

**TOWN PLANNING BOARD GUIDELINES FOR APPLICATION  
FOR OPEN STORAGE AND PORT BACK-UP USES  
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

(Important Note :

The Guidelines are intended for general reference only.

Any enquiry on this pamphlet should be directed to the Secretariat of the Town Planning Board (15<sup>th</sup> Floor, North Point Government Offices (NPGO), 333 Java Road, North Point, Hong Kong - Tel. No. 2231 4810 or 2231 4835) or the Planning Enquiry Counters of the Planning Department (Hotline: 2231 5000) (17<sup>th</sup> Floor, NPGO and 14<sup>th</sup> Floor, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin).

The Guidelines are subject to revision without prior notice.)

**1. Scope and Application**

- 1.1 The Town Planning Board (the Board) recognises that the proliferation of open storage activities in the New Territories has led to considerable degradation of the rural environment and caused serious problems related to impacts of noise and air pollution, flooding and visual intrusion as well as road congestion and safety. In order to prevent further uncontrolled sprawl of activities and minimise adverse environmental impacts resulting from these land uses, "Open Storage" ("OS") and "Other Specified Uses" annotated "Port Back-up Uses" ("OU(PBU)") zones are designated in appropriate areas on statutory town plans with a view to meeting the demand for open storage and port back-up sites and to regularising the already haphazard proliferation of such uses within these zones. The intention is to provide for the rational development of open storage of materials which cannot be accommodated in conventional godown premises.
- 1.2 In "OS", "OU(PBU)" and "Industrial (Group D)" ("I(D)") zones, specific open storage and port back-up uses such as container storage, storage of dangerous goods and container trailer/tractor park which may cause significant environmental nuisance, safety hazards or transport problems require planning permission from the Board. The purpose is to ensure that such open storage and port back-up uses would have no adverse environmental, drainage, traffic and other impacts on the surrounding area.
- 1.3 Temporary open storage and port back-up uses may also be permissible on application to the Board in areas covered by rural statutory town plans, except in environmentally/ecologically sensitive areas including the "Site of Special Scientific Interest" ("SSSI"), "Conservation Area" ("CA"), "Coastal Protection Area" ("CPA"), "Other Specified Uses (Comprehensive Development and Wetland Enhancement Area)" ("OU(CDWEA)") and "Other Specified Uses (Comprehensive Development and Wetland Protection Area)" ("OU(CDWPA)") zones where such uses are prohibited. In granting permission for temporary uses, the Board would, based on individual merits of each application, determine the exact time period of permission, and such period, in any event, would not exceed 3 years.

*Open Storage Uses*

1.4 "Open Storage" uses considered here relate to activities carried out on a site for which the greater part of the site (i.e. generally assumed to be more than 50%) is uncovered and used for storage, repair or breaking other than container-related uses. Storage activities ancillary to industrial, workshop and warehousing on the same site are excluded from this definition. The definition however includes temporary structures such as those found on dumping and vehicle repair sites (for example galvanised sheeting used for carports), as these do not radically differ from the appearance, nature or impact of operations carried out in open accommodation. It also includes open storage use with on-site commercial activities, e.g. display and sale of vehicles.

1.5 Examples of open storage activities conforming to the above definition include :

- Storage of rattan and bamboo
- Storage of logs and timber
- Storage of ceramic/pottery products
- Storage of processed agricultural products
- Storage of used electrical appliances/scrap metal
- Storage of cans/tanks
- Storage of paper and general rubbish
- Storage of cement/sand
- Storage of construction material
- Storage of construction equipment
- Storage of chemical products
- Storage of dangerous goods
- Storage of vehicles for stripping/breaking or repairing
- Storage of vehicles and vehicle parts for sale or disposal
- Vehicle depot

*Port Back-up Uses*

1.6 Port back-up uses are those port-related activities which are situated off-port (i.e. beyond the perimeter of the container terminals, river trade terminals and public and private cargo working areas). Such activities are essential to the operation of port activities but do not need to be located within the confines of the port. For the purpose of these guidelines, the following activities are defined as port back-up uses :

- container storage/repair yard
- container freight station
- container vehicle park/container vehicle repair yard
- freight forwarding services center
- logistic centre

## 2. General Planning Criteria

- 2.1 The following are criteria to be used in the assessment of planning applications for open storage and port back-up uses.

### *Site Location*

#### Category 1 areas

- 2.2 Category 1 areas are areas considered suitable for open storage and port back-up uses. In general, such uses should be sited in areas zoned "OS", "OU(PBU)", "Industrial" or "I(D)" where there are compatible uses such as industrial uses, public utility installations, quarrying and other port back-up and open storage activities. Apart from the above zones, other suitable sites in close proximity to the existing and proposed cross boundary links in the North West New Territories are also included within this category. Generally, open storage uses are permitted as of right under such zones. Proposed uses which may cause significant environmental and traffic concerns require planning permission from the Board in accordance with the notes of the plans. 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, such as container trailer/tractor park and open storage of chemical products/dangerous goods etc., may cause significant environmental and traffic concerns.

#### Category 2 areas

- 2.3 Category 2 areas are areas mostly without clear planning intention or fixed development programme, to be affected by major upcoming infrastructural projects, within or close to clusters of open storage or port back-up sites which are regarded as "existing uses" under the Town Planning Ordinance and/or subject of previous planning approvals, and areas not subject to high flooding risk. 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.

#### Category 3 areas

- 2.4 Category 3 areas are those outside the Category 1, 2 and 4 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 falling within Category 3 areas 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.

#### Category 4 areas

- 2.5 Category 4 areas are areas with ponds or wetland or with extensive vegetation or close to environmentally or ecologically sensitive areas, areas which are mostly used for residential purpose or proposed for such purposes, areas near existing major village settlements or areas subject to extremely high flooding risk. Applications for open storage and port back-up uses in Category 4 areas 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. Since the planning intention of Category 4 areas is to phase out the open storage and port back-up uses, 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.
- 2.6 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.

#### *Other Site Location Considerations*

- 2.7 Apart from the above broad location criteria, the following specific criteria are also applicable to applications for open storage and port back-up uses:
- (a) port back-up sites and those types of open storage generating adverse noise, air pollution and visual intrusion (e.g. dump sites, vehicle repair activities, scrap

metal and vehicle breaking, storage of wind blown materials such as sand and cement) and frequent heavy vehicle traffic should not be located adjacent to sensitive receivers such as residential dwellings, hospitals, schools and other community facilities; and

- (b) where the site has to be accessed by local roads adjoining sensitive receivers, traffic generating activities, such as container storage/repair yards, container tractor/trailer parks, and container freight stations, would not be permitted unless traffic generation to and from the site can be demonstrated to be acceptable.

- 2.8 The broad coverage of Category 1, 2, 3 and 4 areas in the North West New Territories, North East New Territories, and Southern part of North West New Territories is indicated on Plans 1, 2 and 3 respectively.

#### *Site Planning*

- 2.9 Adequate screening of 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. In order to provide a satisfactory screening effect, all planting should be provided on the ground and removable pot plants are not acceptable. This reduces visual intrusion of unsightly storage uses such as dumping and vehicle breaking and prevents overspill of activities beyond the curtilage of the site. Landscaping, in particular landscaped mounding, is preferred for sites which can allow setbacks to be introduced.
- 2.10 Applications should demonstrate that no adverse impacts on the amenity of surrounding sensitive receivers will result, and that adequate buffering is available between sensitive receivers and potential noise emitters such as container trailer/tractor parks and container storage/repair sites.
- 2.11 There will be a general presumption against development on sites of less than 2,000m<sup>2</sup> for port back-up uses, and below 1,000m<sup>2</sup> for open storage uses in rural areas, other than sites located in major road 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.
- 2.12 For container storage/repair sites that would cause significant visual intrusion to surrounding or adjoining residential uses in rural areas, a maximum stacking height restriction of 3 units is recommended. For safety reason, the stacking height of the materials stored within 5 metres of the periphery of the application site should not exceed the height of the boundary fence.

*Transport*

- 2.13 Port back-up uses are major generators of traffic, with container trailer/tractor parks generating the highest traffic per unit area. In general, therefore, port back-up sites should have good access to the strategic road network, or be accessed by means of purpose built roads.
- 2.14 Traffic Impact Assessment (TIA) should be carried out for those port back-up and open storage uses generating substantial volumes of traffic. TIA for sites served by local roads would need to demonstrate that traffic does not interfere with sensitive receivers, that traffic volumes do not exceed the capacity of the local road network, or that proposed mitigation measures such as junction improvements are practical and effective. Sites accessed by unpaved tracks should not be considered for port back-up uses.
- 2.15 Sites should have a clearly defined exit and entrance point, usually restricted to one unless demonstrated that separate exit/entrance points are required (usually for large port back-up uses) as detailed in a TIA. These should meet the Transport Department's requirements.
- 2.16 Adequate parking and queuing for operational functions and visitor parking should be provided within the curtilage of the site to avoid on-street parking and queuing. Adequate manoeuvring space should also be provided within the site for container-related and other vehicles. To facilitate the assessment of the application, information on the type and the number of vehicles visiting the site and length of stay of vehicles within the site needs to be provided.
- 2.17 Adequate setbacks should be provided from public roads to allow adequate sight lines to meet Transport Department's requirements.

*Environmental Planning*

- 2.18 Applicants should take note of the requirements under the Environmental Impact Assessment Ordinance (Cap. 499). In order to determine whether the proposed development is a Designated Project as defined under the Ordinance, Schedules 2 and 3 of the Ordinance must be checked.
- 2.19 To minimize environmental nuisances generated by open storage and port back-up uses, such as air and noise pollution, the environmental measures recommended in the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses & Open Storage Sites" issued by Environmental Protection Department should be adopted.
- 2.20 Container storage/repair sites, and container trailer/tractor parks are considered major noise emitters. Efforts should be made to ensure that the noise impact caused by these activities will be minimised through screening, mounding, protection by noise tolerant buildings or structures/empty container boxes not subject to on-site activities and/or ensuring that sources of noise have no line of sight to noise sensitive

uses. It may be necessary for a traffic noise impact assessment to be carried out in combination with a TIA. Where necessary, noise modelling may be required to demonstrate that noise impacts on sensitive receivers are within those recommended under the Noise Control Ordinance. Hours of operation may be specified where sites cause noise problems to sensitive receivers through traffic generation and on-site activities.

- 2.21 Noise Impact Assessments should be undertaken for noise generating activities such as those which involve the use of heavy machinery and workshop activities.
- 2.22 To avoid potential land and water contamination from discharge of untreated waste and leakage of oils, fuels and other discharges (relating mostly to container storage/repair yards, container trailer/tractor parks, and dumping/breaking/repairing of motor vehicles and used electrical appliances/scrap metals), proper treatment and/or disposal of storage materials, wastes, oils and fuels should be ensured. Paving of site would help avoiding potential land and water contamination and reducing dust emissions from vehicular traffic, container handling and related operations. Technical assessment to address this aspect is required.
- 2.23 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 (i.e. in flood plains) or sites which would obstruct natural drainage channels and overland flow. Advice from the Drainage Services Department should be sought on this aspect if in doubt. Planning applications in such zones should include a drainage impact assessment (DIA) and include necessary flood mitigation measures where appropriate. Sites should have adequate drainage installations and proper discharge points of adequate capacity to allow adequate stormwater discharges to minimise flood risk.
- 2.24 Adequate on-site provision should be made for refuse/waste collection and disposal.
- 2.25 Reference should be made to the Dangerous Goods Ordinance and Waste Disposal Ordinance for guidelines on storage, handling and licensing procedures.
- 2.26 The application should demonstrate that all fire safety requirements have been met.

#### *Other Considerations*

- 2.27 Notwithstanding the above locational and site planning criteria, each application will be assessed on individual merits, taking due account of the nature and scale of the proposed use and local circumstances. 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 this Guidelines are complied with.

### **3. Compliance of Approval Conditions**

- 3.1 To mitigate any adverse impacts of open storage and port back-up uses on the surrounding areas, planning applications are usually approved with conditions, for example, the submission and implementation of various technical proposals. Under normal circumstances, the time allowed for submission and implementation of such technical proposals is 6 and 9 months respectively, from the date of approval of the planning application. For special cases that close monitoring is required, such as uses within Category 4 areas, a shorter compliance period may be imposed.
- 3.2 Application for extension of time for compliance with the time-limited approval conditions will be assessed on individual merits. Such extension of time will not be granted if the applicants have shown no genuine effort in compliance with the approval conditions. Depending on the circumstances of each case, the Board could determine the appropriate extension period, which may be shorter than the time under request. In any event, for applications approved on a temporary basis for 3 years, the maximum period for compliance of approval conditions is 18 months. Beyond that, no further extension of time will be allowed and the planning approval will be revoked, unless under very exceptional circumstances.

### **4. Renewal of Temporary Planning Permission**

For sites with temporary permissions for open storage and port back-up uses, if there is no major change in planning circumstances since the last approval of the application, the applicant will not be required to prepare new, but just the updates of, technical assessments to support the application for renewal of the planning permission, provided that the approval conditions of the previous permission have been complied with and there are no adverse departmental comments and local objections.

### **5. Guidance Notes/The Board's Guidelines**

- 5.1 In conjunction with this set of Guidelines, a "Guidance Notes for Application for Permission for Temporary Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (Cap. 131)" enclosing "Technical Note on the Submission and Implementation of Landscape Proposals for Compliance with Conditions for Approved Applications for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance" and other guidelines from the Drainage Services Department, Environmental Protection Department and Lands Department has been prepared to illustrate how to comply with and to fulfill the technical requirements imposed by the relevant Government departments and to give a step-by-step guide to assist applicants in making submissions for planning applications and submissions for compliance with approval conditions. The Board's Guidelines (Guidelines No. 34A or its latest version) on "Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development" set out the procedures and assessment criteria for such applications. All applicants are encouraged to read the Guidance Notes

and Guidelines No. 34A (or its latest version) in parallel with this Guidelines.

- 5.2 Apart from Plans 1, 2 and 3 which would be available on the Board's web-site (address: <http://www.info.gov.hk/tpb/>) and distributed at the enquiry counters of the Planning Department and the Secretariat of the Board, advice could be sought from the respective District Planning Office (DPO) on relevant information regarding the details of the Guidelines and the categorization of land in the North West New Territories (Tuen Mun & Yuen Long DPO - Tel. No. 2158 6301) and North East New Territories (Sha Tin, Tai Po & North DPO - Tel. No. 2158 6274). Besides, large scale plans are also available at the enquiry counters and the Secretariat of the Board for public reference.

**TOWN PLANNING BOARD  
OCTOBER 2008**



圖例  
LEGEND

- 第1類地區  
CATEGORY 1 AREAS
- 第2類地區  
CATEGORY 2 AREAS
- 第3類地區  
CATEGORY 3 AREAS
- 第4類地區  
CATEGORY 4 AREAS
- 新市鎮界限  
NEW TOWN BOUNDARY
- 區議會界限  
DISTRICT COUNCIL BOUNDARY

主要已建設區、道路、大明渠和法定規劃圖則未有涵蓋的地方或根據法定規劃圖則，該地方沒有可供申請作露天貯物及港口後動用途的條文  
 MAJOR BUILT-UP AREAS, ROADS, NULLAHS AND AREAS NOT COVERED BY STATUTORY TOWN PLANS OR AREAS WITH NO PROVISION FOR PLANNING APPLICATIONS FOR OPEN STORAGE AND PORT BACK-UP USES UNDER STATUTORY TOWN PLANS

深圳經濟特區  
SHENZHEN SPECIAL ECONOMIC ZONE

新界東北  
NORTH EAST NEW TERRITORIES

后灣  
(深圳灣)  
DEEP BAY  
(SHENZHEN WAN)

米埔及錦繡花園  
MAI PO &  
FAIRVIEW PARK

新田  
SAN TIN

牛潭尾  
NGAU TAM MEI

流浮山及尖鼻咀  
LAU FAU SHAN &  
TSM BEI TSUI

天水圍  
TIN SHUI WAI

兩生園  
NAM SANG WAI

林村郊野公園  
LAM TSUEN COUNTRY PARK

林村郊野公園  
LAM TSUEN COUNTRY PARK

屏山  
PING SHAN

錦田北  
KAM TIN NORTH

八鄉  
PAT HEUNG

上白泥及下白泥  
SHEUNG PAK NAI &  
HA PAK NAI

元朗區  
YUEN LONG DISTRICT

屯門區  
TUEN MUN DISTRICT

龍人新村  
TONG YAN SAN TSUEN

大棠  
TAT TONG

石圍軍營  
SHEK KONG BARRACKS

錦田南  
KAM TIN SOUTH

石圍  
SHEK KONG

屯門  
TUEN MUN

藍地及芬園  
LAM TEI &  
YICK YUEN

大樓郊野公園  
TAI LAM COUNTRY PARK

新界西北可用作露天貯物及港口後動用途的第1、2、3和4類地區的位置  
 LOCATIONS OF CATEGORY 1, 2, 3 AND 4 AREAS FOR  
 OPEN STORAGE AND PORT BACK-UP USES IN NORTH WEST NEW TERRITORIES

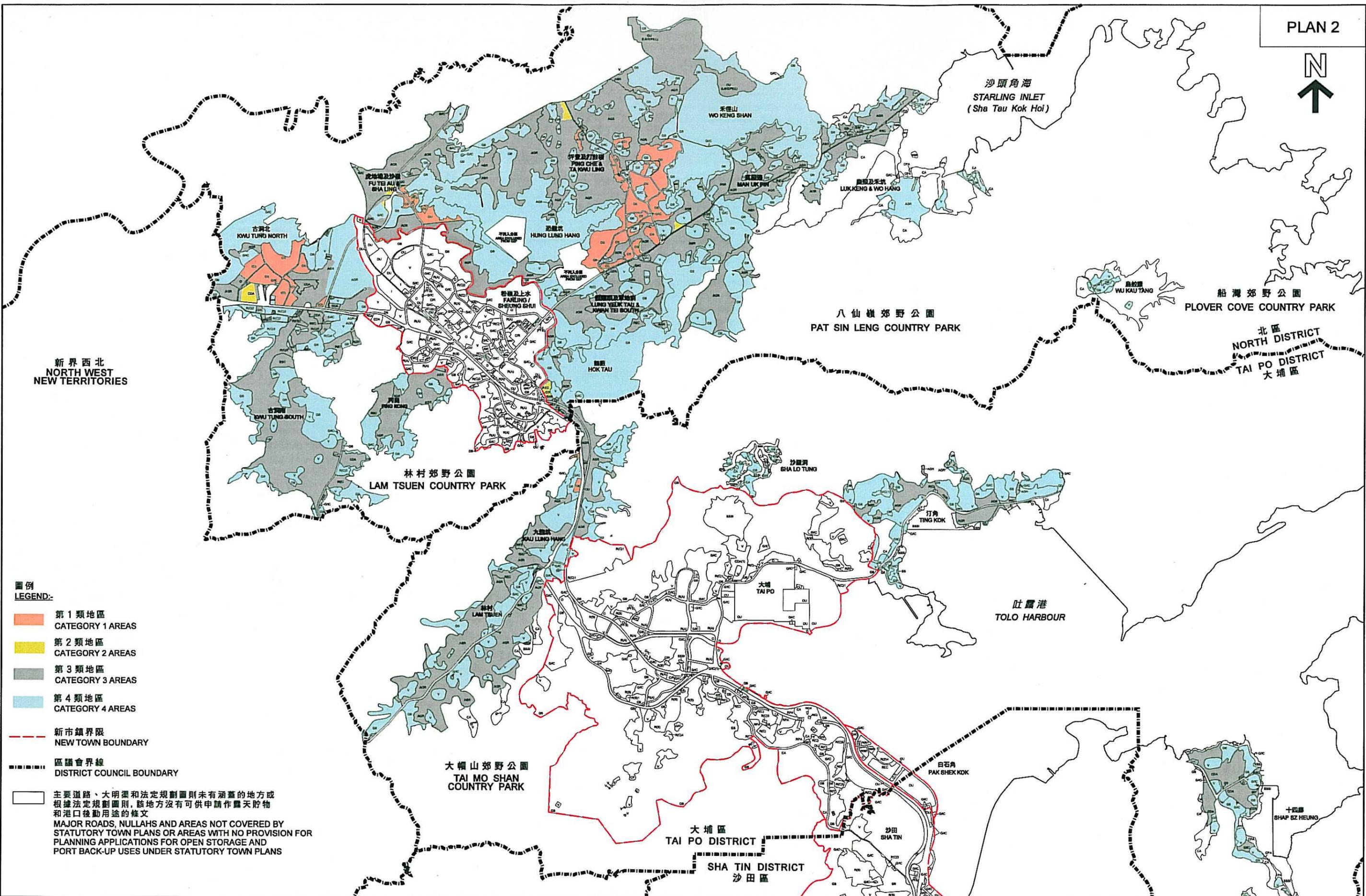
比例 SCALE 1 : 60 000

日期：二零零八年十月  
DATE : OCTOBER 2008

規劃署  
PLANNING  
DEPARTMENT



圖則編號  
PLAN No. M/YLN/08/56



- 圖例**  
**LEGEND:-**
- 第 1 類地區  
CATEGORY 1 AREAS
  - 第 2 類地區  
CATEGORY 2 AREAS
  - 第 3 類地區  
CATEGORY 3 AREAS
  - 第 4 類地區  
CATEGORY 4 AREAS
  - 新市鎮界限  
NEW TOWN BOUNDARY
  - 區議會界線  
DISTRICT COUNCIL BOUNDARY
  - 主要道路、大明渠和法定規劃圖則未有涵蓋的地方或根據法定規劃圖則，該地方沒有可供申請作露天貯物和港口後動用途的條文  
MAJOR ROADS, NULLAHS AND AREAS NOT COVERED BY STATUTORY TOWN PLANS OR AREAS WITH NO PROVISION FOR PLANNING APPLICATIONS FOR OPEN STORAGE AND PORT BACK-UP USES UNDER STATUTORY TOWN PLANS

新界東北可用作露天貯物和港口後動用途的第 1、2、3 和 4 類地區的位置  
**LOCATIONS OF CATEGORY 1, 2, 3 AND 4 AREAS FOR OPEN STORAGE AND PORT BACK-UP USES IN NORTH EAST NEW TERRITORIES**

比例 SCALE 1:60 000

日期：二零零八年十月  
DATE: OCTOBER 2008

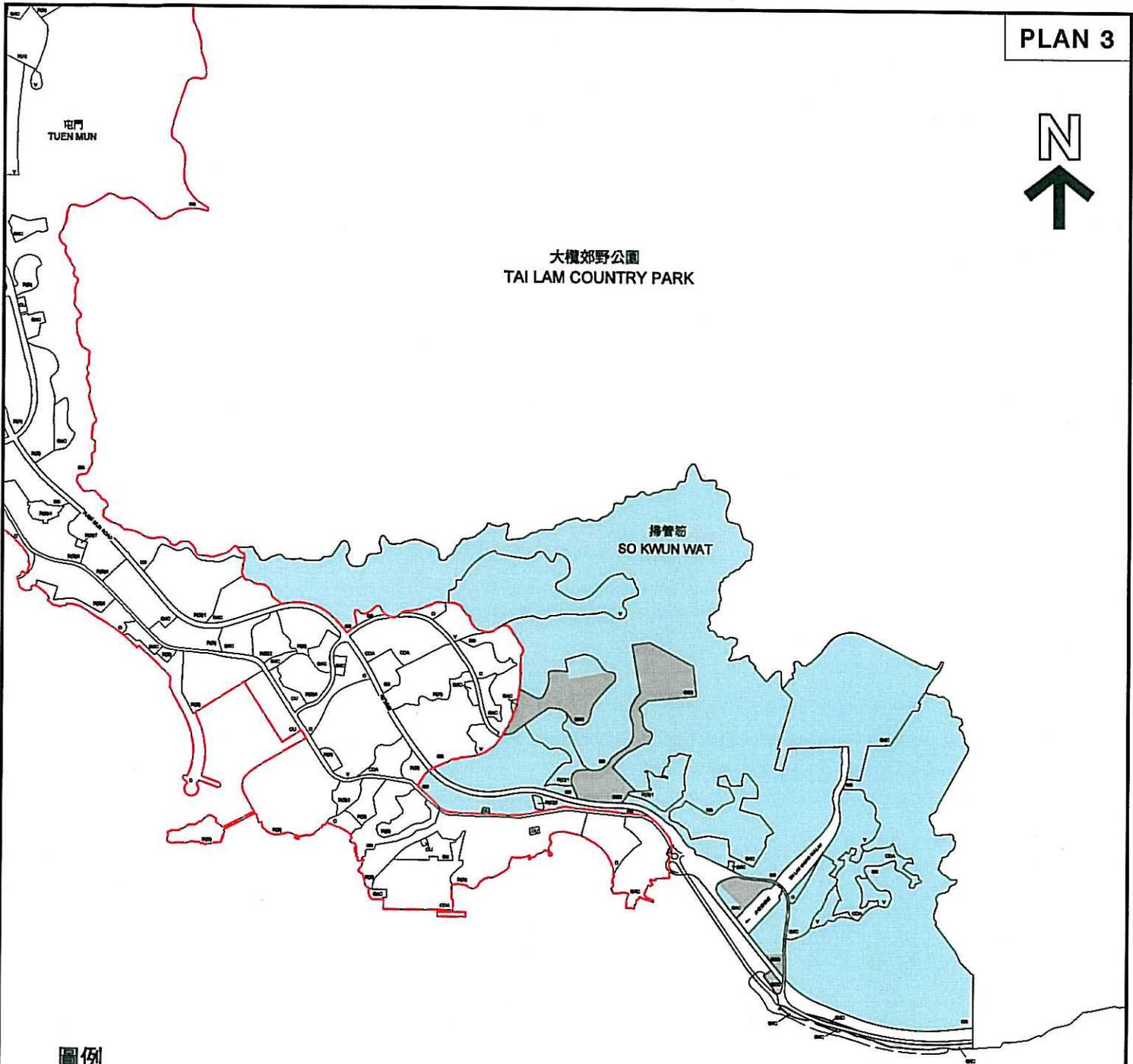
規劃署  
**PLANNING DEPARTMENT**



圖則編號  
PLAN No. M/NE/04/50J



大欖郊野公園  
TAI LAM COUNTRY PARK



**圖例**  
**LEGEND**

- 第3類地區  
CATEGORY 3 AREAS
- 第4類地區  
CATEGORY 4 AREAS
- 新市鎮界限  
NEW TOWN BOUNDARY
- 主要道路、大明渠和法定規劃圖則未有涵蓋的地方或根據法定規劃圖則，該地方沒有可供申請作露天貯物和港口後動用途的條文  
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日期：二零零八年十月  
DATE：OCTOBER 2008

新界西北的南面部份可用作露天貯物和港口後動用途的第3和4類地區的位置  
LOCATIONS OF CATEGORY 3 AND 4 AREAS FOR OPEN STORAGE AND PORT BACK-UP USES IN SOUTHERN PART OF NORTH WEST NEW TERRITORIES

比例 SCALE 1 : 30 000

規劃署  
PLANNING  
DEPARTMENT



圖則編號  
PLAN No. M/TM/07/83

**Application for Permission for Temporary Open Storage  
and Port Back-up Uses under Section 16 of  
the Town Planning Ordinance (Cap. 131)**

**GUIDANCE NOTES**

**INTRODUCTION**

- 1 In recent years, there has been an increasing number of planning applications for temporary open storage and port back-up uses in the rural areas to meet the demand of land for such uses. This set of Guidance Notes aims to give information and guidance on how to apply for permission for temporary open storage and port back-up uses under section 16 of the Town Planning Ordinance (the Ordinance) and how to comply with the approval conditions. Please read them carefully.
  
- 2 If further information or assistance is required, please contact the **Planning Information and Technical Administration Unit (PITA Unit) of the Planning Department, 17/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong (Tel: 2231 5000)**.

**WHAT TO APPLY?**

- 3 Generally speaking, in areas covered by the rural Outline Zoning Plans (OZPs), application for temporary use or development, including temporary open storage and port back-up uses could be made to the Town Planning Board (the Board) under section 16 of the Ordinance. The Board may grant, with or without conditions, or refuse to grant permission. However, for areas falling within certain land use zones such as “Conservation Area”, “Coastal Protection Area”, “Site of Special Scientific Interest”, “Other Specified Uses (Comprehensive Development and Wetland Enhancement Area)” and “Other Specified Uses (Comprehensive Development and Wetland Protection Area)”, open storage and port back-up uses are prohibited. Reference should be made to the latest Notes attached to individual

OZPs to see if the temporary open storage and port back-up uses would require permission from the Board or are prohibited.

#### **HOW LONG COULD THE USES BE APPLIED FOR?**

- 4 Planning permission for temporary uses could be granted, with or without conditions, for a maximum period of **3 years** . Should the successful applicant wish to continue the approved use upon expiry of the planning permission, a fresh planning application needs to be submitted for the consideration of the Board.

#### **WHAT DOCUMENTS ARE REQUIRED FOR THE SUBMISSION?**

- 5 In submitting planning applications, the following documents are required:
  - (i) **Application Form** - completed application form duly signed by the applicants. The application form can be obtained from the office of Secretary, Town Planning Board, 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong (Tel.: 2231 4810 or 2231 4835) or the District Planning Offices (DPOs) of the Planning Department. The application form can also be downloaded from Town Planning Board's Homepage (address: <http://www.info.gov.hk/tpb/>);
  - (ii) **Location and Site Plans/Drawings** - clear and accurate location and site layout plans showing the location of the application site and its surrounding area. If the access to the proposed site is via a village track, the submitted plan should cover the entire section of the track from the site to the local feeder road, which should be at least up to single two lane road standard, and the applicant should also submit photographs covering the entire track to show its cross-section, the sightline and the condition of the road pavements. Also, drawings showing the locations of the proposed drainage works, landscape works, noise barriers and boundary wall or fencing, if relevant, should be submitted;

- (iii) **Details of Proposed Uses** - details of the uses and operations proposed to be carried out on the application site. These include information such as the operation hours, the type and stacking height of stored materials, the number of parking spaces for stored vehicles or container tractors/trailers, the industrial or mechanical processes involved, the vehicular access and the vehicular trip generated. Details of any structure(s) proposed to be erected on the application site should also be provided;
- (iv) **Drainage Impact Assessment/Drainage Proposals** - to alleviate the risk of flooding caused by the proposed uses involving activities such as earth filling, hard surface paving and building of structures, drainage proposals are required to demonstrate how the applicants will collect, convey and discharge rain water falling on or flowing to their sites. For application sites larger than 1 hectare, or within flood prone areas such as low-lying areas and flooding blackspots, or adjacent to or encompassing a major stream, channel or river etc, the drainage impact of the proposed uses may be significant and drainage impact assessment (DIA) would normally be required. The primary objective of the DIA is to demonstrate that with the implementation of necessary mitigation measures, the proposed use will not cause unacceptable increase in the risk of flooding in areas upstream of, adjacent to or downstream of the development;
- (v) **Landscape Proposals** - to ensure that the landscape and visual impacts of the proposed use(s) on the surrounding areas are kept to the absolute minimum, landscape proposals are required to demonstrate how the landscape and visual impact generated by the proposed uses can be properly mitigated. The proposals should include information such as species, size, spacing, total quantity of each type of the proposed planting and their locations. Planting in movable containers/pots will not be accepted. If mature trees are found within the site, a tree preservation proposal indicating how the trees can be retained is required. No tree felling will be allowed unless approval has been obtained from relevant authority before any site operation;
- (vi) **Noise Impact Assessment/Mitigation Measures** - to ensure that the proposed uses would not cause adverse noise impact to the surrounding

sensitive receivers, noise impact assessments should be undertaken for noise generating activities which involve the use of heavy machinery. Proposals on mitigation measures to reduce the noise pollution generated by the proposed uses are required; and

- (vii) **Traffic Impact Assessment** - traffic impact assessment should be carried out for those uses generating substantial volumes of traffic, in particular container trailer/tractor park to ensure that the traffic volumes do not exceed the capacity of the local road network or that proposed mitigation measures such as junction improvements are practical and effective. Analyses of swept paths of appropriate types of goods vehicles at critical bends and junctions should also be included where appropriate. Where there are nearby residential or school developments, information on pedestrian count obtained from pedestrian surveys should be provided.

**6** In the preparation of submissions as mentioned in paragraph 5 above, applicants can make reference to the following documents which are attached to this set of Guidance Notes:

- (i) Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance;
- (ii) “Technical Note on the Submission and Implementation of Landscape Proposals for Compliance with Approval Conditions for Applications for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance” issued by Planning Department;
- (iii) “Code of Practice on Handling Environmental Aspects of Temporary Uses & Open Storage Sites” issued by Environmental Protection Department;
- (iv) “Technical Note to prepare a Drainage Submission” issued by Drainage Services Department; and
- (v) “Code of Practice for Container Depots” issued by Lands Department.

They could also consult the relevant Government departments and the DPOs of the

Planning Department on the detailed requirements of the submissions.

- 7 A total of 20 copies each of the completed application form, clear and accurate location/site plans or drawings, detailed technical proposals and impact assessments, if considered appropriate, are required.
- 8 Reference can be made to the Guidance Notes on Application for Permission under Section 16 of the Town Planning Ordinance (Cap. 131) for the general procedure for the submission of planning applications to the Board.
- 9 In the assessment of planning applications for open storage and port back-up uses, general planning criteria including the planning intention of the area covering the site, compatibility with surrounding land uses, site accessibility and possible impacts generated by the proposed uses will be taken into account. For details on these general planning criteria, applicants can make reference to the “Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance” mentioned in paragraph 6(i) above.

#### **HOW TO COMPLY WITH APPROVAL CONDITIONS?**

- 10 In granting planning permission, planning conditions on the **submission**/resubmission of technical proposals and/or **implementation** of the proposals would be imposed to ensure that the approved open storage/port back-up uses would not generate adverse drainage, landscape, environmental and traffic impacts on the surrounding area and that the proposals would be complied with and/or implemented within a specified time. Depending on the special circumstance of each case, a planning condition requiring the application site be reinstated to an amenity area upon expiry of the planning permission would normally be imposed to ensure that the site would be tidied up, after the expiry of the planning permission, with the provision of suitable landscape treatment. It is imperative that the requirements are duly observed and implemented in accordance with the planning conditions.

**11** Successful applicants should seek advice and assistance from the respective Government departments and the DPO in the preparation of the detailed technical submissions and implementation of the approval conditions. Relevant documents providing guidance on the fulfillment of conditions are also attached to the notification letter issued by the Secretary, Town Planning Board. These documents include:

- (i) A list of contacts of concerned Government departments;
- (ii) “Technical Note on the Submission and Implementation of Landscape Proposals for Compliance with Approval Conditions for Applications for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance”;
- (iii) “Code of Practice on Handling Environmental Aspects of Temporary Uses & Open Storage Sites”; and
- (iv) “Technical Note to prepare a Drainage Submission”.

**12** Government departments will give advice on the following aspects:

- (i) **Planning Department** - preparation and implementation of landscape proposals, their maintenance and detailed reinstatement requirement;
- (ii) **Drainage Services Department** - preparation of drainage impact assessment and drainage proposals; and implementation of drainage facilities;
- (iii) **Transport Department** - provision of vehicular access point, junction improvement, design of parking layout and preparation of traffic impact assessment;
- (iv) **Environmental Protection Department** - preparation of noise impact assessment and implementation of mitigation measures to reduce noise and air impact; and

- (v) **Lands Department** - the provision of fencing and paving of the site.

### **Submission of Technical Proposals**

- 13** Successful applicants should submit the technical proposals as soon as they are available. For normal cases where the conditions are required to be complied with within 6 months from date of planning approval, the applicant should submit the proposals at least 6 weeks before expiry of the 6-month compliance period to the relevant DPO of the Planning Department for central processing (for landscape proposals, a copy should be sent to the Landscape Unit of the Planning Department directly). A copy of the submissions should also be sent to the Secretary, Town Planning Board for record purpose.
- 14** The relevant DPO will circulate the technical proposals to concerned Government departments for comments and inform the applicants within one month upon receipt of the proposals whether the submitted proposals are acceptable. If the proposals do not meet the requirements of the concerned departments, the applicants should revise the proposals and resubmit the proposals for further consideration. In any case, it is important to have the revised proposals accepted by the relevant Government departments within the compliance period. If not, application for extension of time for compliance with the planning conditions should be sought.
- 15** Sometimes the Board may impose a shorter compliance period for implementing the conditions. Applicants should pay particular regard to the length of the compliance period and submit proposals to comply with the conditions as early as possible, and allow at least one month for departments concerned to vet the proposals.

### **Implementation of Technical Proposals**

- 16** Once the technical proposals are accepted, the applicants should proceed with the implementation works without delay and notify the relevant DPO of the Planning Department and the Secretary, Town Planning Board once the works are completed.

All works must be completed before the expiry of the specified time limit. For works that do not require the submission of proposals, implementation works should be undertaken once the applications are approved. Upon receipt of the applicants' notification of the completion of the required works, the relevant DPO and Government departments will arrange for site inspection and inform the applicants within one month whether the implemented works are satisfactory. The completed works/landscape/mitigation measures should be properly maintained.

### **Reinstatement Clause**

- 17** If the planning condition contains a requirement to reinstate the application site into an amenity area upon expiry of the planning approval, the applicant is required to undertake reinstatement works which usually include removal of hard paving and planting the site with trees, shrubs and grass, and sometimes demolition of the structure/shelter on the site. Any enquiry on the reinstatement requirement should be directed to the relevant DPO of the Planning Department.

### **HOW TO APPLY FOR EXTENSION OF TIME FOR COMPLIANCE WITH PLANNING CONDITIONS?**

- 18** If the applicants consider that more time is required to comply with the planning conditions, they could submit applications for extension of time for compliance with planning conditions. The application form can be obtained from the office of Secretary, Town Planning Board or downloaded from the Town Planning Board's Homepage. In submitting the applications, the applicants should demonstrate that genuine efforts have been made in complying with and implementing the conditions by including in the submissions documentation on the technical proposals so far submitted and an account of works undertaken in respect of the planning conditions. Good justifications should also be given on why the planning condition(s) could not be complied with within the prescribed time limit. Such application should be submitted to the Secretary, Town Planning Board no less than 4 weeks before the expiry of the specified time limit. The general requirements and assessment criteria

for this type of application are set out in the “Town Planning Board Guidelines for Renewal of Planning Permission and Extension of Time for Compliance with Planning Conditions”.

## **REVOCATION OF PLANNING APPROVAL**

- 19** If the applicants fail to comply with the approval conditions within the specified time limit, the planning permissions granted for the uses will be **revoked** automatically without further notice.
- 20** Continuation of these uses without planning permissions will constitute unauthorized developments subject to enforcement action taken by the Planning Authority.
- 21** To continue the same use(s) on the site, a fresh section 16 planning application needs to be submitted to the Board for consideration. Planning permission would normally not be granted unless the applicants have included in the submissions technical assessments/proposals on such aspects as landscape, drainage and environmental mitigation to demonstrate that the proposed uses would not generate adverse drainage, environmental, landscape and traffic impacts on the surrounding areas. Furthermore, there should be no major adverse departmental comments and the concerns of the departments and local residents can be addressed through the implementation of approval conditions.

## **IMPORTANT POINT TO NOTE**

- 22** This set of Guidance Notes serves only as general guidelines for the preparation of applications for temporary open storage and port back-up uses under section 16 of the Ordinance and for the compliance of approval conditions for this type of application. The guidelines are not meant in any way to restrict the content of each development proposal, nor to restrict the right of the Board to require further

information. Each application will be considered on individual merits.

- 23** It is **outside the purview** of the Board and the Town Planning Appeal Board to determine any claims in relation to ‘existing use’. It is the right of an applicant/operator to bring an action for judicial review in the Court of First Instance if he genuinely believes that he has a valid claim of ‘existing use’ for a specific site. For further information on this matter, please contact the Central Enforcement & Prosecution Section of the Planning Department

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Secretary, Town Planning Board, 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong (Tel: 2231 4835 or 2231 4810).

Town Planning Board’s Homepage  
(address: <http://www.info.gov.hk/tpb/>).

Planning Information and Technical Administration Unit (PITA Unit), 17/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong (Tel: 2231 5000).

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