

**Relevant Extracts of Town Planning Board Guidelines No.34B on
'Renewal of Planning Approval and Extension of Time for Compliance
with Planning Conditions for Temporary Use or Development'
(TPB PG- No. 34B)**

1. The criteria for assessing applications for renewal of planning approval include:
 - (a) whether there has been any material change in planning circumstances since the previous temporary approval was granted (such as a change in the planning policy/land-use zoning for the area) or a change in the land uses of the surrounding areas;
 - (b) whether there are any adverse planning implications arising from the renewal of the planning approval (such as pre-emption of planned permanent development);
 - (c) whether the planning conditions under previous approval have been complied with to the satisfaction of relevant Government departments within the specified time limits;
 - (d) whether the approval period sought is reasonable; and
 - (e) any other relevant considerations.
2. Under normal circumstances, the approval period for renewal should not be longer than the original validity period of the temporary approval. In general, the Board is unlikely to grant an approval period exceeding three years unless there are strong justifications and the period is allowed for under the relevant statutory plans. Depending on the circumstances of each case, the Board could determine the appropriate approval period, which may be shorter than the time under request.

**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 1,000m² 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.

Previous Applications covering the Application Site

Approved Applications

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Date of Consideration (TPB)</u>	<u>Approval Conditions</u>
1	A/YL-KTS/71#	Open storage of vehicles and vehicle repair workshop	16.5.1997 for 18 months	(1), (2), (3), (4), (5), (7)
2	A/YL-KTS/179#	Open storage of vehicles	22.10.1999 for 3 years [revoked on 22.7.2000]	(3), (6), (7), (8)
3	A/YL-KTS/269#	Temporary open storage of vehicles, metal and PVC pipes for a period of 3 years	15.3.2002	(1), (3), (6), (7)
4	A/YL-KTS/397	Temporary open storage of vehicles, metal, plastic pipes, machinery, vehicle parts and construction materials for a period of 3 years	13.7.2007	(1), (3), (5), (6), (7), (9), (10), (11),
5	A/YL-KTS/496	Renewal of planning approval for temporary open storage of vehicles, metal, plastic pipes, machinery, vehicle parts and construction materials for a period of 3 years	25.6.2010	(1), (3), (5), (6), (7), (9), (10), (11)
6	A/YL-KTS/603	Renewal of planning approval for temporary open storage of vehicles, metal, plastic pipes, machinery, vehicle parts and construction materials for a period of 3 years	5.7.2013	(1), (3), (5), (6), (7), (9), (10), (11), (12)
7	A/YL-KTS/706	Renewal of planning approval for temporary open storage of vehicles, metal, plastic pipes, machinery, vehicle parts and construction materials for a period of 3 years	24.6.2016	(1), (3), (5), (6), (7), (9), (10), (11), (13)

#The application site was zoned "Undetermined" on the then Kam Tin South OZP.

Approval Conditions

- (1) submission and implementation of landscaping/tree preservation proposals; or maintenance of existing trees and landscape planting
- (2) submission of a drainage impact assessment and implementation of flood mitigation measures
- (3) submission and/or provision of drainage facilities; or maintenance of existing drainage facilities and submission of existing drainage record
- (4) provision of sewerage facilities
- (5) no paint-spraying or workshop activities
- (6) if planning condition is not complied with at any time/by specified date, the approval shall cease to have effect and be revoked without further notice
- (7) reinstatement of the application site after the expiry of the planning approval
- (8) screening and paving of the site
- (9) restriction on operation time
- (10) maintenance of boundary fencing
- (11) submission and implementation of fire service installations proposal/provision of fire extinguisher
- (12) submission of proposal on provision of buffer zone at the entrance of the site fronting Kam Sheung Road (KSR) to avoid queuing on KSR.
- (13) no reversing of vehicle into or out from the site is allowed

Appendix V of RNTPC
Paper No. A/YL-KTS/822

Similar Applications within the Same “OU(RU)” Zone on
approved Kam Tin South Outline Zoning Plan

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration By RNTPC/TPB</u>	<u>Approval Conditions</u>
1	A/YL-KTS/444	Proposed temporary open storage of vehicles and vehicle parts for a period of 3 years	24.10.2008 [revoked on 4.8.2009]	(1), (2), (4), (5), (6), (7), (8), (9), (10)
2	A/YL-KTS/467	Renewal of planning approval for temporary open storage of electricity generators and compressors with maintenance work for a period of 3 years	10.7.2009	(1), (2), (3), (4), (5), (6), (7), (8)
3	A/YL-KTS/470	Temporary open storage of new coaches and new vehicles parts for a period of 3 years	7.8.2009 [revoked on 7.2.2010]	(1), (2), (4), (5), (6), (7), (8), (9)
4	A/YL-KTS/479	Temporary open storage of new coaches and new vehicles parts with ancillary workshop for a period of 3 years	4.12.2009 for 1 year [revoked on 4.10.2010]	(1), (2), (4), (5), (6), (7), (8), (9)
5	A/YL-KTS/485	Proposed temporary open storage of freezer vehicles, air-conditioned compartments and spare parts of cooling machinery components for vehicles for sale, and installation and maintenance workshop for freezer vehicles	30.4.2010 approved for 18 months on review [revoked on 15.3.2011]	(1), (2), (4), (5), (6), (7), (8)

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration By RNTPC/TPB</u>	<u>Approval Conditions</u>
6	A/YL-KTS/493	Renewal of planning approval for temporary open storage of forklifts for a period of 3 years	11.6.2010 for 1 year [revoked on 22.4.2011]	(1), (2), (3), (4), (5), (6), (7), (8)
7	A/YL-KTS/501	Proposed temporary open storage of construction machinery, private cars and vehicle parts for a period of 3 years	10.9.2010 [revoked on 10.12.2010]	(1), (2), (3), (4), (5), (6), (7), (8)
8	A/YL-KTS/503	Temporary open storage of container trailers for sale; vehicles/spare parts and construction materials for a period of 2 years	24.9.2010 [revoked on 31.7.2012]	(1), (2), (3), (4), (5), (6), (7), (8)
9	A/YL-KTS/527	Temporary open storage of forklifts for a period of 3 years	4.3.2011	(2), (4), (5), (6), (7), (8), (12)
10	A/YL-KTS/531	Temporary open storage of vehicles and vehicle parts for a period of 3 years	15.4.2011 [revoked on 15.2.2012]	(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (13), (14), (15)
11	A/YL-KTS/541	Temporary open storage of forklifts for a period of 3 years	5.8.2011 [revoked on 5.1.2013]	(1), (2), (3), (4), (5), (6), (7), (8), (12)
12	A/YL-KTS/558	Temporary open storage of freezer vehicles, air-conditioned compartments and spare parts of cooling machinery components for vehicles for sale, and installation and maintenance workshop for freezer vehicles for a period of 3 years	18.5.2012 for 18 months [revoked on 18.11.2012]	(1), (2), (4), (5), (6), (7), (8), (11)
13	A/YL-KTS/567	Renewal of Planning Approval for Temporary "Open Storage of Electricity Generators and Compressors with Maintenance Work"	6.7.2012 for 1 year	(1), (2), (3), (4), (5), (6), (7), (8), (10), (11), (12), (13), (15),

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration By RNTPC/TPB</u>	<u>Approval Conditions</u>
14	A/YL-KTS/569	Temporary open storage of new coaches and new vehicle parts with ancillary workshop for a period of 3 years	16.11.2012 (on review) for 1 year [revoked on 16.2.2013]	(1), (2), (4), (5), (6), (7), (8), (9), (11), (12), (15)
15	A/YL-KTS/575	Temporary Open Storage of Vehicles for a period of 3 years	25.1.2013	(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (12), (13), (15)
16	A/YL-KTS/586	Temporary Open Storage of Container Trailers for Sale, Vehicles/Spare Parts and Construction Materials and Workshop for a Period of 3 Years	21.12.2012 for 1 year	(2), (3), (4), (5), (6), (7), (11), (12), (15)
17	A/YL-KTS/602	Renewal of planning approval for temporary open storage of electricity generators and compressors with maintenance work for a period of 3 years	5.7.2013 for 1 year	(1), (2), (3), (4), (5), (6), (7), (8), (10), (11), (13), (15),
18	A/YL-KTS/630	Temporary Open Storage of Forklifts for a Period of 3 Years	26.9.2014 [revoked on 26.12.2014]	(1), (2), (3), (4), (5), (6), (8), (11), (12), (15)
19	A/YL-KTS/635	Temporary Open Storage of Forklifts for a Period of 3 Years	4.4.2014	(1), (2), (4), (5), (6), (7), (8), (11), (12), (15)
20	A/YL-KTS/641	Renewal of planning approval for temporary open storage of electricity generators and compressors with maintenance work for a period of 3 years	27.2.2014 for 1 year	(1), (2), (3), (4), (5), (6), (7), (8), (11), (12), (13), (15)

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration By RNTPC/TPB</u>	<u>Approval Conditions</u>
21	A/YL-KTS/653	Temporary Open Storage of Construction Machinery, Construction Material, Vehicle and Vehicle Parts for a Period of 3 Years	12.12.2014	(1), (2), (4), (5), (6), (7), (8), (11), (12)
22	A/YL-KTS/669	Temporary open storage of electricity generators and compressors with maintenance work for a period of 3 years	3.7.2015 for 1 year	(1), (2), (3), (4), (5), (6), (7), (8), (11), (12), (15), (17),
23	A/YL-KTS/708	Renewal of Planning Approval for Temporary Open Storage of Electricity Generators and Compressors with Maintenance Work for a Period of 1 Year	24.6.2016	(1), (2), (3), (4), (5), (6), (7), (8), (11), (15)
24	A/YL-KTS/719	Proposed Temporary Open Storage of Construction Machinery, Private Cars and Vehicle Parts for a Period of 3 Years	3.2.2017	(1), (2), (3), (4), (5), (6), (7), (8), (12), (15)
25	A/YL-KTS/731	Renewal of Planning Approval for Temporary "Open Storage of Forklifts" for a Period of 3 Years	17/03/2017	(2), (4), (5), (6), (7), (12), (13), (15)
26	A/YI-KTS/740	Renewal of Planning Approval for Temporary Open Storage of Electricity Generators and Compressors with Maintenance Work for a Period of 1 Year	23.6.2017	(1), (2), (4), (5), (6), (7), (8), (13), (15)

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration By RNTPC/TPB</u>	<u>Approval Conditions</u>
27	A/YL-KTS/751	Temporary open storage of freezer vehicles, air-conditioned compartments and spare parts of cooling machinery components for vehicles for sale, and installation and maintenance workshop for freezer vehicles for a period of 3 years	2.3.2018	(1), (2), (4), (5), (8), (10), (12), (15)
28	A/YL-KTS/757	Renewal of Planning Approval for Temporary Open Storage of Construction Machinery, Construction Material, Vehicle and Vehicle Parts for a Period of 3 Years	24.11.2017	(1), (2), (10)
29	A/YL-KTS/787	Renewal of Planning Approval for Temporary Open Storage of Electricity Generators and Compressors with Maintenance Work for a Period of 1 Year	15.6.2018	(1), (2), (4), (5), (6), (7), (8), (13), (15)

Approval Conditions

- (1) No dismantling/maintenance/car washing/cleansing/assembling/repairing/paint spraying/or other workshop activities to be carried out on site.
- (2) Restriction on operation hours/time.
- (3) Provision/maintenance of boundary fence/ peripheral fence wall.
- (4) Submission and implementation of landscape/tree preservation proposal or provision/maintenance/replacement of existing trees/ landscape planting or submission of six-monthly tree monitoring report.
- (5) Submission and implementation of drainage proposal /maintenance of existing drainage facilities
- (6) Revocation of planning approval if condition is not complied with at any time/by specified date.
- (7) Reinstatement of the site after the expiry of the planning approval.
- (8) Submission and implementation of emergency vehicular access/water supply for fire fighting/fire service installations proposal

- (9) No medium or heavy vehicles or container trailers/tractors are allowed for the operation of the site.
- (10) Restriction on stacking height of the materials stored within the site.
- (11) Provision of fire extinguisher
- (12) Submission of the record of the existing drainage facilities
- (13) Submission of a run-in proposal at Kam Sheung Road and provision/maintenance of access/ run-in between the site and the public road
- (14) Implementation of the replacement tree planting
- (15) No vehicular reversing in or out from the site/ No vehicle is allowed to queue back to or reverse onto/from of public road

Rejected Applications

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Rejection Reasons</u>
1	A/YL-KTS/525	Temporary open storage of new coaches and new vehicles parts with ancillary workshop for a period of 3 years	2.9.2011	(4), (5)
2	A/YL-KTS/572	Proposed temporary open storage of construction materials, construction machinery and vehicle parts for a period of 3 years	10.8.2012	(1), (2), (3)
3	A/YL-KTS/589	Temporary open storage of machinery and containers for storing vehicle parts and mechanical parts for a period of 3 years.	11.1.2013	(1), (2), (3)
4	A/YL-KTS/616	Temporary open storage of new coaches and new vehicle parts with ancillary workshop for a period of 1 year	5.9.2014 (on review)	(2), (3), (5)
5	A/YL-KTS/664	Proposed temporary open storage of private cars (including new right-hand drive and second hand cars) for sale for a period of 3 years	22.5.2015	(1), (2), (3)

Rejection Reasons

- (1) the development was not in line with the planning intention of the "OU(RU)" zone.
- (2) the application did not comply with the Town Planning Board Guidelines for "Application for Open Storage and Port Back-up Uses" in that the development was not compatible with the surrounding land uses; no previous approval was granted; there were adverse departmental comments against the applied use; and/or the development would generate adverse environmental, drainage, landscape or traffic impacts.
- (3) the approval of the application would set an undesirable precedent.
- (4) the continuation of the temporary open storage use at the site would jeopardize the compatible permanent uses hence the planning intention of the "OU(RU)" zone and contradict with existing and future residential land uses in the vicinity.
- (5) the application did not comply with TPB PG-No. 13E in that the applicant failed to demonstrate the genuine efforts in complying with the approval conditions of the previous applications, and that there were adverse departmental comments and public objections against the application

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.

Advisory Clauses

- (a) resolve any land issues relating to the development with other concerned owner(s) of the Site;
- (b) note DLO/YL, LandsD's comments that the Site comprises Old Schedule Agricultural Lots 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 to Kam Sheung Road via 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 Site falls within Shek Kong Airfield Height Restriction Area (SKAHRA). The height of the proposed structure shall not exceed the relevant airfield height limit within SKAHRA. The STW holder(s) will need to apply to his office for modification of the STW conditions where appropriate. 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 LandsD acting in the capacity as the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is 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 the Site is connected to the public road network via a section of a local access road which is not managed by the Transport Department (TD). The land status of the local access road should be checked with the LandsD. 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 the applicant should provide the run in/out at Kam Sheung Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains. His department shall not be responsible for the maintenance of any access connecting the Site and Kam Sheung Road;
- (e) follow relevant mitigation measures and requirement in the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the DEP to minimize any potential environmental nuisances;
- (f) 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 the 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 his department, they are unauthorized under the BO and should not be designated for any approved 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 4.5 m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and

- (g) note D of FS's comments that in consideration of the design/nature of the proposal, 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. Also, good practice guidelines for open storage should be adhered to (**Appendix VI** of this RNTPC paper). Moreover, to address the 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 BO (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.