

**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

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 and 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, therefore, 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, the Board may refuse to grant permission, notwithstanding other criteria set out in this 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 Application covering the Application Site

Approved Application

	<u>Application No.</u>	<u>Development(s)/Use(s)</u>	<u>Date of Consideration (RNTPC)</u>
1	A/YL-TT/642	Proposed Temporary Open Storage and Warehouse for Storage of Construction Materials for a Period of 3 Years and Filling of Land	24.5.2024 [Revoked on 24.11.2025]

Rejected Application

	<u>Application No.</u>	<u>Development(s)/Use(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejection Reason(s)</u>
1	A/YL-TT/89	Temporary Marble Workshop for a Period of 3 Years	23.2.2001 (On review)	(1), (2), (3), (4)
2	A/YL-TT/226	Temporary Open Storage of Machinery for a Period of 3 Years	15.8.2008	(1), (2), (3), (4), (5), (6)
3	A/YL-TT/234	Temporary Warehouse (Construction Machinery and Materials) and Open Storage of Construction Machinery and Materials for a Period of 3 Years	6.3.2009 (On review)	(1), (3), (4), (5), (6)

Rejection Reason(s):

1. Insufficient justification for a departure from the planning intention.
2. Incompatible with the surrounding rural character.
3. No information to demonstrate why suitable sites within “Open Storage” zone in the same Outline Zoning Plan could not be made available for the proposed use.
4. Setting an undesirable precedent.
5. Not in line with the then Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No. 13).
6. Insufficient information to demonstrate no adverse environment and drainage impacts on the surrounding areas.

**Similar Applications within the Subject “Agriculture” Zone
on the Tai Tong Outline Zoning Plan in the Past Five Years**

Approved Applications

	<u>Application No.</u>	<u>Development(s)/Use(s)</u>	<u>Date of Consideration (RNTPC)</u>
1	A/YL-TT/575	Proposed Temporary Warehouse for Storage of Metal and Timber for a Period of 3 Years	9.12.2022 [Revoked on 9.6.2024]
2	A/YL-TT/583	Proposed Temporary Vehicle Repair Workshop and Open Storage for a Period of 3 Years and Associated Filling of Land	23.6.2023 [Revoked on 23.12.2024]
3	A/YL-TT/608	Proposed Temporary Warehouse for Storage of Construction Materials for a Period of 3 Years and Associated Filling of Land	13.10.2023 [Revoked on 13.7.2025]
4	A/YL-TT/617	Proposed Temporary Open Storage of Mobile Toilet for a Period of 3 Years and Associated Filling of Land	8.12.2023 [Revoked on 8.6.2024]
5	A/YL-TT/648	Proposed Temporary Warehouse (Excluding Dangerous Goods Godown) with Ancillary Facilities for a Period of 3 Years and Associated Filling of Land	7.6.2024 [Revoked on 7.12.2025]
6	A/YL-TT/651	Proposed Temporary Warehouse for Storage of Construction Materials for a Period of 3 Years and Associated Filling of Land	25.10.2024
7	A/YL-TT/671	Proposed Temporary Warehouse (Excluding Dangerous Goods Godown) with Ancillary Facilities for a Period of 3 Years and Associated Filling of Land	4.10.2024
8	A/YL-TT/675	Proposed Temporary Vehicle Repair Workshop and Open Storage for a Period of 3 Years and Associated Filling of Land	11.4.2025
9	A/YL-TT/695	Proposed Temporary Vehicle Repair Workshop and Open Storage for a Period of 3 Years and Associated Filling of Land	5.9.2025
10	A/YL-TT/717	Proposed Temporary Warehouse (Excluding Dangerous Goods Godown) with Ancillary Facilities and Associated Filling of Land for a Period of 3 Years	7.11.2025

	<u>Application No.</u>	<u>Development(s)/Use(s)</u>	<u>Date of Consideration (RNTPC)</u>
11	A/YL-TT/737	Proposed Temporary Warehouse (Excluding Dangerous Goods Godown) with Ancillary Facilities and Associated Filling of Land for a Period of 3 Years	5.6.2026
12	A/YL-TT/739	Temporary Warehouse (Excluding Dangerous Goods Godown) for Storage of Construction Materials and Associated Filling of Land for a Period of 3 Years	21.11.2025
13	A/YL-TT/741	Proposed Temporary Warehouse for Storage of Construction Materials and Associated Filling of Land for a Period of 3 Years	21.11.2025
14	A/YL-TT/755	Temporary Warehouse for Storage of Construction Materials and Associated Filling of Land for a Period of 3 Years	22.5.2026
15	A/YL-TT/757	Temporary Warehouse (Excluding Dangerous Goods Godown) with Ancillary Facilities and Associated Filling of Land for a Period of 3 Years	17.4.2026
16	A/YL-TT/758	Proposed Temporary Warehouse for Storage of Food Provisions and Cleaning Products and Associated Filling of Land for a Period of 3 Years	5.6.2026
17	A/YL-TT/759	Proposed Temporary Warehouse for Storage of Furniture, Electronic Goods and Construction Materials and Associated Filling of Land for a Period of 3 Years	5.6.2026
18	A/YL-TT/766	Proposed Temporary Warehouse for Storage of Construction Materials and Associated Filling of Land for a Period of 3 Years	13.3.2026
19	A/YL-TT/775	Proposed Temporary Warehouse (Excluding Dangerous Goods Godown) and Associated Filling of Land for a Period of 3 Years	8.5.2026
20	A/YL-TT/776	Proposed Temporary Open Storage of Construction Materials with Ancillary Facilities and Associated Filling of Land for a Period of 3 Years	8.5.2026
21	A/YL-TT/782	Proposed Temporary Warehouse (Excluding Dangerous Goods Godown) and Vehicle Repair Workshop with Ancillary Facilities and Associated Filling of Land for a Period of 3 Years	22.5.2026

Rejected Application

	<u>Application No.</u>	<u>Development(s)/Use(s)</u>	<u>Date of Consideration (RNTPC)</u>	<u>Rejection Reason(s)</u>
1	A/YL-TT/590	Proposed Temporary Public Vehicle Park and Open Storage of Agricultural and Construction Machinery and Materials for a Period of 3 Years and Associated Filling of Land	19.5.2023	(1), (2), (3)

Rejection Reason(s):

1. No strong justification provided to support a departure from the planning intention.
2. Not in line with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No. 13G).
3. The applicant failed to demonstrate that the land filling was essential for the proposed use.

Government Departments' General Comments

1. Land Administration

Comments of the District Lands Officer/Yuen Long, Lands Department:

- No adverse comment on the application.
- Advisory comments as detailed in **Appendix V**.

2. Traffic

(a) Comments of the Commissioner for Transport:

- No adverse comment from traffic engineering perspective.
- Advisory comments as detailed in **Appendix V**.

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

- No adverse comment on the application from highways maintenance perspective.
- Advisory comments as detailed in **Appendix V**.

3. Environment

Comments of the Director of Environmental Protection:

- No objection to the application.
- No environmental complaint concerning the application site (the Site) was received in the past three years.
- Advisory comments as detailed in **Appendix V**.

4. Drainage

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

- No objection to the application from the public drainage point of view provided that all existing drains/watercourse should be maintained and the overland flow from adjacent lands should not be affected.
- Should the application be approved, conditions should be stipulated in the approval letter requiring the applicants to submit a revised drainage proposal and to implement and maintain the proposed drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board.
- Advisory comments as detailed in **Appendix V**.

5. **Fire Safety**

Comments of the Director of Fire Services:

- No in-principle objection to the proposal subject to the fire service installations and water supplies for firefighting being provided to the Site.
- Advisory comments as detailed in **Appendix V**.

6. **Building Matters**

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

- No objection to the application.
- Advisory comments as detailed in **Appendix V**.

7. **Electricity Safety**

Comments of the Director of Electrical and Mechanical Services:

- No objection to the application.
- Advisory comments as detailed in **Appendix V**.

8. **District Officer's Comments**

Comment of the District Officer (Yuen Long), Home Affairs Department:

His office has not received any comments on the application from the village representatives in the vicinity of the Site.

9. **Other Departments**

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

- Chief Engineer/Construction, Water Supplies Department;
- Project Manager (West), Civil Engineering and Development Department; and
- Commissioner of Police.

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) prior planning permission should have been obtained before commencing the applied use at 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) should the applicant fail to comply with any of the approval conditions again resulting in the revocation of planning permission, sympathetic consideration may not be given to any further applications;
- (e) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that:
 - (i) the Site comprises Old Schedule Agricultural Lot 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;
 - (ii) the private lot is covered by Short Term Waiver (STW) No. 5758 for Temporary Open Storage and Warehouse for Storage of Construction Materials and Ancillary Uses as may be approved by DLO; and
 - (iii) the STW holder will need to apply to LandsD for modification of the STW conditions where appropriate. The application(s) for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that it will be approved. The STW, 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 proposed use is temporary in nature, only erection of temporary structure(s) will be considered;
- (f) to note the comments of the Commissioner for Transport that:
 - (i) the local track and footpath leading to the Site are not under Transport Department's purview. The applicant shall obtain consent of the owners/managing departments of the local track and footpath for using the local track and footpath as the access to the Site; and
 - (ii) sufficient manoeuvring space should be provided within the Site. No vehicles are allowed to queue back to public roads or reverse onto/from public roads;
- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that:
 - (i) HyD should not be responsible for maintaining any access connecting the Site and Tai Shu Ha Road West; and
 - (ii) adequate drainage measures should be provided to prevent surface water running from the Site to nearby public roads and drains;

- (h) to note the comments of the Director of Environmental Protection that:
- (i) to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspects of Temporary uses and Open Storage Sites” issued by Environmental Protection Department to minimise the potential environmental nuisances on the surrounding areas; and
 - (ii) to provide adequate supporting infrastructure/facilities for proper collection, treatment and disposal of waste/wastewater generated from the proposed use. If septic tank and soakaway system will be used in case of unavailability of public sewer, its design and construction shall follow the requirements of EPD’s Practice Note for Professional Person (ProPECC) PN 1/23 “Drainage Plans subject to Comment by the Environmental Protection Department” including completion of percolation test and certification by Authorized Person;
- (i) to note the comments of the Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) that:
- (i) please improve the scan quality and scale of the drainage plan for better legibility;
 - (ii) consideration should be given to provide grating for the surface channels;
 - (iii) the depth at the start of the proposed u-channel is less than the design depth of 375mm. Please review;
 - (iv) please provide section/details of connection for the proposed 375mm u-channel at the existing river (including the invert level of the inlet/outlet and the river);
 - (v) standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit/sand trap;
 - (vi) please advise if any site formation/levelling works to be carried out under this application. Cross sections showing the existing and proposed ground levels of the captioned site with respect to the adjacent areas should be given;
 - (vii) please confirm if any walls or hoarding are/to be erected or laid along the site boundary, adequate opening should be provided to intercept the existing overland flow passing through the Site. Please provide its details for comments;
 - (viii) the development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc;
 - (ix) please further indicate clearly the full alignment of the discharge path beyond the existing river all the way down to the ultimate discharge point (e.g. a well-established stream course/public drainage system) on a separate plan as appropriate. You may refer to the GeolInfo Map (<https://www.map.gov.hk/gm/>) to obtain records of nearby drainage pipes and manhole facilities. If the existing drainage facilities proposed to be included in your drainage network are not recorded on the website, please provide relevant site photos to demonstrate its existence and existing condition;
 - (x) the existing river, to which the applicant proposed to discharge the stormwater from the Site was not maintained by this office. The applicant(s) shall resolve any conflicts/disagreements arisen for discharging the runoff from the Site to the proposed discharge point(s). In the case that it is a local village drains, the District Officer/Yuen

Long, Home Affairs Department should be consulted. Moreover, the applicant(s) should ensure that this drainage system and the existing downstream drains/channels/streams have adequate capacity to convey the additional runoff from the Site. Regular maintenance should be carried out by the applicant(s) to avoid blockages of the system;

- (xi) further to comment above, the provided photos P1 to P4 do not clearly demonstrate the presence of the existing river, and it seems that the river does not exist based on recent aerial photo. Please further review the discharge path and/or provide further site photos at different locations/views to demonstrate its presence and existing condition;
 - (xii) the applicant should check and ensure the hydraulic capacity of the existing river would not be adversely affected by the captioned development. If there is overgrown vegetation or sediment inside the existing river, please consider clearing them; and
 - (xiii) the applicant should resolve any conflict/disagreement with relevant lot owner(s) and seek permission from DLO/YL, LandsD for laying new drains/channels and/or modifying/upgrading existing ones in other private lots or on Government Land, where required, outside the Site;
- (j) to note the comments of the Director of Fire Services that:
- (i) a sufficient number of stand-alone fire detectors shall be provided at Structure 1;
 - (ii) for open storage area which does not involve the erection of enclosed structures, the number of fire extinguisher required to be provided = [Storage Area (m²)] x [0.003]; and
 - (iii) if the proposed structure(s) is 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;
- (k) 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 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 building plan submission stage;
 - (iii) if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the Building Authority (BA), they are unauthorized building works (UBWs) under the BO and should not be designated for any proposed use under the captioned application;
 - (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) two structures and associated filling of land are proposed in the application. Before any new building works (including containers/open shed 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 Authorized Person should be appointed as the coordinator for the proposed building works in accordance with the BO;

- (vi) any temporary shelters or converted containers for office, storage, washroom or other uses considered as temporary buildings are subject to the control of Part VII of the B(P)R; and
 - (vii) detailed checking under the BO will be carried out at building plan submission stage; and
- (l) to note the comments of the Director of Electrical and Mechanical Services that:

in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organising and supervising any activity near the underground cable or overhead line under the mentioned document should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

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

tpbpd/PLAND

寄件者: [REDACTED]
寄件日期: 2026年03月11日星期三 3:06
收件者: tpbpd/PLAND
主旨: A/YL-TT/770 DD 118 Tai Shu Ha Road W, Yuen Long
類別: Internet Email

Dear TPB Members,

642 approved 24 May 2024 and conditions not fulfilled.

*"The applicant failed to comply with the condition for the submission of drainage..
proposal because **he needs additional time** to respond to the comments of the CE/MN, DSD."*

Approval should be FOR ONE YEAR ONLY in order to concentrate minds of both operator and govt on 'getting the job done'.

Mary Mulvihill

From: [REDACTED]
To: tpbpd <tpbpd@pland.gov.hk>
Date: Wednesday, 24 April 2024 3:31 AM HKT
Subject: A/YL-TT/642 DD 118 Tai Shu Ha Road W, Yuen Long

A/YL-TT/642

Lot 1302 RP (Part) in D.D. 118, Tai Shu Ha Road West, Yuen Long

Site area: About 706sq.m

Zoning: "Agriculture"

Applied use: Open Storage and Warehouse for Storage of Construction Materials / 1 Vehicle
Parking / **Filling of Land**

Dear TPB Members,

No record of previous approvals but the site has been operated as a brownfield for a long time.

Perhaps one of the new members could ask how come there has been no enforcement?

Mary Mulvihill