

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 Application

Approved Application

Application No.	Proposed Developments	Date of Consideration	Approval Conditions
A/KTN/23	Temporary Coach, Container Tractor and Trailer Park for a Period of 3 Years	4.3.2016 (revoked on 4.4.2018)	A1 – A6

Approval Conditions:

- A1 No night time operation between 6:00 p.m. and 9:00 a.m.
- A2 No operation on Sundays and public holidays
- A3 The vehicular access, parking and loading/unloading arrangement within the site should be maintained
- A4 The submission and implementation of drainage proposal
- A5 The submission and implementation of proposals for water supplies for fire fighting and fire service installations
- A6 The submission and implementation of landscape and tree preservation proposals



Similar Application within the same "OU(BTP)", "OU(A)" and/or the 'Road' Zones
on the Kwu Tung North OZP

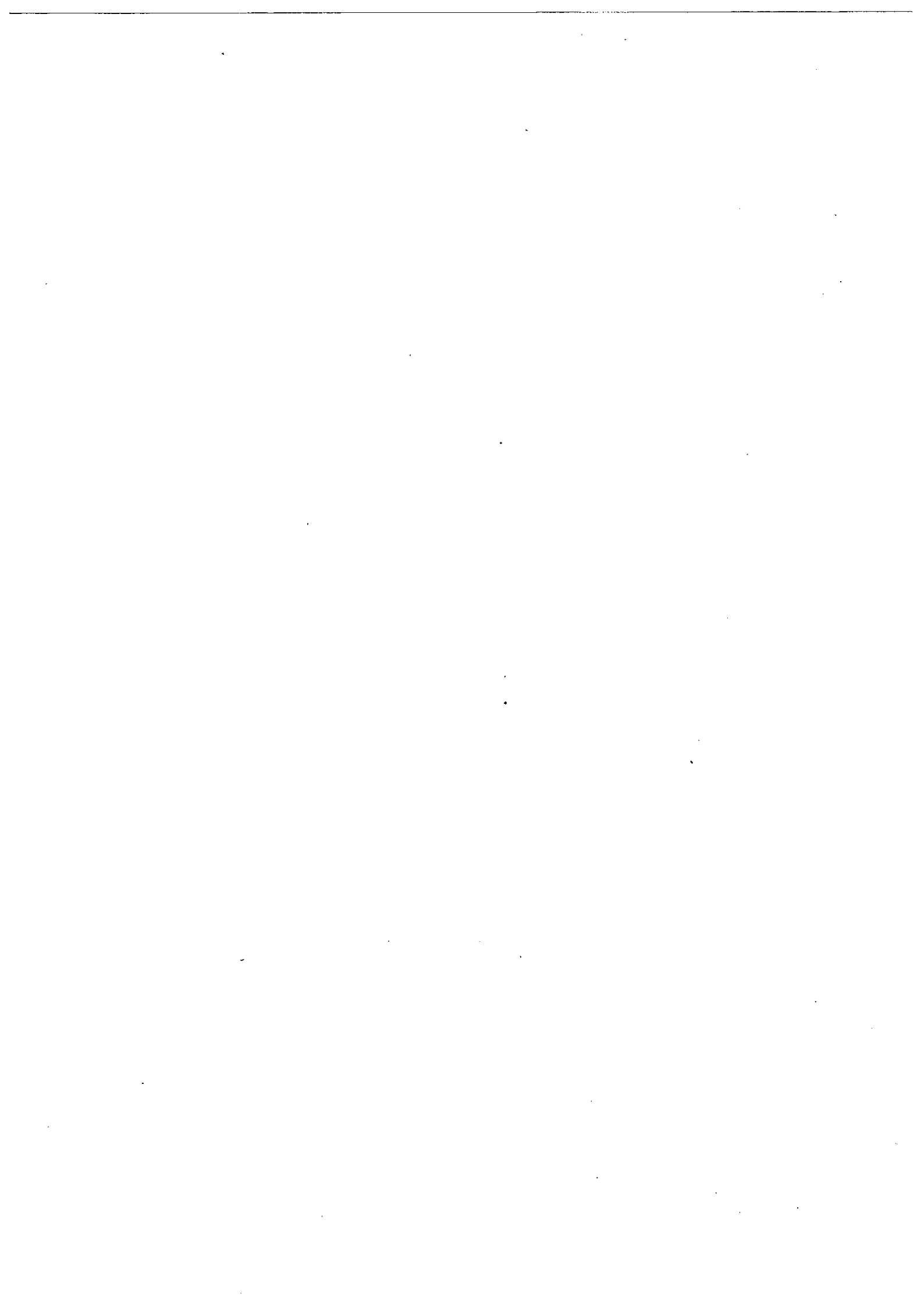
Approved Application

Application No.	Proposed Developments	Date of Consideration	Approval Conditions
A/KTN/18	Temporary Coach and Container Trailer Parking with Ancillary Vehicle Repair Workshop for a Period of 3 Years	18.9.2015	A1 – A7

Remarks: 8 similar applications were approved with conditions by the Committee/the Board when the concerning site was zoned "Agriculture" and 'Road' at that time.

Approval Conditions:

- A1 No night time operation between 6:00 p.m. and 9:00 a.m.
- A2 No operation on Sundays and public holidays
- A3 The vehicular access, parking and loading/unloading arrangement should be maintained at all times
- A4 The existing drainage facilities on the application site should be properly maintained and rectified if they were found inadequate/ineffective
- A5 The submission of a conditional record of the existing drainage facilities
- A6 The submission and implementation of proposals for fire service installations and water supplies for fire fighting
- A7 The implementation of the accepted tree preservation and landscape proposal



Advisory clauses

- (a) prior planning permission should have been obtained before commencing the applied use at the Site;
- (b) the permission is given to the use/development under application. It does not condone any other use / development which currently exists on the Site but not covered by the application. The applicant should be requested to take immediate action to discontinue such use / development not covered by the permission;
- (c) to note the comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD) as follows:
 - (i) there are unauthorized structures erected on Lot No. 904 in D.D. 92 and the adjoining Government land within and adjoining the Site without prior approval from his office. The aforesaid structures are not acceptable under the Leases concerned and his office reserves the right to take necessary lease enforcement and land control actions against the aforesaid structures;
 - (ii) unauthorized occupation of the Government land within and adjoining the Site is detected. The applicant should cease occupation of the said portion of the Government land with demolition of the workshop and the related porch. His office reserves the right to take necessary land control actions against the irregularities. Meanwhile, applicant should make her own arrangement for acquiring access. The Government shall accept no responsibility in such arrangement;
 - (iii) as it is stated in the application materials that no structures would be erected on the Site, therefore, the owner of the lot concerned shall ensure that all existing structures erected on the Site shall be demolished. Otherwise, it would be in breach of the Leases concerned and his office reserves the right to take necessary enforcement actions against any unauthorized structures and illegal occupation of Government land;
- (d) to follow the relevant mitigation measures and requirements in the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" (CoP) issued by the Director of Environmental Protection;
- (e) to note the comments of the Commissioner for Transport (C for T) that the Site connects Castle Peak Road - Kwu Tung via a local village track/private land, which are not managed by his department. In this regard, 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 accordingly.
- (f) to note the advice of the Chief Engineer/Mainland North, Drainage Services Department that the general requirements of the drainage proposal are the follows:
 - (i) surface channels 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) a catchpit with covers should be provided where there is a change of direction of the channel/drain. The details of the catchpit (CEDD Standard Drawing No. 2405) shall be provided;
- (v) catchpits with sand trap shall be provided at the outlets of the proposed drainage system. The details of the catchpit with sand trap (CEDD Standard Drawing No. 2406) 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 Site. He should also ensure that the flow from the 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 Site are 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 shall 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 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 who should also rectify the system if it is found to be inadequate or ineffective during operation, all 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 applicant shall 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 the his completed drainage works;
 - (xiv) the applicant and the successful lot owners shall allow connections from the adjacent lots to the completed drainage works on Government land when so required;
 - (xv) clear photos should be submitted showing the current conditions of the existing drainage from the proposed discharge point(s) to the downstream and the existing drainage/flowpath around the Site;
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) as follows:
- (i) if the existing structures are erected on leased land without approval of Buildings Department (BD), they are unauthorized under the Buildings Ordinance (BO);
 - (ii) for Unauthorized Building Works (UBW) erected on leased land, enforcement action may be taken by the 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;
 - (iii) the Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access (EVA) in accordance with Regulations 5 and 41D of the Building (Planning) Regulations respectively;
- (h) to note the comments of the Chief Engineer/Construction, Water Supplies Department that the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection for provision of water supply to the development. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and
- (i) to note the comments of the Director of Electrical and Mechanical Services that in the interest 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 application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and 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 Site. They should also be 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 lines.