

**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, 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: Within these areas, “existing” and approved open storage and port back-up uses are to be contained and further proliferation of such uses is not acceptable. Applications within Category 3 areas would normally not be 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 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 Conditions</u>
1	A/YL-KTN/13	Proposed Food Product Factory (no time limit specified)	12.4.1996 (for 2.5 years)	1, 2, 3, 4, 8
2	A/YL-KTN/88	Food Product Factory with Ancillary Open Storage Use (no time limit specified)	11.6.1999 (for 2 years)	1, 2, 4
3	A/YL-KTN/180	Proposed Temporary Storage of Household Goods and Food for 3 years	10.10.2003 (for 2 years)	1, 2, 5, 6, 7
4	A/YL-KTN/259	Renewal of Planning Approval for Temporary Storage of Household Goods and Food for 3 years	29.9.2006 (for 2 years)	1, 2, 4, 5, 7, 8, 9, 10,11
5	A/YL-KTN/476	Temporary Storage of Fertiliser for a Period of 3 Years	4.9.2015 [Revoked on 4.2.2018]	1, 2, 7, 9, 10

Approval Conditions:

1. The submission and implementation of landscaping proposals / existing landscape planting should be maintained
2. The submission of drainage proposal and provision of drainage facilities / existing drainage facilities should be maintained
3. The provision of sewage treatment and disposal facilities
4. A headroom clearance of 5.5m between any building / structure / equipment in the site and the 400 kV transmission lines should be maintained
5. The submission and provision of emergency vehicular access, water supply for fire fighting and fire services installations proposals
6. Painting of the existing site fencing
7. If any planning condition is not complied with during planning approval period/by the specified date, the approval shall cease to have effect and be revoked without further notice
8. Provision of Vehicular Access Arrangement
9. Restriction on Operation Hours
10. No heavy vehicles allowed on-site
11. No dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on 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 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 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/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
8.	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
9.	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, 5, 6, 7, 8, 9, 11
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/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, 5, 6, 7, 8, 9, 11, 12
12.	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
13.	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

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

Appendix VI of RNTPC
Paper No. A/YL-KTN/591

Advisory clauses

- (a) resolve any land issues relating to the development with the concerned owner of the Site;
- (b) shorter compliance periods are imposed so as to monitor the progress of compliance with approval conditions since the last approval was revoked. Should the applicant fail to comply with any of the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration may not be given to any further application;
- (c) prior planning permission should have been obtained before commencing the development at the Site;
- (d) 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. Lot Nos. 423RP and 428RP all in D.D. 107 are covered by Short Term Wavier (STW) No. 4669 to permit structures erected thereon for the purpose of "temporary storage of fertilizer". Part of the Government Land (GL) within the Site is covered by Short Term Tenancy (STT) No. 2999 for the purpose of "temporary open storage of fertilizer". No permission is given for occupation of the GL not covered by STT No. 2999 ("the remaining GL") included in the Site. Attention is drawn to the fact that any occupation of GL without Government's prior approval is not allowed. The Site is accessible to Fung Kat Heung Road via GL. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way to the Site. The STW and STT holder(s) will need to apply to his office for modification of the STW/STT conditions if there is any irregularities on site. Furthermore, the applicant has to either exclude the remaining GL portion from the Site or apply for a formal approval prior to the actual occupation of the GL portion. Such application(s) 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;
- (e) 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 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;

- (f) note CE/RD1-1, RDO, HyD's comments that part of 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;
- (g) to follow the relevant mitigation measures and requirements in the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by DEP;
- (h) note DAFC's comments that there are existing trees within or adjoining the Site. The applicant should adopt the appropriate measures to avoid disturbance of these existing trees during operation;
- (i) 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. 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;
- (j) note CBS/NTW, BD's comments that if the existing structures are erected on leased land without approval of the BD, they are unauthorized under the BO and should not be designated for any use under the application. Before any new building works (including containers and site offices as temporary buildings) are to be carried out on the Site, prior approval and consent of the Building Authority (BA) 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 BO. For UBW erected on leased land, enforcement action may be taken by the BA 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 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

- (k) note DEMS's comments that there are 400kV extra high voltage overhead lines running across the Site, which is within the preferred working corridor of the concerned overhead lines as stipulated in the Hong Kong Planning Standards and Guidelines (HKPSG). The applicant should refer to the requirements of minimum safety clearance, minimum vertical clearance and preferred working corridor of the concerned overhead lines as stipulated in Clause 2.3.5, 2.3.6 and 2.3.14 under Chapter 7 - Utility Services of the HKPSG and ensure they shall be maintained at any time during and after construction. No scaffolding, crane and hoist shall be built or operated within 6m from the outermost 400kV conductors at all times. Warning notices should be posted at conspicuous locations to remind operators and workers of the site boundary. CLP Power shall be consulted on the safety precautions required for carrying out any works near the concerned overhead lines. In any time during and after construction, CLP Power shall be allowed to get access to the working corridor area of the concerned overhead lines for carrying out any operation, maintenance and repair work including tree trimming. The Electricity Supply Lines (Protection) Regulation and the "Code of Practice on Working near Electricity Supply Lines" established under the Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines. As regards the electric and magnetic fields arising from the transmission overhead lines, the applicant should be warned of possible undue interference to some electronic equipment in the vicinity, if any.

