

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TKL/824

- Applicant** : Tsun Hing Motor Limited represented by R-riches Planning Limited
- Site** : Lots 1114 (Part) and 1115 (Part) in D.D. 82, Ta Kwu Ling, New Territories
- Site Area** : About 1,602m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ping Che and Ta Kwu Ling Outline Zoning Plan (OZP)
No. S/NE-TKL/14
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Vehicle Repair Workshop, Shop and Services and Ancillary Open Storage of Vehicles with Ancillary Facilities and Associated Filling of Land for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary vehicle repair workshop, shop and services and ancillary open storage of vehicles with ancillary facilities and associated filling of land for a period of three years at the application site (the Site) falling within an area zoned “AGR” on the OZP (**Plan A-1**). According to the Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years, and filling of land within the “AGR” zone require planning permission from the Town Planning Board (the Board). The Site is fenced-off, largely vacant and partly hard-paved.
- 1.2 The Site is accessible via a local track leading to Ping Che Road (**Plan A-1**). According to the applicant, the proposed uses involve vehicle repair workshops for light goods vehicles (LGV), a shop involving selling and buying of new and pre-owned vehicles, and ancillary open storage of new/used private cars and LGV. Four one to two-storey structures of about 3m to 7m in height with a total floor area of about 621m² will be erected for the vehicle repair workshops, shop and services, washroom and meter room. The remaining open area will be used for ancillary open storage of vehicles (a designated area of about 113m² or about 7% of the Site), three private car parking spaces (2.5m (W) x 5m (L) each), one loading/unloading (L/UL) space for LGV (3.5m (W) x 7m (L)) and circulation space. Vehicles to be stored at the Site will be driven to the Site by staff with trade licenses, while other vehicles entering the Site will have valid licence issued under the Road Traffic Ordinance. According to the applicant, all workshop activities will be

carried out within the enclosed structures. A 2.5 tall solid metal wall with thickness of 5mm will be erected along the site boundary to minimise nuisance to the surrounding areas. Also, prior appointments and entrance fees will be required to access the Site and no walk-in visitor is allowed. The operation hours are between 9:00 a.m. and 7:00 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. The applicant proposes traffic management measures including deploying staff to direct vehicles entering/exiting the Site and erecting signs to ensure pedestrian safety. The layout plan submitted by the applicant is shown in **Drawing A-1**.

- 1.3 The applicant also applies for regularisation of filling of land at the eastern part of the Site (about 920m²) with concrete with a depth of about 0.1m. Further land filling with concrete of not more than 0.1m in depth is proposed in the remaining area of the Site for site formation of structures, ancillary open storage area, L/UL and circulation spaces. The site level of the whole Site will be +9.4mPD upon further land filling. The land filling plan submitted by the applicant is shown in **Drawing A-2**.
- 1.4 The Site, in whole or in part, is the subject of four previous applications (No. A/NE-TKL/690, 706, 743 and 761) submitted for different uses by different applicants. While application No. A/NE-TKL/690 for proposed temporary open storage of construction machineries with ancillary site office was rejected by the Rural and New Town Planning Committee (the Committee) of the Board in 2022, the remaining applications (No. A/NE-TKL/706, 743 and 761) for proposed temporary pets park/ temporary open storage of construction materials and machinery were approved by the Committee between 2022 and 2024. Details of the previous applications are set out in paragraph 5.1 below.
- 1.5 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with attachment received on 26.11.2025 **(Appendix I)**
 - (c) Further Information (FI) received on 9.1.2026* **(Appendix Ia)**

** 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 FI at **Appendices I** and **Ia**, as summarised below:

- (a) although the Site falls within the “AGR” zone, it has been left idle for decades and there is no active agricultural use within the Site. Approval of the current application on a temporary basis will not frustrate the long-term planning intention of the “AGR” zone and will better utilise precious land resources in the New Territories;
- (b) the Site is in close proximity to brownfield operations. The proposed uses are not incompatible with the surrounding areas occupied by scattered open storage yards and temporary structures. Part of the Site forms part of a previously approved application for open storage use. Approval of the application will not set an undesirable precedent within the same “AGR” zone; and
- (c) adverse traffic impact is not anticipated. The applicant will strictly follow the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (COP), implement relevant mitigation measures listed in the ‘Recommended Pollution Control Clauses for Construction Contracts’ during land filling and comply with

all environmental protection/pollution control ordinances to minimise adverse environmental impacts and nuisances to the surroundings area.

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

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

4. Background

Recent site inspection revealed that a vehicle and miscellaneous items were observed at the Site. Warning poster was posted on site. The Site and its vicinity are under regular monitoring. The Site may be subject to planning enforcement actions if there is sufficient evidence to prove an “unauthorized development” under the Town Planning Ordinance is identified.

5. Previous Applications

5.1 The Site, in whole or in part, is the subject of four previous applications. Applications No. A/NE-TKL/690, 706 and 743 involved the same site at the western part of the Site, while application No. A/NE-TKL/761 covered the eastern part of the Site. Application No. A/NE-TKL/690 for proposed temporary open storage of construction machineries with ancillary site office was rejected by the Committee in 2022. The remaining applications for proposed temporary pets park with ancillary facilities (No. A/NE-TKL/706) and proposed temporary open storage of construction materials and machinery (No. A/NE-TKL/743 and 761) were approved with conditions by the Committee between 2022 and 2024. While the planning permissions under A/NE-TKL/706 and 743 were revoked on 9.12.2023 and 19.1.2026 respectively due to non-compliance with approval conditions, the planning permission under application No. A/NE-TKL/ 761 is valid until 22.11.2027. The planning considerations of these applications are not applicable to the current application which is for a different use.

5.2 Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

6. Similar Application

There is no similar application within the “AGR” zone in the vicinity of the Site in the past five years.

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

7.1 The Site is:

- (a) fenced-off, largely vacant with some miscellaneous items and two vehicles parked on site, and partly hard-paved; and

(b) accessible via a local track leading to Ping Che Road.

7.2 The surrounding areas are of rural character comprising mainly open storage yards, storage use, warehouses, parking of vehicles, recycling operation, active agricultural land and domestic structures.

8. Planning Intention

8.1 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.

8.2 According to the Explanatory Statement of the OZP, as filling of land within the “AGR” zone may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities.

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 III** and **IV** respectively.

9.2 The following government department does not support the application:

Agriculture and Nature Conservation

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

Agriculture

- (a) the application is not supported from the agricultural perspective;
- (b) the Site falls within the “AGR” zone and is generally vacant. The agricultural activities are active in the vicinity, and agricultural infrastructures such as road access and water source are also available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc. The Site possesses potential for agricultural rehabilitation; and

Nature Conservation

- (c) the applicant should implement measures to protect nearby watercourses from adverse impacts during the construction and operational phases.

10. Public Comments Received During Statutory Publication Period

On 5.12.2025, the application was published for public inspection. During the statutory public inspection period, two comments were received (**Appendix V**). One comment from an individual objects to the application mainly on the grounds that the Site is the subject of several previously approved applications, but the operators had no intention to comply with approval conditions. 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 proposed temporary vehicle repair workshop, shop and services and ancillary open storage of vehicles with ancillary facilities and associated filling of land for a period of three years at the Site falling within an area zoned “AGR” on the OZP. The proposed uses are not in line with the planning intention of the “AGR” zone. DAFC does not support the application from the agricultural perspective as the Site possesses potential for agricultural rehabilitation. Nonetheless, taking into account the planning assessments below, there is no objection to the proposed uses with associated filling of land on a temporary basis of three years.
- 11.2 The application involves regularisation of filling of land at the eastern part of the Site (about 920m²) with concrete of about 0.1m in depth, and further land filling with concrete of not more than 0.1m in depth in the remaining area of the Site for site formation of structures, ancillary open storage area, L/UL and circulation spaces. Filling of land within “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the adjacent areas. In this regard, the Chief Engineer/Mainland North of Drainage Services Department has no objection to the application from public drainage perspective while Director of Environmental Protection (DEP) has no adverse comment on the proposed associated filling of land subject to implementation of mitigation measures as listed in the Recommended Pollution Control Clauses for Construction Contracts. The applicant advises that relevant mitigation measures will be implemented and all environmental protection/pollution ordinances will be complied with. 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.
- 11.3 The Site is located in an area of rural character comprising mainly open storage yards, storage uses, warehouses, parking of vehicles, recycling operation, active agricultural land and domestic structures. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from the landscape planning perspective and considers that significant adverse landscape impact arising from the proposed uses is not anticipated.
- 11.4 The applicant advises that all workshop activities will be carried out in the enclosed structures and a 2.5 tall solid metal wall with thickness of 5mm will be erected along the site boundary to minimise nuisance to the surrounding areas. DEP has no objection to the application from environmental planning perspective. Other relevant government departments consulted, including the Commissioner for Transport, 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 the concerned government departments, appropriate approval conditions

are recommended in paragraph 12.2 below. Should the application be approved, the applicant will also be advised to follow the environmental mitigation measures as set out in the COP to minimise any possible environmental nuisance.

- 11.5 Regarding the public comments as detailed in paragraph 10 above, 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) if the above planning condition (c) 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;
- (g) if any of the above planning condition (a), (b), (d) or (e) 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
- (h) upon 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 IV**.

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

the proposed uses with associated filling of land are 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.

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 26.11.2025
Appendix Ia	FI received on 9.1.2026
Appendix II	Previous Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	Land Filling Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JANUARY 2026**