

Relevant Extracts of Town Planning Board Guidelines on
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.

Appendix III of RNTPC
Paper No. A/YL-KTN/632C

Previous s.16 Applications covering the Application Site

Approved Applications

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
1.	A/DPA/YL-KTN/33	Open Storage of Scrap Metal and Steel	3.9.1993 (for 3 years)	(1), (2), (3) & (4)
2.	A/YL-KTN/14	Proposed Car Park	26.4.1996 (for 2.5 years)	(3), (4), (5),(6), (7)
3.	A/YL-KTN/258	Temporary Open Storage of Construction Materials for a Period of 3 Years	2.3.2007 (on review for a period of 22 months up to 31.12.2008) [revoked on 7.11.2008]	(4), (5), (8), (9), (10), (11), (12), (13), (14), (15)
4.	A/YL-KTN/313	Renewal of Planning Approval for Temporary Open Storage of Construction Materials under Application No. A/YL-KTN/258 for a Period of 18 Months	7.11.2008 [revoked on 23.1.2009]	(4), (5), (8), (9), (10), (11), (14), (15), (16)
5.	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)	(5), (8), (9), (10), (14), (15), (16), (17), (18)
6.	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 for a Period of 2 Years	6.5.2011 [revoked on 22.10.2012]	(5), (8), (9), (10), (14), (15), (16), (17), (18)
7.	A/YL-KTN/414	Temporary Open Storage of Construction Machinery, Construction Material and Ancillary	6.9.2013 [revoked on 6.12.2014]	(4), (5), (8), (9), (10), (13), (14), (15), (16),

		Parking of Medium/Heavy Goods Vehicles and Container Trailer/Tractor for a Period of 2 Years		(17)
8	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]	(4), (5), (8), (9), (14), (15), (16), (18)

Approval Conditions:

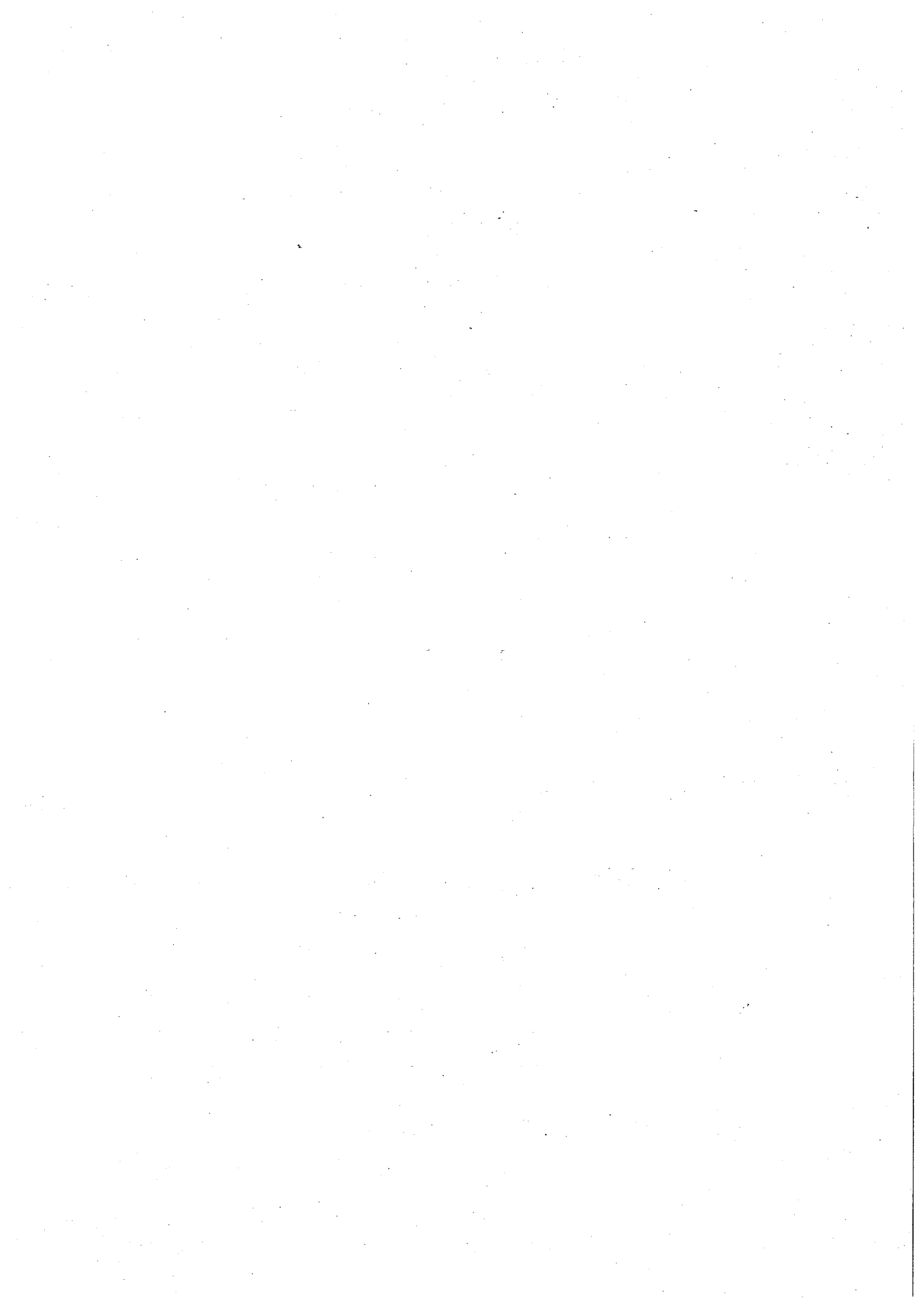
1. provision of sewage collection and disposal facilities including oil interceptor
2. provision of stormwater drainage facilities
3. provision of access arrangement
4. submission and implementation/maintenance of landscape proposals
5. submission and implementation/maintenance of drainage facilities
6. paving of site and provision of mitigation measures to minimize the adverse noise and air impacts
7. a headroom clearance between the site and the existing transmission line
8. restriction on operation hours/time
9. no cleansing, dismantling, repairing, maintenance, paint spraying, industrial and workshop activities
10. no stacking of materials above the height of the peripheral fencing
11. no parking/storage of goods vehicles exceeding 5.5 tonnes and container trailers/tractors
12. right to access the site for Kowloon Canton Railway Corporation to carry out ground investigation works
13. provision of fire extinguisher
14. revocation of the planning approval if planning conditions are not complied with during the planning approval period / by specified date
15. reinstatement of the site to an amenity area upon expiry of the planning permission
16. submission and/ or implementation of fire service installations proposal
17. implementation of environmental mitigation measures
18. no reversing of vehicle into or out from the site

Rejected Application

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Date of Consideration (RNTPC)</u>	<u>Reasons for Rejection</u>
1.	A/YL-KTN/11	Car Breaking and Stripping Workshop	3.11.1995	(1), (2)

Rejection Reasons:

1. not in line with planning intention of "Undetermined" zone which is reserved for future construction of Western Corridor Railway.
2. insufficient information regarding vehicular access arrangement, provision of loading/unloading spaces, drainage facilities, provision of measures to minimize the potential fugitive dust emission and oil leakage in the operation.



**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/342	Temporary Storage of Motorcycles for Sale for 1 Year	5.3.2010	(1), (2), (3), (5), (6), (7), (8), (9), (11)
2.	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)
3.	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)
4.	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)
5.	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)
6.	A/YL-KTN/476	Temporary Storage of Fertiliser for a Period of 3 Years	4.9.2015 [revoked on 4.2.2018]	(1), (2), (3), (5), (6), (7), (8), (9), (11), (12)
7.	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)

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Conditions</u>
8.	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)
9.	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)
10.	A/YL-KTN/591	Temporary Storage of Fertilizer and Food Processing Material for a Period of 3 Years	6.4.2018	(1), (2), (5), (6), (7), (8), (9), (11), (12)
11.	A/YL-KTN/653	Proposed Temporary Open Storage of Construction Materials (Excluding Soil, Cement, Chemical Product and Dangerous Goods) for a Period of 3 Years	17.5.2019	(1), (2), (3), (5), (7), (8), (11), (12), (13)

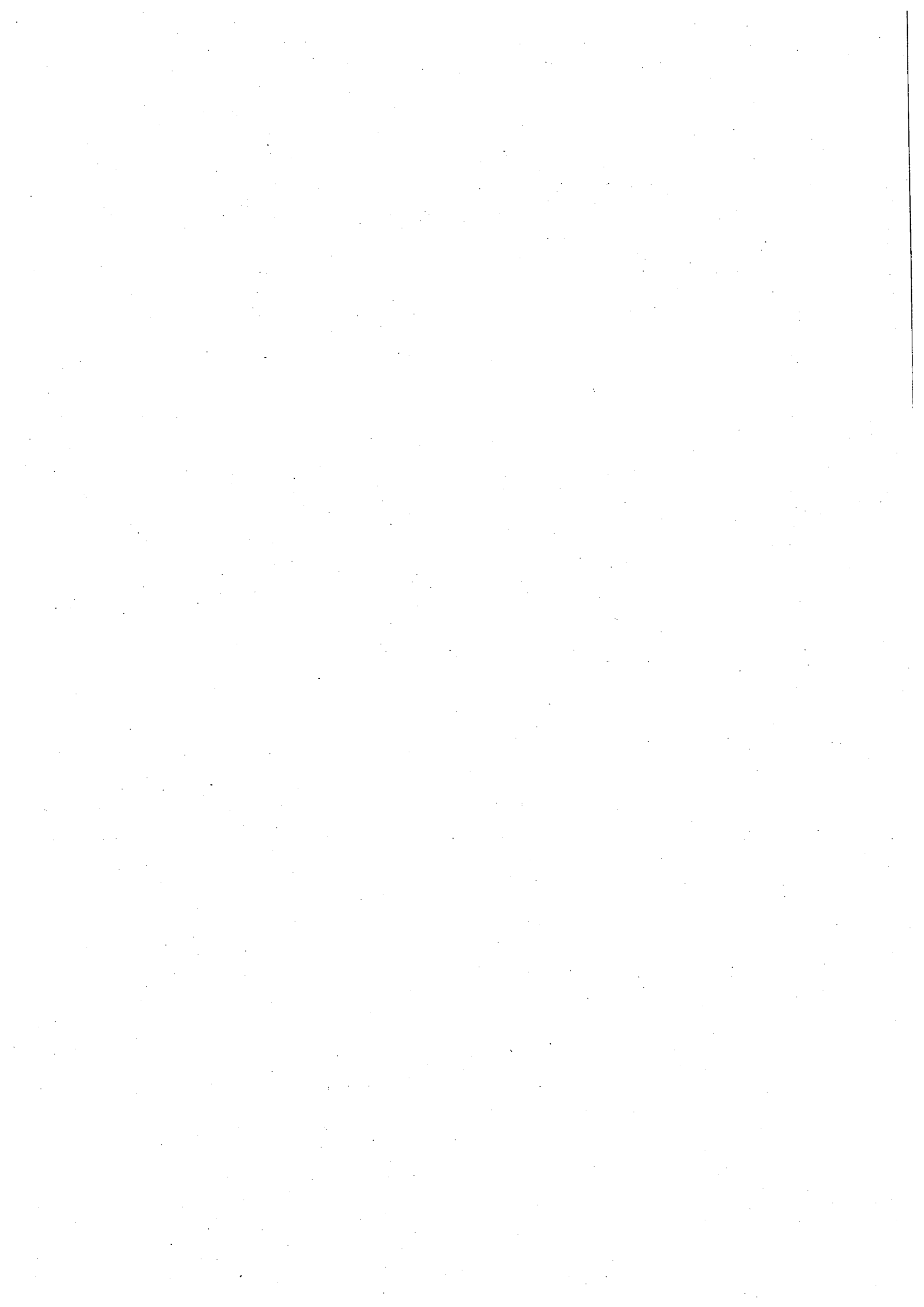
Approval Conditions:

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/ maintenance of all existing trees within the Site

Detailed Comments of the Chief Engineer/Mainland North, Drainage Services Department
(CE/MN, DSD)

Comments on the submitted drainage proposal:

- (i) All the proposal structural works must be located 3m away from the natural water course.
- (ii) Cross sections showing the existing ground levels of the Site with respect to the adjacent areas should be given.
- (iii) Typical details of catchpits and u-channels should be provided.
- (iv) Where walls or hoarding are erected along the site boundary, adequate opening should be provided to allow the existing overland flow passing through the Site.
- (v) The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.
- (vi) The applicant should consult DLO/YL, LandsD and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works.



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.

**Appendix VIII of RNTPC
Paper No. A/YL-KTN/632C**

Advisory Clauses

- (a) resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (b) prior planning permission should have been obtained before commencing the applied use at the Site;
- (c) 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 from San Tam Road via 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 STW/STT holder(s) will need to apply to his office for modification of the STW/STT conditions where appropriate. The owner(s) of the lot without STW 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. 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(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 LandsD;
- (d) note CES/RD of LandsD's comments that the Site falls within "Railway Development Strategy (RDS) 2014 Northern Link and Kwu Tung Station Limit of Area of Influence" and slightly encroaches onto "RDS 2014 Northern Link and Kwu Tung Station Administrative Route Protection Boundary";
- (e) 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. Vehicles exiting the Site can only make right turn to San Tam Road;
- (f) note CHE/NTW, HyD's comments that the applicant should construct a run-in/out at the access point at San Tam 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. His department does not and will not maintain any access connecting the Site and San Tam 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;

- (g) note CE/RD1-1, RDO, HyD's comments that the Site falls within the administrative route protection boundary for the proposed NOL. Although the programme and the alignment of the proposed NOL are still under review, those areas within the administrative route protection boundary may be required to be vacated at the time for the construction of the proposed NOL. The applicant shall be reminded of the above when planning his land use application;
- (h) 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;
- (i) note CE/MN of DSD's comments that all the proposal structural works must be located 3m away from the natural water course. Cross sections showing the existing ground levels of the Site with respect to the adjacent areas should be given. Typical details of catchpits and u-channels should be provided. Where walls or hoarding are erected along the site boundary, adequate opening should be provided to allow the existing overland flow passing through the Site. The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc. The applicant should consult DLO/YL, LandsD and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works;
- (j) 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 FSI to be installed should be clearly marked on the layout plans. The applicant should be advised to adhere to the good practice guidelines for open storage (**Appendix VI** of RNTPC paper). To address the approval 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 Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (k) note CBS/NTW, BD's comments that before any new building works (including containers/open sheds as temporary buildings and land filling) 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 (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO. If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BD, they are UBW under the BO and should not be designated for any applied 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. 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;

- (l) note DAFC's comments that the applicant is advised to adopt good site practice and necessary measures to prevent damaging trees adjoining the Site during operation; and
- (m) note DEMS' 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). Conditions pertaining to electricity supply safety and reliability should be strictly complied with by the applicant and his contractor. The applicant should refer to the requirement 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. There is a high pressure underground town gas pipeline running along San Tam Road in the vicinity of the Site. The project proponent/consultant/works contractor shall therefore liaise with the Hong Kong and China Gas Company Limited in respect of the exact locations of existing or planned gas pipes/ gas installations in the vicinity of the works sites and any required minimum set back distance away from them during the design and construction stages of the development. The project proponent/consultant/works contractor is required to observe the requirements of the Electrical and Mechanical Services Department's "Avoidance of Damage to Gas Pipes 2nd Edition" for reference. The webpage address is: [https://www.emsd.gov.hk/filemanager/en/content_286/CoP_gas_pipes_2nd_\(Eng\).pdf](https://www.emsd.gov.hk/filemanager/en/content_286/CoP_gas_pipes_2nd_(Eng).pdf).

