

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TKL/834

- Applicant** : Tranca Limited represented by M&D Planning and Construction Consultant Limited
- Site** : Lots 1440 (Part) and 1446 RP (Part) in D.D. 77 and Adjoining Government Land (GL), Ping Che, Ta Kwu Ling
- Site Area** : About 587m² (including GL of about 41.75m² or 7.1% of the Site)
- 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
- Zonings** : (i) “Agriculture” (“AGR”) (about 458m² or 78% of the Site)
(ii) Area shown as ‘Road’ (about 129m² or 22% of the Site)
- Application** : Proposed Temporary Vehicle Repair Workshop with Ancillary Open Storage of Vehicles and 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 with ancillary open storage of vehicles and facilities and associated filling of land for a period of three years at the application site (the Site) falling within an area zoned “AGR” (about 78%) and an area shown as ‘Road’ (about 22%) 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 “AGR” zone, and all uses or developments within area shown as ‘Road’ require planning permission from the Town Planning Board (the Board). The Site is hard-paved and vacant with a few structures.
- 1.2 According to the applicant¹, the current application is to facilitate the relocation of the business operation affected by government project, i.e. Kwu Tung North New Development Area (KTN NDA). The affected operation involves a site area of about 308m². The site has been resumed by the Government with site clearance in end 2025.
- 1.3 The Site is accessible via a local access road to Ping Che Road (**Plan A-1**). According to the applicant, the proposed use includes five one to two-storey structures of 2.6m to 7m in height with a total floor area of about 256.135m² for vehicle repair, a shelter,

¹ As advised by the applicant, the proposed use will be operated by “豪華車房” who is the affected business operator.

storage/site office and two toilets. About 44m² of the Site (or 7.5% of the Site) is proposed for ancillary open storage of not more than eight private cars and light goods vehicles (LGVs). All workshop activities will be carried out within the three side-enclosed structure and no paint spraying works will be conducted at the Site. One private car parking space (2.5m (W) x 5m (L)) and two parking cum loading/unloading spaces for LGVs (3.5m (W) x 7m (L)) will be provided within the Site. The operation hours of the proposed use are between 9:00 a.m. and 6:00 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. The applicant also applies for regularisation of filling of land at the entire Site with light concrete of about 0.2m to 1.5m in depth for operational need. No further land filling will be conducted. The Site will be fenced-off along the site boundary. The applicant proposes traffic management measures including deploying staff to manage traffic and ensuring pedestrian safety by erecting warning signs to ensure pedestrian safety. The applicant also submits a drainage plan in support of the application. The layout plan, land filling plan and drainage plan submitted by the applicant are shown in **Drawings A-1** to **A-3** respectively.

1.4 In support of the application, the applicant has submitted the following documents:

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|-----|---|----------------------|
| (a) | Application Form with attachments received on 24.2.2026 | (Appendix I) |
| (b) | Supplementary Information (SI) received on 24.2.2026 | (Appendix Ia) |
| (c) | SI received on 26.2.2026 | (Appendix Ib) |
| (d) | Further Information (FI) received on 13.4.2026 [^] | (Appendix Ic) |
| (e) | FI received on 20.4.2026 [^] | (Appendix Id) |

[^]accepted and exempted from publication and recounting requirements

1.5 On 17.4.2026, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months as requested by the applicant.

2 Justifications from the Applicant

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

- (a) the affected business operator has been operating vehicle repair workshop for private cars and LGVs since 1978. The application is submitted to facilitate the relocation of the business operation affected by KTN NDA. The affected business operator has spent efforts in identifying suitable site for relocation of the business operation such as in Hung Lung Hang and Fu Tei Au, but they were considered not suitable due to various reasons such as absence of vehicular access, close to domestic structures, land ownership issues, etc. The Site is the best available option for relocation as the size of the Site meets the applicant's requirement, availability of vehicular access, land use compatibility and acceptable rent. The site area of the current application is larger than that of the affected premises to allow sufficient internal circulation/maneuvering space of vehicles. The affected business operator will start the business operation at the Site once the current application is approved by the Board;
- (b) the proposed use is compatible with the surrounding land uses which are predominantly open storage yards without any sensitive land uses and no residential dwellings are identified within 100m from the site boundary. The proposed use will utilise precious

land resource, bring economic benefits and create job opportunities; and

- (c) no adverse traffic, environmental, landscape, drainage and sewerage impacts or noise nuisance on the surrounding areas are anticipated. Mitigation measures listed in the Recommended Pollution Control Clause of the Construction Contract will be implemented.

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. For the GL portion, the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance are not applicable.

4 Background

The Site partly falls within an active enforcement case No. E/NE-TKL/511 regarding unauthorized storage use (**Plan A-2**). Enforcement Notice was issued on 9.12.2025 requiring discontinuation of the authorized development by 9.3.2026. Recent site inspection revealed that the Site was vacant. The Planning Authority will monitor the Site according to the established procedures.

5 Previous Application

The Site is not the subject of any previous application.

6 Similar Applications

- 6.1 There are two similar applications (No. A/NE-TKL/684 and 769) involving largely the same site for temporary vehicle repair workshop for lorry, coach and container vehicle with ancillary office and electricity transformer station for a period of three years partly falling within the same “AGR” zone in the vicinity of the Site in the past five years. Both of them were approved with conditions by the Committee in 2021 and 2024 respectively mainly on the considerations that the application was generally in line with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13F/G); and no major adverse departmental comments were received on the application or the concerns of the relevant government departments could be addressed through imposition of approval conditions.
- 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) hard-paved and vacant with a few structures; and
- (b) accessible via a local access road to Ping Che Road.

7.2 The surrounding areas are of rural character comprising mainly storage use, warehouses, a workshop and domestic structures. Two “Open Storage” zones are located to the east and south of the Site. A “Green Belt” zone is located to the further southwest 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 Area shown as ‘Road’ is intended for road/road improvement works.

9 Comments from Relevant Government Bureau/Departments

9.1 Apart from the government bureau and departments as set out in paragraphs 9.2 to 9.4 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 bureau supports the application:

Policy Aspect

9.2.1 Comments of the Secretary for Development (SDEV):

- (a) according to the applicant, the application is to facilitate the relocation of a car repairing workshop at Lot 160 S.B in D.D. 52 which is affected by the implementation of KTN NDA;
- (b) according to the applicant, a site search was conducted with a view to identifying a suitable site for re-establishment of the affected business operation, and that the Site is considered the most suitable for the relocation. While the Site is larger than the site area of the original premises, the applicant has explained that a larger site is considered necessary to provide internal circulation/manoeuvring space; and

- (c) subject to no adverse comments on land use compatibility and technical aspects from relevant departments, the application is supported from the policy perspective.

9.3 The following government departments object to or do not support the application:

Land Administration

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

- (a) he objects to the application;
- (b) the Site comprises Old Schedule Agricultural Lots 1440 (Part) and 1446 RP (Part) in D.D. 77 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 GL but no right of access via GL is granted to the Site;
- (c) the following irregularities covered by the planning application have been detected by his office:

unauthorised structures within the application lots covered by the planning application

there are unauthorised structures on the private lots. The lot owner should rectify/regularise the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice;

unlawful occupation of GL adjoining the said private lots covered by the planning application

the GL within the Site (about 41.75m² as mentioned in the Application Form) has been fenced-off/ illegally occupied without any permission. 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;

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

unauthorised structures within the said private lots not covered by the planning application

there are unauthorised structures within the said private lots not covered by the planning application. The lot owner should immediately rectify/regularise the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice;

unlawful occupation of GL not covered by the planning application

the GL adjoining the said private lots has been illegally occupied with unauthorised structures extended from the said private lots without permission. The GL being illegally occupied is not included in the application. The applicant should clarify the extent of the Site. 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) the lot owner/applicant shall either (i) remove the unauthorised structures and cease the illegal occupation of GL not covered by the planning application immediately; or (ii) include the unauthorised structures and the adjoining GL being illegally occupied in the planning application for the further consideration by the relevant departments and, subject to the approval of the Board to the planning application which shall have reflected the rectification or amendment as aforesaid required, apply to his office for a Short Term Waiver (STW) (on whole lot basis) and a Short Term Tenancy (STT) to permit the structures erected and the occupation of the GL. The applications for STW and STT will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The STW and STT, if approved, will be subject to such terms and conditions including the payment of back-dated waiver fee/rent from the first date the structures were erected and the GL being occupied, and administrative fee as considered appropriate to be imposed by LandsD. Besides, given the proposed use is temporary in nature, only erection of temporary structures will be considered. In addition, LandsD reserves the right to take enforcement action against the lot owner/applicant 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;
- (f) unless and until the unauthorised structures and the unlawful occupation of GL are duly rectified by the lot owner/applicant or entirely included in the planning application, he objects to the application which must be brought to the attention of the Board when they consider the application; and
- (g) his advisory comments are at **Appendix IV**.

Agriculture

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

- (a) the application is not supported from agricultural perspective; and
- (b) the Site falls within the "AGR" zone and an area shown as 'Road' 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.

9.4 The following government department provides views on the application:

Traffic

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

- (a) no comment on the application;
- (b) considering the road safety and road management, it is suggested to impose the approval conditions on the submission, implementation and maintenance of traffic management measures, as proposed by the applicant; and
- (c) her advisory comments are at **Appendix IV**.

10 Public Comments Received During Statutory Publication Period

On 3.3.2026, the application was published for public inspection. During the statutory public inspection period, three comments were received (**Appendix V**). Two comments from individuals object to the application mainly on the grounds that the proposed use will induce traffic congestion as the single-lane road serving the Site is narrow; the applicant should be able to find a small site for the proposed use in other suitable zones; and the Site cannot support agricultural activity after being occupied by the proposed use. 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 with ancillary open storage of vehicles and facilities and associated filling of land for a period of three years at the Site falling within an area zoned “AGR” (about 78%) and an area shown as ‘Road’ (about 22%) on the OZP. The proposed use is not in line with the planning intention of the “AGR” zone and DAFC does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation. For area shown as ‘Road’, the Project Manager (North), Civil Engineering and Development Department, C for T and Director of Highways have no adverse comment on the application. According to the applicant, the Site is considered suitable for relocation of the business operation affected by KTN NDA development. In this regard, SDEV advises that the application is to facilitate the relocation of a car repairing workshop affected by the implementation of KTN NDA, and subject to no adverse comments on land use compatibility and technical aspects from relevant departments, the application is supported from the policy perspective. Taking into account the planning assessments below and the policy support rendered by SDEV, sympathetic consideration could be given to the proposed use with associated filling of land on a temporary basis of three years.
- 11.2 The application involves regularisation of filling of land at the entire Site with light concrete of about 0.2m to 1.5m in depth for operational need. 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 has no objection to the application from environmental planning perspective. 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 situated in an area of rural character comprising mainly storage use, warehouses, a workshop and domestic structures. 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 the proposed use is not entirely incompatible with the surrounding environment and significant adverse landscape impact arising from the application is not anticipated.
- 11.4 Other 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 the concerned government departments, appropriate approval conditions are recommended in paragraph 12.2 below. Should the application be approved, the applicant will be advised to follow the environmental mitigation measures as set out in the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ to minimise any potential environmental nuisance. While C for T has no comment on the application, she recommends imposing approval conditions on the submission, implementation and maintenance of traffic management measures in consideration of road safety and road management. Regarding DLO/N, LandsD’s concern on the unauthorised structures erected within/outside 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.
- 11.5 There are two approved similar applications within the same “AGR” 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 applications. Approval of the current application is in line with the Committee’s previous decisions.
- 11.6 Regarding the public comments as detailed in paragraph 10 above, comments from the government bureau and departments 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 **8.5.2029**. 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 8.11.2026;
- (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 8.2.2027;
- (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 8.11.2026;
- (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 8.2.2027;
- (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 8.11.2026;
- (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 8.2.2027;
- (h) in relation to (g) above, the implemented traffic management measures shall be maintained at all times during the planning approval period;
- (i) if 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;
- (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; and
- (k) upon 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 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 use with associated filling of land is 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 24.2.2026
Appendix Ia	SI received on 24.2.2026
Appendix Ib	SI received on 26.2.2026
Appendix Ic	FI received on 13.4.2026
Appendix Id	FI received on 20.4.2026
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	Land Filling Plan
Drawing A-3	Drainage Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos