

**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.

**Relevant Extracts of Town Planning Board Guidelines on
Designation of “OU(RU)” Zone and Application for Development within “OU(RU)”
Zone under Section 16 of the Town Planning Ordinance
(TPB PG-No. 38)**

The relevant assessment criteria are summarised as follows:

Application for development within “OU(RU)” zone would need to demonstrate that the proposed development is in line with the planning intention of the zone and will not adversely affect the rural environment, the conservation of the rural landscape and the maintenance of the rural character of the area and its surroundings and will not overstrain the capacity of existing and planned infrastructure such as transport, drainage, sewerage and water supply in the area. Each development proposal will be assessed on its individual merits, with particular reference to its sustainability in ecological, environmental and infrastructural terms.

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/YL-KTS/136*	Open storage of vehicles/spare parts and construction machinery	25.9.1998 approved for 2 years
2.	A/YL-KTS/204*	Temporary open storage of vehicles/spare parts, construction machinery and bamboo	3.3.2000 approved for 3 years [revoked on 3.12.2000]
3.	A/YL-KTS/220*	Temporary open storage of vehicle/spare parts, construction machinery and bamboo and container trailer park for 3 years	28.7.2000
4.	A/YL-KTS/298*	Temporary open storage of container trailers for sale, vehicle/spare parts and construction materials for 3 years	15.8.2003 approved for 18 months
5.	A/YL-KTS/333*	Temporary open storage of container trailers for sale, vehicles/spare parts and construction materials for 18 months	28.1.2005 approved for 1 year
6.	A/YL-KTS/371*	Temporary open storage of container trailers for sale, vehicles/spare parts and construction parts and construction materials for a period of 2 years	16.6.2006
7.	A/YL-KTS/427	Renewal of planning approval for temporary “open storage of container trailers for sale, vehicles/spare parts and construction materials” use under Application No. A/YL-KTS/371 for a period of 2 years	6.6.2008
8.	A/YL-KTS/503	Temporary open storage of container trailers for sale, vehicles/spare parts and construction materials for a period of 2 years	24.9.2010 [revoked on 31.7.2012]
9.	A/YL-KTS/586	Temporary open storage of container trailers for sale, vehicles/spare parts and construction materials and workshop for a period of 3 years	21.10.2012 approved for 1 year [revoked on 21.7.2013]
10.	A/YL-KTS/653	Temporary open storage of construction machinery, construction material, vehicle and vehicle parts for a period of 3 years	12.12.2014
11.	A/YL-KTS/757	Renewal of planning approval for temporary open storage of construction machinery, construction machinery, construction material, vehicle and vehicle parts for a period of 3 years	24.11.2017
12.	A/YL-KTS/865	Temporary Open Storage of Construction Machinery, Construction Material, Vehicle and Vehicle Parts for a Period of 3 Years	26.3.2021

**These applications were approved under the then “Undetermined” zone on the Kam Tin South OZP. The application sites were rezoned to “Other Specified Uses” annotated “Rural Use” in the draft Kam Tin South OZP No. S/YL-KTS/10 gazetted on 22.9.2006.*

**Similar s.16 Applications Within the Same “OU(RU)” 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/924	Renewal of Planning Approval for Temporary Open Storage of Vehicles, Metal, Plastic Pipes, Machinery, Vehicle Parts and Construction Materials for a Period of 3 Years	24.6.2022
2.	A/YL-KTS/933	Temporary Open Storage of Electricity Generators, Compressors and Construction Machinery for a Period of 3 Years	14.10.2022
3.	A/YL-KTS/958	Renewal of Planning Approval for Temporary “Open Storage of Forklifts” for a Period of 3 Years	5.5.2023
4.	A/YL-KTS/1072	Renewal of Planning Approval for Temporary Open Storage of Vehicles, Metal, Plastic Pipes, Machinery, Vehicle Parts and Construction Materials for a Period of 3 Years	20.6.2025
5.	A/YL-KTS/1082	Renewal of Planning Approval for Temporary Open Storage of Electricity Generators, Compressors and Construction Machinery for a Period of 3 Years	15.8.2025
6.	A/YL-KTS/1119	Temporary Open Storage of Construction Machinery, Construction Material, Vehicle and Vehicle Parts with Ancillary Office for a Period of 3 Years	17.4.2026
7.	A/YL-KTS/1123	Renewal of Planning Approval for Temporary Open Storage of Forklifts for a Period of 3 Years	22.5.2026

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 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;
- no permission is given for occupation of GL (about 191m² as mentioned in the applicant's submission) included in the Site. Any occupation of GL without Government's prior approval is an offence under Cap. 28;
- the subject lots are covered by Short Term Waiver No. 4162 for the purpose of "Temporary Open Storage of Construction Machinery, Vehicles and Vehicle Parts"; 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;
- the Site involves GL which is not under HyD's maintenance purview; 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/865 and the submission of a condition record of the existing drainage facilities on Site 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 existing fire service installations and water supplies for firefighting being provided to his satisfaction; and
- advisory comments are at **Appendix V**.

5. **Environment**

Comments of the Director of Environmental Protection, Environmental Protection Department:

- no objection in principle to the application from environmental planning perspective;
- there was no environmental complaint concerning the Site received in the past three years; and
- advisory comments are in **Appendix V**.

6. **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 January 2025, the Site was situated in an area of miscellaneous rural fringe landscape character comprising temporary structures, open storage sites and scattered tree groups. The applied use is not entirely incompatible with the landscape setting in the proximity;
- with reference to the site photos, the Site was largely formed and some vehicles were parked on it. Existing trees were found along the site periphery. According to the applicant's submission, the 31 existing trees along the site periphery will be preserved and 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**.

7. **Building Matters**

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

- no objection to the application; and
- advisory comments are in **Appendix V**.

8. 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.

9. 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) the permission is given to the uses and/or structures under the application. It does not condone any other uses and/or structures which currently occur on the Site but not covered by the application. Immediate action should be taken to discontinue such uses and remove such structures 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) holders shall apply to his office for a 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 Government land in D.D. 106. 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 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;
- (f) 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, 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 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;

- (h) 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;
- (i) 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;
- (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 should be submitted to relevant departments for approval;
- (k) to note the comments of Director of Agriculture, Fisheries and Conservation that the applicant should adopt appropriate measures to avoid causing pollution or disturbance the adjacent watercourse;
- (l) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that:
 - (i) it is noted that eight structures are proposed 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 should be obtained, otherwise they are unauthorised building works (UBW) under the BO. An Authorised 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 the building plan submission stage;
 - (iv) 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;
 - (v) 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
 - (vi) detailed checking under the BO will be carried out at building plan submission stage; and
- (m) to note the comments of the Commissioner of Police that the applied use shall not cause traffic congestion and flooding.