

Relevant Extracts of 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)

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; 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 application, 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. 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 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 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;
 - (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; and
 - (f) having considered that the open storage and port back-up uses have a role to play in Hong Kong's economy and provide considerable employment opportunities, and the operators/uses affected by resumption and clearance operations of the Government to make way for developments may face difficulties in finding a replacement site, sympathetic consideration could be given to such type of applications, except those involving land in Category 4 area (only minor encroachment may be allowed), if the following criteria are met:
 - (i) policy support is given by the relevant bureau(x) to the application for relocation of the affected uses/operations to the concerned sites; and
 - (ii) no adverse departmental comments and local objections, or the concerns could be addressed by approval conditions.

Previous s.16 Applications covering the Application Site (the Site)

Approved Applications

No.	Application No.	Use(s)/Development(s)	Date of Consideration (Rural and New Town Planning Committee (RNTPC))
1.	A/DPA/YL-KTS/92	Open Storage of Iron Scaffolding	5.8.1994
2.	A/YL-KTS/97	Temporary Open Storage of Iron Scaffolding for a Period of 12 Months	5.9.1997
3.	A/YL-KTS/144	Temporary Open Storage of Iron Scaffolding for a Period of 12 Months	8.1.1999
4.	A/YL-KTS/222	Temporary Open Storage of Iron Scaffolding for a Period of 3 Years	11.8.2000 [revoked on 11.5.2001]
5.	A/YL-KTS/266	Temporary Open Storage of Iron Scaffolding for a Period of 3 Years	1.3.2002 [revoked on 1.9.2002]
6.	A/YL-KTS/290	Temporary Open Storage of Construction Materials & Accessories for a Period of 3 Years	7.3.2003
7.	A/YL-KTS/408	Proposed Temporary Open Storage of Construction Materials (Bamboos and Racks) and Accessories for a Period of 3 Years	30.11.2007
8.	A/YL-KTS/528	Temporary Open Storage of Used Motor Vehicles for Export, Used Electrical Appliances and Children's Toys for a Period of 3 Years	1.4.2011
9.	A/YL-KTS/637	Temporary Open Storage of Construction Materials with Ancillary Site Office and Staff Restrooms for a Period of 3 Years	4.4.2014
10.	A/YL-KTS/730	Renewal of Planning Approval for Temporary Open Storage of Construction Materials with Ancillary Site Office and Staff Restrooms for a Period of 3 Years	3.3.2017
11.	A/YL-KTS/844	Renewal of Planning Approval for Temporary Open Storage of Construction Materials with Ancillary Site Office and Staff Restrooms for a Period of 3 Years	26.5.2020
12.	A/YL-KTS/951	Renewal of Planning Approval for Temporary Open Storage of Construction Materials with Ancillary Site Office and Staff Restrooms for a Period of 3 Years	31.3.2023

**Similar s.16 Applications Within the “R(D)” Zone of the OZP
in the Past Five Years**

Approved Applications

No.	Application No.	Use(s)/Development(s)	Date of Consideration (RNTPC)
1.	A/YL-KTS/880	Temporary Open Storage of Vehicles and Vehicle Parts with Ancillary Office for a Period of 3 Years	16.4.2021
2.	A/YL-KTS/883	Renewal of Planning Approval for Temporary Open Storage of Vehicles and Vehicle Parts with Ancillary Office for a Period of 3 Years	30.4.2021
3.	A/YL-KTS/886	Proposed Temporary Open Storage and Warehouse (Construction Machinery and Construction Materials) for a Period of 3 Years	28.5.2021
4.	A/YL-KTS/907	Renewal of Planning Approval for Temporary Open Storage of Vehicles and Modification Workshop for Vans and Lorries for a Period of 3 Years	26.11.2021
5.	A/YL-KTS/1030	Renewal of Planning Approval for Temporary Open Storage of Vehicles and Modification Workshop for Vans and Lorries for a Period of 3 Years	22.11.2024

Government Departments' General Comments

1. Land Administration

Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- no adverse comment on the application;
- the application site (the Site) comprises Government land (GL) and Old Schedule Agricultural Lot 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 No. 1280 RP in D.D. 106 and GL are covered by Short Term Waiver No. 4126 and Short Term Tenancy No. 2848 for Temporary Open Storage of Construction Materials with Ancillary Site Office and Staff Restrooms; and
- advisory comments are at **Appendix V**.

2. Traffic

Comments of the Commissioner for Transport:

- no adverse comment from traffic engineering perspective; and
- advisory comments are at **Appendix V**.

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

- no in principle objection to the application from highways maintenance point of view; and
- advisory comments are at **Appendix V**.

3. Drainage

Comments of the Chief Engineer/Mainland North, Drainage Services Department:

- no objection in principle to the application from the public drainage point of view;
- should the application be approved, approval conditions requiring maintenance of the implemented drainage facilities under Application No. A/YL-KTS/951 and the submission of condition record of the existing drainage facilities should be included in the planning permission; and
- advisory comments are at **Appendix V**.

4. Fire Safety

Comments of the Director of Fire Services:

- no objection in principle to the application subject to the fire service installations (FSIs) being provided to his satisfaction;
- the submitted FSIs proposal is considered acceptable; and
- advisory comments are at **Appendix V**.

5. Landscape

Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department:

- no adverse comment on the application from landscape planning perspective;
- based on the aerial photo taken in October 2024, the Site is situated in an area of miscellaneous rural fringe landscape character comprising low-rise residential developments, temporary structures, Kam Tin River and scattered tree groups. The applied use is not entirely incompatible with the landscape setting in the proximity;
- according to the site photos, the Site is largely formed. Construction materials, temporary structures and some overgrown vegetation/trees are found on the Site. According to the applicant's submission, no tree felling will be involved;
- in view of the above, significant adverse landscape impact arising from applied use is not anticipated; and
- advisory comments are at **Appendix V**.

6. Building Matters

Comments of the Chief Building Surveyor/New Territories West, Buildings Department:

- no objection to the application;
- there is no record of approval granted by the Building Authority for the existing structures at the Site; and
- advisory comments are in **Appendix V**.

7. District Officer's Comments

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

- no comment on the application; and
- his office has not received comment on the application from locals upon close of consultation.

8. Other Departments

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

application and their advisory comments, if any, are in **Appendix V**:

- Director of Electrical and Mechanical Services;
- Project Manager (West), Civil Engineering and Development Department;
- Director of Agriculture, Fisheries and Conservation;
- Chief Engineer/Railway Development 1-1, Railway Development Office, HyD;
- Chief Engineer/Construction, Water Supplies Department; and
- Commissioner of Police.

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 applied use with the concerned owner(s) and/or occupant(s);
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that:
 - (i) the Short Term Waiver (STW) and Short Term Tenancy (STT) holder(s) will need to apply to his office for modification of the STW and STT conditions where appropriate. The application(s) for STW and STT will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The STW and STT, 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 proposed use is temporary in nature, only erection of temporary structure(s) will be considered; and
 - (ii) it is noticed that staff restroom was applied. According to the established practice, application for STW of structures for domestic/residential uses on private agricultural land will not be entertained. Hence, even if Town Planning Board approves the application, his office will not consider approving/regularizing any structure(s) erected/ to be erected on the lot for domestic/residential uses;
- (d) to note the comments of the Commissioner for Transport that:
 - (i) the 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;
 - (ii) sufficient manoeuvring space shall be provided within the Site; and
 - (iii) no vehicle is allowed to queue back to or reverse onto / from public road at any time during the planning approval period;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that:
 - (i) HyD shall not be responsible for the maintenance of the proposed access connecting the Site and Kam Sheung Road, including the local tracks; and
 - (ii) adequate drainage measures shall be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (f) to note the comments of the Director of Fire Services (D of FS) that the applicant shall submit a full set of F.S.251, incorporating all proposed fire service installations (FSIs) for

his further arrangement of FSI acceptance inspection;

- (g) to note the comments of the Director of Environmental Protection that:
 - (i) the applicant shall follow the revised 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites';
 - (ii) the applicant shall follow the relevant guidelines and requirements in relevant Professional Persons Environmental Consultative Committee Practice Notes (ProPECCPNs), in particular the ProPECCPN 1/23 'Drainage Plans subject to Comment by the Environmental Protection Department';
 - (iii) the applicant shall provide adequate supporting infrastructure/facilities for proper collection, treatment and disposal of waste/wastewater generated from the applied use; and
 - (iv) the applicant shall meet the statutory requirements under relevant environmental legislation;
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that:
 - (i) the applicant shall maintain all the drainage facilities on site in good condition and ensure that the applied use would neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc; and
 - (ii) the applicant shall rectify the drainage system at their own expense to the satisfaction of government parties concerned if they are found to be inadequate or ineffective during operation. 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 is required to submit technical assessment(s) in other aspect(s) and seek comment from relevant departments as necessary;
- (i) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that approval of the application does not imply approval of tree works, such as pruning, transplanting and felling. The applicant shall seek comments and approval for any proposed tree works from the relevant department prior to the commencement of the works;
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that:
 - (i) it is noted that four structures are applied in the application. before any new building works (including containers/open sheds as temporary buildings, demolition and 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 unauthorised building works (UBW) under the Building Ordinance (BO). An Authorised Person should be appointed as the co-ordinator for the applied 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 the building plan submission stage;
- (iv) if the 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 applied use under the application;
- (v) for UBW erected on leased land, enforcement action may be taken by the 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 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;
- (k) to note the comments of the Director of Electrical and Mechanical Services that in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organising and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines; and
- (l) to note the comments of the Commissioner of Police that the applied use shall not cause traffic congestion and flooding.