

**Relevant Extract of 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 1,000m<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 Applications**

**Approved Applications**

<b>Application No.</b>	<b>Uses/ Development</b>	<b>Date of Consideration</b>	<b>Approval Conditions</b>
A/NE-FTA/20	Open Storage of Container Tractors/Trailers for a Temporary Period of 12 months	6.3.1998	A1, A3, A5 & A21
A/NE-FTA/28	Temporary Open Storage of Container Tractors/Trailers for 3 Years	8.10.1999	A3, A5, A8 & A22
A/NE-FTA/67	Temporary Open Storage of Container Tractors/Trailers for a Period of 3 Years	3.12.2004 (revoked on 3.12.2005)	A2, A4, A6, A9, A10, A12 & A22
A/NE-FTA/69	Temporary Container Tractor/Trailer Park and Goods Distribution and Storage Uses for a Period of 3 Years	29.7.2005	A4, A6, A11, A12, A14, A15, A16, A20 & A22
A/NE-FTA/87	Temporary Public Vehicle Park (including Container Vehicle) and Goods Distribution and Storage Use for a Period of 3 Years	18.7.2008	A4, A7, A11, A12, A13, A15, A16, A17 & A22
A/NE-FTA/104	Renewal of Planning Approval for Temporary Public Vehicle Park (including Container Vehicle) and Goods Distribution and Storage Use for a Period of 3 Years	17.6.2011	A4, A7, A11, A13, A15, A18, A19, A20 & A22

**Approval Conditions:**

- A1      The provision of layout for parking, vehicular manoeuvring and vehicular access arrangement
- A2      The submission and implementation of parking layout

- A3 The submission and implementation of landscaping proposals
- A4 The submission and implementation of tree preservation and landscaping proposals
- A5 The provision of drainage facilities
- A6 The drainage facilities on the application site should be maintained
- A7 The submission and implementation of drainage proposals
- A8 The provision of peripheral fencing and paving of site
- A9 The peripheral fencing of the site should be maintained
- A10 The provision of paving of site
- A11 The peripheral fencing and paving of the site should be maintained
- A12 No interference with or damage to the 132kV overhead lines within the site
- A13 No operation between 11:00 p.m. and 7:00 a.m. was allowed on the application site
- A14 The operating hours of the application site should be restricted to 7:00 a.m. to 11:00 p.m
- A15 No operation of the development on Sundays and public holidays was allowed on the application site
- A16 The submission and implementation of vehicular access, parking and loading/unloading proposals
- A17 The submission of design and the provision of firefighting access, water supplies for fire fighting and fire service installations
- A18 The submission of proposals for fire service installations and water supplies for fire-fighting
- A19 The provision of fire service installations and water supplies for fire-fighting
- A20 No vehicle repairing activities should be carried out on the application site
- A21 Reinstatement clause
- A22 Revocation clause

**Similar S.16 Applications for Open Storage within/partly within the “Other Specified Uses  
(Port Back-up Uses)” zone in the vicinity of the Application Site  
in the Fu Tei Au and Sha Ling Area**

**Approved Applications**

<b><u>Application No.</u></b>	<b><u>Uses/ Development</u></b>	<b><u>Date of Consideration</u></b>	<b><u>Approval Conditions</u></b>
A/NE-FTA/84 <sup>#</sup>	Temporary Open Storage of Construction Materials and Equipment with Converted Containers for Ancillary Storage Uses for a Period of 3 Years	9.5.2008 (revoked on 9.8.2008)	A2, A3, A6, A12, A13, A14 & A20
A/NE-FTA/93	Temporary Open Storage of Ironmongeries, Scrap Metal, Building Materials, Wastes, Miscellaneous Items and a Movable Container for a Period of 3 Years	5.6.2009 (revoked on 5.9.2009)	A1, A3, A5, A6, A7, A8, A9, A11, A15, A16 & A20
A/NE-FTA/96 <sup>#</sup>	Temporary Open Storage of Construction Materials and Equipment with Converted Containers for Ancillary Storage Uses for a Period of 3 Years	9.10.2009 (revoked on 9.1.2010)	A2, A3, A6, A8, A9, A12, A15, A16 & A20
A/NE-FTA/143	Proposed Temporary Open Storage of Construction Machinery and Construction Materials for a Period of 3 Years	17.10.2014 (revoked on 17.10.2015)	A3, A4, A8, A10, A12, A13, A14, A17, A18, A19 & A20
A/NE-FTA/167	Proposed Temporary Goods Distribution and Storage Use for a Period of 3 Years	6.4.2018	A3, A20, A21, A22, A23, A24, A25 & A26

**Remarks**

<sup>#</sup>: The application nos. A/NE-FTA/84 and A/NE-FTA/96 are at the same site.

## **Approval Conditions:**

- A1 No operation between 6:00 p.m. and 9:00 a.m. was allowed on the application site
- A2 No night-time operation between 8:00 p.m. and 8:00 a.m. was allowed on the site
- A3 No operation on Sundays and public holidays was allowed on the application site
- A4 No operation between 6:00 p.m. and 9:00 a.m. on Mondays to Saturdays was allowed on the site
- A5 The use of medium and heavy goods vehicles for transportation of goods to/from the application site was not allowed
- A6 The peripheral fencing and paving of the application site should be maintained
- A7 The submission of proposals and the provision of vehicular access, car parking and loading/unloading spaces
- A8 The submission of drainage proposals
- A9 The implementation of drainage proposals
- A10 The provision of drainage facilities
- A11 The submission and the implementation of landscape proposals
- A12 The submission and the implementation of landscaping and tree preservation proposals
- A13 The submission of proposals on fire service installations and fire fighting water supplies
- A14 The provision of fire service installations and fire fighting water supplies
- A15 The submission of proposals for firefighting access, fire service installations and water supplies
- A16 The provision of firefighting access, fire service installations and water supplies
- A17 No dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities should be carried out on the site at any time
- A18 The provision of boundary fencing on the site
- A19 The provision of fire extinguisher(s)
- A20 Revocation clause
- A21 No operation between 4:00 p.m. and 10:00 a.m. was allowed on the site
- A22 No medium and heavy goods vehicles exceeding 5.5 tonnes, as defined in the Road Traffic Ordinance, was allowed for the operation of the site

- A23 The maintenance of all existing trees and landscape plantings
- A24 The maintenance of the existing drainage facilities
- A25 The submission of a condition record of the existing drainage facilities
- A26 The submission of proposals and provision of water supplies for fire-fighting and fire service installations

**Rejected Applications**

<b><u>Application No.</u></b>	<b><u>Uses/ Development</u></b>	<b><u>Date of Consideration</u></b>	<b><u>Rejection Reasons</u></b>
A/NE-FTA/146	Proposed Temporary Open Storage of Metals for a Period of 3 Years	12.9.2014	R1 & R2

**Rejection Reasons:**

- R1 The applicant failed to demonstrate that the proposed development would not pose interference to the 132kV overhead electricity supply line which traversed the site and jeopardised the provision of electricity supply and causing electrical hazards
- R2 The applicant failed to demonstrate that the development would have no adverse environmental and traffic impacts on the surrounding area

**Recommended Advisory Clauses**

- (a) to note the comments of DLO/N, LandsD as follows:
- (i) the Site comprises a private lot in D.D. 52. The lot is Old Schedule lot under Block Government Lease (demised for agricultural use) without any guaranteed right of vehicular access;
  - (ii) the existing vehicular access on Site routes through the gate, Government Land Licence (GLL) No. T4017, private Lots 164, 167 RP and 176 RP all in D.D. 52 and the nearby Government land. The user of GLL No. T4017 is 'temporary structure' and the structure permitted is a watchman shed. The applicant should make his own arrangements for acquiring access. The Government shall accept no responsibility in such arrangements. The applicant should not construe that his office would grant the access right to him if GLL No. T4017 is terminated; and
  - (iii) if the planning application is approved, the owners of the lots concerned shall apply to his office for a Short Term Waiver (STW). The application for STW will be considered by Government in its landlord's capacity and there is no guarantee that they will be approved. If the STW is approved, its commencement date will be backdated to the first date of occupation and it will be subject to such terms and conditions to be imposed including payment of waiver fee and administrative fee as considered appropriate by his office;
- (b) to note the comments of C for T that the Site connects Man Kam To Road via local village track which is not under his office's management. The land status of the access leading to the Site should be checked with the lands authority. The management and maintenance responsibilities of the same access should also be clarified with the relevant lands and maintenance authorities accordingly;
- (c) to note the comments of CE/MN, DSD that the Site is in an area where no public sewerage connection is available;
- (d) to note the comments of D of FS as follows:
- (i) to address the approval condition on provision of fire extinguisher(s), the applicant should submit certificate(s) under Regulation 9(1) of the Fire Service (Installations and Equipment) Regulations (Chapter 95B) to his department for compliance of condition;
  - (ii) if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) are erected within the Site, FSIs will need to be installed;
  - (iii) in such circumstances, except where building plan will be circulated to his department via the Centralised Processing System of BD, the applicant is required to send the relevant layout plans to his department incorporated with the proposed FSIs for approval. In preparing the submission, the applicant is advised on the following points:



- (a) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
- (b) the location of the proposed FSIs to be installed and the access for emergency vehicles should be clearly indicated on the layout plans; and
- (iv) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans. The applicant will need to subsequently provide such FSIs according to the approved proposal;
- (e) to note the comments of CTP/UD&L, PlanD that for tree protection measures, technical reference should be referred to TPB's "Technical Notes on Submission and Implementation of Landscape Proposal for Compliance with Conditions for Approved Applications for Open Storage and Port Back-up Uses" under Section 16 of the Town Planning Ordinance;
- (f) to note the comments of CE/C, WSD that for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (g) to note the comments of CBS/NTW, BD as follows:
  - (i) before any new building works (including containers/metal cover as temporary buildings) are to be carried out on the Site, prior approval and consent from the 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;
  - (ii) 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 application site under the BO;
  - (iii) the temporary converted containers for site office/storage are considered as temporary buildings and are subject to control under the Building (Planning) Regulations (B(P)Rs) Pt. VII;
  - (iv) the Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with B(P)Rs 5 and 41D respectively;
  - (v) if the Site does not abut a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under B(P)R 19(3) at the building plan submission stage; and
  - (vi) detailed comments under the BO will be provided at the building plan submission stage; and
- (h) to follow the environmental mitigation measures as set out in the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the DEP in order to minimise any possible environmental nuisances.