

**Relevant Extracts of Town Planning Board Guidelines on  
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 1,000m<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 Applications covering the Application Site**

**Approved Applications**

	<b><u>Application No.</u></b>	<b><u>Proposed Use</u></b>	<b><u>Date of Consideration (RNTPC)</u></b>	<b><u>Approval Conditions</u></b>
1	A/YL-PH/345	Temporary Open Storage of Private Cars and Lorries for 3 Years	27.10.2000 (Approved for 2 Years)	(1), (2), (3), (4)
2	A/YL-PH/443	Temporary Open Storage of Private Cars and Lorries for 3 Years	19.9.2003	(1), (2), (4), (5), (6)
3	A/YL-PH/535	Temporary Open Storage of Private Cars and Vans for 3 Years	2.2.2007	(1), (2), (4), (5), (6), (7), (8), (9), (10)
4	A/YL-PH/603	Renewal of Planning Approval for "Temporary Open Storage of Private Cars and Lorries" for 3 Years	29.1.2010	(1), (2), (4), (5), (6), (7), (8), (10)
5	A/YL-PH/658	Renewal of Planning Approval for "Temporary Open Storage of Private Cars and Lorries" for 3 Years	25.1.2013 (Revoked on 29.7.2013)	(1), (2), (4), (5), (6), (7), (8), (10), (11)
6	A/YL-PH/680	Temporary Open Storage of Private Cars and Lorries" for 3 Years	13.12.2013 (Revoked on 13.11.2015)	(1), (2), (4), (5), (6), (7), (8), (9), (10), (11)
7	A/YL-PH/724	Temporary Open Storage of Private Cars and Lorries" for 3 Years	22.1.2016 (Revoked on 22.12.2017)	(1), (2), (4), (5), (6), (7), (8), (9), (10), (11)

**Approval Conditions**

- (1) The submission and implementation of tree preservation/ landscaping proposals/maintenance of landscape planting
- (2) The submission of drainage proposals/existing drainage record and provision/maintenance of drainage facilities
- (3) The provision of fencing of the application site
- (4) If any of the specified planning conditions was not complied with at any time/by the specified date, the approval given should cease to have effect and should on the same date be revoked without further notice
- (5) Reinstatement of the site to an amenity area
- (6) No vehicle repairing, maintenance, dismantling and workshop activities were allowed on the site
- (7) No medium/heavy vehicles were allowed for the operation of the site
- (8) Restriction on operation hours

- (9) Submission and implementation of run-in/out proposals
- (10) The submission and implementation of fire service installation proposal/provision of fire extinguisher
- (11) No reversing of vehicles into or out from the site

**Appendix IV of RNTPC**  
**Paper No. A/YL-PH/770**

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

**Approved Applications**

	<b><u>Application No.</u></b>	<b><u>Proposed Use</u></b>	<b><u>Date of Consideration (RNTPC)</u></b>	<b><u>Approval Conditions</u></b>
1	A/YL-PH/608*	Proposed Temporary Open Storage of Second-Hand Vehicles for Display and Export for 2 Years	28.1.2011 (Revoked on 28.9.2012)	(1), (2), (3), (4), (5), (6), (7), (8), (9)
2	A/YL-PH/616	Proposed Temporary Open Storage of Backdrop Screens, Advertising Aluminium Frames and Construction Materials for 3 Years	28.1.2011	(1), (2), (3), (4), (5), (6), (7), (8), (9)
3	A/YL-PH/635	Temporary Building Materials and Automotive Parts Storage Yard and Ancillary Staff Canteen for 3 Years	20.1.2012 (Revoked on 20.4.2013)	(1), (2), (3), (5), (6), (7), (8), (9)
4	A/YL-PH/659	Temporary Open Storage of Construction Materials with Ancillary Site Office for a Period of 3 Years	8.2.2013 (Revoked on 8.11.2013)	(1), (2), (3), (5), (6), (7), (8), (9), (12)
5	A/YL-PH/666	Temporary Open Storage of Second-Hand Vehicles for Export, Vehicle Parts and Construction Materials for a Period of 3 Years	7.6.2013	(1), (2), (3), (4), (5), (6), (7), (8), (9)
6	A/YL-PH/667	Temporary Open Storage of Building Materials, Second-hand Vehicles and Automotive Parts with Ancillary Staff Canteen for a Period of 3 Years	5.7.2013 (Revoked on 5.10.2013)	(1), (2), (3), (5), (6), (7), (8), (9)
7	A/YL-PH/683	Temporary Open Storage of Building Materials, Second-hand Vehicles and Automotive Parts with Ancillary Staff Canteen for a Period of 3 Years	7.2.2014	(1), (2), (3), (5), (6), (7), (8), (9), (10)

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Conditions</u>
8	A/YL-PH/686	Proposed Temporary Open Storage of Backdrop Screens, Advertising Aluminium Frames and Construction Materials for a Period of 3 Years	4.4.2014 [Revoked on 4.10.2014]	(1), (2), (3), (5), (6), (7), (8), (9)
9	A/YL-PH/701	Temporary Open Storage of Backdrop Screens, Advertising Aluminium Frames and Construction Materials for a Period of 3 Years	26.9.2014	(1), (2), (3), (5), (6), (7), (8), (9)
10	A/YL-PH/719	Temporary Open Storage of Construction Materials for a Period of 3 Years	7.8.2015	(1), (2), (3), (4), (5), (6), (7), (8), (9)
11	A/YL-PH/733	Temporary Open Storage of Second-Hand Vehicles for Export, Vehicle Parts and Construction Materials for a Period of 3 Years	10.6.2016	(1), (2), (3), (5), (6), (7), (8), (9), (11)
12	A/YL-PH/740	Temporary Open Storage of Building Materials, Second-hand Vehicles and Automotive Parts with Ancillary Staff Canteen for a Period of 3 Years	12.5.2017	(1), (2), (3), (5), (6), (7), (8), (9), (11)
13	A/YL-PH/756	Temporary Open Storage of Backdrop Screens, Advertising Aluminium Frames and Construction Materials for a Period of 3 Years	22.9.2017	(1), (2), (3), (5), (6), (7), (8), (9), (11)

\*Site falls within "AGR" and "OS" zones

- (1) Restriction on operation time.
- (2) No vehicle repairing, maintenance, dismantling and workshop activities were allowed on the site
- (3) No medium and heavy vehicles were allowed for the operation of the site.
- (4) The provision of fencing of the application site within a specified time limit.
- (5) The submission of drainage proposals and provision of drainage facilities and/or drainage record within a specified time limit or maintaining existing drainage facilities at all times
- (6) The submission and implementation of landscaping and/or landscape proposals within a specified time limit/maintenance of existing landscape plantings.
- (7) The submission and implementation of Fire Service Installation proposal/provision of fire extinguisher.
- (8) Upon expiry of the planning permission, the reinstatement of the site to an amenity area.

- (9) If the planning condition is not complied with at any time during the planning approval or by specified date, the approval shall cease to have effect and be revoked without
- (10) No disturbance and no filling of the stream within the site
- (11) No reversing/queuing of vehicles into or out from the site
- (12) Implementation of environmental migration measures within a specified time limit

### **Rejected Applications**

	<b><u>Application No.</u></b>	<b><u>Proposed Use</u></b>	<b><u>Date of Consideration (RNTPC)</u></b>	<b><u>Approval Conditions</u></b>
1	A/YL-PH/645	Temporary Open Storage of Soil from Cut-and-Cover Method and Building Materials for 3 Years	24.8.2012	(1), (2), (3), (4)
2	A/YL-PH/678	Temporary Open Storage of Soil and Construction Materials with Ancillary Site Office and Staff Rest Room for a Period of 3 Years	8.11.2013	(1), (2), (3), (4)
3	A/YL-PH/687	Proposed Temporary Open Storage of Horticultural Plants with Greenhouse for a Period of 3 Years	25.4.2014	(1), (2), (3), (4)
4	A/YL-PH/698*	Temporary Open Storage of Construction Materials and Containers with Parking of Heavy Vehicles for a period of 3 years	12.9.2014	(2), (3), (4), (5)
5	A/YL-PH/752	Proposed Temporary Open Storage of Construction Materials for a Period of 3 Years	11.8.2017	(1), (2), (4)

\*"Site falls within "AGR" and "V" zones

- (1) The proposed development was not in line with the planning intention of the "Agriculture" ("AGR") zone which is to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes. This zone is also intended to retain fallow arable land with good potential for rehabilitation. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis
- (2) The application did not comply with the Town Planning Board Guidelines No. 13E in that the proposed development was not compatible with the surrounding land uses. There was also no previous approval granted at the site and there were adverse departmental comments and/or local objections against the application.
- (3) The applicant failed to demonstrate that the proposed development would not generate adverse environmental/drainage/landscape impacts on the surrounding areas.
- (4) The approval of the application, even on a temporary basis, would set an undesirable precedent for other similar uses to proliferate into this part of the "AGR"/"V" zones. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.
- (5) Not in line with the planning intentions of the "Village Type Development" and "Agriculture" zones. No strong planning justification has been given in the submission for a departure from the planning intentions, even on a temporary basis





**Appendix V of RNTPC**  
**Paper No. A/YL-PH/770**

**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) shorter compliance periods are imposed so as to monitor the progress of compliance with approval conditions since the last approval was revoked. Should the applicant fail to comply with any of the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration may not be given to any further application;
- (c) resolve any land issues relating to the development with the concerned owners of the Site;
- (d) note DLO/YL, 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 of the Government. Lot No. 1479 S.B in D.D. 111 is covered by a Short Term Waiver (STW) No. 4652 to permit structures erected thereon for the purpose of "temporary open storage of private cars and lorries". The Site is accessible to Kam Tin Road via Government Land (GL). 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;
- (e) note CHE/NTW, HyD's comments that HyD is not/shall not be responsible for the maintenance of any existing vehicular access connecting the Site and Kam Tin Road. The applicant should construct a run-in/out at the access point at Kam Tin Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (f) note DAFC's comments that the applicant should preserve the mature roadside trees on the northern boundary of the Site along Kam Tin Road;
- (g) adopt environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by EPD to alleviate any potential environmental nuisance;
- (h) note D of FS's comments that in consideration of the design/nature of the proposal, FSIs are anticipated to be required. 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 FSIs to be installed should be clearly marked on the layout plans. The Good Practice Guidelines for Open Storage Sites in **Appendix V** of this RNTPC paper should be adhered to. To address the approval condition on provision of the fire extinguisher(s), 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), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

- (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 building works (UBW) under the BO and should not be designated for any 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, the prior approval and consent of BD should be obtained. Otherwise, they are UBW. An Authorized Person should be appointed as the coordinator 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 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; and
- (j) note DEMS's comments that in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with the planning, designing, organising and supervising any activity near the underground cable line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans to find out whether there is any underground cable and / or overhead line within and / or in the vicinity of the Site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the "Code of Practice on Working near Electricity Supply Lines" established under the Regulation when carrying out works in the vicinity of the electricity supply lines.