

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TKLN/112

Applicant : Bliss Achieve Limited represented by DeSPACE (International) Limited

Site : Lots 35 RP, 36, 42 RP, 43, 44, 45 RP, 59 RP and 64 S.B RP in D.D. 80 and Adjoining Government Land (GL), Lin Ma Hang Road, Ta Kwu Ling North, New Territories

Site Area : About 5,206.3m² (including GL of about 13.9m² or about 0.3% of the Site)

Lease : Block Government Lease (demised for agricultural use)

Plan : Approved Ta Kwu Ling North Outline Zoning Plan (OZP) No. S/NE-TKLN/2

Zoning : “Recreation” (“REC”)

Application : Temporary Public Vehicle Park (Excluding Container Vehicle) and Shop and Services for a Period of Five Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary public vehicle park (excluding container vehicle) and shop and services for a period of five years at the application site (the Site) falling within an area zoned “REC” on the OZP (**Plan A-1**). According to the Notes for the “REC” zone, ‘Public Vehicle Park (excluding container vehicle)’ and ‘Shop and Services’ are Column 2 uses which require planning permission from the Town Planning Board (the Board). The Site is currently hard-paved and used as a vehicle park with temporary structures without valid planning permission.
- 1.2 The Site is accessible via a local access road to the west of the Site leading to Lin Ma Hang Road (**Plan A-2**). According to the applicant, the applied uses comprise six single-storey structures (not more than 5.4m in height) with a total floor area of about 634m² for retail shops, guard room, lavatories, fire service installation (FSI) cabinet and electrical and mechanical (E&M) facilities. A total of 90 parking spaces (88 for private cars and two for disabled) as well as one loading/unloading (L/UL) bay for light goods vehicles (LGVs) will be provided at the Site. Fencing will be erected along the boundary of the Site. No vehicle without valid licence issued under the Road Traffic Ordinance will be allowed to be parked/stored on or enter the Site. The operation hours of the public vehicle park are 24 hours daily, including public holidays while the operation hours of the retail shops are between 9:00 a.m. and 9:00 p.m. daily, including public holidays. The layout plan submitted by the applicant is shown in **Drawing A-1**.
- 1.3 The applicant proposes traffic management measures including provision of traffic signs, road mirrors, 10m long queuing space at the ingress within the Site, online reservation for

parking spaces, real-time parking information to the Transport Department (TD), and deployment of staff near the junction of Lin Ma Hang Road and the local access road to alert drivers when the temporary public vehicle park is full to ensure pedestrian safety and manage traffic. The applicant also proposes to carry out traffic improvement (i.e. road widening works) of a section of the local access road at the junction of Lin Ma Hang Road¹ (**Drawing A-2**).

1.4 The Site is the subject of two previous applications (No. A/NE-TKLN/23 and 68), submitted by the same applicant as the current application, for proposed temporary place of recreation, sports or culture (parent-child play area), eating place and shop and services and proposed temporary public vehicle park (excluding container vehicle) and shop and services, which were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2021 and 2024 respectively. Details of the previous applications are set out in paragraph 5 below. The planning approvals of these two approved previous applications were subsequently revoked in 2024 and 2025 respectively due to non-compliance with approval conditions. Compared with the last approved previous application No. A/NE-TKLN/68, the current application mainly involves an increase in total floor area and slight reduction in parking spaces for private cars. A comparison of application No. A/NE-TKLN/68 with the current application is as follows:

	Previous Application No. A/NE-TKLN/68 (a)	Current Application No. A/NE-TKLN/112 (b)	Difference (b) – (a)
Site Area	about 5,260.2m ²	about 5,206.3m ²	-53.9m ² / -1.02%
Total Floor Area	about 400m ²	about 634m ²	+234m ² / +58.5%
No. of Structure(s)	5	6	+1 structure
Max. Height of Structures	not more than 5.4m	not more than 5.4m	No change
No. of Private Car Parking Spaces	94	88	-6 spaces
No. of Disabled Car Parking Spaces	2	2	No change
No. of L/UL Bay for LGVs	1	1	No change
No. of L/UL Bay for Heavy Goods Vehicles	1	0	-1 bay

1.5 In support of the application, the applicant has submitted the following documents:

- (a) Application Form with Attachments received on 14.10.2025 **(Appendix I)**
- (b) Further Information (FI) received on 22.10.2025* **(Appendix Ia)**
- (c) FI received on 21.11.2025[^] **(Appendix Ib)**
- (d) FI received on 5.12.2025* **(Appendix Ic)**
- (e) FI received on 12.12.2025* **(Appendix Id)**

**accepted and exempted from publication and recounting requirements*

[^]accepted but not exempted from publication and recounting requirements

¹ Portions of the road widening works at the local track fall within areas zoned “Green Belt” (“GB”).

2. Justifications from the Applicant

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

- (a) the Site is in proximity to Heung Yuen Wai Boundary Control Point (HYW BCP). The temporary public vehicle park could meet the parking demand from the local villagers/residents and cross-boundary travellers, while the shop and services providing retails or services including prepaid phone cards, packaged and shelf-stable food, hygiene and personal care items, stationery and small household goods, and photocopying/printing would serve the needs of the cross-boundary travellers and visitors;
- (b) approval of the application on a temporary basis would not frustrate the long-term planning intention of the “REC” zone. The applied uses are compatible with the surrounding environment. There are similar applications falling with the same “REC” zone in the vicinity of the Site for public vehicle parks;
- (c) one ingress/egress point is proposed at Lot 59 RP in D.D. 80, which will be able to cope with the traffic generated by the applied uses. Compared with the previous planning application No. A/NE-TKLN/68, the number of parking spaces has been reduced. No traffic congestion has been observed in the surrounding area for the past two years. As such, the applied uses will not generate any adverse traffic impact;
- (d) the Site is adjacent to the “GB” zone to the north. The applicant will adhere to good site practice to avoid disturbing the nearby natural habitat. Greenery area is provided and given the scale of the applied uses, no adverse visual and landscape impacts are anticipated;
- (e) a septic tank and soakaway system will be adopted for on-site sewage treatment and disposal. The detailed design and installation will comply with relevant guidelines issued by the Environmental Protection Department;
- (f) the Site overlaps with the Food and Environmental Hygiene Department (FEHD)’s planned Food Control Facilities (FCF) at HYW. Given that the government has not yet initiated the statutory planning application process or land resumption procedures for the FCF development, the current application, which is temporary in nature, would not impede the long-term planning intention;
- (g) the applicant complied with the approval conditions related to drainage, fire safety and vehicular run-in/run-out aspects under the planning approval of the last previous application No. A/NE-TKLN/68. The planning approval was revoked due to non-compliance of traffic-related approval condition. The applicant has made continuous efforts to fulfil all approval conditions and proposes traffic improvement measures in the current application; and
- (h) all structures erected on the GL adjoining Lots 42 RP, 45 RP and 59 RP in D.D. 80 have been removed. Also, the applicant will apply for modification application for Short Term Waiver (STW) to cover all proposed structures and the right of access point upon granting approval of the current application.

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

The applicant is the sole “current land owner” of the Site. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, 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) is not applicable.

4. Background

Recent site inspection revealed that parking of vehicles was observed at the Site. Warning letter was posted on site. The Site and its vicinity are under regular monitoring. Appropriate enforcement action would be undertaken subject to collection of sufficient evidence to prove there is an “unauthorized development” under the Town Planning Ordinance (TPO).

5. Previous Applications

- 5.1 The Site is the subject of two previous applications (No. A/NE-TKLN/23 and 68) submitted by the same applicant as the current application. Application No. A/NE-TKLN/23 for proposed temporary place of recreation, sports or culture (parent-child play area), eating place and shop and services was approved with conditions by the Committee on 5.2.2021 for a period of five years mainly on the considerations that there were no adverse departmental comments on the application. The planning approval was revoked on 5.5.2024 due to non-compliance with approval conditions relating to provision of drainage and sewage facilities, and implementations of FSIs proposal and traffic management measures.
- 5.2 Application No. A/NE-TKLN/68 for proposed temporary public vehicle park (excluding container vehicle) and shop and services was approved with conditions by the Committee on 5.4.2024 for a period of five years mainly on the considerations that the proposed uses were not entirely incompatible with the surrounding areas; there were no adverse departmental comments; and the Commissioner for Transport (C for T) supported the application. The planning approval was revoked on 1.9.2025 due to non-compliance with approval conditions relating to submission and implementation of traffic improvement and management measures.
- 5.3 Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

6. Similar Applications

- 6.1 There were 13 similar applications (No. A/NE-TKLN/37, 39, 40, 53, 55, 57, 58, 67, 70, 75, 76, 87 and 102)² for temporary public vehicle park and/or shop and services with/without eating place or canteen falling entirely within the same “REC” zone or straddling various zones including “Village Type Development” (“V”) and “GB” in the vicinity of the Site in the past five years.

² The planning approvals of Applications No. A/NE-TKLN/55, 57, 58, 67, 70 and 76 (**Appendix II** and **Plan A-1**) were revoked between 2025 and 2026 due to non-compliance with approval conditions.

- 6.2 Eight applications (No. A/NE-TKLN/37, 53, 57, 58, 67, 70, 75 and 102) involving five sites for temporary public vehicle park with/without shop and services uses were approved with conditions by the Committee between 2021 and 2025 mainly on the considerations that the proposed uses were not entirely incompatible with the surrounding land uses; and there were no adverse departmental comments.
- 6.3 Five applications (No. A/NE-TKLN/39, 40, 55, 76 and 87) involving four sites for temporary shop and services with/without eating place, canteen or ancillary office/storeroom were approved with conditions by the Committee between 2021 and 2024 mainly on the considerations that the proposed uses were not entirely incompatible with the surrounding land uses; there were no major adverse departmental comments; and/or the proposed uses complied with relevant Town Planning Board Guidelines.
- 6.4 Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

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

- 7.1 The Site is:
 - (a) currently hard-paved and used as a vehicle park with temporary structures without valid planning permission; and
 - (b) accessible via a local access road to the west of the Site leading to Lin Ma Hang Road.
- 7.2 The surrounding areas are of rural character mainly comprising public vehicle parks, holiday camp and vacant land. HYW BCP is located to the further west of the Site. The village cluster of Tsung Yuen Ha is located to the further south of the Site.

8. Planning Intention

The planning intention of the “REC” zone is primarily for low-density recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the low-density recreational developments may be permitted subject to planning permission.

9. Comments from Relevant Government Departments

- 9.1 Apart from the government departments as set out in paragraph 9.2 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 IV** and **V** respectively.
- 9.2 The following government departments object to/have comments on the application:

Project Interface

9.2.1 Comments of the Director of Food and Environmental Hygiene (DFEH):

- (a) he objects to the application beyond the land reversion and site clearance date for the development of HYW FCF;
- (b) according to the Development Proposals of the New Territories North (NTN) New Town and Ma Tso Lung as announced in December 2024, and the proposed location of HYW FCF as announced in February 2025, the Site for the applied uses is within the PDA of NTN New Town and would overlap with the FCF location. If this planning application is approved, the Site would have to be vacated for the site formation/construction works relating to the PDA of NTN New Town and FCF. His department does not agree with the proposed usage under this application beyond the land reversion and site clearance date for the above site formation/construction works;
- (c) the applicant should take into account the potential impact of NTN New Town development, including the relocation of FCF to HYW. It should also be noted that the FCF falls within the PDA of NTN New Town. The proposed FCF relocation exercise will involve diversion of a section of Lin Ma Hang Road, site formation and construction of FCF. Subject to the finalisation of the project boundary, the aforesaid works cover an area of about 5ha, of which about 3ha of private land will be acquired. North District Council (NDC) was consulted for the relocation project at the meeting on 18.2.2025. To take forward the FCF relocation exercise, his department would submit a section 16 planning application. The statutory procedures for land resumption are planned to commence after obtaining the Board's permission. Subject to such procedures, land reversion and site clearance would commence in due course. In general, ex-gratia land compensation may be offered to the owners of private land in the New Territories being affected by land resumption. For business undertakings affected by land resumption/clearance exercises, ex-gratia allowances may be offered to eligible business undertakings operating for at least two years immediately preceding the Pre-clearance Survey and not in breach of the lease or conditions of relevant land instruments; and
- (d) his advisory comments are at **Appendix V**.

Land Administration

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

- (a) he has no adverse comment on the application;
- (b) the Site comprises GL and Old Schedule Agricultural Lots 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;

- (c) the private lots are covered by STW No. 1653 for the purpose of parent-child play area and ancillary uses with non-exclusive right-of-way of GL adjoining the said private lots. An application for modification of STW for the purpose of structures for public vehicle park and ancillary uses with Built-Over-Area (BOA) of 510m² is under processing;
- (d) it is noted that the applicant has closed-off and fenced-off the southern vehicular access point adjoining Lot 64 S.B RP in D.D. 80 and cease the illegal occupation of GL adjoining Lots 42 RP, 45 RP and 59 RP in D.D. 80;
- (e) the proposed road widening works fall within unleased and unallocated GL (UUGL) which is outside the Site. In view of this, the applicant should clarify which government department would take up the management and/or maintenance responsibility of the said proposed road widening works within UUGL (if implemented); and
- (f) if the planning application is approved, the lot owner will need to apply to his office for modification of the STW conditions where appropriate. The application for STW modification will be considered by the Government in its capacity as a landlord and there is no guarantee that it will be approved. The STW modification, if approved, will be on whole lot basis and subject to such terms and conditions including the payment of back-dated waiver fee (if any) and administrative fee as considered appropriate by LandsD. Besides, given the applied uses are temporary in nature, only erection of temporary structure(s) will be considered.

Traffic

9.2.3 Comments of C for T:

- (a) she has no comment on the application from district traffic engineering point of view;
- (b) her comments from cross-boundary parking need point of view are as follows:

with the commissioning of passenger clearance in HYW BCP since February 2023, the demand for cross-boundary parking has kept increasing especially during the weekends and holidays, when the existing carparks were fully utilised. Therefore, there is a shortfall in parking spaces in the area, and the applied public vehicle park which is located in close proximity to HYW BCP, can alleviate the demand for parking spaces in the area;

- (c) after taking into consideration the context of the Site including its location and existing traffic conditions in the vicinity of HYW BCP, should the application be approved, approval conditions on submission and implementation of traffic improvement and traffic management measures should be included. Also, the implemented traffic improvement and traffic management measures should be maintained at all times during the planning approval period; and

(d) her advisory comments are at **Appendix V**.

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

- (a) no comment on the application from highways maintenance point of view;
- (b) regarding the proposed road widening works at the local access road, only the junction of the local access road with Lin Ma Hang Road is currently under HyD's maintenance jurisdiction. The majority of the vehicular access between Lin Ma Hang Road and the Site is not managed by TD and maintained by HyD; and
- (c) his advisory comments are at **Appendix V**.

10. Public Comments Received During Statutory Publication Period

On 21.10.2025, the application was published for public inspection. During the statutory public inspection period, three public comments were received (**Appendix VI**). One comment from an individual raises concerns on non-compliance with an approval condition under the previous approval and shortage of parking spaces. The remaining two comments both from a member of the NDC indicate no comment on the application.

11. Planning Considerations and Assessments

11.1 The application is for temporary public vehicle park (excluding container vehicle) and shop and services for a period of five years at the Site falling within an area zoned "REC" on the OZP. While the applied uses are not in line with the planning intention of the "REC" zone, there is no known planned recreational development at the Site. In addition, the applicant advises that the applied uses are to provide parking spaces and services for meeting the need of the local residents and cross-boundary travellers. In view of the above and taking into account the planning assessments below, there is no objection to the applied uses on a temporary basis of five years.

11.2 The Site is located in an area of rural character mainly comprising public vehicle parks, holiday camp and vacant land. HYW BCP is located to the further west and the village cluster of Tsung Yuen Ha is located to further south of the Site. The applied uses are considered not incompatible with the surrounding area. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective and considers that significant adverse impact on the landscape character and existing landscape resources within the Site is not anticipated.

11.3 Noting that the Site falls within the PDA of NTN New Town and would overlap with the proposed FCF, DFEH objects to the application beyond the land reversion and site clearance date for the proposed FCF. Notwithstanding the above, as there is an established land resumption mechanism to facilitate Government projects, it is considered that the applied uses on a temporary basis of five years will not affect the long-term development of the Site. To address DFEH's concerns on the potential project interface issue, it is suggested

incorporating an advisory clause to remind the applicant that the Site will be resumed by the Government and the applied uses may be terminated at any time during the planning approval period for implementation of Government projects, should the application be approved by the Committee.

- 11.4 Relevant government departments consulted, including the Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department, Director of Fire Services and Chief Engineer/Construction of Water Supplies Department have no objection to or no adverse comment on the application. To address the technical requirements of concerned departments, relevant approval conditions are recommended in paragraph 12.2 below. C for T has no comment on the application subject to imposing approval conditions on the submission, implementation and maintenance of traffic improvement and traffic management measures. Regarding the proposed traffic improvement (i.e. road widening works) of a section of the local access road (**Drawing A-2**), should the application be approved, the applicant will be advised to liaise with concerned departments on the management/maintenance responsibility. As portions of the proposed road widening works at the local access road fall within the “GB” zone, approval of the current application does not imply approval of the proposed works and planning permission from the Board would be required. The applicant will be advised to review the proposed works to avoid encroaching onto the “GB” zone. The applicant will also be advised to follow ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ to minimise the possible environmental nuisance.
- 11.5 The Site is the subject of two previous applications. The last previous application, submitted by the same applicant as the current application, for proposed temporary public vehicle park (excluding container vehicle) and shop and services was approved with conditions by the Committee in 2024 as detailed in paragraph 5.2 above. Compared with the approved previous application, the current application mainly involves an increase in total floor area and slight reduction in parking spaces for private cars. The planning consideration of the previous application are applicable to the current application. The planning permission was subsequently revoked due to non-compliance with approval conditions. In support of the current application, the applicant proposes traffic improvement and traffic management measures as mentioned in paragraph 1.3 above, and C for T has no comment on the application. Should the Committee decided to approve the application, the applicant will be advised that should there be failure to comply with any of the approval conditions again resulting revocation of the planning permission, sympathetic consideration would not be given to any further application.
- 11.6 There are 13 similar applications for temporary public vehicle park and/or shop and services with/without other uses falling within the same “REC” zone or straddling various zones in the past five years. All of them were approved with conditions by the Committee between 2021 and 2025 as detailed in paragraphs 6.2 and 6.3 above. The planning circumstances of the current application are similar to those of the similar applications. Approval of the current application is in line with the Committee’s previous decisions.
- 11.7 Regarding the public comments on the application as detailed in paragraph 10, the government departments’ comments and planning assessments above are relevant.

12. Planning Department's Views

12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments in paragraph 10 above, PlanD has no objection to the application.

12.2 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 five years until 9.1.2031. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) the submission of a condition record of the existing drainage facilities on the Site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 9.4.2026;
- (b) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (c) 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 9.7.2026;
- (d) in relation to (c) 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 9.10.2026;
- (e) the submission of traffic improvement and traffic management measures within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 9.7.2026;
- (f) in relation to (e) above, the implementation of the traffic improvement and traffic management measures within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 9.10.2026;
- (g) in relation to (f) above, the implemented traffic improvement and traffic management measures shall be maintained at all times during the planning approval period;
- (h) if any of the above planning condition (b) or (g) 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; and
- (i) if any of the above planning condition (a), (c), (d), (e) or (f) 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.

Advisory Clauses

The Recommended Advisory Clauses are at **Appendix V**.

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

the applied uses are not in line with the planning intention of the "REC" zone which is primarily for low-density recreational developments for the use of the general public. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.

13. Decision Sought

13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the permission.

13.2 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.

13.3 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.

14. Attachments

Appendix I	Application Form with Attachments received on 14.10.2025
Appendix Ia	FI received on 22.10.2025
Appendix Ib	FI received on 21.11.2025
Appendix Ic	FI received on 5.12.2025
Appendix Id	FI received on 12.12.2025
Appendix II	Previous Applications
Appendix III	Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	Proposed Road Widening Works
Plan A-1	Location Plan
Plan A-2	Site Plan
Plans A-3a to A-3b	Aerial Photos
Plans A-4a to A-4b	Site Photos

**PLANNING DEPARTMENT
JANUARY 2026**