

**Relevant Extracts of Town Planning Board Guidelines on
Application for Open Storage and Port Back-up Uses
(TPB PG-No.13E)**

1. On 17.10.2008, the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13E) were promulgated, which set out the following criteria for the various categories of area:
 - (a) Category 1 areas: favourable consideration will normally be given to applications within these areas, subject to no major adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions. Technical assessments should be submitted if the proposed uses may cause significant environmental and traffic concerns;
 - (b) Category 2 areas: planning permission could be granted on a temporary basis up to a maximum period of 3 years, 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. 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;
 - (c) Category 3 areas: applications would normally not be favourably considered unless the applications are on sites with previous planning approvals. 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 to demonstrate that the proposed uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. Planning permission could be granted on a temporary basis up to a maximum period of 3 years, 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; and
 - (d) Category 4 areas: applications 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 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 merit.

2. In assessing applications for open storage and port back-up uses, the other major relevant assessment criteria are also summarized as follows:
 - (a) there will be a general presumption against development on sites of less than 1,000m² for open storage uses and 2,000m² for port back-up 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, minimizing sprawl over countryside areas and reducing travel trips;
 - (b) port back-up sites and those types of open storage uses 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;
 - (c) 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;
 - (d) adequate screening of the sites through landscaping and/or fencing should be provided where sites are located adjacent to public roads or are visible from surrounding residential areas;
 - (e) there is a general presumption against conversion of agricultural land and fish ponds to other uses on an ad hoc basis, 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, planning permission may be refused, or a shorter compliance period for the approval conditions may be imposed, notwithstanding other criteria set out in the Guidelines are complied with.

**Appendix III of RNTPC
Paper No. A/YL-KTN/653**

Previous s.16 Applications covering the Application Site

Approved Applications

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Date of Consideration (RNTPC)</u>	<u>Approval Condition(s)</u>
1	A/YL-KTN/440	Proposed Temporary Open Storage of Construction Materials (Excluding Cement, Sand, Chemical Product, Dangerous Goods) for a Period of 2 Years	9.5.2014	1, 2, 3, 4, 5, 6, 7, 8, 9
2	A/YL-KTN/515	Renewal of Planning Approval for Temporary Open Storage of Construction Materials (Excluding Cement, Sand, Chemical Product, Dangerous Goods) for a Period of 2 Years	18.3.2016	1, 2, 3, 4, 5, 6, 7, 8, 9, 10

Approval Conditions:

1. restriction no operation hours/time
2. no dismantling, maintenance, repairing, cleansing, paint spraying and other industrial/workshop activities
3. no goods vehicles exceeding 5.5 tonnes
4. submission and implementation/maintenance of drainage proposals/facilities/submission of the record of existing drainage facilities
5. submission and implementation of landscape proposal/maintenance of landscape plantings
6. submission and implementation of fire service installations proposal/provision of fire extinguisher
7. revocation of approval if any planning conditions are not complied with during planning approval or by specified dates
8. reinstatement of the application site to an amenity area
9. provision of the site fencing
10. no queue back and/ or no reversing of vehicle into or out from the site

**Similar Applications in the same "OU(Railway Reserve)" Zone
on Kam Tin North Outline Zoning Plan**

Approved Applications

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
1.	A/YL-KTN/313	Renewal of Planning Approval for Temporary Open Storage of Construction Materials for a Period of 18 Months	7.11.2008 [revoked on 23.1.2009]	1, 2, 3, 4, 5, 6, 7, 8, 9
2.	A/YL-KTN/327	Temporary Open Storage of Construction Machinery, Construction Material and Cable and Ancillary Parking of Lorry and Container Trailer/Tractor for a Period of 3 Years	22.5.2009 (for 2 years)	1, 2, 4, 5, 6, 7, 8, 9, 10
3.	A/YL-KTN/342	Temporary Open Storage of Motorcycles for Sale for 1 Year	5.3.2010	1, 2, 3, 5, 6, 7, 8, 9, 11
4.	A/YL-KTN/353	Renewal of Planning Approval for Temporary Open Storage of Motorcycles for Sale for 1 Year	4.3.2011	1, 2, 3, 5, 6, 7, 8, 9, 11
5.	A/YL-KTN/362	Renewal of Planning Approval for Temporary "Open Storage of Construction Machinery, Construction Material and Cable and Ancillary Parking of Lorry and Container Trailer/Tractor" Use for a Period of 2 Years	6.5.2011 [revoked on 22.10.2012]	1, 2, 4, 5, 6, 7, 8, 9, 10
6.	A/YL-KTN/414	Temporary Open Storage of Construction Machinery, Construction Materials and Ancillary Parking of Medium/ Heavy Goods Vehicles and Container Trailers/ Tractors for a Period of 2 Years	6.9.2013 [revoked on 6.12.2014]	1, 2, 4, 5, 6, 7, 8, 9, 11, 12

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
7.	A/YL-KTN/419	Proposed Temporary Open Storage of Construction Materials (Excluding Cement/ Sand/ Chemical Products/ Dangerous Goods) for a Period of 2 Years	13.12.2013 [revoked on 24.1.2014]	1, 2, 3, 5, 6, 7, 8, 9, 11
8.	A/YL-KTN/425	Proposed Temporary Open Storage of Construction Materials for a Period of 3 Years	13.12.2013	1, 2, 4, 5, 6, 7, 8, 9, 11
9.	A/YL-KTN/476	Temporary Storage of Fertiliser for a Period of 3 Years	4.9.2015 [revoked on 4.2.2018]	1, 2, 3, 5, 6, 7, 8, 9, 11, 12
10.	A/YL-KTN/480	Proposed Temporary Open Storage of Construction Machinery, Construction Materials and Ancillary Parking of Medium/Heavy Goods Vehicles and Container Trailers/Tractors for a Period of 3 Years	8.1.2016 [revoked on 8.4.2017]	1, 2, 5, 6, 7, 12, 13
11.	A/YL-KTN/534	Proposed Temporary Open Storage of Tail Lift for a Period of 3 Years	26.8.2016	1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 13
12.	A/YL-KTN/586	Temporary Open Storage of Construction Materials for a Period of 3 Years	2.3.2018	1, 2, 4, 5, 6, 7, 8, 9, 11, 12
13.	A/YL-KTN/591	Temporary Storage of Fertilizer and Food Processing Material for a Period of 3 Years	6.4.2018	1, 2, 5, 6, 7, 8, 9, 11, 12

Approval Conditions:

1. restriction no operation hours/time
2. no dismantling, maintenance, repairing, cleansing, paint spraying and other industrial/workshop activities
3. no goods vehicles exceeding 5.5 tonnes/24 tonnes

4. no stacking of materials above the height of the peripheral fencing
5. submission and implementation/maintenance of drainage proposals/facilities/submission of the record of existing drainage facilities
6. submission and implementation of landscape proposal/maintenance of landscape facilities/implementation of replacement tree planting
7. submission and implementation of fire service installations proposal/provision of fire extinguisher/ implementation of the accepted fire service installations proposal
8. revocation of approval if any planning conditions are not complied with during planning approval or by specified dates
9. reinstatement of the application site to an amenity area
10. implementation of the environmental mitigation measures
11. provision/ maintenance of the existing site fencing
12. no queue back and/ or no reversing of vehicle into or out from the site
13. submission/implementation of tree preservation proposal

Good Practice Guidelines for Open Storage Sites

Good Practice Guidelines for Open Storage Sites

		Internal access for fire appliances	Lot boundaries (clear width)	Distance between storage cluster and temporary structure	Cluster size	Storage height
1.	Open Storage of Containers		2m	4.5m		
2.	Open Storage of non-combustibles or limited combustibles	4.5m	2m	4.5m		
3.	Open Storage of combustibles	4.5m	2m	4.5m	40m x 40m	3m

Remarks: Smoking and naked flame activities shall not be allowed within the open storage/recycling site.

**Appendix VI of RNTPC
Paper No. A/YL-KTN/653**

Advisory clauses

- (a) resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (b) note DLO/YL, LandsD's comments that the Site comprises an old schedule agricultural lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. The Site is accessible from San Tam Road through Government land (GL). His office provides no maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the Site. The lot owner will need to apply to his office to permit structures to be erected or regularize any irregularity on Site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Applications for any of the above will be considered by the LandsD acting in the capacity as the landlord or lessor at its sole discretion and there is no guarantee that such applications will be approved. If such applications are approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by the LandsD;
- (c) note C for T's comments that Site is connected to the public road network via a section of a local access road which is not managed by Transport Department. The land status of the local access road should be clarified with the LandsD by the applicant. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) note CHE/NTW, HyD's comments that his department does not and will not maintain any access connecting the Site and Sam Tam Road. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (e) note CE/RD2-2, RDO, HyD's comments that the Site falls within the administrative route protection boundary of the proposed NOL. Although the programme and the alignment of the proposed NOL are still under review, those areas within the railway protection boundary may be required to be vacated at the time for the construction of the proposed NOL and subject to nuisance, such as noise and vibration of the proposed NOL. The applicant should be satisfied with the surrounding condition of nuisance taking into account the future construction, operation and maintenance of NOL;
- (f) adopt the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by DEP to minimize any potential environmental nuisances;

- (g) note DAFC's comments that the applicant should also adopt necessary measures to minimize disturbance or pollution to the adjacent "CA" zone and watercourse during operation;
- (h) note D of FS's comments that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. Besides, the applicant should observe the good practice guidelines for open storage site in **Appendix VI** of this RNTPC paper. To address the approval condition on provision of fire extinguisher(s), the applicant should submit a valid fire certificate (FS251) to his department for approval. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (i) note CBS/NTW, BD's comments that before any new building works (including containers/ open sheds as temporary buildings) are to be carried out on the Site, prior approval and consent of BD should be obtained. Otherwise, they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO). If the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of BD, they are UBW under the BO and should not be designated for use under the application. 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. 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)R) respectively. If the Site does not abut on 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)R at the building plan submission stage; and
- (j) note C of P's comment that the applicant is advised that sufficient security measures such as CCTV coverage, employment of security guard, flood lighting and barbed wire fence, etc. are expected to be installed at the Site as preventive of crime.