

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: 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 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 1,000m² for open storage uses and 2,000m² 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.

**Appendix III of
RNTPC Paper No. A/YL-KTS/821**

Previous s.16 Applications Covering the Application Site

Approved Applications

	Application No.	Proposed Use(s)	Date of Consideration (RNTPC)	Approval Condition(s)
1.	A/DPA/YL-KTS/88	Open Storage of New Cars	1.7.1994 (for 2 years)	(3), (4), (8), (9), (10), (11)
2.	A/YL-KTS/70	Temporary Open Storage of vehicles (for 12 months)	16.5.1997	(1), (2), (3), (4)
3.	A/YL-KTS/147	Temporary Open Storage of left-hand drive vehicles (for 12 months)	8.1.1999	(1), (2), (4)
4.	A/YL-KTS/194	Temporary open storage of left-hand drive vehicles (for 3 years)	28.1.2000	(1), (2), (4), (5), (6)
5.	A/YL-KTS/289	Temporary open storage of left-hand vehicles (for 3 years)	21.2.2003	(2), (4), (7)
6.	A/YL-KTS/360	Temporary open storage of left-hand vehicles (for 3 years)	3.2.2006	(2), (4), (6), (9), (12), (13), (14)
7.	A/YL-KTS/458	Temporary open storage of private vehicles and vehicle parts (for 3 years)	27.2.2009 (revoked on 10.7.2009)	(1), (2), (4), (6), (11), (12), (13), (15)
8.	A/YL-KTS/483	Temporary open storage of vehicle parts with ancillary workshop (for 3 years)	18.12.2009 (for 1 year)	(1), (2), (4), (6), (11), (15), (16),
9.	A/YL-KTS/515	Renewal of planning approval for temporary open storage of vehicle parts with ancillary workshop (for 3 years)	10.12.2010	(1), (2), (6), (15), (16),
10.	A/YL-KTS/628	Temporary open storage of vehicle parts with ancillary workshop (for 3 years)	7.2.2014 (revoked on 7.11.2014)	(1), (6), (11), (15), (17), (18), (19), (20), (21), (22)
11.	A/YL-KTS/687	Temporary open storage of vehicle parts with ancillary workshop (for 3 years)	8.1.2016	(1), (2), (4), (6), (11), (15), (17), (18), (19), (21), (22)

Approval Conditions:

- (1) Submission and implementation of landscape/tree preservation proposals
- (2) Provision/Maintenance of drainage proposals/ facilities
- (3) Setting back of the boundary of the site to avoid encroachment onto public works projects' limit
- (4) Reinstatement of the application site after the expiry of the planning approval
- (5) Stacking height of the vehicles
- (6) Revocation of the planning approval if any of the planning conditions was not complied with during the approval period or by a specified date
- (7) Painting of the existing site fencing in dark green
- (8) Design and implement vehicular access arrangement and car parking layout
- (9) No storage of container vehicles/vehicle parts and use of container vehicles for transportation of cars
- (10) No car repairing work
- (11) Restriction on operation time
- (12) No vehicle assembling, dismantling, repairing, fixing, cleansing, maintenance, paint spraying or workshop activities should be undertaken on the site
- (13) Maintenance of existing planting
- (14) Submission of an updated tree planting plan within 6 months from the date of planning approval
- (15) Submission and implementation of fire service installations proposal
- (16) No heavy vehicles exceeding 24 tonnes for operation of the site
- (17) No medium or heavy goods vehicles exceeding 5.5 tonnes and no vehicle exceeding 7m long are allowed to be parked / stored on or enter/exit the site at any time during the planning approval period
- (18) No reversing of vehicles into or out from the site is allowed at any time during the planning approval period
- (19) Existing boundary fencing shall be maintained at all times during the planning approval period
- (20) Maintenance of existing drainage facilities
- (21) Submission of a condition record of the existing drainage facilities
- (22) Provision of fire extinguisher(s)

Rejected Applications

	Application No.	Proposed Use(s)	Date of Consideration (RNTPC/TPB)	Rejection reasons
1.	A/DPA/YL-KTS/70	Open storage of new cars	29.4.1994 (on review)	(1), (2), (3)

Rejection Reasons:

- (1) The proposed development was not in line with the planning intention for the area which was to encourage agricultural and recreational uses that were generally compatible with the rural environment and were unlikely to adversely affect local communities
- (2) The proposed development was not compatible with the village settlements in the vicinity
- (3) The development would be affected by the imminent implementation of the Route 3 – Country Park section project

Similar Applications in the Same and the Adjacent "AGR" Zones on the OZP

Approved Applications

	Application No.	Proposed Use(s)	Date of Consideration (RNTPC)	Approval Condition(s)
1.	A/YL-KTS/457	Temporary open storage of vehicles (coaches and tractors / goods vehicles) for sale and ancillary facilities for a period of 3 years	27.2.2009 [revoked on 27.8.2009]	(1), (2), (8), (10), (14), (17), (18)
2.	A/YL-KTS/460	Temporary open storage of vehicles and container trailers/tractors park for a period of 3 years	13.3.2009	(8), (10), (11), (14), (16), (17), (18),
3.	A/YL-KTS/488	Temporary open storage of vehicles (coaches and tractors/goods vehicles) for sale and ancillary facilities for a period of 3 years	19.3.2010	(2), (8), (10), (11), (14), (17), (18)
4.	A/YL-KTS/511	Temporary open storage of machinery for a period of 3 years	26.11.2010	(8), (10), (11), (14), (17), (18), (19), (20)
5.	A/YL-KTS/580	Temporary open storage of vehicles and container trailers/tractors park for a period of 3 years	5.10.2012	(1), (2), (10), (12), (13), (18)
6.	A/YL-KTS/600	Temporary open storage of machinery (including excavators) for a period of 3 years	24.5.2013 [revoked on 5.7.2013]	(1), (2), (10), (13), (14), (18)
7.	A/YL-KTS/614	Temporary open storage of machinery (including excavators) for a period of 3 years	25.10.2013	(1), (2), (10), (13), (14), (18)
8.	A/YL-KTS/675	Renewal of Planning Approval for Temporary "Open Storage of Vehicles and Container Trailers/ Tractors Park" for a Period of 3 Years	18.9.2015	(8), (10), (11), (12), (13), (14), (16), (17), (18), (21), (22)

	Application No.	Proposed Use(s)	Date of Consideration (RNTPC)	Approval Condition(s)
9.	A/YL-KTS/699	Temporary Open Storage of Vehicles (Private Car only) and Ancillary Site Office for a Period of 3 Years	13.5.2016	(1), (2), (4), (8), (10), (11), (13), (17), (18), (22), (23)
10.	A/YL-KTS/717	Renewal of Planning Approval for Temporary Open Storage of Machinery (Including Excavators) and Vehicles for Sale for a Period of 3 Years	14.10.2016	(8), (10), (11), (14), (17), (21), (22)
11.	A/YL-KTS/793	Renewal of Planning Approval for Temporary "Open Storage of Vehicles and Container Trailers/ Tractors Park" for a Period of 3 Years	17.8.2018	(8), (10), (11), (13), (14), (17), (18), (21), (22)

Approval Conditions

- (1) Submission and/or implementation of landscape/tree preservation proposals
- (2) Submission of drainage proposal/drainage impact assessment and/or implementation/provision of drainage facilities/flood mitigation measures
- (3) Paving of the site
- (4) Fencing of the site
- (5) Submission and/or provision of vehicular access
- (6) Maintain a headroom clearance between any structure/materials on site and the overhead transmission lines
- (7) Setting back of site boundary
- (8) Reinstatement of the site upon expiry of the planning permission
- (9) Restriction on stacking height of vehicles
- (10) If the planning condition was not complied with at all time during the approval period or by a specified date, the approval shall cease to have effect and be revoked without further notice
- (11) Maintenance of landscape plantings/drainage facilities at all times during the planning approval period
- (12) Submission and/or implementation/provision of vehicular access arrangement, car parking layout and/or waiting space for queuing of vehicles
- (13) Provision of fire extinguisher within the site
- (14) No vehicle assembling, dismantling, repairing, fixing, washing/cleansing, maintenance, paint spraying or workshop activities on the site
- (15) No storage of vehicle parts on the site
- (16) Implementation of traffic monitoring measure at all time during the approval period
- (17) Restriction on operation time

- (18) Submission and implementation of fire service installations proposal
- (19) No storage of medium or heavy vehicles and container vehicles/vehicle parts and use of container vehicles for transportation of cars
- (20) No vehicles exceeding 10m to enter/exit the site
- (21) Submission of drainage record
- (22) No reversing of vehicles into or out from the Site / queueing back to public roads during the approval period
- (23) No medium or heavy good vehicles exceeding 5.5 tonnes and no vehicles exceeding 7m long are allowed to be parked / stored on or enter / exit the Site at any time during the planning approval period

Rejected Applications

	Application No.	Proposed Use(s)	Date of Consideration (RNTPC/TPB)	Rejection Reason(s)
1.	A/YL-KTS/624	Proposed filling of pond and filling of land for temporary open storage of recycled vehicles and metal scaffolding/machinery for construction for a period of 3 years	6.6.2014 (on review)	(1), (2), (3), (4)
2.	A/YL-KTS/667	Temporary hardware recycling centre and open storage of scrap metal, concrete and machinery with ancillary office for a period of 3 years	5.6.2015	(1), (3), (5)
3.	A/YL-KTS/685	Temporary Open Storage (Concrete from Demolished Buildings) for a Period of 3 Years	8.1.2016	(1), (2), (3)

Rejection Reasons

- (1) The development is not in line with the planning intention of the “AGR” zone which is to retain and safeguard good agricultural land for agricultural purposes. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.
- (2) The application does not comply with the TPB PG-No. 13E in that the development was not compatible with the surrounding land uses which were predominantly rural in character; there was no previous approval granted at the site; and there were adverse departmental comments and public objections against the application.
- (3) The applicant failed to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas.
- (4) The approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within this part of the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.
- (5) The application did not comply with the Town Planning Board Guidelines No. 13E on ‘Application for Open Storage and Port Back-up Uses under Section of the Town Planning Ordinance’ in that the development was not compatible with the surrounding land uses which were predominated by residential structures/dwellings, vacant/unused land, fallow agricultural land and grave. The residential dwellings/structures which were located to the immediate west of the site and in the vicinity would be susceptible to adverse environmental nuisance generated by the development and adverse comment from the relevant government department and local objections were received.

Appendix V of
RNTPC Paper No. A/YL-KTS/821

Good Practice Guidelines for Open Storage Sites

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 applied use at the Site;
- (b) resolve any land issues relating to the development with the concerned owner(s) of the site;
- (c) note DLO/YL, LandsD's comments that the Site comprises Old Scheduled Agricultural Lots held under the Block Government Lease which contains the restriction that no structure is allowed to be erected without the prior approval of the Government. The Site is accessible to Kam Tin Road via Government Land (GL). His office provides no maintenance works for the GL involved and does not guarantee any right-of-way over the GL to the Site. The Site falls within the Shek Kong Airfield Height Restriction Area (SKAHRA). The height of the proposed structure shall not exceed the relevant airfield height limit within the SKAHRA. The STW holder(s) will need to apply to his office for modification of the STW conditions where appropriate. The owner(s) of the lots without STW will need to apply to his office to permit any structure 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. No construction of New Territories Exempted Building(s) will be considered or allowed. 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 premium or fee, as may be imposed by LandsD;
- (d) note C for T's comment that the Site is connected to the public road network via a section of a local access road which is not managed by his department. The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) note CHE/NTW, HyD's comments that adequate drainage measures should be provided at the Site access to prevent surface water flowing from the Site to nearby public roads / drains. HyD shall not be responsible for the maintenance of any access connecting the Site and Kam Tin Road;
- (f) follow relevant mitigation measures and requirement in the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the DEP to minimize any potential environmental nuisances;
- (g) note DAFC's comments that the applicant is advised to preserve the trees at the Site as far as practicable during operation;

- (h) note D of FS' 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 Good Practice Guidelines for Open Storage (**Appendix V** of this RNTPC paper) should be adhered to. To address the approval condition on the provision of the extinguisher(s) with 6 weeks from the date of planning approval, the applicant should submit a valid fire certificate (FS 251)) to his department for approval. 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
- (i) 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 BD, they are unauthorized building works (UBW) under the 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 BD 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. Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, prior approval and consent of BD 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. If the Site does not abut on a street of not less than 4.5 m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.