

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-MKT/49

- Applicant** : 運達汽車維修有限公司 represented by Innovative Land Use Planning Consultancy Co. Ltd.
- Site** : Lots 472 RP (Part), 473, 474, 475 RP, 476 S.A RP and 518 in D.D. 90 and Lot 100 in D.D. 86 and Adjoining Government Land (GL), Lin Ma Hang Road, Ta Kwu Ling, New Territories
- Site Area** : About 5,877m² (including about 364m² of GL, or about 6.2% of the Site)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Man Kam To Outline Zoning Plan (OZP) No. S/NE-MKT/6
- Zoning** : “Agriculture” (“AGR”)
- Application** : Temporary Vehicle Repair Workshop and Open Storage of Vehicles (Coaches Only) with Ancillary Facilities and Associated Filling of Land for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary vehicle repair workshop and open storage of vehicles (coaches only) with ancillary facilities and associated filling of land for a period of three years at the application site (the Site) falling within an area zoned “AGR” on the OZP (**Plan A-1**). According to the Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years and filling of land within the “AGR” zone require planning permission from the Town Planning Board (the Board). The Site is currently hard-paved, fenced-off, occupied by the applied use without valid planning permission (**Plans A-4a to A-4c**).
- 1.2 According to the applicant, the application is submitted to facilitate the relocation of a business operation at the original site affected by the Ping Che/Ta Kwu Ling New Development Area (PC/TKL NDA)¹. As claimed by the applicant, the affected operation

¹ According to our record, PC/TKL NDA was previously proposed under the “Planning and Development Study on North East New Territories” and “North East New Territories New Development Areas Planning and Engineering Study – Investigation” completed in 2003 and 2013 respectively. Subsequently, the Government decided to review and replan the PC/TKL NDA in the New Territories North (NTN) Study. The original site claimed by the applicant is located within the proposed Priority Development Area (PDA) of the NTN New Town as outlined in the on-going study (i.e. Remaining Phase Development of the NTN – Planning and Engineering Study for NTN New Town and Man Kam To – Investigation (the P&E Study)). The preliminary development proposal for NTN New Town was released in December 2024. The implementation programme of NTN New Town is being formulated under the P&E Study.

at the original site has a site area of about 2,040m².

- 1.3 The Site is abutting Lin Ma Hang Road to the north (**Plan A-2**). According to the applicant, the applied use is for a repairing workshop for cross-boundary coaches in support of land passenger transport industry. The applied use consists of five one to two-storey temporary structures, with a total floor area of about 1,058m² and building height of not exceeding 7m, for a repair workshop, storage for tools and equipment, a pantry and an office. The remaining uncovered area (about 4,855m² or 82.6% of the Site) is designated for open storage of about 12 coaches and circulation area to support daily operation of the applied use. Four coach L/UL spaces within the repair workshop are proposed. The operation hours of the applied use are between 9:00 a.m. and 6:00 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. The layout plan submitted by the applicant is shown in **Drawing A-1**.
- 1.4 According to the applicant, two 12m ingress/egress points are proposed at the north and west of the Site abutting Lin Ma Hang Road respectively (**Drawing A-4**) and sufficient space will be provided within the Site for manoeuvring of vehicles. A swept path analysis for coaches was submitted in support of the application (**Drawing A-4**). According to the traffic management measures proposed by the applicant (**Appendix Ia**), a 'no parking' sign will be erected at the ingress/egress of the Site and an advance booking of parking and L/UL spaces will be required to prevent illegal parking; no drop bar will be provided at the Site to ensure no queuing back of vehicles outside the Site; and traffic signs, flashing lights and/or alarm system will be provided at the ingress/egress to ensure pedestrian safety. A staff will be deployed to instruct the vehicles entering the Site to ensure vehicle and pedestrian safety.
- 1.5 The applicant also applies for regularisation of land filling of the entire site with concrete by about 0.2m in depth for site formation purpose (**Drawing A-2**). A drainage proposal (**Drawing A-3**) was submitted in support of the application. All the proposed drainage facilities will be provided and maintained by the applicant.
- 1.6 The Site is the subject of a previous application (No. A/NE-MKT/36) for the same use submitted by a different applicant which was rejected by the Rural and New Town Planning Committee (the Committee) of the Board on 20.9.2024. Compared with the previous application, whilst the site area is increased from 5,056m² to 5,877m² (+16%), the current proposal involves a revised layout with a reduced total floor area (from 1,262m² to 1,058m²; -16%) and two additional structures.
- 1.7 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form received on 7.7.2025 (**Appendix I**)
 - (b) Supplementary Planning Statement (SPS) (**Appendix Ia**)
 - (c) Further Information (FI) received on 7.8.2025* (**Appendix Ib**)
 - (d) FI received on 15.8.2025* (**Appendix Ic**)

** accepted and exempted from publication and recounting requirements*

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form, SPS and FIs at **Appendices I to Ic**, as summarised below:

- (a) the applied use is to facilitate the relocation of brownfield operation affected by PC/TKL NDA. As the land owner of the original site was not willing to offer a long term tenancy agreement in view of the development of PC/TKL NDA, the applicant relocated the business to the Site. While the Site is subject to planning enforcement actions, there is an imminent need to secure the Site to continue the business operations;
- (b) the applicant has conducted a site search process to identify a suitable site for relocating the coach repair workshop and the Site is considered most suitable option;
- (c) the applied use is temporary in nature and would not jeopardise the long-term planning intention of the “AGR” zone. The Site has left vacant for long time and is not suitable for agricultural rehabilitation;
- (d) the applied use, layout, form and scale are considered not incompatible with the surrounding areas where brownfield operations are commonly found;
- (e) there are several precedent cases for relocation of brownfield operations of the Kwu Tung North and Yuen Long South NDAs approved by the Committee within the “AGR” zone in the vicinity of the Site; and
- (f) no significant adverse impacts in terms of traffic, environmental, landscape, drainage, etc. are anticipated. The applicant will strictly follow the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (the COP) issued by the Environmental Protection Department and comply with the relevant mitigation measures and requirements.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicant is not a “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by posting notice near the Site and sending notice to the Ta Kwu Ling District Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection. For the GL within the Site, TPB PG-No. 31B is not applicable to the application.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines on Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13G) promulgated on 14.4.2023 is relevant to the application. The Site falls within Category 3 areas under the Guidelines, relevant extract of which is at **Appendix II**.

5. Background

- 5.1 The Site is subject to three active planning enforcement actions against unauthorized developments (UDs) involving storage use (including deposit of containers) (No. E/NE-MKT/53), workshop use and use for place for parking of vehicles (No. E/NE-MKT/54) and storage use (No. E/NE-MKT/55) (**Plan A-2**).

- 5.2 For enforcement cases No. E/NE-MKT/53 and 55, enforcement notices (ENs) were issued on 18.11.2024 and 10.1.2025, and expired on 18.2.2025 and 10.3.2025 respectively. Site inspection revealed that the UD has not been discontinued. The cases are current under monitoring according to the established procedures. If the ENs are still not complied with, prosecution action would be considered.
- 5.3 For enforcement case No. E/NE-MKT/54, ENs to registered owners and occupier were issued on 9.5.2025 and 12.6.2025, and expired on 9.6.2025 and 12.7.2025 respectively. Site inspection on 16.7.2025 revealed that the UD has not been discontinued, prosecution action is being considered.

6. Previous Applications

- 6.1 The Site is the subject of two previous applications (No. A/NE-MKT/26 and 36) submitted by two different applicants. Application No. A/NE-MKT/26, covering a small portion of the Site, was for proposed temporary warehouse for storage of electronic products and open storage of packaging tools for a period of three years with associated filling of land, which was rejected by the Board on review in December 2023 mainly for the reasons of no strong planning justification for a departure from the planning intention of the “AGR” zone; and being failed to demonstrate that the proposed use would not generate adverse traffic and environmental impacts on the surrounding areas.
- 6.2 Application No. A/NE-MKT/36 was for the same use submitted by a different applicant, which was rejected by the Committee in September 2024 mainly for the reasons of no strong planning justification for a departure from the planning intention of the “AGR” zone; being failed to demonstrate that the applied use would not generate adverse traffic impact on the surrounding areas; and not complying with the TPB PG-No. 13G in that adverse comments from relevant government departments and local objections had been received.
- 6.3 Details of the previous applications are summarised at **Appendix IV** and their locations are shown on Plan **A-1**.

7. Similar Applications

- 7.1 There were two similar applications (No. A/NE-MKT/25 and 32) for temporary vehicle repair workshop/open storage and warehouse within the same “AGR” zone in the vicinity of the Site in the past five years (**Plan A-1**). Both applications were rejected by the Committee in 2023 mainly for the reasons of no strong planning justification for a departure from the planning intention of the “AGR” zone; being failed to demonstrate that the proposed use would not generate environmental and drainage and/or landscape impacts on the surrounding uses; and/or not complying with the TPB PG-No. 13G in that adverse comments from relevant government departments and local objections had been received.
- 7.2 Details of the similar applications are summarised at **Appendix IV** and their locations are shown on **Plan A-1**.

8. The Site and Its Surrounding Areas (Plans A-1 and A-2, aerial photos on Plans A-3a and A-3b and site photos on Plans A-4a to A-4c)

8.1 The Site is:

- (a) currently hard-paved, fenced-off, occupied by the applied use without valid planning permission; and
- (b) abutting Lin Ma Hang Road to the north.

8.2 The surrounding areas are intermixed with storage yards without valid planning permission, warehouses, domestic structures, active/fallow agricultural land, vegetated areas and tree clusters. To the northwest across Lin Ma Hang Road are temporary warehouses for storage of construction materials/food provisions each covered with a valid planning permission under applications No. A/NE-MKT/34 and 37 respectively. To the south of the Site is a densely vegetated knoll zoned “Green Belt” (“GB”), which is a permitted burial ground for indigenous villagers.

9. Planning Intention

- 9.1 The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.
- 9.2 According to the Explanatory Statement of the OZP, as filling of land may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities.

10. Comments from Relevant Government Departments

- 10.1 Apart from the government departments as set out in paragraphs 10.2 and 10.3 below, other government departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided at **Appendices V** and **VI** respectively.
- 10.2 The following government department provides views on the application:

Cross-boundary Coach Services

10.2.1 Comments of the Commissioner for Tourism (CT):

- (a) according to the information released by the China Hong Kong and Macau Boundary Crossing Bus Association (the Association), the Association is one of the major associations in the cross-boundary coach industry. With a membership holding some 650 cross-boundary coaches and accounting for over 60% of the overall market, the Association aims to promote communication between the Government and the cross-boundary coach industry and to give views to the governments of both Guangdong and Hong Kong on various fronts, such as improving the business environment

for cross-boundary coaches, enhancing service quality as well as improving boundary-crossing operation;

- (b) the major business of the applicant, a member of the Association, is to provide professional repair services for cross-boundary coaches travelling between Hong Kong and Macau or running between the Mainland and Hong Kong or Macau. According to the Association, the original site of the repair centre of the applicant is affected by PC/TKL NDA, and the applicant has to find another site which can be leased for a longer period for relocating its repair depot. Hence, the applicant plans to submit an application to the Board for changing the use of a parcel of land in Lin Ma Hang, North District for establishing a temporary repair workshop and a short-term coach parking point, so as to continue its service provision for coach buses;
- (c) coach bus is the core mode of transport for tour groups. From the perspective of facilitating the operation of tour groups, availability of sufficient repair and parking facilities can safeguard the stability of coach services and impact positively on visitors' experience. In addition, the Transport and Logistics Bureau has, in consultation with the Transport Department and the Electrical and Mechanical Services Department, advised her office that the continuous provision of vehicle repair services (including the services provided by the applicant) is essential to the service reliability and safe operation of non-franchised buses;
- (d) in view of the above information, her office is writing to provide viewpoints concerned in the hope that the Board will take into account all relevant factors (including the importance of the coach repair and parking facilities provided by the applicant to maintaining the stability of coach services) in considering the application for change of land use; and
- (e) the above views are submitted to the Board for consideration and approval.

10.3 The following government departments do not support/have concern on the application:

Land Administration

10.3.1 Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):

- (a) he objects to the application since there is illegal occupation of GL which regularisation would not be considered according to the prevailing land policy;
- (b) the Site comprises Old Schedule Agricultural Lots held under the Government lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. No right of access via GL is granted to the Site;
- (c) the Site is already being used for the uses under the application. The approach of illegal occupation first and then followed by regularisation should not be encouraged;

- (d) unless and until the unauthorised structures and the unlawful occupation of GL are duly rectified by the lot owners/applicant, his office objects to the application which must be brought to the attention of the Board when it consider the application; and
- (e) his other advisory comments are at **Appendix V**.

Landscape

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

- (a) based on the aerial photo of 2024, the Site is located in an area of rural inland plains landscape character comprising temporary structures, vegetated areas, clusters of tree groups and woodland within the “GB” zone to the south. Approval of the application may further alter the landscape character of the surrounding area;
- (b) with reference to the site photos taken on 18.7.2025, the Site is hard paved with temporary structures and used for parking of vehicles. No significant sensitive landscape resources is observed within the Site. According to **Appendix I**, no tree felling is anticipated. Significant adverse impact on the existing landscape resources within the Site arising from the applied use is not anticipated; and
- (c) her other advisory comments are at **Appendix V**.

Agriculture

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

- (a) as the Site processes potential for agricultural rehabilitation, the applied use is not supported from agricultural perspective; and
- (b) the Site falls within the “AGR” zone and is generally vacant with some structures and vehicles. Agricultural infrastructures such as road access and water source are available in the area. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc.

11. Public Comments Received During Statutory Publication Period

11.1 On 15.7.2025, the application was published for public inspection. During the statutory public inspection period, 22 public comments were received (**Appendix VII**). Amongst them, 17 individuals support the application. Their supporting views are summarised as follows:

- (a) there is an urgent need for the provision of coach repair workshop to ensure stable coach services in support of the land passenger transport industry and tourism development in Hong Kong;

- (b) the Site is highly suitable for the applied use, given its sizable area and the high accessibility to Man Kam To Boundary Control Point (BCP) and Liantang/Heung Yuen Wai BCP via Lin Ma Hang Road, compared to the original site at Ping Che;
 - (c) there are several applications for temporary warehouses that have been approved by the Committee in the vicinity of the Site; and
 - (d) no significant adverse impacts on the surrounding areas in terms of environmental, traffic, etc. are anticipated.
- 11.2 For the remaining five public comments, four of them from Kadoorie Farm and Botanic Garden, the Indigenous Inhabitant Representative of Muk Wu and two individuals object to the application mainly on the grounds that the applied use will cause adverse traffic and ecological impacts, as well as pose safety risks and environment nuisance to nearby residents; the applied use is not in line with the planning intention of the “AGR” zone; and the Site is the subject of previously rejected applications. The remaining public comment from a member of the North District Council indicates no comment on the application.

12. Planning Considerations and Assessments

- 12.1 The application is for temporary vehicle repair workshop and open storage of vehicles (coaches only) with ancillary facilities and associated filling of land for a period of three years at the Site zoned “AGR” on the OZP (**Plan A-1**). The applied use is not in line with the planning intention of the “AGR” zone. Although CT considers that the coach repair and parking facilities provided by the applicant is essential to maintain the stability of coach services, DAFC does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis.
- 12.2 The applicant also applies for regularisation of land filling of the entire site with concrete by about 0.2m in depth for site formation purpose (**Drawing A-2**). Filling of land within “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the adjacent areas. In this regard, the Chief Engineer/Mainland North of Drainage Services Department and Director of Environmental Protection have no objection to/no adverse comment on the application from public drainage viewpoint and environmental planning perspective respectively.
- 12.3 The Site falls within Category 3 areas under the TPB PG-No. 13G. The following considerations in the Guidelines are relevant:
- 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.

- 12.4 The Site, abutting Lin Ma Hang Road to the north, is currently hard-paved, fenced-off, occupied by the applied use without valid planning permission and subject to active planning enforcement actions (**Plans A-2 to A-4c**), is located in an area intermixed with storage yards without valid planning permission, warehouses, domestic structures, active/fallow agricultural land, vegetated areas and tree clusters. While the applied use is considered not entirely incompatible with the surrounding land uses, CTP/UD&L, PlanD advises that while significant adverse impact on the existing landscape resources within the Site arising from the applied use is not anticipated, approval of the application may further alter the landscape character of the surrounding area. There is neither approved previous application at the Site nor similar application within the same “AGR” zone approved by the Committee.
- 12.5 Other relevant government departments consulted, including the Chief Engineer/Mainland North, Drainage Services Department, Director of Fire Services, Chief Highway Engineer/New Territories East of Highways Department and Commissioner for Transport, have no objection to or no adverse comment on the application.
- 12.6 The Site is the subject of two previous applications (No. A/NE-MKT/26 and 36) submitted by two different applicants (**Plan A-1**), which were rejected by the Board on review/Committee in December 2023 and September 2024 respectively, mainly on the grounds as detailed in paragraphs 6.1 and 6.2, along with two similar applications also rejected by the Committee within the same “AGR” zone in 2023 (**Plan A-1**), mainly on the consideration as summarised in paragraph 7.2 above. The planning circumstances of the current application are similar to those of the rejected previous/similar applications. Rejection of the current application is in line with the Committee’s previous decisions.
- 12.7 The applied use does not comply with TPB PG-No. 13G in that the Site is not the subject of any previous approval and there are adverse departmental comments and local objections to the application.
- 12.8 Regarding the public comments mentioned in paragraph 11, the government departments’ comments and planning assessments above are relevant.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments in paragraph 11 above, the Planning Department does not support the application for the following reasons:
- (a) the applied use with associated filling of land is not in line with the planning intention of the “AGR” zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis; and
 - (b) the applied use with associated filling of land does not comply with the Town Planning Board Guidelines on Application for Open Storage and Port Back-up Uses

under Section 16 of the Town Planning Ordinance (TPB PG-No. 13G) in that no previous approval has been granted to the Site and there are adverse departmental comments and local objections.

- 13.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of three years until 5.9.2028. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 5.3.2026;
- (b) in relation to (a) above, the implementation of the drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 5.6.2026;
- (c) in relation to (b) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (d) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 5.3.2026;
- (e) in relation to (d) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 5.6.2026;
- (f) the submission of the design of vehicular run-in/run-out to the Site within 6 months from the date of approval to the satisfaction of the Director of Highways or of the Town Planning Board by 5.3.2026;
- (g) in relation to (f) above, the provision of vehicular run-in/run-out to the Site within 9 months from the date of approval to the satisfaction of the Director of Highways or of the Town Planning Board by 5.6.2026;
- (h) the implementation of the traffic management measures, as proposed by the applicant, within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 5.6.2026;
- (i) in relation to (h) above, the implemented traffic management measures shall be maintained at all times during the planning approval period;
- (j) if any of the above planning condition (c) or (i) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (k) if any of the above planning condition (a), (b), (d), (e), (f), (g) or (h) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and

- (l) upon the expiry of the planning permission, the reinstatement of the Site, including removal of fill materials and hard paving, and grassing the Site to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory Clauses

The recommended advisory clauses are at **Appendix VI**.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the permission.
- 14.2 Should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 14.3 Alternatively, should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.

15. Attachments

Appendix I	Application Form received on 7.7.2025
Appendix Ia	SPS
Appendix Ib	FI received on 7.8.2025
Appendix Ic	FI received on 15.8.2025
Appendix II	Relevant Extracts of TPB PG-No. 13G
Appendix III	Previous Applications
Appendix IV	Similar Applications
Appendix V	Government Departments' General Comments
Appendix VI	Recommended Advisory Clauses
Appendix VII	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	Proposed Land Filling Plan
Drawing A-3	Drainage Proposal
Drawing A-4	Swept Path Analysis for Coaches
Plan A-1	Location Plan
Plan A-2	Site Plan
Plans A-3a and A-3b	Aerial Photos
Plans A-4a to A-4c	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2025**