

# **TOWN PLANNING BOARD**

**TPB Paper No. 11036**

**For Consideration by  
the Town Planning Board on 12.12.2025**

**REVIEW OF APPLICATION NO. A/NE-MKT/49  
UNDER SECTION 17 OF THE TOWN PLANNING ORDINANCE**

**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 in “Agriculture” Zone**

**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,  
Lin Ma Hang Road, Ta Kwu Ling, New Territories**

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**1. Background**

- 1.1 On 7.7.2025, the applicant, 運達汽車維修有限公司 represented by Innovative Land Use Planning Consultancy Co. Ltd., sought 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) under section 16 of the Town Planning Ordinance (the Ordinance). The Site falls within an area zoned “Agriculture” (“AGR”) on the approved Man Kam To Outline Zoning Plan (OZP) No. S/NE-MKT/7<sup>1</sup> (**Plan R-1**).
- 1.2 On 5.9.2025, the RNTPC of the Board decided to reject the application and the reasons were:
- (a) the applied use with associated filling of land was not in line with the planning intention of the “AGR” zone which was 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 was 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 did 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 had been granted to the Site and there were adverse departmental comments and local objections.
- 1.3 For Members’ reference, the following documents are attached:
- (a) RNTPC Paper No. A/NE-MKT/49 (Annex A)
  - (b) Extract of minutes of RNTPC Meeting held on 5.9.2025 (Annex B)
  - (c) Secretary of the Board’s letter dated 19.9.2025 (Annex C)

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<sup>1</sup> The Site was zoned “AGR” on the draft Man Kam To OZP No. S/NE-MKT/6 at the time of submission and consideration of the application by the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) on 5.9.2025. There is no change to the zoning of the Site on the current OZP.

## 2. Application for Review

- 2.1 On 26.9.2025, the applicant's representative applied, under section 17(1) of the Ordinance, for a review of RNTPC's decision to reject the application with support of written representation (**Annex D**).
- 2.2 Compared with the section 16 application, there is no change to the development proposal in the review application. To recapitulate, the Site is currently occupied by the applied use without valid planning permission, which is subject to active enforcement actions (**Plans R-2 to R-4d**). The applied use consists of five one-to-two storey temporary structures, with a total floor area of about 1,058m<sup>2</sup> 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 4,855m<sup>2</sup> 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 (**Drawing A-1 of Annex A**). Four coach loading/unloading (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 and Saturdays, with no operation on Sundays and public holidays. 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 of Annex A**). A drainage proposal was submitted in support of the application (**Drawing A-3 of Annex A**).
- 2.3 At the section 16 application, the applicant claimed that the application was 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)<sup>2</sup>.

## 3. Justification from the Applicant

The justification put forth by the applicant in support of the review application is detailed at **Annex D** as summarised below:

The RNTPC did not duly consider the comments of the Commissioner for Tourism (C for Tourism) at the consideration of the section 16 application.

## 4. The Section 16 Application

### Background

- 4.1 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 R-2**).

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<sup>2</sup> 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, which was subsequently reviewed and replanned by the Government. The original site claimed by the applicant is now located within the proposed Priority Development Area (PDA) of the NTN New Town as outlined in the "Remaining Phase Development of the NTN – Planning and Engineering Study for NTN New Town and Man Kam To – Investigation" (the P&E Study) commenced in 2021. While 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 on-going P&E Study.

- 4.2 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 had not been discontinued. The cases are current under monitoring according to the established procedures.
- 4.3 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 inspections on 16.7.2025 and 25.8.2025 revealed that the UD has not been discontinued, prosecution action is being considered.

*The Site and Its Surrounding Areas (Plans R-1 to R-4d)*

- 4.4 The situation of the Site and the surrounding areas at the time of consideration of the section 16 application by the RNTPC were described in paragraphs 8.1 and 8.2 of **Annex A**. There has been no material change of the situation of the Site and the surrounding areas since then.
- 4.5 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.
- 4.6 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/north across Lin Ma Hang Road are sites covered by valid planning permissions under applications No. A/NE-MKT/37, 39 and 53 for temporary warehouses for storage of food provisions/construction materials and a temporary hobby farm (**Plan R-2**). To the south of the Site is a densely vegetated knoll zoned “Green Belt”, which is a permitted burial ground for indigenous villagers.

*Planning Intention*

- 4.7 There has been no change in the planning intention of the “AGR” zone as mentioned in paragraphs 9.1 and 9.2 of **Annex A**, which 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.
- 4.8 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.

*Town Planning Board Guidelines*

- 4.9 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** of **Annex A**.

### Previous Applications

- 4.10 The Site is the subject of two previous applications (No. A/NE-MKT/26 and 36) submitted by two different applicants from the current application. 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 on the reasons of having no strong planning justification for a departure from the planning intention of the “AGR” zone; and failing to demonstrate that the proposed use would not generate adverse traffic and environmental impacts on the surrounding areas.
- 4.11 Application No. A/NE-MKT/36 for the same use as the current application was rejected by the Committee in September 2024 mainly on the reasons of having no strong planning justification for a departure from the planning intention of the “AGR” zone; failing 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.
- 4.12 Details of the previous applications are summarised at **Appendix III** of **Annex A** and their locations are shown on **Plan R-1**.

### Similar Applications

- 4.13 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 R-1**). Both applications were rejected by the Committee in 2023 mainly on the reasons of having no strong planning justification for a departure from the planning intention of the “AGR” zone; failing 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.
- 4.14 Details of the similar applications are summarised at **Appendix IV** of **Annex A** and their locations are shown on **Plan R-1**.

## **5. Comments from Relevant Government Bureau/Departments**

- 5.1 Comments on the section 16 application made by relevant government departments are stated in paragraph 10 and **Appendix V** of **Annex A**. Their advisory comments in the Recommended Advisory Clauses are at **Appendix VI** of **Annex A** and recapped at **Annex E**.
- 5.2 For the review application, the Secretary for Development has no comment on the application and C for Tourism maintains her previous views on the section 16 application as set out in paragraph 10.2 of **Annex A**. The District Lands Officer/North, Lands Department (DLO/N, LandsD), Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) and Director of Agriculture, Fisheries and Conservation (DAFC) also maintain their previous adverse views on the section 16 application as set out in paragraph 10.3 of **Annex A**. Their views are recapitulated below. Other relevant government departments maintain their previous views of having no

adverse comments on/no objection to the section 16 application and have no further comments on the review application.

Cross-boundary Coach Services

5.2.1 Comments of C for Tourism:

- (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 (TLB) has, in consultation with the Transport Department (TD) and the Electrical and Mechanical Services Department (EMSD), 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 maintain 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.

### Land Administration

#### 5.2.2 Comments of DLO/N, LandsD:

- (a) he objects to the application since there is illegal occupation of Government Land (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 first illegal occupation and then regularisation should not be encouraged;
- (d) unless and until the authorised 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 considers the application; and
- (e) his other advisory comments are at **Annex E**.

### Landscape

#### 5.2.3 Comments of 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 of Annex A**, 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 **Annex E**.

### Agriculture

#### 5.2.4 Comments of 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.

## **6. Public Comments Received During Statutory Publication Period**

- 6.1 On 10.10.2025, the application was published for public inspection. During the statutory public inspection period, three public comments were received (**Annex F**). Amongst them, the Indigenous Inhabitant Representative (IIR) of Muk Wu and an individual object to the application mainly on the grounds that the applied use will cause adverse traffic and ecological impacts, pose health and safety risks, and create environmental nuisances for nearby residents; and the applied use would hinder the development of Northern Metropolis. The remaining public comment from a member of the North District Council indicates no comment on the application.
- 6.2 At the section 16 application stage, 22 public comments were received. 17 individuals support the application. Four comments from Kadoorie farm and Botanic Garden, the IIR of Muk Wu and two individuals object to the application. One comment from a member of North District Council indicates no comment on the application. The summary of the comments is in paragraphs 11.1 and 11.2 of **Annex A**.

## **7. Planning Considerations and Assessments**

- 7.1 The application is for a review of the RNTPC's decision on 5.9.2025 to reject the section 16 application 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 R-1**) with the reasons stated in paragraph 1.2 above. To support the review application, the applicant's representative has submitted a written representation as set out in paragraph 3 above. Since the consideration of the section 16 application by the RNTPC, there has been no material change in planning circumstances. Having considered the written representation, the planning considerations and assessments on the review application are detailed below.

### **Planning Intention of the "AGR" zone and Land Use Compatibility**

- 7.2 The applied use 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. In this regard, DAFC maintains his previous adverse view of not supporting the review 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 the planning intention, even on a temporary basis.
- 7.3 Whilst the applied use is considered not entirely incompatible with the surrounding land uses mainly of rural character intermixed with storage yards without planning permission, warehouses, domestic structures, active/fallow agricultural land, vegetated areas and tree clusters, CTP/UD&L, PlanD maintains her previous views that approval of the application may further alter the landscape character of the surrounding area. There is also neither approved previous application at the Site nor similar application within the same "AGR" zone approved by the RNTPC.



Demand for Cross-boundary Coach Repair Services

- 7.4 In response to the applicant's claim that the RNTPC did not duly consider C for Tourism's comments at the consideration of the section 16 application, the RNTPC noted that her comments, including the Association's role in providing cross-boundary coach services and TLB's advice that the continuous provision of vehicle repair services was essential for the service reliability and safety operation of non-franchised buses, were viewpoints provided for consideration at the section 16 application stage, and there was no clear indication of policy support given to the subject application. C for Tourism has been further consulted on the review application and maintains her previous comments on the application as stated in paragraph 5.2.1 above. There is no material change in the planning circumstances. Although C for Tourism is of the view that the coach repair and ancillary facilities provided by the applicant are essential to maintain the stability of coach services, the applicant has failed to provide strong justifications and sufficient information to demonstrate the necessity of the Site for the applied use.

TPB PG-No. 13G

- 7.5 Under the TPB PG-No. 13G, the Site falls within Category 3 areas where 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 application). Having considered that the open storage and port back-up uses have a role to play in Hong Kong's economy and provide considerable employment opportunities, and the operators/uses affected by resumption and clearance operations of the Government to make way for developments may face difficulties in finding a replacement site, sympathetic consideration could be given to those applications meeting the following criteria: (i) policy support is given by the relevant bureau(x) to the applicant for relocation of the affected uses/operations to the concerned sites; and (ii) no adverse departmental comments and local objections, or the concern could be addressed by approval conditions.
- 7.6 At the section 16 application stage, the applicant claimed that application was submitted to facilitate the relocation of a business operation at the original site affected by PC/TKL NDA. Although the original site is located within the proposed PDA of the NTN New Town as outlined in the on-going P&E Study, the implementation programme of NTN New Town is still being formulated, with works targeted to commence in 2028/29 at the earliest and land resumption and clearance operations by the Government have not yet commenced at this stage. There is no policy support given from the Development Bureau to the applicant for relocation of the affected operation to the Site. In this regard, the application is considered not in line with the TPB PG-No. 13G in that there is no previous planning approval for the Site; no policy support is given for relocation of the affected operation to the Site; and there are adverse comments from concerned departments including DAFC and local objections.
- 7.7 The Site is the subject of two previous applications (No. A/NE-MKT/26 and 36) (**Plan R-1**), which were rejected by the Board on review/RNTPC in December 2023 and September 2024 respectively as detailed in paragraphs 4.10 and 4.11 above. There are also two similar applications rejected by the RNTPC within the same "AGR" zone in 2023 (**Plan R-1**) as summarised in paragraph 4.13 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 Board/RNTPC's previous decisions.

Public Comments

- 7.8 Regarding the public comments received on the review application as mentioned in paragraph 6 above, the planning considerations and assessments above are relevant.

**8. Planning Department's Views**

- 8.1 Based on the assessments made in paragraph 7 and having taken into account the public comments in paragraph 6 above and given that there is no material change in the planning circumstances since the consideration of the subject application by the RNTPC, PlanD maintains its previous view of not supporting the review 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 the 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.
- 8.2 Alternatively, should the Board 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 12.12.2028. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) the submission of a revised 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 12.6.2026;
- (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 12.9.2026;
- (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 12.6.2026;
- (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 12.9.2026;

- (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 12.6.2026;
- (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 12.9.2026;
- (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 12.9.2026;
- (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 **Annex E**.

### **9. Decision Sought**

- 9.1 The Committee is invited to consider the application for a review of the RNTPC's decision and decide whether to accede to the permission.
- 9.2 Should the Board decide to reject the review application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 9.3 Alternatively, should the Board decide to approve the review 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.

### **10. Attachments**

<b>Annex A</b>	RNTPC Paper No. A/NE-MKT/49
<b>Annex B</b>	Extract of Minutes of RNTPC Meeting held on 5.9.2025
<b>Annex C</b>	Secretary of the Board's letter dated 19.9.2025
<b>Annex D</b>	Email from the Applicant's Representative dated 26.9.2025
<b>Annex E</b>	Recommended Advisory Clauses

<b>Annex F</b>	Public Comments
<b>Plan R-1</b>	Location Plan
<b>Plan R-2</b>	Site Plan
<b>Plans R-3a and R-3b</b>	Aerial Photos
<b>Plans R-4a to R-4d</b>	Site Photos

**PLANNING DEPARTMENT  
DECEMBER 2025**