

**Relevant Extracts of Town Planning Board Guidelines on
Application for Open Storage and Port Back-up Uses
(TPB PG-No. 13G)**

1. On 14.4.2023, 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. 13G) 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 (irrespective of whether the application is submitted by the applicant of previous approval or a different applicant). Sympathetic consideration may be given if genuine efforts have been demonstrated in compliance with approval conditions of the previous planning applications and/or relevant technical assessments/proposals have been included in the fresh applications, if required, 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;
 - (d) Category 4 areas: Applications would normally be rejected except under exceptional circumstances. For applications on sites with previous planning approvals (irrespective of whether the application is submitted by the applicant of previous approval or a different applicant), and subject to no adverse departmental comments and local objections, sympathetic consideration may be given if genuine efforts have been demonstrated in compliance with approval conditions of the previous planning applications and/or relevant technical assessments/proposals have been included in the fresh applications, if required, 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. Planning permission for a maximum period of 3 years may be allowed for an applicant to identify suitable sites for relocation. Application for renewal of approval will be assessed on its individual merits; and
 - (e) Taking into account the demand for cross-boundary parking facilities, applications for such use at suitable sites in areas of close proximity to the boundary crossing points, such

as in the San Tin area, particularly near the existing cross-boundary link in Lok Ma Chau, may also be considered. Notwithstanding the criteria set out in paragraphs 2.1(c) and (d) above, application of such nature will be assessed on its own merits, including its nature and scale of the proposed use and the local circumstances, and subject to satisfactory demonstration that the proposed use would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas, and each case will be considered 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) port back-up sites and those types of open storage generating adverse noise, air pollution, 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;
 - (b) 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;
 - (c) adequate screening of the sites through landscaping and/or fencing should be considered where sites are located adjacent to public roads or are visible from surrounding residential areas;
 - (d) there is a general presumption against conversion of active or good quality agricultural land and fish ponds to other uses on an ad-hoc basis. For flood prone areas or sites which would obstruct natural drainage channels and overland flow, advice should be sought; and
 - (e) 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, notwithstanding other criteria set out in the Guidelines are complied with.

Previous s.16 Applications

Approved Applications

| Application No. | Uses/Developments | Date of Consideration |
|------------------------|---|-------------------------------------|
| A/NE-FTA/29 | Container Trailer Park | 5.11.1999 |
| A/NE-FTA/44 | Minor Amendment to Approved Scheme for Container Trailer Park | 22.5.2002 |
| A/NE-FTA/80 | Temporary Container Trailer Park for a Period of 3 Years | 5.1.2007 |
| A/NE-FTA/99 | Temporary Container Trailer Park for a Period of 3 Years | 9.4.2010 (Revoked on 9.1.2011) |
| A/NE-FTA/108 | Temporary Container Trailer Park for a Period of 3 Years | 4.11.2011 (Revoked on 4.2.2012) |
| A/NE-FTA/113 | Temporary Goods Distribution and Storage Use for a Period of 3 Years | 20.7.2012 |
| A/NE-FTA/154 | Temporary Goods Distribution and Storage Use for a Period of 3 Years | 9.10.2015 (Revoked on 9.1.2018) |
| A/NE-FTA/167 | Temporary Goods Distribution and Storage Use for a Period of 3 Years | 6.4.2018 (Revoked on 6.7.2018) |
| A/NE-FTA/194 | Proposed Temporary Cargo Handling and Forwarding Facility for a Period of 3 Years | 24.4.2020 (Revoked on 24.7.2022) |
| A/NE-FTA/227 | Temporary Cargo Handling and Forwarding Facility for a Period of 3 Years | 8.12.2023 (Revoked on 8.6.2024) |
| A/NE-FTA/249 | Temporary Cargo Handling and Forwarding Facility for a Period of 3 Years | 6.12.2024 (Revoked on 6.12.2025) |

Government Departments' General Comments

1. Land Administration

Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):

- no objection to the application;
- the application site (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. No right of access via Government land (GL) is granted to the Site;
- the Site is already being used for the applied uses under the application;
- the private lot and adjoining former Lot No. 182 RP in DD. 52 were covered by Short Term Wavier No. 1292 (the STW) for the purpose of “container trailer park and ancillary office and storage” but the STW was cancelled on 11.4.2024 due to the Remaining Phase Development of Kwu Tung North and Fanling North New Development Area; and
- his advisory comments are at **Appendix V**.

2. Traffic

Comments of the Commissioner for Transport (C for T):

- no comment on the application from traffic engineering perspective; and
- her advisory comments are at **Appendix V**.

Comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD):

- no comment on the application from highways maintenance perspective; and
- his advisory comments are at **Appendix V**.

3. Environment

Comments of the Director of Environmental Protection (DEP):

- no objection to the application from environmental planning perspective, as neither heavy vehicle nor dusty operation is involved;
- no environmental complaint concerning the application site (the Site) was received in the past three years; and
- his advisory comments are at **Appendix V**.

4. Drainage

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

- no objection to the application from public drainage viewpoint;
- should the application be approved, approval conditions should be included to request the applicants to submit and implement a drainage proposal for the Site to ensure that it will not cause adverse drainage impact to the adjacent area, and the implemented drainage facilities at the Site shall be maintained at all times during the planning approval period;
- the Site is in an area where no public sewerage connection is available. DEP should be consulted regarding the sewage treatment/disposal facilities for the applied use; and
- her advisory comments are at **Appendix V**.

5. Landscape

Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- no adverse comment on the application from landscape planning perspective;
- based on the aerial photo taken in 2025, the Site is located in an area of rural inland plain landscape character comprising temporary structures, warehouses, village houses, river, vegetated area and tree clusters. The applied use is considered not entirely incompatible with the surrounding environment;
- with reference to site photos taken on 30.1.2026, the majority of the Site is fenced-off and paved with some temporary structures. According to the application form, tree felling is not involved. It is considered that significant adverse landscape impact arising from the applied use is not anticipated; and
- her advisory comments are at **Appendix V**.

6. Fire Safety

Comments of the Director of Fire Services (D of FS):

- no objection in principle to the application subject to fire service installations and water supplies for firefighting being provided to his satisfaction; and
- his advisory comments are at **Appendix V**.

7. Water Supplies

Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- no objection to the application; and
- his advisory comments are at **Appendix V**.

8. **Building Matters**

Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- no objection to the application;
- as there is no record of approval granted by the Building Authority (BA) for the existing structure at the Site, he is not in a position to offer comments on its suitability for the proposed uses;
- it is noted that a structure is proposed at the Site. Before any new building works are to be carried out on site, prior approval and consent of the BA should be obtained, otherwise they are unauthorized building works under the Buildings Ordinance (BO). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO; and
- his advisory comments under the BO are at **Appendix V**.

9. **Other Departments**

The following government departments have no objection to/no comment on the application:

- Project Manager (North), Civil Engineering and Development Department (PM(N), CEDD);
and
- District Officer (North), Home Affairs Department (DO(N), HAD).

Recommended Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the applied use at the application site (the Site);
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (c) should the applicants 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 applications;
- (d) failure to reinstate the “Agriculture” portion of the application site (the Site) as required under the relevant approval condition upon expiry of the planning permission might constitute an unauthorized development under the Town Planning Ordinance and be subject to enforcement and prosecution actions;
- (e) to note the following comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD) that:
 - (i) 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. No right of access via Government land (GL) is granted to the Site;
 - (ii) the Site is already being used for the applied use under the application;
 - (iii) the private lot and adjoining former Lot No. 182 RP in DD. 52 were covered by Short Term Wavier No. 1292 (the STW) for the purpose of “container trailer park and ancillary office and storage” but the STW was cancelled on 11.4.2024 due to the Remaining Phase Development of Kwu Tung North and Fanling North New Development Area; and
 - (iv) the lot owners/applicants will need to apply to his office for a STW to permit the structures erected/to be erected within the said private lot. The application for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that it will be approved. The STW application, if approved, will be subject to such terms and conditions including the payment of back-date waiver fee and administrative fee as considered appropriate to be imposed by LandsD. Given the applied use is temporary in nature, only erection of temporary structure(s) will be considered;
- (f) to note the comments of the Commissioner for Transport (C for T) 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 Development. 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. Sufficient manoeuvring space within the Site shall be provided. No vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (g) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD) that HyD is not/shall not be responsible for the maintenance of any access connecting the Site and the nearest public road; and adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and

drains;

- (h) to note the comments of the Director of Environmental Protection (DEP) that the applicants should follow the requirements of the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department (EPD); and follow the requirements of ProPECC PN 1/2023 'Drainage Plans subject to Comment by EPD' with certification by Authorized Person (AP) or employ licensed waste collector to properly dispose of the sewage regularly or connection to public sewer, if available, to avoid causing nuisance and sewage impact to the surroundings;
- (i) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that approval of the application does not imply approval of tree works such as pruning, transplanting and felling. The applicants should seek approval for any proposed tree works from relevant government departments prior to commencement of the works;
- (j) to note the following comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN of DSD) that:
 - (i) the Site is in an area where no public sewerage connection is available; and
 - (ii) the applicants shall note the following general requirements in the drainage proposal:
 - surface channel with grating covers should be provided along the site boundary;
 - 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;
 - the cover levels of proposed channels should be flush with the existing adjoining ground level;
 - a catchpit with covers should be provided where there is a change of direction of the channel/drain. The details of the catchpit with covers shall be provided;
 - catchpits with sand trap shall be provided at the outlets of the proposed drainage system. The details of the catchpit with sand trap should be provided;
 - to 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. The applicants should also ensure that the flow from the Site will not overload the existing drainage system;
 - where walls are erected or kerbs are laid along the boundary of the Site, 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;
 - 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 applicants 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;

- the proposed drainage works, whether within or outside the site boundary, should be constructed and maintained properly by the applicants and rectify the system if it is found to be inadequate or ineffective during operation at his/her own expense;
- for works to be undertaken outside the lot boundary, the applicants should obtain prior consent and agreement from DLO/N, LandsD and/or relevant private lot owners;
- to make good all the adjacent affected areas upon the completion of the drainage works;
- to allow all time free access for the Government and its agent to conduct site inspection on his completed drainage works;
- the applicants and the successive lot owners shall allow connections from the adjacent lots to the completed drainage works on GL when so required; and
- photos should be submitted clearly showing the current conditions of the area around the Site, the existing drainage/flowpaths around the Site, the proposed drainage from the Site to the downstream existing watercourse and the existing watercourse at about 20m intervals. The locations of the camera and the direction of each photo should also be indicated on a plan;

(k) to note the comments of the Director of Fire Services (D of FS) that:

- (i) in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. The applicants should submit relevant layout plans incorporated with the proposed FSIs to his satisfaction. In addition, the applicants should note that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; the location of the proposed FSIs to be installed should be clearly marked on the layout plans; and
- (ii) if the proposed structures are 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;

(l) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that:

- (i) there is an existing 2,000mm diameter raw water mains within the Site (**Attachment 1**). The site boundary should be revised to exclude the existing 15m water works reserve for the 2,000mm diameter raw water mains to avoid causing difficulty to the maintenance and repair works. If this request cannot be entertained, the following conditions shall be imposed:
 - no structure shall be erected over this waterworks reserve and such area shall not be used for storage purposes except with the prior written consent of the Water Authority;
 - no tree planting shall be permitted within the waterworks reserve except with the prior written consent of the Water Authority;

- for the protection of the existing Government water mains, no blasting or pile driving works shall be carried out within the waterworks reserve except with the prior written consent of the Water Authority;
 - the applicants shall indemnify and keep indemnified the Government from and against all liability, damages, expenses, claims, costs, demands, charges, actions and proceedings of whatsoever nature the applicants, his servants, workmen and contractors in connection with any damage to the existing Government water mains;
 - the Water Authority and his officers and contractors, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains. All other services across, through or under the waterworks reserve are required to seek authorisation from the Water Authority; and
 - the Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the Site; and
- (m) to note the following comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
- (i) it is noted that a structure is proposed in the application. Before any new building works are to be carried out on site, prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are unauthorized building works (UBW) under the BO. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
 - (ii) the Site shall be provided with emergency vehicular access in accordance with Regulation 41D of the Building (Planning) Regulation (B(P)R);
 - (iii) the Site does not abut a specified street having a width not less than 4.5m and its permitted development intensity shall be determined by the BA under Regulation 19(3) of the B(P)R at building plan submission stage;
 - (iv) if any existing structure is erected on leased land without the approval of the BA, they are UBW under the BO and should not be designated for any proposed use under the application;
 - (v) for UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with the prevailing 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;
 - (vi) any temporary shelters or converted containers for office, storage, washroom or other uses are considered temporary buildings are subject to the control of Part VII of the B(P)R; and
 - (vii) detailed checking under the BO will be carried out at building plan submission stage.

Urgent Return receipt Expand Group Restricted Prevent Copy

tpbpd/PLAND

寄件者: [REDACTED]
寄件日期: 2026年02月18日星期三 3:20
收件者: tpbpd/PLAND
主旨: A/NE-FTA/272 D.D. 52, Fu Tei Au, Sheung Shui
類別: Internet Email

A/NE-FTA/272

Lot 183 RP (Part) in D.D. 52, Fu Tei Au, Sheung Shui

Site area: About 723sq.m

Zoning: "OU" annotated "Port Back-up Uses", "Agriculture" and area shown as 'Road'

Applied use: Cargo Handling and Forwarding Facility / 2 Vehicle Parking

Dear TPB Members,

227 approved 8 Dec 2023 and again revoked in June 2024. Footprint was reduced under 249 and yet again conditions not fulfilled.

If every condition has not been fully implemented and in view of the community concerns re the lax attitude displayed towards regulations revealed in the Wang Fuk disaster, there is no justification in any further approval.

Mary Mulvihill

From: [REDACTED]
To: tpbpd <tpbpd@pland.gov.hk>
Date: Friday, 23 June 2023 2:49 AM HKT
Subject: A/NE-FTA/227 DD 52 Fu Tei Au

Dear TPB Members,

221 withdrawn. Objections applicable and upheld.

Mary Mulvihill

Urgent Return receipt Expand Group Restricted Prevent Copy

From: [REDACTED]
To: tpbpd <tpbpd@pland.gov.hk>
Date: Monday, 13 February 2023 2:46 AM CST
Subject: A/NE-FTA/221 DD 52 Fu Tei Au

A/NE-FTA/221

Lots 182 RP (Part) and 183 RP (Part) in D.D. 52, Fu Tei Au, Sheung Shui

Site area: About 1,601.77sq.m

Zoning: "OU" annotated "Port Back-up Uses", "Agriculture" and area shown as 'Road'

Applied use: Cargo Handling and Forwarding Facility / 4 Vehicle Parking

Dear TPB Members

REVOKED ON 24.7.2022: A/NE-FTA/194

As the applicant had failed to comply with conditions (g), (h) & (i) satisfactorily by 24.7.2022, the planning permission for the subject application had already been revoked on the same date.

This site has a long history of failure to fulfill conditions.

Once again it appears that Rule of Law applies only to urban districts south of Lion Rock.

Another Hong Kong "Good Story"

Mary Mulvihill

致城市規劃委員會秘書：

專人送遞或郵遞：香港北角渣華道 333 號北角政府合署 15 樓

傳真：2877 0245 或 2522 8426

電郵：tpbpd@pland.gov.hk

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To : Secretary, Town Planning Board

By hand or post : 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong

By Fax : 2877 0245 or 2522 8426

By e-mail : tpbpd@pland.gov.hk

有關的規劃申請編號 The application no. to which the comment relates

A/NE-FTA/272

意見詳情 (如有需要，請另頁說明)

Details of the Comment (use separate sheet if necessary)

Handwritten signature: 侯志強

「提意見人」姓名/名稱 Name of person/company making this comment 侯志強議員

簽署 Signature [Handwritten Signature] 日期 Date 2026. 2. 4