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; 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. 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 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 covering the Application Site

Approved Application

No.	Application No.	Use(s)/Development(s)	Date of Consideration (Rural and New Town Planning Committee)
1.	A/YL-KTS/993	Proposed Temporary Logistics Centre for a Period of 3 Years and Associated Filling of Land	8.11.2024 [revoked on 8.8.2026]

Rejected Application

No.	Application No.	Use(s)/Development(s)	Date of Consideration (Town Planning Board)	Rejection Reasons
1.	A/YL-KTS/624	Proposed Temporary Filling of Pond and Filling of Land for Temporary Open Storage of Recycled Vehicles and Metal Scaffolding/Machinery for Construction for a Period of 3 Years	6.6.2014 [upon review]	(1)-(4)

Rejection Reasons

(1) Not in line with the planning intention.

(2) Not comply with the TPB PG-No. 13E in that the development is not compatible with the surrounding land uses; there is no previous approval granted at the application site; and there are adverse departmental comments and public objections against the application.

(3) The applicant fails to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas.

(4) The approval of the application would set an undesirable precedent for similar applications and the cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

Government Departments' General Comments

1. Land Administration

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

- no adverse comment on the application;
- the application site (the Site) comprises Government land (GL) and Old Schedule Agricultural Lot 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;
- Lot No. 403 RP in D.D. 103 and the GL in the Site are covered by Short Term Waiver No. 5777 and Short Term Tenancy No. STTYL0316 respectively for the purpose of 'Temporary Logistic Centre and Ancillary Uses as may be approved by DLO'; 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 (HyD):

- 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 objection in principle to the application from the public drainage point of view;
- should the application be approved, approval conditions should be stipulated requiring the submission, implementation and maintenance of the revised drainage facilities to the Director of Drainage Services' or the Town Planning Board's satisfaction; and
- advisory comments are at **Appendix V**.

4. Fire Safety

Comments of the Director of Fire Services:

- no objection in principle to the application subject to the fire service installations (FSIs) and water supplies for firefighting being provided to his or the Town Planning Board's satisfaction; and
- advisory comments are at **Appendix V**.

5. 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**.

6. District Officer's Comments

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

- no comment on the application; and
- his office has not received comment on the application from locals upon close of consultation.

7. Other Departments

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

- Project Manager (West), CEDD;
- Director of Electrical and Mechanical Services;
- Chief Engineer/Railway Development 1-1, Highways Department;
- Chief Engineer/Construction, Water Supplies Department; and
- Commissioner of Police.

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) of the Site;

(c) should the applicant fail to comply with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given by the Rural and New Town Planning Committee/Town Planning Board to any further application;

(d) failure to reinstate 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;

(e) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the Short Term Waiver (STW) and Short Term Tenancy (STT) holder(s) will need to apply to his office for a modification of the STW and STT conditions where appropriate. 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;

(f) 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;

(g) 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 point of view;

  (ii) HyD shall not be responsible for the maintenance of the proposed access connecting the Site and Kam Tin Road, including the local tracks; and

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

(h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that:

(i) all existing drains/watercourse should be maintained and the overland flow from adjacent lands should not be affected; and

(ii) for any change of existing ground level and associated works proposed by the applicant that could affect adjacent land and cause other impacts and/or other issues to public, the applicant is required to submit technical assessment(s) in other aspect(s) and seek comment from relevant government departments as necessary;

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

(i) the detailed comments on the application previously provided to the applicant shall be taken into account in the submission of the revised fire service installations (FSIs) proposal;

(ii) the applicant shall submit relevant layout plans incorporated with the proposed 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

(iii) if the applied 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 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;

(k) 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;

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

(i) it is noted that six structures and associated filling of land are applied under 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 unauthorised building works (UBW) under the BO. An Authorised 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 on a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at building plan submission stage;

(iv) if the existing structures (not being a 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 the 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 the B(P)R;

(vii) the 13m high structure is considered excessive. It shall be justified upon formal plan submission to the BD; and

(viii) detailed checking under the BO will be carried out at building plan submission stage;

(m) to note the comments of the Director of Electrical and Mechanical Services that:

(i) there are 400kV extra high voltage overhead the Site. The applicant shall observe the requirements of minimum safe working clearance, minimum vertical clearance and preferred working corridor of the concerned overhead lines as stipulated in Clause 2.3.5, 2.3.6 and 2.3.14 under Chapter 7 - Utility Services of the HKPSG published by the Planning Department and ensure they shall be maintained;

(ii) no scaffolding, crane and hoist shall be built or operated within 6m from the outermost 400kV conductors at all times. Warning notices should be posted at conspicuous locations to remind operators and workers of the Site. CLP Power shall be consulted on the safety precautions required for carrying out any works near the concerned overhead lines;

(iii) in any time during and after construction/installation, CLP Power shall be allowed to get access to the working corridor area of the concerned overhead lines for carrying out any operation, maintenance and repair work including tree trimming;

(iv) as regards the electric and magnetic fields arising from the transmission overhead lines, please note the possible undue interference to some electronic equipment in the vicinity, if any; and

(v) the Electricity Supply Lines (Protection) Regulation and the "Code of Practice on Working near Electricity Supply Lines" established under the Regulation shall be observed when carrying out works in the vicinity of the electricity supply lines (underground cable and overhead line); and

(n) to note the comments of the Commissioner of Police that the applied use shall not cause traffic congestion and flooding.

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

tpbpd/PLAND

寄件者: [redacted]
寄件日期: 2026年11月03日星期二 1:19
收件者: tpbpd/PLAND
主旨: A/YL-KTS/1154 DD 103 Ko Po San Tsuen, Kam Tin

類別: Internet Email

Dear TPB Members,

993 was streamlined and rubberstamped on 8 Nov 2024 despite objections from govt depts and local residents because Sec for Dev intervened. So much for rational discussion of land issues.

Conditions not fulfilled and operator puts this down to a change in the layout.

Members failed to question how "Amongst the 169 existing trees currently within the Site, 24 trees are proposed to be retained while 145 trees generally in fair conditions are proposed to be felled. Compensatory planting with a total of 166 trees (89 whip trees and 77 standard trees) is proposed within the Site along the site boundary"

could be planted as: "**The applicant also proposes to fill the entire site with concrete** with a depth of not more than 0.2m up to a level of 7.5mPD to 15.0mPD for site formation to facilitate the proposed temporary use"

However:

Outdoor / At-Grade Tree Planting Near Warehouses & Industrial Sites

- **Tree Pit Size:** A minimum tree pit of **\(1\text{m} \times 1\text{m}\)** is typically required for at-grade tree planting, with a minimum soil depth of **\(1.2\text{m}\)** free of underground utilities.

Is it too much to ask that members do their duty AS DEFINED BY THE COURTS, TO ENQUIRE INTO MATTERS and question this?

Mary Mulvihill

From: [redacted]
To: "tpbpd" <tpbpd@pland.gov.hk>
Sent: Friday, July 5, 2024 3:58:01 AM
Subject: Re: A/YL-KTS/993 DD 103 Ko Po San Tsuen, Kam Tin

Dear TPB Members,

□Urgent □Return receipt □Expand Group □Restricted □Prevent Copy
It is shocking that so many trees would be chopped down - note that the photographer was obviously charged with taking images their most negative angle. There would be extensive impact on flora and fauna that interacts with the nearby CA zone.

In recent weeks there has been extensive coverage of flooding and landslips in areas of the mainland close to HK. Slathering so much land in concrete increases the risks posed here.

It is unacceptable that brownfield developments be allowed to encroach further into buffer zones when there has already so much damage inflicted on the natural terrain.

The application should be rejected.

Mary Mulvihill

From: [redacted]
To: tpbpd <tpbpd@pland.gov.hk>
Date: Wednesday, 6 March 2024 3:40 AM HKT
Subject: A/YL-KTS/993 DD 103 Ko Po San Tsuen, Kam Tin

A/YL-KTS/993

Lot 403 RP (Part) in D.D. 103 and Adjoining Government Land, Ko Po San Tsuen, Kam Tin

Site area: About 9,000sq.m Includes Government Land of about 1,068sq.m

Zoning: "Agriculture"

Applied use: Logistics Centre / 8 Vehicle Parking / **Filling of Land**

Dear TPB Members,

Strong Objections. An application for brownfield use was rejected on review in 2014.

The operation would involve the chopping of a number of trees but no details provided. The site includes 1,0000sq.mts of government land and is close to 'CA"

This would be a large logistics centre indicating heavy traffic that would impact the local village.

The government has gone ahead with its NT development plans but has taken no steps to ensure that displaced logistic operations would be accommodated in state of the art, high rise, logistic centres.

The solution cannot be to extend the footprint of brownfield operations.

Mary Mulvihill