

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TKLN/115

- Applicant** : Mr. CHAN Kam Wah represented by R-riches Planning Limited
- Site** : Lot 87 RP (Part) in D.D. 82, Lin Ma Hang Road, Ta Kwu Ling North, New Territories
- Site Area** : About 1,102m²
- 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 Shop and Services, Public Vehicle Park (Excluding Container Vehicle) and Vehicle Repair Workshop with Ancillary Facilities for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary shop and services, public vehicle park (excluding container vehicle) and vehicle repair workshop with ancillary facilities for a period of three years at the application site (the Site) falling within an area zoned “REC” on the OZP (**Plan A-1**). According to the Notes of the OZP for the “REC” zone, ‘Shop and Services’ and ‘Public Vehicle Park (excluding container vehicle)’ are Column 2 uses, which require planning permission from the Town Planning Board (the Board). While there is no provision for ‘Vehicle Repair Workshop’ in the “REC” zone, the covering Notes of the OZP stipulate that temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Board. The Site is currently hard-paved and used as the applied uses without valid planning permission.
- 1.2 The Site is accessible via a local track leading to Lin Ma Hang Road (**Plan A-2**). According to the applicant, the applied uses comprise three one to two-storey structures (about 3m to 7m in height) with a total floor area of 241m² for vehicle repair workshop providing car beauty services and minor installation works of vehicle products, shop and services involving provision of courier service counter for parcel pick-up/drop-off, site office, toilet and staff pantry. The remaining area will be used for 14 parking spaces for private cars (2.5m (W) x 5m (L) each), a loading/unloading (L/UL) space for light goods vehicles (LGVs) (3.5m (W) x 7m (L)) and circulation space. The workshop activities will be carried out within the enclosed structure. A 2.5m high solid metal wall will be erected along the boundary of the Site. Also, prior booking will be required for the vehicle repair workshop service. No open storage and storage of unlicensed vehicles will be

allowed at the Site. No container tractors/trailers will be allowed to be parked/stored on or enter/exit the Site. The operation hours of the public vehicle park are 24 hours daily, including public holidays while the operation hours of the shop and services and vehicle repair workshop are between 9:00 a.m. and 7:00 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 deploying staff to direct vehicles entering/exiting the Site and installing traffic signs to manage traffic and ensure pedestrian safety, as well as erecting a sign to notify drivers when the public vehicle park reaches its maximum capacity. Also, septic tank and soakaway system will be provided for the collection of sewage within the Site and an underground water tank will be provided to store wastewater generated from car washing activities.
- 1.4 The Site is the subject of a previous application (No. A/NE-TKLN/93) submitted by the same applicant as the current application for proposed temporary warehouse (excluding dangerous goods godown) with ancillary facilities, which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 28.2.2025. Details of the previous application are set out in paragraph 5 below.
- 1.5 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with Attachments received on 24.11.2025 **(Appendix I)**
 - (b) Further Information (FI) received on 5.1.2026* **(Appendix Ia)**
 - (c) FI received on 14.1.2026* **(Appendix Ib)**

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

- (a) in response to the growth of Heung Yuen Wai area since the commissioning of Heung Yuen Wai Boundary Control Point, and the increasing daily needs of the local residents and workers, the applied uses aim to utilise land resources by providing parking space to alleviate the substantial parking demand in the area as well as shop and services and vehicle repair workshop;
- (b) the Site has been left vacant without any known programme for long-term recreational development. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the “REC” zone and would better utilise precious land resources in the New Territories;
- (c) there are similar planning applications for temporary shop and services and/or temporary public vehicle park in the “REC” zone on the same OZP. Approval of the current application would not set an undesirable precedent;
- (d) the applied uses are not anticipated to create significant nuisance to the surrounding areas. The trip generated by the applied uses is expected to be minimal and adverse traffic impact arising from the applied uses is not anticipated. The applicant will strictly comply with all environmental protection/pollution control ordinances and follow relevant mitigation measures and requirements in the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Uses’ (COP) to minimise

any potential environmental impacts and nuisance to the surrounding areas. The applicant will implement good practices under the Professional Persons Environmental Consultative Committee Practice Notes (ProPECC PN) 1/23 'Drainage Plans subject to Comment by the Environmental Protection Department - Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations' for on-site drainage system; and

- (e) the applicant will strictly confine the applied uses within the Site, and submit an application for Short Term Waiver (STW) to the Lands Department (LandsD) to regularise the existing temporary structures within the Site.

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.

4. Background

The Site is the subject of an active enforcement case No. E/NE-TKLN/111 regarding unauthorised workshop use (**Plan A-2**). Enforcement Notice (EN) was issued on 16.10.2025 requiring discontinuation of the unauthorised development (UD) by 16.12.2025. Recent site inspection revealed that the UD was not discontinued. The Site is being monitored according to current planning enforcement procedures.

5. Previous Application

- 5.1 The Site is the subject of a previous application (No. A/NE-TKLN/93) submitted by the same applicant as the current application for proposed temporary warehouse (excluding dangerous goods godown) with ancillary facilities, which was approved with conditions by the Committee on 28.2.2025. The planning permission is valid until 28.2.2028. The planning considerations of the previous application are not applicable to the current application which is for different uses.
- 5.2 Details of the previous application are summarised at **Appendix II** and its location is shown on **Plan A-1**.

6. Similar Application

- 6.1 While there is no similar application for temporary public vehicle park and vehicle repair workshop within the same “REC” zone, there is a similar application (No. A/NE-TKLN/50) for proposed temporary shop and services (convenience store) falling within the “REC” zone in the vicinity of the Site in the past five years. It was approved with conditions by the Committee on 14.7.2023 mainly on the considerations that the proposed use was not incompatible with the surrounding environment; and there were no adverse departmental comments.
- 6.2 Details of the similar application are summarised at **Appendix III** and its location is shown on **Plan A-1**.

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

7.1 The Site is:

- (a) currently hard-paved and used as the applied uses without valid planning permission; and
- (b) accessible via a local track leading to Lin Ma Hang Road.

7.2 The surrounding areas are of rural character mainly comprising active and fallow agricultural land, domestic structures (the nearest to the immediate east and southeast) and vacant land. Ta Kwu Ling Police Station is located to the further southwest of the Site (Plan A-1**).**

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 department 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 department has adverse comments on the application:

Land Administration

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

- (a) he has adverse comment on the application;
- (b) the Site comprises Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. The proposed ingress/egress of the Site is required to pass through Government land (GL) but no right of access via GL is granted to the Site;
- (c) the following irregularity covered by the planning application has been detected by his office:

unauthorised structure within the said private lot covered by the planning application

LandsD has reservation on the planning application since there is an unauthorised structure on the private lot which is already subject to lease enforcement actions according to case priority. The lot owners should rectify/regularize the lease breaches as demanded by LandsD;

- (d) the following irregularity not covered by the planning application has been detected by his office:

unlawful occupation of GL not covered by the planning application

the GL adjoining the Site on the western side has been fenced-off 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 Cap. 28. His office reserves the rights to take necessary land control action against the illegal occupation of GL without further notice;

- (e) erection of unauthorised structure and illegal occupation of GL should not be encouraged. The lot owner should remove the unauthorised structure and rectify the occupation of GL immediately;
- (f) the lot owner shall cease the illegal occupation of GL 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 structure(s) erected/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 it will be approved. The STW, if approved, will be on the whole lot basis and subject to such terms and conditions including the payment of back-dated waiver fee from the first date when the structure was erected and administrative fee as considered appropriate to be imposed by LandsD. In addition, LandsD reserves the right to take enforcement action against the lot owner for any breach of the lease conditions, including the breach(es) already in existence or to be detected at any point of time in future and land control action for any unlawful occupation of GL. Besides, given the applied uses are temporary in nature, only erection of temporary structure(s) will be considered; and
- (g) unless and until the unlawful occupation of GL is duly rectified by the lot owner, his office's adverse comment on the application must be brought to the attention of the Board when they consider the application.

10. Public Comments Received During Statutory Publication Period

On 2.12.2025, the application was published for public inspection. During the statutory public inspection period, two public comments were received (**Appendix VI**). A comment from an individual objects to the application mainly on the grounds that there are already many vehicle parks along Lin Ma Hang Road and additional capacity is not justified. The remaining comment from a member of the North District Council indicates no comment on the application.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary shop and services, public vehicle park (excluding container vehicle) and vehicle repair workshop with ancillary facilities for a period of three 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 development at the Site. 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 three years.
- 11.2 The Site is located in an area of rural character mainly comprising active and fallow agricultural land, domestic structures and vacant land. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective, and advises that the applied uses are considered not entirely incompatible with the surrounding landscape character and significant adverse landscape impact arising from the application is not anticipated.
- 11.3 The applicant advises that workshop activities will be carried out in the enclosed structure and a 2.5 high solid metal wall will be erected along the site boundary. The Director of Environmental Protection has no objection to the application from environmental planning perspective. The Commissioner for Transport has no comment on the application. To mitigate the traffic impact and enhance the traffic safety, approval conditions on submission, implementation and maintenance of traffic management measures are recommended. Other relevant government departments consulted, including the 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 government departments, relevant approval conditions are recommended in paragraph 12.2 below. The applicant will also be advised to follow the environmental mitigation measures as set out in the COP to minimise any possible environmental nuisance. Regarding DLO/N, LandsD’s concerns on the unauthorised structure erected within the Site and the illegal occupation of GL, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 11.4 There is a similar approved application for proposed temporary shop and services (convenience store) falling within the same “REC” zone in the vicinity of the Site in the past five years as mentioned in paragraph 6.1 above. The planning circumstances of the current application are largely similar to those of the approved similar application. Approval of the current application is in line with the Committee’s previous decision.
- 11.5 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 three years until 23.1.2029. 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 23.7.2026;
- (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 23.10.2026;
- (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 23.7.2026;
- (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 23.10.2026;
- (f) the submission of 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 23.7.2026;
- (g) in relation to (f) above, the implementation of the 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 23.10.2026;
- (h) in relation to (g) above, the implemented traffic management measures shall be maintained at all times during the planning approval period;
- (i) if any of the above planning condition (c) or (h) 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
- (j) if any of the above planning condition (a), (b), (d), (e), (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.

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" zones 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 24.11.2025
Appendix Ia	FI received on 5.1.2026
Appendix Ib	FI received on 14.1.2026
Appendix II	Previous Application
Appendix III	Similar Application
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comments
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photo

**PLANNING DEPARTMENT
JANUARY 2026**