

**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.

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/>).

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