

**Relevant 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 with 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;
  - (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 m<sup>2</sup> for port back-up uses, and below 1,000 m<sup>2</sup> 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.

**Previous S.16 Applications**

**Approved Applications**

<b>Application No.</b>	<b>Uses/Development</b>	<b>Date of Consideration</b>	<b>Approval Conditions</b>
A/DPA/NE-TKL/80 <sup>*</sup>	Heavy Vehicle Repairing Workshop	9.9.1994 (on review)	A1, A2, A3, A4, A5, A6 & A7
A/NE-TKL/91 <sup>#</sup>	Heavy Vehicle Repair Workshop	30.10.1998	A6, A7, A8 & A9
A/NE-TKL/133	Heavy Vehicle Repair Workshop for a Temporary Period of 3 Years	17.12.1999 revoked on 17.3.2001	A6, A7, A10 & A11
A/NE-TKL/165	Temporary Heavy Vehicle Repair Workshop for a Period of 3 Years	3.8.2001	A6, A7, A10, A11 & A13
A/NE-TKL/321 <sup>*</sup>	Warehouse and Container Vehicle Repair Yard	21.8.2009	A7, A11, A14, A15, A16, A17, A18, A19, A20 & A21
A/NE-TKL/387	Renewal of Planning Approval for Temporary “Warehouse and Container Vehicle Repair Yard” Use for a Period of 3 Years	10.8.2012	A7, A14, A15, A16, A22, A23, A24, A25,

\* Approved on a temporary basis for 3 years

# Approved on a temporary basis for 12 months

**Approval Conditions:**

- A1 The improvement of the access road, including the provision of footpaths, from the application site to the main track leading to Ping Che Road
- A2 The submission of a drainage impact assessment and provision of drainage facilities including the reinstatement of the parts of the bank and channel of River Indus abutting the site
- A3 The provision of measures to mitigate noise pollution and air pollution
- A4 The provision of waste water and sewage treatment and disposal facilities
- A5 The submission of an assessment on the stability of all formed slopes and retaining walls affected by the proposed development and the improvement the affected slopes
- A6 The submission and implementation of landscaping proposals
- A7 Commencement clause

- A8 The provision of drainage facilities
- A9 The design, operation and maintenance arrangement of the underground stormwater storage tank
- A10 The provision of peripheral fencing
- A11 Revocation clause
- A12 The submission of landscaping proposals
- A13 The submission of the design of surcharge load
- A14 No night time operation between 7:00 p.m. and 7:00 a.m.
- A15 No operation on Sundays and public holidays was allowed
- A16 The peripheral fencing and paving of the site
- A17 The submission of a scaled plan showing the vehicular access and ingress/egress point arrangement
- A18 The submission and the implementation of drainage proposals
- A19 The submission of landscaping proposals with indication of existing and proposed trees
- A20 The implementation of landscaping proposals
- A21 The submission and the provision of proposals on water supplies for fire-fighting and fire service installations
- A22 To maintain the existing drainage facilities properly and rectify those facilities if it was found inadequate/ineffective during the planning approval period
- A23 The submission of condition record of the existing drainage on site as previously implemented on the same site in the planning application No. A/NE-TKL/321 within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.11.2012
- A24 The submission and the implementation of landscape and tree preservation proposal
- A25 The submission and the implementation of proposals on fire-fighting access, water supplies for fire-fighting and fire service installations

**Similar S.16 Applications for Temporary Vehicle Repair Workshop  
in the vicinity of the application site within/partly within the “Open Storage” zone  
in the Ping Che and Ta Kwu Ling Area**

**Approved Applications**

<b>Application No.</b>	<b>Uses/ Development</b>	<b>Date of Consideration</b>	<b>Approval Conditions</b>
A/NE-TKL/376*	Temporary Vehicle Repair Workshop for Lorry and Container Vehicle, Furniture Repair Workshop, Open Storage of Metal and Steel Materials, Machine Accessories, Machinery and Equipment for Electronic Components with Ancillary Office, Electricity Transformer	18.11.20s11 (approved for a period of 3 years)	A1, A2, A4, A7, A8, A9, & A10
A/NE-TKL/481*	Temporary Vehicle Repair Workshop for Lorry, Coach and Container Vehicles with Ancillary Office & Electricity Transformer Station for a Period of 3 Years	17.10.2014 (revoked on 17.1.2017)	A1, A2, A3, A5, A6, A8, A9 & A10

**Remarks**

\*: Application no. A/NE-TKL/376 and A/NE-TKL/481 are at the same location

**Approval Conditions:**

- A1 No operation between 6:00 p.m. and 9:00 a.m. was allowed
- A2 No operation on Sundays and public holidays was allowed
- A3 The peripheral fencing should be maintained
- A4 The submission and the implementation of drainage proposals
- A5 The existing drainage facilities implemented should be maintained
- A6 The submission of a condition record of the existing drainage facilities
- A7 The submission of tree preservation and landscape proposals
- A8 The implementation of tree preservation and landscape proposals
- A9 The submission of proposals and the provision of water supplies for fire-fighting and fire service installations
- A10 The revocation clause

**Detailed Comments of Chief Engineer/Mainland North, Drainage Services Department**

- (a) the general requirements in the drainage proposal should include:
- (i) surface channel with grating covers should be provided along the site boundary;
  - (ii) a drainage plan should be provided clearly showing the size, levels and routes of the proposed drainage. The details (invert level, gradient, general sections, etc.) of the proposed drain/surface channel, catchpits and the discharge structure shall be provided;
  - (iii) the cover levels of proposed channels should be flush with the existing adjoining ground level;
  - (iv) a catchpit with covers should be provided where there is a change of direction of the channel/drain. The details of the catchpit with covers shall be provided;
  - (v) catchpits with sand trap shall be provided at the outlets of the proposed drainage system. The details of the catch pit with sand trap should be provided;
  - (vi) the applicant should check and ensure that the existing drainage downstream to which the proposed connection will be made have adequate capacity and satisfactory condition to cater for the additional discharge from the site. The applicant should also ensure that the flow from the Site will not overload the existing drainage system;
  - (vii) the applicant is reminded that where walls are erected or kerbs are laid along the boundary of the same, peripheral channels should be provided on both sides of the walls or kerbs, and/or adequate openings should be provided at the walls/kerbs to allow existing overland flow passing through the Site to be intercepted by the drainage system of the Site with details to be agreed by DSD;
  - (viii) if the existing drainage facilities to which the applicant proposed to discharge the storm water from the Site is not maintained by DSD, the applicant should identify the owners of the existing drainage facilities to which the proposed connection will be made and obtain consent from the owners prior to commencement of proposed works;
  - (ix) the applicant is reminded that all existing flow paths as well as the run-off falling onto and passing through the Site should be intercepted and disposed of via proper discharge points. The applicant shall also ensure that no works, including any site formation works, shall be carried out as may adversely interfere with the free flow condition of the existing drains, channels and watercourses on or in the vicinity of the Site any time during or after the works;
  - (x) the proposed drainage works, whether within or outside the site boundary, should be constructed and maintained by the applicant at his own expense;
  - (xi) for works to be undertaken outside the lot boundary, the applicant should obtain prior consent and agreement from DLO/N of LandsD and/or relevant private lot owners;
  - (xii) the applicant should make good all the adjacent affected areas upon the completion of the drainage works;

- (xiii) the applicant shall allow all time free access for the Government and its agent to conduct site inspection on his completed drainage works;
- (xiv) the applicant and the successive lot owners shall allow connections from the adjacent lots to the completed drainage works on Government land when so required; and
- (xv) photos should be submitted clearly showing the current conditions of the areas and the flow paths around the Site and the propose/existing drainage from the discharge point(s) within the Site to the downstream existing watercourses.

**Recommended Advisory Clauses**

- (a) prior planning permission should have been obtained before commencing the applied use at the Site;
- (b) to note the comments of the District Lands Officer/North, Lands Department on the followings:
- (i) the Government land within the Site and the occupation area (Lots 2156, 2158 and 2159 in D.D. 76) are being illegally occupied. Structures were erected on the Site and the occupation area. The structures concerned are not acceptable under the Leases / Letter of Approval / Modification of Tenancy conditions. His office reserves the right to take necessary lease enforcement actions against the structures concerned, and land control actions against the illegal occupation of Government land; and
  - (ii) if the application is approved, the applicant shall apply to his office for a Short Term Waiver (STW) and a Short Term Tenancy (STT). The applications for STW/STT will be considered by Government in its landlord's capacity and there is no guarantee that they will be approved. If the STW/STT applications are approved, their commencement date will be backdated to the first date of occupation and they will be subject to such terms and conditions to be imposed including payment of waiver fee/rent and administrative fees as considered appropriate by his office;
- (c) to note the comments of the Commissioner for Transport that since vehicles have to route through various village roads from the Ping Che Road before reaching the Site, the applicant should alert their users to be vigilant to ensure safety to other road users and pedestrians;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department on the followings:
- (iii) the Site is in an area where no public sewer connection is available
  - (iv) the general requirements in the drainage proposal should include:
    - surface channel with grating covers should be provided along the site boundary;
    - a drainage plan should be provided clearly showing the size, levels and routes of the proposed drainage. The details (invert level, gradient, general sections, etc.) of the proposed drain/surface channel, catchpits and the discharge structure shall be provided;
    - the cover levels of proposed channels should be flush with the existing adjoining ground level;
    - a catchpit with covers should be provided where there is a change of direction of the channel/drain. The details of the catchpit with covers shall be provided;



- catchpits with sand trap shall be provided at the outlets of the proposed drainage system. The details of the catch pit with sand trap should be provided;
- the applicant should check and ensure that the existing drainage downstream to which the proposed connection will be made have adequate capacity and satisfactory condition to cater for the additional discharge from the site. The applicant should also ensure that the flow from the Site will not overload the existing drainage system;
- the applicant is reminded that where walls are erected or kerbs are laid along the boundary of the same, peripheral channels should be provided on both sides of the walls or kerbs, and/or adequate openings should be provided at the walls/kerbs to allow existing overland flow passing through the Site to be intercepted by the drainage system of the Site with details to be agreed by DSD;
- if the existing drainage facilities to which the applicant proposed to discharge the storm water from the Site is not maintained by DSD, the applicant should identify the owners of the existing drainage facilities to which the proposed connection will be made and obtain consent from the owners prior to commencement of proposed works;
- the applicant is reminded that all existing flow paths as well as the run-off falling onto and passing through the Site should be intercepted and disposed of via proper discharge points. The applicant shall also ensure that no works, including any site formation works, shall be carried out as may adversely interfere with the free flow condition of the existing drains, channels and watercourses on or in the vicinity of the Site any time during or after the works;
- the proposed drainage works, whether within or outside the site boundary, should be constructed and maintained by the applicant at his own expense;
- for works to be undertaken outside the lot boundary, the applicant should obtain prior consent and agreement from DLO/N of LandsD and/or relevant private lot owners;
- the applicant should make good all the adjacent affected areas upon the completion of the drainage works;
- the applicant shall allow all time free access for the Government and its agent to conduct site inspection on his completed drainage works;
- the applicant and the successive lot owners shall allow connections from the adjacent lots to the completed drainage works on Government land when so required; and
- photos should be submitted clearly showing the current conditions of the areas and the flow paths around the Site and the propose/existing drainage from the discharge point(s) within the Site to the downstream existing watercourses;

- (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 building 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) detailed fire safety requirements will be formulated upon receipt of formal submission of the aforesaid plans;
- (g) to note the comments of the Chief Engineer/Construction, Water Supplies Department on the following:
  - (i) the Site is located within the flood pumping gathering ground; and
  - (ii) the applicant shall comply with the latest effluent discharge requirements stipulated in the "Water Pollution Control Ordinance";
  - (iii) the applicant shall prepare an action plan to prevent flood pumping gathering grounds from being contaminated by fuel or lubricating oil leaks from vehicles to the satisfaction of WSD; and

- (iv) for provision of water supply to the development, the applicant may need to extend his 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 standard; and
- (h) 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.