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, 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;

   (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; and

   (e) Taking into account the demand for cross-boundary parking facilities, applications for such use at suitable sites in areas of close proximity to the boundary crossing points, such

as in the San Tin area, particularly near the existing cross-boundary link in Lok Ma Chau, may also be considered. Notwithstanding the criteria set out in paragraphs 2.1(c) and (d) above, application of such nature will be assessed on its own merits, including its nature and scale of the proposed use and the local circumstances, and subject to satisfactory demonstration that the proposed use would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas, and each case will be considered on its individual merits.

2. In assessing applications for open storage and port back-up uses, the other major relevant assessment criteria are also summarized 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 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.

Previous s.16 Applications

Approved Applications

	Application No.	Uses/Developments	Date of Consideration
1	A/NE-FTA/70	Temporary Open Storage of Construction Materials and Equipment for a Period of 3 Years	11.11.2005 (Revoked on 11.11.2006)
2	A/NE-FTA/93	Temporary Open Storage of Ironmongeries, Scrap Metal, Building Materials, Wastes, Miscellaneous Items and a Movable Container for a Period of 3 Years	5.6.2009 (Revoked on 5.9.2009)
3	A/NE-FTA/235	Proposed Temporary Warehouse for Construction Materials and Equipment for a Period of 3 Years	27.10.2023 (Revoked on 27.4.2024)
4	A/NE-FTA/261	Proposed Temporary Dangerous Goods (DG) Godown (Classes 2 to 9 DG) with Ancillary Office and Associated Filling of Land for a Period of 3 Years	15.8.2025

Government Departments' General Comments

1. Traffic

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

- no in-principle objection to the application from highways maintenance perspective; 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 application site (the Site) to ensure that it will not cause adverse drainage impact to the adjacent area, and the implemented drainage facilities at the Site shall be maintained at all times during the planning approval period; and
- her advisory comments are at **Appendix V**.

3. 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 areas of rural inland plain landscape character comprising woodlands, village houses, temporary structures, open storages, warehouses, farmlands, scattered tree groups and vegetated areas. Ng Tung River is located to the further south of the Site. The proposed uses are considered not entirely incompatible with the surrounding environment;
- with reference to the aerial photo taken in 2024 and site photos taken on 9.10.2026, the Site is fenced-off and generally paved. Some trees of common species were observed within the Site. According to the applicant, eight existing trees in the eastern and southern portions of the Site would be retained;
- the Site is located adjacent to "Green Belt" ("GB") zone. According to the applicant, screen planting along the northern boundary near the "GB" zone will be provided to serve as a landscape buffer for mitigating any potential landscape impacts arising from the proposed uses; and
- her advisory comments are at **Appendix V**.

4. Nature Conservation

Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

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

5. Fire Safety

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

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

6. Water Supplies

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

- no objection to the application; and
- his advisory comments are at **Appendix V**.

7. Geotechnical

Comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD):

- no adverse geotechnical comment on the application; and
- his advisory comments are at **Appendix V**.

8. Building Matters

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

- no objection to the application;
- as there is no record of approval granted by the Building Authority (BA) for the existing structure at the Site, he is not in a position to offer comments on its suitability for the applied uses;
- it is noted that eight structures and land filling are proposed in the application. Before any new building works are to be carried out on site, prior approval and consent of the BA should be obtained unless they are exempted building works or commenced under the simplified requirement under the Minor Works Control System, otherwise they are unauthorized building works 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; and

- his advisory comments are at **Appendix V**.

9. Other Departments

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

- Project Manager (North), Civil Engineering and Development Department (PM(N), CEDD); and
- District Officer (North), Home Affairs Department (DO(N), HAD).

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) to note the comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD) that:

(i) the Site comprises Old Schedule Agricultural Lots and adjoining Government land (GL). The private lots are 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 vehicle access (ingress/egress) of the Site is required to pass through GL but no right of access via GL is granted to the Site;

(ii) the following irregularity covered by the subject planning application has been detected by his office:

- Unlawful occupation of GL adjoining Lot 188 in D.D. 52 with unauthorised structure covered by the planning application

  the GL within the Site (about 1,508m^2 as mentioned in the Application Form) has been illegally occupied with unauthorised structures without permission. Any occupation of GL without the Government's prior approval is an offence under the Land (Miscellaneous Provisions) Ordinance (Cap. 28) (the LMP Ordinance). His office reserves the rights to take necessary land control action against the illegal occupation of GL without further notice;

(iii) should the application be approved, the lots owner shall apply to his office for Short Term Waiver (STW) to permit the structures erected within the said private lots and Short Term Tenancy (STT) to permit the occupation of the GL. The applications 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 back-dated waiver fee/rent and administrative fee as considered appropriate by LandsD. Besides, given the proposed uses are temporary in nature, only erection of temporary structures will be considered; and

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

(c) to note the comments of the Commissioner for Transport (C for T) that the traffic management measures should be adopted on both ingress/egress points; the vehicular access road between Man Kam To Road and the Site is not managed by the Transport Department (TD); the land status of the local access road should be checked with LandsD; the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities; sufficient manoeuvring space shall be provided within the Site; and no vehicle is allowed to queue back to public road at any time during the planning approval period;

(d) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD) that the Site involves and is adjoining to GL which is not under HyD's maintenance purview; the proposed access arrangement should be commented and approved by TD; HyD shall not be responsible for the maintenance of the proposed access

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

(e) to note the comments of the Director of Environmental Protection (DEP) that the applicant should follow the requirements of the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites'; implement relevant mitigation measures listed in the Recommended Pollution Control Clauses for Construction Contracts (https://www.epd.gov.hk/epd/english/environmentinhk/eia_planning/guide_ref/rpc.html) during land filling and excavation works, particularly to prevent surface runoff into the nearby watercourse; and employ licensed waste collector to regularly collect and properly dispose of the sewage collected in the proposed toilet;

(f) to note the comments of the Director of Agriculture, Fisheries and Conservation (DAFC) that the applicant should avoid adverse impact to the watercourse adjacent to the west of the Site which may lead to a wetland downstream;

(g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that 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 government departments prior to commencement of the works;

(h) to note the following comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) on the following general requirements in the drainage proposal that:

(i) the cover levels of proposed channels should be flush with the existing adjoining ground level;

(ii) catchpits with sand trap shall be provided at the outlets of the proposed drainage system. The details of the catchpit with sand trap should be provided;

(iii) to check and ensure that the existing drainage downstream to which the proposed connection will be made have adequate capacity and satisfactory condition to cater for the additional discharge from the Site. The applicant should also ensure that the flow from the Site will not overload the existing drainage system;

(iv) where walls are erected or kerbs are laid along the boundary of the Site, peripheral channels should be provided on both sides of the walls or kerbs, and/or adequate openings should be provided at the walls/kerbs to allow existing overland flow passing through the Site to be intercepted by the drainage system of the Site with details to be agreed by DSD, unless justified not necessary;

(v) all existing flow paths as well as the run-off falling onto and passing through the Site should be intercepted and disposed of via proper discharge points. The applicant shall also ensure that no works, including any site formation works, shall be carried out as may adversely interfere with the free flow condition of the existing drains, channels and watercourses on or in the vicinity of the Site any time during or after the works;

(vi) the proposed drainage works, whether within or outside the site boundary, should be constructed and maintained properly by the applicant and rectify the system if it is found to be inadequate or ineffective during operation at his/her own expense;

(vii) for works to be undertaken outside the lot boundary, the applicant should obtain prior consent and agreement from DLO/N, LandsD and/or relevant private lot owners;

(viii) to make good all the adjacent affected areas upon the completion of the drainage works;

(ix) to allow all time free access for the Government and its agent to conduct site inspection on his completed drainage works;

(x) the applicant and the successive lot owners shall allow connections from the adjacent lots to the completed drainage works on GL when so required; and

(xi) photos should be submitted clearly showing the current conditions of the area around the Site, the existing drainage/flowpaths around the Site, the proposed drainage from the Site to the downstream existing watercourse and the existing watercourse at about 20m intervals. The locations of the camera and the direction of each photo should also be indicated on a plan;

(i) to note the comments of the Director of Fire Services (D of FS) that:

(i) in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. The applicant should submit relevant layout plans incorporated with the proposed FSIs to his satisfaction. In addition, the applicant should note that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; the location of the 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 service requirements will be formulated upon receipt of formal submission of general building plans;

(j) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) that the applicant should be reminded of the requirements of making necessary site formation submission(s), including but not limited to any necessary stability assessments on the existing geotechnical features in the vicinity of the Site, to the Buildings Department for approval as required by the provision of the BO if found applicable;

(k) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that there is an existing 2,000mm raw water mains in the vicinity of the Site. The site boundary should be revised to exclude the existing 15m Waterworks Reserve to avoid causing difficulty to the maintenance and repair works. If this request could not be entertained, the following conditions shall be imposed:

(i) no structure shall be erected over this waterworks reserve and such area shall not be used for storage purposes except with the prior written consent of the Water Authority;

(ii) no tree planting shall be permitted within the waterworks reserve except with the prior written consent of the Water Authority;

(iii) for the protection of the existing Government water mains, no blasting or pile driving works shall be carried out within the waterworks reserve except with the prior written consent of the Water Authority;

(iv) the applicant shall indemnify and keep indemnified the Government from and against all liability, damages, expenses, claims, costs, demands, charges, actions and proceedings of whatsoever nature the applicant, his servants, workmen and contractors in connection with any damage to the existing Government water mains;

(v) the Water Authority and his officers 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 laying, repairing and maintenance of water mains. All other services across, through or under the waterworks reserve are required to seek authorisation from the Water Authority; and

(vi) 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

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

(i) it is noted that eight structures and land filling are proposed in the application. Before any new building works are to be carried out on site, prior approval and consent of the Building Authority (BA) should be obtained unless they are exempted building works or commenced under the simplified requirement under the Minor Works Control System, otherwise they are unauthorized building works under the BO. An authorised person (AP) 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) Regulation (B(P)R);

(iii) the Site is not abutting on a specified street having a width not less than 4.5m, the development intensity shall be determined by the BA under Regulation 19(3) of the B(P)R at building plan submission stage;

(iv) if any existing structure is erected on leased land without the approval of the BA, they are unauthorised building works (UBW) under the BO and should not be designated for any applied uses 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 the BO;

(vi) 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 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;

(vii) 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 the B(P)R;

(viii) in general, there is no requirement under the BO in respect of provision of car parking spaces for the applied uses. However, the applicant's attention is drawn to the provision of accessible car parking spaces designated for the use of persons with a disability as per the requirements under Regulation 72 of the B(P)R and Division 3 of Design Manual: Barrier Free Access 2008;

(ix) the applicant's attention is drawn to the provision under Regulations 40 and 41 of the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines)

Regulation in respect of disposal of foul water and surface water respectively;

(x) the 6m high open shed is considered excessive. It should be justified upon formal plan submission to BD; and

(xi) detailed comments 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10月25日星期日 1:02
收件者: tpbpd/PLAND
主旨: A/NE-FTA/288 DD 52 Fu Tei Au

類別: Internet Email

A/NE-FTA/288
Lots 169 (Part), 187 RP (Part) and 188 (Part)) in D.D. 52 and Adjoining Government Land, Fu Tei Au, Sheung Shui
Site area: About 3,931sq.m Includes Government Land of about 1,508sq.m
Zoning: "Other Specified Uses" annotated "Port Back-up Uses", "Agriculture" and "Green Belt"
Applied use: **Dangerous Goods Godown (Classes 2 to 9 Dangerous Goods) / 6 Vehicle Parking / Excavation and Filling of Land**

Dear TPB Members,

261 approved 15 Aug 2025. Back with an increase in footprint.

No details provided as to the percentage of Green Belt and Agriculture land if there is any increase.

Previous objections upheld. Port Back Up should not extend over other zonings.

Mary Mulvihill

From: [redacted]
To: "tpbpd" <tpbpd@pland.gov.hk>
Sent: Wednesday, July 23, 2025 1:44:34 AM
Subject: A/NE-FTA/261 DD 52 Fu Tei Au

A/NE-FTA/261

Lots 187 RP (Part) and 188 (Part)) in D.D. 52 and Adjoining Government Land, Fu Tei Au, Sheung Shui

Site area: About 3,368.06sq.m Includes Government Land of about 1,508.12sq.m

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Zoning: "Other Specified Uses" annotated "Port Back-up Uses", "Agriculture" and "Green Belt"

Applied use: **Dangerous Goods Godown (Classes 2 to 9 Dangerous Goods) / 6 Vehicle Parking / Excavation and Filling of Land**

Dear TPB Members,

250 withdrawn. This Musical Chairs operation is now proposed to be both larger and extend to both Agriculture and GB zoning. The amount of GL has also been increased.

Applicant states:

- According to the Town Planning Board's Guide No. 13G, the **application site belongs to "Category 1 Area"**, which is suitable for open storage and port logistics purposes.

GREEN BELT IS NEVER INCLUDED IN THIS CATEGORY

- The proposed development complies with the planning intention of the "Port Logistics Use" zone in "Other Designated Uses".

BUT NOT GB AND AGRICULTURE

There is absolutely no justification to encroachment on GB, particularly for an operation that deals with very flammable goods.

Previous objections relevant and upheld. The application must be rejected.

Mary Mulvihill

From: [redacted]
To: tpbpd <tpbpd@pland.gov.hk>
Date: Thursday, 12 September 2024 1:42 AM HKT
Subject: A/NE-FTA/250 DD 52 Fu Tei Au

A/NE-FTA/250

Lot 188 (Part) in D.D. 52 and Adjoining Government Land, Fu Tei Au, Sheung Shui

Site area: About 3,029sq.m Includes Government Land of about 1,326sq.m

Zoning: "Other Specified Uses" annotated "Port Back-up Uses"

Applied use: **Warehouse for Cold Storage / 8 Vehicle Parking / Excavation and Filling of Land**

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

Dear TPB Members,

The site is the footprint of 235 plus additional **GOVERNMENT LAND**

A/NE-FTA/235

- Lot 188 (Part) in D.D. 52 and Adjoining Government Land, Fu Tei Au, Sheung Shui

Site area: About 1,878.6sq.m Includes Government Land of about 271.8sq.m

Zoning: "Other Specified Uses" annotated "Port Back-up Uses"

Applied use: Warehouse for Construction Materials and Equipment / 4 Vehicle Parking

Approved Oct 2023. Revoked 27 April 2024 for failure to fulfil Fire and Drainage conditions

So solution is to propose another use, incorporate additional government land and good to go.

In view of the considerable amount of Government Land involved it would be malfeasance on the part of PlanD and TPB to approve this application without looking into the relationship between the applications and what measures are being taken to ensure that that conditions are being met.

After all this is Hon Kong, RULE OF LAW and all that stuff we are bombarded with on a daily basis.

Mary Mulvihill

2

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-FTA/288

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

反對

「提意見人」姓名/名稱 Name of person/company making this comment 陳志豪先生

簽署 Signature _____ 日期 Date 2026.10.20