

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 Application

	Application No.	Use/Development	Date of Consideration
1.	A/YL-KTN/1057	Proposed Temporary Shop and Services for a Period of Five Years	6.12.2024 [revoked on 6.3.2026]

Rejected Application

	Application No.	Use/Development	Date of Consideration	Rejection Reasons
1.	A/YL-KTN/168	Proposed 74 Houses (Other than New Territories Exempted House) & Minor Relaxation of Building Height Restriction from 8.23m to 9m	19.3.2004 [Upon Review]	(1) to (3)

- (1) The proposed development was not in line with the planning intention of the “Village Type Development” zone.
- (2) There was no information in the submission to demonstrate that the proposed development would not cause adverse traffic and drainage impacts on the surrounding area.
- (3) Approval of the application would set an undesirable precedent for similar residential developments to proliferate in the area. The cumulative effect of approving such similar applications would reduce the land available for Small House development.

Similar s.16 Applications within the Same “Village Type Development” Zone in the Vicinity of the Site in the Past Five Years

Approved Applications

	Application No.	Use/Development	Date of Consideration
1.	A/YL-KTN/796	Proposed Temporary Shop and Services (Motor-vehicle Showroom) and Public Vehicle Park (excluding Container Vehicle) for a Period of Five Years	24.12.2021 [revoked on 24.6.2024]
2.	A/YL-KTN/1048	Proposed Temporary Shop and Services for a Period of Five Years	10.1.2025 [revoked on 10.7.2026]
3.	A/YL-KTN/1065	Proposed Temporary Shop and Services for a Period of Five Years	6.12.2024 [revoked on 6.3.2026]
4.	A/YL-KTN/1199	Proposed Temporary Shop and Services (Real Estate Agency) for a Period of Five Years	6.2.2026

Government Departments' General Comments

1. Land Administration

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

- no adverse comment on the application;
- the application site (the Site) comprises Old Schedule Agricultural Lot(s) 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;
- there is no Small House application approved or under processing at the Site; and
- advisory comments are at **Appendix V**.

2. 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; and
- if the proposed access at Kong Tai Road is approved by the Transport Department, the applicant should ensure that a run-in/out is constructed in accordance with the latest version of HyD's Standard Drawings no. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement; and
- advisory comments are at **Appendix V**.

3. Environment

Comments of the Director of Environmental Protection:

- no objection to the application from environmental planning perspective;
- the applicant has proposed a number of mitigation measures, including erection of boundary wall consisting of sound-proofing materials with surface density of not less than 10kg/m² along the southwestern boundary, to control potential noise impact from the proposed use. The applicant should fully implement the proposed measures;

- there was no substantiated environmental complaint received against the Site in the past three years; and
- advisory comments are at **Appendix V**.

4. **Drainage**

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

- no in-principle objection to the application from drainage point of view;
- considering that the drainage impact should be minimal due to the small site area, to facilitate the proposed use, the submitted drainage proposal is considered acceptable;
- should the application be approved, condition should be stipulated requiring the implementation and maintenance of the drainage facilities identified in the accepted drainage proposal for the proposed use to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- advisory comments are at **Appendix V**.

5. **Fire Safety**

Comments of the Director of Fire Services:

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

6. **Nature Conservation**

Comments of the Director of the Agriculture, Fisheries and Conservation:

- the Site falls within the “Village Type Development” zone and has been paved. As such, he has no comment on the application from nature conservation perspective.

7. **Landscape Aspect**

Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department:

- no adverse comment on the application from landscape planning perspective; and
- based on the aerial photo, the Site was situated in an area of rural inland plain landscape character comprising village houses, open storage sites/warehouses, farmland, vacant land and scattered tree groups. The proposed temporary use is considered not incompatible with the landscape setting in the proximity;
- according to the aerial photo and site photos, the Site was largely hard-paved. The Site was formed. Piles of construction materials were found on it. No tree was

observed within the Site. According to the Application Form, no tree felling will be involved; and

- in view of the above, significant adverse landscape impact arising from proposed use is not anticipated.

8. Other Departments

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

- Chief Engineer/Construction, Water Supplies Department;
- Chief Building Surveyor/New Territories West, Buildings Department;
- Director of Electrical and Mechanical Services; and
- Project Manager (West), Civil Engineering and Development Department.

Recommended Advisory Clauses

- (a) the permission is given to the use and/or structures under application. It does not condone any other use(s) and/or structure(s) which currently occur on the application site (the Site) but not covered by the application. Immediate action should be taken to discontinue such use(s) and/or remove such structure(s) not covered by the permission;
- (b) to resolve any land issues relating to the proposed use with the concerned owner(s) and/or occupant(s);
- (c) 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 Short Term Waiver(s) (STWs) to permit the structure(s) erected within the said private lot. The application for STWs will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The application, 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;
- (d) 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; during the planning approval period;
- (e) 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 Kong Tai Road, including any 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;
- (f) to note the comments of the Director of Environmental Protection that:
 - (i) the applicant shall properly erect and maintain the proposed boundary wall along the southeastern boundary of the Site. The boundary wall should consist of sound-proofing materials with surface density of not less than 10kg/m². Any gaps, holes or slits in the boundary wall should be avoided as far as practicable;
 - (ii) the applicant shall follow the revised 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites';

- (iii) 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';
 - (iv) the applicant shall provide adequate supporting infrastructure/facilities for proper collection, treatment and disposal of waste/wastewater generated from the proposed use; and
 - (v) the applicant shall meet the statutory requirements under relevant environmental legislation, in particular the Noise Control Ordinance (Cap. 400);
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that:
- (i) the drainage facilities identified in the accepted drainage proposal shall be implemented with full compliance with the requirements and reminder set out in the checklist on 'Responses on DSD's Requirements and Reminders' previously provided to the applicant; and
 - (ii) should it be discovered at a later stage that the constructed drainage facilities do not comply with any requirements in the checklist on 'Responses on DSD's Requirements and Reminders', the applicant shall, at his/her own cost, carry out rectification to the satisfaction of the Director of Drainage Services;
- (h) to note the comments of the Director of Fire Services that:
- (i) the applicant shall submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of proposed FSIs to be installed should be clearly marked on the layout plans; and
 - (ii) if any proposed structures are required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire services requirements will be formulated upon receipt of formal submission of general building plans;
- (i) to note the comments of the Chief Engineer/Construction, Water Supplies Department (WSD) that:
- (i) existing water mains will be affected (**Plan A-2**). The cost of any necessary diversion shall be borne by the proposed use;
 - (ii) in case that it is not feasible to divert the affected water mains, a waterworks reserve within 1.5 metres from the centre line of the water mains shall be provided for WSD's access. No structure shall be built or materials stored within this waterworks reserve. Free access shall be made available at all times for staff of the Director of Water Supplies or their contractor to carry out construction, inspection, operation, maintenance and repair works;
 - (iii) no trees or shrubs with penetrating roots may be planted within the waterworks reserve or in the vicinity of the water mains; and

- (iv) the Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the Site; and
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that:
 - (i) it is noted that one structure is 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 application site (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 abuts a specified street (Kong Tai Road) of not less than 4.5m wide. Its permitted development intensity shall be determined under the First Schedule of the B(P)R, where no plot ratio/gross floor area restriction has been stipulated in statutory plans/approved planning applications;
 - (iv) if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BA, they are UBW under the BO and should not be designated for any proposed use under the application;
 - (v) 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 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 B(P)R; and
 - (vii) detailed checking under the BO will be carried out at building plan submission stage.

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tpbpd/PLAND

寄件者: [REDACTED]
寄件日期: 2026年07月24日星期五 1:39
收件者: tpbpd/PLAND
主旨: A/YL-KTN/1250 DD 109 Kam Tin
類別: Internet Email

A/YL-KTN/1250
Lot 1198 S.A RP (Part) in D.D.109 Kam Tin
Site area: About 1,980sq.m
Zoning: "VTD"
Applied use: Aluminium Scaffold Platform Showroom / 7 Vehicle Parking

Dear TPB Members,

1161 withdrawn. Back with a reduced footprint. So the site is currently being used as OPEN STORAGE with no approval. Why has this been tolerated? Has enforcement action been taken?

There was GL included in previous applications. Has there been abuse of GL?

How are such operations tolerated close to residences?

Previous objections relevant and upheld.

The proposed land use is not in line with the planning intention of "V" zone.

Mary Mulvihill

From: [REDACTED]
To: tpbpd <tpbpd@pland.gov.hk>
Date: Friday, 21 November 2025 2:57 AM HKT
Subject: A/YL-KTN/1161 DD 109 Kam Tin

A/YL-KTN/1161

Lots 1198 S.A RP (Part), 1198 S.A ss.1, 1198 S.A ss. 2 and 1199 RP (Part) in D.D.109 and Adjoining Government Land, Kam Tin

Site area: About 10,587.34sq.m (Includes Government Land of about 51sq.m)

Zoning: "VTD"

Applied use: Aluminium Scaffold Platform Showroom / 20 Vehicle Parking

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Dear TPB Members,

Strong Objections. This is the latest scam to get around zoning restrictions. Apply for Shops and Services to serve the local community and then convert to a warehouse operation.

This is a combination of 1065 and 1057 with some additional land in between.

The proposed use is in contravention of the planning intention of the "V" zone.

We are bombarded with reminders that here in HK there is Rule of Law.

As it is clear that far too much land in the district has been zoned "V" then the appropriate formula is that the landowner seeks a change in zoning.

This is the view of the court as laid down in the recent JR:

Judicial Review Application (HCAL 640/2024) Lodged against the Decision of the Town Planning Board on s.12A Application No. Y/SK-SKT/4.

There is no justification to approve the application.

Mary Mulvihill

From: [REDACTED]
To: tpbpd <tpbpd@pland.gov.hk>
Date: Tuesday, 16 September 2025 3:43 AM HKT
Subject: A/YL-KTN/1161 DD 109 Kam Tin MALL

A/YL-KTN/1161

Lots 1198 S.A RP (Part), 1198 S.A ss.1, 1198 S.A ss. 2 and 1199 RP (Part) in D.D.109 and Adjoining Government Land, Kam Tin

Site Area: About 10,587.34sq.m Includes Government Land of about 51sq.m

Zoning: "VTD"

Applied development: Aluminium Scaffold Platform Showroom / 20 Vehicle Parking

Dear TPB Members,

Strong Objections. The proposed use is entirely incompatible with the V zone.

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The site is an amalgamation of two site approved on 6 Dec 2024:

Justifications from the Applicant The justifications put forth by the applicant in support of the applications are detailed in the Application Forms and FIs at Appendices Ia to If and can be summarised as follows: (a) **The proposed use is intended to provide services to the local residents in the surrounding communities.**

The two applications No. A/YL-KTN/1057 and 1065 are submitted by the same applicant and intended to serve different operators. The applications are submitted separately to allow flexibility in future operation.

The applications were streamlined and members rubberstamped the recommendations of PlanD instead of exercising their duty to look into matters and to question the legitimacy of the application.

The intention all along was obviously to operate a large warehouse instead of a number of small stores to cater to the needs of the community. This is a commercial operation with clients coming in from territory wide.

There is no justification to approve the application as it would provide an most undesirable precedence that would be abused and result in the establishment of brownfield operations within village environs.

Mary Mulvihill

From: [REDACTED]
To: tpbpd <tpbpd@pland.gov.hk>
Date: Friday, 8 November 2024 3:04 AM HKT
Subject: A/YL-KTN/1065 DD 109 Kam Tin MALL

A/YL-KTN/1065

Lots 1198 S.A RP (Part), 1198 S.A ss.1 and 1198 S.A ss. 2 in D.D. 109 and Adjoining Government Land, Kam Tin

Site area: About 8,776sq.m Includes Government Land of about 44sq.m

Zoning: "VTD"

Applied development: Shopping Mall / 5 Years / 11 Vehicle Parking

Dear TPB Members,

Strongest Objections. Such a large commercial enterprise is totally incompatible with the planning intention of the "v" zone.

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The site has been filled in, without any record of approval. The true intention is likely to be some form of brownfield. Note that the applicant states that "In view of that the proposed development is in a moderate scale, with a total GFA of about 1,577.5m²" With additional space for 11 vehicle parking **that leaves around 6,000sq.m unaccounted for.**

In addition, there is another application for a similar development on adjacent lots.

A/YL-KTN/1057

Lots 1198 S.A RP (Part) and 1199 RP (Part) in D.D. 109, Kam Tin

Site area : About 2,515sq.m

Zoning: "VTD"

Applied use: Shop and Services / 4 Vehicle Parking / 5 Years

The combined sites represent more than 10,000sq.mts of "V" zoning.

Objections to layout and disposition of the 'shopping centre'. This is a series of 'sheds' with some parking. If the shopping outlets are required in the district, then they should be accommodated in properly planned and built facilities complete with proper toilets, adequate drainage and fire services.

Temporary arrangements encourage cost cutting and short cuts. It is high time that retail and F&B outlets in NT villages provide a more first world experience.

And as there is clearly no demand of NET Houses in the district the administration should consider making arrangements to resume the lots and then rezone for public housing.

Mary Mulvihill

就規劃申請/覆核提出意見 Making Comment on Planning Application / Review**參考編號****Reference Number:**

260724-231842-44937

提交限期**Deadline for submission:**

24/07/2026

提交日期及時間**Date and time of submission:**

24/07/2026 23:18:42

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

A/YL-KTN/1250

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

先生 Mr. Chiu Tim

意見詳情**Details of the Comment :**

致：城市規劃委員會秘書處

規劃申請編號：A/YL-KTN/1250

申請地點：錦田北丈量約份第109約地段第1198號A分段餘段（部份）（江大路／錦泰路旁）

擬議用途：擬議臨時商店（租賃金屬棚架）連附屬臨時辦公室（為期3年）

強烈反對四大核心理據：

1. 嚴厲譴責「先破壞、後申請」惡劣手段

* 既成事實挑戰城規權威：肇事地段在未獲城規會批核前，已被預先填土及平整，現場目前已擺放大型工字鐵及重型金屬棚架物料（申請人已承認現場現作露天存放）。此舉企圖造成既成事實逼使城規會批核，絕不可縱容。

* 屢犯不改，曾有違規撤銷紀錄：申請人承認先前申請（A/YL-KTN/1057）因未能履行規劃條件而被撤銷，顯示其毫無誠信與合規意願。

2. 重型車輛霸佔唯一主要通道，嚴重威脅村民出入與生命安全

* 江大路為唯一主要通道：江大路是大江埔村居民唯一通往錦田繞道及市區的道路，路面狹窄，平日有老人、學童步行或騎單車。

* 30噸重型吊雞車進出造成癱瘓：申請文件顯示場內將頻繁使用總重量達30噸、車長11.5米的重型吊雞車運載及起重，極易堵塞江大路，癱瘓村民日常交通，甚至阻礙消防及救護車緊急救援。

3. 違規填土及地表硬化，引發嚴重水浸與排水危機

* 天然滲水功能遭摧毀：地段被違規填土硬底化後，雨水無法自然下滲。

* 排水評估忽略極端天氣：大江埔村本屬低窪易水浸區，申請人擬將大量地表徑流排入周邊450mm U型渠，在暴雨期間必然會造成渠道溢滿倒灌，淹沒周邊村屋及農地。

4. 嚴重違背「鄉村式發展」（V）規劃意圖

* 用途極度不相容：該地劃為「鄉村式發展」地帶，申請人假借「商店」名義，實質進行高達4米的金屬架搭建示範、30噸吊雞車操作及超過1,300平方米的露天貨倉運作，實屬重型倉儲及工業行為。

* 環境與噪音滋擾：裝卸敲擊噪音及高大物料貯存嚴重破壞鄉郊寧靜與視覺景觀。