

**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, such as container trailer/tractor park and open storage of chemical products/ dangerous goods etc., 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. 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 summarized 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, 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 Applications covering the Application Site

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration</u> <u>(RNTPC/TPB)</u>
1	A/YL-TYST/4	Temporary Open Storage of Construction Materials and Machineries for 12 months	21.3.1997 [on review]
2	A/YL-TYST/5	Temporary Open Storage of Construction Materials for 12 months	9.5.1997 [on review]
3	A/YL-TYST/44	Temporary Open Storage of Construction Machinery and materials for a period of 12 months	25.9.1998
4	A/YL-TYST/80	Temporary Open Storage of Construction Machinery and Materials for a Period of 3 Years	5.11.1999 [revoked on 5.8.2000]
5	A/YL-TYST/129	Temporary Open Storage of Construction Machinery and Materials for a Period of 3 Years	26.10.2001 [on review] [revoked on 26.4.2002]
6	A/YL-TYST/784	Proposed Temporary Dog Kennel cum Dog Recreation Centre for a Period of 3 Years	29.7.2016
7	A/YL-TYST/968	Renewal of Planning Approval for Temporary Dog Kennel cum Dog Recreation Centre for a Period of 3 Years	19.7.2019
8	A/YL-TYST/1163	Proposed Temporary Animal Boarding Establishment (Dog Kennel cum Dog Recreation Centre) for a Period of 3 Years	29.7.2022

Rejected Applications

	<u>Application No.</u>	<u>Proposed Use(s)</u>	<u>Date of Consideration</u> <u>(RNTPC/TPB)</u>	<u>Rejection Reason(s)</u>
1	A/YL-TYST/119	Temporary Open Storage of Construction Machinery and Materials for a Period of 3 Years	9.3.2001 [on review]	(1), (2), (3), (4)
2	A/YL-TYST/145	Temporary Open Storage of Construction Machinery and Materials for a Period of 3 Years	17.8.2001	(1), (3), (5)
3	A/YL-TYST/158	Temporary Open Storage of Timber for a Period of 3 Years	7.6.2002 [on review]	(1), (3), (5)
4	A/YL-TYST/182	Temporary Open Storage of Construction Machinery and Materials for a Period of 3 Years	28.3.2003 [on review]	(1), (3), (5)

5	A/YL-TYST/262	Proposed Temporary Recycling Facility for Plastic Waste for a Period of 3 Years	3.12.2004	(2), (3), (5)
6	A/YL-TYST/670	Temporary Open Storage of Construction Machinery and Materials, Recycling Materials and Used Electrical Appliances with Ancillary Office and Warehouses for a Period of 3 Years	10.10.2014 [on review]	(1), (6), (7)

Rejection Reason(s):

- (1) No strong justification for a departure from the planning intention.
- (2) Not compatible with the surrounding rural uses/nearby residential structures.
- (3) Approving the application would result in a further degradation of the environmental and traffic conditions of the area.
- (4) No information to demonstrate why suitable sites within the “U” zone cannot be made available for the development.
- (5) No/insufficient information to demonstrate that the development would not generate adverse environmental and/or drainage/landscape impacts on the surrounding areas.
- (6) Not comply with the previous version of Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that there are adverse departmental comments and local objections against the application.
- (7) Setting an undesirable precedent.

Similar Applications within the same “R(D)” Zone in the past 5 years

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)/Development(s)</u>	<u>Date of Consideration (RNTPC)</u>
1	A/YL-TYST/1234	Proposed Temporary Warehouse and Open Storage of Construction Materials for a Period of 3 Years	10.11.2023 [revoked on 10.5.2025]
2	A/YL-TYST/1323	Proposed Temporary Vehicle Repair Workshop and Open Storage of Construction Machinery and Materials with Ancillary Facilities for a Period of 3 Years	5.12.2025
3	A/YL-TYST/1325	Proposed Temporary Open Storage of Construction Machinery and Materials, Vehicle Repair Workshop and Recyclable Collection Centre (Waste Paper) with Ancillary Facilities for a Period of 3 Years	19.12.2025
4	A/YL-TYST/1326	Proposed Temporary Warehouse and Open Storage of Construction Materials for a Period of 3 Years	27.2.2026

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 application;
- the application site (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; and
- within the Site, the following private lots are currently covered by Short Term Waivers (STWs), details of which are listed below:

Lot No. D.D. 121	STW No.	Permitted Use
713	4724	Temporary dog kennel cum dog recreation centre
714, 715, 718 and 719	4725	
716	4726	
717	4727	
709, 710, 711 and 720	5696	Temporary animal boarding establishment (dog kennel cum dog recreation centre) and ancillary uses as may be approved by DLO
712	5697	
753	5698	

2. Traffic

(a) Comments of the Commissioner for Transport (C for T):

No adverse comment on the application from traffic engineering perspective.

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

No comment from highways maintenance point of view.

3. Drainage

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

- no in-principle objection to the application; and
- should the Town Planning Board (the Board) consider that the application is acceptable from the planning point of view, approval conditions requiring the submission of a drainage proposal and the implementation and maintenance on site to the satisfaction of the Director of Drainage Services or of the Board should be stipulated.

4. Fire Safety

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

No in-principle objection to the application subject to fire service installations being provided to his satisfaction.

5. Building Matters

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

- no objection under the Buildings Ordinance (BO) on the application; and
- it is noted that ten 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 the Site, prior approval and consent of the Building Authority should be obtained, otherwise they are unauthorised building works under the BO. An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO.

6. Long-Term Development

(a) Comments of the Chief Engineer/Cross-Boundary Infrastructure and Development, Planning Department (CE/CID, PlanD):

- the Civil Engineering and Development Department (CEDD) and PlanD jointly commissioned the “Planning and Engineering Study for Housing Sites in Yuen Long South (YLS) – Investigation”. According to the Revised Recommended Outline Development Plan of YLS promulgated in May 2020, the Site falls within an area zoned “Residential – Zone 5”; and
- the objective of YLS development is to transform the degraded rural land predominantly occupied by brownfield operations including open storage yards, warehouses and rural industrial uses into housing and other uses with supporting infrastructure and community facilities, and to improve the existing environment. It is noted that the application is for temporary use for a period of three years. In considering the application for temporary uses, due consideration should be given on the possible implication on land clearance which would affect the future implementation of YLS.

(b) Comments of the Project Manager (West) (PM(W)), CEDD:

No objection to the application.

7. District Officer's Comments

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

His office has not received any feedback from locals.

8. Other Departments

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

- Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- Director of Electrical and Mechanical Services (DEMS); and
- Commissioner of Police (C of P).

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) the planning permission is given to the development/uses under application. It does not condone any other development/uses (i.e. animal boarding establishment) which currently exist on the Site but not covered by the application. Immediate action should be taken to discontinue such development/uses not covered by the permission;
- (c) the Site should be kept in a clean and tidy condition at all times;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Short Term Waiver (STW) holder(s) will need to apply to his office for modification of the STW conditions where appropriate and the lot owner(s) without STW shall apply to his office for STW to permit the structure(s) erected within the said private lots. 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 his department. Besides, given the proposed use is temporary in nature, only erection of temporary structure(s) will be considered;
- (e) to note the comments of the Commissioner for Transport (C for T) that:
 - (i) consent of the owners/managing departments of the local track and footpath should be obtained for using it as the access to the Site; and
 - (ii) 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;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that:
 - (i) his department shall not be responsible for the maintenance of any access connecting the Site and Long Hon Road; and
 - (ii) adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (g) to note the comments of the Director of Environmental Protection (DEP) that:
 - (i) 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 his department should be followed to minimise any potential environmental nuisances on the surrounding areas;
 - (ii) adequate supporting infrastructure/facilities should be provided 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 his department’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 Authorised Person;

- (iii) all workshop activities should be conducted within solid structures equipped with a mechanical ventilation system, and the exhaust outlet of the mechanical ventilation system should be located as far as practicable from the nearby sensitive uses; and
 - (iv) it is the obligation of the applicant to meet the statutory requirements under relevant pollution control ordinances;
- (h) to note the general comments of the Director of Fire Services (D of FS) that:
- (i) in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Relevant layout plans incorporated with the proposed FSIs should be submitted to his department for approval;
 - (ii) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of proposed FSIs to be installed should be clearly marked on the layout plans; and
 - (iii) if the proposed structures are 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;
- (i) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:
- (i) all existing drains/watercourse should be maintained and the overland flow from adjacent lands should 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, please submit technical assessment(s) in other aspect(s) and seek comment from relevant departments as necessary;
- (j) 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 the 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, they are unauthorised building works (UBW) 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) 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;

- (vi) the 7m high workshops are considered excessive. It should be justified upon final plan submission to BD; and
- (vii) detailed checking under the BO will be carried out at building plan submission stage; and
- (k) to note the comments of the Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD) that based on the preliminary project boundary of the proposed Yuen Long South New Development Area (YLS NDA), the majority of the Site falls within the boundary of the YLS NDA – remainder of Third Phase Development. The YLS Development would provide land to meet the medium to long term housing needs of Hong Kong and the detailed implementation programme with phasing and packaging of works for YLS NDA – Third Phase Development is being formulated.

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tpbpd/PLAND

寄件者: [REDACTED]
寄件日期: 2026年06月30日星期二 11:42
收件者: tpbpd/PLAND
主旨: A/YL-TYST/1361 DD 121 Tong Yan San Tsuen
類別: Internet Email

A/YL-TYST/1361

Lot Nos. 702 RP (Part), 710 RP, 711, 712 RP, 713 RP, 714 RP (Part), 715 (Part), 716 (Part), 717 (Part), 718 (Part), 719 (Part), 720 (Part), 721 (Part), 723, 747 RP, 748, 749, 750, 751 RP, 752, 753 RP and 754 RP in D.D. 121, Tong Yan San Tsuen, Yuen Long

Site area: About 4,739sq.m

Zoning: "Res (Group D)"

Applied use: Vehicle Repair Workshop / Open Storage Vehicles / 6 Vehicle Parking

Dear TPB Members,

A large part of the site was an ABE operation for many years.

Strong Objections. Not only is the location Cat 3, it is contrary to the vision for the district as laid out during the Tai Tong OZP, which I attended. DPO spoke at length about the plans to create a high rise residential node, a mixture of PH and private towers, surrounded by community services and open spaces.

Therefore, the statement that "*Approval of this application would not jeopardize the long-term planning intention of the "R(D)" zone*" is erroneous. Operators allowed to move in would be there for the long term and in conflict with the planning intention for the district.

It is unacceptable that as new estates are developed that they be sited along side brownfield operations. The government has repeatedly promised a better quality of life for residents.

Members have a duty to respect the zoning and give priority to the interests of incoming residents.

The application should be rejected.

Mary Mulvihill

From: [REDACTED]
To: mm1947 <mm1947@netvigator.com>
Date: Friday, 1 July 2022 3:42 AM HKT
Subject: A/YL-TYST/968 DD 121 Tong Yan San Tsuen

A/YL-TYST/1163

Lots 702 RP (Part), 705 RP (Part), 706 RP (Part), 707, 708, 709, 710, 711, 712, 713, 714 (Part), 715, 716, 717, 718, 719 (Part), 720 (Part), 752 (Part), 753 (Part), 754 RP (Part) and

757 RP in D.D. 121 and Adjoining Government Land, Tong Yan San Tsuen, Yuen Long

Site area: About 4,500sq.m (Includes Government Land of about 248sq.m)

Zoning: "Res (Group D)"

Applied use: Animal Boarding Establishment (Dog Kennel cum Dog Recreation Centre) / 9 Vehicle Parking

784 - 8 EXTENSIONS. 968 APPROVED 19 JULY 2019.1163 APPROVED 29 July 2022

From: [REDACTED]
To: tpbbpd <tpbbpd@pland.gov.hk>
Date: Tuesday, 8 March 2016 1:12 AM CST
Subject: A/YL-TYST/784 Tong Yan San Tsuen

A/YL-TYST/784

Lots in D.D.121 and Adjoining Government Land, Tong Yan San Tsuen, Yuen Long

Site area : About 4,500m² Includes Government Land of about 248m²

Zoning : Res D

Applied Use : Dog Kennels

Dear TPB Members,

Am I missing something? We are constantly told that there is not enough land for RESIDENTIAL yet this Residential site has been used for storage and other purposes for 20 years..

The site could house a medium size residential block. As the site is too small to be part of a CDA there is no justification for delay in erecting housing or community facilities on the site.

Continuing approval of this type of application sets an undesirable precedent and does nothing to encourage the development of land in line with the planning intention.

TPB must play its part in encouraging the release of sites for housing by rejecting applications for inappropriate use of available land.

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Homes for HK people not dogs.

Mary Mulvihill

Appendix VIII of RNTPC
Paper No. A/YL-TYST/1361

Good Practice Guidelines for Open Storage Sites

		Internal Access for Fire Appliances	Lot Boundaries (Clear Width)	Distance between Storage Cluster and Temporary Structure	Cluster Size	Storage Height
1.	Open Storage of Containers		2m	4.5m		
2.	Open Storage of Non- Combustibles or Limited Combustibles	4.5m	2m	4.5m		
3.	Open Storage of Combustibles	4.5m	2m	4.5m	40m x 40m	3m

Remarks: Smoking and naked flame activities shall not be allowed within the open storage / recycling site.