

**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. The decision to approve or reject an application rests entirely with the Town Planning Board and will be based on individual merits and other specific considerations of each case.

Any enquiry on this pamphlet should be directed to the Planning Information and Technical Administration Unit of the Planning Department, 17th Floor, North Point Government Offices, 333 Java Road, Hong Kong - Tel. No. 2231 5000.

These guidelines are liable to revision without prior notice. The Town Planning Board will only make reference to the guidelines current at the date on which it considers an application.)

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 repair
- 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 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, OS 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 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 merit.
- 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 environmental, traffic and infrastructural 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 car breaking, storage of wind blown materials such as sand and gravel) 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 minimal.
- 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 car 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 2,000m² for port back-up uses, and below 1,000m² 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 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.
- 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 of motor vehicles and used electrical appliances/scrap metals), proper treatment and disposal of wastes such as oils and fuels should be ensured. Paving of site would help avoiding potential land and water contamination and reducing dust emissions from vehicular traffic and container handling 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 collection and disposal.
- 2.25 Reference should be made to the Dangerous Goods Ordinance for guidelines on storage and 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 and will normally be granted only once. Such extension of time will not be granted if the applicants have shown no genuine effort in compliance with the approval conditions. 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

- 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 other guidelines from the Drainage Services Department, Environmental Protection Department and Lands Department has been prepared to illustrate how to comply with and to fulfil 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, submissions for compliance with approval conditions and making applications for extension of time for compliance with approval conditions. All applicants are encouraged to read the Guidance Notes 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:

2158 6301) and North East New Territories (Tai Po & North DPO - Tel: 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
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