

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

**APPLICATION NO. A/NE-TKLN/111**

- Applicants** : HO Tsz Chu Tso and Vantage Treasure Limited represented by Metro Planning & Development Company Limited
- Site** : Lots 389 RP, 395 S.A, 395 RP, 396 S.A, 396 RP and 398 RP in D.D. 78, Ta Kwu Ling North, New Territories
- Site Area** : About 2,200m<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
- Zonings** : (i) "Agriculture" ("AGR") (about 1,408m<sup>2</sup> or 64% of the Site)  
(ii) "Village Type Development" ("V") (about 792m<sup>2</sup> or 36% of the Site)
- Application** : Temporary Public Vehicle Park (Private Cars Only) with Ancillary Office and Associated Filling of Land for a Period of Three Years

**1. The Proposal**

- 1.1 The applicants seek planning permission for temporary public vehicle park (private cars only) 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 "AGR" and "V" on the OZP (**Plan A-1**). According to the Notes of the OZP for "V" zone, 'public vehicle park (excluding container vehicle)' is a Column 2 use, which requires planning permission from the Town Planning Board (the Board). While there is no provision for such use in the "AGR" zone, the Notes of the OZP stipulate that 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 Board. The Site is currently hard-paved and used as a public vehicle park without valid planning permission.
- 1.2 The Site is accessible via a local access road leading to Lin Ma Hang Road (**Plan A-2**). According to the applicants, the applied use comprises 76 parking spaces for private cars (2.5m (W) x 5m (L) each) at the Site and one single-storey structure with a height of not more than 5.5m (including a 2.5m high signage on the roof) and a total floor area of not more than 36m<sup>2</sup> for site office. No vehicle without valid licence issued under the Road Traffic Ordinance will be allowed to be parked/stored at the Site. No open storage and workshop activities will be carried out at the Site. The operation hours are 24 hours daily, including public holidays. The applicants also apply for the regularisation of filling of land with concrete (about 0.2m in depth) at the entire Site for site formation. The applicants submit the drainage and fire service installations (FSIs) proposals, which have already been implemented, in support of the application. The layout plan, land filling

plan and drainage plan submitted by the applicants are shown in **Drawings A-1 to A-3** respectively.

- 1.3 The applicants propose traffic management measures including provision of revolving lanterns and deployment of staff at the ingress/egress of the Site advising drivers not to queue up outside the Site when the public vehicle park is full to manage traffic and ensure pedestrian safety. Also, the applicants propose widening a section of the local access road adjoining the Site to enhance traffic capacity (**Drawing A-4**).
- 1.4 The Site is the subject of two previous applications (No. A/NE-TKLN/45 and 80). The last previous application No. A/NE-TKLN/80, submitted by the same applicants for the same use as the current application, was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2024. The planning approval was subsequently revoked in 2025 due to non-compliance with an approval condition. Details of the previous applications are set out in paragraph 5 below. The current application mainly involves an increase in parking spaces and building height, and a similar layout with changes in location of the structure and ingress/egress. A comparison of application No. A/NE-TKLN/80 with the current application is summarised as follows:

	Previous Approved Application No. A/NE-TKLN/80 (a)	Current Application No. A/NE-TKLN/111 (b)	Difference (b) – (a)
<b>Site Area</b>	about 2,200 m <sup>2</sup>	about 2,200 m <sup>2</sup>	No change
<b>Total Floor Area</b>	about 36m <sup>2</sup>	Not more than 36m <sup>2</sup>	No change
<b>No. of Structure</b>	1	1	No change
<b>Building Height</b>	Not exceeding 4m	Not exceeding 5.5m (including a signage of 2.5m)	+1.5m
<b>No. of Parking Spaces for Private Cars</b>	56	76	+20 spaces

- 1.5 In support of the application, the applicants have submitted the following documents:
- (a) Application Form with Attachments received on 15.10.2025 (**Appendix I**)
  - (b) Supplementary Information (SI) received on 20.10.2025 (**Appendix Ia**)
  - (c) Further Information (FI) on 1.1.2026<sup>^</sup> (**Appendix Ib**)
  - (d) FI received on 3.3.2026<sup>^</sup> (**Appendix Ic**)  
*<sup>^</sup>accepted and not exempted from publication and recounting requirements*
- 1.6 On 5.12.2025 and 27.2.2026, the Committee agreed to defer making a decision on the application for two months each as request by the applicants.

## **2. Justifications from the Applicants**

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

- (a) there is an acute demand for parking spaces near Heung Yuen Wai (HYW) Port. The applied use will benefit the nearby residents especially for those living in Tsung Yuen Ha and the cross-border travellers;

- (b) the applied use is not incompatible with the surrounding environment including public vehicle park and shop and services. The applied use is temporary in nature and will not jeopardise the long-term planning intentions of “AGR” and “V” zones;
- (c) the “AGR” portion of the Site has been hard-paved for a long time. There are no active agricultural activities adjacent or within the Site;
- (d) the applied use would induce minimal traffic and insignificant environmental, noise and drainage impacts; and
- (e) the applicants have implemented the drainage and FSIs proposals under the previously approved application (No. A/NE-TKLN/80). The applicants commit to implement the traffic management measures.

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

The applicants are the sole “current land owners” of the Site. Detailed information would be deposited at the meeting for Members’ inspection.

### 4. **Background**

Recent site inspection revealed that vehicles were observed at the Site. Warning poster was posted on site. Warning letters were issued to the registered owners. The Site and its vicinity are under 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 is the subject of two previous applications (No. A/NE-TKLN/45 and 80). Application No. A/NE-TKLN/45 submitted by one of the applicants of the current application for the same use (without filling of land) was rejected by the Committee on 29.7.2022 mainly on the grounds that there was no strong planning justification for a departure from the planning intentions of the “AGR” and “V” zones; and the applicant failed to demonstrate that the proposed use would not cause adverse traffic impact on the surrounding areas.
- 5.2 Application No. A/NE-TKLN/80 submitted by the same applicants for the same use as the current application was approved with conditions by the Committee on 15.3.2024 for a period of three years mainly on the considerations that there were no major adverse departmental comments; the proposed use was not incompatible with the surrounding areas; and the Commissioner for Transport (C for T) supported the application from cross-boundary parking demand point of view. While the applicants complied with the approval conditions on submissions and implementations of drainage and FSIs proposals, the planning approval was subsequently revoked on 15.12.2025 due to non-compliance with an approval condition relating to the implementation of traffic 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 are seven similar applications (No. A/NE-TKLN/37, 53, 57, 75, 90, 102 and 104)<sup>1</sup> involving five sites for temporary public vehicle park with/without other uses<sup>2</sup> for a period of three years falling entirely within the same “AGR” or “V” zones or straddling “V” and “Recreation” (“REC”) 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 mainly on the considerations that there were no major adverse departmental comments; and the proposed uses were not entirely incompatible with the surrounding land uses.
- 6.2 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-4)

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

## 8. Planning Intentions

- 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.
- 8.3 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.

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<sup>1</sup> The planning approvals of applications No. A/NE-TKLN/57 and 90 (**Appendix III** and **Plan A-1**) were revoked in 2025 due to non-compliance with approval conditions.

<sup>2</sup> Other uses include shop and services (Nos. A/NE-TKLN/57, 75 and 102) or eating place and shop and services (No. A/NE-TKLN/90).

## **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 provide views on the application:

### **Traffic**

9.2.1 Comments of C for T:

- (a) she has no comment on the application from district traffic engineering point of view;
- (b) taking into consideration the context of the Site including its location and existing traffic conditions on Lin Ma Hang Road, 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
- (c) her advisory comments are at **Appendix V**.

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

- (a) he has no comment on the application from highways maintenance point of view and no in principle objection to the road widening works proposed by the applicants;
- (b) the existing local access road next to the Site is not under maintenance of HyD; and
- (c) his advisory comments are at **Appendix V**.

9.3 The following government department does not support the application:

### **Agriculture and Nature Conservation**

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

#### **Agriculture**

- (a) the Site falls within the “AGR” zone. 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. As the Site possesses potential for agricultural rehabilitation, the applied use is not supported from agricultural perspective; and

### Nature Conservation

- (b) the applicants should implement good site practice and measures to protect nearby watercourses from adverse impacts during the construction and operational phases.

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

On 24.10.2025, 9.1.2026 and 13.3.2026, the application was published for public inspection. During the statutory public inspection periods, seven public comments were received (**Appendix VI**). Five comments from the local residents object to the application mainly on the grounds that there are excessive parking spaces in the area; the number of parking spaces at the Site has exceeded those in the approved scheme; the Site has been used as a vehicle park illegally and operated without planning permission; the unauthorized development at the Site should be investigated and the application should not be approved; the applied use would cause adverse impacts on traffic and pedestrian safety as well as daily lives of residents. A comment from an individual raises concerns on the non-compliance with approval conditions under the previous planning approval; and there is no mention of electric vehicles charging facilities. 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 public vehicle park (private cars only) and associated filling of land for a period of three years at the Site falling within an area zoned “AGR” (about 64%) and “V” (about 36%) on the OZP. The applied use is not in line with the planning intentions of the “AGR” and “V” zones and DAFC does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation. Notwithstanding the above, the District Lands Officer/North of Lands Department advises that there is no Small House application approved or being processed at the Site. The applicants also advise that the applied use is to provide parking spaces for meeting the demand of cross-boundary travellers and local residents. In view of the above and taking into account the planning assessments below, there is no objection to the applied use with associated filling of land on a temporary basis of three years.
- 11.2 The application involves regularisation of filling of land at entire Site with concrete of about 0.2m in depth for site formation. Filling of land with the “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 and Director of Environmental Protection have no objection to the application from public drainage and environmental perspectives respectively. As part of the Site is zoned “AGR”, an approval condition requiring the reinstatement of the “AGR” portion 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 mainly comprising public vehicle parks, village houses and vacant land. HYW BCP is located to the west of the Site across Lin Ma Hang Road and the village cluster of Tsung Yuen Ha is located to the east of the Site. The applied use is considered not entirely 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 advises that significant adverse impact on the landscape character and existing landscape resources within the Site is not anticipated.

- 11.4 Relevant government departments consulted, including the Director of Fire Services, 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. While C for T has no comment on the application, she recommends imposing approval conditions on the submission, implementation and maintenance of the traffic improvement and management measures, taking into account the context of the Site including its location and existing traffic conditions on Lin Ma Hang Road. Regarding the proposed traffic improvement (i.e. road widening works) of a section of the local access road (**Drawing A-4**), should the application be approved, the applicants will be advised to liaise with concerned departments on the management/maintenance responsibility. As majority of the proposed road widening works at the local access road falls within the “AGR” zone, subject to detailed design at the later stage, implementation of such works may require planning permission. In addition, in view of the latest circumstance of the area<sup>3</sup>, an approval condition restricting the number of parking spaces as proposed by the applicants is recommended to ensure more effective monitoring should the application be approved. The applicants 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 to the surroundings.
- 11.5 The Site is the subject of two previous applications. The last previous application No. A/NE-TKLN/80, submitted by the same applicants for the same use as the current application, was approved with conditions by the Committee on 15.3.2024 as mentioned in paragraph 5.2 above. The planning permission was subsequently revoked on 15.12.2025 due to non-compliance with the approval condition relating to implementation of traffic management measures. In support of the current application, the applicants propose traffic improvement and management measures as mentioned in paragraph 1.3 above and C for T has no comment on the application. Compared with the last approved previous application, the current application mainly involves an increase in parking spaces for private car (+20 spaces) and building height (+1.5m). Should the Committee decide to approve the application, the applicants will be advised that should they fail to comply with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given to any further application.
- 11.6 There are seven similar applications for temporary public vehicle park with/without other uses falling within the same “AGR” or “V” zones or straddling “V” and “REC” 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 largely similar to those of the approved 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.

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<sup>3</sup> With respect to the approved applications for the temporary public vehicle parks along Lin Ma Hang Road, there are repeated complaints that the number of vehicles parked at the site far exceeds the number of parking spaces specified in the approved scheme, which may have implication on the traffic condition of Lin Ma Hang Road.

## 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 17.4.2029. The following conditions of approval and advisory clauses are suggested for Members' reference:

### Approval Conditions

- (a) no more than 76 vehicles, as proposed by the applicants, shall be parked on the Site at any time during the planning approval period;
- (b) 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 17.7.2026;
- (c) the existing drainage facilities on the Site 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 17.10.2026;
- (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 17.1.2027;
- (f) 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 17.10.2026;
- (g) in relation to (f) 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 17.1.2027;
- (h) in relation to (g) above, the implemented traffic improvement and traffic management measures shall be maintained at all times during the planning approval period;
- (i) if any of the above planning condition (a), (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;
- (j) if any of the above planning condition (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; and

- (k) upon the expiry of the planning permission, the reinstatement of the “AGR” portion of the Site, including the removal of fill materials and hard-paving, and grassing of the “AGR” portion 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 V**.

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

the applied use with associated filling of land is not in line with the planning intentions of the “AGR” and ‘V’ zones which are primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to provide land 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 applicants.

**14. Attachments**

<b>Appendix I</b>	Application Form with Attachments received on 15.10.2025
<b>Appendix Ia</b>	SI received on 20.10.2025
<b>Appendix Ib</b>	FI received on 1.1.2026
<b>Appendix Ic</b>	FI received on 3.3.2026
<b>Appendix II</b>	Previous Applications
<b>Appendix III</b>	Similar Applications
<b>Appendix IV</b>	Government Departments’ General Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Appendix VI</b>	Public Comments
<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	Land Filling Plan
<b>Drawing A-3</b>	Drainage Plan
<b>Drawing A-4</b>	Proposed Road Improvement Works
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plans A-3a to A-3b</b>	Aerial Photos
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
APRIL 2026**