

Relevant Extracts of Town Planning Board Guidelines on
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, 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;
 - (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; and
 - (e) Taking into account the demand for cross-boundary parking facilities, applications for such use at suitable sites in areas of close proximity to the boundary crossing points, such

as in the San Tin area, particularly near the existing cross-boundary link in Lok Ma Chau, may also be considered. Notwithstanding the criteria set out in paragraphs 2.1(c) and (d) above, application of such nature will be assessed on its own merits, including its nature and scale of the proposed use and the local circumstances, and subject to satisfactory demonstration that the proposed use would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas, and each case will be considered on its individual merits.

2. In assessing applications for open storage and port back-up uses, the other major relevant assessment criteria are also summarized 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 the 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; 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 Application

Approved Application

Application No.	Uses / Developments	Date of Consideration
A/NE-FTA/246	Proposed Temporary Open Storage of Construction Material and Machinery for a Period of 3 Years and Associated Filling of Land	25.10.2024

**Similar s.16 Applications for Temporary Open Storage
in the vicinity of the Site within the “Agriculture” zone
in the Fu Tei Au and Sha Ling Area**

Approved Applications

	Application No.	Uses/Developments	Date of Consideration
1	A/NE-FTA/242	Proposed Temporary Vehicle Repair Workshop (Private Car) and Open Storage of Vehicles for a Period of Three Years and Associated Filling of Land	20.9.2024 (revoked on 20.03.2026)
2	A/NE-FTA/244	Proposed Temporary Open Storage of Construction Materials for a Period of 3 Years and Associated Filling of Land	6.12.2024 (revoked on 6.12.2025)
3	A/NE-FTA/245 ¹	Proposed Temporary Open Storage of Containers and Vehicle Repair Workshop with Ancillary Facilities for a Period of 3 Years and Associated Filling of Land and Pond	20.12.2024 (revoked on 20.3.2026)
4	A/NE-FTA/251	Proposed Temporary Open Storage of Construction Materials and Machineries for a Period of 3 Years and Associated Filling of Land	4.10.2024
5	A/NE-FTA/260	Proposed Temporary Open Storage of Construction Machinery and Construction Materials and Associated Filling of Land for a Period of 3 Years	19.12.2025
6	A/NE-FTA/264	Proposed Temporary Warehouse (Excluding Dangerous Goods Godown) and Open Storage of Construction Material and Machineries with Ancillary Facilities and Associated Filling of Land for a Period of 3 Years	27.2.2026
7	A/NE-FTA/269	Proposed Temporary Open Storage of Construction Machinery and Construction Materials and Associated Filling of Land for a Period of 3 Years	6.2.2026

	Application No.	Uses/Developments	Date of Consideration
8	A/NE-FTA/270	Proposed Temporary Warehouse and Open Storage of Construction Materials and Machinery and Associated Filling of Land for a Period of 3 Years	23.1.2026
9	A/NE-FTA/273 ¹	Proposed Temporary Open Storage of Containers and Vehicle Repair Workshop with Ancillary Facilities and Associated Filling of Land and Pond for a Period of 3 Years	13.3.2026

Remarks

^{*1}: Applications No. A/NE-FTA/245 and A/NE-FTA/273 involve the same site.

Government Departments' General Comments

1. Traffic

Comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD):

- no comment on the application from highways maintenance perspective; and
- his advisory comments are at **Appendix VI**.

2. Environment

Comments of the Director of Environmental Protection (DEP):

- no objection to the application from environmental planning perspective, as no domestic dwellings are identified within 100m from the site boundary and 50m from the access road, despite that the proposed uses involve the use of heavy vehicles;
- there were four substantiated environmental complaints pertaining to the application site (the Site) received in the past three years, which were related to dust emission and machine noise received in 2025 and 2026. In the complaint investigations, the operating company was found occupying the Site for running metal recycling business, involving loading, unloading, processing, stockpiling of metals, which would emit dust and generate noise. Air legal notice under section 30 of the Air Pollution Control Ordinance (Cap. 311) and Noise Abatement Notice under the Noise Control Ordinance (Cap. 400) were issued by the Environmental Protection Department. Subsequently, suspected violation of the Air Pollution Abatement Notice was spotted on 24.11.2025 and 6.1.2026. Pink forms were served to operator, prosecution actions were taken. The operator pleaded guilty and was convicted on 2.6.2026; and
- his advisory comments are at **Appendix VI**.

3. Drainage

Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- no objection to the application from public drainage viewpoint; and
- should the application be approved, approval conditions should be included to request the applicant to submit a record of the existing drainage facilities on the Site as previously implemented under the previous application (No. A/NE-FTA/246), and the existing drainage facilities on the site shall be maintained properly and rectified if found inadequate/ineffective during operation at all times during the planning approval period.

4. **Fire Safety**

Comments of the Director of Fire Services (D of FS):

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

5. **Building Matters**

Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- no objection to the application;
- as there is no record of approval granted by the Building Authority (BA) for the existing structure at the Site, he is not in a position to offer comments on its suitability for the proposed uses;
- it is noted that seven structures and land filling are proposed in the application. Before any new building works are to be carried out on site, prior approval and consent of the BA should be obtained unless they are exempted building works or commenced under the simplified requirement under the Minor Works Control System, otherwise they are unauthorized building works under the Buildings Ordinance (BO). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO; and
- his advisory comments are at **Appendix VI**.

6. **Other Departments**

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

- Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD);
- Project Manager (North), Civil Engineering and Development Department (PM(N), CEDD);
- Chief Engineer/Construction, Water Supplies Department (CE/C, WSD); and
- District Officer (North), Home Affairs Department (DO(N), HAD).

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) 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 District Lands Officer/North, Lands Department (DLO/N, LandsD) that:
 - (i) the following irregularity covered by the subject planning application has been detected by his office:
 - Unauthorised structures within Lots 357 and 359 in D.D. 87 covered by the planning application

there are unauthorised structures on Lots 357 and 359 in D.D. 87. The lot owner(s) should immediately rectify/regularise the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice;
 - (ii) the following irregularity not covered by the subject planning application has been detected by his office:
 - Unlawful occupation of GL adjoining Lots 357 and 359 in D.D. 87 not covered by the planning application

the GL adjoining Lots 357 and 359 in D.D. 87 has been fenced off/illegally occupied without any permission. The GL being illegally occupied is not included in the application. Any occupation of GL without Government's prior approval is an offence under the Land (Miscellaneous Provisions) Ordinance (Cap. 28). His office reserves the rights to take necessary land control action against the illegal occupation of GL without further notice;
 - (iii) subject to the approval of the Board to the planning application which shall have reflected the rectification as aforesaid required, the lot owner(s)/applicant shall apply to his office for Short Term Waiver (STW) to permit the proposed structures. The application for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The STW, if approved, will be on whole lot basis and subject to such terms and conditions including the payment of waiver fees and administrative fee as considered appropriate to be imposed by LandsD. In addition, LandsD reserves the right to take enforcement action against the lot owner(s)/applicant for any breach of the lease conditions, including the breach(es) already in existence or to be detected at any point of time in future and land control action for any unlawful occupation of GL. Besides, given the proposed uses are temporary in nature, only erection of temporary structures will be considered; and

- (iv) the applicant should comply with all land filling requirements imposed by relevant government departments. GL should not be disturbed unless with prior approval;
- (e) to note the comments of the Commissioner for Transport (C for T) that the Site is connected to Kong Nga Po Road via a section of a local access road which is not managed by the Transport Department (TD); the land status of the local access road should be checked with LandsD, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities; sufficient manoeuvring space within the Site shall be provided; and no vehicles 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 East, Highways Department (CHE/NTE, HyD) that the proposed access arrangement should be commented by TD; HyD is not/shall not be responsible for the maintenance of any access connecting the Site to Kong Nga Po Road; and adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (g) to note the comments of the Director of Environmental Protection (DEP) that the applicant should follow the requirements of the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’; and in case toilet is provided, to provide suitable sewage treatment facilities as required under Professional Persons Environmental Consultative Committee Practice Notes PN 1/23 ‘Drainage Plans subject to Comment by the Environmental Protection Department’ and are duly certified by an Authorized Person (AP) or employ licensed waste collector to regularly collect and properly dispose of the sewage collected in the proposed toilet;
- (h) to note the comments of the Director of Agriculture, Fisheries and Conservation (DAFC) that the applicant should implement good site practices and measures to avoid adverse impacts on the watercourse nearby and to avoid polluting it;
- (i) to note the comments of the Director of Fire Services (D of FS) that:
 - (i) in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. The applicant should submit relevant layout plans incorporated with the proposed FSIs to his satisfaction. In addition, the applicant should note that 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; and
 - (ii) if the proposed structures are required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (j) to note the comments of the Project Manager (North), Civil Engineering and Development Department (PM(N), CEDD) that the proposed use is located within the proposed New Territories North (NTN) New Town under the Planning and Engineering (P&E) Study for NTN New Town and Man Kam To. The preliminary development proposal for NTN New Town was released in December 2024. While the implementation programme of NTN New Town is being formulated under the P&E Study, the site formation works will likely commence soon after the completion of detailed design in next stage. Hence, the applicant is reminded that subject to the land use planning in the P&E Study, the proposed use, if approved, may need to be vacated for the site formation works;

- (k) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that for provision of water supply to the proposed uses, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and
- (l) to note the following comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
 - (i) it is noted that seven structures and land filling are proposed in the application. Before any new building works are to be carried out on site, prior approval and consent of the Building Authority (BA) should be obtained unless they are exempted building works or commenced under the simplified requirement under the Minor Works Control System, otherwise they are unauthorized building works under the BO. An AP 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) Regulation (B(P)R);
 - (iii) the Site is not abutting on a specified street having a width not less than 4.5m, the development intensity shall be determined by the BA under Regulation 19(3) of the B(P)R at building plan submission stage;
 - (iv) if any existing structure is erected on leased land without the approval of the BA, they are UBW under the BO and should not be designated for any proposed use under the 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 the BO;
 - (vi) 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 BA should be obtained, otherwise they are UBW under the BO. An AP should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
 - (vii) 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;
 - (viii) in general, there is no requirement under the BO in respect of provision of car parking spaces for the proposed use. However, the applicant's attention is drawn to the provision of accessible car parking spaces designated for the use of persons with a disability as per the requirements under Regulation 72 of the B(P)R and Division 3 of Design Manual: Barrier Free Access 2008;
 - (ix) the applicant's attention is drawn to the provision under Regulations 40 and 41 of the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulation in respect of disposal of foul water and surface water respectively;
 - (x) the 7.5m high structures for storage and rural workshop are considered excessive. It should

be justified upon formal plan submission to BD; and

- (xi) detailed checking under the 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06月11日星期四 0:15
收件者: tpbpd/PLAND
主旨: A/NE-FTA/279 DD 87 Hung Lung Hang
類別: Internet Email

Dear TPB Members,

TPB Guidelines have **NO INTEGRITY AND THIS IS UNDERLINED BY THE FOLLOWING**

Despite adverse comments from DAFC / EPD / Chief Town Planner and the proximity to natural watercourses, PlanD supported and streamlined 246 on 25 Oct 2024 no questions asked.

Lands - there are unauthorised structures on Lot No. 357 in D.D. 87.

- Unlawful occupation of GL not covered by the planning application

In view of the history conditions were of course not fulfilled. This a matter of concern when the proposed works would be a MERE 3m away from the top of the bank of the existing stream.

Alarming also the subsequent Application that was withdrawn.

A/NE-FTA/263

Proposed Temporary **Kitchen Residue Recycling Centre**

Now back with a more benign:

Applied use: Rural Workshop and Open Storage of Recyclable Materials with Ancillary Facilities and Associated Filling of Land for a Period of 3 Years

The Applicant is the same entity.

Fool me once, are members going to again rubberstamp what is clearly a dodgy operation at such a sensitive site when we have been warned of record level rains this summer?

Mary Mulvihill

From: [REDACTED]
To: tpbpd <tpbpd@pland.gov.hk>
Date: Friday, 4 October 2024 2:12 AM HKT
Subject: Re: A/NE-FTA/246 DD 87 Hung Lung Hang

☐Urgent ☐Return receipt ☐Expand Group ☐Restricted ☐Prevent Copy

Dear TPB Members,

Lots close to the watercourses, clearly issues with drainage.

No previous approval so the lots come under Cat 4 definition and are in Blue Zone

TPB PG-No. 13G (Revised April 2023)

TOWN PLANNING BOARD GUIDELINES FOR APPLICATION FOR OPEN STORAGE AND PORT BACK-UP USES UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

Category 4 areas are areas with ponds or wetland or with extensive vegetation or close to environmentally or ecologically sensitive areas; **areas which are mostly used for residential purpose or proposed for such purposes**, areas near existing major village settlements or areas subject to extremely high flooding risk. Applications for open storage and port back-up uses in Category 4 areas would normally be rejected except under exceptional circumstances.

If TPB guidelines have any **INTEGRITY AND THIS IS DOUBTFUL**, application should be rejected.

Mary Mulvihill

From: [REDACTED]

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

Date: Monday, 15 July 2024 2:35 AM HKT

Subject: A/NE-FTA/246 DD 87 Hung Lung Hang

A/NE-FTA/246

Lots 357 (Part) and 359 (Part) in D.D. 87, Hung Lung Hang / Kong Nga Po, Sheung Shui

Site area: About 3,110sq.m

Zoning: "Agriculture"

Applied use: Open Storage of Construction Materials and Machineries / 3 Vehicle Parking
/ **Filling of Land**

Dear TPB Members,

This application should be considered in tandem with 240 for adjoining lot.

Strong Objections. No previous approval. Kong Nga Po area is gradually being converted into a wasteland covered in haphazard mounds of construction materials. There is no indication of any orderly planning and evaluation of the combined impact on both the environment and the quality of the land. This site has water courses on two sides. Run off from the toxic materials being stored will inevitably end up in our rivers.

☐Urgent ☐Return receipt ☐Expand Group ☐Restricted ☐Prevent Copy

Why has the government not ensured that its mega construction projects include sturdy multi floor warehouses where participants in the construction industry can rent space to store their materials?

Instead, it encourages approval of applications like this to crease new brownfield nodes and despite the fact that this is not a Col 2 use, the introduction of new guidelines allows the planning intention to be effectively abolished.

At this point one has to question why go through the charade of drawing up OZPs when the zonings no longer have any legitimacy?

Mary Mulvihill