

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TKLN/128

- Applicant** : Tak Kee Petroleum Company Limited represented by Ying Shing (Hopewell) Engineering Company Limited
- Site** : Lots 490 (Part), 491, 572 S.A and 574 in D.D. 80 and Adjoining Government Land (GL), Ta Kwu Ling North
- Site Area** : About 1,860m² (including GL of about 648m² or 34.8% of the Site)
- Leases** : Lots 490 (Part) and 491 in D.D. 80
- Block Government Lease (demised for agricultural use)
- Lots 572 S.A and 574 in D.D. 80
- New Grant Lot for agricultural use
- Plan** : Approved Ta Kwu Ling North Outline Zoning Plan (OZP) No. S/NE-TKLN/2
- Zoning** : “Recreation” (“REC”)
- Application** : Proposed Temporary Warehouse for Storage of Vehicle Parts for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary warehouse for storage of vehicle parts for a period of three years at the application site (the Site) falling within an area zoned “REC” on the OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is currently hard-paved and vacant.
- 1.2 According to the applicant, the current application is to facilitate the relocation of the business operation in Ha Tsuen affected by government project, i.e. the development of Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA). The affected operation involves a site area of about 1,136m² and has been suspended since July 2025.
- 1.3 The Site is accessible via a local track leading to Lin Ma Hang Road (**Plan A-2**). According to the submission, the proposed use comprises a single-storey structure with a building height of not more than 7m and a total floor area of not more than 1,200m² for storage of automobile spare parts. Two loading/unloading (L/UL) bays for medium goods vehicles (MGVs) (3.5m (W) x 11m (L) each) are proposed within the Site. The proposed use would not involve storage of dangerous goods or hazardous materials, as well as

provision of parking spaces and vehicle repair, maintenance, dismantling, cleansing, paint-spraying or other workshop activities at the Site. The operation hours are between 7:00 a.m. and 5:00 p.m. from Mondays to Fridays, with no operation on Saturdays, Sundays and public holidays. The layout plan submitted by the applicant is shown in **Drawing A-1**.

- 1.4 The applicant proposes traffic management measures including deploying staff to guide vehicles entering/exiting the Site and installing warning signs at the ingress/egress to manage traffic and ensure pedestrian safety. The applicant also submits a drainage proposal (**Drawing A-2**) in support of the application. Eight new trees are proposed to be planted at the Site to enhance visual amenity and environmental condition.
- 1.5 The Site, in part, is the subject of two previous applications (No. A/NE-TKLN/31 and 34) submitted by different applicants for proposed temporary logistics warehouse and temporary private club respectively (**Plan A-1**), which were both rejected by the Rural and New Town Planning Committee (the Committee) of the Board in 2020. Details of the previous applications are set out in paragraph 5 below. Compared with the rejected previous application No. A/NE-TKLN/31 for similar warehouse use, the current application involves much smaller site area and floor area without the use of heavy goods vehicles (HGVs). A comparison of the rejected previous application No. A/NE-TKLN/31 and the current application is as follows:

	Rejected Previous Application No. A/NE-TKLN/31 (a)	Current Application No. A/NE-TKLN/128 (b)	Difference (b) – (a)
Site Area (about)	9,017m ²	1,860m ²	- 7,157m ² / - 79.4%
Total Floor Area (about)	5,000m ²	1,200m ²	- 3,800m ² / - 76%
No. of Structure(s)	2	1	- 1
Max. Height of Structures	not more than 10m	not more than 7m	- 3m
No. of L/UL Bay	0 (MGV) 1 (HGV)	2 (MGVs) 0 (HGV)	+ 2 (MGVs) - 1 (HGV)

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

- (a) Application Form with Attachments received on 27.4.2026 (**Appendix I**)
- (b) Supplementary Information (SIs) received on 29.4.2026 and 30.4.2026 (**Appendix Ia**)
- (c) Further Information (FI) received on 23.5.2026* (**Appendix Ib**)
- (d) FI received on 3.6.2026* (**Appendix Ic**)
- (e) FI received on 15.6.2026* (**Appendix Id**)

**accepted and exempted from the 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, SIs and FIs at **Appendices I to Id**, as summarised below:

- (a) the application is submitted to facilitate the relocation of the business operation for storage of automobile parts affected by HSK/HT NDA development. The applicant has spent effort in identifying suitable sites for relocation of the business operation in Lau Fau Shan, Lin Ma Hang, Sha Tau Kok, Hung Lung Hang and Pat Heung areas, but they were considered not suitable due to various reasons such as insufficient accessibility, inadequate site area and poor site configuration. The Site is considered the most suitable for relocation as it has sufficient site area and convenient access, and is in proximity to similar land uses;
- (b) compared with the affected premises, the increase in site area in the current application (+724m² / +63.7%) is primarily to provide necessary open operational space for internal maneuvering, L/UL and site management measures so to ensure vehicles can operate within the Site without causing obstruction or queuing on public roads;
- (c) there are temporary warehouses with planning approvals in the vicinity of the Site. The proposed use is considered entirely compatible with surrounding land uses, without causing detrimental impacts on local land use patterns;
- (d) the proposed use will not cause significant adverse traffic and drainage impacts. The applicant will ensure proper site drainage and flood prevention throughout the operational period. Eight new trees are proposed to be planted within the Site to mitigate potential visual impacts; and
- (e) the illegal occupation of GL and unauthorised structures have been rectified. The applicant will apply for Short Term Tenancy to the Lands Department (LandsD) upon approval of the application.

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 notices and sending notice to the Ta Kwu Ling District Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the ‘Owner’s Consent/Notification’ Requirements under TPB PG-No.31B are not applicable.

4. Background

4.1 Part of the Site is subject to an active enforcement case No. E/NE-TKLN/68 regarding unauthorized storage use (including deposit of containers) (**Plan A-2**). Enforcement Notice (EN) was issued on 8.7.2022 to the registered owners and the occupier requiring discontinuation of the unauthorized development (UD). As the UD was not discontinued upon EN expiry, the registered owner of Lots 488 and 576 in D.D. 80 was convicted for the fourth time in August 2025. The occupier was also convicted in May 2025 for non-compliance with the EN. According to the latest site inspection, the applied portion of Lot 574 in D.D. 80 falling within the enforcement case No. E/NE-TKLN/68 was largely vacant. The Site is under monitoring according to the current planning enforcement procedures.

- 4.2 There are two previous enforcement cases No. E/NE-TKLN/66 and 89 regarding unauthorized storage use (including deposit of containers) and unauthorized storage use respectively covering part of the Site (**Plan A-2**). The ENs were issued on 19.1.2022 and 12.11.2024 respectively requiring the discontinuation of the UD. As the UDs were not discontinued after the EN expiry, relevant registered owners of Lots 489, 497 and 497 in D.D. 80 (for E/NE-TKLN/66) and Lots 572 S.A and 491 in D.D. 80 (for E/NE-TKLN/89) were convicted between 2023 and 2025. The UDs were subsequently found discontinued, Compliance Notices were issued to the notice recipients in November 2024 and March 2026 respectively.

5. Previous Applications

- 5.1 The Site is part of two previous applications submitted by different applicants. Application No. A/NE-TKLN/31, covering a much larger site area (**Plan A-1**) for proposed temporary logistics warehouse for a period of three years was rejected by the Committee on 6.3.2020 mainly on the grounds that there was no strong planning justification for a departure from the planning intention of the “REC” zone and the applicant failed to demonstrate that the proposed use would not cause adverse traffic and drainage impacts on the surrounding areas.
- 5.2 Application No. A/NE-TKLN/34 for proposed temporary private club (skateboard training ground and golf driving range) with ancillary office for a period of two years was rejected by the Committee on 10.7.2020. The planning considerations are not applicable to the current application, which is for a different use.
- 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/79, 89, 103, 105, 107, 118 and 125) involving six sites within the same “REC” zone in the vicinity of the Site in the past five years. Among them, six applications (No. A/NE-TKLN/89, 103, 105, 107, 118 and 125) for temporary warehouse for a period of three years were approved with conditions by the Committee in 2025 and 2026 mainly on the considerations that the applicant proposed measures to address traffic concerns and the Commissioner for Transport (C for T) had no comment on the application; there were no major adverse departmental comments or concerns of the relevant government departments could be addressed through imposition of approval conditions; and/or policy support from the Secretary for Development (SDEV) was obtained as the application was to facilitate relocation of business operation affected by government project (for applications No. A/NE-TKLN/89 and 118 only).
- 6.2 The remaining application No. A/NE-TKLN/79 for proposed temporary warehouse for storage of construction material for a period of three years and associated filling of pond was rejected by the Committee on 19.7.2024 mainly on the grounds that there was no strong planning justification for a departure from the planning intention. Besides, the Director of Environmental Protection (DEP) did not support the application and the Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L, PlanD) raised concern on the application from landscape planning perspective. Part of

the site was subsequently covered by an approved application No. A/NE-TKLN/118 as mentioned in paragraph 6.1 above.

- 6.3 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) currently hard-paved and vacant; and
- (b) accessible via a local track leading to Lin Ma Hang Road.

7.2 The surrounding areas are of rural character comprising mainly a warehouse, open storage yard, parking of vehicles and vacant land.

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 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 the recommended advisory clauses are provided at **Appendices IV** and **V** respectively.

9.2 The following government bureau supports the application:

Policy Aspect

9.2.1 Comments of SDEV:

- (a) the application is to facilitate relocation of a brownfield operation providing storage previously located at Ha Tsuen. The brownfield operation has been affected by the Second Phase development of HSK/HT NDA;
- (b) according to the applicant, a site search was conducted with a view to identifying suitable site for re-establishment of the business elsewhere, and the Site is the most suitable relocation site. Whilst the site area under the current application is larger than the original premises of the affected brownfield operation, a larger area is needed for providing manoeuvring and L/UL space to support the operation; and

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

9.3 The following department objects to the application:

Land Administration

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

- (a) he objects to the application;
- (b) the Site comprises GL, New Grant Lots 572 S.A and 574 both in D.D. 80 for agricultural use only and no structures shall be erected on the lots, and Old Schedule Agricultural Lots 490 and 491 both in D.D. 80 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 and adjoining private lots. No right of access via GL is granted to the Site. The applicant should make his own arrangements for acquiring access to the Site. The Government shall accept no responsibility in such arrangements;
- (c) no consent is given for inclusion of GL (about 648m² as mentioned in the Application Form) in the Site;
- (d) the following irregularities covered by the planning application have been detected by his office:

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

the GL within the Site has been illegally occupied with unauthorised structure (i.e. a concrete platform). Any occupation of GL without Government's prior approval is an offence under Cap. 28. LandsD objects to the planning application since there is illegal occupation of GL which regularisation would not be considered according to the prevailing land policy. The lot owners should immediately cease the illegal occupation of GL and remove the unauthorised structure as demanded by LandsD. His office reserves the rights to take necessary land control action against the illegal occupation of GL without further notice;

- (e) erection of unauthorised structures and illegal occupation of GL should not be encouraged. The lot owners/applicant should remove all the unauthorised structure, rectify the occupation of GL immediately and provide relevant proof to his office; and
- (f) unless and until the illegal occupation of GL are duly rectified by the lot owners/applicant, his office's objection to the application must be brought to the attention of the Board when they consider the application.

9.4 The following department provides views on the application:

Traffic

9.4.1 Comments of C for T:

- (a) she has no comment on the application;
- (b) taking into consideration the location of the Site and the existing traffic conditions on Lin Ma Hang Road, should the application be approved, approval conditions requiring that no operation on Saturdays, Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period; and the submission, implementation and maintenance of traffic management measures should be included; and
- (c) her advisory comments are at **Appendix V**.

10. Public Comments Received During Statutory Publication Period

On 5.5.2026, the application was published for public inspection. During the statutory public inspection period, two comments were received (**Appendix VI**). One comment from an individual objects to the application mainly on the grounds that brownfield operations should be relocated to Category 2 areas under relevant Town Planning Guidelines instead of Lin Ma Hang areas; and there is no justification to approve the application. 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 warehouse for storage of vehicle parts for a period of three years 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. Also, according to the applicant, the Site is considered suitable for relocation of the business operation affected by HSK/HT NDA. In this regard, SDEV advises that the application is to facilitate the relocation of brownfield operation affected by HSK/NT NDA, and subject to no adverse comments on land use compatibility and technical aspects from concerned government departments, the application is supported from the policy perspective. Taking into account the planning assessments below and the policy support rendered by SDEV, there is no objection to the proposed use on a temporary basis of three years.
- 11.2 The Site is located in an area of rural character comprising mainly a warehouse, open storage yard, parking of vehicles and vacant land. CTP/UD&L, 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.
- 11.3 C for T has no comment on the application and recommends imposing approval conditions on restricting operation of the proposed use on Saturdays, Sundays and public holidays, as well as submission, implementation and maintenance of traffic management measures,

taking into consideration the location of the Site and the existing traffic conditions on Lin Ma Hang Road. Other relevant government departments consulted, including DEP, Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services have no objection to or no adverse comment on the application. To address the technical requirements of concerned government departments, relevant approval conditions are recommended in paragraph 12.2 below. Should the application be approved, the applicant will 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. Regarding DLO/N, LandsD's concerns on the unauthorised structure erected within the Site and illegal occupation of GL, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.

- 11.4 The Site is part of a rejected previous application (No. A/NE-TKLN/31) for proposed temporary logistics warehouse as detailed in paragraph 5.1 above. Compared with the rejected previous application, the current application involves much smaller site area and floor area for relocation of affected brownfield operation, and there are no adverse comments from concerned government departments on traffic and drainage aspects. The planning considerations of the rejected previous application are not applicable to the current application.
- 11.5 There are six approved similar applications within the same "REC" 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 applications. Approval of the current application is in line with 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 26.6.2029. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) no operation on Saturdays, Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) 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 26.12.2026;
- (c) in relation to (b) 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 Town Planning Board by 26.3.2027;

- (d) in relation to (c) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (e) 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 26.12.2026;
- (f) in relation to (e) 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 26.3.2027;
- (g) 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 26.12.2026;
- (h) in relation to (g) 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 26.3.2027;
- (i) in relation to (h) above, the implemented traffic management measures shall be maintained at all times during the planning approval period;
- (j) if any of the above planning condition (a), (d) or (i) 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
- (k) if any of the above planning condition (b), (c), (e), (f), (g) or (h) 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 V**.

- 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

Appendix I	Application Form with Attachments received on 27.4.2026
Appendix Ia	SIs received on 29.4.2026 and 30.4.2026
Appendix Ib	FI received on 23.5.2026
Appendix Ic	FI received on 3.6.2026
Appendix Id	FI received on 15.6.2026
Appendix II	Previous Applications
Appendix III	Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	Drainage Proposal
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JUNE 2026**