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

1. On 14.4.2023, the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13G) were promulgated, which set out the following criteria for the various categories of area:

   (a) Category 1 areas: favourable consideration will normally be given to applications within these areas, subject to no major adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions. Technical assessments should be submitted if the proposed uses may cause significant environmental and traffic concerns;

   (b) Category 2 areas: planning permission could be granted on a temporary basis up to a maximum period of 3 years, subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions. Technical assessments, where appropriate 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 generating adverse noise, air pollution and 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 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; 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 S.16 Applications for Temporary Open Storage within "Agriculture" Zone in the Vicinity of the Application Site in the Past Five Years

Approved Applications

	Application No.	Uses/Developments	Date of Consideration
1.	A/NE-MUP/192[!]	Proposed Temporary Open Storage of Planters and Landscaping Materials and Site Office for a Period of 3 Years	22.12.2023 (Revoked on 22.9.2025)
2.	A/NE-MUP/207	Proposed Temporary Open Storage of Construction Materials with Ancillary Facilities for a Period of 3 Years and Associated Filling of Land	4.10.2024
3.	A/NE-MUP/215[!]	Proposed Temporary Open Storage of Construction Machinery, Planters and Landscaping Materials with Ancillary Site Office and Associated Filling of Land for a Period of 3 Years	20.6.2025
4.	A/NE-MUP/216	Temporary Open Storage of Construction Machinery, Tools and Materials and Associated Filling of Land for a Period of 3 Years	1.8.2025
5.	A/NE-MUP/232	Temporary Open Storage of Construction Materials with Ancillary Facilities and Associated Filling of Land for a Period of 3 Years	26.6.2026
6.	A/NE-MUP/231	Proposed Temporary Open Storage of Construction Materials and Machinery and Associated Filling of Land for a Period of 3 Years	25.9.2026

Remarks

[!] : Applications No. A/NE-MUP/192 and A/NE-MUP/215 largely involve the same site.

Government Departments' General Comments

1. Traffic

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

- no comment on the application from highways maintenance point of view;
- the proposed access connecting the application site (the Site) to Sha Tau Kok Road – Wo Hang is not under the maintenance of HyD;
- as there is no proper run-in/out at the footpath of Sha Tau Kok Road – Wo Hang, which forms part of the proposed access route to the Site, the applicant should submit a design of the run-in/out at the footpath of Sha Tau Kok Road – Wo Hang for his review upon the Transport Department's approval of the access arrangement. The proposed run-in/out should be designed and constructed in accordance with the prevailing HyD standard drawings (i.e. H1113C and H1114B) to his satisfaction; and
- his advisory comments are at **Appendix V**.

2. Drainage

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

- no objection to the application from public drainage viewpoint;
- should the application be approved, approval conditions should be included to request the applicant to submit and implement a drainage proposal for the Site to ensure that the proposed use will not cause adverse drainage impact on the adjacent areas. The drainage facilities should be properly maintained at all times during the planning approval period;
- the Site is in an area where public sewerage connection is available. The Environmental Protection Department should be consulted regarding the sewerage impact assessment and sewage treatment/disposal facilities for the proposed use; and
- her advisory comments are at **Appendix V**.

3. Fire Safety

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

- no in-principle objection to the proposal subject to fire service installations (FSIs) and water supplies for firefighting being provided to his satisfaction;
- the approval condition on the compliance with fire safety requirements within 9 months should be incorporated; and
- his advisory comments are at **Appendix V**.

4. Landscape

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

- no adverse comment on the application from landscape planning perspective;
- based on the aerial photo taken in 2024, the Site is located in an area of rural inland plain landscape character comprising warehouses, temporary structures, village houses, farmlands, vegetated areas and tree clusters/scattered tree groups. The proposed use is considered not incompatible with the surrounding environment;
- with reference to the above aerial photo, site photos taken on 14.7.2026 and site visit on 17.7.2026, the Site is fenced-off and largely formed without any trees. As stated in the Application Form, no tree felling will be involved;
- in view of the above, significant adverse landscape impact arising from the application is not anticipated; and
- her advisory comments are at **Appendix V**.

5. Building Matters

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

- no objection to the application;
- land filling works is building works under the control of the Buildings Ordinance (BO). Before the proposed filling of land is to be carried out on the Site, prior approval and consent of the Building Authority should be obtained, otherwise they are unauthorised building works. An Authorized Person should be appointed as the co-ordinator for the proposed site formation in accordance with the BO; and
- his advisory comments are at **Appendix V**.

6. Other Departments

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

(a) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);

(b) Project Manager (North), Civil Engineering and Development Department (PM(N), CEDD);

(c) Head of the Geotechnical Engineering Office, CEDD (H(GEO), CEDD); and

(d) District Officer (North), Home Affairs Department (DO(N), HAD).

Recommended Advisory Clauses

(a) failure to reinstate the application site (the Site) as required under the relevant approval condition upon expiry of the planning permission might constitute an unauthorized development under the Town Planning Ordinance and be subject to enforcement and prosecution actions;

(b) to note the comments of the District Lands Officer/North, Lands Department (DLO/N, 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. The proposed ingress/egress of the Site is required to pass through Government land (GL). No right of access via GL is granted to the Site;

(ii) it is noted that no structure is proposed in the planning application, but there are existing structures erected on the portion of Lot 176 S.B RP not covered by the planning application;

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

unauthorised structures within Lot 176 S.B RP in D.D. 38 not covered by the planning application

there are unauthorised structures on Lot 176 S.B RP in D.D. 38 not covered by the planning application. The lot owner should immediately rectify the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice;

unlawful occupation of GL not covered by the planning application

the GL adjoining Lots 176 S.B RP and 177 S.B RP in D.D. 38 has been fenced off without permission. The GL being illegally occupied is not included in the application. Any occupation of GL without Government's prior approval is an offence under Cap. 28. His office reserves the rights to take necessary land control action against the illegal occupation of GL without further notice;

(iv) erection of unauthorised structures and illegal occupation of GL are not allowed. The lot owner/applicant should remove all the unauthorised structures and rectify the occupation of GL immediately as regularisation would not be considered according to the prevailing land policy;

(v) subject to the approval of the Town Planning Board to the planning application which shall have reflected the rectification as aforesaid required, the lot owners shall apply to his office for Short Term Waiver (STW) to permit the existing structures not covered by the planning application. The application for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that it will be approved. The STW, if approved, will be on whole lot basis and subject to such terms and conditions including the payment of back-dated waiver fee and administrative fee as considered appropriate to be imposed by LandsD. In addition, LandsD reserves the right to take enforcement action against the lot owner/applicant for any breach of the lease conditions, including the breach(es) already in existence or to be detected at any point of time in future and land control action for any unlawful occupation of GL. Besides, given the

proposed use is temporary in nature, only erection of temporary structures will be considered; and

(vi) the applicant should comply with all the land filling requirements imposed by relevant Government departments. GL should not be disturbed unless with prior approval;

(c) to note the comments of the Director of Environmental Protection (DEP) that:

(i) the applicant should follow the requirements of the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites'; and

(ii) the applicant should implement relevant mitigation measures listed in the 'Recommended Pollution Control Clauses for Construction Contracts' during filling of land;

(d) to note the comments of the Commissioner for Transport (C for T) that the proposed vehicular access road between Sha Tau Kok Road – Wo Hang and the Site is not managed by the Transport Department (TD). The applicant should seek comments/approvals from the responsible parties for the proposed vehicular access road. Sufficient manoeuvring space shall be provided within the Site. No vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;

(e) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD) that:

(i) the proposed access arrangement and swept path analysis should be commented by TD;

(ii) the proposed run-in/out should be designed and constructed in accordance with the prevailing HyD standard drawings (i.e. H1113C and H1114B) to his satisfaction;

(iii) adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains; and

(iv) the applicant should take adequate precautionary measures to avoid damaging roads, street furniture, drainage and slopes etc. maintained by his office. Damage caused to roads, street furniture, drainage and slopes etc. maintained by his office due to the proposed works shall be repaired to his satisfaction at the applicant's own costs;

(f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:

(i) the drainage facilities should be rectified if they are found inadequate/ineffective during operation;

(ii) the applicant should construct and maintain the proposed drainage facilities whether within or outside the Site at his own expense; and

(iii) the Site is in an area where public sewerage connection is available. The Environmental Protection Department should be consulted regarding the sewerage impact assessment and sewage treatment/disposal facilities for the proposed use;

(g) 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 relevant FS 251 for approval;

(ii) 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 to his department for approval;

(iii) the submission of a completed Declaration Form alongside valid FS 251 will be considered equivalent to compliance with the relevant approval condition; and

(iv) if the proposed structures are required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

(h) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that some common tree species are observed outside the northwestern site boundary. Approval of the application does not imply approval of tree works such as pruning, transplanting and felling. The applicant should seek approval for any proposed tree works from relevant departments prior to commencement of the works; and

(i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:

(i) land filling works is building works under the control of the BO. Before the proposed filling of land is to be carried out on the Site, prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are unauthorised building works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed site formation in accordance with the BO; and

(ii) the applicant's attention is drawn to the following points:

- if any existing structure is erected on leased land without the approval of BA, they are UBW under the BO and should not be designated for any proposed use under the application;

- for UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with the prevailing enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO;

- before any new building works (including containers/open sheds as temporary buildings and demolition, etc.) are to be carried out on the Site, prior approval and consent of BA should be obtained, otherwise they are UBW under the BO. An AP should be appointed as the co-ordinator for the proposed building works in accordance with the BO;

- any temporary shelters or converted containers for office, storage, washroom or other uses are considered as temporary buildings and are subject to the control of Part VII of the Building (Planning) Regulations; and

- detailed checking under the BO will be carried out at building plan submission stage.

致城市規劃委員會秘書：
專人送遞或郵遞:香港北角渣華道 333 號北角政府合署 15 樓
傳真 : 2877 0245 或 2522 8426
電郵: tpbpd@pland.gov.hk

To : Secretary, Town Planning Board
By hand or post : 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong
By Fax : 2877 0245 or 2522 8426
By e-mail : tpbpd@pland.gov.hk

有關的規劃申請編號 The application no. to which the comment relates
A/NE-MUP/236

意見詳情 (如有需要，請另頁說明)
Details of the Comment (use separate sheet if necessary)

[illegible]

「提意見人」姓名/名稱 Name of person/company making this comment 侯志.強議員

簽署 Signature [signature] 日期 Date 2026.7.15

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致城市規劃委員會秘書：
專人送遞或郵遞:香港北角渣華道 333 號北角政府合署 15 樓
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意見詳情 (如有需要，請另頁說明)
Details of the Comment (use separate sheet if necessary)

本人鍾子樂是萬屋邊村原居民村代表，本人收集本村村民意見，堅決反對以上地段申請臨時房地，因現在已經經常有大車開進本村村民出入，而且本村老人小孩經常出入，申請路段易發危險。

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

簽署 Signature _____ 日期 Date 2022-7-22

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致城市規劃委員會秘書：
專人送遞或郵遞:香港北角渣華道 333 號北角政府合署 15 樓
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A/NE-MUP/236

意見詳情 (如有需要，請另頁說明)
Details of the Comment (use separate sheet if necessary)

沒有意見

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

簽署 Signature [signature] 日期 Date 28/7/2026

編號0900 P. 1
P.001
28日 7月2026年 11時07分
28-JUL-2026 11:28

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

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寄件者: [redacted]
寄件日期: 2026年08月03日星期一 23:56
收件者: tpbpd/PLAND
主旨: A/NE-MUP/236 DD38 Man Uk Pin

類別: Internet Email

A/NE-MUP/236
Various Lots in D.D. 38, Man Uk Pin
Site area: About 875.36sq.m
Zoning: "Agriculture"
Applied use: Open Storage of Construction Materials / 5 Vehicle Parking / **Filling of Land**

Dear TPB Members,

Another step into the inexplorable conversion of Sha Tau Kok Road into a long line of rusting, ramshackle and ugly brownfield operations.

Strong Objections but for sure it's a slam dunk.

DevB should advise the Tourism bureau to scale back its programme to promote Sha Tau Kok as a tourism attraction as the drive there is becoming ever more Third World.

Mary Mulvihill