

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-FTA/267

- Applicant** : 同興車行有限公司
- Site** : Lots 558 RP (Part), 559 RP (Part), 561 RP, 562 S.F, 563 (Part), 564 S.B, 565 (Part), 567 (Part) and 568 (Part) in D.D. 89, Man Kam To Road, Sha Ling, Sheung Shui, New Territories
- Site Area** : About 8,140m²
- Lease** : Block Government Lease (demised for agricultural use)
- Lot 562 S.F is a mixed lot (i.e. house and agricultural use)
- Part of Lot 565 is covered by a Building Licence No. BL824/55 for house purpose
- Plan** : Approved Fu Tei Au and Sha Ling Outline Zoning Plan (OZP) No. S/NE-FTA/18
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Vehicle Repair Workshop (including Container Vehicle, Medium and Heavy Goods Vehicle) with Ancillary Office and Associated Filling of Land for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary vehicle repair workshop (including container vehicle, medium and heavy goods vehicle) with ancillary office and associated filling of land for a period of three years at the application site (the Site) (**Plan A-1**) falling within an area zoned “AGR” on the OZP. According to the Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). Filling of land within the “AGR” zone also requires planning permission from the Board. The Site, comprising two platforms (i.e. the lower platform at the northwestern portion and the upper platform at the southeastern portion), is currently largely hard-paved¹, partly vegetated, fenced-off and generally vacant with parking of some vehicles (**Plans A-4a** and **A-4b**).

¹ According to record, part of the Site zoned “AGR” has been partly hard-paved before the date of imposing a pond/land filling clause pertaining to the zone under the draft Fu Tei Au and Sha Ling OZP No. S/NE-FTA/8 gazetted on 29.4.2005.

- 1.2 According to the applicant, the application is submitted to facilitate the relocation of an existing brownfield operation in Fanling North being affected by government project, i.e. the Fanling North New Development Area (FLN NDA). The affected operation involves a total site area of about 8,400m² and is currently used for vehicle park, showroom, storage and workshop as claimed by the applicant. The affected land in Fanling North has been resumed by the Government and will be vacated by end of November 2025.
- 1.3 The Site is accessible from its northeast via a local track leading to Man Kam To Road (**Plan A-1**). According to the applicant, the proposed use consists of nine one to two-storey temporary structures with a building height of not more than 9m and a total floor area of about 1,773m² for vehicle repair workshops, ancillary office, storage, E&M rooms and toilet. Whilst the vehicle repair workshops are located on the lower platform, the upper platform mainly serves as a parking area. A total of 31 parking spaces (i.e. four for light goods vehicle, 14 for medium goods vehicle and 13 for heavy goods vehicle) are proposed within the Site. Two separate ingress/egresses, with 12m and 10m wide are proposed at the eastern boundary of the Site for the lower and upper platforms respectively. The proposed operation hours are between 8:30 a.m. and 6:30 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**. The applicant also applies for filling of the entire site with concrete or asphalt at a depth of not more than 0.15m for site formation. An existing retaining wall between the lower and upper platforms will be repositioned (**Drawing A-2**).
- 1.4 According to the traffic management measures proposed by the applicant, sufficient manoeuvring space and visitor parking spaces will be provided within the Site and no vehicle will queue back on the local road; barrier gates with flashing lights and audio warning devices as well as warning signs will be installed at the ingress/egresses to ensure pedestrian safety; and staff will be deployed to manage the traffic. According to the environmental mitigation measures proposed by the applicant, the Site will be hard-paved to minimise dust impacts due to vehicle movements; a 2.5m high solid fencing will be erected to minimise noise nuisance to the surrounding area; and waste engine oil will be collected in dedicated containment barrels with periodic disposal by certified party to avoid environmental contamination. In terms of sewage treatment, the applicant proposes that a licensed waste contractor will regularly collect the sewage generated by portable toilets and dispose of the sewage to approved facilities.
- 1.5 In support of the application, the applicant has submitted the following documents:
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| (a) | Application Form with attachments received on 2.9.2025 | (Appendix I) |
| (b) | Supplementary Information (SI) received on 5.9.2025 | (Appendix Ia) |
| (c) | SI received on 11.9.2025 | (Appendix Ib) |
| (d) | Further Information (FI) received on 30.9.2025* | (Appendix Ic) |
| (e) | FI received on 9.10.2025* | (Appendix Id) |
| (f) | FI received on 17.10.2025* | (Appendix Ie) |
| (g) | FI received on 21.10.2025* | (Appendix If) |

** 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, SIs and FIs at **Appendices I to If**, as summarised below:

- (a) the application is submitted to facilitate the relocation of the applicant's existing business operation affected by FLN NDA;
- (b) the proposed use is considered not incompatible with the surrounding areas which are intermixed with temporary warehouses, rural workshop (timber yard) and cement plant;
- (c) the proposed use is temporary in nature and approval of the application would not frustrate the long-term planning intention of the "AGR" zone;
- (d) minimal adverse impacts on environment, traffic and landscape are anticipated. Should the application be approved, the applicant is committed to comply with all environmental protection requirements, and follow relevant mitigation measures and requirements in the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' (COP) to alleviate possible adverse impacts and nuisance to the surrounding areas; submit and implement drainage and fire service installations proposals; and carry out tree planting as appropriate; and
- (e) the applicant will submit application for Short Term Waiver (STW) to the Lands Department upon approval of the application.

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 obtaining consents of two current land owners and notifying the remaining current land owner. Detailed information would be deposited at the meeting for Members' inspection.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines No. 13G for '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 this application. The Site falls within Category 3 areas under TPB PG-No. 13G. Relevant extracts of the Guidelines are attached at **Appendix II**.

5. Background

The Site is not subject to any active planning enforcement action.

6. Previous Applications

- 6.1 Part of the Site or the Site is the subject of seven previous applications (No. A/NE-FTA/159, 174, 184, 193, 198, 212 and 225) submitted by different applicants for same/different uses.
- 6.2 Amongst them, three applications (No. A/NE-FTA/159, 184 and 212) for parking of container tractor/trailers/vehicles or logistics centre were rejected by the Rural and New Town Planning Committee (the Committee) or the Board on review between 2016 and

2022; two applications (No. A/NE-FTA/193 and 198) for place of recreation, sports or culture (hobby farm) were approved by the Committee between 2019 and 2020; and one application (No. A/NE-FTA/225) for logistics centre was approved with conditions by the Committee on 26.1.2024². Their considerations are not applicable to the current application which involves a different use.

- 6.3 The remaining application (No. A/NE-FTA/174), covering the northern portion of the Site, for the same use submitted by a different applicant was rejected by the Committee in 2017 mainly for reasons of being not in line with the planning intention of “AGR” zone and no strong justification for departure from the planning intention; not complying with the then TPB PG-No. 13E in that no previous planning approval was granted to the site concerned; having adverse departmental comments; and being failed to demonstrate that the development would not generate adverse traffic, environmental and landscape impacts on the surrounding areas.
- 6.4 Details of the previous applications are summarised at **Appendix III** and their locations are shown in **Plan A-1**.

7. Similar Application

There is no similar application for vehicle repair workshop within the same “AGR” zone on the OZP in the past five years.

8. The Site and Its Surrounding Areas (Plans A-1 to A-4b)

- 8.1 The Site is:
- (a) comprising the lower platform at the northwestern portion and the upper platform at the southeastern portion;
 - (b) currently largely hard-paved, partly vegetated, fenced-off and generally vacant with parking of some vehicles; and
 - (c) accessible from its northeast via a local track leading to Man Kam To Road.
- 8.2 The surrounding areas are rural in character comprising village cluster of Sha Ling Village (not a recognized village), temporary structures, domestic structures, vacant land and tree clusters. Domestic structures can be found in the vicinity with the nearest located at about 5m to the east of the Site. Two sites covered by valid planning permissions (applications No. A/NE-FTA/247 and 258) for proposed temporary warehouse and cold storage for poultry and distribution centre are located to the west/southwest, whilst Sha Ling Cement Plant is located to the north³, across Man Kam To Road. Another site

² Application No. A/NE-FTA/225, with a similar site area (about 7,710m²), was approved mainly on considerations that it was for the reprovisioning of brownfield operation affected by the Hung Shui Kiu/Ha Tsuen NDA development and policy support from the Secretary for Development (SDEV) was given to the application; there were no major adverse impacts or adverse departmental comments on the application; and the concerns of relevant government departments could be addressed through implementation of approval conditions. The planning permission was subsequently revoked due to non-compliance with approval conditions in relation to drainage proposal, fire service installations and vehicular run-out.

³ According to record, Sha Ling Cement Plant was in existence before 7.9.1990 when the Fu Tei Au and Sha Ling Interim Development Permission Area Plan was gazetted.

covered by a valid planning permission (application No. A/NE-FTA/255) for temporary rural workshop (timber yard and sawmill) is located to the further northeast of the Site. To the further south is the Border District Police Headquarters and Police Dog Unit and Force Search Unit Training School zoned “Government, Institution or Community”.

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 for “AGR” zone, 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 Bureau/Departments

- 10.1 Apart from the government bureau/departments as set out in paragraphs 10.2 and 10.3 below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments are provided at **Appendices IV** and **V** respectively.

- 10.2 The following government bureau supports the application:

Policy Aspect

- 10.2.1 Comments of SDEV:

- (a) the application is to facilitate relocation of a brownfield operation, which will be affected by the Remaining Phase development of the FLN NDA. According to the applicant, the Site under the current application is considered suitable for relocation; and
- (b) subject to concerned government departments’ comments on land use compatibility and technical aspects, the application is supported from the policy perspective.

- 10.3 The following government departments do not support or have adverse comments on the application:

Land Administration

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

- (a) he has adverse comment on the application;
- (b) the Site comprises Old Schedule Agricultural Lots held under the Block Government Lease, except Lots 562 S.F and 565 in D.D. 89, which contain the restriction that no structures are allowed to be erected without prior approval of the Government. Lot 562 S.F in D.D. 89 is a mixed lot

(i.e. house and agricultural use). Apart from agricultural use, part of Lot 565 in D.D. 89 is covered by Building Licence No. BL824/55 for house purpose. No right of access via Government land (GL) is granted to the Site. It is noted that the proposed vehicular access will need to be passed through other private lots, the lot owners shall make their own arrangement;

- (c) the following irregularities not covered by the subject planning application have been detected by his office:

- (i) Unauthorised structure within Lot 563 in D.D. 89 not covered by the planning application

there is unauthorised structure within Lot 563 in D.D. 89 (i.e. extended from adjoining private Lot 562 RP in D.D. 89) not covered by the subject planning application. The lot owners should immediately rectify the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice; and

- (ii) Unlawful occupation of GL not covered by the planning application

the GL adjoining the Site has been fenced-off/illegally occupied 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 the Land (Miscellaneous Provisions) Ordinance (Cap. 28). His office reserves the rights to take necessary land control action against the illegal occupation of GL without further notice;

- (d) the lot owners shall remove the unauthorised structure and cease the illegal occupation of the GL not covered by the subject planning application immediately; and subject to the approval of the Board to the planning application which shall have reflected the rectification as aforesaid required, apply to his office for STW to permit the structures to be erected. The application for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The STW, if approved, will be on whole lot basis and subject to such terms and conditions including the payment of waiver fee and administrative fee as considered appropriate to be imposed by LandsD. In addition, LandsD reserves the right to take land control action for any unlawful occupation of GL. Besides, given the proposed use is temporary in nature, only erection of temporary structure(s) will be considered; and
- (e) unless and until the unauthorised structure and the unlawful occupation of GL are duly rectified by the lot owners, his office has adverse comment on the application and it must be brought to the attention of the Board when the application is being considered.

Agriculture

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

- (a) he does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation; and
- (b) 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 and plant nurseries, etc.

Environment

10.3.3 Comments of the Director of Environmental Protection (DEP):

- (a) he is unable to lend support to the application from environmental planning perspective as the proposed use involves the use of heavy vehicles and domestic dwellings are located within 100m from the site boundary (**Plan A-2**);
- (b) there were two substantiated environmental complaints pertaining to the Site received in the past three years, which were related to construction dust and fly-tipping in 2022 and 2023 respectively. Regarding the construction dust complaint case, his office noted that some dirt was carried by trucks passing through the exposed earth at the Site, and improvement was noted after advisory. Regarding the fly-tipping complaint case, no fly-tipping or dumping activities were observed during site inspections; however, some bitumen and construction and demolition waste were noted on site and subsequently removed. No violation of the Environmental Ordinances was observed and no enforcement action was taken by his office; and
- (c) should the application be approved, the applicant is advised to follow the requirements of the latest COP; the Professional Persons Environmental Consultative Committee (ProPECC) Practice Note (PN) 1/23 ‘Drainage Plans subject to Comment by the Environmental Protection Department – Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations (Cap. 123I) Section 40(1), 40(2), 41(1) and 90’ to avoid causing nuisance and sewage impact on the surrounding areas; and to implement relevant mitigation measures listed in the Recommended Pollution Control Clauses for Construction Contracts during filling of land.

11. Public Comments Received During Statutory Publication Period

On 12.9.2025, the application was published for public inspection. During the statutory public inspection period, three public comments were received (**Appendix VI**). Two comments from 打鼓嶺沙嶺村居民福利會 (involving 74 signatures) and an individual object to the application mainly on the grounds that the proposed use is not in line with the planning intention of “AGR” zone; the Site is the subject of rejected or revoked previous applications; the Site was involved in suspected unauthorized development; the proposed use will induce adverse environmental

impact on the surrounding village settlement; heavy vehicle traffic will pose safety risk to villagers; and it is questionable whether the applicant has obtained consents of the current land owners of the Site. The remaining comment from a member of North District Council indicates no comment on the application.

12. Planning Considerations and Assessments

- 12.1 The application is for proposed temporary vehicle repair workshop (including container vehicle, medium and heavy goods vehicle) with ancillary office and associated filling of land for a period of three years at the Site zoned “AGR” on the OZP (**Plan A-1**). The proposed use is not in line with the planning intention of the “AGR” zone and DAFC does not support the application from agricultural perspective. Nevertheless, SDEV supports the application from the policy perspective. Taking into account the planning assessments below and with the policy support given by SDEV, sympathetic consideration could be given to the proposed use on a temporary basis for a period of three years.
- 12.2 The Site, comprising the lower and upper platforms, is currently largely hard-paved, partly vegetated, fenced-off and generally vacant with parking of some vehicles, situated in an area of rural character intermixed with village cluster of Sha Ling Village (not a recognized village), temporary structures, domestic structures, vacant land and tree clusters (**Plans A-2 to A-4b**). To the west/southwest across Man Kam To Road is the sites of two approved applications (No. A/NE-FTA/247 and 258) involving temporary warehouse and cold storage for poultry and distribution centre, whilst Sha Ling Cement Plant is located to the north (**Plan A-1**). The proposed use is considered not entirely incompatible with the surrounding land uses. Noting that significant adverse impact on existing landscape resources within the Site is not anticipated, the Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective.
- 12.3 The application involves filling of the entire site with concrete at a depth of not more than 0.15m for site formation purpose. Filling of land within the “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the surrounding areas. In this regard, the Chief Engineer/Mainland North of Drainage Services Department has no objection to the application from public drainage perspective, while DEP has no particular comment on the proposed filling of land from environmental perspective. As the Site is zoned “AGR”, an approval condition requiring the reinstatement of the Site upon expiry of the planning permission so as to uphold the planning intention of the “AGR” zone and restore the greenery of the area is recommended should the Committee decide to approve the application.
- 12.4 DEP is unable to lend support to the application as the proposed use involves the use of heavy vehicles and environmental nuisance on the sensitive receivers (i.e. domestic structures) in the vicinity of the Site is expected (**Plan A-2**). In this regard, the applicant proposes various environmental mitigation measures including boundary fencing and waste management measures to minimise dust impacts, noise nuisance and contamination arising from the proposed use. While there were two substantiated environmental complaints concerning construction dust and fly-tipping at the Site received in the past three years, no violation of the Environmental Ordinances was observed and no enforcement action was taken by DEP. Moreover, no further complaint in relation to the Site has been received by DEP from April 2023 onwards. Should the application be approved, the applicant will be advised to follow the latest COP and provide sewerage facilities in accordance with ProPECC PN 1/23 in order to minimise the possible

environmental nuisance on the surrounding areas. Other concerned government departments consulted, including the Commissioner for Transport and Director of Fire Services, have no objection to or no adverse comment on the application. To address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 13.2 below. Regarding DLO/N, LandsD's concern on the unauthorised structure and unlawful occupation of GL, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.

- 12.5 The Site falls within Category 3 areas under the TPB PG-No. 13G. The application generally complies with the TPB PG-No. 13G in that policy support is rendered by SDEV to the application for relocation of the affected use to the Site, no major adverse departmental comments have been received on the application and the concerns of the relevant government departments can be addressed through implementation of approval conditions.
- 12.6 Part of the Site is the subject of a previous application (No. A/NE-FTA/174) for the same use submitted by a different applicant, which was rejected by the Committee in 2017 on the considerations as mentioned in paragraph 6.3 above. In view that policy support is given to the current application from SDEV; there is no major adverse departmental comment or their concern can be addressed by relevant approval conditions; and it is generally in line with TPB PG-No. 13G as mentioned in paragraph 12.5 above, the planning circumstances of the current application is different from those of the rejected previous application.
- 12.7 Regarding the public comments mentioned in paragraph 11 above, the government bureau/departments' comments and the planning assessments above are relevant. For the public comments querying that the applicant had not been authorised by the land owner(s) to submit the application, the applicant has complied with the requirements as set out in TPB PG-No. 31B by obtaining consents of or notifying the current land owners as mentioned in paragraph 3 above.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11 above, PlanD has no objection to the application.
- 13.2 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 24.10.2028. 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 24.4.2026;
- (b) in relation to (a) above, the implementation of the drainage proposal 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 24.7.2026;

- (c) in relation to (b) above, the implemented drainage facilities should be maintained at all times during the planning approval period;
- (d) the implementation of 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 24.7.2026;
- (e) in relation to (d) above, the implemented traffic management measures should be maintained at all times during the planning approval period;
- (f) 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 24.4.2026;
- (g) in relation to (f) 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 24.7.2026;
- (h) if any of the above planning condition (c) or (e) 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;
- (i) if any of the above planning condition (a), (b), (d), (f) or (g) 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
- (j) upon the expiry of the planning permission, the reinstatement of the Site, including the removal of fill materials and hard paving, and grassing of 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 V**.

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the proposed 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.

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 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.

- 14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

15. Attachments

Appendix I	Application Form with attachments received on 2.9.2025
Appendix Ia	SI received on 5.9.2025
Appendix Ib	SI received on 11.9.2025
Appendix Ic	FI received on 30.9.2025
Appendix Id	FI received on 9.10.2025
Appendix Ie	FI received on 17.10.2025
Appendix If	FI received on 21.10.2025
Appendix II	Relevant Extracts of TPB Guidelines No. TPB PG-No. 13G
Appendix III	Previous Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	Filling of Land Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2025**