

**Relevant Extract of the Town Planning Board Guidelines for
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 1,000 m² for open storage uses and 2,000 m² 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.

Previous s.16 Applications

Approved Applications

Application No.	Proposed Developments	Date of Consideration	Approval Conditions
A/NE-FTA/20	Open Storage of Container Tractors/Trailers for a Temporary Period of 12 Months	06.03.1998	A1 – A4
A/NE-FTA/28	Temporary Open Storage of Container Tractors/Trailers for 3 Years	08.10.1999	A2, A3, A5 & A6
A/NE-FTA/67	Temporary Open Storage of Container Tractors/Trailers for a Period of 3 Years	03.12.2004 (Revoked on 03.12.2005)	A6- A12
A/NE-FTA/69	Temporary Container Tractor/Trailer Park and Goods Distribution and Storage Uses for a Period of 3 Years	29.07.2005	A6 – A8 & A13 –A18
A/NE-FTA/87	Temporary Public Vehicle Park (including Container Vehicle) and Goods Distribution and Storage Uses for a Period of 3 Years	18.07.2008	A6 – A7, A13 – A14 & A16 – A20
A/NE-FTA/104	Renewal of Planning Approval for Temporary “Public Vehicle Park (including Container Vehicle) and Goods Distribution and Storage” Use for a Period of 3 Years	17.06.2011	A6, A13 – A16, A18 – A19 & A21
A/FLN/3	Temporary Public Vehicle Park (Including Container Vehicle) and Goods Distribution and Storage Use for a Period of 3 Years	26.09.2014	A6, A9, A14, A18 – A19 & A21 - A22

Approval Conditions

- A1 The provision of layout for parking, vehicular manoeuvring and vehicular access arrangement
- A2 The submission and implementation of landscaping proposals
- A3 The provision of drainage facilities
- A4 Upon the expiry of the planning permission, the reinstatement of the site to an amenity area
- A5 The provision of peripheral fencing and paving of site
- A6 Revocation clause
- A7 No interference with or damage to the 132kV overhead lines within the site at all times during the approval period

- A8 The drainage facilities on the application site should be maintained at all times during the approval period
- A9 The peripheral fencing of the site should be maintained at all times during the approval period
- A10 The provision of paving of site
- A11 The submission of tree preservation and landscaping proposals
- A12 The submission of parking layout
- A13 The operating hours of the application site should be restricted to 7:00 a.m. to 11:00 p.m.
- A14 No operation of the development on Sundays and public holidays
- A15 No vehicle repair activities was permitted within the site at all times during the approval period
- A16 The peripheral fencing and paving of the site should be maintained at all times during the approval period
- A17 The submission and implementation of vehicular access, parking and loading/unloading proposals
- A18 The submission and implementation of tree preservation and landscape proposals
- A19 The submission and implementation of drainage proposals
- A20 The submission/provision of design of firefighting access, water supplies for fire fighting and fire service installations
- A21 The submission of proposals for fire service installations and water supplies for fire-fighting and the provision of fire service installations and water supplies for fire-fighting
- A22 No operation between 11:00 p.m. to 7:00 a.m., as proposed by the applicant, is allowed on the site

**Appendix IV of RNTPC
Paper No. A/FLN/16B**

Similar s.16 Applications within the "OU(PBU)" Zone and/or "G/IC" Zone

Approved Applications

<u>Application No.</u>	<u>Uses/Developments</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
A/NE-FTA/96	Temporary Open Storage of Construction Materials and Equipment with Converted Containers for Ancillary Storage Uses for a Period of 3 Years	09.10.2009 (revoked on 09.01.2010)	A1 - A3, A5, A8, A11 & A14
A/NE-FTA/101	Temporary Container Vehicle, Heavy and Medium Goods Vehicle and Private Car Park, Storage and Loading/ Unloading of Goods for a Period of 3 Years	29.10.2010 (revoked on 29.07.2011)	A5, A8, A11, A15, A16, A17 & A18
A/NE-FTA/107	Temporary Public Vehicle Park (Container Vehicle) For a Period of 3 Years	06.01.2012 (revoked on 06.07.2012)	A1, A5, A8, A10, A11 & A12
A/NE-FTA/109	Temporary Goods Distribution and Storage Use For a Period of 3 Years	06.01.2012 (revoked on 06.07.2012)	A1, A5, A8, A10, A11, A12, A19 & A20
A/NE-FTA/113	Temporary Goods Distribution and Storage Use for a Period of 3 Years	20.07.2012	A1, A5, A8, A10, A11, A12, A21 & A22
A/NE-FTA/114	Proposed Temporary Goods Distribution and Storage Use with Ancillary Parking of Vehicles for a Period of 3 Years	21.09.2012	A1, A5, A8, A10, A11, A12, A19 & A22
A/NE-FTA/124	Proposed Temporary Warehouse Facilities with Ancillary Car Parking for a Period of 3 Years	19.04.2013 (revoked on 19.10.2013)	A1, A5, A8, A10, A23 & A24
A/NE-FTA/154	Temporary Goods Distribution and Storage Use for a Period of 3 Years	09.10.2015	A8, A11 & A26 – A31
A/FLN/4	Temporary Goods Distribution and Storage Use with Ancillary Parking of Vehicles for a Period of 3 Years	03.07.2015 (on temp. basis for a period of 2 years)	A8, A10, A11, A19, A30 & A32 – A34
A/FLN/9	Temporary Private Car Park (Private Cars, Light Goods Vehicles and Medium Goods Vehicles) and Storage of Clothes and Computers Accessories for a Period of 3 Years	09.12.2016	A1, A8, A10 A11, A25 & A35
A/FLN/10	Temporary Goods Distribution and Storage Use with Ancillary Parking of Vehicles for a Period of 2 Years	24.06.2016 (on temp. basis for a period of 2 years)	A1, A8, A10, A11, A19, A30, A32 & A33

Approval Conditions

- A1 The submission and implementation of tree preservation proposals/tree preservation and landscape proposals
- A2 The operating hours of the application site should be restricted to 8:00 a.m. to 8:00 p.m.
- A3 The peripheral fencing and paving of the site should be maintained at all times during the approval period
- A4 The provision of standard concrete paving of the earth track leading to the application site
- A5 The submission of drainage proposals and the provision of drainage facilities / the submission and implementation of drainage proposals
- A6 The submission and implementation of improvement proposals for the access road leading to the application site
- A7 The submission and implementation of landscaping proposals
- A8 The revocation clause
- A9 Free vehicular access at the access road leading to the application site should be provided for Water Supplies Department staff and his contractor to carry out inspection and maintenance at all times during the planning approval period
- A10 The submission of proposals for fire service installations and water supplies for fire-fighting and the implementation of the proposal for / the provision of fire service installations and water supplies for fire-fighting
- A11 No operation of the development on Sundays and public holidays
- A12 The operating hours of the application site should be restricted to 7:00 a.m. to 11:00 p.m
- A13 The submission and implementation of vehicular access, parking and loading/unloading proposals
- A14 The submission of design/proposals of firefighting access, water supplies for fire fighting and fire service installations and the provision of firefighting access, water supplies for fire fighting and fire service installations
- A15 No night-time operation between 9:00 p.m. and 7:00 a.m
- A16 no structure should be erected within the waterworks reserve and such area should not be used for storage purpose during the planning approval period
- A17 The submission of landscaping and tree maintenance proposal and the implementation of the approved landscaping and tree maintenance proposal
- A18 The submission of proposals for fire service installations and the provision of fire service installations

- A19 The peripheral fencing of the site should be maintained at all times during the approval period
- A20 Only lorries (under 3.3 tonnes) were allowed to transport goods to / from the application site
- A21 No medium and heavy goods vehicles exceeding 5.5 tonnes including container trailers and tractors, as defined in the Road Traffic Ordinance was allowed for the operation of the application site
- A22 The provision of fire extinguisher(s)
- A23 No night time operation between 6:00 p.m. and 9:00 a.m.
- A24 No operation on Sundays and statutory holidays
- A25 No night time operation between 7:00 p.m. and 9:00 a.m.
- A26 No operation between 11:00 p.m. and 7:00 a.m. on Mondays to Saturdays
- A27 No medium and heavy goods vehicles exceeding 5.5 tones is allowed for the operation of the site at any time
- A28 The existing trees and landscape plantings implemented under Application No. A/NE-FTA/113 on the site shall be maintained at all times
- A29 The existing drainage facilities implemented under Application No. A/NE-FTA/113 on the site shall be maintained at all times and those inadequate/ineffective facilities should be rectified
- A30 The submission of a condition record of the existing drainage facilities implemented
- A31 The submission of proposals and the provision for water supplies for fire-fighting and fire service installations
- A32 No operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site
- A33 To maintain the existing drainage facilities properly and rectify those facilities if they are found inadequate/ineffective
- A34 The implementation of the accepted tree preservation and landscape proposal
- A35 The implementation of the accepted drainage proposal

Recommended Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the applied use at the Site;
- (b) to note the comments from District Lands Officer/North, Lands Department (DLO, LandsD) as follows:
 - (i) there are unauthorized structure erected on Lots Nos. 146, 164, 167 R.P., 167 S.B. and 176 R.P in D.D. 52 and the adjoining Government land within/adjoining the Site without prior approval from his office. The total built-over area and the height of the aforesaid structures do not tally with the one mentioned in the planning application. The aforesaid structures are not acceptable under the Leases concerned and this office reserves the right to take necessary lease enforcement and land control actions against the aforesaid structures. Meanwhile, the applicant should make her own arrangement for acquiring access. The Government shall accept no responsibility in such arrangements;
 - (ii) should the planning application is approved, the owners of the lots concerned shall apply to his office for a Short Term Waiver (STW) and Short Term Tenancy (STT) covering all the actual occupation area. The application for STW and STT will be considered by Government in its landlord's capacity and there is no guarantee that they will be approved. If the STW and STT are approved, their commencement date would be backdated to the first date of occupation and they will be subject to such terms and conditions to be imposed including payment of waiver fee/rent and administrative fees as considered appropriate by his office;
- (c) to note the comments of C for T that the Site connects Man Kam To Road via a local village track is not managed by TD. The land status of the access leading to the Site should be checked with the lands authority. The management and maintenance responsibilities of the access should also be clarified with the relevant lands and maintenance authorities.
- (d) to note the comments of Director of Environmental Protection that the applicant is advised to follow the environmental mitigation measures as recommended in the latest 'Code of Practice on Handling the Environmental Aspects of Temporary uses and Open Storage Sites' issued by the Environmental Protection Department in order to minimize the potential environmental impacts on the adjacent area;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the applicant is advised to follow the below general requirements in the drainage proposal:
 - (i) surface channel with grating covers should be provided along the site

boundary;

- (ii) a drainage plan should be provided clearly showing the size, levels and routes of the proposed drainage. The details (invert level, gradient, general sections etc.) of the proposed drain/surface channel, catchpits and the discharge structure shall be provided;
- (iii) the cover levels of proposed channels should be flush with the existing adjoining ground level;
- (iv) catchpit with covers should be provided where there is a change of direction of the channel/drain. The details of the catchpit with covers shall be provided;
- (v) catchpit with sand trap shall be provided at the outlets of the proposed drainage system. The details of the catchpit with sand trap should be provided;
- (vi) the applicant should check and ensure that the existing drainage downstream to which the proposed connection will be made have adequate capacity and satisfactory condition to cater for the additional discharge from the captioned site. He should also ensure that the flow from this site will not overload the existing drainage system;
- (vii) the applicant is reminded that where walls are erected or kerbs are laid along the boundary of the same, peripheral channels should be provided on both sides of the walls or kerbs, and/or adequate openings should be provided at the walls/kerbs to allow existing overland flow passing through the site to be intercepted by the drainage system of the site with details to be agreed by DSD, unless justified not necessary;
- (viii) if the existing drainage facilities to which the applicant proposed to discharge the storm water from the subject site not maintained by DSD, the applicant should identify the owners of the existing drainage facilities to which the proposed connection will be made and obtain consent from the owners prior to commencement of proposed works;
- (ix) the applicant is reminded that all existing flow paths as well as the run-off falling onto and passing through the site should be intercepted and disposed of via proper discharge points. The applicant should also ensure that no works, including any site formation works, shall be carried out as may adversely interfere with the free flow condition of the existing drains, channels and watercourses on or in the vicinity of the subject site any time during or after the works;
- (x) the proposed drainage works, whether within or outside the site boundary should be constructed and maintained properly by the applicant and rectify the system if it is found to be inadequate or ineffective during operation at his/her own expense;

- (xi) for works to be undertaken outside the lot boundary, the applicant should obtain prior consent and agreement from DLO/N and/or relevant private lot owners;
 - (xii) the applicants should make good all the adjacent affected areas upon the completion of the drainage works;
 - (xiii) the applicant shall allow all time free access for the Government and its agent to conduct site inspection on his completed drainage works;
 - (xiv) the applicant and the successive lot owners shall allow connections from the adjacent lots to the complete drainage works on Government Land when so required;
 - (xv) Clear photos should be submitted showing the current condition of the areas and the flow paths around the site and the proposed/existing drainage from the discharge point(s) within the site to the downstream existing water courses.
- (f) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that
- (i) if the existing structures are erected on leased land without approval of his department, they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the captioned application;
 - (ii) before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, the prior approval and consent of his department should be obtained, otherwise these building works are regarded as Unauthorised Building Works (UBW). An Authorised Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
 - (iii) for UBW erected on leased land, enforcement action may be taken by his department to effect removal of the UBW in accordance with his department'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 application site under the BO;
 - (iv) if the proposed use is subject to the issue of a licence, the applicant should be reminded that any existing structures on the Site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority;
 - (v) the site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations respectively;

- (vi) 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 Building (Planning) Regulation at the building plan submission stage; and
- (g) to note the comments of the Director of Electrical and Mechanical Services (DEMS) that in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the mentioned application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (over overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the concerned site. The applicant is also reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.