

**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; 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 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 agricultural land and fish ponds to other uses on an ad-hoc basis, particularly in flood prone areas or sites which would obstruct natural drainage channels and overland flow; 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 Application

Rejected Application

Application No.	Uses / Developments	Date of Consideration	Rejection Reasons
A/NE-MKT/27	Proposed Temporary Open Storage of Construction Machinery and Warehouse for Storage of Machinery Parts with Ancillary Office for a Period of Three Years	1.12.2023 (on review)	R1-R3

Rejection Reasons

- R1 The proposed use was not in line with the planning intention of the “Recreation” zone, which was primarily for recreational developments for the use of the general public. It encouraged the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the low density recreational developments might be permitted subject to planning permission. There was no strong planning justification in the submission to merit a departure from such planning intention, even on a temporary basis.
- R2 The applicant failed to demonstrate in the submission that the proposed use would not generate adverse traffic, drainage, landscape and environmental impacts on the surrounding areas.
- R3 The proposed use did not comply with the Town Planning Board Guidelines on Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance in that no previous approval has been granted to the site and there were adverse departmental comments and local objections.

Similar Application for Temporary Open Storage
within the same “Recreation” zone in the vicinity of the Application Site

Approved Application

Application No.	Uses / Developments	Date of Consideration
A/NE-MKT/54	Proposed Temporary Open Storage of Construction Materials and Construction Machinery with Ancillary Facilities for a Period of Three Years	27.2.2026

Government Departments' General Comments

1. Drainage

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

- no objection to the application from public drainage viewpoint;
- should the application be approved, conditions should be included to request the applicant to submit and implement a drainage proposal for the application site (the Site) to ensure it will not cause adverse drainage impact to the adjacent area, and the implemented drainage facilities at the Site shall be maintained at all times during the planning approval period and rectified if they are found inadequate/ineffective during operation; and
- her detailed advisory comments on the application are at **Appendix VI**.

2. Fire Safety

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

- no in-principle objection to the application subject to fire service installations and water supplies for firefighting being provided to his satisfaction; and
- his detailed advisory comments on the application are at **Appendix VI**.

3. Building Matters

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

- no objection to the application;
- as there is no record of approval granted by the Building Authority for the existing structure at the Site, he is not in a position to offer comments on their suitability for the applied use in the application; and
- his detailed advisory comments on the application are at **Appendix VI**.

4. Traffic

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

- no adverse comment on the application from highway maintenance perspective;

- as there is no proper run-in/out at the footpath of Ping Che Road, should the application be approved, conditions should be included to request the applicant to submit and construct the proposed vehicular run-in/run-out to the Site in accordance with the prevailing HyD standard drawings (i.e. H1113C and H1114B); and
- his detailed advisory comments on the application are at **Appendix VI**.

5. Landscape

Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- no adverse comment on the application from landscape planning perspective;
- based on the aerial photo taken in 2025, the Site is located in an area of rural inland plain landscape character comprising village houses, warehouses, temporary structures, vegetated areas and tree clusters. The applied use is considered not entirely incompatible with the surrounding environment;
- with reference to site photos taken in March 2026, the Site was fenced-off and largely formed. Scattered construction materials and self-seeded vegetation were observed on it. As stated in the **Appendix I**, tree felling is not involved;
- according to paragraph 5.5 of **Appendix Ia**, landscape buffers and screening (for example perimeter planting and fencing/hoarding) will be provided/maintained to reduce visual impact;
- in view of the above, significant adverse landscape impact arising from the applied use is not anticipated; and
- her detailed advisory comments on the application are at **Appendix VI**.

6. Other Departments

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

- (a) Director of Agriculture, Fisheries and Conservation (DAFC);
- (b) Project Manager (North), Civil Engineering and Development Department (PM(N), CEDD);
- (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD); and
- (d) District Officer (North), Home Affairs Department (DO(N), HAD).

Recommended Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the applied use at the application site (the Site);
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (c) to note the comments of the Commissioner for Transport (C for T) that sufficient manoeuvring space shall be provided within the Site. No vehicle is allowed to queue back to or reserve onto/from public road at any time during the planning approval period;
- (d) to note the comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD) that:
 - (i) the following irregularity covered by the subject planning application has been detected by his office:

Unauthorised structures within the said private lot covered by the planning application

there are unauthorised structures on the private lot. The lot owner should immediately rectify the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice;

- (ii) the following irregularity not covered by the subject planning application has been detected by his office:

Unlawful occupation of Government Land (GL) adjoining the said private lot not covered by the planning application

the GL adjoining the said private lot has been fenced off and illegally occupied with unauthorised structures without permission. The GL being illegally occupied is not included in the application. The applicant should clarify the extent of the Site. Any occupation of GL without Government's prior approval is an offence under the Land (Miscellaneous Provisions) Ordinance (Cap. 28). LandsD objects to the planning application since there is illegal occupation of GL which regularisation would not be considered according to the prevailing land policy. The lot owner(s) should immediately cease the illegal occupation of GL and remove the unauthorised structure(s) as demanded by LandsD. His office reserves the rights to take necessary land control action against illegal occupation of GL without further notice;

- (iii) the lot owner(s)/applicant shall remove the unauthorised structures and cease the illegal occupation of the GL not covered by the subject planning application immediately, and subject to the approval of the Town Planning Board to the planning application which shall have reflected the rectification as aforesaid required, apply to his office for a Short Term Waiver (STW) to permit the structures erected. The application 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 on whole lot basis and will be subject to such terms and conditions including the payment of waiver fee and administrative fee as considered appropriate to be imposed by LandsD. In addition, LandsD reserves the right to take enforcement action against the lot owner/applicant for any breach of the lease conditions, including the breaches already in existence or to be detected at any point of time in future and land control action for any unlawful occupation of GL; and

- (iv) erection of unauthorised structures and illegal occupation of GL should not be encouraged. The lot owners/applicant should remove all the unauthorised structures, rectify the occupation of GL immediately and provide relevant proof to his office;
- (e) to note the comments of the Director of Environmental Protection (DEP) that the applicant should follow the requirements of the 'Code of Practice on Handling Environmental Aspects of Temporary Uses & Open Storage Sites' and to provide suitable sewage treatment facilities as required under Professional Persons Environmental Consultative Committee Practice Notes No. 1/23 'Drainage Plans subject to Comment by the Environmental Protection Department' and are duly certified by an Authorised Person (AP) or employ licensed waste collector to regularly collect and properly dispose of the sewage collected in the proposed toilet, if any;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:
- (i) the applicant should construct and maintain the proposed drainage facilities whether within or outside the Site at his/her own expense; and
 - (ii) the Site is in an area where no public sewerage connection is available;
- (g) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. In addition, the applicant should note that:
- (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (ii) the location of where the proposed FSI to be installed should be clearly marked on the layout plans;
- if the proposed structures are required to comply with the Buildings Ordinance (Cap. 123) (BO), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
- (i) two structures are proposed in the application. Before any new building works 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 AP should be appointed as the co-ordinator for the proposed building works in accordance with the BO; and
 - (ii) the applicant's attention is drawn to the following points:
 - the Site shall be provided with emergency vehicular access in accordance with Regulation 41D of the Building (Planning) Regulations (B(P)R);
 - the Site abuts on a specified street (i.e. Ping Che Road) of not less than 4.5m wide. Its permitted development intensity shall be determined under the First Schedule of the B(P)R at building plan submission stage;

- if any 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 applied use;
 - 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;
 - any temporary shelters or converted containers for storage or office, canteen or other uses are considered as temporary buildings and subject to the control of Part VII of the B(P)R; and
 - detailed checking under the BO will be carried out at building plan submission stage;
- (i) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD):
- (i) adequate drainage measures shall be provided to prevent surface water running from the Site to the nearby public road and drains; and
 - (ii) the applicant should take adequate precautionary measures to avoid damaging roads, street furniture, drainage and slopes etc. maintained by his office. Damage caused to roads, street furniture, drainage and slopes etc. maintained by his office due to the proposed work shall be repaired to his satisfaction at the applicant's own costs;
- (j) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that:
- (i) one existing tree, *Celtis sinensis* (朴樹), with 950mm diameter at breast height (DBH), was found in the eastern part of the Site (**Plan A-2**) in poor condition with limited growing space. The applicant should ensure the tree safety and carry out necessary tree maintenance measures in a timely manner; and
 - (ii) approval of the application does not imply approval of tree works such as pruning, transplanting and felling. The applicant is reminded to seek approval for any proposed tree works from relevant departments prior to commencement of the works;
- (k) to note the comments of the Director of Agriculture, Fisheries and Conservation (DAFC) that the applicant should implement good site practices to avoid adverse impacts on the nearby environment, such as vegetation and any watercourses; and
- (l) to note the comments of the Project Manager (North), Civil Engineering and Development Department (PM(N), CEDD) that the applied use is located within the proposed New Territories North (NTN) New Town under the Planning & Engineering (P&E) Study for NTN New Town and Man Kam To. The preliminary development proposal for NTN New Town was released in December 2024. While the implementation programme of NTN New Town is being formulated under the P&E Study, the site formation works will likely commence soon after the completion of detailed design in next stage. Hence, subject to the land use planning in the P&E Study, the applied use, if approved, may need to be vacated for the site formation works.

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

tpbpd/PLAND

寄件者: [REDACTED]
寄件日期: 2026年04月09日星期四 3:19
收件者: tpbpd/PLAND
主旨: A/NE-MKT/60 DD 82 Ta Kwu Ling Tsuen Rec
類別: Internet Email

A/NE-MKT/60

Lot 751 S.B RP in D.D. 82, Ping Che Road, Ta Kwu Ling Tsuen, Man Kam To

Site area: 4,6820sq.m

Zoning: "Recreation"

Applied use: Open Storage of Metal Scaffolding / 2 Vehicle Parking

Dear TPB Members,

52 withdrawn. Back with some modification.

"The land occupier undertakes to actively identify and relocate to a permanent strategic location (for example, suitable industrial/warehouse land in or around the Northern Metropolis) within the three-year period,"

Ha Ha, and we believe in Father Xmas and the Tooth Fairy also.

This does not override the 'adverse traffic, drainage, landscape and environmental impacts on the surrounding areas.'

Previous objection relative and upheld.

In order to upgrade and bring our logistics sector into the 21st century operators need to be forced to invest here and now.

Mary Mulvihill

From: [REDACTED]
To: tpbpd <tpbpd@pland.gov.hk>
Date: Sunday, 7 September 2025 3:19 AM HKT
Subject: A/NE-MKT/52 DD 82 Ta Kwu Ling Tsuen Rec

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A/NE-MKT/52

Lot 751 S.B RP in D.D. 82, Ping Che Road, Ta Kwu Ling Tsuen, Man Kam To

Site area: 4,650sq.m

Zoning: "Recreation"

Applied use: Open Storage of Construction Machinery / 4 Vehicle Parking

Dear TPB Members,

Review was rejected on 1 Dec 2023 for reasons including:

(c) the applicant fails to demonstrate in the submission that **the proposed uses would not generate adverse traffic, drainage, landscape and environmental impacts on the surrounding areas.**"

Not only can there be no change in conditions in such a short period, since then the territory has been subject to torrential rainfall and other impacts of climate change underlining the importance of preserving natural drainage.

Previous objections relevant and upheld.

There is no justification to for approval of this application.

Mary Mulvihill

From: [REDACTED]
To: tpbpd <tpbpd@pland.gov.hk>
Date: Thursday, 5 October 2023 2:53 AM HKT
Subject: Re: A/NE-MKT/27 DD 82 Ta Kwu Ling Tsuen Rec

Dear TPB Members,

Support rejection of 14 July. Apart from the incompatibility of open storage with both the zoning and the district profile, note that the police made negative comment.

No justification to review.

Mary Mulvihill

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From: [REDACTED]
To: tpbpd <tpbpd@pland.gov.hk>
Date: Sunday, 18 June 2023 3:02 AM CST
Subject: A/NE-MKT/27 DD 82 Ta Kwu Ling Tsuen Rec

A/NE-MKT/27

Lot 751 S.B RP in D.D. 82, Ping Che Road, Ta Kwu Ling Tsuen, Man Kam To

Site area : 4,620sq.m

Zoning : "Recreation"

Applied use : Warehouse / Open Storage of Construction Machinery / 1 Vehicle Parking

Dear TPB Members,

Application 18 withdrawn and back with some tweaking but the intention is essentially the same.

Previous objections applicable and upheld.

Mary Mulvihill

From: [REDACTED]
To: tpbpd <tpbpd@pland.gov.hk>
Date: Sunday, 6 February 2022 2:26 AM CST
Subject: A/NE-MKT/18 DD 82 Ta Kwu Ling Tsuen Rec

A/NE-MKT/18

Lot 751 S.B RP in D.D. 82, Ping Che Road, Ta Kwu Ling Tsuen, Man Kam To

Site area : 4,680sq.m

Zoning : "Recreation"

Applied use : Open Storage of Construction Machinery / 3 Vehicle Parking

Dear TPB Members,

Strong objections. There is no previous history of approvals and according to Google Maps the lot is under cultivation.

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Members must play their part in ensuring that the previous 'closed area' is not allowed to degenerate into a series of brownfield operations that degrade the environment. The lot is next to a village and it is most undesirable that there be movement of large machinery so close to homes.

There are hundreds of brownfield sites in NT where operations like this can be accommodated.

Mary Mulvihill

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Seq. 2

致城市規劃委員會秘書：

專人送遞或郵遞：香港北角渣華道 333 號北角政府合署 15 樓

傳真：2877 0245 或 2522 8426

電郵：tpbpd@pland.gov.hk

To : Secretary, Town Planning Board

By hand or post : 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong

By Fax : 2877 0245 or 2522 8426

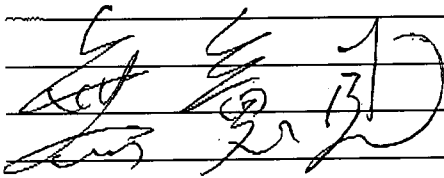
By e-mail : tpbpd@pland.gov.hk

有關的規劃申請編號 The application no. to which the comment relates

A/NE-MKT/60 Received on 08/04/2026

意見詳情 (如有需要，請另頁說明)

Details of the Comment (use separate sheet if necessary)



「提意見人」姓名/名稱 Name of person/company making this comment

侯志強議員

簽署 Signature



日期 Date

2026.4.27