

**Town Planning Board Guidelines for  
Application for Open Storage and Port Back-up Uses  
(TPB PG-No.13E)**

1. On 17.10.2008, the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13E) were promulgated, which set out the following criteria for the various categories of area:
  - (a) Category 1 areas: 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 within Category 3 areas would normally not be 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 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 applications relevant technical assessments/proposals 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) there will be a general presumption against development on sites of 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, 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 uses 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 Application Covering the Application Site**

**Approved Applications**

	Application No.	Proposed Use(s)	Date of Consideration (RNTPC)	Approval Condition(s)
1	A/YL-KTN/43	Temporary open storage of left-hand drive private vehicles for a period of 12 months	21.11.1997	(1), (2), (3)
2	A/YL-KTN/74	Temporary open storage of left-hand drive private vehicles for a period of 12 months	30.10.1998	(1), (2), (3), (4)
3	A/YL-KTN/123	Temporary open storage of private cars and goods vehicles for a period of 3 years	22.9.2000 (for 2 years)	(1), (2), (3), (4), (7)
4	A/YL-KTN/183	Temporary open storage of private cars and goods vehicles for a period of 3 years	5.12.2003	(3), (5), (6), (8)
5	A/YL-KTN/274	Temporary open storage of private cars and light goods vehicles for a period of 3 years	13.4.2007 (revoked on 13.10.2007)	(3), (5), (6), (7), (8), (9), (10)
6	A/YL-KTN/318	Temporary open storage of private cars and light goods vehicles for a period of 3 years	13.3.2009	(3), (5), (7), (8), (11), (12)
7	A/YL-KTN/374	Renewal of Planning Approval No. A/YL-KTN/318 for Temporary open storage of private cars and light goods vehicles for a period of 3 years	24.2.2012	(3), (5), (7), (8), (11), (12)
8	A/YL-KTN/459	Renewal of Planning Approval for Temporary "Open Storage of Private Cars and Light Goods Vehicles" for a Period of 3 Years	6.2.2015	(2), (3), (5), (6), (7), (8), (11), (12), (13), (14), (15)

**Approval Conditions:**

- (1) The submission or/and implementation of landscaping proposals
- (2) The provision of drainage facilities and/or submission of drainage record
- (3) Reinstatement of the application site after the expiry of the planning approval
- (4) The provision of fencing
- (5) Maintenance of existing trees/ landscape plantings on site
- (6) Maintenance of drainage facilities on site
- (7) If the planning condition is not complied with by the specified date, the approval shall cease to have effect and shall on the same date be revoked without further notice
- (8) If the planning condition is not complied with at any time during the planning approval period, the approval shall cease to have effect and shall be revoked immediately without further notice
- (9) Setting back of the site as a non-building area from the proposed alignment of the "Upgrading of Remaining Sections of Kam Tin Road and Lam Kam Road" project
- (10) The submission and implementation of run-in proposal

- (11) No vehicle dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities are allowed on site
- (12) No medium or heavy goods vehicles (i.e. exceeding 5.5 tonnes) as defined in the Road Traffic Ordinance or container trailers/tractors were allowed to be parked/stored on the site
- (13) Restriction on operation hours
- (14) No reversing of vehicle into or out from the site is allowed
- (15) Submission and implementation of fire services installations proposal and/ or provision of fire extinguisher(s)

**Similar Applications straddling the same “O” zone and the adjacent “R(D)” zone on the OZP**

**Approved Applications**

	<b><u>Application No.</u></b>	<b><u>Proposed Use(s)</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Approval Condition(s)</u></b>
1	A/YL-KTN/77	Temporary open storage of private cars for a period of 12 months	27.11.1998	(1), (2), (3)
2	A/YL-KTN/128	Temporary open storage of private cars for a period of 3 years	2.2.2001 (for 2 years) (revoked on 2.11.2001)	(1), (2), (3), (7)
3	A/YL-KTN/160	Temporary open storage of private cars for a period of 3 years	17.1.2003	(1), (2), (3), (4), (5), (7), (8)
4	A/YL-KTN/241	Temporary open storage of private cars for a period of 3 years	13.1.2006	(1), (3), (4), (6), (7), (8)
5	A/YL-KTN/455	Temporary open storage of private cars for a period of 3 years	2.1.2015 (revoked on 13.2.2015)	(1), (2), (3), (4), (7), (8), (9)

**Approval Conditions**

- (1) The submission or/and implementation of landscaping/tree preservation proposals
- (2) The submission or/and provision of drainage facilities
- (3) Reinstatement of the application site after the expiry of the planning approval
- (4) No vehicle repairing/maintenance/servicing/workshop activities
- (5) The provision of vehicular access
- (6) The maintenance of drainage facilities
- (7) If the planning condition is not complied with by the specified date, the approval shall cease to have effect and shall on the same date be revoked without further notice
- (8) If the planning condition is not complied with at any time during the [planning approval period, the approval shall cease to have effect and shall be revoked immediately without further notice
- (9) The submission or/and provision of fire service installations

**Rejected Application**

	<b><u>Application No.</u></b>	<b><u>Proposed Use(s)</u></b>	<b><u>Date of Consideration (RNTPC)</u></b>	<b><u>Rejection Reason(s)</u></b>
1	A/YL-KTN/148	Temporary open storage of private cars and company cars maintenance for a period of 3 years	9.8.2002	(1), (2)

**Rejection Reasons**

- (1) The development does not comply with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” in residential dwellings in its vicinity would be susceptible to adverse environmental nuisances generated by the development
- (2) There is insufficient information in the submission to demonstrate that the development will not have adverse environmental and drainage impacts on the surrounding areas



**Good Practice Guidelines for Open Storage Sites**

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





**Advisory clauses**

- (a) prior planning permission should have been obtained before commencing the development at the Site;
- (b) the Site should be kept in a clean and tidy condition at all times;
- (c) note DLO/YL of LandsD's comments that the Site comprises an 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 from the Government. The Site is accessible to Kam Tin Road via Government Land (GL) and private land. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way to the Site. The Site falls within Shek Kong Airfield Height Restriction Area (SKAHRA). The height of the proposed structure shall not exceed the relevant airfield height limit within SKAHRA. The STW holder(s) will need to apply to his office for modification of the STW conditions to regularize any irregularities (if any) on-site. Such application(s) 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 premium or fee, as may be imposed by the LandsD;
- (d) note CHE/NTW, HyD's comments that HyD does not and will not maintain any access connecting the Site and Kam Tin Road. The applicant should be responsible for his own access arrangement. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (e) 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" to minimize any potential environmental nuisance;
- (f) note CTP/UD&L, PlanD's comments that the applicant is urged to step up the proper tree care and shall make reference of the information published by the Greening, Landscape and Tree Management Section, Development Bureau (GLTM, DEVB):  
護養樹木的簡易圖解  
[http://www.greening.gov.hk/filemanager/content/pdf/tree\\_care/Pictorial\\_Guide\\_for\\_Tree\\_Maintenance.pdf](http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf).  
工程期間的樹木護養:  
[http://www.greening.gov.hk/filemanager/content/pdf/tree\\_care/Tree\\_Care\\_during\\_Construction\\_e.pdf](http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Tree_Care_during_Construction_e.pdf).

- (g) note DAFC's comments that the applicant should adopt necessary measures to prevent damaging the trees surrounding the Site during operation as far as practicable;
- (h) 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. Besides, the good practice guidelines for open storage site in **Appendix V** of this RNTPC paper should be adhered to. To address the approval condition on provision of fire extinguisher(s), the applicant should submit a valid fire certificate (FS 251) to his department for approval. If the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
- (i) note CBS/NTW, BD's comments that if the existing structures are erected on leased land without approval of BD (not being New Territories Exempted Houses), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any use under the application. Before any new building works (including containers and open sheds as temporary buildings) are to be carried out on the Site, the prior approval and consent of the Building Authority (BA) should be obtained. Otherwise, they are Unauthorized Building Works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO. In this connection, 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. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO. If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.