

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/NE-TKLN/119**

- Applicant** : Rise City Development Limited represented by Metro Planning & Development Company Limited
- Site** : Lot 70 S.B ss.1 in D.D. 80, Lin Ma Hang Road, Ta Kwu Ling North
- Site Area** : About 705m<sup>2</sup>
- 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** : Proposed Temporary Shop and Services for a Period of One Year

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary shop and services for a period of one year 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, ‘Shop and Services’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently vacant and partly hard-paved.
- 1.2 The Site is accessible from Lin Ma Hang Road (**Plan A-2**). According to the applicant, the proposed use comprises a single-storey structure (building height of not more than 3m) with a total floor area of not more than 190m<sup>2</sup> for convenience store and toilet. Besides, two parking spaces for private cars (2.5m (W) x 5m (L) each) and a loading/unloading (L/UL) bay for light goods vehicles (3.5m (W) x 7m (L)) will be provided at the Site. No open storage and workshop activities will be carried out at the Site. The applicant proposes a 6m setback within the Site abutting Lin Ma Hang Road for pavement. Revolving lanterns will be provided at the vehicular access to ensure pedestrian safety. The operation hours 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**. The applicant also submits a drainage proposal (**Drawing A-2**) in support of the application.
- 1.3 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with Attachments received on 8.1.2026 (Appendix I)
  - (b) Supplementary Information (SI) received on 11.1.2026 (Appendix Ia)
  - (c) Further Information (FI) received on 12.2.2026\* (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, SI and FI at **Appendices I to Ib**, as summarised below:

- (a) there is an acute demand for necessities such as canned drinks and snacks near Heung Yuen Wai (HYW) Port. The proposed use will benefit the nearby residents especially for those living in Tsung Yuen Ha and the cross-border travellers;
- (b) the proposed use is not incompatible with the surrounding environment including public vehicle park and shop and services. There are similar precedents within the same “REC” zone. The proposed use is temporary in nature and would not jeopardise the long-term planning intention of the “REC” zone;
- (c) the proposed use would induce minimal traffic impact, and the environmental, noise and drainage impacts arising from the proposed use are insignificant; and
- (d) it is understood that the Site would be resumed by the Government for public use in near future. Hence, the applicant applies for the proposed use at the Site for a period of one year only. The applicant will terminate the proposed use at the Site and retreat from the Site immediately before the reversion date.

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

The applicant is not a “current land owner” of the Site 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 obtaining consent from the “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

## **4. Background**

The Site is currently not subject to any active enforcement case.

## **5. Previous Application**

There is no previous application covering the Site.

## **6. Similar Applications**

6.1 There are 11 similar applications (No. A/NE-TKLN/23, 39, 40, 55, 57, 58, 68, 76, 87, 102 and 112) involving five sites for temporary shop and services with/without temporary public vehicle park and/or other uses falling entirely within the same “REC” zone or straddling “REC”, “Village Type Development” (“V”) or “Green Belt” (“GB”) zones in the vicinity of the Site in the past five years. All of them were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board between 2021 and 2026 mainly on the considerations that there were no major adverse departmental comments or concerns of relevant government departments could be addressed through imposition of approval conditions; the proposed use was not entirely

incompatible with the surrounding land uses; and/or the proposed use complied with relevant Town Planning Board Guidelines.

- 6.2 Details of the similar applications are summarised at **Appendix II** and their locations are 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 vacant and partly hard-paved; and
- (b) accessible via Lin Ma Hang Road.

7.2 The surrounding areas are of rural character mainly comprising public vehicle parks, a holiday camp and vacant land. The village cluster of Tsung Yuen Ha and HYW Boundary Control Point (BCP) are located to the further southwest and further west of the Site respectively.

## **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 III** and **IV** respectively.

9.2 The following government department objects to 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 Food Control Facilities (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 proposed use is within the Priority Development Area (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. The 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 IV**.

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

On 16.1.2026, the application was published for public inspection. During the statutory public inspection period, three public comments were received (**Appendix V**). Three comments from individuals object to the application mainly on the grounds that the Site may be used as public vehicle park upon approval; the proposed use would cause severe traffic congestion, affect pedestrian safety and disrupt public order; the traffic volume has exceeded the capacity of Lin Ma Hang Road which should be widened; there are already many vehicle parks along Lin Ma Hang Road, some of which are unauthorized developments; the Board should investigate the applicant's illegal conversion of land use and operation leading to traffic disruption; the Site does not fall within Category 2 areas under the relevant Town Planning Guidelines; and the application is to justify brownfield operation.

## **11. Planning Considerations and Assessments**

11.1 The application is for proposed temporary shop and services for a period of one year at the Site falling within an area zoned "REC" on the OZP. While the proposed use is not in line with the planning intention of the "REC" zone, there is no known proposal for recreational development at the Site. In addition, the applicant advises that the proposed use is to provide a convenience store 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 proposed use on a temporary basis of one year.

11.2 The Site is located in an area of rural character mainly comprising public vehicle parks, a holiday camp and vacant land. The village cluster of Tsung Yuen Ha and HYW BCP are located to the further southwest and further west of the Site respectively. 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.

- 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 proposed use on a temporary basis of one year will not affect the long-term development of the Site. The applicant also commits to terminate the proposed use at the Site and retreat from the Site immediately before the reversion date. 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 proposed use 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 Other relevant government departments consulted, including the Commissioner for Transport (C for T), 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. Considering the high usage of Lin Ma Hang Road, C for T recommends imposing approval conditions on implementation and maintenance of traffic management measures. To address the technical requirements of other concerned departments, relevant approval conditions are recommended in paragraph 12.2 below. The applicant will also be advised to follow the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' to minimise any possible environmental nuisance.
- 11.5 There are 11 similar applications for temporary shop and services with/without temporary public vehicle park and/or other uses falling entirely within the same "REC" zone or straddling "REC", "V" or "GB" zones in the vicinity of the Site in the past five years. All of them were approved with conditions by the Committee between 2021 and 2026 as mentioned in paragraph 6.1 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.
- 11.6 Regarding the public comments on the application as detailed in paragraph 10, the government departments' comments and planning assessments above are relevant. For the concern on the Site to be used for public vehicle park, the proposed use is not for car parking facilities. Besides, should there be valid evidence for non-conformity to the approved scheme, appropriate planning enforcement action would be taken.

## **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 one year until 27.2.2027. 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 a fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 27.5.2026;
- (e) in relation to (d) above, the implementation of the 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 27.8.2026;
- (f) the implementation of the traffic management measures, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 27.8.2026;
- (g) in relation to (f) above, the implemented traffic management measures shall be maintained at all times during the planning approval period;
- (h) 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;
- (i) if any of the above planning condition (c) 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
- (j) if any of the above planning condition (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 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 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**

<b>Appendix I</b>	Application Form with Attachments received on 8.1.2026
<b>Appendix Ia</b>	SI received on 11.1.2026
<b>Appendix Ib</b>	FI received on 12.2.2026
<b>Appendix II</b>	Similar Applications
<b>Appendix III</b>	Government Departments' General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Appendix V</b>	Public Comments
<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	Drainage Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photo

**PLANNING DEPARTMENT  
FEBRUARY 2026**