

**Relevant extract of the Town Planning Board Guidelines for**  
**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 or if required, 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; and
  - (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.

2. In assessing applications for open storage and port back-up uses, the other major relevant assessment criteria are also summarised as follows:
- (a) port back-up sites and those types of open storage uses 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 provided 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 covering the Application Site**

**Approved Applications**

	<b><u>Application No.</u></b>	<b><u>Proposed Use(s)/ Development(s)</u></b>	<b><u>Zoning(s)</u></b>	<b><u>Date of Consideration (RNTPC)</u></b>
1	A/YL-LFS/406	Proposed Temporary Shop and Services (Shop for Selling Hardware Accessories) for a Period of 3 Years	REC	24.9.2021 (Revoked on 24.3.2022)
2	A/YL-LFS/479	Temporary Open Storage of Scrap Metal for a Period of 3 Years	REC	11.8.2023 (Revoked on 11.5.2025)

**Rejected Application**

	<b><u>Application No.</u></b>	<b><u>Proposed Use</u></b>	<b><u>Zoning</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Rejection Reasons</u></b>
1	A/YL-LFS/332	Proposed Temporary Warehouse for Storage of Scrap Metal for a Period of 3 Years	REC	1.2.2019	(1) to (3)

**Rejection Reasons**

1. No strong justification in the submission for a departure from the planning intention.
2. Insufficient information to demonstrate no adverse traffic impact on the surrounding area.
3. Setting undesirable precedent.

**Similar s.16 Applications within the same “Recreation” Zone  
on the Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan in the past 5 years**

**Approved Applications**

	<b><u>Application No.</u></b>	<b><u>Proposed Use(s)/ Development(s)</u></b>	<b><u>Zoning(s)</u></b>	<b><u>Date of Consideration (RNTPC)</u></b>
1	A/YL-LFS/399	Temporary Open Storage of Marble and Construction Materials with Ancillary Workshop, Vehicle/Cargo Compartments Assembly Workshop with Ancillary Vehicle Parking Spaces and 10 Loading and Unloading Spaces for Medium Goods Vehicle for a Period of 3 Years	REC	25.6.2021
2	A/YL-LFS/451	Temporary Open Storage of Construction Materials and Engineering Machineries for a Period of 3 Years	REC, R(E)	3.2.2023
3	A/YL-LFS/493	Proposed Temporary Open Storage of Hardware Accessories for a Period of 3 Years	REC	24.11.2023 (Revoked on 24.5.2025)
4	A/YL-LFS/504	Temporary Open Storage of Construction Materials for a Period of 3 Years	REC	16.2.2024
5	A/YL-LFS/505	Temporary Open Storage of Construction Materials and Machineries with Ancillary Workshop, and Vehicle/Cargo Compartments Assembly and Repair Workshop for a Period of 3 years	REC	1.3.2024
6	A/YL-LFS/514	Proposed Temporary Open Storage of Construction Materials for a Period of 3 Years	REC	19.4.2024
7	A/YL-LFS/515	Proposed Temporary Open Storage of Construction Materials for a Period of 3 Years	REC	19.4.2024
8	A/YL-LFS/516	Temporary Open Storage of Construction Materials for a Period of 3 Years	REC	10.5.2024
9	A/YL-LFS/555	Proposed Temporary Open Storage of Construction Materials and Construction Equipment for a Period of 3 Years	REC	1.8.2025
10	A/YL-LFS/560	Proposed Temporary Open Storage of Elevated Working Platform for a Period of 3 Years	REC	10.10.2025
11	A/YL-LFS/568	Proposed Temporary Open Storage of Building Materials for a Period of 3 Years	REC	19.9.2025

**Rejected Application**

	<b><u>Application No.</u></b>	<b><u>Proposed Use</u></b>	<b><u>Zoning</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Rejection Reasons</u></b>
1	A/YL-LFS/400	Proposed Temporary Open Storage (Dump Box) for a Period of 3 Years	REC	25.6.2021	(1) to (2)

**Rejection Reasons**

1. No strong justification in the submission for a departure from the planning intention.
2. Not in line with the then Town Planning Board Guidelines No. 13F for Application for Open Storage and Port Back-up Uses. Insufficient information to demonstrate that the proposed use would not generate adverse traffic and environmental impacts on the surrounding areas.

**Government Bureau/Departments' General Comments**

**1. Traffic**

- (i) Comments of the Commissioner for Transport (C for T):
  - (a) She has no adverse comment on the application from traffic engineering perspective.
  - (b) The applicant should note his advisory comments at **Appendix V**.
- (ii) Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):
  - (a) He has no objection to the application from highway maintenance perspective.
  - (b) The run-in/out from Deep Bay Road to the application site (the Site) should be constructed and maintained by the applicant. The run-in/out should be removed and the footpath should be reinstated to the satisfaction of HyD.
  - (c) The applicant should note his advisory comments at **Appendix V**.

**2. Environment**

Comments of the Director of Environmental Protection (DEP):

- (a) He has no objection to the application as the applied use would not generate traffic of heavy vehicles nor involve dusty operation. Also, it is observed that residential dwellings are present within 100m from the site boundary.
- (b) There are no substantiated environmental complaints pertaining to the Site in the past three years.
- (c) The applicant should note his advisory comments at **Appendix V**.

**3. Landscaping**

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

- (a) She has no adverse comment on the application from landscape planning perspective.
- (b) According to the aerial photo taken in 2025 and the site photos in 2026, the Site is situated in an area of rural coastal plains characterised by temporary structures to the southeast and tree clusters to the north and west of the Site. The Site is formed with temporary structures. As no distinctive landscape resources are observed within the Site and no tree felling is involved as stated in the Application Form, no significant adverse landscape impact arising from the applied use is anticipated.

#### 4. **Drainage**

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

- (a) He has no objection in principle to the application from the public drainage point of view.
- (b) For any change of existing ground level and associated works proposed by the applicant that could affect adjacent land and cause other impacts and/or other issues to public, the applicant should be required to submit technical assessment(s) in other aspect(s) and seek comment from relevant departments as necessary.
- (c) Should the Town Planning Board consider that the application is acceptable from planning point of view, approval condition(s) should be stipulated requiring the applicant to submit a revised drainage proposal, to implement and maintain the proposed drainage facilities to his satisfaction.
- (d) The applicant should note his detailed comments on the submitted drainage proposal at **Appendix V**.

#### 5. **Fire Safety**

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

- (a) He has no objection in principle to the proposal subject to fire service installations being provided to his satisfaction.
- (b) The applicant should note his detailed comments at **Appendix V**.

#### 6. **Project Interface**

Comments of the Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD):

- (a) The Site falls within the study area of Lau Fau Shan Development under the consultancy Agreement No. CE 5/2024 (CE) “Developments at Lau Fau Shan, Tsim Bei Tsui and Pak Nai Areas - Investigation”, which is the Investigation Study and jointly commissioned by the Planning Department and CEDD. The implementation and land resumption/clearance programme of the Lau Fau Shan Development is currently being reviewed under the Investigation Study and subject to change.
- (b) If the planning permission is granted, notwithstanding its validity period, the applicant should note his advisory comments detailed in **Appendix V**.

#### 7. **District Officer’s Comments**

Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

His office has not received any locals’ comment on the application.

**8. Other Bureau/Departments' Comments**

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

- (a) Chief Heritage Executive (Antiquities and Monuments), Antiquities and Monuments Office, Development Bureau (CHE/AMO, DEVB);
- (b) Director of Leisure and Cultural Services (DLCS);
- (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (d) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD);
- (e) Chief Engineer/Land Works, CEDD (CE/LW, CEDD);
- (f) Head of Geotechnical Engineering Office, CEDD (H(GEO), CEDD); and
- (g) Director of Agriculture, Fisheries and Conservation (DAFC).

**Recommended Advisory Clauses**

- (a) prior planning permission should have been obtained before commencing the applied use at the application site (the Site);
- (b) should the applicant fail to comply with any of the approval conditions again resulting in the revocation of planning permission, sympathetic consideration may not be given to any further applications;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that:
  - (i) the Site comprises government land (GL) and Old Schedule Agricultural Lots (OSALs) 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 permission is given for the occupation of the GL (about 171m<sup>2</sup> subject to verification) included in the Site. Any occupation of GL without Government's prior approval is an offence under Cap. 28; and
  - (ii) the lot owner(s) shall apply to his office for Short Term Waiver(s) (STW(s)) and Short Term Tenancy(s) (STT(s)) to permit the structure(s) erected or to be erected within the subject lots, if any and the occupation of the GL. The application(s) for STW(s) and STT(s) will be considered by the Government in its capacity as a landlord and there is no guarantee that it/they will be approved. The STW(s) and STT(s), if approved, will be subject to such terms and conditions including the payment of waiver fee, rent and administrative fee as considered appropriate by LandsD. Besides, given the applied use is temporary in nature, only erection of temporary structure(s) will be considered;
- (e) to note the comments of the Director of Environmental Protection (DEP) that the applicant is advised:
  - (i) that no workshop activities will be carried out at the Site at all times as proposed by the applicant during the planning approval period;
  - (ii) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites";
  - (iii) to follow the relevant guidelines and requirements in relevant Professional Persons Environmental Consultative Committee Practice Notes (ProPECCPNs). If septic tank and soakaway system will be used in case of unavailability of public sewer, its design and construction shall follow the requirements of ProPECC PN 1/23 "Drainage Plans subject to Comment by the Environmental Protection Department" including completion of percolation test and certification by Authorized Person;
  - (iv) to provide adequate supporting infrastructure/facilities for proper collection, treatment and disposal of waste/wastewater generated from the applied use; and
  - (v) to meet the statutory requirements under relevant environmental legislation;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department

(CE/MN, DSD) on the submitted drainage proposal that:

- (i) the cover and invert levels of the proposed u-channels and catchpits should be shown on the drainage plan;
  - (ii) please indicate clearly the full alignment of the discharge path from the Site all the way down to the ultimate discharge point (e.g. a well-established stream course/public drainage system);
  - (iii) the existing drainage facilities, to which the stormwater of the development from the Site would discharge, are not maintained by his office. The applicant should identify the owner of the existing drainage facilities to which the proposed connection will be made. Also, DSD noticed that the proposed drainage connection(s) to the surrounding/downstream area(s) will run through other private lot(s). The applicant shall demonstrate that the proposed drainage construction/improvement/modification works and the operation of the drainage can be practicably implemented;
  - (iv) please provide site photos to show latest condition and existence of the drainage facilities which receive the discharge from the Site. Please advise and justify the dimension of the existing drainage facility;
  - (v) please clarify whether any walls or hoarding would be erected along the site boundary. Where walls or hoarding are erected/laid along the site boundary, adequate opening should be provided to intercept the existing overland flow passing through the Site;
  - (vi) cross sections showing the existing and proposed ground levels of the Site with respect to the adjacent areas should be given. All existing and proposed drains should be shown in sections.
  - (vii) standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit;
  - (viii) sand trap or provision alike should be provided before the collected runoff is discharged to the public drainage facilities;
  - (ix) the development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.; and
  - (x) the applicant shall resolve any conflict/disagreement with relevant lot owner(s) and seek LandsD's permission for laying new drains/channels and/or modifying/upgrading existing ones in other private lots or on GL (where required) outside the Site;
- (g) to note the comments of the Commissioner for Transport (C for T) that:
- (i) sufficient manoeuvring spaces shall be provided within the Site or its adjacent area. No vehicles are allowed to queue back to public roads or reverse onto/from public roads; and
  - (ii) the local track leading to the Site is not under the Transport Department's purview. The applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the Site;
- (h) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that adequate drainage measures shall be provided to prevent surface water running from the Site to the nearby public roads and drains. The run-in/out from

Deep Bay Road to the Site should be constructed and maintained by the applicant. The run-in/out should be removed and the footpath should be reinstated to the satisfaction of HyD;

- (i) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. The applicant shall submit relevant layout plans incorporated with the proposed FSIs to the Fire Services Department for approval. 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. If the proposed structures are required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire safety requirements will be formulated upon receipt of the formal submission of general building plans;
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
  - (i) it is noted that one structure is proposed in the application. Before any new building works (including containers/open sheds as temporary buildings, demolition, land filling, etc.) 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) 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 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;
  - (iii) the Site does not abut on a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at building plan submission stage;
  - (iv) if the existing structures are erected on leased land without the approval of the BA, they are UBW under the BO and should not be designated for any applied/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 as temporary buildings and 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;
- (k) to note the comments of the Project Manager (West), CEDD that the Site falls within the study area of Lau Fau Shan Development under the consultancy Agreement No. CE 5/2024 (CE) "Developments at Lau Fau Shan, Tsim Bei Tsui and Pak Nai Areas - Investigation", which is the Investigation Study and jointly commissioned by the Planning Department and CEDD. The implementation and land resumption/clearance programme of the Lau Fau Shan Development is currently being reviewed under the Investigation Study and subject to change. The applicant should be reminded that the Site may be resumed at any time during the planning approval period for potential development project and advised not to carry out any substantial works therein; and

- (1) to note the comments of the Chief Heritage Executive (Antiquities and Monuments), Antiquities and Monuments Office, Development Bureau (CHE/AMO, DEVB) that Site is situated within the Lau Fau Shan Site of Archaeological Interest. The applicant is required to inform AMO (Mr. Tsang Chi-hung, Tel: 2208 4402 and Email: chtsang@amo.gov.hk and Miss Kelly Lau, Tel: 2208 4462 and Email: sylau@amo.gov.hk) immediately when any antiquities or supposed antiquities under the ordinance are discovered in the course of works pursuant to the Antiquities and Monuments Ordinance (Cap. 53).

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**tpbpd/PLAND**

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寄件者: [REDACTED]  
寄件日期: 2026年02月10日星期二 2:16  
收件者: tpbpd/PLAND  
主旨: A/YL-LFS/596 DD 129 Lau Fau Shan Recreation  
類別: Internet Email

Dear TPB Members,

479 approved 11 Aug 2023 and, as per data supplied by Applicant, was subsequently revoked. The operator appears to have been allowed more than the proscribed one and half years to implement conditions.

Excuses made on current application. But the lax attitude towards procrastination have been highlighted via the Wang Fuk fire disaster and can no longer be tolerated.

Any approval should be **FOR NO MORE THAN ONE YEAR** in order to ensure timely action.

Mary Mulvihill

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**From:** [REDACTED]  
**To:** tpbpd <tpbpd@pland.gov.hk>  
**Date:** Tuesday, 11 July 2023 2:03 AM HKT  
**Subject:** A/YL-LFS/479 DD 129 Lau Fau Shan Recreation

A/YL-LFS/479  
Lots 1973 (Part), 2028 RP (Part), 2029, 2030 (Part), 2031 (Part), 2032 RP (Part) and 2033 RP (Part) in D.D. 129 and Adjoining Government Land, Lau Fau Shan  
Site area : About 2,440m<sup>2</sup> Includes Government Land of about 132m<sup>2</sup>  
Zoning : "Recreation"  
Applied Use : Open Storage / 2 Vehicle Parking

Dear TPB Members,

Despite the fact that it was clear that the intention was Open Storage, members approved 406, and of course conditions were not fulfilled and applicant is back with the real deal.

Members rejected this use on Application 332. Approval would underline that the system is easily manipulated by filing an application for another use.

The integrity of the process is clearly undermined.

Mary Mulvihill

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**From:** [REDACTED]  
**To:** tpbpd <tpbpd@pland.gov.hk>  
**Date:** Tuesday, 24 August 2021 3:24 AM CST  
**Subject:** A/YL-LFS/406 DD 129 Lau Fau Shan Recreation

A/YL-LFS/406  
Lots 2030 (Part), 2031 (Part), 2032 RP (Part) & 2033 RP (Part) in D.D. 129 and Adjoining Government Land, Lau Fau Shan  
Site area : About 1200m<sup>2</sup> Includes Government Land of about 150m<sup>2</sup>  
Zoning : "Recreation"  
Applied Use : Hardware Shop / 4 Vehicle Parking

Dear TPB Members,

Hardware shop is a broad-brush description of metal storage.

The reasons for rejection of 332 appear to be relevant

No previous planning approval had been granted for the site and three similar applications for warehouse use in the vicinity were also rejected by the Committee. Although the Committee had approved a similar application (No. A/YL-LFS/320) for temporary warehouse for storage of documents, sympathetic consideration was given in view that the applied use only involved warehouse for storage of documents.

Members should question PlanD as to what operations are actually being carried out on the site.

Mary Mulvihill

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**From:** [REDACTED]  
**To:** "tpbpd" <tpbpd@pland.gov.hk>  
**Sent:** Friday, January 18, 2019 2:41:21 AM  
**Subject:** A/YL-LFS/332 DD 129 Lau Fau Shan

A/YL-LFS/332  
Lots 1973 (Part), 1974 (Part), 2028 RP (Part), 2029, 2030 (Part), 2031 (Part), 2032 RP (Part) & 2033 RP (Part) in D.D. 129 and Adjoining Government Land, Lau Fau Shan  
Site area : About 3,272m<sup>2</sup> Includes Government Land of about 360m<sup>2</sup>  
Zoning : "Recreation"  
Applied Use : Storage Scrap Metal / 1 Vehicle Parking

Dear TPB Members,

This site is part of extensive area zoned 'Recreation' that has been trashed.

A typical brownfield site offering services that should be located within a custom built industrial area complete with up to date technology, like WEEE Park in Tsuen Mun.

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Again members should question relevant govt departments like EPD as to when such amenities will be provided so that such sites can be devoted to their planned use.

Mary Mulvihill