

**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 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.

**Appendix III of RNTPC  
Paper No. A/YL-PH/803**

**Previous s.16 Applications covering the Application Site**

**Approved Applications**

	<b><u>Application No.</u></b>	<b><u>Proposed Uses</u></b>	<b><u>Date of Consideration (RNTPC)</u></b>	<b><u>Approval Conditions</u></b>
1	A/YL- PH/616	Temporary Open Storage of Backdrop Screens, Advertising Aluminium Frames and Construction Materials for a Period of 3 Years	28.1.2011	(1), (2), (3), (4), (5), (6), (7), (8), (9)
2	A/YL- PH/686	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)
3	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 [Revoked on 26.2.2017]	(1), (2), (3), (5), (6), (7), (8), (9)
4	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), (10)

**Approval conditions**

- (1) Restriction on operation hours/time
- (2) No medium or heavy goods vehicles or container trailers/tractors
- (3) No dismantling, maintenance, modification, repairing, cleansing, paint spraying or other workshop activities
- (4) Provision of boundary fencing, or maintenance of existing boundary fencing
- (5) Submission and/or implementation of landscaping and/or tree preservation proposal, or maintenance of landscape plantings within the site
- (6) Submission and/or implementation of drainage proposal or maintenance the existing drainage facilities on the site and/or submission of record of existing drainage facilities
- (7) Submission and implementation of fire service installations proposal and/or provision of fire extinguishers
- (8) Revocation of the planning approval if any of the planning conditions is not complied with by the specified dated or during the planning approval period
- (9) Reinstatement of the site to an amenity area or to the original state
- (10) No reversing of vehicles into/out from the site was allowed at any time during the planning approval period

**Rejected Application**

	<u>Application No.</u>	<u>Proposed Uses</u>	<u>Date of Consideration (RNTPC)</u>	<u>Rejected Reasons</u>
1	A/YL-PH/235*	9 temporary open storage yards of construction materials for a period of 12 months.	30.10.1998	(1), (2), (3), (4), (5)

\*Remark: The site falls largely within "AGR" zone with a minor portion within the "V" zone.

**Rejected Reasons**

- (1) The proposed development was not in line with the planning intention of the "Agriculture" ("AGR") zone which was to retain and safeguard good agricultural land for agricultural purposes and to retain fallow arable land with good potential for rehabilitation, and was not in line with the planning intention of the "Village Type Development" ("V") zone which was to designate both existing recognized villages and areas of land considered suitable for village expansion. No strong justification had been given in the submission for a departure from such planning intentions even on a temporary basis.
- (2) The proposed development did not comply with the Town Planning Guidelines for "Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance" in that it was incompatible with the village settlements of Leung Uk Tsuen and the nearby domestic structures.
- (3) The proposed vehicular access leading to the site from Kam Tin Road would be via a sub-standard track passing through the existing village settlements in Wang Toi Shan San Tsuen. The frequent transportation of construction materials to and from the site in large quantities would generate adverse noise and traffic impacts on the nearby village settlements.
- (4) There was insufficient information in the submission to demonstrate that the development would not have adverse drainage impact on the surrounding areas.
- (5) Approval of the application would set an undesirable precedent for similar uses to penetrate into the "AGR" and "V" zones. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

**Appendix IV of RNTPC  
Paper No. A/YL-PH/803**

**Similar Applications within the Same "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/603	Renewal of Planning Approval for "Temporary Open Storage of Private Cars and Lorries" for 3 Years	29.1.2010	(1), (2), (3), (5), (6), (7), (8), (10)
2	A/YL-PH/608*	Proposed Temporary Open Storage of Second-Hand Vehicles for Display and Export for a Period of 2 Years	28.1.2011 [Revoked on 28.9.2012]	(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/658	Renewal of Planning Approval for Temporary "Open Storage of Private Cars and Lorries" for a Period of 3 Years	25.1.2013 [Revoked on 29.7.2013]	(1), (2), (3), (5), (6), (7), (8), (9), (11)
5	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), (13)
6	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)
7	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), (10)
8	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), (3), (5), (6), (7), (8), (9), (11), (12)
9	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)
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/724	Temporary Open Storage of Private Cars and Lorries for 3 Years	22.1.2016 [Revoked on 22.12.2017]	(1), (2), (3), (5), (6), (7), (8), (9), (11), (12)

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Conditions</u>
12	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)
13	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)
14	A/YL-PH/782	Renewal of Planning Approval for Temporary "Open Storage of Construction Materials" for a Period of 3 Years	1.6.2018	(1), (2), (3), (4), (5), (6), (7), (8), (9), (11)

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

#### Approval conditions

- (1) Restriction on operation time
- (2) No dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities
- (3) No medium and heavy vehicles
- (4) The provision of fencing of the application site within a specified time limit or maintenance of existing boundary fence
- (5) The submission and implementation of drainage proposals or provision/maintenance of drainage facilities or submission of record of drainage facilities within a specified time limit
- (6) The submission and implementation of landscaping proposals within a specified time limit or maintenance of existing landscape plantings/trees and vegetation
- (7) The submission and implementation of fire service installations proposal and/or provision of fire extinguisher within a time limit
- (8) Upon expiry of the planning permission, the reinstatement of the site to an amenity area/ and/or suitable for agricultural uses with a view to preserving agricultural land
- (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
- (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) Submission and provision of a run-in/out proposal to/from Kam Tin Road
- (13) Implementation of environmental migration measures within a specified time limit

## Rejected Applications

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Date of Consideration (RNTPC)</u>	<u>Rejected Reasons</u>
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)
6	A/YL-PH/770	Temporary Open Storage (Private Cars and Lorries) for a Period of 3 Years	16.3.2018	(6)

\* Application straddles the same "AGR" zone and the adjoining "V" zone on the OZP.

### Rejected reasons

- (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.
- (6) Applications with repeated revocations should be rejected unless genuine efforts had been demonstrated. Repeated non-compliance, whether the application was submitted by the same applicant and for the same applied use would be taken into account.





**Appendix V of RNTPC  
Paper No. A/YL-PH/803**

**Detailed Comments of the Chief Town Planner/Urban Design and Landscape,  
Planning Department (CTP/UD&L, PlanD)**

- (a) Discrepancy is noted on the existing tree number in the submitted layout plan and the site inspection dated 8.3.2019. The applicant should clarify the number of existing trees on Site.
- (b) The applicant has the responsibility to maintain existing trees. All trees should be preserved with appropriate protective measures. The applicant is reminded to seek approval for proposed tree works from relevant department prior to the commencement of works and make reference from DEVB's guidelines on tree maintenance. ([http://www.greening.gov.hk/en/tree\\_care/tree\\_maintenance.html](http://www.greening.gov.hk/en/tree_care/tree_maintenance.html))
- (c) It is observed that objects and garbage are staked around the trees and in the planting areas. The applicant is advised that root zone of trees should be free from miscellaneous objects. Minimum 1 m clearance should be maintained between any object/garbage from the tree trunk for healthy growth of trees.



**Appendix VI of RNTPC  
Paper No. A/YL-PH/803**

**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	4.5		
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) resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (b) the permission is given to the development/use under application. It does not condone any other development/use which are not covered by the application;
- (c) note DLO/YL, LandsD's comments that the Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. The Site is accessible from 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 over the GL 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 modifications of the STW(s) conditions where appropriate. 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 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 C for T's comments that the Site is connected to the public road network via a section of a local access road which is not managed by Transport Department (TD). The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) note CHE/NTW, HyD's comments that his department does not and will not maintain the accesses connecting the Site and Kam Tin Road. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (f) follow the relevant mitigation measures and requirements in the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by DEP;
- (g) note CTP/UD&L of PlanD's comments that discrepancy is noted on the existing tree number in the submitted layout plan and the site inspection dated 8.3.2019. The applicant should clarify the number of existing trees on Site. The applicant has the responsibility to maintain existing trees. All trees should be preserved with appropriate protective measures. The applicant is reminded to seek approval for proposed tree works

from relevant department prior to the commencement of works and make reference from DEVB's guidelines on tree maintenance ([http://www.greening.gov.hk/en/tree\\_care/tree\\_maintenance.html](http://www.greening.gov.hk/en/tree_care/tree_maintenance.html)). It is observed that objects and garbage are staked around the trees and in the planting areas. The applicant is advised that root zone of trees should be free from miscellaneous objects. Minimum 1 m clearance should be maintained between any object/garbage from the tree trunk for healthy growth of trees;

- (h) note D of FS' comments that the applicant should be advised to adhere to the good practice guidelines for open storage in **Appendix VI** of the RNTPC paper. To address the approval condition on the provision of fire extinguisher(s), the applicant should submit a valid fire certificate (FS251) to his department for approval. Regarding the submitted FSIs proposal, the separation distance(s) between the structures should be provided and indicated on plan. In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit revised layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.
- (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 the 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 and land filling) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are UBW. The development intensity of the separated sites shall be considered separately. 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 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.