-up uses could be made to the Town Planning Board (the Board) under section 16 of the Ordinance. The Board may grant, with or without conditions, or refuse to grant permission. However, for areas falling within certain land use zones such as “Conservation Area”, “Coastal Protection Area”, “Site of Special Scientific Interest”, “Other Specified Uses (Comprehensive Development and Wetland Enhancement Area)” and “Other Specified Uses (Comprehensive Development and Wetland Protection Area)”, open storage and port back-up uses are prohibited. Reference should be made to the latest Notes attached to individual OZPs to see if the temporary open storage and port back-up uses would require permission from the Board or are prohibited.

HOW LONG COULD THE USES BE APPLIED FOR ?

- 4** Planning permission for temporary uses could be granted, with or without conditions, for a maximum period of **3 years**. Should the successful applicant wish to continue the approved use upon expiry of the planning permission, a fresh planning application needs to be submitted for the consideration of the Board.

WHAT DOCUMENTS ARE REQUIRED FOR THE SUBMISSION ?

5 In submitting planning applications, the following documents are required:

- (i) **Application Form** - completed application form duly signed by the applicants. The application form can be obtained from the office of Secretary, Town Planning Board, 15/F, North Point Government Offices, 33 Java Road, North Point, Hong Kong (Tel.: 2231 4810 or 2231 4835) or the District Planning Offices (DPOs) of the Planning Department. The application form can also be downloaded from Town Planning Board's Homepage (address: <http://www.info.gov.hk/tpb/>). Reference can be made to the Guidance Notes on Application for Permission under Section 16 of the Town Planning Ordinance (Cap. 131) for the required documents for the submission;
- (ii) **Location and Site Plans/Drawings** - clear and accurate location and site layout plans showing the location of the application site and its surrounding area. If the access to the proposed site is via a village track, the submitted plan should cover the entire section of the track from the site to the local feeder road, which should be at least up to single two lane road standard, and the applicant should also submit photographs covering the entire track to show its cross-section, the sightline and the condition of the road pavements. Also, drawings showing the locations of the proposed drainage works, landscape works, noise barriers and boundary wall or fencing, if relevant, should be submitted;
- (iii) **Details of Proposed Uses** - details of the uses and operations proposed to be carried out on the application site. These include information such as the operation hours, the type and stacking height of stored materials, the number of parking spaces for stored vehicles or container tractors/trailers, the industrial or mechanical processes involved, the vehicular access and the vehicular trip generated. Details of any structure(s) proposed to be erected on the application site should also be provided;
- (iv) **Drainage Impact Assessment/Drainage Proposals** - to alleviate the risk of flooding caused by the proposed uses involving activities such as earth filling, hard surface paving and building of structures, drainage proposals are required to demonstrate how the applicants will collect, convey and discharge rain water falling on or flowing to their sites. For application sites larger than 1 hectare, or within flood prone areas such as low-lying areas and flooding blackspots, or adjacent to or encompassing a major stream, channel or river etc., the drainage impact of the proposed uses may be significant and drainage impact assessment (DIA) would normally be required. The primary objective of the DIA is to demonstrate that with the implementation of necessary mitigation measures, the proposed use will not cause unacceptable increase in the risk of flooding in areas upstream of, adjacent to or downstream of the development;
- (v) **Landscape Proposals** - to ensure that the landscape and visual impacts of the proposed use(s) on the surrounding areas are kept to the absolute minimum, the potential impacts arising from the proposed development on

the existing landscape resources and the proposed tree treatments should be illustrated in the landscape proposals. The landscape proposals should also demonstrate how the landscape and visual impact generated by the proposed uses can be properly mitigated and include information such as species, size, spacing, total quantity of each type of the proposed planting and their locations. Planting in movable containers/pots will not be accepted. If mature trees in good health and structural condition are found within the site, the trees should be preserved on site as far as practicable;

- (vi) **Noise Impact Assessment/Mitigation Measures** - to ensure that the proposed uses would not cause adverse noise impact to the surrounding sensitive receivers, noise impact assessments should be undertaken for noise generating activities such as those which involve the use of heavy machinery including manoeuvring of heavy vehicles and workshop activities. Proposals on mitigation measures to reduce the noise pollution generated by the proposed uses are required;
 - (vii) **Air Quality Proposal** - to demonstrate and ensure that the relevant mitigation measures as stipulated under the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses & Open Storage Sites” will be followed to avoid or alleviate air nuisance generated by the proposed uses; and
 - (viii) **Traffic Impact Assessment** - traffic impact assessment should be carried out for those uses generating substantial volumes of traffic, in particular container trailer/tractor park to ensure that the traffic volumes do not exceed the capacity of the local road network or that proposed mitigation measures such as junction improvements are practical and effective. Analyses of swept paths of appropriate types of goods vehicles at critical bends and junctions should also be included where appropriate. Where there are nearby residential or school developments, information on pedestrian count obtained from pedestrian surveys should be provided.
- 6** In the preparation of submissions as mentioned in paragraph 5 above, applicants can make reference to the following documents:
- (i) Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance;
 - (ii) “Technical Note on the Submission and Implementation of Landscape Proposals for Compliance with Approval Conditions for Applications for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance” issued by Planning Department;
 - (iii) “Code of Practice on Handling Environmental Aspects of Temporary Uses & Open Storage Sites” issued by Environmental Protection Department;
 - (iv) “Technical Note to prepare a Drainage Submission” issued by Drainage Services Department; and

- (v) “Code of Practice for Container Depots” issued by Lands Department.

They could also consult the relevant Government departments and the DPOs of the Planning Department on the detailed requirements of the submissions.

- 7 In the assessment of planning applications for open storage and port back-up uses, general planning criteria including the planning intention of the area covering the site, compatibility with surrounding land uses, site accessibility and possible impacts generated by the proposed uses will be taken into account. For details on these general planning criteria, applicants can make reference to the “Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance” mentioned in paragraph 6(i) above.

HOW TO COMPLY WITH APPROVAL CONDITIONS ?

- 8 In granting planning permission, planning conditions on the **submission**/ resubmission of technical proposals and/or **implementation** of the proposals would be imposed to ensure that the approved open storage/port back-up uses would not generate adverse drainage, landscape, environmental and traffic impacts on the surrounding area and that the proposals would be complied with and/or implemented within a specified time. Depending on the special circumstance of each case, a planning condition requiring the application site be reinstated to an amenity area upon expiry of the planning permission would normally be imposed to ensure that the site would be tidied up, after the expiry of the planning permission, with the provision of suitable landscape treatment. It is imperative that the requirements are duly observed and implemented in accordance with the planning conditions.
- 9 Successful applicants should seek advice and assistance from the respective Government departments and the DPO in the preparation of the detailed technical submissions and implementation of the approval conditions. Relevant documents providing guidance on the fulfillment of conditions are also attached to the notification letter issued by the Secretary, Town Planning Board. These documents include:
- (i) A list of contacts of concerned Government departments;
 - (ii) “Technical Note on the Submission and Implementation of Landscape Proposals for Compliance with Approval Conditions for Applications for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance”;
 - (iii) “Code of Practice on Handling Environmental Aspects of Temporary Uses & Open Storage Sites”; and
 - (iv) “Technical Note to prepare a Drainage Submission”.
- 10 Government departments will give advice on the following aspects:
- (i) **Planning Department** - preparation and implementation of landscape proposals, their maintenance and detailed reinstatement requirement;

- (ii) **Drainage Services Department** - preparation of drainage impact assessment and drainage proposals; and implementation of drainage facilities;
- (iii) **Transport Department** - provision of vehicular access point, junction improvement, design of parking layout and preparation of traffic impact assessment;
- (iv) **Environmental Protection Department** - preparation of noise impact assessment and implementation of mitigation measures to reduce noise, air quality and water quality impacts; and
- (v) **Lands Department** - the provision of fencing and paving of the site.

Submission of Technical Proposals

- 11** Successful applicants should submit the technical proposals as soon as they are available. For normal cases where the conditions are required to be complied with within 6 months from date of planning approval, the applicant should submit the proposals at least 6 weeks before expiry of the compliance period to the relevant DPO of the Planning Department for central processing (for landscape proposals, a copy should be sent to the Landscape Unit of the Planning Department directly). A copy of the submissions should also be sent to the Secretary, Town Planning Board for record purpose.
- 12** The relevant DPO will circulate the technical proposals to concerned Government departments for comments and inform the applicants within 6 weeks upon receipt of the proposals whether the submitted proposals are acceptable. If the proposals do not meet the requirements of the concerned departments, the applicants should revise the proposals and resubmit the proposals for further consideration. In any case, it is important to have the revised proposals accepted by the relevant Government departments within the compliance period. If not, application for extension of time for compliance with the planning conditions should be sought.
- 13** Sometimes the Board may impose a shorter compliance period for implementing the conditions. Applicants should pay particular regard to the length of the compliance period and submit proposals to comply with the conditions as early as possible, and allow at least 6 weeks for departments concerned to vet the proposals.

Implementation of Technical Proposals

- 14** Once the technical proposals are accepted, the applicants should proceed with the implementation works without delay and notify the relevant DPO of the Planning Department and the Secretary, Town Planning Board once the works are completed. All works must be completed at least 6 weeks before the expiry of the specified time limit. For works that do not require the submission of proposals, implementation works should be undertaken once the applications are approved. Upon receipt of the applicants' notification of the completion of the required works, the relevant DPO and Government departments will arrange for site inspection and inform the applicants within 6 weeks whether the implemented works are satisfactory. The completed

works/landscape/mitigation measures should be properly maintained.

Reinstatement Clause

- 15 If the planning condition contains a requirement to reinstate the application site into an amenity area upon expiry of the planning approval, the applicant is required to undertake reinstatement works which usually include removal of hard paving and planting the site with trees, shrubs and grass, and sometimes demolition of the structure/shelter on the site. Any enquiry on the reinstatement requirement should be directed to the relevant DPO of the Planning Department.

HOW TO APPLY FOR EXTENSION OF TIME FOR COMPLIANCE WITH PLANNING CONDITIONS ?

- 16 If the applicants consider that more time is required to comply with the planning conditions, they could submit applications for extension of time for compliance with planning conditions. The application form can be obtained from the office of Secretary, Town Planning Board or downloaded from the Town Planning Board's website. In submitting the applications, the applicants should demonstrate that genuine efforts have been made in complying with and implementing the conditions by including in the submissions documentation on the technical proposals so far submitted and an account of works undertaken in respect of the planning conditions. Good justifications should also be given on why the planning condition(s) could not be complied with within the prescribed time limit. Such application should be submitted to the Secretary, Town Planning Board no less than 6 weeks before the expiry of the specified time limit. The general requirements and assessment criteria for this type of application are set out in 'the Town Planning Board Guidelines on "Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development"'.

REVOCATION OF PLANNING APPROVAL

- 17 If the applicants fail to comply with the approval conditions within the specified time limit, the planning permissions granted for the uses will be **revoked** automatically without further notice.
- 18 Continuation of these uses without planning permissions will constitute unauthorized developments subject to enforcement action taken by the Planning Authority.
- 19 To continue the same use(s) on the site, a fresh section 16 planning application needs to be submitted to the Board for consideration. Planning permission would normally not be granted unless the applicants have included in the submissions technical assessments/proposals on such aspects as traffic, landscape, drainage and environmental mitigation to demonstrate that the proposed uses would not generate adverse traffic, landscape, drainage and environmental impacts on the surrounding areas. Furthermore, there should be no major adverse departmental comments and the concerns of the departments and local residents can be addressed through the implementation of approval conditions.

IMPORTANT POINT TO NOTE

- 20 This set of Guidance Notes serves only as general guidelines for the preparation of applications for temporary open storage and port back-up uses under section 16 of the Ordinance and for the compliance of approval conditions for this type of application. The guidelines are not meant in any way to restrict the content of each development proposal, nor to restrict the right of the Board to require further information. Each application will be considered on individual merits.
- 21 The information in an application submitted to the Board and the Board's decision on the application would be disclosed to the public. Such information would also be uploaded to the Board's website where the Board considers appropriate. The public may make photocopies of the application which is made available for public inspection upon payment of a fee as the Board determines.
- 22 Applicants are advised that offering any advantage to a Civil Servant or Members of the Board in connection with the application is an offence under the Prevention of Bribery Ordinance.
- 23 It is **outside the purview** of the Board and the Town Planning Appeal Board to determine any claims in relation to 'existing use'. It is the right of an applicant/operator to bring an action for judicial review in the Court of First Instance if he genuinely believes that he has a valid claim of 'existing use' for a specific site. For further information on this matter, please contact the Central Enforcement & Prosecution Section of the Planning Department.

Secretary, Town Planning Board, 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong (Tel: 2231 4835 or 2231 4810).

Town Planning Board's Homepage (address: <http://www.info.gov.hk/tpb/>).

Planning Enquiry Counters of the Planning Department (PEC) (17/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong (Tel: 2231 5000) and 14/F, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin, New Territories).

(March 2020)