

**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 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/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 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.

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 provided 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 Applications covering the Application Site

Approved Application

	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Zoning(s)</u>	<u>Date of Consideration (RNTPC)</u>
1	A/YL-LFS/560	Proposed Temporary Open Storage of Elevated Working Platform for a Period of 3 Years	REC	10.10.2025 (Revoked on 10.4.2026)

Rejected Applications

	<u>Application No.</u>	<u>Proposed Use</u>	<u>Zoning(s)</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejection Reasons</u>
1	A/YL-LFS/26	Temporary Open Storage of Construction Materials for 12 Months	CPA, REC	24.7.1998 (on Review)	(1), (2), (3) and (5)
2	A/YL-LFS/38	Temporary Open Storage of Construction Materials for 12 Months	REC	5.2.1999	(1), (2), (3) and (5)
3	A/YL-LFS/123	Temporary Open Storage of Recycling Plastic Materials and Workshop for a Period of 3 Years	REC	14.1.2005	(1), (2), (4) and (5)
4	A/YL-LFS/134	Temporary Plastic Recycling Workshop for a Period of 3 Years	REC	15.7.2005	(1), (4) and (5)

Rejection Reasons

1. No strong justification in the submission for a departure from the planning intention.
2. Not compatible with the surrounding land uses/rural character.
3. Insufficient information to demonstrate no adverse traffic and drainage impacts on the surrounding areas.
4. Not in line with the TPB PG-No.13C, in that there was no previous approval, there were local objection and adverse comments from Government departments and there was insufficient information in the submission to demonstrate that the development would not have adverse environmental, traffic, drainage and landscape impacts on the surrounding area.
5. Setting an undesirable precedent.

**Similar s.16 Applications within the same “Recreation” Zone
on the Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan in the past 5 years**

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Zoning(s)</u>	<u>Date of Consideration (RNTPC)</u>
1	A/YL-LFS/451	Temporary Open Storage of Construction Materials and Engineering Machineries for a Period of 3 Years	REC, R(E)	3.2.2023
2	A/YL-LFS/479	Temporary Open Storage of Scrap Metal for a Period of 3 Years	REC	11.8.2023 (Revoked on 11.5.2025)
3	A/YL-LFS/493	Proposed Temporary Open Storage of Hardware Accessories for a Period of 3 Years	REC	24.11.2023 (Revoked on 24.5.2025)
4	A/YL-LFS/504	Temporary Open Storage of Construction Materials for a Period of 3 Years	REC	16.2.2024
5	A/YL-LFS/505	Temporary Open Storage of Construction Materials and Machineries with Ancillary Workshop, and Vehicle/Cargo Compartments Assembly and Repair Workshop for a Period of 3 years	REC	1.3.2024
6	A/YL-LFS/514	Proposed Temporary Open Storage of Construction Materials for a Period of 3 Years	REC	19.4.2024 (Revoked on 19.10.2025)
7	A/YL-LFS/515	Proposed Temporary Open Storage of Construction Materials for a Period of 3 Years	REC	19.4.2024 (Revoked on 19.10.2025)
8	A/YL-LFS/516	Temporary Open Storage of Construction Materials for a Period of 3 Years	REC	10.5.2024
9	A/YL-LFS/555	Proposed Temporary Open Storage of Construction Materials and Construction Equipment for a Period of 3 Years	REC	1.8.2025
10	A/YL-LFS/568	Proposed Temporary Open Storage of Building Materials for a Period of 3 Years	REC	19.9.2025
11	A/YL-LFS/570	Proposed Temporary Open Storage of Hardware Accessories for a Period of 3 Years	REC	6.2.2026
12	A/YL-LFS/583	Proposed Temporary Warehouse and Open Storage of Construction Machinery and Construction Materials for a Period of 3 Years	REC	23.1.2026
13	A/YL-LFS/594	Proposed Temporary Open Storage of Construction Materials and Machinery with Ancillary Facilities for a Period of 3 Years	REC	27.2.2026
14	A/YL-LFS/596	Temporary Open Storage of Scrap Metal for a Period of 3 Years	REC	13.3.2026

Government Bureau/Departments' General Comments

1. Traffic

- (i) Comments of the Commissioner for Transport (C for T):
 - (a) She has no adverse comment on the application from traffic engineering perspective.
 - (b) The applicant should note her advisory comments at **Appendix V**.
- (ii) 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 applicant should be responsible for the construction and maintenance of run-in/out from Deep Bay Road to the application site (the Site).
 - (c) The applicant should note his advisory comments at **Appendix V**.

2. Environment

Comments of the Director of Environmental Protection (DEP):

- (a) He has no objection to the planning application from environmental planning perspective.
- (b) Although there are residential dwellings located within 100m from the boundary of the Site, it is noted that the applied use would not generate traffic of heavy vehicles nor involve dusty operation.
- (c) There is no substantiated environmental complaint pertaining to the Site received in the past three years.
- (d) 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 objection in principle to the application from the public drainage point of view.
- (b) The submitted drainage proposal is considered acceptable.
- (c) Should the Town Planning Board consider that the application is acceptable from planning point of view, approval condition(s) should be stipulated requiring the

applicant to implement the accepted drainage proposal and maintain the proposed drainage facilities to his satisfaction.

- (d) The applicant should note his advisory comments at **Appendix V**.

4. Fire Safety

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

- (a) He has no objection in principle to the proposal subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) The applicant should note his detailed comments on the submitted FSIs proposal at **Appendix V**.

5. 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 the 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.
- (b) If the planning permission is granted, notwithstanding its validity period, the applicant should note his advisory comments detailed in **Appendix V**.

6. 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.

7. Other Bureau/Departments’ Comments

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

- (a) Chief Heritage Executive (Antiquities and Monuments), Antiquities and Monuments Office, Development Bureau (CHE/AMO, DEVB);
- (b) Director of Leisure and Cultural Services (DLCS);
- (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (d) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD);
- (e) Chief Engineer/Land Works, CEDD (CE/LW, CEDD);

- (f) Head of Geotechnical Engineering Office, CEDD (H(GEO), CEDD); and
- (g) Director of Agriculture, Fisheries and Conservation (DAFC).

Recommended Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the applied use at the application site (the Site);
- (b) 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;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that:
 - (i) the Site comprises government land (GL) and Old Schedule Agricultural Lots 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; and
 - (ii) the lot owner(s) shall apply to his office for Short Term Waiver(s) (STW(s)) and Short Term Tenancy(s) (STT(s)) to permit the structure(s) erected or to be erected within the subject lots and the occupation of the 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;
- (e) to note the comments of the Director of Environmental Protection that the applicant is advised:
 - (i) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”;
 - (ii) to follow the relevant guidelines and requirements in relevant Professional Persons Environmental Consultative Committee Practice Notes (ProPECCPNs). 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 ProPECC PN 1/23 “Drainage Plans subject to Comment by the Environmental Protection Department” including completion of percolation test and certification by Authorized Person;
 - (iii) to provide adequate supporting infrastructure/facilities for proper collection, treatment and disposal of waste/wastewater generated from the applied use; and
 - (iv) to meet the statutory requirements under relevant environmental legislation;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that 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 departments as necessary;

- (g) to note the comments of the Commissioner for Transport that:
- (i) sufficient manoeuvring spaces shall be provided within the Site or its adjacent area. 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;
- (h) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures shall be provided to prevent surface water running from the Site to the nearby public roads and drains. The applicant should be responsible for the construction and maintenance of run-in/out from Deep Bay Road to the Site;
- (i) to note the comments of the Director of Fire Services on the submitted fire service installations proposal that:
- (i) for enclosed structure with gross floor area not exceeding 230m², portable fire extinguisher and stand-alone fire detector shall be provided; and
 - (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];
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
- (i) it is noted that two structures are proposed in the application. 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 (BA) 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;
 - (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 building plan submission stage;
 - (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;
- (k) to note the comments of the Project Manager (West), 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 the 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

- (l) to note the comments of the Chief Heritage Executive (Antiquities and Monuments), Antiquities and Monuments Office, Development Bureau (CHE/AMO, DEVB) that Site is situated within the Lau Fau Shan Site of Archaeological Interest. The applicant is required to inform AMO (Mr. Tsang Chi-hung, Tel: 2655 0822 and Email: chtsang@amo.gov.hk and Miss Kelly Lau, Tel: 2655 0824 and Email: sylau@amo.gov.hk) immediately when any antiquities or supposed antiquities under the ordinance are discovered in the course of works pursuant to the Antiquities and Monuments Ordinance (Cap. 53).

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tpbpd/PLAND

寄件者: [REDACTED]
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主旨: A/YL-LFS/607 DD 129 Lau Fau Shan
類別: Internet Email

A/YL-LFS/607

Lots 2035 RP (Part), 2036 RP (Part), 2037 (Part), 2038 (Part), 2039 (Part), 2040 RP, 2042 RP (Part), 2044 RP (Part), 2048 (Part), 2049 (Part), 2050, 2051, 2052, 2054 (Part), 2055 (Part), 2058 (Part) in D.D. 129, Lau Fau Shan

Site area: About 3,780sq.m (Includes Government Land of about 13sq.m)

Zoning: "Recreation"

Applied use: Open Storage of Construction Materials / 2 Vehicle Parking

Dear TPB Members,

560 was approved on Oct 10 last year under the 3 Monkey arrangement and already the operator is extending the brownfield use further towards the coast and the 'CPA' zoning.

Members should question how close to the "CPA" is brownfield encouraged under the DOWNGRADING of parts of the district to Cat 2.

Previous objections upheld.

Mary Mulvihill

From: [REDACTED]
To: tpbpd <tpbpd@pland.gov.hk>
Date: Sunday, 29 June 2025 2:48 AM HKT
Subject: A/YL-LFS/560 DD 129 Lau Fau Shan

A/YL-LFS/560

Lots 2035 RP (Part), 2036 RP (Part), 2037 (Part), 2038 (Part), 2039 (Part), 2040 RP, 2042 RP (Part), 2049 (Part) and 2052 (Part) in D.D. 129, Lau Fau Shan

Site area: About 1,730sq.m

Zoning: "Recreation"

Applied use: Open Storage of Elevated Working Platform / 1 Vehicle Parking

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Dear TPB Members,

The only record of applications is rejection of Open Storage over 20 years ago. However, the site was hard paved long ago and has been used for OS operations.

One has to question what the government depts responsible for overseeing the district have been doing all these years? No mention of enforcement action.

No Planning Statement provided, the applicant is clearly confident that the 3 Monkeys, streamline, PlanD recommends, members rubberstamp formula will be applied.

Another reward for years of unapproved land abuse.

Mary Mulvihill