

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 Application covering the Application Site (the Site)

Approved Application

Application No.	Use/Development	Date of Consideration
A/YL-KTN/604	Proposed Flat, Shop and Services, Eating Place, School, Social Welfare Facilities and Public Transport Terminus or Station uses and Minor Relaxation of Plot Ratio and Building Height Restrictions	22.3.2019

Similar s.16 Applications within the Same “Comprehensive Development Area (1)” Zone on the OZP in the Vicinity of the Site in the Past Five Years

Approved Applications

	Application No.	Use/Development	Date of Consideration
1.	A/YL-KTN/1020	Temporary Open Storage of Construction Materials with Ancillary Office for a Period of Three Years	10.1.2025
2.	A/YL-KTN1085	Proposed Temporary Open Storage of Construction Materials with Ancillary Facilities for a Period of Three Years	11.4.2025 [revoked on 4.7.2025]
3.	A/YL-KTN/1125	Temporary Open Storage of Construction Materials with Ancillary Facilities for a Period of Three Years	1.8.2025
4.	A/YL-KTN/1130	Proposed Temporary Warehouse and Open Storage of Construction Machineries and Materials for a Period of Three Years	1.8.2025
5.	A/YL-KTN/1182	Proposed Temporary Open Storage of Construction Materials and Machineries for a Period of Three Years	19.12.2025

Government Departments' General Comments

1. Land Administration

Comments of the District Lands Officer/Yuen Long, Lands Department:

- no adverse comment on the application;
- the application site (the Site) comprises Government Land (GL) and Lot No. 1905 RP in D.D. 107 held under New Grant No. YL553 for agriculture purposes and no structures shall be erected on the lot;
- a minor portion of Lot No. 1905 RP in D.D. 107 is covered by Short Term Wavier No. 1132 for residential purposes;
- no permission is given for occupation of GL (about 104m² as mentioned in the applicant's submission) included in the Site. Any occupation of GL without Government's prior approval is an offence under the Land (Miscellaneous Provisions) Ordinance (Cap. 28); and
- advisory comments are at **Appendix V**.

2. Traffic

Comments of the Commissioner for Transport:

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

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

- 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 in-principle objection to the application from drainage point of view;
- should the application be approved, approval conditions should be stipulated requiring the submission of a revised drainage proposal and the implementation and maintenance of the proposed drainage facilities to his or the Town Planning Board's satisfaction; and
- advisory comments are at **Appendix V**.

4. **Fire Safety**

Comments of the Director of Fire Services:

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

5. **Nature Conservation**

Comments of the Director of Agriculture, Fisheries and Conservation:

- noting that the Site falls within the “Comprehensive Development Area (1)” zone and no tree felling would be involved in the applied use, he has no comment on the application from nature conservation perspective.

6. **Landscape Aspect**

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, the Site is situated in an area of miscellaneous rural fringe landscape character comprising residential developments, village houses, open storage/temporary structures, pond and scattered tree groups. The applied use is not incompatible with the landscape setting in the proximity;
- with reference to the site photos, the Site is largely paved. Temporary structures, construction materials, and some overgrown vegetation/trees along the eastern boundary are observed on it. According to the applicant’s submission, no tree felling will be involved;
- in view of the above, significant adverse landscape impact arising from the applied use is not anticipated; and
- advisory comments are at **Appendix V**.

7. **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 the Building Authority for the existing structures at the Site; and
- advisory comments are at **Appendix V**.

8. District Officer's Comments

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

- his office has not received any local's comment on the application and he has no comment on the application.

9. Other Departments

The following government departments have no objection to/no comment on the application and their advisory comments, if any, are at **Appendix V**:

- Project Manager (West), Civil Engineering and Development Department;
- Chief Engineer/Construction, Water Supplies Department; and
- Director of Electrical and Mechanical Services.

Recommended Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the applied use at the application site (the Site);
- (b) the permission is given to the use and/or structures under application. It does not condone any other use(s) and/or structure(s) which currently occur on the Site but not covered by the application. Immediate action should be taken to discontinue such use(s) and/or remove such structure(s) not covered by the permission;
- (c) to resolve any land issues relating to the applied use with the concerned owner(s) and/or occupant(s);
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the Short Term Waiver (STW) holder(s) will need to apply to his office for modification of the STW conditions where appropriate and the lot owner(s) shall apply to his office for a Short Term Tenancy (STT) to permit the occupation of the Government Land (GL). 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 applied use is temporary in nature, only erection of temporary structure(s) will be considered;
- (e) 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 the Transport Department. The land status of the local access road should be checked with 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;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that:
 - (i) the Site involves GL, which is not under HyD's maintenance purview;
 - (ii) Shui Mei Road is not maintained by HyD. HyD shall not be responsible for the maintenance of the proposed access connecting the Site, i.e. Shui Mei Road and the local access road, if any; and
 - (iii) adequate drainage measures shall be provided to prevent surface water running from the Site to the nearby public roads and drains;

- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that:
- (i) the current drainage proposal still requires refinement to meet the necessary requirements;
 - (ii) to encourage a higher quality submission and avoid rounds of comments, thereby shortening the processing time, the applicant shall complete the checklist previously provided as part of preparing the revised drainage proposal and include it in the re-submission. Otherwise, a longer processing time may be required; and
 - (iii) the applicant shall be liable for any adverse drainage impact due to the applied use;
- (h) 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;
- (i) to note the comments of the Director of Fire Services that:
- (i) the applicant shall submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of 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 services requirements will be formulated upon receipt of formal submission of general building plans;
- (j) 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. Application for any tree works shall be submitted to relevant departments for approval; and
- (k) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that:
- (i) it is noted that five 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 unauthorized building works (UBW) under BO. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with 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 B(P)R at building plan submission stage;
- (iv) if the existing structures are erected on leased land without the approval of BA, they are UBW under BO and should not be designated for any applied use under the captioned 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 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 B(P)R; and
- (vii) detailed checking under 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03月24日星期二 4:18
收件者: tpbpd/PLAND
主旨: A/YL-KTN/1214 DD 107 Kam Tin
類別: Internet Email

A/YL-KTN/1214

Lot 1905 RP (Part) in D.D. 107, and Adjoining Government Land, Sha Po, Kam Tin

Site area: About 4,069m² Includes Government Land of about 104m²

Zoning: "CDA"

Applied Use: Warehouse / Open Storage / 7 Vehicle Parking

Dear TPB Members,

Another part of the large site approved under 604 in 2019 for a large SHK development and granted an extension of time 3 Nov 2022.

The amended permission is subject to the following conditions and shall be valid **until 22.3.2027**.

This is yet another example of this developer's URGENT NEED FOR HOUSING mantra with subsequent procrastination in delivery as it works out how to increase the number of units while reducing their size.

Hopefully members will question what impact approving brownfield use for the lots involved will have on the planned residential development.

Operators do not spend money building warehouses if they do not envisage a tenure of many years.

Mary Mulvihill