

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TKLN/132

- Applicant** : Harvest China Development (Hong Kong) Limited represented by Metro Planning & Development Company Limited
- Site** : Lot 387 S.B RP in D.D. 78, Lin Ma Hang Road, Ta Kwu Ling North
- Site Area** : About 350m²
- 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 Public Vehicle Park (Private Cars Only) for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary public vehicle park (private cars only) 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 Notes for the “REC” zone, ‘Public Vehicle Park (excluding container vehicle)’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently hard-paved and partly occupied by a temporary structure.
- 1.2 The Site is accessible via Lin Ma Hang Road (**Plan A-2**). According to the applicant, the proposed use comprises seven parking spaces for private cars (2.5m (W) x 5m (L) each) at the Site. A 6.6m wide ingress/egress is proposed at the northern boundary of the Site. No vehicle without valid licence issued under the Road Traffic Ordinance will be allowed to be parked/stored at the Site. No structure is proposed at the Site. The proposed use operates 24 hours daily, including public holidays. The layout plan submitted by the applicant is shown in **Drawing A-1**. The applicant also submits a drainage proposal in support of the application (**Drawing A-2**).
- 1.3 The applicant proposes traffic management measures including provision of revolving lanterns at the vehicular access and deployment of a guard at the Site to manage traffic and ensure pedestrian safety. The applicant also proposes provision of a 3m set-back from the site boundary abutting Lin Ma Hang Road for pavement purpose (with bollards to avoid obstruction by vehicles) (**Drawing A-1**).

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

- (a) Application Form with Attachments received on 9.6.2026 (Appendix I)
 - (b) Further Information (FI) on 19.8.2026* (Appendix Ia)
 - (c) FIs received on 7.9.2026 and 8.9.2026* (Appendix Ib)
- *accepted and exempted from the publication and recounting requirements*

1.5 On 24.7.2026, 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 and FIs at **Appendices I to Ib**, as summarised below:

- (a) there is an acute demand for parking spaces near the Heung Yuen Wai Boundary Control Point (HYW BCP). The proposed use will benefit the cross-border travellers and nearby residents especially for those living in Tsung Yuen Ha;
- (b) the proposed use is not incompatible with the surrounding environment including vacant land and shop and services. The proposed use is temporary in nature and would not jeopardise the long-term planning intention of the “REC” zone;
- (c) the proposed use is limited in scale and would not generate undesirable impacts on the surrounding environment. The proposed use would induce minimal impacts on traffic and drainage; and
- (d) the applicant will remove the temporary structure at the Site upon obtaining planning approval.

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.

4. **Background**

Recent site inspection revealed that the Site was largely vacant. The Site and its vicinity are under regular monitoring. Should there be sufficient evidence to prove an “unauthorized development” under the Town Planning Ordinance identified at the Site, appropriate planning enforcement actions would be undertaken.

5. **Previous Application**

5.1 The Site is the subject of a previous application No. A/NE-TKLN/55 submitted by a different applicant for proposed temporary shop and services (real estate agency) for a period of three years, which was approved with conditions by the Committee on 22.9.2023. The planning considerations of the previous application are not applicable to the current application which is for a different use.

- 5.2 Details of the previous application are summarised at **Appendix II** and its location is shown on **Plan A-1**.

6. Similar Applications

- 6.1 There are 10 similar applications (No. A/NE-TKLN/53, 57, 58, 67, 68, 70, 102, 104, 112 and 127)¹ involving six sites for temporary public vehicle park with/without other uses² for a period of three or five years falling within the same “REC” zone or straddling “REC” and “Village Type Development” (“V”) zones in the vicinity of the Site in the past five years. All of them were approved with conditions by the Committee between 2023 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; 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) currently hard paved and partly occupied by a temporary structure; and
 - (b) accessible via Lin Ma Hang Road.
- 7.2 The surrounding areas are of rural character comprising mainly public vehicle parks, a site office, shop and services, village houses and vacant land. HYW 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 further southeast of the Site (**Plan A-1**).

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

¹ The planning approvals of applications No. A/NE-TKLN/57, 58, 67, 68, 70 and 104 (**Appendix III** and **Plan A-1**) were revoked between 2025 and 2026 due to non-compliance with approval conditions.

² Other uses include shop and services for applications No. A/NE-TKLN/57, 58, 68, 102 and 112.

9.2 The following government department provides views on the application:

Traffic

9.2.1 Comments of the Commissioner for Transport (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 on submission and implementation of traffic management measures before the commencement of any operation should be included. Also, the implemented traffic management measures should be maintained at all times during the planning approval period; and
- (c) her advisory comments are at **Appendix V**.

10. Public Comments Received During Statutory Publication Period

On 16.6.2026, the application was published for public inspection. During the statutory public inspection period, two public comments were received (**Appendix VI**). A comment from an individual expresses concerns on the inefficient land use as well as drainage and run-in/out issues. 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 public vehicle park (private cars only) 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. In addition, the applicant advises that the proposed use is to provide parking spaces for meeting the demand near HYW BCP and benefit 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 proposed use on a temporary basis of three years.
- 11.2 The Site is located in an area of rural character comprising mainly public vehicle parks, a site office, shop and services, 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 further southeast of the Site. The proposed 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 landscape impact arising from the application is not anticipated.
- 11.3 Other relevant government departments consulted, including the Director of Environmental Protection and Chief Engineer/Mainland North of Drainage Services Department have no objection to or no adverse comment on the application. C for T has no comment on the application and recommends imposing approval conditions on the 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. To address

the technical requirements of concerned departments, relevant approval conditions are recommended in paragraph 12.2 below. In addition, in view of the latest circumstance of the area³, an approval condition restricting the number of parking spaces as proposed by the applicant is recommended to ensure more effective monitoring 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.

- 11.4 There are 10 approved similar applications for temporary public vehicle park with/without other uses falling within the same "REC" zone or straddling "REC" and "V" zones 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.
- 11.5 Regarding the public comments on the application as detailed in paragraph 10, the government departments' comments and planning assessments above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments in paragraph 10 above, PlanD has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of three years until 9.10.2029. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) no more than 7 vehicles, as proposed by the applicant, shall be parked on the Site at any time during the planning approval period;
- (b) 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;
- (c) in relation to (b) 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;
- (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 traffic management measures before the commencement of any operation to the satisfaction of the Commissioner for Transport or of the Town Planning Board;

³ 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 conditions on Lin Ma Hang Road.

- (f) in relation to (e) above, the implementation of the traffic management measures before the commencement of any operation to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (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), (d) 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
- (i) if any of the above planning condition (b), (c), (e) or (f) 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.

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 9.6.2026
Appendix Ia	FI received on 19.8.2026
Appendix Ib	FIs received on 7.9.2026 and 8.9.2026
Appendix II	Previous Application
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
OCTOBER 2026**