

Relevant extract of the Town Planning Board Guidelines for
Application for Open Storage and Port Back-up Uses
(TPB PG-No. 13G)

1. On 14.4.2023, the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13G) were promulgated, which set out the following criteria for the various categories of area:
 - (a) Category 1 areas: favourable consideration will normally be given to applications within these areas, subject to no major adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions. Technical assessments should be submitted if the proposed uses may cause significant environmental and traffic concerns;
 - (b) Category 2 areas: planning permission could be granted on a temporary basis up to a maximum period of 3 years, subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions. Technical assessments, where appropriate or if required, should be submitted to demonstrate that the proposed uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas;
 - (c) Category 3 areas: applications would normally not be favourably considered unless the applications are on sites with previous planning approvals (irrespective of whether the application is submitted by the applicant of previous approval or a different applicant). Sympathetic consideration may be given if genuine efforts have been demonstrated in compliance with approval conditions of the previous planning applications and/or relevant technical assessments/proposals have been included in the fresh applications, if required, to demonstrate that the proposed uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. Planning permission could be granted on a temporary basis up to a maximum period of 3 years, subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions; and
 - (d) Category 4 areas: applications would normally be rejected except under exceptional circumstances. For applications on sites with previous planning approvals (irrespective of whether the application is submitted by the applicant of previous approval or a different applicant), and subject to no adverse departmental comments and local objections, sympathetic consideration may be given if genuine efforts have been demonstrated in compliance with approval conditions of the previous planning applications and/or relevant technical assessments/proposals have been included in the fresh applications, if required, to demonstrate that the proposed uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. The intention is however to encourage the phasing out of such non-conforming uses as early as possible. 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 uses 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 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; 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.

**Similar Applications within the Subject “Recreation” Zone
on the Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan**

Approved Applications

	Application No.	Applied Use(s)/Development(s)	Date of Consideration (RNTPC)
1	A/YL-LFS/451	Temporary Open Storage of Construction Materials and Engineering Machineries for a Period of 3 Years	3.2.2023
2	A/YL-LFS/479	Temporary Open Storage of Scrap Metal for a Period of 3 Years	11.8.2023 [revoked on 11.5.2025]
3	A/YL-LFS/493	Proposed Temporary Open Storage of Hardware Accessories for a Period of 3 Years	24.11.2023 [revoked on 24.5.2025]
4	A/YL-LFS/504	Temporary Open Storage of Construction Materials for a Period of 3 Years	16.2.2024
5	A/YL-LFS/505	Temporary Open Storage of Construction Materials and Machineries with Ancillary Workshop, and Vehicle/Cargo Compartments Assembly and Repair Workshop for a Period of 3 years	1.3.2024
6	A/YL-LFS/514	Proposed Temporary Open Storage of Construction Materials for a Period of 3 Years	19.4.2024 [revoked on 19.10.2025]
7	A/YL-LFS/515	Proposed Temporary Open Storage of Construction Materials for a Period of 3 Years	19.4.2024 [revoked on 19.10.2025]
8	A/YL-LFS/516	Temporary Open Storage of Construction Materials for a Period of 3 Years	10.5.2024 [revoked on 10.11.2025]
9	A/YL-LFS/555	Proposed Temporary Open Storage of Construction Materials and Construction Equipment for a Period of 3 Years	1.8.2025
10	A/YL-LFS/560	Proposed Temporary Open Storage of Elevated Working Platform for a Period of 3 Years	10.10.2025 [revoked on 10.4.2026]
11	A/YL-LFS/568	Proposed Temporary Open Storage of Building Materials for a Period of 3 Years	19.9.2025
12	A/YL-LFS/570	Proposed Temporary Open Storage of Hardware Accessories for a Period of 3 Years	6.2.2026

13	A/YL-LFS/583	Proposed Temporary Warehouse and Open Storage of Construction Machinery and Construction Materials for a Period of 3 Years	23.1.2026
14	A/YL-LFS/594	Proposed Temporary Open Storage of Construction Materials and Machinery with Ancillary Facilities for a Period of 3 Years	27.2.2026
15	A/YL-LFS/596	Temporary Open Storage of Scrap Metal for a Period of 3 Years	13.3.2026
16	A/YL-LFS/607	Proposed Temporary Open Storage of Construction Materials for a Period of 3 Years	24.7.2026

Government Bureau/Departments' General Comments

1. Land Administration

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

- (a) He has no adverse comment on the application.
- (b) The applicant should note his advisory comments at **Appendix V**.

2. Traffic

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

- (a) She has no adverse comment on the application from traffic engineering perspective.
- (b) The applicant should note her advisory comments at **Appendix V**.

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

- (a) He has no objection to the application from highway maintenance perspective.
- (b) The applicant should note his advisory comments at **Appendix V**.

3. Environment

Comments of the Director of Environmental Protection (DEP):

- (a) He has no objection to the planning application from environmental planning perspective, since the proposed use would not generate traffic of heavy vehicles nor involve dusty operation although there are residential dwellings located within 100m from the boundary of the application site (the Site).
- (b) There is no substantiated environmental complaint pertaining to the Site in the past three years.
- (c) The applicant should note his advisory comments at **Appendix V**.

4. Drainage

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

- (a) She has no objection in principle to the application from the public drainage perspective, provided that all existing drains and watercourses are maintained and overland flow from the adjacent land is not affected.

- (b) Should the Town Planning Board consider the application acceptable from the planning perspective, approval conditions should be stipulated requiring the applicant to (i) submit a drainage proposal and (ii) implement and maintain the proposed drainage facilities for the development to the satisfaction of the Director of Drainage Services or of the Town Planning Board.

5. **Fire Safety**

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

- (a) He has no objection in principle to the application subject to fire service installations and water supplies for firefighting being provided to his satisfaction.
- (b) The applicant should note his advisory comments at **Appendix V**.

6. **Project Interface**

Comments of the Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD):

- (a) The Site falls within the study area of Lau Fau Shan Development under the Consultancy Agreement No. CE 5/2024 (CE) “Developments at Lau Fau Shan, Tsim Bei Tsui and Pak Nai Areas - Investigation”, which is the Investigation Study and jointly commissioned by the Planning Department and CEDD.
- (b) The applicant should note his advisory comments at **Appendix V**.

7. **District Officer’s Comments**

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

His office has not received any feedback from the locals.

8. **Other Bureau/Departments’ Comments**

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

- (a) Chief Heritage Executive (Antiquities and Monuments), Antiquities and Monuments Office, Development Bureau (CHE(AM), AMO, DEVB);
- (b) Director of Leisure and Cultural Services (DLCS);
- (c) Head of Geotechnical Engineering Office (H(GEO)), CEDD;
- (d) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD);
- (e) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD); and
- (f) Director of Agriculture, Fisheries and Conservation (DAFC).

Recommended Advisory Clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site (the Site);
- (b) the planning permission is given to the development/use under application. It does not condone any other development/use (i.e. open storage of construction materials and containers) which currently exists on the Site but not covered by the application. Immediate action should be taken to discontinue such development/use not covered by the permission;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that:
 - (i) the Site comprises Old Schedule Agricultural Lots 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;
 - (ii) it is noted that no structure is proposed at the Site by the applicant; and
 - (iii) his Office does not guarantee any right-of-way to the Site;
- (d) to note the comments of the Commissioner for Transport that:
 - (i) sufficient manoeuvring spaces shall be provided within the Site or its adjacent areas. No vehicles are allowed to queue back to public roads or reverse onto/from public roads; and
 - (ii) the local track leading to the Site is not under the Transport Department's purview. The applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the Site;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that:
 - (i) the access leading from Deep Bay Road to the Site is not currently maintained by HyD and HyD is not going to take up the maintenance responsibility of the access; 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 (DEP) that the applicant is advised:
 - (i) to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites'; and
 - (ii) to meet the statutory requirements under relevant environmental legislation;
- (g) to note the comments of the Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD) that the Site falls within the study area of Lau Fau Shan Development under the Consultancy Agreement No. CE 5/2024 (CE) "Developments at Lau Fau Shan, Tsim Bei Tsui and Pak Nai Areas - Investigation", which is the Investigation Study and jointly commissioned by the Planning Department and CEDD. The implementation and land resumption/clearance programme of the Lau Fau Shan, Tsim Bei Tsui and Pak Nai Developments is currently being reviewed under the Investigation Study and subject to change.

If the planning application is granted, notwithstanding the validity period of the planning permission, the applicant should be reminded that the Site may be resumed at any time during the planning approval period for potential development project and be advised not to carry out any substantial works therein;

- (h) to note the comments of the Head of Geotechnical Engineering Office (H(GEO)), CEDD that should there be any proposed building works, the proposed building works should be submitted to the Buildings Department for approval as required under the provisions of the Buildings Ordinance (BO); and
- (i) to note the comments of the Director of Fire Services (D of FS) that:
 - (i) in consideration of the design/nature of the application, the applicant is advised to submit a declaration form together with the relevant FS 251 for approval;
 - (ii) the applicant is reminded that if the application will involve the erection of enclosed structures, the aforesaid declaration form will no longer be applicable while the applicant is required to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his department for approval;
 - (iii) notwithstanding the introduction and implementation of the declaration form by his department effective from 2.7.2025, the FSIs-related approval conditions, i.e. the submission of a FSIs proposal and the implementation of FSIs, should be incorporated into the application. The submission of a completed declaration form alongside the valid FS251 will be considered equivalent to compliance with the relevant approval conditions; and
 - (iv) if the proposed structures are required to comply with the BO (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

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tpbpd/PLAND

寄件者: [REDACTED]
寄件日期: 2026年08月30日星期日 23:33
收件者: tpbpd/PLAND
主旨: A/YL-LFS/626 DD 129, Fu Tso Tsuen, Lau Fau Shan

類別: Internet Email

A/YL-LFS/626

Lots 1912 (Part) and 1913 (Part) in D.D. 129, Fu Tso Tsuen, Lau Fau Shan

Site area: About 820sq.m

Zoning: "Recreation"

Applied use: Open Storage / 1 Vehicle Parking

Dear TPB Members,

While there is no record of approval the site is filled in. Part of it appears to have structures?

So effectively there has been brownfield operations carried out without any reference to conditions.

So closing the door after the horse has bolted.

Mary Mulvihill