

**Extract of 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)**

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: 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. 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, planning permission could be granted on a temporary basis up to a maximum period of 3 years;
 - (c) Category 3 areas: Applications would normally not be favourably considered unless the applications are on sites with previous planning approvals. In that connection, 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, if required, to demonstrate that the proposed uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. 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, planning permission could be granted on a temporary basis up to a maximum period of 3 years; and
 - (d) Category 4 areas: Applications for open storage and port back-up uses 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, if required, 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 merits.

- (e) Taking into account the increasing demand for cross-boundary car parking facilities, applications for cross-boundary parking facilities at suitable sites in San Tin area, particularly near the existing cross-boundary link in Lok Ma Chau, may also be considered. Application of such nature will be assessed on its own merits, including its nature and scale of the proposed use and the local circumstances, and subject to satisfactory demonstration that the proposed use would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas, and each case will be considered on its individual merits.
2. In assessing applications for open storage and port back-up uses, the other major relevant assessment criteria are also summarised as follows:
- (a) port back-up sites and those types of open storage 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;
 - (b) adequate screening of the sites through landscaping and/or fencing should be provided at the periphery of the site within the boundary, especially where sites are located adjacent to public roads or are visible from surrounding residential areas;
 - (c) there will be a general presumption against development on sites of less than 2,000 m² for port back-up uses, and below 1,000 m² for open storage 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 and concentrate activities within appropriate surroundings, thus minimising sprawl over countryside areas and reducing travel trips;
 - (d) 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;
 - (e) there is a general presumption against conversion of agricultural land and fish ponds to other uses on an ad-hoc basis in rural areas, 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, the Board may refuse to grant permission, or impose a shorter compliance period for the approval conditions, notwithstanding other criteria set out in the Guidelines are complied with.

**Similar S.16 Applications for Temporary Dangerous Goods Godown
within/partly within “Open Storage” Zone in the vicinity of the Application Site
in the Ping Che and Ta Kwu Ling Area**

Approved Applications

Application No.	Uses/Development	Date of Consideration	Approval Conditions
A/NE-TKL/305	Temporary Dangerous Goods Godown (for Storage of Category 2 Dangerous Goods, mainly Industrial Oxygen and Acetylene) for a Period of 3 Years	27.6.2008 (on review) (Revoked on 7.3.2009)	A1, A3, A5, A7, A8, A9, A10, A14, A15, A16 & A17
A/NE-TKL/463	Proposed Temporary Dangerous Goods Godown (for Storage of Category 4 and Category 5 Dangerous Goods) for a Period of 3 Years	7.3.2014 (Revoked on 7.9.2014)	A2, A4, A6, A9, A11, A12, A13, A15, A16 & A17

Approval Conditions

- A1 No night time operation between 7:00p.m. and 7:00a.m. was allowed
- A2 No night-time operation between 5:00 p.m. and 8:00 a.m. was allowed
- A3 No operation between 5:00p.m. and 10:00a.m. on Sundays and public holidays was allowed
- A4 No operation on Sundays and public holidays was allowed
- A5 The storage capacity of the dangerous goods godown should not exceed 500 tonnes
- A6 No medium/heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, were allowed to enter/exit from the site at any time
- A7 The submission of proposals for car parking, loading/unloading and vehicle manoeuvring spaces
- A8 The provision of car parking, loading/unloading and vehicle manoeuvring spaces
- A9 The submission of drainage proposals
- A10 The implementation of drainage proposals
- A11 The provision of drainage facilities
- A12 The submission of site formation, construction and drainage plans

- A13 The implementation of the approved site formation, construction and drainage plans
- A14 The submission and the implementation of landscaping proposals
- A15 The submission of proposals on water supplies for fire-fighting and fire service installations
- A16 The provision of water supplies for fire-fighting and fire service installations
- A17 Revocation clause

Recommended Advisory Clauses

- (a) to note that the erection of fence walls and external mesh fences on private land are building works subject to the control under the Buildings Ordinance. The applicant should obtain the Building Authority's prior approval of plans and consent for commencement of works or, if such works fall within the scope of the Minor Works Control System, the applicant should ensure compliance with the simplified requirements under the Building (Minor Works) Regulation;
- (b) to note the comments of the District Lands Officer/North, Lands Department that the applicant shall apply to his office for a Short Term Waiver (STW) to cover all the said unauthorized structures on site. The application for STW will be considered by Government in its landlord's capacity and there is no guarantee that it 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;
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that overland flow from the Site to the nearby access road is not allowed and the surface water from the Site should be collected and discharged properly to the existing drainage facility and the Site is in an area where no public sewerage connection is available;
- (d) to note the comments of the Director of Agriculture, Fisheries and Conservation that a watercourse is located to the north of the Site, should the application be approved, the applicant is advised to perform good site practice to prevent the surface run-off and debris from polluting the watercourse nearby;
- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) on the following:
 - (i) if the existing structures are erected on lease land without approval of the BD (not being a New Territories Exempted House), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application;
 - (ii) 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 the BD should be obtained, otherwise they are unauthorized buildings works (UBW). An Authorized Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the BO;
 - (iii) 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;
 - (iv) if the proposed use under application is subject to the issue of a licence, please be reminded that any existing structures on the Site intended to be used for such purposes

are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority;

- (v) 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)Rs) respectively; and
 - (vi) if the Site does not abut 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)Rs at the building plan submission stage;
- (f) to note the comments of the Director of Fire Services on the following:
- (i) emergency vehicular access arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by the BD; and
 - (ii) the applicant should note the following guidelines:
 - separate siting approval for the temporary ‘Dangerous Goods Godown’ shall be sought from his department via submission of general building plans (GBPs) through the Centralized Processing System of BD;
 - detailed design of the dangerous goods store/ manufacturing plant together with the proposed risk mitigation measures and the provision of FSI shall be included in the GBP submission for further vetting and consideration;
 - formal Dangerous Goods licence application for the dangerous goods store/ manufacturing plant shall be submitted by the applicant in accordance with “A Guide to Application for Dangerous Goods Licence”. Detailed Fire Safety Requirements will be formulated upon receipt of the application; and
 - the operation of the proposed dangerous goods store/ manufacturing plant should comply with the legal provisions relating to approval, examination and testing of gas cylinders under the Dangerous Goods Ordinance (Cap. 295);
- (g) to note the comments of the Chief Engineer/Construction, Water Supplies Department that for provision of water supply to the development, the applicant may need to extend the inside services to nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD’s standards;
- (h) to note the comments of the Director of Electrical and Mechanical Services that in the interests of public safety and ensuring the continuity of electricity supply, the applicant or the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. The applicant 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; and

- (i) to follow the environmental mitigation measures as set out in the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection in order to minimise any possible environmental nuisances, and the management of construction site drainage should follow the guidelines in the Practice Note of Professional Persons Environmental Consultative Committee (ProPECC) PN1/94 to prevent water quality impact to the nearby watercourse.