

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

Approved Application

	Application No.	Use/Development	Date of Consideration
1.	A/YL-KTN/1065	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.

Government Departments' General Comments

1. Land Administration

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

- 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:

- no in-principle objection to the application from highways maintenance point of view; 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 boundary of the Site, to control potential noise impact from the applied 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;
- should the application be approved, conditions should be stipulated requiring the submission of a revised drainage proposal and the implementation and maintenance of the drainage facilities identified in the revised drainage proposal for the applied 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. **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, farmlands, vacant land and scattered tree groups. The applied 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 formed. Several temporary structures and piles of construction materials were found on it. Two common trees were observed along the southern site boundary. According to the Application Form, no tree felling will be involved;
- in view of the above, significant adverse landscape impact arising from applied use is not anticipated; and
- advisory comments are at **Appendix V**.

7. **Nature Conservation**

Comments of the Director of Agriculture, Fisheries and Conservation:

- no comment on the application from nature conservation perspective; and
- advisory comments are at **Appendix V**.

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) 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 applied 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 applied 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 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 applied 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 detailed comments on the drainage proposal previously provided to the applicant shall be taken into account in the revised drainage proposal; and
 - (ii) to encourage a higher quality submission and avoid rounds of comments, thereby shortening the processing time, the applicant shall complete the checklist previously provided in preparing the drainage proposal and include the checklist in the submission. Otherwise, a longer processing time may be required by her office;
- (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 Town Planner/Urban Design and Landscape, Planning Department that approval of the application does not imply approval of tree works such as pruning, transplanting and felling. Application for any tree works should be submitted to relevant departments for approval;
- (j) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant shall adopt appropriate mitigation measures to avoid causing pollution or disturbance the watercourse nearby (**Plan A-2**) during construction and operation; and
- (k) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that:
 - (i) it is noted that eight 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 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 does not abut a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of B(P)R at building plan submission stage;
- (iv) if the existing structures (not being 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 applied 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 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 23:02
收件者: tpbpd/PLAND
主旨: A/YL-KTN/1252 DD 109 Kam Tin
類別: Internet Email

A/YL-KTN/1252

Lot 1198 S.A.(Part) in D.D.109 and Adjoining Government Land, Kam Tin

Site area: About 7031sq.m

Zoning: "VTD"

Applied use: Open Storage Metal Scaffold Platform / 7 Vehicle Parking

Dear TPB Members,

To be considered in tandem with 1250.

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. "V" can never be considered as "Cat 2". To approve such a large brownfield on this zoning is in breach of all regulations for "V" zone.

The planning process is moving into the Twilight Zone with all standards abandoned.

Mary Mulvihill

From: [REDACTED]
To: tpbpd <tpbpd@pland.gov.hk>
Date: Friday, 24 July 2026 1:39 AM HKT
Subject: A/YL-KTN/1250 DD 109 Kam Tin

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

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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

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:

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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.

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.

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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.

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"

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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:

260724-233658-64742

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 23:36:58

有關的規劃申請編號

The application no. to which the comment relates:

A/YL-KTN/1252

「提意見人」姓名/名稱

Name of person making this comment:

先生 Mr. Ng wing

意見詳情

Details of the Comment :

致：城市規劃委員會秘書處

本人/本村居民現就上述規劃申請 A/YL-KTN/1252 提出最嚴厲的反對。該申請擬於「鄉村式發展」地帶進行重型金屬棚架露天堆放及重型車輛運作，嚴重破壞鄉郊環境、威脅村民人身安全及干擾日常生活。以下為詳細反對理由：

反對理由

一、嚴厲譴責「先破壞、後申請」，惡劣先例絕不可開

* 肇事地段在提交是次申請前，早於一年前已被擅自預先填土及平整，並長期違規擺放大量大型金屬棚架與重型工具。

* 申請人「先破壞環境、後補辦手續」的做法，完全無視本港城市規劃條例與土地監管體制。若城市規劃委員會（城規會）批准此類違規轉用途的申請，無疑是變相鼓勵違法行為，開創極惡劣的先例，對周邊土地管理造成不可逆轉的破壞。

二、嚴重違背「鄉村式發展」規劃意向

* 根據《錦田北分區計劃大綱圖》，該地段劃為**「鄉村式發展」("V") 地帶**。此地帶的規劃意向旨在保留土地供原居民興建新界小型屋宇，並維護鄉村的寧靜與居住環境。

* 露天金屬棚架倉存、重型機械操作及辦公設施屬於高度工業及倉儲性質，與周邊村屋居民的居住環境極度不協調。在「鄉村式發展」地帶批准此類重工業式倉儲，嚴重侵蝕村民未來的居住及發展空間。

三、唯一通道受堵，大型貨車引致嚴重交通擠塞與安全隱患

* 江大路是周邊村民及居民通往居住環境的唯一主要道路。

* 根據申請人提交的資料，場內將頻繁使用總重達30噸、車身特長（約11.5米）的重型吊臂車（吊雞車）及鏟車運送金屬通架。江大路路面狹窄，根本無法承受此類重型車輛頻繁出入與轉彎。

* 重型車輛每日穿梭不僅造成嚴重交通阻塞，影響村民日常出入及緊急救援車輛 access，更對村內老人、學童及行人的生命安全構成極高威脅。

四、違規填土破壞自然排水，大幅增加極端天氣下的水浸風險

* 該地段在未獲批准前已進行大面積非法填土及硬底化工程，破壞了原有的自然吸水及排水系統。

* 近年極端天氣及暴雨頻繁，非法填土已導致周邊低窪村屋及通道在雨季出現嚴重的積水與水浸問題。此舉直接威脅周邊居民的生命財產安全，影響極其深遠。

五、產生嚴重噪音、粉塵與視覺污染，極度干擾居民日常生活

* 每日裝卸、堆疊金屬棚架（堆放高度高達4米）及重型鏟車操作會產生極大的金屬撞擊巨響與粉塵污染。

* 巨型金屬堆及半開放式貨櫃構築物高度達5至6米，對周邊村屋居民造成嚴重的視覺壓迫感與景觀破壞。居民終日遭受噪音干擾，無法享受基本的安居權利。

綜上所述，該申請屬典型「先破壞、後申請」的違規項目，不僅嚴重偏離法定規劃意向，更對周邊居民的交通安全、排水防洪及日常生活帶來不可逆轉的負面影響。