

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TKLN/104

- Applicant** : Mr. MAN Sun Choi represented by Man Chi Consultants and Construction Limited
- Site** : Lot 385 S.B RP (Part) in D.D. 78 and Adjoining Government Land (GL), Lin Ma Hang Road, Ta Kwu Ling North, New Territories
- Site Area** : About 1,463.08m² (including about 111.15m² of GL or about 7.6% 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
- Zonings** : (i) “Recreation” (“REC”) (about 958.32m² or about 65.5% of the Site)
(ii) “Village Type Development” (“V”) (about 481.35m² or about 32.9% of the Site); and
(iii) “Agriculture” (“AGR”) (about 23.41m² or about 1.6% of the Site)¹
- Application** : Proposed Temporary Public Vehicle Park (Excluding Container Vehicle) with Ancillary Office and Associated Filling of Land for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary public vehicle park (excluding container vehicle) with ancillary office and associated filling of land for a period of three years at the application site (the Site) falling within an area zoned “REC” and “V” on the OZP (**Plan A-1**). According to the Notes for the “REC” and “V” zones, ‘Public Vehicle Park (excluding container vehicle)’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). Filling of land in “REC” and “V” zones does not require planning permission from the Board. The Site is currently hard-paved and vacant.
- 1.2 The Site is accessible via Lin Ma Hang Road (**Plan A-2**). According to the applicant, the proposed use comprises 41 parking spaces for private cars (2.5m (W) x 5m (L) each) at the Site and one single-storey structure (not more than 3.5m in height) with a total floor area of about 8.75m² for ancillary office. A 1.8m high 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/exit the Site. No heavy goods vehicles or container vehicles will be allowed to be parked at the Site. The operation hours are 24 hours daily, including public holidays. The layout plan submitted by the applicant is shown in **Drawing A-1**.

¹ About 23.41m² (i.e. 1.6%) of the Site falls within the “AGR” zone, which is considered as minor boundary adjustment and not included in the planning assessment.

- 1.3 The applicant proposes traffic management measures including provisions of amber revolving lanterns, convex mirrors and real-time parking information board at the ingress/egress of the Site, and deployment of traffic controller to manage vehicles entering/exiting the Site to ensure traffic and pedestrian safety. Also, the applicant proposes to dedicate a portion of the Site and using part of the GL outside the Site for widening a section of Lin Ma Hang Road adjoining the Site to enhance traffic capacity (**Drawing A-2**). The applicant undertakes that he will maintain and manage the widened section during the approval period of the application.
- 1.4 In support of the application, the applicant has submitted the following documents:
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|---|------------------------|
| (a) Application Form received on 6.8.2025 | (Appendix I) |
| (b) Further Information (FI) received on 4.11.2025^ | (Appendix Ia) |
| (c) FIs received on 24.12.2025 and 29.12.2025* | (Appendix Ib) |
| (d) FI received on 20.1.2026* | (Appendix Ic) |
| (e) FI received on 23.1.2026* | (Appendix Id) |
- *accepted and exempted from publication and recounting requirements*
^accepted but not exempted from publication and recounting requirements
- 1.5 On 19.9.2025 and 19.12.2025, the Rural and New Town Planning Committee (the Committee) of the Board agreed to the applicant's requests to defer making a decision on the application for two months each.

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 applicant intends to utilise the Site for the proposed use which will serve the local residents and cross-boundary travellers by providing sufficient proper parking spaces, meeting the substantial parking demand in the vicinity of Heung Yuen Wai Boundary Control Point (HYW BCP);
- (b) the temporary nature of the proposed use would not jeopardise the long-term planning intentions of the "REC" and "V" zones;
- (c) the proposed use is not incompatible with the surrounding land uses including temporary public vehicle parks and shop and services. No adverse landscape impact is anticipated; and
- (d) new peripheral U-channels and drainage facilities will be constructed to accommodate the additional drainage needs. Also, the applicant proposes various traffic improvement and management measures and will strictly follow 'Code of Practices on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' (COP). No adverse drainage, traffic and environmental impacts arising from the proposed use are anticipated.

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

The applicant is not a “current land owner” and 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 publishing newspaper notice and sending notice to Ta Kwu Ling District Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection. For GL portion, TPB PG-No. 31B is not applicable.

4. **Background**

The Site largely falls within an active enforcement case No. E/NE-TKLN/102 regarding unauthorized use for place for parking of vehicles. Enforcement Notice (EN) was issued on 26.7.2025 requiring discontinuation of the unauthorized development and expired on 26.9.2025. A site inspection conducted on 1.11.2025 revealed that the Site was largely vacant.

5. **Previous Application**

The Site is not subject to any previous application.

6. **Similar Applications**

- 6.1 There are 13 similar applications (No. A/NE-TKLN/37, 45, 53, 57, 58, 67, 68, 70, 75, 80, 90, 102 and 112)² for temporary public vehicle park with/without other uses³ falling entirely within the same “REC” or “V” zones or straddling various zones including “REC”, “V”, “Agriculture” (“AGR”) and “Green Belt” (“GB”) in the vicinity of the Site in the past five years.
- 6.2 12 applications (No. A/NE-TKLN/37, 53, 57, 58, 67, 68, 70, 75, 80, 90, 102 and 112) involving eight sites for temporary public vehicle park with/without other uses were approved with conditions by the Committee between 2021 and 2026 mainly on the considerations that the proposed uses were not entirely incompatible with the surrounding land uses; and there were no major adverse departmental comments.
- 6.3 One application (No. A/NE-TKLN/45) for temporary public vehicle park for parking of light goods vehicles was rejected by the Committee in 2022 mainly on the grounds that there was no strong planning justification in the submission for a departure from the planning intention of the “V” zone and the applicant failed to demonstrate that the proposed use would not cause adverse traffic impact on the surrounding areas. The application site was subsequently covered by an approved application (No. A/NE-TKLN/80) as detailed in paragraph 6.2 above.
- 6.4 Details of the similar applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

² The planning approvals of Applications No. A/NE-TKLN/57, 58, 67, 68, 70, 80 and 90 (**Appendix II** and **Plan A-1**) were revoked in 2025 due to non-compliance with approval conditions.

³ Other uses included shop and services (Nos. A/NE-TKLN/57, 58, 68, 75, 102 and 112) or eating place and shop and services (No. A/NE-TKLN/90).

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

7.1 The Site is:

- (a) currently hard-paved and vacant; and
- (b) accessible via Lin Ma Hang Road.

7.2 The surrounding areas are of rural character mainly comprising public vehicle parks, village houses and vacant land. HYW BCP is located to the west of the Site and the village cluster of Tsung Yuen Ha is located to the further south of the Site (**Plan A-1**).

8. Planning Intentions

8.1 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.

8.2 The planning intention of the “V” zone is to designate both existing recognized villages and areas of land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services.

9. Comments from Relevant Government Departments

9.1 Apart from the government departments as set out in paragraphs 9.2 and 9.3 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 departments support/provide views on the application:

Traffic

9.2.1 Comments of the Commissioner for Transport (C for T):

- (a) the applicant has conducted traffic count survey on the adjacent roads and assessed the traffic impact on Lin Ma Hang Road during the peak hours in weekends and public holidays. To mitigate the potential traffic implications, the applicant has proposed the widening of the road section and the run-in/out of the Site. A traffic controller will also be deployed to manage vehicles entering and leaving the Site and to ensure pedestrians safety. Having considered the improvement measures to be implemented by the applicant, she supports the application subject to imposing approval conditions on submission, implementation and maintenance of traffic improvement and management measures; and
- (b) her advisory comments are at **Appendix IV**.

9.2.2 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) it is noted that the applicant proposes to use a portion of the Site and part of GL for widening a section of Lin Ma Hang Road. As the concerned widened section is not under HyD's maintenance jurisdiction, the applicant should seek the relevant department's approval for the works on unleased and unallocated GL;
- (c) the applicant should also confirm that the concerned widened section will be maintained and managed by the applicant during the planning approval period;
- (d) should the application be approved, approval conditions on submission, implementation and maintenance of the traffic improvement and management measures should be included; and
- (e) his advisory comments are at **Appendix IV**

9.3 The following government department does not support the application:

Agriculture

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

the Site falls within an area zoned "REC", "V" and "AGR" and is vacant land paved with asphalt. Agricultural infrastructures such as road access and water source are available. The Site can be used for agricultural activities such as greenhouses and plant nurseries, the proposed use is not supported from agricultural perspective⁴.

10. Public Comments Received During Statutory Publication Periods

On 15.8.2025 and 11.11.2025, the application was published for public inspections. During the statutory public inspection periods, nine public comments were received (**Appendix V**). Seven comments from a local resident and individuals object to the application mainly on the grounds that the Site had been used as vehicle park illegally and has been operating without planning permission; the proposed use involves "destroy first, build later" and the application should not be approved; the Site is already filled and the application involves illegal occupation of the adjoining footpath and GL; the proposed use would induce adverse traffic, pedestrian safety, drainage and environmental impacts; the Board should not accept the application; and the Board should enquire on the insufficient parking space near HYW BCP. The remaining two comments both from a member of the North District Council indicate no comment on the application.

⁴ The "AGR" portion of the Site is considered as minor boundary adjustment and not included in the planning assessment. Footnote 1 refers.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary public vehicle park (excluding container vehicle) with ancillary office and associated filling of land for a period of three years at the Site falling within an area zoned “REC” and “V” on the OZP. While the proposed use is not in line with the planning intentions of the “REC” and “V” zones, there is no known planned development at the Site and the District Lands Officer/North of Lands Department advises that there is no Small House application approved or under processing at the Site. Also, according to the applicant, the proposed use is to provide parking spaces for meeting the need of the local residents and cross-boundary travellers and C for T supports the application. In view of the above and taking into account the planning assessments below, there is no objection to the application on a temporary basis of three years.
- 11.2 The Site is located in an area of rural character mainly comprising public vehicle parks, village houses and vacant land. HYW BCP is located to the west of the Site and the village cluster of Tsung Yuen Ha is located to further south of the Site. The proposed use is 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 existing resources arising from the proposed use is not anticipated.
- 11.3 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 supports the application subject to imposing approval conditions on submission, implementation and maintenance of traffic improvement and management measures. Regarding the proposed traffic improvement (i.e. road widening works) of a section of Lin Ma Hang Road, should the application be approved, the applicant will be advised to liaise with concerned departments on the management/maintenance responsibility. The applicant will also be advised to follow the COP to minimise any possible environmental nuisance arising from the proposed use to the surrounding area.
- 11.4 There are 13 similar applications for temporary public vehicle park with/without other uses falling within the same “REC” or “V” zones or straddling various zones in the vicinity of the Site in the past five years. Among them, 12 were approved with conditions by the Committee between 2021 and 2026 as mentioned in paragraph 6.2 above. The remaining rejected application was subsequently covered by an approved application. The planning circumstances of the current application are largely similar to those of the approved similar applications. Approval of the current application is in line with the Committee’s previous decisions.
- 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 6.2.2029. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) the submission of a drainage proposal before the commencement of any operation to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (b) in relation to (a) above, the implementation of the drainage proposal before the commencement of any operation to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (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 traffic improvement and management measures within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport and the Director of Highways or of the Town Planning Board by 6.8.2026;
- (e) in relation to (d) above, the implementation of the traffic improvement and management measures within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport and the Director of Highways or of the Town Planning Board by 6.11.2026;
- (f) in relation to (e) above, the implemented traffic improvement and management measures shall be maintained at all times during the planning approval period;
- (g) if any of the above planning condition (a) or (b) is not complied with before the commencement of any operation, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (h) if any of the above planning condition (c) or (f) 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 (d) or (e) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.

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 use is not in line with the planning intentions of the "REC" and "V" zones which are primarily for low-density recreational developments for the use of the general public, and for development of Small Houses by indigenous villagers respectively. There is no strong planning justification in the submission for a departure from the planning intentions, 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 6.8.2025
Appendix Ia	FI received on 4.11.2025
Appendix Ib	FIs received on 24.12.2025 and 29.12.2025
Appendix Ic	FI received on 20.1.2026
Appendix Id	FI received on 23.1.2026
Appendix II	Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	Proposed Road Improvement Works
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4b	Site Photos

**PLANNING DEPARTMENT
FEBRUARY 2026**