

**Relevant extract of the Town Planning Board Guidelines for
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 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, where appropriate or if required, 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 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 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; 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 major 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 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. 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 merit.

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 uses 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 from the Drainage Services Department should be sought on this aspect if in doubt; 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 Applications partly covering the Application Site

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Zoning (s)</u>	<u>Date of Consideration (RNTPC)</u>
1	A/YL-LFS/35	Temporary Open Storage of Container and Ancillary Visitor Parking/Trailer Parking/ Equipment Storage/Office for a period of 12 months	“Comprehensive Development Area” (“CDA”)	27.11.1998
2	A/YL-LFS/47	Temporary Open Storage of Containers and Ancillary Visitor Parking, Trailer Parking, Equipment Storage, Office for a period of 12 Months	“CDA”	14.1.2000
3	A/YL-LFS/61	Temporary Open Storage of Containers with Ancillary Visitor Parking, Trailer Parking, Equipment Storage and Office for a period of 3 years	“Green Belt”, “Village Type Development” and “Residential (Group E)” (“R(E)”)	22.12.2000 (Revoked on 22.6.2001)
4	A/YL-LFS/126	Temporary Open Storage of Containers and Construction Materials with Ancillary Visitor/Trailer Parking and Office for a Period of 3 Years	“R(E)”	18.2.2005 (Revoked on 18.8.2005)
5	A/YL-LFS/138	Temporary Open Storage of Containers and Construction Materials with Ancillary Visitor/Trailer Parking and Office for a Period of 3 Years (Minor Amendment to the Approved Scheme of A/YL-LFS/126)	“R(E)”	29.7.2005
6	A/YL-LFS/171	Renewal of Planning Approval for Temporary Open Storage of Containers and Construction Materials with Ancillary Visitor/Trailer Parking and Office for a Period of 3 Years	“R(E)”	22.2.2008
7	A/YL-LFS/188	Renewal of Planning Approval for Temporary Open Storage of Containers and Construction Materials with Ancillary Visitor/Trailer Parking and Office for a Period of 1 Year	“R(E)”	23.1.2009 (Revoked on 2.10.2009)

Rejected Application

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Zoning</u>	<u>Date of Consideration (TPB)</u>	<u>Rejection Reasons</u>
1	A/YL-LFS/108	Temporary open storage of containers, construction materials & machinery with ancillary visitor & trailer parking, equipment storage and office for a period of 3 years	“R(E)”	14.11.2003 (Upon review)	(1) & (2)

Rejection Reasons

1. Insufficient information to demonstrate no adverse environmental impact.
2. Insufficient information to demonstrate no adverse drainage impact.

Government Bureau/Departments' General Comments

1. Land Administration

Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) The application site (the Site) comprises GL and Old Schedule Agricultural Lots (OSALs) held under 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 the occupation of GL (about 263m² subject to verification) included in the Site. Any occupation of GL without Government's prior approval is an offence under the Land (Miscellaneous Provisions) Ordinance (Cap. 28).
- (b) The lot within the Site is covered by Short Term Waiver (STW) is listed below:

<u>Lot No. in</u> <u>D.D. 129</u>	<u>STW</u> <u>No.</u>	<u>Purposes</u>
2365	4311	Temporary Open Storage of Metal Ware, Construction Machinery and Material, Brand-New Trailer with Ancillary Canteen and Trailer Park

- (c) If the current application is approved, the lot owner(s) shall apply to his office for STW(s) and Short Term Tenancy(ies) (STT(s)) to permit the structure(s) erected or to be erected within the subject lots, if any and the occupation of GL. The application(s) for STW(s) and STT(s) will be considered by the Government in its capacity as a landlord and there is no guarantee that it/they will be approved. The STW(s) and STT(s), 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.
- (d) The applicant should note his advisory comments at **Appendix V**.

2. Traffic

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

- (a) He has no objection to the application from highway maintenance perspective.
- (b) The proposed access arrangement, vehicular access and pedestrian access should be commented by the Transport Department.
- (c) The applicant should note his advisory comments at **Appendix V**.

3. **Drainage**

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

- (a) He has no in principle objection to the application from the public drainage point of view.
- (b) 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 the public, the applicant should be required to submit technical assessment(s) in other aspect(s) and seek comment from relevant departments as necessary.
- (c) Should the application be approved by the Town Planning Board (the Board), approval condition(s) are suggested to require the applicant to submit a drainage proposal, implement and maintain the proposed drainage facilities to the satisfaction of his department or of the Board.
- (d) The applicant should note his advisory comments at **Appendix V**.

4. **Landscape**

Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD)

- (a) She has no adverse comment on the application from landscape planning perspective.
- (b) According to the aerial photo taken in 2025, the Site was situated in an area of rural coastal plain landscape characterised by village houses, temporary structures and tree clusters. The proposed use is not incompatible with the surrounding environment.
- (c) With reference to the aerial photo taken in 2025 and site photos taken in May 2026, the Site was formed, and no vegetation was found on it.
- (d) It is noted from the Landscape Plan (**Drawing A-3**) submitted by the applicant that 17 nos. of new trees are proposed along the southern periphery within the Site as a landscape buffer between the proposed use and the village houses to the south.
- (e) In view of the above, no significant adverse landscape impact arising from the proposed use is anticipated.

5. **Building Matters**

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

- (a) He has no objection to the application.
- (b) The applicant should note his advisory comments at **Appendix V**.

6. Project Interface

Comments of the Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD):

- (a) The Site falls within the study area of Lau Fau Shan Development under the consultancy Agreement No. CE 5/2024 (CE) “Developments at Lau Fau Shan, Tsim Bei Tsui and Pak Nai Areas - Investigation”, which is an Investigation Study jointly commissioned by the PlanD and CEDD. The implementation and land resumption/clearance programme of the Lau Fau Shan Development is currently being reviewed under the Investigation Study and subject to change.
- (b) If the planning permission is granted, notwithstanding its validity period, the applicant should note his advisory comments detailed in **Appendix V**.

7. District Officer’s Comments

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

His office has not received any locals’ comment on the application.

8. Other Departments’ Comments

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

- (a) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (b) Chief Engineer/Land Works, CEDD (CE/LW, CEDD);
- (c) Head of Geotechnical Engineering Office, CEDD (H(GEO), CEDD);
- (d) Director of Fire Services (D of FS);
- (e) Commissioner of Police (C of P); and
- (f) Director of Agriculture, Fisheries and Conservation (DAFC).

Recommended Advisory Clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site (the Site);
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that:

- (i) the Site comprises GL and Old Schedule Agricultural Lots (OSALs) held under 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 the occupation of GL (about 263m² subject to verification) included in the Site. Any occupation of GL without Government's prior approval is an offence under the Land (Miscellaneous Provisions) Ordinance (Cap. 28);
- (ii) the lot within the Site is covered by Short Term Waiver (STW) is listed below:

<u>Lot No. in D.D. 129</u>	<u>STW No.</u>	<u>Purposes</u>
2365	4311	Temporary Open Storage of Metal Ware, Construction Machinery and Material, Brand-New Trailer with Ancillary Canteen and Trailer Park

- (iii) the lot owner(s) shall apply to his office for STW(s) and Short Term Tenancy(ies) (STT(s)) to permit the structure(s) erected or to be erected within the subject lots, if any and the occupation of GL. The application(s) for STW(s) and STT(s) will be considered by the Government in its capacity as a landlord and there is no guarantee that it/they will be approved. The STW(s) and STT(s), 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;
- (c) to note the comments of the Commissioner for Transport (C for T) that:
- (i) sufficient manoeuvring space shall be provided within the Site. No vehicles are allowed to queue back to public roads or reverse onto/from public roads; and
- (ii) the local track leading to the Site is not under the Transport Department's purview. The applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the Site;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that the access road from Lau Fau Shan Road to the Site is not maintained by HyD and HyD will not take up the maintenance responsibility of the proposed access. Adequate drainage measures shall be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (e) to note the comments of the Director of Environmental Protection (DEP) that the applicant is advised to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' and to meet the statutory requirements under relevant environmental legislations;

- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that for any change of existing ground level and associated works proposed that could affect adjacent land and cause other impacts and/or other issues to the public, the applicant is required to submit technical assessment(s) in other aspect(s) and seek comment from relevant departments as necessary;
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
 - (i) 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;
 - (ii) the Site does not abut 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 building plan submission stage;
 - (iii) before any new building works (including containers/open sheds as temporary buildings, demolition, 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 unauthorized building works (UBW) 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;
 - (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 the BO;
 - (v) any temporary shelters or converted containers for office, storage, washroom or other uses are considered as temporary buildings and 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;
- (h) to note the comments of the Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD) that the Site falls within the study area of Lau Fau Shan Development under the consultancy Agreement No. CE 5/2024 (CE) “Developments at Lau Fau Shan, Tsim Bei Tsui and Pak Nai Areas - Investigation”, which is an Investigation Study and jointly commissioned by the Planning Department and CEDD. The implementation and land resumption/clearance programme of the Lau Fau Shan Development is currently being reviewed under the Investigation Study and subject to change. The applicant should be reminded that the Site may be resumed at any time during the planning approval period for potential development project and advised not to carry out any substantial works therein; and
- (i) to note the comments of the Commissioner of Police (C of P) that in view of public safety, the applicant must maintain the smooth traffic flow of the concerned location and provide sufficient safety precautions to avoid obstruction or danger caused to any person or vehicle on the road.

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tpbpd/PLAND

寄件者: [REDACTED]
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Lots 2356 S.A, 2356 RP, 2357 (Part), 2358 (Part), 2360 S.C, 2360 RP, 2361, 2362, 2364 (Part) and 2365 (Part) in D.D. 129 and Adjoining Government Land, Nr San Hing Tsuen, Lau Fau Shan

Site area: About 2,811sq.m (Includes Government Land of about 263sq.m)

Zoning: "Res (Group E)"

Applied use: 12 Container Vehicle Park

Dear TPB Members,

No history of applications and the reason is clear:

While the location may be Cat 2, the location is problematic as it lies between a large village area and the Former Tai Shing Public School.

https://www.aab.gov.hk/filemanager/aab/common/historicbuilding/en/1148_Appraisal_En.pdf

"The hall was used as a school before the Second World War. After the war, a Tai Shing School (泰成學校), also called Yuen Wui School (源匯學校), was established at the hall. It was renamed as Tai Shing Public School (泰成公立學校) until it ceased to operate in the 1960s. The hall has regular offerings made to the ancestors' soul tablets on the 1st and 15th day of each lunar month, at the Chinese New Year and at Chinese festivals. Dim Dang (點燈) ritual for new born baby boys of previous year by lighting up lanterns is still held at the hall."

As the adjoining lots have been approved for brownfield, access to the heritage site and festivities would be impacted.

Moreover, the lots are on the verge of the "V" zone. This is a densely occupied village.

The application should be rejected as the movement of large containers would pose safety risks on narrow village streets.

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Cat 2 is a broadbrush exercise. Members have a duty to look into the individual issues relating to each application.

Mary Mulvihill