

**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/994	Proposed Temporary Open Storage of Construction Materials for a Period of Three Years and Associated Filling of Land	7.6.2024 [revoked on 7.3.2026]

Similar s.16 Applications within the Same “Agriculture” 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/962	Proposed Temporary Open Storage of Construction Machinery and Materials for a Period of Three Years and Filling of Land	8.12.2023 [revoked on 22.3.2024]
2.	A/YL-KTN/1018	Temporary Open Storage of Construction Machineries and Materials for a Period of Three Years and Associated Filling of Land	28.2.2025
3.	A/YL-KTN/1019	Proposed Temporary Open Storage of Construction Machineries and Materials with Ancillary Facilities for a Period of Three Years and Filling of Land	19.7.2024 [revoked on 19.1.2026]
4.	A/YL-KTN/1040	Temporary Open Storage for Construction Materials and Warehouse for a Period of Three Years and Associated Filling of Land	20.9.2024 [revoked on 20.3.2026]
5.	A/YL-KTN/1050	Temporary Open Storage and Warehouse for Construction Materials and Machineries or a Period of Three Years and Associated Filling of Land	24.1.2025
6.	A/YL-KTN/1054	Proposed Temporary Warehouse and Open Storage of Construction Materials and Machineries for a Period of Three Years and Associated Filling of Land	22.11.2024
7.	A/YL-KTN/1101	Temporary Open Storage of Construction Materials and Associated Filling of Land for a Period of Three Years	2.5.2025
8.	A/YL-KTN/1115	Proposed Temporary Open Storage and Associated Filling of Land for a Period of Three Years	18.7.2025

	Application No.	Use/Development	Date of Consideration
9.	A/YL-KTN/1119	Proposed Temporary Open Storage and Associated Filling of Land for a Period of Three Years	5.9.2025
10.	A/YL-KTN/1135	Proposed Temporary Open Storage of Construction Materials and Machineries and Associated Filling of Land for a Period of Three Years	6.2.2026
11.	A/YL-KTN/1138	Temporary Open Storage with Ancillary Facilities and Associated Filling of Land for a Period of Three Years	15.8.2025
12.	A/YL-KTN/1153	Proposed Temporary Open Storage of Construction Materials and Machineries and Associated Filling of Land for a Period of Three Years	19.9.2025
13.	A/YL-KTN/1165	Proposed Temporary Open Storage with Ancillary Facilities and Associated Filling of Land for a Period of Three Years	5.12.2025
14.	A/YL-KTN/1183	Temporary Open Storage and Warehouse of Construction Materials and Machineries and Container Storage Yard and Associated Filling of Land for a Period of Three Years	19.12.2025
15.	A/YL-KTN/1186	Proposed Temporary Open Storage with Ancillary Facilities and Associated Filling of Land for a Period of Three Years	9.1.2026

Government Departments' General Comments

1. Land Administration

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

- no adverse comment on the application; and
- 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.

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;
- the drainage proposal submitted by the applicant is considered acceptable;
- should the application be approved, approval conditions should be stipulated requiring 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;
- the approval condition on the compliance with fire safety requirements should be

incorporated; and

- advisory comments are at **Appendix V**.

5. **Landscape Aspect**

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

- no adverse comment on the application from landscape planning perspective; and
- with reference to the aerial photo, the Site is largely formed. Temporary structures, containers and construction vehicles are found on the Site. No distinctive landscape resources or mature trees are observed within the Site.

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 at **Appendix V**.

7. **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.

8. **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 structure 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) failure to reinstate 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;
- (d) to resolve any land issues relating to the applied use with the concerned owner(s) and/or occupant(s);
- (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 the Lands Department (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) 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
 - (ii) 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 detailed comments on the implementation of the proposed drainage facilities previously provided to the applicant shall be taken into account in the revised submission; and
 - (ii) 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) no operation between 6:00 p.m. and 9:00 a.m. from Mondays to Saturdays, on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
 - (ii) no dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities, as proposed by the applicant, shall be carried out on the Site at any time during the planning approval period;
 - (iii) the applicant shall follow the revised 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites';
 - (iv) 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';
 - (v) the applicant shall provide adequate supporting infrastructure/facilities for proper collection, treatment and disposal of waste/wastewater generated from the applied use; and
 - (vi) the applicant shall meet the statutory requirements under relevant environmental legislation;
- (i) to note the comments of the Director of Fire Services that:
- (i) in consideration of the design/nature of the application, the applicant shall submit a Declaration Form for the Compliance of Fire Safety Requirements together with relevant FS 251 certificate for approval;
 - (ii) if the applied use will involve erection of enclosed structure(s), the aforesaid Declaration Form will no longer be applicable while the applicant is required to submit relevant layout plans incorporated with proposed fire service installations to his department for approval;
 - (iii) the submission of a completed Declaration Form alongside valid FS 251 certificate will be considered equivalent to compliance with the relevant approval condition; and
 - (iv) if any structure is 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; and
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that:
- (i) it is noted that associated filling of land is 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05月01日星期五 23:22
收件者: tpbpd/PLAND
主旨: A/YL-KTN/1224 DD 107 Fung Kat Heung near CA
類別: Internet Email

Dear TPB Members,

994 was streamlined and approved 7 July 2024, no questions asked despite the proximity of the site to "CA". Revoked 7 Mar this year for failure to fulfill Drainage conditions.

But the operator knows how the system works, a drainage proposal and good to go for at least another two years.

So much for the pledges that the territory is prepared for the impact of climate change and incremental increases in rainfall.

Mary Mulvihill

From: [REDACTED]
To: tpbpd <tpbpd@pland.gov.hk>
Date: Wednesday, 6 March 2024 3:08 AM HKT
Subject: A/YL-KTN/994 DD 107 Fung Kat Heung near CA

A/YL-KTN/994

Lots 1290 RP (Part) and 1291 (Part) in D.D. 107, Fung Kat Heung, Kam Tin

Site area: About 3,796sq.m

Zoning: "Agriculture"

Applied development: Open Storage of Construction Materials / 1 Vehicle Parking / **Filling of Land**

Dear TPB Members,

973 withdrawn. So now to Plan B, divide and rule. Apply for a smaller footprint.

Previous objections applicable and upheld.

Mary Mulvihill

From: [REDACTED]
To: tpbpd <tpbpd@pland.gov.hk>
Date: Monday, 1 January 2024 2:35 AM HKT
Subject: A/YL-KTN/973 DD 107 Fung Kat Heung near CA

A/YL-KTN/973

Lots 1290 RP (Part) and 1291 (Part) in D.D. 107, Fung Kat Heung, Kam Tin

Site area: About 10,764sq.m

Zoning: "Agriculture"

Applied development: Warehouse / Open Storage of Construction Materials / 6 Vehicle Parking /
Filling of Land and Pond

Dear TPB Members,

Strong Objections. While there is no history of approvals, part of the site has been used for brownfield operations. According to Google Maps a considerable part of the site is still covered in trees and vegetation. The proposed operations are neither Col 1 or Col 2 permitted uses.

There is no mention of how many trees to be felled. This is an issue of concern as the lots are adjacent to 'CA' zoning so elimination of trees and filling in the land would impact the local ecosystem and the natural drainage function of the land. This is borne out by the statement that "All the proposed works will be carried out at least 3 m away from the top bank of the **existing natural stream that is located at the west of the Site**". The stream does not function in isolation. The filling of the pond would further impact.

According to the applicant "approval of the current application on a temporary basis of 3 years would better utilize deserted agricultural land and **would not jeopardize the long-term planning intention of the "AGR" zone.**"

But then goes on to say that the **Site is proposed to be filled wholly with concrete of not more than 1 m (about) in depth** for site formation of structures and circulation area. Furthermore, an existing dried pond within the Site is also proposed to be filled to the surrounding site levels. A primary school kid would know that this would effectively make the land unfit for farming activity.

Members should question what unapproved operations are being carried out and how much of the site has already been trashed. Has an enforcement action been taken?

A/YL-KTN/907 approval quoted by the applicant is totally irrelevant as it is a small site quite a distance away and in a part of Fung Kat Heung that is awash with brownfield.

Urgent Return receipt Expand Group Restricted Prevent Copy

There is no justification in approving further encroachment of brownfield into the buffer zone of Lam Tsuen Park.

Mary Mulvihill