

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 the area:
 - (a) The planning for various New Development Areas (NDAs) (including potential development areas) in the New Territories has been in progress and the land use proposals for some of these areas have been incorporated as appropriate into relevant statutory town plans. The NDAs will be implemented by phases. While it is envisaged that the existing open storage and port back-up uses in these areas will be gradually phased out, sympathetic consideration may be given to applications for continued operation of these uses during the interim period before the sites are required for NDA development.
 - (b) For existing open storage and port back-up sites with previous planning approval(s) and/or permitted under the previous outline zoning plans, sympathetic consideration may be given to the application (irrespective of whether the application is submitted by the applicant of previous approval or a different applicant) until the concerned site is required for implementation of NDA development, provided that the relevant approval conditions, if any, have been complied with. Technical assessments, where appropriate, may also need to be submitted to demonstrate that the continued operation of the current uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas and the concerns of the departments and local residents, if any, can be addressed through the implementation of the approval conditions.
 - (c) In view of the impending implementation of NDAs, new open storage and port back-up uses are generally not encouraged to infiltrate into the NDAs. However, sympathetic consideration may be given to applications for relocation of the uses/operations affected by government projects to sites designated for development purpose in NDAs (including those planned for GIC and open space developments) as temporary use/ development before these sites are required for NDA development, subject to policy support given by the relevant policy bureau(x) to the application and no adverse departmental comments and local objections, or the concerns could be addressed by approval conditions. There is a general presumption against such uses at sites with land use compatibility issue, e.g. in close proximity to existing residential dwellings which may be subject to environmental nuisances caused by the OS and PBU uses. Applications will normally be rejected unless under exceptional circumstances.
 - (d) Any approved temporary use and development should not jeopardize the long-term planned development on the respective site/the surrounding area under the NDA and the applicant should be advised that the site would be required by the government at any time during the planning approval period for implementation of government projects.

Previous s.16 Applications covering the Application Site

Approved Application

No.	Application No.	Proposed Use(s)/Development(s)	Date of Consideration (RNTPC/TPB)
1.	A/YL-NTM/478	Proposed Temporary Open Storage of Construction Material and Machinery with Ancillary Facilities for a Period of 3 Years and Associated Filling of Pond	4.10.2024 Approved by RNTPC <i>[revoked on 4.7.2026]</i>

Rejected Application

No.	Application No.	Proposed Use(s)/Development(s)	Date of Consideration (RNTPC/TPB)
1.	A/YL-NTM/15	Temporary Open Storage of Vehicle and Vehicle Parts for a Period of 12 Months	14.2.1997 Rejected by RNTPC

Rejection Reasons:

- (a) not in line with the planning intention of the then “Residential (Group D)” (“R(D)”) zone. There was no strong justification in the submission for a departure from such planning intention, even on a temporary basis;
- (b) not compatible with the surrounding rural area and the village settlement; and
- (c) would set an undesirable precedent for similar applications within the then “R(D)” zone.

Government Departments' General Comments

1. Land Administration

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

- no adverse comment on the planning application;
- the application site (the Site) comprises Old Schedule Agricultural Lots in D.D. 104 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;
- the private land of Lot Nos. 2543 RP and 2545 in D.D. 104 are covered by Short Term Waiver No. 5794 to permit structures for the purpose of “Warehouse (excluding Dangerous Goods Godown) and ancillary uses as may be approved by DLO”; and
- advisory comments as detailed in **Appendix V**.

2. Traffic

Comments of the Commissioner for Transport:

- no adverse comment on the planning application from traffic engineering point of view;
- the submitted run-in/out proposal is considered acceptable. Should the application be approved, approval condition requiring provision of the run-in/out should be incorporated; and
- advisory comments as detailed in **Appendix V**.

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

- no adverse comment on the planning application;
- the submitted run-in/out proposal is considered acceptable. Should the application be approved, approval condition requiring provision of the run-in/out should be incorporated; and
- advisory comments as detailed in **Appendix V**.

3. Drainage

Comments of the Chief Engineer/Mainland North, Drainage Services Department:

- no in-principle objection to the application from the public drainage point of view;
- the submitted drainage proposal is considered acceptable. Should the application be approved, approval conditions on implementation and maintenance of the proposed drainage facilities should be incorporated; and

- advisory comments as detailed in **Appendix V**.

4. **Landscape**

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 and site photos, the Site was largely formed and no distinctive landscape resources or mature trees were observed within the Site.

5. **Fire Safety**

Comments of the Director of Fire Services:

- no in-principle objection to the application subject to fire service installations (FSIs) being provided to his satisfaction;
- the submitted FSIs proposal is considered acceptable; and
- advisory comments as detailed in **Appendix V**.

6. **Nature Conservation**

Comments of the Director of Agriculture, Fisheries and Conservation:

- no adverse comment on the planning application as the Site has been paved; and
- advisory comments as detailed in **Appendix V**.

7. **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**:

- Chief Engineer/Railway Development 1-1, HyD;
- Head of Geotechnical Engineering Office, Civil Engineering and Development Department;
- Chief Engineer/Construction, Water Supplies Department;
- Chief Building Surveyor/New Territories West, Buildings Department;
- Commissioner of Police; and
- District Officer (Yuen Long), Home Affairs Department.

Recommended Advisory Clauses

- (a) Prior planning permission should have been obtained before commencing the applied uses at the application site (Site);
- (b) the Site falls within the boundary of the Ngau Tam Mei New Development Area. The Site may be resumed by the Government and the applied uses at the Site may be terminated at any time during the planning approval period for implementation of Government projects;
- (c) the permission is given to the uses and/or structures 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;
- (d) should the applicant fail to comply with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given by the Rural and New Town Planning Committee/Town Planning Board to any further application;
- (e) to resolve any land issues relating to the applied uses with the concerned owner(s) of the Site;
- (f) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the Short Term Waiver (STW) holder(s) of private land of Lot Nos. 2543 RP and 2545 in D.D. 104 shall apply to his office for modification of the STW conditions where appropriate. The lot owner(s) of lots without STW shall apply to his office for a STW to permit the structure(s) erected within the private lot(s) at the Site. 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 application, if approved, will be subject to such terms and conditions including the payment of waiver fee and administrative fee as considered appropriate by LandsD. Besides, given the applied uses are temporary in nature, only erection of temporary structure(s) will be considered;
- (g) to note the comments of the Commissioner for Transport that no vehicle is allowed to queue back to or reserve onto/from public road at any time during the planning approval period;
- (h) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that:
 - the access arrangement to the Site should be approved by Transport Department;
 - HyD shall not be responsible for the maintenance of any proposed access connecting the Site and San Tam Road, including the local track, if any;
 - a run-in/out at San Tam Road shall be constructed in accordance with the latest version of HyD Standard Drawings no. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement; and

- adequate drainage measures should be provided at the Site to prevent surface water running from the Site to the nearby public roads and drains;
- (i) to note the comments of the Director of Environmental Protection that:
- the applicant shall follow the revised ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’;
 - sewage discharge from the Site should be directed to nearby public sewer. In case of unavailability of public sewer, proper sewage collection and treatment facilities should be provided in accordance with the requirements in Professional Persons Environmental Consultative Committee Practice Note 1/23. All effluent discharges from the applied uses are subject to control under Water Pollution Control Ordinance; and
 - all relevant pollution control ordinances, particularly on waste management and disposal should be strictly observed, and put in place necessary precautionary/pollution control measures to prevent any pollution/nuisance to nearby sensitive receivers as a result of the construction/operation activities;
- (j) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department:
- if the drainage system is found to be inadequate or ineffective during operation, rectification is required. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by a failure of the drainage system;
 - the applied uses shall neither obstruct overland flow nor adversely affect any existing natural streams, village drains, ditches and the adjacent areas; and
 - any conflict/disagreement with relevant lot owner(s) shall be resolved and LandsD’s permission shall be sought for laying new drains/channels and/or modifying/upgrading existing ones in other private lots or on Government land (where required) outside the Site;
- (k) to note the comments of the Director of Fire Services that if the proposed structure(s) is required to comply with the Building Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (l) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant shall adopt appropriate measures to avoid causing pollution or disturbance to the adjacent watercourse and ponds;
- (m) to note the comments of the Director of Electrical & Mechanical Services that:
- there is a high pressure underground town gas transmission pipeline running along San Tam Road in the vicinity of the applied uses;
 - the applicant/operator/consultant/works contractor shall therefore liaise with the Hong Kong and China Gas Company Limited in respect of the exact locations of existing or planned gas pipes/gas installations in the vicinity of the proposed work

areas and any required minimum set back distance away from them during the construction stage of the applied uses; and

- the applicant/operator/consultant/works contractor is required to observe the requirements of the Electrical and Mechanical Services Department's Code of Practice on "Avoidance of Damage to Gas Pipes" 2nd Edition for reference ([https://www.emsd.gov.hk/filemanager/en/content_286/CoP_gas_pipes_2nd_\(Eng\).pdf](https://www.emsd.gov.hk/filemanager/en/content_286/CoP_gas_pipes_2nd_(Eng).pdf)); and
- (n) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that:
- it is noted that two 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 application site, prior approval and consent of the Building Authority should be obtained, otherwise they are unauthorised building works (UBWs) under the BO. An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
 - 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;
 - 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;
 - for UBWs erected on leased land, enforcement action may be taken by Buildings Department to effect their removal in accordance with the prevailing enforcement policy against UBWs as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBWs on the Site under the BO;
 - 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
 - detailed checking under the BO will be carried out at building plan submission stage.

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tpbpd/PLAND

寄件者: [REDACTED]
寄件日期: 2026年06月16日星期二 13:48
收件者: tpbpd/PLAND
主旨: A/YL-NTM/487 DD 104 Ngau Tam Mei Ponds
類別: Internet Email

A/YL-NTM/487

Lots 2543 RP (Part), 2544 RP, 2545 (Part), 2546 (Part), 2547 (Part), 2548 (Part) and 2549 RP in D.D. 104, Ngau Tam Mei, Yuen Long

Site area: About 4,929sq.m

Zoning: "Res (Group D)"

Applied use: Container Parking / Open Storage of Construction Material / 6 Vehicle Parking + 5 Container Parking

Dear TPB Members,

Despite the issues 478 was approved 4 Oct 2024, conditions not fulfilled so back with the inclusion of container parking.

At the meeting no questions were asked with regard to the advisability of relocating the business to what a location close to ponds.

TPB has a duty to consider the long term impact on land use. That the administration has steamed ahead with its eviction programme without providing the promised industrial parks and adequate provision for the evictees is not a legitimate reason to approve plans with a negative impact on the community.

Previous objections applicable and upheld.

Mary Mulvihill

From: [REDACTED]
To: tpbpd <tpbpd@pland.gov.hk>
Date: Tuesday, 17 September 2024 3:26 AM HKT
Subject: A/YL-NTM/478 DD 104 Ngau Tam Mei Ponds

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Dear TPB Members,

474 was withdrawn. Now the applicant clarifies that application includes the filling in of ponds. In view of the number of ponds that the government itself is going to take over and fill in, it is unacceptable that the remaining ponds be accorded full protection. The role they play in mitigating climate change can no longer be dismissed. The ponds that were filled in should be restored as there was no approval for their elimination.

I note an error in my objection to 474, it should read "the area is **NOT** recommended for brownfield operations under Town Planning Board Guidelines (TPB PG-No.) 13G

4.5 There is no approved S.16 planning application for 'open storage' use within the "R(D)" zone on the OZP.

Previous objections relevant and upheld. The administration pledged to eliminate brownfield. Approval would effectively encourage expansion into district previously not used for this purpose.

Expediency cannot be an excuse for the administration and the board to completely overturn policy statements and guidelines.

The application should be rejected.

Mary Mulvihill

From: [REDACTED]
To: tpbpd <tpbpd@pland.gov.hk>
Date: Friday, 9 August 2024 3:34 AM HKT
Subject: A/YL-NTM/474 DD 104 Ngau Tam Mei

A/YL-NTM/474

Lots 2543 RP (Part), 2544 RP, 2545 (Part), 2546 (Part), 2547 (Part), 2548 (Part) and 2549 RP in D.D. 104, Ngau Tam Mei, Yuen Long

Site area: About 4,929sq.m

Zoning: "Res (Group D)"

Applied use: Open Storage of Construction Material / 6 Vehicle Parking

Dear TPB Members,

Strong Objections. The site is vegetated and with trees. There are a number of organic farming operations in the immediate district.

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In addition, there are both active and filled in ponds and the area is recommended for brownfield operations under Town Planning Board Guidelines (TPB PG-No.) 13G.

The bleatings about resumption, poor me, sob stories, cannot be considered genuine justifications to transform every square metre of the new territories into brownfield zones.

The application should be rejected.

Mary Mulvihill