

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 Application Covering the Application Site (the Site)

Approved Application

Application No.	Use/Development	Date of Consideration
A/YL-KTN/604	Proposed Flat, Shop and Services, Eating Place, School, Social Welfare Facilities and Public Transport Terminus or Station uses and Minor Relaxation of Plot Ratio and Building Height Restrictions	22.3.2019

Similar s.16 Applications within the Same “CDA(1)” 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/1020	Temporary Open Storage of Construction Materials with Ancillary Office for a Period of Three Years	10.1.2025 [revoked on 10.7.2026]
2.	A/YL-KTN/1085	Proposed Temporary Open Storage of Construction Materials with Ancillary Facilities for a Period of Three Years	11.4.2025 [revoked on 4.7.2025]
3.	A/YL-KTN/1125	Temporary Open Storage of Construction Materials with Ancillary Facilities for a Period of Three Years	1.8.2025
4.	A/YL-KTN/1130	Proposed Temporary Warehouse and Open Storage of Construction Machineries and Materials for a Period of Three Years	1.8.2025
5.	A/YL-KTN/1182	Proposed Temporary Open Storage of Construction Materials and Machineries for a Period of Three Years	19.12.2025
6.	A/YL-KTN/1214	Temporary Open Storage of Construction Materials and Machineries and Warehouse (Excluding Dangerous Goods Godown) for a Period of Three Years	8.5.2026

Government Departments' General Comments

1. Land Administration

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

- no adverse comment on the application;
- the application site (the Site) comprises Government Land (GL) and Lot No. 1750A6 RP in D.D. 107 held under New Grant No. YL557 for agriculture purposes and no structures shall be erected on the lot;
- no permission is given for occupation of GL (about 2,180m² as mentioned in the applicant's submission) included in the Site. Any occupation of GL without Government's prior approval is an offence under the Land (Miscellaneous Provisions) Ordinance (Cap. 28); 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. 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, approval conditions should be stipulated requiring the submission of a drainage proposal and the implementation and maintenance of the proposed drainage facilities to the Director of Drainage Services' or the Town Planning Board's satisfaction; and
- advisory comments are at **Appendix V**.

4. **Environment**

Comments of the Director of Environmental Protection:

- no objection to the application from environmental planning perspective;
- based on the applicant's submission, the applied use would not involve dusty operation but it would cause traffic of heavy vehicles (i.e. medium/heavy goods vehicles). According to his review, there are no residential structures within 100m from the boundary of the Site and within 50m from the access road leading to the Site; 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 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;
- based on the aerial photo, the Site is situated in an area of miscellaneous rural fringe landscape character comprising residential developments, village houses, open storage/temporary structures, pond and scattered tree groups. The applied use is not incompatible with the landscape setting in the proximity;
- with reference to the site photos, the Site is largely paved. Scattered construction materials and temporary structures are observed on it. According to the applicant's submission, no tree felling will be involved; and
- in view of the above, significant adverse landscape impact arising from the applied use is not anticipated.

7. **Building Matters**

Comments of the Chief Building Surveyor/New Territories West, Buildings Department:

- no objection to the application;
- there is no record of approval granted by the Building Authority for the existing structures at the Site; and
- advisory comments are at **Appendix V**.

8. **Water Supply**

Comments of the Chief Engineer/Construction, Water Supplies Department (WSD):

- no objection to the application;
- existing raw water mains will be affected (**Plan A-2**). According to site inspection, the current site condition allows for WSD's operation and maintenance of the affected raw water mains. However, this should not be taken as WSD granting permission for the remaining fill materials that still lie within the waterworks reserve. The relevant land administration issues remain under the purview of LandsD; and
- advisory comments are at **Appendix V**.

9. **District Officer's Comments**

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

- his office has not received any comment from the locals on the application and he has no comment on the application.

10. **Other Departments**

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

- Project Manager (West), Civil Engineering and Development Department;
- Director of Electrical and Mechanical Services; and
- Director of Agriculture, Fisheries and Conservation.

Recommended Advisory Clauses

- (a) prior planning permission should have been obtained before commencing the applied use at the application site (the Site);
- (b) 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 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;
- (c) to resolve any land issues relating to the applied use with the concerned owner(s) and/or occupant(s);
- (d) 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 a Short Term Waiver (STW) and a Short Term Tenancy (STT) to permit the structure(s) erected within the private lot and the occupation of the Government land (GL) covered by the application. The application(s) for STW and STT will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The STW and STT, if approved, will be subject to such terms and conditions including the payment of waiver fee, rent and administrative fee as considered appropriate by LandsD. Besides, given the applied use is temporary in nature, only erection of temporary structure(s) will be considered;
- (e) to note the comments of the 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 the 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;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that:
 - (i) the Site involves GL, which is not under HyD's maintenance purview;
 - (ii) Shui Mei Road is not maintained by HyD. HyD shall not be responsible for the maintenance of the proposed access connecting the Site, i.e. Shui Mei Road and the local access road, if any; and
 - (iii) adequate drainage measures shall be provided to prevent surface water running from the Site to the nearby public roads and drains;

- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that:
 - (i) the applicant shall demonstrate in the drainage proposal that the applied use will not obstruct the overland flow nor cause any adverse drainage impact to the adjacent areas;
 - (ii) the applicant shall be liable for any adverse drainage impact due to the applied use; and
 - (iii) 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;
- (h) to note the comments of the Director of Environmental Protection that:
 - (i) the applicant shall follow the revised ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’;
 - (ii) 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’;
 - (iii) the applicant shall provide adequate supporting infrastructure/facilities for proper collection, treatment and disposal of waste/wastewater generated from the applied use; and
 - (iv) the applicant shall meet the statutory requirements under relevant environmental legislation;
- (i) 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 the 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;
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that:
 - (i) it is noted that six 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 (BA) should be obtained, otherwise they are unauthorized building works (UBW) under BO. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with

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 are erected on leased land without the approval of BA, they are UBW under BO and should not be designated for any applied use under the captioned 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; and
- (k) to note the comments of the Chief Engineer/Construction, Water Supplies Department (WSD) that:
- (i) existing raw water mains will be affected (**Plan A-2**). A waterworks reserve of the water mains shown on **Plan A-2** shall be provided to WSD. No structure shall be erected over this waterworks reserve and such area shall not be used for storage of car-parking purpose;
 - (ii) the Water Authority and his officer and contractors, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of construction, inspection, operation, maintenance and repair works. All other services across, through or under the waterworks reserve are required to seek authorisation from the Water Authority;
 - (iii) no trees or shrubs with penetrating roots may be planted within the waterworks reserve or in the vicinity of the water mains shown on **Plan A-2**; 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 in close vicinity of the Site.

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tpbpd/PLAND

寄件者: [REDACTED]
寄件日期: 2026年03月22日星期日 15:37
收件者: tpbpd/PLAND; ceppd/PLAND; tellme@1823.gov.hk; FSD Enquiry/FSD
主旨: 申請號:A/YL-KTN/1217 提出強烈反對

類別: Internet Email

致香港城市規劃委員會、1823 政府熱線、規劃處中央檢舉組、消防處：

本人匿名就元朗錦田丈量約份 107 號 Lot 1750A6 RP（部分）及毗鄰政府土地之臨時建築機械及建材露天倉儲 3 年規劃申請, 申請編號:A/YL-KTN/1217 提出強烈反對, 及希望有關部門檢舉, 申請方涉嫌未批先違規施工, 項目本身亦存多項不合理性, 嚴重危害公共安全、違背區域規劃, 懇請各部門嚴查, 駁回該申請並追究相關違規責任。

具體檢舉及反對理由：

未批先建，嚴重違規：申請方尚未取得規劃許可，已擅自於該地塊鋪石屎、填土、堆放貨物，屬明顯未批先佔用土地的違規行為。請中央檢舉組落現場跟進。

罔顧公共安全，違規開路：申請方擅自在中華電力有限公司大型電纜上區域開設車路，該區域本為電纜保護範圍、實禁止出入開路及接近，此行為直接威脅電纜安全，易引發電力事故，嚴重危害公共安全，小則停電，嚴重則發生大型災難事故。

與區域規劃衝突，浪費土地資源：地塊隸屬錦田北 CDA(1)綜合發展區，規劃定位為統籌綜合開發，用於露天倉儲違背整體規劃，浪費珍貴土地及政府土地資源。而且出入口對正休閒農莊, 與對面綠色環境極不協調。

交通隱患突出：項目規劃中重型貨車位，車輛經水尾路、新潭路進出，將加劇片區道路擁堵，高峰時段與居民出行重疊易引發事故，且無實際數據支撐場地調度能力，易出現

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車輛占道問題，而且與對面農莊共用淺窄橋口，相信特別是假日，嚴重影響對面農莊度假私家車出入。

環境影響顯著，無緩解措施：露天存儲建材、機械將產生揚塵、噪音污染，影響周邊居民生活(特別是 PARKYOH0)，且項目存在景觀、視覺影響，申請方未制定任何有效緩解措施。

申請資料存疑，後續監管無保障：申請方論據無佐證材料，且對「無貨櫃拖頭進入、無車間作業」的承諾未設監管及懲罰機制，易出現後續違規運營。

綜上，該申請項目本身規劃不合理，申請方更存在多項先違規後申請的行為，嚴重違反相關法規、罔顧公共安全與周邊民生。懇請各部門聯合核查，依法駁回該規劃申請，對其未批先建、違規開路等行為嚴肅處理，切實保障區域公共利益與居民合法權益。

PARKYOH0 居民敬上

2026 年 3 月 22 日

tpbpd/PLAND

寄件者: [REDACTED]
寄件日期: 2026年03月24日星期二 11:36
收件者: tpbpd/PLAND; ceppd/PLAND; tellme@1823.gov.hk
主旨: 本人就申請編號A/YL-KTN/1217、位於元朗錦田丈量約份107號Lot 1750A6 RP (部分)及毗鄰政府土地的臨時建築機械及建材露天倉儲規劃申請，正式提出強烈反對，並就申請方涉嫌違規霸佔政府用地、違法作業的行為進行緊急投訴

類別: Internet Email

致：香港城市規劃委員會、規劃署中央檢舉組、地政處、香港政府 1823 熱線

本人就申請編號 A/YL-KTN/1217、位於元朗錦田丈量約份 107 號 Lot 1750A6 RP (部分)及毗鄰政府土地的臨時建築機械及建材露天倉儲規劃申請，正式提出強烈反對，並就申請方涉嫌違規霸佔政府用地、違法作業的行為進行緊急投訴，具體事由如下：

該申請涉及 2180 平方米政府土地，此申請涉及政府官地而該官地地底鋪設高壓電纜，按相關安全規範及土地使用規定，高壓電纜正上方土地絕不允許進行任何建設、堆存物料及車輛出入口作業，本身上方就有告示牌。但申請方現已涉嫌未經合法批准，霸佔及擅自剷平該塊官地及在有高壓電纜的政府用地展開倉務作業，更私開路口讓重貨櫃車等重型車輛進出；貨櫃車的龐大重量長期碾壓地面，極易對地底高壓電纜造成擠壓、斷裂等不可逆損壞，不僅會直接中斷附近居民的正常電力供應，更可能因電纜故障引發重大火災、電力事故，對周邊居民的生命財產安全構成極其嚴重的即時威脅。

基於上述緊急且重大的安全隱患，以及申請方明顯的違規霸地、違法作業行為，本人堅決反對本次規劃申請，並強烈要求地政處、規劃署中央檢舉組各相關部門立即採取行動，及快速還原地貌！

請香港城市規劃委員會以公眾安全為首要原則，慎重考量該項目存在的致命安全風險，駁回本次編號 A/YL-KTN/1217 的臨時倉儲規劃申請；

請規劃署、中央檢舉組、地政處立即聯合展開執法行動，現場制止申請方在該塊涉高壓電纜政府用地上的所有作業行為，封閉其私開的車輛出入口，查處其違規霸佔政府用地的違法行為；

請 1823 熱線全程跟進此投訴事項，及時向居民反饋各部門的執法進度、處理結果，切實保障周邊居民的合法權益與居住安全。

高壓電纜安全事關公共安全，容不得半點疏忽，望各相關部門高度重視此緊急事宜，依法依規採取強硬、及時的執法措施，杜絕重大安全事故的發生，回復居民的合理訴求。

PARKYOHO 居民

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tpbpd/PLAND

寄件者: [REDACTED]
寄件日期: 2026年03月30日星期一 4:17
收件者: tpbpd/PLAND
主旨: A/YL-KTN/1217 DD 107 Shui Mei Road
類別: Internet Email

A/YL-KTN/1217

Lot 1750A6 RP (Part) in D.D. 107 and Adjoining Government Land, Fung Kat Heung

Site area: About 7,500sq.m Includes Government Land of about 2,180sq.m

Zoning: "CDA (1)"

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

Dear TPB Members,

Strong Objections. Operators are now so confident that the planning process is a mere box ticking exercise that they do not even both to provide any details of the proposed development, layout, drainage, etc.

This is the remaining part of withdrawn 1041. The other par was approved under 1125 on 1 Aug 2025, note conditions still not fulfilled.

The application should be rejected as one third of the site is GL.

Mary Mulvihill

From: [REDACTED]
To: tpbpd <tpbpd@pland.gov.hk>
Date: Tuesday, 3 September 2024 3:20 AM HKT
Subject: A/YL-KTN/1041 DD 107 Fung Kat Heung

A/YL-KTN/1041

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Lots 1749 RP, 1750A6 RP (Part) and 1905 RP (Part) in D.D. 107 and Adjoining Government Land, Fung Kat Heung, Kam Tin

Site area: About 14,106sq.m Includes Government Land of about 665sq.m

Zoning: "Comprehensive Development Area (1)"

Applied use: Open Storage of Construction Materials / 5 Vehicle Parking

Dear TPB Members,

So much for the large residential development approved under 604 that was promised to resolve HK's housing shortage. The approval period has been extended to 2027.

However note that the applicant states that **"Furthermore, the Site is owned by Tso Tso and is considered difficult to develop the Site for long-term use"**

This calls into question the implementation of the Norther Metropolis when a large already approved residential development appears to be on hold.

While "the site currently falls within Category 2 area under the Town Planning Board Guidelines No. 13G", this ignores the requirement that 'Category 2 areas are areas mostly **without clear planning intention or fixed development programme**.

The lots are part of an approved residential development. As the application has not been withdrawn then it must be considered to be a fixed development.

Members must ensure that approved developments are not sidelined in order to justify the creation of extensive brownfield operations. This is inappropriate re the planning intention of 'CDA'. The operations approved un 13G have been zoned 'Agriculture'.

The application should be rejected as it represents a clear departure from both the zoning and the pledges made that the approved residential development would contribute to the transformation of NT.

Mary Mulvihill