

**Relevant Extract of 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 by the Town Planning Board, 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 merits.

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 m<sup>2</sup> for open storage uses and 2,000 m<sup>2</sup> 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**

	<b><u>Application No.</u></b>	<b><u>Proposed Use</u></b>	<b><u>Date of Consideration (RNTPC)</u></b>	<b><u>Approval Conditions</u></b>
1	A/YL-KTS/126	Proposed temporary open storage of vehicles for a period of 12 months	17.7.1998	(1), (2), (4)
2	A/YL-KTS/423	Temporary open storage of vehicles (including new/used left hand or right hand vehicles) for sale for a period of 3 years	26.9.2008 [on review]	(1), (2), (3), (4), (6), (7), (8)
3	A/YL-KTS/547	Renewal of Planning Approval for Temporary open storage of vehicles (including new/used left hand or right hand vehicles) for sale for a period of 3 years	23.9.2011	(3), (4), (5), (6), (7), (8), (9), (10)
4	A/YL-KTS/644	Renewal of Planning Approval for Temporary open storage of vehicles (including new/used left hand or right hand vehicles) for sale for a period of 3 years	8.8.2014	(3), (4), (5), (6), (7), (8), (9), (10), (11), (12)

**Approval Conditions:**

- (1) submission and implementation of landscaping proposals
- (2) submission and implementation/provision of drainage facilities
- (3) revocation of planning approval if the planning conditions are not complied with by the specified date/during the approval period
- (4) reinstatement of the application site after the expiry of the planning approval
- (5) maintenance of landscape planting and/or drainage facilities
- (6) restriction on operation hours

- (7) no storage/sales of vehicle parts
- (8) no repairing, dismantling, cleansing, paint-spraying and workshop activities
- (9) submission and implementation of fire service installation proposals
- (10) submission of a record of the existing drainage facilities/ maintain existing drainage facilities
- (11) no vehicle is allowed to queue outside the site at any time
- (12) provision of fire extinguisher(s)

**Rejected Application**

	<b><u>Application No.</u></b>	<b><u>Proposed Use/ Development</u></b>	<b><u>Date of Consideration (TPB)</u></b>	<b><u>Main Reasons for Rejection</u></b>
1	A/DPA/YL-KTS/73*	Open storage of vehicles	13.5.1994	(1), (2), (3), (4), (5)

*\*Under the zoning of "Unspecified Use" on the Kam Tin South OZP.*

**Rejection Reasons:**

- (1) The proposed development will be affected by the imminent implementation of the proposed Route 3 (Country Park Section) project.
- (2) The development is not in line with the planning intention for the area .
- (3) The development is not compatible with the village settlements in the vicinity;
- (4) No information on access arrangement and operation of the development has been submitted to demonstrate that the development will have no adverse impact on the traffic.
- (5) No drainage proposal has been submitted.

Similar Applications within the Adjacent "AGR" 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/457	Temporary Open Storage of Vehicles for Sale (Coaches and Tractors/Goods Vehicles) and Ancillary Facilities for a Period of 3 Years	27.2.2009 [revoked on 27.11.2009]	(1), (2), (4), (5), (6), (7), (8)
2	A/YL-KTS/458	Temporary Open Storage of Vehicles and Vehicle Parts for a Period of 3 Years	27.2.2009 [revoked on 10.7.2009]	(1), (2), (4), (5), (6), (7), (8)
3	A/YL-KTS/460	Temporary Open Storage of Vehicles and Container Trailers/Tractors Park for a Period of 3 Years	13.3.2009	(1), (2), (4), (5), (6), (7), (8), (9)
4	A/YL-KTS/483	Temporary Open Storage of Vehicle Parts with Ancillary Workshop For a Period of 3 Years	18.12.2009 approved for 1 year	(1), (2), (3), (4), (5), (6), (7), (8), (10),
5	A/YL-KTS/488	Temporary Open Storage of Vehicles for Sale (Coaches and Tractors/Goods Vehicles) and Ancillary Facilities for a Period of 3 Years	19.3.2010	(1), (2), (4), (5), (6), (7), (8)
6	A/YL-KTS/515	Renewal of Planning Approval for Temporary Open Storage of Vehicle Parts with Ancillary Workshop For a Period of 3 Years	10.12.2010	(1), (2), (3), (4), (5), (6), (7), (8),
7	A/YL-KTS/580	Temporary Open Storage of Vehicles and Container Trailers/Tractors Park for a Period of 3 Years	5.10.2012	(1), (2), (4), (5), (6), (7), (8), (9), (13),
8	A/YL-KTS/628	Temporary Open Storage of Vehicle Parts with Ancillary Workshop For a Period of 3 Years	7.2.2014	(2), (3), (4), (5), (6), (7), (8), (10), (11), (12), (13),

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration By RNTPC/TPB</u>	<u>Approval Conditions</u>
9	A/YL-KTS/675	Renewal of Planning Approval for Temporary "Open Storage of Vehicles and Container Trailers/ Tractors Park" for a Period of 3 Years	18.9.2015	(1), (2), (4), (5), (6), (7), (8), (11), (13), (14), (15)
10	A/YL-KTS/687	Temporary Open Storage of Vehicle parts with Ancillary Workshop for a Period of 3 Years	8.1.2016	(2), (3), (5), (6), (7), (8), (10), (11), (13),
11	A/YL-KTS/793	Renewal of Planning Approval for Temporary "Open Storage of Vehicles and Container Trailers/ Tractors Park" for a Period of 3 Years	17.8.2018	(1), (2), (4), (5), (6), (7), (8), (11), (13)

#### Approval Conditions

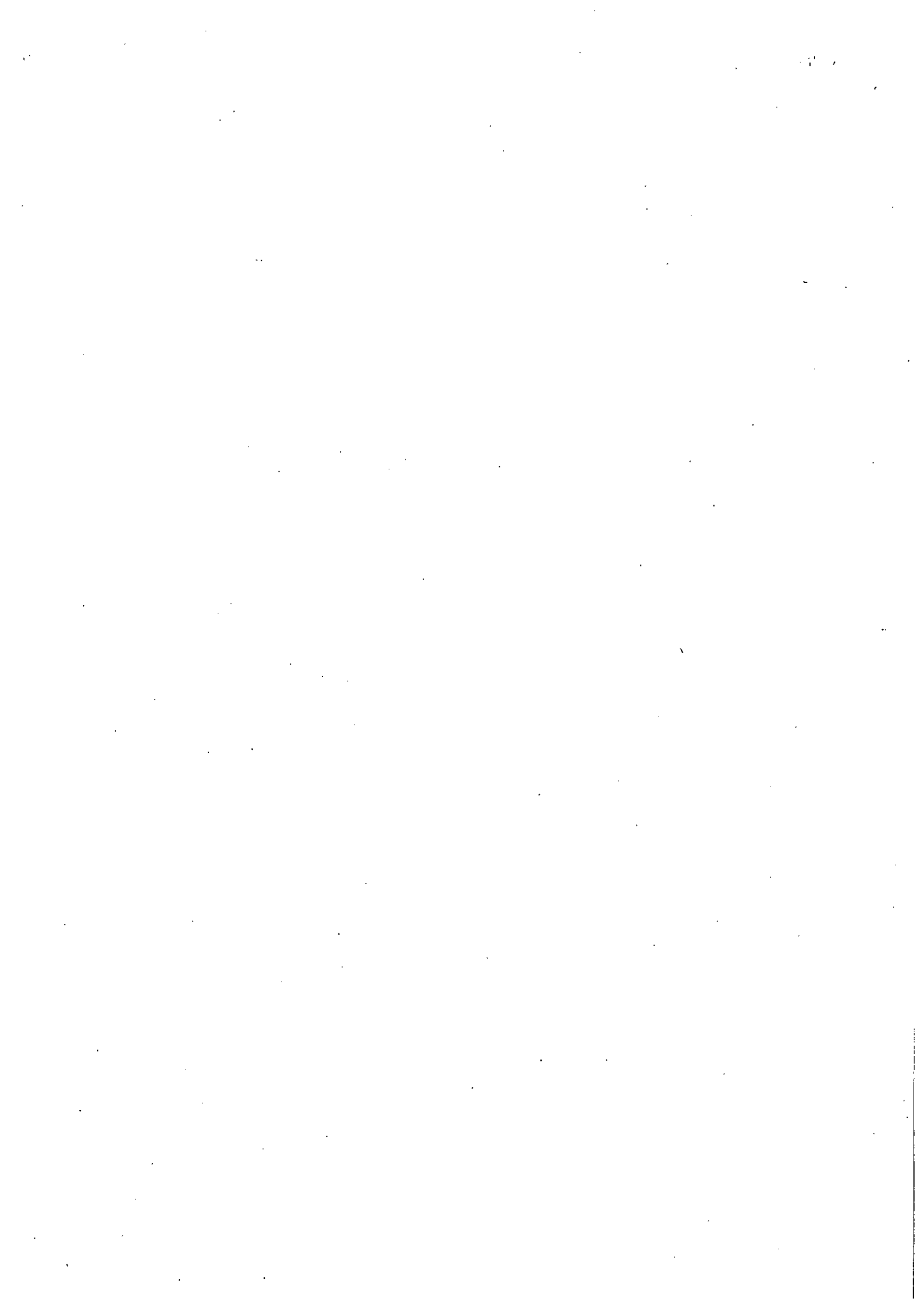
- (1) No dismantling/maintenance/car washing/cleansing/assembling/repairing/paint spraying/workshop activities to be carried out on site.
- (2) Restriction on operation hours/time.
- (3) Provision/maintenance of boundary fence.
- (4) Submission and implementation of landscape/tree preservation proposal 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 (to an amenity area) after the expiry of the planning approval.
- (8) Submission and implementation of emergency vehicular access/water supply for firefighting/fire service installations proposal
- (9) Implementation of the proposed traffic monitoring measures
- (10) No medium or heavy vehicles or container trailers/tractors are allowed for the operation of the site.
- (11) Provision of fire extinguisher
- (12) Submission of the record of the existing drainage facilities
- (13) No vehicle is allowed to queue back to or reverse onto/from public road
- (14) The traffic monitoring measures as proposed by the applicant should be implemented at all times
- (15) Submission of parking layout

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 the concerned owners of the Site;
- (b) note DLO/YL's comments that the Site comprises Government Land (GL) and Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that non structures are allowed to be erected without prior approval of the Government. No permission is given for occupation of GL (about 67m<sup>2</sup> subject to verification) included in the Site. Any occupation of GL without Government's prior approval is not allowed. The Site is accessible from Kam Tin Road via GL and private land. 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 lot owner(s) will need to apply to his office to permit the structures to be erected or regularize any irregularities 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. Furthermore, the applicant has to either exclude the GL portion from the Site or apply for a direct grant STT for use of the Site. Applications for any of the above will be considered by LandsD acting in the capacity as landlord or lessor at its sole discretion and there is no guarantee that such application 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 applicant is reminded that sufficient space within the Site should be provided for manoeuvring of vehicles. The Site is connected to the public road network via a section of a local access road which is not managed by Transport Department (TD). The land status of the local access road should be checked with LandsD. Moreover, the management and maintenance responsibilities of that local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) note CHE/NTW, HyD's comments that HyD does not and will not maintain any access connecting the Site and Kam Tin Road. The applicant should be responsible for his own access arrangement. Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;

- (e) adopt relevant mitigation measures as set out in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by DEP to minimize any potential environmental nuisances;
- (f) note CTP/UD&L, PlanD’s comments that after the super typhoon Mangkhut “山竹”, the applicant should inspect the trees again and take appropriate actions on damaged trees/branches to protect public safety. The applicant shall make reference to the following information promulgated by the GLTM Section under DEVB: 修剪樹木的一般指引: [https://www.greening.gov.hk/filemanager/content/pdf/tree\\_care/guideline\\_c.pdf](https://www.greening.gov.hk/filemanager/content/pdf/tree_care/guideline_c.pdf); 護 養 樹 木 的 簡 易 圖 解 : [https://www.greening.gov.hk/filemanager/content/pdf/tree\\_care/Pictorial Guide for Tree Maintenance.pdf](https://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf); 工 程 期 間 的 樹 木 護 理 : [https://www.greening.gov.hk/filemanager/content/pdf/tree\\_care/Tree Care during Construction e.pdf](https://www.greening.gov.hk/filemanager/content/pdf/tree_care/Tree_Care_during_Construction_e.pdf); and 減 低 樹 木 風 險 的 樹 木 護 養 簡 易 圖 解 : [https://www.greening.gov.hk/filemanager/content/pdf/tree\\_care/PictorialGuideforTreeMaintenanceToReduceTreeRisk\(eng\).pdf](https://www.greening.gov.hk/filemanager/content/pdf/tree_care/PictorialGuideforTreeMaintenanceToReduceTreeRisk(eng).pdf);
- (g) note DAFC’s comments that the applicant is advised to avoid causing pollution to the watercourse to the south of the Site, by controlling site run-offs during operation as far as practicable;
- (h) note D of FS’s comments that in consideration of the design/nature of the proposed structures, 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 at **Appendix V** of this RNTPC paper should be adhered to. To address the condition on provision of fire extinguisher(s), the applicant should submit a valid fire certificate (FS 251) 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; and
- (i) note CBS/NTW, BD’s comments that if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of his department, they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application. For 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. Before any new building works (including containers/open sheds as temporary buildings and land filling) are to be carried out on Site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorized Person (AP) should be appointed as the coordinator for the proposed building works in accordance with 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.

