

**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

No.	Application No.	Use(s)/Development(s)	Date of Consideration (Rural and New Town Planning Committee (RNTPC))
1.	A/YL-KTS/65	Temporary Open Storage of vehicles for a period of 12 months	28.2.1997
2.	A/YL-KTS/148	Temporary open storage of vehicles and construction materials for a period of 12 months.	22.1.1999
3.	A/YL-KTS/198	Temporary Vehicle Repairing Workshop for a period of 3 years	3.3.2000
4.	A/YL-KTS/293	Temporary Vehicle Repair Workshop for a period of 3 years	27.6.2003
5.	A/YL-KTS/404	Temporary Vehicle Repair Workshop for a Period of 3 Years	24.8.2007 [revoked on 24.1.2010]
6.	A/YL-KTS/509	Temporary Vehicle Repair Workshop for a Period of 3 Years	12.11.2010 [revoked on 12.10.2012]
7.	A/YL-KTS/605	Temporary Vehicle Repair Workshop for a Period of 3 Years	6.9.2013 [revoked on 6.3.2014]
8.	A/YL-KTS/743	Proposed Temporary Vehicle Repair Workshop for a Period of 3 Years	8.9.2017 [revoked on 8.2.2020]
9.	A/YL-KTS/879	Temporary Open Storage of Vehicles, Construction Materials/Prefabrication Components and Site Office for a Period of 3 Years	23.7.2021
10.	A/YL-KTS/1112	Proposed Temporary Open Storage and Warehouse (Construction Materials and Machinery) and Associated Filling of Land for a Period of 3 Years	6.2.2026

Rejected Applications

No.	Application No.	Use(s)/Development(s)	Date of Consideration (Rural and New Town Planning Committee (RNTPC))	Rejection Reasons
1.	A/YL-KTS/667	Temporary Metal Recycling Centre and Open Storage of Scrap Metal, Concrete and Machinery with Ancillary Office for a Period of 3 Years	5.6.2015	(1) – (3)
2.	A/YL-KTS/685	Temporary Open Storage (Concrete from Demolished Buildings) for a Period of 3 Years	8.1.2016	(1) – (3)

Rejection Reasons

- (1) Not in line with planning intention.
- (2) Not comply with Town Planning Guidelines 13E in that the development is not compatible with the surrounding land uses; the residential dwellings/structures would be susceptible to adverse environmental nuisance generated by the development; and adverse comment from the relevant government department and local objections were received.
- (3) Fails to demonstrate that the development would not generate adverse environmental and drainage impacts

**Similar s.16 Applications within the same “AGR” Zone of the Site
in the past five years**

Approved Applications

No.	Application No.	Use(s)/Development(s)	Date of Consideration (RNTPC)
1.	A/YL-KTS/896	Renewal of Planning Approval for Temporary Open Storage of Vehicles and Container Trailers/ Tractors Park for a Period of 3 Years	27.8.2021
2.	A/YL-KTS/922	Renewal of Planning Approval for Temporary Open Storage of Vehicle Parts with Ancillary Workshop for a Period of 3 Years	10.6.2022
3.	A/YL-KTS/1008	Renewal of Planning Approval for Temporary Open Storage of Vehicles and Container Trailers/ Tractors Park for a Period of 3 Years	20.9.2024
4.	A/YL-KTS/1083	Temporary Warehouse (excluding Dangerous Goods Godown) with Ancillary Facilities and Associated Filling of Land for a Period of 3 Years	5.9.2025

Government Departments' General Comments

1. 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 (HyD):

- no in principle objection to the application from highways maintenance point of view;
- the application site (the Site) involves Government land which is not under HyD's maintenance purview; and
- advisory comments are at **Appendix V**.

2. Drainage

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

- no objection in principle to the application from public drainage point of view;
- should the application be approved, approval conditions should be stipulated requiring the submission of a drainage proposal and the implementation and maintenance of the proposed drainage facilities to the Director of Drainage Services' or the Town Planning Board's satisfaction; and
- advisory comments are at **Appendix V**.

3. Fire Safety

Comments of the Director of Fire Services:

- no objection in principle to the application subject to the fire service installations (FSIs) being provided to his satisfaction;
- the submitted FSIs proposal is considered acceptable; and
- advisory comments are at **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;
- based on the aerial photo taken in June 2025, the Site is situated in an area of miscellaneous rural fringe landscape character comprising temporary structures,

vegetated areas and vacant land. The proposed uses are not entirely incompatible with the landscape setting in the proximity;

- with reference to the site photos, the Site is largely paved. Temporary structures, construction materials, machineries, and existing vegetation/trees along 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 proposed uses is not anticipated; and
- advisory comments are at **Appendix V**.

5. **Building Matters**

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

- no objection to the application;
- there is no record of approval granted by the Building Authority for the existing structures at the Site; and
- advisory comments are at **Appendix V**.

6. **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 comment on the application from locals upon close of consultation.

7. **Other Departments**

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

- Director of Electrical and Mechanical Services;
- Project Manager (West), Civil Engineering and Development Department;
- Chief Engineer/Railway Development 1-1, Railway Development Office, HyD;
- Chief Engineer/Construction, Water Supplies Department; and
- Commissioner of Police.

Recommended Advisory Clauses

- (a) the permission is given to the uses and/or structures under the application. It does not condone any other uses and/or structures which currently occur on the application site (the Site) but not covered by the application. Immediate action should be taken to discontinue such uses and remove such structures not covered by the permission;
- (b) 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;
- (c) to resolve any land issues relating to the proposed uses with the concerned owner(s) and/or occupant(s);
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the lot owner(s) shall apply to his office for a Short Term Waiver (STW) and Short Term Tenancy (STT) to permit the structure(s) erected within the private lots and the occupation of Government land. The application(s) for STW and STT will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The STW and STT, 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 proposed uses are temporary in nature, only erection of temporary structure(s) will be considered;
- (e) 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 Transport Department. The land status of the local access road should be checked with LandsD. 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;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that:
 - (i) HyD shall not be responsible for the maintenance of the proposed access connecting the Site and Kam Tin Road, including the local tracks; and
 - (ii) adequate drainage measures shall be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that:
 - (i) the applicant shall maintain all existing drains/watercourse and the overland flow

from adjacent lands shall not be affected; and

- (ii) 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 public, the applicant is required to submit technical assessment(s) in other aspect(s) and seek comment from relevant government departments as necessary;
- (h) to note the comments of the Director of Fire Services (D of FS) that:
 - (i) the applicant shall submit a full set of F.S.251, incorporating all proposed fire service installations (FSIs) for his further arrangement of FSI acceptance inspection; and
 - (ii) if the proposed structures are required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;
- (i) 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 proposed uses; and
 - (iv) the applicant shall meet the statutory requirements under relevant environmental legislation;
- (j) 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 should be submitted to relevant departments for approval;
- (k) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that:
 - (i) it is noted that three structures and associated filling of land 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 the Site, prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are unauthorised building works (UBW) under the BO. An Authorised Person 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) 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 the B(P)R at the building plan submission stage;
 - (iv) if the 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 uses under the application;
 - (v) 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;
 - (vi) 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
 - (vii) detailed checking under the BO will be carried out at building plan submission stage;
- (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 applicant/parties concerned with planning, designing, organising and supervising any activity near the underground cable or overhead line under the application 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; and
 - (m) to note the comments of the Commissioner of Police that the proposed uses shall not cause traffic congestion and flooding.

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

tpbpd/PLAND

寄件者: [REDACTED]
寄件日期: 2026年04月06日星期一 4:15
收件者: tpbpd/PLAND
主旨: A/YL-KTS/1121 DD 103 Kam Tin South
類別: Internet Email

A/YL-KTS/1121

Lots 355 RP (Part), 356 S.B (Part), 356 RP, 359 RP (Part), 360 RP (Part), 361, 362 (Part), 363, 364 (Part) and 435 RP (Part) in D.D. 103 and Adjoining Government Land, Kam Tin South

Site area: About 5,794sq.m Includes Government Land of about 696sq.m

Zoning: "Agriculture"

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

Dear TPB Members,

1112 approved on 6 Feb and already back for more.

That development at all costs has over ridden the duty to monitor rogue operators, and this one has a history, is underlined by the fact that 1112 was streamlined and rubberstamped.

Previous objections applicable and upheld.

Mary Mulvihill

From: [REDACTED]
To: tpbpd <tpbpd@pland.gov.hk>
Date: Tuesday, 20 January 2026 3:23 AM HKT
Subject: A/YL-KTS/1112 DD 103 Kam Tin South

☐Urgent ☐Return receipt ☐Expand Group ☐Restricted ☐Prevent Copy ☐Confidential
A/YL-KTS/1112

Lots 355 RP (Part), 356 S.B (Part), 356 RP, 359 RP (Part), 360 RP (Part), 361, 362 (Part), 363 and 364 (Part) in D.D. 103 and Adjoining Government Land, Kam Tin South

Site area: About 3,416sq.m Includes Government Land of about 236sq.m

Zoning: "Agriculture"

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

Dear TPB Members,

This site has a long history of approved brownfield applications that have failed to fulfil conditions. Most recent was 879 on 23 July 2021.

This expired in July 2024. Did the operator take a long holiday? What about occupation of GL, has rent been paid?

In view of the history, any approval should be limited to ONE YEAR ONLY in order to ensure that there is finally full compliance.

Mary Mulvihill