

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

	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Zoning(s)</u>	<u>Date of Consideration (RNTPC)</u>
1	A/YL-LFS/153	Proposed Temporary Open Storage of Construction Material for a Period of 3 Years	R(E)	2.2.2007
2	A/YL-LFS/196	Temporary Open Storage of Cable, Construction Machinery and Materials, Recyclable Materials (including Metal and Plastic) for a Period of 3 Years	R(E)	23.10.2009 (Revoked on 11.3.2011)
3	A/YL-LFS/446	Proposed Temporary Warehouse for Storage of Foods for a Period of 3 Years	R(E)	9.12.2022
4	A/YL-LFS/519	Proposed Temporary Logistics Centre for a Period of 3 Years	R(E)	7.6.2024 (Revoked on 7.12.2025)

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

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Zoning(s)</u>	<u>Date of Consideration (RNTPC)</u>
1	A/YL-LFS/397	Temporary Logistics Centre with Ancillary Canteen and Site Office for a Period of 3 Years	R(E)	23.7.2021
2	A/YL-LFS/426	Temporary Logistics Centre with Ancillary Office and Parking of Vehicle for a Period of 3 Years	R(E)	15.7.2022
3	A/YL-LFS/521	Renewal of Planning Approval for Temporary Logistics Centre with Ancillary Canteen and Site Office for a Period of 3 Years	R(E)	5.7.2024
4	A/YL-LFS/549	Proposed Temporary Logistics Centre with Ancillary Facilities for a Period of 3 Years	R(E)	28.3.2025
5	A/YL-LFS/563	Temporary Logistics Centre with Ancillary Office and Parking of Vehicles for a Period of 3 Years	R(E)	6.2.2026

Government Departments' General Comments

1. Land Administration

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

- (a) He has no adverse comment on the application.
- (b) The applicant should note his advisory comments at **Appendix V**.

2. 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 her 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 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 site photos in 2026, no distinctive landscape resources are observed within the application site (the Site).
- (c) In view of the above, 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 conditions should be stipulated requiring the applicant to submit a drainage proposal, to implement and maintain the proposed drainage facilities to his satisfaction.

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 Departments’ Comments**

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

- (a) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (b) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD);
- (c) Chief Engineer/Land Works, CEDD (CE/LW, CEDD);

- (d) Head of Geotechnical Engineering Office, CEDD (H(GEO), CEDD); and
- (e) 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) to resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that:
 - (i) the Site comprises Old Schedule Agricultural Lot(s) 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;
 - (ii) the following lots within the Site covered by Short Term Waiver(s) (STWs) are listed below:

Lot No. (in D.D. 129)	STW No.	Use
2179, 2180 & 2192	5551	Temporary Warehouse for Storage of Foods and any ancillary uses as may be approved by DLO/YL
2181 RP	5552	
2191	5553	

- (iii) the lot owner(s) shall apply to his office for STW(s) to permit the structure(s) erected or to be erected within the private lots and apply for modification of STW(s) where appropriate. The application(s) for STW(s) and modification of STW(s) will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The STW(s), if approved, will be subject to such terms and conditions including the payment of waiver fee 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;
- (d) to note the comments of the Director of Environmental Protection (DEP) that the applicant is advised:
 - (i) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”;
 - (ii) 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;
 - (iii) to provide adequate supporting infrastructure/facilities for proper collection, treatment and disposal of waste/wastewater generated from the applied use; and
 - (iv) to meet the statutory requirements under relevant environmental legislation;

- (e) 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;
- (f) 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 Lau Fau Shan Road to the Site should be constructed and maintained by the applicant. The run-in/out should be removed and the public road should be reinstated to the satisfaction of HyD;
- (g) 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;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
- (i) it is noted that five structures are 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 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 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; and
- (i) 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.

Urgent Return receipt Expand Group Restricted Prevent Copy

tpbpd/PLAND

寄件者: [REDACTED]
寄件日期: 2026年02月26日星期四 3:50
收件者: tpbpd/PLAND
主旨: A/YL-LFS/600 DD 129 Lau Fau Shan
類別: Internet Email

Dear TPB Members,

519 approved 7 June 2024 and once again conditions not fulfilled.

The planning statement mentions only parking and traffic issues. What about Drainage and Fire?

If the latter have not been fully implemented then further approval should be withheld.

Mary Mulvihill

From: [REDACTED]
To: tpbpd <tpbpd@pland.gov.hk>
Date: Friday, 10 May 2024 2:23 AM HKT
Subject: A/YL-LFS/519 DD 129 Lau Fau Shan

A/YL-LFS/519

Lots 2179, 2180, 2181 RP, 2191 and 2192 in D.D. 129, Lau Fau Shan

Site area: About 3,376sq.m

Zoning: "Res (Group E)"

Applied use: Logistics Centre / 3 Vehicle Parking

Dear TPB Members,

446 approved for a food processing operation 9 Dec 2022 but conditions not fulfilled.

Is this the same business? If so members should be concerned as storage and processing of food should be subject to high standards of hygiene and safety from any type of contamination.

Members must uphold their duty to make the good health and safety of the community their priority and ask questions.

Urgent Return receipt Expand Group Restricted Prevent Copy
Mary Mulvihill

From: [REDACTED]
To: tpbpd <tpbpd@pland.gov.hk>
Date: Thursday, 24 November 2022 3:09 AM HKT
Subject: A/YL-LFS/446 DD 129 Lau Fau Shan

Dear TPB Members,

437 withdrawn. Previous objections relevant and upheld.

Mary Mulvihill

From: [REDACTED]
To: tpbpd <tpbpd@pland.gov.hk>
Date: Thursday, 18 August 2022 2:38 AM CST
Subject: A/YL-LFS/437 DD 129 Lau Fau Shan

A/YL-LFS/437

Lots 2179, 2180, 2181 RP, 2191 and 2192 in D.D. 129, Lau Fau Shan

Site area: About 3,376sq.m

Zoning: "Res (Group E)"

Applied use: Storage of Food and Rural Workshop (Food Processing Workshop) / 4 Vehicle Parking

Dear TPB Members,

No previous history of approvals although there are existing operations on the site.

No details provided with regard to the hygiene conditions at the site.

Members should inquire into this matter as the food processing operation should be covered by some form of license to ensure that it is complying with standards applicable to preparation of food.

Mary Mulvihill