

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

	Application No.	Use/Development	Date of Consideration
1.	A/YL-KTN/745	Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of Five Years and Filling of Land	5.2.2021 [revoked on 5.2.2022]
2.	A/YL-KTN/771	Proposed Temporary Animal Boarding Establishment for a Period of Five Years and Filling of Land	9.7.2021 [revoked on 9.6.2024]
3.	A/YL-KTN/993	Proposed Temporary Warehouse (Excluding Dangerous Goods Godown) with Ancillary Facilities for a Period of Three Years and Associated Filling of Land	5.4.2024 [revoked on 5.1.2026]

Similar s.16 Applications within the same “Agriculture” Zone on the OZP in the Vicinity of the Application 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/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]
3.	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
4.	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]
5.	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]
6.	A/YL-KTN/1050	Temporary Open Storage and Warehouse for Construction Materials and Machineries for a Period of Three Years and Associated Filling of Land	24.1.2025
7.	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 [revoked on 22.5.2026]
8.	A/YL-KTN/1101	Temporary Open Storage of Construction Materials and Associated Filling of Land for a Period of Three Years	2.5.2025
9.	A/YL-KTN/1115	Proposed Temporary Open Storage and Associated Filling of Land for a Period of Three Years	18.7.2025
10.	A/YL-KTN/1119	Proposed Temporary Open Storage and Associated Filling of Land for a Period of Three Years	5.9.2025
11.	A/YL-KTN/1135	Proposed Temporary Open Storage of Construction Materials and	6.2.2026

	Application No.	Use/Development	Date of Consideration
		Machineries and Associated Filling of Land for a Period of Three Years	
12.	A/YL-KTN/1138	Temporary Open Storage with Ancillary Facilities and Associated Filling of Land for a Period of Three Years	15.8.2025
13.	A/YL-KTN/1145	Proposed Temporary Open Storage of Construction Materials and Machineries and Associated Filling of Land and Pond for a Period of Three Years	5.12.2025
14.	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
15.	A/YL-KTN/1165	Temporary Open Storage with Ancillary Facilities and Associated Filling of Land for a Period of Three Years	5.12.2025
16.	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
17.	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
18.	A/YL-KTN/1224	Temporary Open Storage of Construction Materials, Machineries and Vehicles and Associated Filling of Land for a Period of Three Years	22.5.2026
19.	A/YL-KTN/1231	Temporary Warehouse (Excluding Dangerous Goods Godown) and Open Storage of Construction Materials with Ancillary Facilities and Associated Filling of Land for a Period of Three Years	5.6.2026

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;
- based on the applicant's submission, the existing drainage facilities which were implemented under the previous application will be maintained for the subject development;
- should the application be approved, approval conditions should be stipulated requiring the submission of revised record of the existing drainage facilities and maintenance of the existing drainage facilities to his or the Town Planning Board's satisfaction; and
- advisory comments are at **Appendix V**.

4. **Environment**

Comments of the Director of Environmental Protection:

- no objection to the application from environmental planning perspective;
- based on the applicant's submission, the applied use would not cause traffic of heavy vehicle and dusty operation;
- there was no environmental complaint received against the Site in the past three years; and
- advisory comments are at **Appendix V**.

5. **Fire Safety**

Comments of the Director of Fire Services:

- no in-principle objection to the application subject to the compliance with fire safety requirements to his satisfaction; and
- advisory comments are at **Appendix V**.

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 rural inland plain landscape character comprising temporary structures, farmland, pond, vacant land 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 formed. A few overgrown vegetation adjoining the southwestern boundary are observed. 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; and
- advisory comments are at **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 any local's 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 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 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. 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) Mei Fung Road is not maintained by HyD. HyD shall not be responsible for the maintenance of the proposed access connecting the Site, i.e. Mei Fung Road and the local access road; 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 Chief Engineer/Mainland North, Drainage Services Department that:
 - (i) the required condition record shall include colored photos showing the current condition of the drainage facilities and a layout plan indicating the locations of the photos taken; and
 - (ii) the submitted photos shall cover drainage facilities including but not limited to, surface channels, catchpits, sand traps and discharge path as indicated on the drainage plan approved under planning application No. A/YL-KTN/771;
- (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 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 the proposed 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;
- (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. Application for any tree works shall be submitted to relevant departments for approval; 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) 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;
- (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 B(P)R; and
- (vi) 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30日星期一 3:57
收件者: tpbpd/PLAND
主旨: A/YL-KTN/1216 dd 107 Fung Kat Heung
類別: Internet Email

A/YL-KTN/1216

Lots 1226 S.C, 1227 S.B, 1227 S.C and 1230 S.A in D.D. 107, Fung Kat Heung, Kam
Tin

Site area: About 1,270sq.m

Zoning: "Agriculture"

Applied use: Open Storage / 2 Vehicle Parking / **Filling of Land**

Dear TPB Members,

With a history like this and in view of the Tai Po disaster and the now frequent fires at brownfield sites, how can you in all conscience approve this application.

The evolution of this site is a sad tale of a downward spiral in quality as the operator is well aware that now when the prospect of revocation is imminent, all that is required is the filing of a fresh application.

This is a shocking indictment of how commercial interests have completely obliterated measures that were intended to serve the interests and security of the community.

Mary Mulvihill

A/YL-KTN/993

Lots 1226 S.C, 1227 S.B, 1227 S.C and 1230 S.A in D.D. 107, Fung Kat Heung, Kam Tin

Site area: About 1,270sq.m

Zoning: "Agriculture"

Applied use: Warehouse / 3 Vehicle Parking / **Filling of Land**

Urgent Return receipt Expand Group Restricted Prevent Copy

Approved 5 Apr 2024. Revoked 5 Jan 2026 for failure to **fulfil Fire conditions**

A/YL-KTN/771

Lots 1226 S.C, 1227 S.B, 1227 S.C and 1230 S.A in D.D. 107, Fung Kat Heung, Kam Tin

Site area: About 1,270sq.m

Zoning: "Agriculture"

Applied use: Animal Boarding Establishment / 4 Vehicle Parking / **5 Years / Filling of Land**

Approved 9 July 2021. Revoked 9 June 2024 for **failure to fulfill Fire and Drainage conditions.**

Fake Hobby Farm approved 5 Feb 2021 despite "The Site is currently subject to an on-going planning enforcement action (No.E/YL-KTN/539) (Plan A-2) against an unauthorised development (UD) involving filling of land. Enforcement Notice was issued on 9.4.2020 requiring discontinuation of the UD.

Reinstatement Notice was issued on 21.4.2020 requiring removal of leftovers, debris and filled materials and to grass the land.

Revoked 5 Feb 2022 for **failure to fulfill any condition.**

From: [REDACTED]

To: "tpbpd" <tpbpd@pland.gov.hk>

Sent: Friday, January 8, 2021 4:13:58 AM

Subject: A/YL-KTN/745 DD 107 Kam Tin near Armed Forces

A/YL-KTN/745

Various Lots in D.D. 107, Kam Tin

Site area : About 3,221sq.m

Zoning : "Agriculture"

Applied use : Hobby Farm / **5 Years / Land Filling** / 9 Vehicle Parking

Urgent Return receipt Expand Group Restricted Prevent Copy

Dear TPB Members,

Another Hobby Farm, they are already dozens in the district.

Filling of land 740sq.m, is this Destroy to Build to turn the land into Open Storage in line with the adjacent lots to the right?

President Xi, who has a lot more access to data than lesser mortals, clearly believes that there will be shortfalls in food production in China in coming years. Apart from environmental degradation climate change is having an impact re flooding, crop failures, etc. This winter is the coldest for 50 years in some regions in the north and this will certainly destroy or delay production..

But here in Hong Kong we live in a bubble. Agriculture land is not for producing food but for storing construction waste and, when used for crops, is for selfie friendly plots for weekend farmers.

Once again the mindset here is way behind the curve. A large site of arable land should be used for serious food production not as a playground.

In line with most government departments, Ag and Fish appears to be in ignorance of the policy guidelines laid down by the Central Government. It should be pursuing a programme to address the issue that a certain amount of local agricultural production is a necessity. Lay members of the Board have a duty to question government depts with regards to issues where officials are not moving with the times.

Mary Mulvihill